

**MINUTES OF THE
ADVISORY COMMISSION ON THE
ADMINISTRATION OF JUSTICE**

NOVEMBER 12, 2009

The meeting of the Advisory Commission on the Administration of Justice was called to order by Chief Justice James W. Hardesty, Chair, at 9:43 a.m. on November 12, 2009, at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, Nevada and via simultaneous videoconference at the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada, and the Great Basin College, Greenhaw Technical Arts Building, Room 124, 1500 College Parkway, Elko, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMISSION MEMBERS PRESENT (CARSON CITY):

Assemblyman William C. Horne, Assembly District 34, Chair
Connie Bisbee, Chair, State Board of Parole Commissioners
Bernard W. Curtis, Chief, Division of Parole and Probation, Department of
Public Safety
Larry Digesti, Representative, State Bar of Nevada
Gayle W. Farley, Victims Rights' Advocate
Honorable James W. Hardesty, Chief Justice, Nevada Supreme Court
Richard Siegel, President, American Civil Liberties Union of Nevada

COMMISSION MEMBERS PRESENT (LAS VEGAS):

Thomas Finn, Chief of Police, Boulder City Police Department
Honorable Douglas W. Herndon, Judge, Eighth Judicial District Court
Phil Kohn, Clark County Public Defender
Catherine Cortez Masto, Attorney General
Senator Dennis Nolan, Clark County Senatorial District No. 9
Senator David R. Parks, Clark County Senatorial District No. 7
Howard Skolnik, Director, Department of Corrections

COMMISSION MEMBERS PRESENT (ELKO):

Assemblyman John C. Carpenter, Assembly District No. 33

COMMISSION MEMBERS ABSENT:

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
David Roger, Clark County District Attorney

STAFF MEMBERS PRESENT:

Risa Lang, Chief Deputy Legislative Counsel
Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel
Angela Clark, Deputy Administrator, Legal Division, Legislative Counsel
Bureau
Olivia Lodato, Interim Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Larry D. Struve, Advocate, Religious Alliance in Nevada (RAIN)
Jack Erickson, Lutheran Advocacy Ministry in Nevada (LAMN)
Steve Burt, Executive Director, The Ridge House
Mark Woods, Deputy Chief, Division of Parole and Probation, Department of
Public Safety
Rick Gimlin, Administrative Services Officer, Division of Parole and Probation,
Department of Public Safety
Elaine Voigt, Executive Director, My Journey Home, Inc.
Martin Stepina, Vice Chairman, Board of My Journey Home, Inc.
Bob Morris, Project Manager, Rapid Recon, LLC

Chair Hardesty opened the Advisory Commission on the Administration of Justice at 9:43 a.m. He requested Ms. Clark to call the roll of members present.

Ms. Angela Clark called roll. There were 15 members present. Commissioner Flynn and Commissioner Roger were absent.

Chair Hardesty said the first order of business was the selection of the Chair of the Commission. He said Mr. Horne informed him he wanted to serve as the Chair. He said it was important the Commission take advantage of the opportunity to have the potential Chair of the Assembly Judiciary serve in the capacity of Chair of this Commission. Chair Hardesty stated that many new opportunities were created in the Commission. He had enjoyed serving as Chair and perhaps the Commission would benefit from new insights. He nominated Mr. Horne for Chair of the Commission.

CHAIR HARDESTY NOMINATED ASSEMBLYMAN WILLIAM C. HORNE AS CHAIR OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE.

BERNARD W. CURTIS, CHIEF, DIVISION OF PAROLE AND PROBATION, DEPARTMENT OF PUBLIC SAFETY, SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne thanked Chief Justice Hardesty and the Commission for supporting his nomination. He said Chief Justice Hardesty provided excellent leadership and an exemplary job of bringing people of many different interests together in an effort to make the Nevada criminal justice system better. He was pleased the Chief Justice would continue to serve on the Commission. Chair Horne said he was familiar with much of the discussion from the last Legislative Session.

Richard Siegel, President, American Civil Liberties Union of Nevada, said the Commission would benefit from having a Vice Chair.

MR. SIEGEL NOMINATED CHIEF JUSTICE HARDESTY TO SERVE AS VICE CHAIR OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE.

LARRY DIGESTI, REPRESENTATIVE, STATE BAR OF NEVADA, SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne asked for a motion for approval of the December 17, 2008, minutes ([Exhibit C](#)).

MR. CARPENTER MOVED TO APPROVE THE MINUTES.

MR. SKOLNIK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne opened discussion on Agenda Item V, review of legislation creating and revising the responsibility of the Advisory Commission Assembly Bill (A.B.) 508, ([Exhibit D](#)) from 2007, Senate Bill (S.B.) 113, ([Exhibit E](#)) and A.B. 497 of the 2009 Session ([Exhibit F](#)).

Risa Lang, Chief Deputy Legislative Counsel, said copies of each of the bills were in the materials distributed to the members. The first bill was A.B. 508 which changed the Sentencing Commission to the Advisory Commission and changed some of the scope of the Commission's duties. Ms. Lang next mentioned A.B. 497. She said it added statistical data information available to the Commission from the Central Repository for Nevada Records of Criminal History. The last bill, S.B. 113, created two subcommittees as permanent subcommittees of the Advisory Commission: the Subcommittee on Juvenile Justice and the Subcommittee on Victims of Crime. She said the only other change from S.B. 113 specified the Legislative Counsel Bureau would provide staff to the Advisory Commission.

Chair Horne said A.B. 508 was heard in 2007. He asked if there were any questions or comments on the bill.

Mr. Siegel suggested the Commission take a very broad approach to their jurisdiction. He said they went beyond the Sentencing Commission ideas as indicated in the bill. They looked at a wide array of issues, but they had not finished all the efforts of the Commission. He asked Chief Justice Hardesty to review the work of the Commission.

Chief Justice Hardesty said he added the item on the Agenda to educate new members of the Commission as to the scope of the Commission. He said it expanded beyond a Sentencing Commission. The legislation was broad and the benefit of the Commission was bringing all the stakeholders of the criminal justice system together to evaluate the competing issues and trying to utilize the opportunity to vet competing problems and arrive at solutions. He said it included everything from concerns about victims' rights to conditions within the prisons, to developing reentry systems, to the concerns and problems of the Parole and Probation Department. He included the problems of the public defenders office and prosecutors in caseloads to the collection of fines, fees and assessments. He added there were two

major areas where some progress was made, as shown in A.B. 497 and S.B. 113. He said it was necessary to appoint a new chair for the subcommittee dealing with victims' rights. He hoped the Commission would reappoint Attorney General Catherine Cortez Masto. A major piece of unfinished business in the victims' rights area was the continued effort by the Commission to secure the funding from Administrative Assessments that should be retained by victims' rights. He said the Attorney General's office was pitted against those who had concerns for funding for victims' rights in the last session due to budget constraints and the way administrative assessments were allocated. He said the Subcommittee on Juvenile Justice was a major step forward. A new Chair was required due to Senator Horsford no longer being on the Commission.

Chair Horne concurred with Chief Justice Hardesty. He recalled that during the last interim, the Commission had many items they studied. He proposed focusing on some key items. The Victims' Rights Subcommittee was an important item, and the Attorney General was the appropriate person to chair it.

