



DIVISION OF PAROLE AND PROBATION

HEADQUARTERS

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LIFETIME SUPERVISION OF SEX OFFENDERS AND THE IMPACTS ON THE DEPARTMENT OF PUBLIC SAFETY – DIVISION OF PAROLE & PROBATION.

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BACKGROUND:

- Lifetime Supervision (LS) is a special sentence which is required to be included for specific sex crimes per NRS 176.0931. This sentence begins following any term of probation, parole or release from custody.
- Special conditions for LS offenders are set by the Parole Board and these individuals are supervised by the Division of Parole and Probation.
- The Division currently supervises over 665 LS offenders. The number of offenders receiving LS sentences and which are supervised by the Division continues to increase, with the Division noting a 47% increase in this caseload over the past 3 years.
- With the increase in LS offenders more and more of our officer resources are devoted to the Sex Offender Unit for supervision of this higher risk offender caseload (Sex Offender Unit officers have a mandated caseload size of 45 offenders to 1 officer).
- Compliant offenders may apply for release from LS after serving 10 years from the date of their last conviction. Non compliant offenders and those who continue to commit crimes will remain on LS indefinitely.
- Good Time Credits do not apply to Lifetime Supervision.
- Per NRS 213.1243, violations of Lifetime Supervision must be prosecuted as new felony offenses in the county in which the original sex offense conviction occurred.

- Despite the best of intentions, there has been confusion and inconsistency regarding the prosecution of Violation of LS new charges.
- Among the problems is that new charges have their own criminal case number and are therefore not related to the original sex offense conviction. District Attorneys are often placed at a disadvantage by not having the details of the offender's case history information when preparing for prosecution on new charges for Violation of LS.
- Parole or probation violations may be handled in a matter of weeks. However the prosecution of new charges for Violation of LS may be calendared out many months or even a year depending on the caseloads or limitations of the District Courts.
- Existing LS law creates obstacles for the Division and law enforcement in regard to addressing violations that do not rise to a criminal level.
- The ability to transfer a LS sex offender to another state for supervision via LS being defined in Nevada as a form of parole, many states are reluctant to accept the supervision of LS offenders as they cannot arrest, hold or extradite the offender for violations as they would with a parole or probation offender. Arizona is a prime example of a state which is reluctant to accept LS cases for supervision.
- The inability to relocate to another state can have a negative impact on an offender's successful completion of their LS grant, as they may not have access to family support, improved employment, specific counseling or other beneficial or stabilizing factors.

CHANGES PROPOSED THROUGH BDR:

- The Division proposes that the Nevada Legislature establish new, longer probation and parole terms lengths for sex offenders who currently qualify for the special sentence of Lifetime Supervision keeping the jurisdiction of the case with the sentencing judge on probation cases and with the parole board on parole cases, and that effective July 1, 2013 that the special sentence of LS is eliminated.
- We are presenting this information to the Advisory Commission, as we desire to have an understanding of the issues and hopefully the consideration of judicial and legal participants, law enforcement and community partners.

BENEFITS TO COMMUNITY SAFETY:

- Current LS laws provide for the offender to serve a minimum of 10 years under LS before they are eligible to apply for release.
- The proposed changes will provide that persons sentenced under the new laws will still be supervised for an extended period of time in the community, in many cases this will be as long as the current LS law.
- Proposed new probation lengths shall not be more than 15 years, however they may be less. This term will be set by the Judge at sentencing. The term of probation may be either fixed or indeterminate, as in current statute.
- Proposed terms lengths for specific sex crimes will increase to a minimum term of not less than 10 years with eligibility for parole after a minimum of 2 years has been served, or in other cases to a minimum of 15 years, with eligibility for parole after a minimum of 5 years has been served.
- Following incarceration, the length of a term of parole will directly relate to the length of the underlying sentence and the sentence time which remains.
- The Division and law enforcement will deal with offenders sentenced under these proposed new laws as parolees and probationers, and officers may take action to protect the community on violations of terms and conditions of the offender's community release.

- There will be increased accountability placed upon this class of offender.
- Improvements related to the DANGEROUS OFFENDER NOTIFICATION SYSTEM (DONS)
 - DONS was developed in 1996 to provide notification to Nevada officers and investigators working on the street regarding the risks posed to them by individuals they contact or may be investigating.
 - DONS provides immediate, real-time information regarding the parole or probation status and the risk of an offender.
 - DONS is also a tool which enables P&P officers to preset rules and conditions for the hold or arrest of parolee or probationer.
 - Probationers and parolees are subject to DONS holds when booked at custody facilities.
 - DONS provides a means for the Division to request that the contacting officer hold or arrest the offender based on a pending warrant or for violations which may be discovered during the contact by the street officer.
 - Violations brought to the Division's attention through DONS are often serious enough that the officer, indeed the state, requires the offender held and returned to the court or board in custody to answer for their actions.
 - Serious violations, such as finding an offender in the company of a child or juvenile, consumption of alcohol which may have been a trigger to their instant offense, use of social media to contact potential victims, unapproved out of state travel, etc. are violations which should cause DONS to hold or request the arrest of a parolee or probationer.
 - Presently, LS offenders may NOT be held or arrested through DONS, as they may only be arrested on new charges, not for violations. We cannot file new charges through DONS.

BENEFITS TO NEVADA JUDICIAL INTERESTS:

- The proposed law will empower Judges with discretion at sentencing, enabling them to apply longer probation terms as may be appropriate.
- Longer probation terms will provide Judges with consistent and long term control over offenders.
- Judges will become familiar with the patterns of both success and recidivism in the individual offenders, giving the Judges improved knowledge and understanding when