CHIEF JUSTICE HARDESTY MOVED TO NOMINATE ATTORNEY GENERAL MASTO CHAIR OF THE VICTIMS' RIGHTS SUBCOMMITTEE.

GAYLE W. FARLEY, VICTIMS' RIGHTS ADVOCATE, SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne said the second issue was the Chair for the Juvenile Justice Subcommittee. He asked if there were parties interested in the position.

HOWARD SKOLNIK, DIRECTOR, DEPARTMENT OF CORRECTIONS, NOMINATED SENATOR PARKS TO CHAIR THE JUVENILE JUSTICE SUBCOMMITTEE.

MR. CURTIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne asked if there were further questions on Agenda Item VI. Chief Justice Hardesty said there were questions in the past about whether the members of the Commission needed to appoint the members of the subcommittees, or if the chair of the subcommittee could make appointments. He asked for an opinion from the Attorney General.

Attorney General Masto concurred. She said the statute stated the chair of the actual advisory commission appointed the members; however, she had worked with a group of approximately 23 people. She said they addressed the victims of crime issues in the State. She wanted them to participate again and stated they would work with Chair Horne and inform him of their actions.

CHIEF JUSTICE HARDESTY MOVED THAT THOSE WHO SERVED BEFORE ON THE SUBCOMMITTEES BE INVITED TO DO SO AGAIN. HE ALSO MOVED TO EMPOWER THE SUBCOMMITTEE CHAIRS TO APPOINT OTHERS TO THE SUBCOMMITTEES AS THEY DEEMED APPROPRIATE.

CONNIE BISBEE, CHAIR, STATE BOARD OF PAROLE COMMISSIONERS, SECONDED THE MOTION.

Chair Horne opened discussion on the motion. He asked Attorney General Masto if she had discussed the membership on the subcommittee with the past members.

Attorney General Masto said she had a list of the members and had told them they needed action from the Commission to reappoint them. She said she would share the list of names with Chair Horne.

Chair Horne said he would extend the courtesy to the previous members who wanted to continue to serve on the subcommittees. He asked Senator Parks if he had a working idea for members in addition to those who served in the past on the Subcommittee on Juvenile Justice.

Senator Parks said he did not have a list of members at this time.

Chair Horne requested that the members of the subcommittees be named by the next meeting of the Commission.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Siegel said there were other subcommittees during the last interim. He mentioned the Truth in Sentencing Subcommittee, the Steering Committee, and a Subcommittee on Drug Sentencing having to do with mandatory drug sentences. He said the Commission did not plan what the subcommittees would be last session. The subcommittees evolved in various ways. He said they were authorized to create other statutory committees.

Chair Horne said much of what Mr. Siegel discussed was on Agenda Item XIII. He said it was important to have a Steering Committee. He opened discussion on Agenda Item VII, a presentation by the Nevada Department of Corrections.

Mr. Skolnik opened his discussion with the introduction of four charts concerning male and female populations in the prisons ([Exhibit G](#)). He said the difference between the two charts was the total population at the top of the chart and the in-house population on the bottom. The in-house population did not include people on escape, on home arrest or with other agencies. He said they were able to stay below the projections; they were 393 inmates below the budgeted population for the year. He said that allowed them to keep Southern Nevada Correctional Center closed, the Silver Springs Conservation Camp closed and provided the ability to move inmates to facilities as needed. He was unsure of the future. Mr. Skolnik said he proposed the closure of the Nevada State Prison (NSP). He said that the capital improvement money was eliminated in the last Legislative Session and he was hesitant to close NSP because it was an old facility and could not sit vacant for any length of time.

Mr. Skolnik said the impact of legislation on the Department was relatively minimal. The two major areas affecting them were some modifications in the Category B felons and getting Post Certification in Category Two for the investigators. The other item impacting the Department was the legislation on furloughs. He said there was one maximum security prison, Ely State Prison with 1,055 people. It could hold 1,170 inmates if necessary. He listed the medium security facilities: Lovelock Correctional Center had 1,600 inmates; the Nevada State Prison had 746 inmates with capacity for 800; the Northern Nevada Correctional Center had 1,450 inmates and was at capacity. The Warm Springs Correctional Center in Carson City had 555 inmates, which was over its budgeted capacity. He said it might become a minimum security facility to accommodate prisoners who qualified for minimum security but cannot be placed in remote locations due to medical needs. He added the Three Lakes Valley Correctional Center was also being considered for minimum security.

Mr. Skolnik said the Southern Nevada Correctional Center was closed, but 650 beds were available if needed. The Florence McClure Women's Correctional Center had 725 inmates, with 300 beds under construction but not needed at this time. The Southern Desert Correctional Center was the primary programming facility in southern Nevada, with 1,800 inmates and capacity for 1,900. The High Desert State Prison was the largest facility in Nevada, with 2,900 inmates but the facility could house as many as 4,000 inmates. He said that the southern institutes house the majority of the security threat group of inmates and one of the High Desert units would be converted to a regional medical facility.

Mr. Skolnik said there were a number of camps in the State. The Three Lakes Valley Conservation Camp was remodeled to house an additional 300-plus beds for minimum security. He said minimum security was a problem for the Department along with transitional housing; there were not enough inmates to fill all the camp beds. He said Casa Grande had approximately 65 percent employment although the quality of the jobs had declined. He had concerns about minimum security and had asked Dr. James Austin from JFA Associates to look at their classifications. Dr. Austin modified the point system to some degree, but it did not have the impact they needed.

Mr. Skolnik next addressed staffing issues. He said the issues were huge in his Department. He had 20 vacant positions in the Program Division because the applicants were not qualified. He said according to an audit, they were staffed at approximately 85 percent of where they should be for security staffing. It impacted their ability to manage the institutions, do shakedowns and various other things. The Department of Corrections requested exemptions for officers from the furlough program, and they were granted the exemption through this fiscal year and into the next fiscal year. He said they would ask for changes that would increase their money without costing the State more money. The reversion of staff grants, the grant on illegal aliens and collecting lease money from the coffee shops, the canteens and the gyms would increase the Department's funds. He said they were in negotiations for leasing the Southern Nevada Correctional Center for \$2.5 million a year, but they had not accepted the proposal and countered with the changes they needed in the proposal. He said he wanted first refusal to the beds in the facility until the unamortized balance on the investment was paid off. He said money received went into the General Fund and not directly to the Department. They would ask for a supplemental appropriation in the amount of the revenue they saved. He said he would not willingly furlough any employee at this time. The facilities would not be safe with fewer people. There was a constitutional responsibility of government to provide for public safety and a statutory responsibility for the Director of

the Department of Corrections to assure the safety and security of the inmates and the staff.

Mr. Skolnik next addressed budgetary issues. He said the Department eliminated equipment. There were no funds to repair or replace equipment and they had no replacement for vehicles or equipment. He said they had an institution divided into two facilities. The High Desert State Prison operated as a high security facility, and the backend of the prison was operating as a youthful offender and program facility. He said there were approximately 1,300 inmates in the youthful offender program. He appreciated the Legislature raising the youthful offender age from 14 to 16 years of age, as the facility was not equipped for 14-year-olds.

Mr. Carpenter asked Mr. Skolnik about the status of the camps and if they were all still open.

Mr. Skolnik said it was his intention to not close any of the camps. He met with the Department of Conservation and Natural Resources and learned they could save enough money with the first responders from the camps. He said if they closed any rural camps, they would eliminate the ability to respond to fires and other natural disasters. He added the camps would stay open as long as he could keep them open.

Mr. Carpenter said that was good news for rural Nevada.

Chief Justice Hardesty asked Mr. Skolnik about A.B. 259. He said the bill addressed changes to early releases. The second question concerned reentry programs.

Mr. Skolnik said they were still waiting on some clarifications from the Attorney General's office on A.B. 259 and therefore had not begun to use it yet. He said he would forward a report on reentry to the entire Commission. Mr. Skolnik said they were working with over 100 community agencies. There were strong reentry programs in the North and the South. He said they had received federal funding in the area of reentry which helped them meet a number of issues, particularly the issue of housing. A large number of inmates were placed in housing at a reasonable cost compared to the daily cost of keeping them in prison. He said they were working with Parole and Probation. The National Institute of Corrections sent the Deputy Chief of Parole and Probation and a warden in charge of reentry to Hawaii to see the Hawaii Hope Project. The project was started by Judge Steven Alm in Hawaii and was a successful program. He said there were 1,700 inmates in the systems who were probation violators that stayed for an average of 18

months. He said if they could interdict 400 violators it opened up 600 beds. The parole success rate was relatively good for the Department. They had a 28 percent recidivism rate, which was low compared to national numbers. He said they were working with Judge Glass in Las Vegas on intermediate sanctions for probationers and the Hawaii Hope program was the most exciting program the Department had. He said a section of Casa Grande was being committed to the program. He spoke to the Public Defender's office and the District Attorney's office, and they were supportive of the program. He said they had the ability to put the program together. Mr. Skolnik was optimistic the program would make a difference in the future in terms of population management. He was also concerned about the 27,000 to 40,000 inmates California had talked about releasing. Inmates released from Susanville, California, were released in Reno. He said many of the California inmates would come to Nevada. Historically, Mr. Skolnik said, when the economy started to improve, crime increased. He said crime decreased during a recession. In the future, the Department would be unable to deal with the increase in crime due to lack of funding and staff.

Ms. Masto said Steven Alm, the judge who started the Hawaii Hope Project, presented to the Western Conference of Attorneys General at their last meeting. She said the project was well-received. A number of other states were looking at the program as well as Nevada. She supported the project.

Mr. Skolnik said PEW sponsored a conference at Lake Las Vegas. He said he answered a question posed to him by saying public policy in corrections was never driven by common sense, it was driven by single incidences. He said problems caused by single events were driven by the press. If improvements were desired, a program cannot be closed due to a single incident.

Senator Nolan asked Mr. Skolnik about the 20 positions open in programming. He asked if there were other positions still available for correction officers and other employees. He also asked if any programming had been stopped due to current events.

Mr. Skolnik said a number of positions had been frozen in the previous biennium because of budget cuts in the middle of the biennium. He said they were funded in the current biennium to rehire those positions. He had hired a coordinator for the reentry program and a coordinator for the substance abuse programs; however, they were unable to fill all the positions. He said they had some serious problems in hiring people. Clark County, through October of this year, terminated 29 uniformed correctional staff either by rejection from probation or as full-time protected employees. He had identified some weaknesses in the background search and was reviewing the

entire process. He said they were hiring all vacant positions. Mr. Skolnik stated there were 600 people on the waiting list for correctional officer positions in Clark County. He said they had reinstituted a written test which eliminated approximately 30 to 35 percent of the applicants. Information from the applicants concerning their employment history, credit history and a valid social security number was going to be required. It had been a problem for the Department; they had seven felony arrests of staff in Nevada in the last five weeks.

Senator Parks asked Mr. Skolnik if the salary savings in the vacant positions offset, to any extent, the costs otherwise saved with the mandatory furlough.

Mr. Skolnik replied "yes and no." He said his department was funded for a certain number of positions. Some money for positions was taken out of the budget, but overtime costs would offset the budgetary savings.

Chief Justice Hardesty said the last Commission identified an issue of saving costs from overtime; he remembered an analysis with approximately \$8 million in overtime costs. He said if vacant positions had been filled, the cost would have been reduced to less than \$4 million. Chief Justice Hardesty asked if the project was ever implemented and, if so, was it something that was still a possibility in the current fiscal year.

Mr. Skolnik said he took 15 positions that had never been filled at the Ely State Prison and moved 10 of those positions to the Northern Nevada Correctional Center and the other 5 positions to Southern Desert Correctional Center. He anticipated saving money by eliminating some overtime costs. Mr. Skolnik said overtime costs ran \$6 million a year. The Department was not funded for overtime.

Chief Justice Hardesty said two issues were involved in the problem. The first was too much constraint on the budget in terms of staff placement which limited operational capabilities to reduce costs. The second item was the overtime issue, which was an example of too many budgetary constraints.

Mr. Skolnik said he agreed with the Chief Justice. He assumed responsibility for the decision to move positions without legislative approval. He said the Director of the Department had some authority to run the Department. Mr. Skolnik said he was in a unique position in that he could retire if he chose to do so. It was an opportune time to challenge some of the problems.

Chair Horne asked Mr. Skolnik about the leasing of the Southern Nevada Correctional Facility. He said negotiations with the federal government had been going on for some time.

Mr. Skolnik said the federal government was no longer in negotiations. He said they required modifications in the building that would cost in excess of \$8 million. He said the states of California and Pennsylvania as well as the GEO Group had numbers from his Department. The GEO Group was formerly Wackenhut Correctional Services. He said new numbers were sent to the two individual states. He spoke with GEO Group's representative and informed them a response was required within the next 30 days. He said the money would cover the furloughs for next year.

Chair Horne asked about the quality of jobs and transitional housing, particularly Casa Grande. He asked if the inmates were required to pay for their housing at the transitional housing.

Mr. Skolnik said they made some internal changes. He said what they were doing to the inmates at Casa Grande was unconscionable. Mr. Skolnik said the inmates were billed after two weeks whether they had a job or not. The inmates were released after completing their time and would owe the Department of Corrections money because they did not make enough to pay everything off. The debt was then referred to the State Controller for collection. The individuals then became debtors with no credit rating which made it almost impossible for them to function in the community. He said he stopped the practice of accruing debt until the inmates had jobs, that it was appropriate from the stand point of helping people get started in the community. He said when they released them with a criminal record and debt, it was almost impossible for them to succeed. He said it had a fiscal impact. He asked the Commission to remember 40 percent of the prison population was sex offenders and they were eliminated from almost everything by statute. He said there were empty beds and insufficient money to pay for the facility.

Mr. Siegel asked about looking ahead in 6 to 12 months in terms of the ability of the State to fund the prison system. He asked the Commission to think about how the criminal justice system and the prisons were affected by the loss of stimulus money and various things being discussed in the press.

Mr. Skolnik said there was a constitutional responsibility to provide for public safety. He said eliminating programs placed the remaining staff at risk and provided the inmates with inadequate resources to succeed when they were released. A trained staff was far more effective than an untrained staff.

Reentry was funded by grant funds, and he hoped the intermediate sanction program with probationers would reduce the number of individuals in the facilities, which would allow closure of units. He said he did not see a way to reduce the funding below what was currently available.

Mr. Siegel agreed with Mr. Skolnik. He asked Senator Parks if he anticipated a substantial cutback in available state funds for the correctional system in the next 6 to 12 months.

Senator Parks said he did not anticipate things getting better soon. The current recession impacted the State and the programs for the next biennium beyond the current biennium. He said many programs were in jeopardy and would not receive the attention they deserved.

Chair Horne asked Mr. Skolnik to meet with the Attorney General concerning the questions about A.B. 259 before the next meeting of the Commission.

Senator Nolan commented about the discussion concerning the presentation, adding it was at the crux of the purpose of the Commission. He said there were so many issues raised by Mr. Skolnik that quarterly meetings will not be able to address. He said an additional subcommittee to specifically review the issues addressed by Mr. Skolnik was needed.

Mr. Skolnik said the Vera Institute of Justice was working on an evaluation of the Department and the types of oversight it had and the types needed. They were coming to Nevada to talk to a number of people. He said the report might give better direction in some of the areas.

Chair Horne said he anticipated further discussion on the issue of subcommittees. He said the frequency of the meetings would also be discussed later. He opened discussion on Agenda Item VIII, Religious Alliance in Nevada.

Larry D. Struve, Advocate, Religious Alliance in Nevada (RAIN), introduced Jack Erickson and Steve Burt. Mr. Struve gave a brief overview of RAIN. He said reentry was the issue of concern for RAIN. RAIN was composed of members of the Episcopal Diocese of Nevada, Roman Catholic Dioceses of Reno and Las Vegas, United Methodist Church, Evangelical Lutheran Church in America and the Nevada Presbyterian Church. He said Chief Justice Hardesty pointed out that thousands of prisoners were released every year without an active reentry system. Mr. Struve said Chief Justice Hardesty asked RAIN to help address the issue and the Commission endorsed two recommendations by RAIN. The recommendations asked for legislation to

waive the fees for newly released offenders to receive an identification or driver's license, and the other was to set up a special revenue account for covering costs of reentry. Mr. Struve said the first recommendation did not pass due to a fiscal note. The second bill had an imposition of new fees for reentry for people convicted of A and B felonies. He said imposing new fees did not seem reasonable to members in Senate Finance. He said the bill was amended to create a special revenue account without having provisions to impose special assessments or fees. The special account was administered by the Office of Criminal Justice Assistance and the Department of Public Safety. He said RAIN worked with a statewide coalition on reentry. The RAIN board had many discussions about the need to have money to pay for the cost of identification. He said Reverend Erickson would continue the discussion.

Reverend Jack Erickson, Lutheran Advocacy Ministry in Nevada (LAMN), said the idea of money for identification at reentry was an issue they believed they could help achieve. He referenced the brochure titled *Passport To A New Life* ([Exhibit H](#)). He wanted to dramatize a need to the local congregations where they could specifically help, adding the cost for proper identification was between \$25 and \$40 for each person. He had received enthusiastic endorsement from the congregations.

Chief Justice Hardesty said the Commission appreciated the involvement of Reverend Erickson and the RAIN coalition and the prospect of adding some funds to the program. He said Mr. Skolnik had acquired some funding also.

Mr. Struve asked Steve Burt to address Agenda Item VIII, A, the reentry program for prisoners.

Steve Burt, Executive Director, The Ridge House, said over 100 public and private partners were involved in reentry in the North and South and Elko. He said as a result of S.B. 236, they applied for two federal grants for funding the bill. They were denied the grants because there was no statewide coordinated prisoner reentry effort. He said the organization was looking at evidence-based best practices and the coordinated statewide re-entry efforts of many states. He said they worked with RAIN in assisting the acquisition of identifications. He said the District Court in Reno was placing clients in self-paid housing and inmates were moved from the in-custody system and put into reentry programs. They were making progress.

Chief Justice Hardesty asked for questions about RAIN or The Ridge House.

Mr. Skolnik said his Department had successfully completed a Memorandum of Understanding with the Social Security Administration so they would be able to provide inmates with social security cards before their release.

Chief Justice Hardesty opened the discussion of Agenda Item IX, a presentation by the State Board of Parole Commissioners.

Connie Bisbee, Chief, State Board of Parole Commissioners, said the Parole Board was a full-time board and made an average of 8,000 parole decisions annually. She said until the last Legislative Session, the Board saw 100 percent of those people in person. The passage of A.B. 117 changed some of that. The Board of Parole Commissioners had six Commissioners and a Chair, and all were appointed by the Governor. The Parole Board provided administrative support for the Pardons Board. The Parole Board received a grant for the spring meeting of the Pardons Board; otherwise, they would not have held the Pardons Board. An average Pardons Board meeting costs between \$3,000 and \$4,000. She said without the grant, they could not hold the April meeting due to lack of funds.

Ms. Bisbee said the furlough days with the Parole Board were being handled at this time. She said the three offices were only staffed with two people during a furlough day. They worked in the main office answering the telephone. It did not impact their ability to conduct hearings. She said there was no money in their budget. They had a staff of 28 people to conduct all the business of the Parole Board, and of the 28 people, only 26 of the positions were filled. The Parole Board could not afford to fill the other two positions. She said they were projected to be over budget due to the salary savings requirement. Additionally, some reports were not issued in a timely manner because they lacked staff to produce the report. Ms. Bisbee said the three pieces of legislation with the most impact on the Board were A.B. 117, S.B. 238 and A.B. 474.

Ms. Bisbee said A.B. 117 was a positive bill for the Parole Board. It allowed for review and recommendation of the Board for parole if certain requirements were met without having to physically meet with the inmate. She said it allowed an inmate who met the risk requirement and the crime-severity requirement, someone who should be paroled at an initial parole hearing, to be considered in absentia by the Board. She said this month 300 inmates met the criteria for consideration under A.B. 117. She said if there was a victim input required or someone requesting they be seen in person, they did not qualify for A.B. 117, but approximately 50 percent of the people initially qualified were being recommended in absentia. It reduced the

number of people heard in person each month to approximately 650 hearings.

Ms. Bisbee said S.B. 238 was similar to A.B. 117 for the Pardons Board. It allowed consideration of restoration of rights for people already in the community who met the criteria and there were no objections. She said it allowed for more pardons to happen.

Ms. Bisbee also discussed A.B. 474. She said the bill allowed the Parole Board to aggregate the minimums on life sentences; instead of coming to the Board for consideration for each sentence, the inmate met the minimum for both sentences and then appeared before the Board. The plus of that bill was it gave inmates a more positive outlook. The other side effect was a victim did not have to meet the inmate for many years. She said the Parole Board was asking the Commission to support aggregating all minimum consecutive sentences because it cut down on the work for the Parole Board and the Nevada Department of Corrections. She said there were some problems needing work. For example, someone with a mixed set of sentences including minimums that earned credit off the front end of the sentence cannot be calculated for aggregates. She said she wanted the Commission to look at aggregating all minimums, but not allow for credit granted off the front end of the minimum when there were consecutive sentences. The computer system can support that without a fiscal impact. She also wanted the Commission to study the idea of mandatory parole release again. She said the Parole Board did not generate any revenue for the State. She said in 2011, the Parole Board would host the Association of Paroling Authorities International Conference and that it would generate money in the State and also allow for statutory training requirements for the staff at a minimal cost.

Chair Horne asked Ms. Bisbee about an issue occurring during the Legislative Session on A.B. 117. The issue concerned contacting the victims' advocacy groups on the in absentia approvals for parole. He asked if they were contacted.

Ms. Bisbee said if there was a victim notified, the inmate was seen in person.

Chair Horne asked if the Board waited to hear from the victim.

Ms. Bisbee said any inmate with a victim notification request was automatically placed on an agenda for a face-to-face hearing.

Chief Justice Hardesty asked for the approximate number of requests made by inmates seeking relief from the Pardons Board for the November 18th and 19th session. He also asked for the number of requests placed on the agenda for the meeting.

Ms. Bisbee said she did not know the number of requests. She said there were over 40 community and corrections candidates for the two days. It was a lengthy agenda.

Chief Justice Hardesty asked if the number of requests from inmates exceeded 400.

Ms. Bisbee said there were times when there were thousands of applications.

Chief Justice Hardesty asked about the April meeting being funded by a grant, stating the Pardons Board was required to meet twice a year.

Ms. Bisbee said the Pardons Board may choose to meet. It was difficult to obtain funding because the Board could choose to meet. She said the funding was for singular days for the Board to meet. It was not practical to meet for only one day, even though it was funded for only two days for the entire fiscal year.

Chief Justice Hardesty asked if there was funding in the 2010-2011 fiscal year for the Pardons Board meetings.

Ms. Bisbee said it was still only funded for two days.

Chief Justice Hardesty said there was no Pardons Board relief for the amount of demand that existed within the prison system. It was both a factor of funding and meeting.

Mr. Siegel said Ms. Bisbee mentioned approximately 50 percent of the people involved with A.B 117 were actually receiving parole.

Ms. Bisbee said about 50 percent were being granted parole in absentia. The other 50 percent would be heard and could also be granted parole. Ms. Bisbee said parole may not be denied in absentia, only granted.

Chair Horne asked if there were any further questions. He recessed the meeting for one hour.

Chair Horne opened discussion on Agenda Item X, a presentation by the Division of Parole and Probation.

Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety, introduced Rick Gimlin, Administrative Services Officer, Division of Parole and Probation, and Mark Woods, Deputy Chief, Division of Parole and Probation. Mr. Curtis referenced the included color presentation ([Exhibit I](#)). He asked the Commission to look at page 8 of [Exhibit I](#). He said the prior pages included statutory mandates, program descriptions, and references of how people become an offender on a parole caseload or probation caseload. Mr. Curtis said Northern Command on page 8 included everything north of Clark County, where there were 2,243 probationers, 604 parolees and 57 inmates. Lifetime supervision for sex offenders totaled 104, and interstate compact offenders totaled 247. The total number of people was 3,255. Mr. Curtis said the Southern Command had 8,935 total offenders, [Exhibit I](#). The Rural Command, which was included in the Northern Command, had 737 offenders. Mr. Curtis referenced page 11 of [Exhibit I](#). The total caseloads as of January 2008 were 19,215 and as of the end of September 2009 were 18,532. Caseloads were dropping Statewide. He said there were also decreases in staffing for the Division of Parole and Probation, but the Legislature increased the number of sworn officers and the Department was in the process of hiring.

Chair Horne asked Mr. Curtis to explain the staffing on Parole and Probation and how the staffing levels were defined.

Mr. Curtis said caseloads were staffed on general supervision at 70 to 1 and the sex offenders at 45 to 1. The higher intensity caseloads, offenders involved in violence or gang activity, was 30 to 1. Mr. Curtis said a glossary of terms was included in [Exhibit I](#). He said the Division of Parole and Probation had 12 offices throughout the State. Three offices in Las Vegas will be combined and occupy one office and will house the entire operations in Clark County. An office will open in Reno at a new location on Valley Road. He added there was a need in the future to expand into the Dayton Valley-Silver Springs area based on future populations and a location in the Hawthorne, Mina, and Luning area also needed a substation space. He said the furloughs had affected his Department.

Chair Horne asked if there were any questions for Mr. Curtis.

Mr. Carpenter asked about the supervision of sex offenders. He asked when the Division of Parole and Probation supervised them and when were they released for supervision by the local police agencies.

Mark Woods, Deputy Chief, Division of Parole and Probation, Department of Public Safety, said it depended on when the offender finished their probation or their parole with his Department. He said a lot of the high-end sex offender crimes were ordered to be put on lifetime supervision and when that occurred, his Division continued monitoring them. He said there were several other crimes that did not receive lifetime supervision and those people were not supervised. Sex offenders coming to Nevada from other states who were not on parole or probation were not supervised. Mr. Woods said all sex offenders, whether under supervision or not, were required by law to report their residence to the local authorities. He said of the approximate 10,000 sex offenders in Nevada, the Division only supervised approximately 1,000 of them. The remaining people reported to the local sheriff's office.

Mr. Carpenter asked if the people under the supervision of the Division of Parole and Probation reported their residence addresses to the local authorities.

Mr. Woods replied they had to report to the local sheriff's offices. However, when under their supervision, they ensured the parolee was in contact with the sheriff.

Chief Justice Hardesty said the last Commission discussed the potential of realigning the responsibility of the reporting of the Division of Parole and Probation to the courts. He asked if there had been any discussion about that subject during the Legislative Session.

Mr. Curtis stated there were no formal discussions since the Commission meeting. There were discussions about placing the Division under the supervision or management of the Nevada Department of Corrections (NDOC). He said he did not know of any discussions about placing them under the direct management of the courts.

Chief Justice Hardesty said he was referring to the Arizona Model. It worked well in Arizona, and he wanted the Commission to consider further discussion of the topic. Dr. Austin, the State's consultant, opposed placement of the Division under NDOC. Chief Justice Hardesty said Dr. Austin recommended it go somewhere else and there were 22 states where parole and probation were located under the court system. He was also concerned about the status of Presentence Investigation Reports (PSI). He said offenders remained in jail until they were sentenced and they could not be sentenced until the PSI was completed. He asked if the Department of Parole and Probation staffing levels were sufficient to make progress

shortening the time needed for the reports. He asked if the reports extended beyond the 45 days provided in statute.

Mr. Woods said the Division in the North was appropriately staffed to do the PSI in the recommended allotted time. He said one writer completed 16 PSIs per month. The Las Vegas office was short three writers. He said the furlough requirement had caused problems. There were 50 writers in the Las Vegas office, which represented 50 lost work days due to the furloughs.

Chief Justice Hardesty said that was his point, furloughing PSI writers lengthened the period of time for completion of the sentences. It deferred the time a person went to prison or received probation, and it was not cost effective. He asked if anyone considered seeking exemptions for the writers of the PSI reports.

Mr. Woods said the Department had chosen to write a shortened gross misdemeanor PSI. The shortened PSI took half the amount of time as a felony PSI. He said there was a difference between an exception and an exemption on the furlough. The exception allowed the staff to take a furlough day and still work overtime in other weeks. The exemption did not take a furlough, but the money had to be made up in some other area. He said the Division had no more areas where they could cut any further.

Chief Justice Hardesty said that last year the Commission heard about the status of redoing and upgrading the criteria for the risk and needs reports.

Mr. Woods responded that the 2007 Legislative Session granted a study done by the National Council on Crime and Delinquency. The committee made several recommendations. One recommendation was to write a report that followed the offender throughout his entire career. The money involved in doing that was tremendous. He said a quicker fix was adjusting some of the weighting of the criteria, which would be an in-house programming change. The study said the overall system being used was good. He said the study showed they were supervising some people at a higher level than they needed to do. He said the study recommended two areas of supervision, low risk and high risk. The current system had three areas, and the medium risk was the area of concern for revision.

Chief Justice Hardesty asked if the report from the National Council on Crime and Delinquency was given to them.

Mr. Woods said the information was given to the Interim Finance Committee three meetings ago. He said they could make the findings available to the Commission.

Chief Justice Hardesty recommended the report be made available. He added restitution as a final area for discussion. He said the last session tried to consolidate restitution and collection of fees and fines. However, it was not passed in legislation. He asked for an outline of the current procedures.

Rick Gimlin said restitution was collected via the counters at the outlying offices. The restitution was returned to victims within 60 days. He said they were trying to get the money faster to the victims than in the past.

Chief Justice Hardesty said the Department was keeping statistics on the number of defendants who were discharged still owing restitution. He asked if the information was still available.

Mr. Gimlin said he thought the information was still available.

Chief Justice Hardesty requested that the information be given to the Commission. He said a number of defendants were discharged while still owing restitution.

Mr. Woods said A.B. 510 gave good-time credits to any offender current on their fiscal issues. He said that was helping. The majority of the offenders were paying what they could pay. He said many offenders had low-paying jobs and had difficulty paying all their obligations.

Chief Justice Hardesty said that was the same problem the Commission dealt with last session; as long as the offender paid supervision fees, they were not paying fines, fees and restitution. He said there needed to be some different form of supervision that did not require the supervision fees.

Mr. Curtis said the PSI for a person in custody was the last one the Department asked for continuances.

Chair Horne said there were occasions where some judges extended probation. He wanted further discussion on the procedure.

Chief Justice Hardesty said by extending probation, the judges made the situation worse because they increased the amount of time of supervision.

Mr. Curtis said his Department was not a collection agency, but they were required to collect things. He said part of their budget was based on supervision fees.

Mr. Siegel said they were discussing a staffing ratio of 45 to 1 and asked what the national average was on staffing ratios.

Mr. Woods said they could not answer the question. He said most states separated parole and probation. He knew they had one of the lowest ratios in the county. It was not uncommon for other agencies to have 100 to 1 ratios under general caseload.

Mr. Siegel asked about the pattern of people being violated and sent to prison from probation and parole and whether there was an upward or downward movement.

Mr. Curtis replied they were successful in Nevada. The Division of Parole and Probation had a success rate of 87 percent on parole and a 63 or 64 percent success rate on probation.

Mr. Siegel asked if things were getting better or worse given the staffing problems.

Mr. Woods said their success rate was improving. He said they were also working with community resources and able to get more people involved in counseling than before.

Chief Justice Hardesty was worried about the future and the number of people able to go through Police Officers' Standards and Training Commission, (P.O.S.T.). He asked if there needed to be a different classification in P.O.S.T. for people coming to Parole and Probation.

Mr. Curtis said he preferred more training rather than less training. Everyone was safer with higher training, and the lessening of caseloads was only temporary. He said eventually things would continue to grow and the prisons would be full.

Chief Justice Hardesty said the next P.O.S.T. was for 25 people in January. He asked what the lag time was from application to the Department.

Mr. Curtis said the January class was going to be filled. He said the lag time was approximately one year before they were fully trained and capable of working professionally alone and that the lag time was approximately the same for all the divisions.

Ms. Bisbee asked Mr. Curtis if the number of 1,887 parolees being supervised was correct.

Mr. Curtis replied it used to be approximately 1,000 parolees. He said parole was not the majority of the job or his Department's work; parole was approximately 14 percent of the job.

Ms. Bisbee said there were 1,887 active parolees and earlier there were almost 4,000 parolees. She asked if that was the result of A.B. 510.

Mr. Curtis said A.B. 510 had a huge impact and led to a high success rate.

Ms. Bisbee commented that the PSI was used by the courts and the Parole Board. When the report was abbreviated, a lot of information did not get to the Board. She said the more information supplied to the Parole Board, the better it was for their decisions.

Mr. Woods said the only PSI being recommended for shortened forms was on the gross misdemeanants. He said they would never see the Parole Board on those crimes. He said her numbers were misleading. He said the numbers listed in the Northern Command, Rural and Southern Command were all active parolees on the streets. The ones in Headquarters were not counted in those numbers.

Ms. Bisbee said she removed the numbers listed from Headquarters. She said she would like the PSI to be the same as it was 30 years ago.

Mr. Curtis said the numbers were closer to 2,000 parolees statewide.

Larry Digesti, Representative, State Bar of Nevada, directed his comments on the Northern Command figures. He said there were 247 incoming Interstate Compact Offenders. He asked if there was anything in the Compact that allowed Nevada to not accept an offender from California because of physical restraints.

Mr. Curtis said they wanted to accept the offenders from California because Nevada was an exporting state. Currently Nevada exported several hundred more offenders than they received from another state.

Mr. Digesti asked how many probationers Nevada exported.

Mr. Woods referred to page 11 of [Exhibit I](#). He said 1,124 was the number of parolees and probationers exported.

Mr. Digesti asked if there was a number where they could not afford to bring any more parolees into the State.

Mr. Curtis said the Interstate Compact was operated out of Kentucky. It was a federally funded program Nevada joined many years ago, an organization entitled the Interstate Commission for Adult Offenders Supervision, (CAOS). He said they could not predict how many offenders would be released to Nevada in the near future.

Mr. Digesti said PSI reports could only be waived with the agreement of the prosecution and with the court's consent.

Chair Horne said the numbers concerning the persons being released from California were not parolees.

Mr. Curtis said they had to have a reason to come to Nevada. He said appropriate circumstances for them to live in this State were required if they were on parole.

Chair Horne offered an example of someone from Reno who committed a felony in California and was released early in Nevada prior to being accepted to the Interstate Compact.

Mr. Curtis said that generally did not happen. The person had to be accepted from the Interstate Compact Office in California, and they did an investigation to determine if the circumstances were appropriate for the person's positive adjustment in our community. He said they usually had a base of family or a job. The reason Nevada exported more people was because people from out of state tended to mess-up in Nevada and eventually returned to their home state when they were released.

Chief Justice Hardesty said under the early release program California was considering, the people were going to be dumped without supervision requirements. He said it released an uncertain population into Nevada.

Mr. Curtis said he believed the majority of the people released would stay in their home state. It would impact law enforcement officers.

Chief Justice Hardesty said the concern was the lack of supervision of the early released people.

Honorable Douglas W. Herndon, Judge, Eighth Judicial District Court, asked Mr. Curtis why he wanted to have more parolees imported into Nevada.

Mr. Curtis replied it was the opposite. He wanted to continue to export more people. He said by doing so, they had to accept what was sent to them. Mr. Herndon said he had misunderstood the reply.

Senator Parks asked about people who served their entire term and were released without any supervision. He asked if there were advantages in having a form of mandatory supervision for everybody released from prison. He wondered about the cost of such a program.

Mr. Curtis said when a person paid their debt, it was paid, and further supervision was not required. He said the percentage of people becoming lifetime problems was very small.

Chair Horne said there would be constitutional ramifications involved in having lifetime supervision for people exiting prison.

Senator Parks said he was considering six months' supervision.

Chair Horne opened the discussion on Agenda Item XI. He said Ms. Lang would give the presentation.

Risa Lang, Chief Deputy Legislative Counsel, Legislative Counsel Bureau, said Chief Justice Hardesty asked her to provide the Commission with copies of the Power Point presentation he presented to the Judiciary Committees during the Legislative Session ([Exhibit J](#)). The presentation was titled "Report of the Advisory Commission on the Administration of Justice." The report was assembled using the draft report summarizing all the information from the subcommittees and the Advisory Commission. Ms. Lang outlined the titles of the tabs in the report, [Exhibit J](#). She said the final entry in the report was the recommendations from the Commission.

Ms. Lang said under Agenda Item XI was all of the legislation prepared for the Session. The Advisory Commission had 15 bill drafts presented as bills to the Legislature and 12 of them passed ([Exhibit K-1](#)) ([Exhibit K-2](#)). Ms. Lang said one bill was a senate concurrent resolution and needed to pass in the Legislature twice and be submitted to the voters for approval. Ms. Lang said [S.B. 235](#) ([Exhibit L](#)) was addressed by the Subcommittee on Juvenile Justice after the Session began.

Ms. Lang's third item was a draft of the final report ([Exhibit M-1](#)), ([Exhibit M-2](#)). The report contained eight chapters. Chapter 2 provided an historical overview of the demographic and criminal justice trends and sentencing structure. Chapter 3 concerned "Truth in Sentencing"; Chapter 4

addressed current sentencing practices; Chapter 5 had issues related to the Department of Corrections; Chapter 6 discussed juvenile justice; Chapter 7 referred to issues relating to victims and Chapter 8 was direct statutes.

Chair Horne asked if there were any comments on the legislation.

Chief Justice Hardesty said Ms. Lang adequately covered the issues. He thanked Ms. Lang and her staff for their work. He said the final report was still a draft and two chapters remained to be completed. One chapter dealt with legislation not discussed elsewhere, and the other chapter dealt with another topic the Commission discussed that did not result in legislation. He recommended the report be concluded with the two chapters added. He said Dr. Austin needed to provide some further edits to several of the chapters.

Chair Horne said he would take the recommendation by Chief Justice Hardesty as a motion.

CHIEF JUSTICE HARDESTY MOVED TO CONCLUDE THE FINAL REPORT OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE WITH THE ADDITION OF TWO MORE CHAPTERS.

MS. FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne opened discussion on Agenda Item XII, Public Comment.

Elaine Voigt, Executive Director, My Journey Home, Inc., said she represented an organization that was a re-entry program for ex-offenders. She said they received a grant from the Department of Labor for \$100,001. She said the Department doubled the money this year and they started with a \$200,000 budget. She had a certificate as an Offender Appointment Specialist and attended a 40-hour class in nonprofit management at the University of Nevada. She said she was a vendor for Nevada Job Connect and signed on as a vendor for vocational rehabilitation. Ms. Voigt said she placed ex-offenders with the Reno Aces ballpark. Her organization assisted ex-offenders in developing skills for work. Ms. Voigt gave the Commission a pamphlet outlining what the organization did for ex-offenders ([Exhibit N](#)).

Martin Stepina, Vice Chairman, Board of Directors, My Journey Home, Inc., said he joined the Advisory Board two years ago. Mr. Stepina worked in the Department of Public Safety for 25 years. He said the organization was more successful than most nonprofit organizations involved in offender rehabilitation. The program was ultimately expanding as far as the Las Vegas area. He said the program provided assets such as training and help in re-entry for ex-offenders. He said all nonprofits suffered from a lack of funding. He said they understood the limitations of the State and the Commission concerning funding. He added he wrote the lengthy PSI reports in the 1970s.

Ms. Voigt said she had a computer lab. The lab had 15 new computers with \$22,000 worth of software donated by Microsoft. She said the organization had a 37 percent ratio of job placements and they had started a pilot program for further training.

Bob Morris, Project Manager, Rapid Recon, LLC, provided hands-on experience for the ex-offenders. He said it was a program where people learned to socialize in an open manner. They worked on projects where mobile homes were recycled. It provided an opportunity to learn vocational skills as well as social skills.

Ms. Voigt said they installed cameras at My Journey Home, Inc., to assure people the ex-offenders appeared at her location. She said they provided three job leads a day for a week for the ex-offenders. Microsoft approached her organization about training people to refurbish computers. She mentioned Senator Reid sent a letter of endorsement for their grant. Additionally, the recidivism rate at MJH was less than five percent. She said they did a lot in the community and asked the men to also give back to the community.

Chair Horne said he was impressed with the program. He said it would be an asset in Southern Nevada.

Ms. Farley asked Ms. Voigt if the ex-offenders paid any victim's fees and also inquired if she worked with any of the victims.

Ms. Voigt replied the money they earned helped pay any fees they had still outstanding.

Senator Parks asked whether My Journey Home, Inc., interacted with RAIN. Ms. Voigt replied yes and said she also worked closely with Steve Burt and Ridge House.

Chair Horne opened the discussion on Agenda Item XIII, the short-term, mid-term and long-term goals of the Commission. He asked Chief Justice Hardesty to discuss the goals from the last Commission. Chair Horne said a Steering Committee needed to be formed and he wanted to be on the Steering Committee.

Chief Justice Hardesty said the Steering Committee outlined agenda items for the Commission. He said there was a holdover list of approximately 17 items. The Truth in Sentencing Subcommittee was designed to deal with the initial charge to the Sentencing Commission when it began. It was designed to assess the effect and fiscal impact of the legislation. He said the work was completed with Chapters 1 through 3 of the report. The Subcommittee concerning mandatory drug sentencing was chaired by Judge Herndon, and he recommended it continue. A subcommittee to study data collection was also discussed, and not much was accomplished in that area. He said persons on that subcommittee should be persons using the data as it was intended to identify and reduce areas where duplication occurred. He next referenced the Subcommittee to Consider Alternatives to Incarceration and Intermediate Sanctions. The subcommittee was generated to explore the HOPE program.

Chief Justice Hardesty said the single most important objective of the Commission should be the work left undone reconciling the various offenses contained in Category B. He said many should be re-categorized into Categories C and D. He mentioned a matrix prepared by Art Mallory that showed all the offenses before the 2009 Session and stated approximately 29 percent of the offenders in the prison system were generated out of Category B offenses. He said it deprived many people from multiple alternatives and the sentencing range was much longer.

Chief Justice Hardesty said the other area he considered a significant topic was the failure to enact legislation to effectively collect fees, fines and restitution and that there were serious problems with indigent defense throughout the State. He said an effort was made to begin imposing, based upon a predetermined schedule, Public Defender fees with a collection methodology. The Clark County Commission agreed to dedicate additional funds to an enhancement of the Public Defender's office, resources and deputies. He said the other Commissioners needed to express their desires for the Commission.

Chair Horne said he was of the opinion there was some crossover that could be consolidated and reduce the number of subcommittees. He said he wanted the Commission's work completed in September and no later than

October 2010. The Legislative Counsel Bureau staff was staffing the Commission and by September they started drafting the bills for the next Session. Therefore, he would address the important issues and consolidate where possible. Subcommittees needed to meet between the major meetings. He wanted to ensure the Commission was done by early fall and the reports drafted before the Session started.

Mr. Siegel said he wanted to add to the agenda. He said Mr. Skolnik had stated the prison system was in or approaching a state of crisis due to the budget crisis. He said there was a high probability in the next three to twelve months Nevada would have to make the kinds of decisions California had to make. Part of the original mission of the Commission was to provide some oversight roles for the State Prison Commission.

Chair Horne asked if there should be a subcommittee to address budgetary concerns not just with the DOC but also Parole and Probation.

Mr. Siegel said this Commission had time to investigate and he was entirely in support of Mr. Skolnik.

Chair Horne said the dire straits depended on whether Mr. Skolnik was required to furlough correctional officers in various institutions. He said whether the Commission could act rapidly enough before a special session to prevent dire straits was questionable. He wanted a realistic outlook on how some of the problems could be fixed.

Mr. Siegel said there was discussion of the PEW report that indicated Nevada was among the worst ten states in budgetary terms. He wondered if the Commission had a role to play in terms of the ongoing budget crisis and the implications for the DOC.

Chief Justice Hardesty said the time allotted to do anything about the problem was limited or non-existent. If a special session was held at the beginning of January, there was no time to act. He said the bigger question was if the State needed to make priorities of their Constitutional mandates.

Chair Horne said if the special session occurred, there would be strong opposition to additional cuts to the Department of Corrections. He agreed with Mr. Skolnik that it was a public safety issue and there was a limited amount of time.

Chair Horne suggested the Steering Committee retain as many of the original members as possible if they were willing to serve. He said Dave Rogers had taken the place of Mr. Mallory.

Senator Parks offered his place on the Steering Committee for a new member to serve on it.

MR. CURTIS MOVED TO APPROVE A STEERING COMMITTEE CONSISTING OF CHAIR HORNE, CHIEF JUSTICE HARDESTY, MR. CURTIS, MS. FARLEY, MR. ROGERS AND MR. SIEGEL.

MS. BISBEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne said the Subcommittee concerning Truth in Sentencing was completed and waiting on the report.

Chief Justice Hardesty said the report was completed.

Chair Horne said the Mandatory Drug Sentencing statutes were worked on before and Judge Herndon gave a report during the Session.

Judge Herndon said there was still work to be done on the Mandatory Drug Sentencing Subcommittee. He said a number of items were broached at the end of the interim deserving further study. There were discussions of sliding scale fees for trafficking offenses to help offset the costs of the specialty courts, the trafficking offenses for the larger amounts of narcotics distribution and sales helping to pay for the addiction they caused. He felt it was worthwhile keeping that subcommittee in place. He said it was difficult for him to find time to chair the subcommittee but asked to stay involved in the Truth and Sentencing Subcommittee. He said a lot of issues related to the drug sentencing statutes were less a judicial concern than they were police, prosecutors and defense attorneys concerns. He said the State district court judges expressed more concern about the reclassification of certain Category B crimes as well as the truth in sentencing issues.

Chair Horne suggested folding the reclassifications into the Truth in Sentencing Subcommittee.

Judge Herndon said combining the drug statutes subcommittee into a reclassification subcommittee was appropriate. Although he was unable to

chair the subcommittee at this time, Judge Herndon said most of the people formerly on the subcommittee would probably want to continue to serve.

Chair Horne said he preferred that the chairs of the subcommittees were members of the Commission. He said Assemblyman Carpenter was the only member from the last session still on the Commission. Mr. Carpenter said it would be very difficult to be Chair of the subcommittee.

Chair Horne asked Judge Herndon to remain as Chair of the subcommittee until the next meeting of the Commission.

Judge Herndon said he would do so. He suggested if the subcommittee was folded into a reclassification subcommittee, one new subcommittee with a Chair and two Vice Chairs should be appointed. He said he would contact all the people involved in the past year on the drug statute subcommittee and see if they were interested in being involved again.

Chair Horne said the next subcommittee was to Study Data Collection. He did not know if it had met or if the Alternative to Incarceration and Intermediate Sanctions had discussed the HOPE project.

Chief Justice Hardesty said the HOPE project was in progress. The data collection issue could be discussed but might not be urgent. He said he wanted to talk to Dr. Austin about the recommendations he made. He suggested handling it at the Commission level.

Mr. Siegel asked if there was a possibility of a continuing relationship with the PEW Foundation.

Chief Justice Hardesty said there was a possibility of a further relationship with PEW. He said the Commission needed to continue the support from the Grant Sawyer Center on some of the information. The subject of data collection and ways to correct it was something the Grant Sawyer Center could assist the Commission with if funds were available. He said there was a possibility the PEW Foundation could fund the Grant Sawyer Center study.

Mr. Siegel said he spoke to Dr. Richardson, who mentioned the PEW Foundation might assist the Grant Sawyer Center.

Chair Horne said the discussion was to get a general idea of the direction of the Commission.

Chief Justice Hardesty asked if other Commissioners shared his view of the priority of Category B offenses. If the Commissioners agreed, he wanted a subcommittee formed to undertake that task.

Phil Kohn, Clark County Public Defender, said it was the most important issue to him and it was important to use people from this Commission who were aware of all the problems and issues in Nevada. He said 30 percent of the population in the prisons came from the Category B classification.

Judge Herndon said he suggested the drug subcommittee be folded into whatever subcommittee was formed to deal with reclassification issues. He agreed it was an important aspect due to some of the ramifications of A.B. 510 credits and various other things.

Mr. Kohn said he preferred keeping the drug committee and reclassification separate. He said a different committee was needed for the reclassification issues of the B felonies.

CHIEF JUSTICE HARDESTY MOVED TO APPOINT A SUBCOMMITTEE FOR RECLASSIFICATION CONSISTING OF PHIL KOHN AS CHAIR, BRETT KANDT, JUDGE HERNDON, MR. DIGESTI, MR. SKOLNIK, MS. FARLEY, MS. BISBEE, AND CHIEF CURTIS.

MS. FARLEY SECONDED THE MOTION.

Chair Horne asked Mr. Kohn if he had any objections to the list of members.

Mr. Kohn said he agreed to the list and said Mr. Kandt had been to most of the Commission's hearings and was a great addition to the subcommittee.

Judge Herndon asked if any of the legislators on the Commission were also on the subcommittee. He suggested a legislator needed to be in the group.

CHIEF JUSTICE HARDESTY AMENDED HIS MOTION TO INCLUDE CHAIR HORNE AND SENATOR NOLAN ON THE SUBCOMMITTEE FOR RECLASSIFICATION OF CATEGORY B FELONIES.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Horne said the Steering Committee would meet in the near future. He proposed the next Commission meeting for December 15, 2009. He asked if there were any public comments from Las Vegas. As there were none, Chair Horne adjourned the Commission at 3:11 p.m.

Submitted by:

Olivia Lodato, Interim Secretary

APPROVED:

Assemblyman William C. Horne, Chair

DATE:_____

EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice

Date: November 12, 2009

Time of Meeting: 9:30 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Minutes	December 17, 2008, Minutes
	D	Bill	A.B. 508
	E	Bill	S.B. 113
	F	Bill	A.B. 497
	G	Mr. Skolnik	NDOC charts
	H	Jack Erickson	RAIN and LAMN pamphlet
	I	Mr. Curtis	Parole and Probation presentation
	J	Ms. Lang	Draft Report of Advisory Commission on the Administration of Justice
	K-1 K-2	Ms. Lang	Legislative measures introduced during the 2009 Session
	L	Ms. Lang	S.B. 235
	M-1 M-2	Ms. Lang	Final (draft) Report on the Administration of Justice
	N	Elaine Voigt	My Journey Home pamphlet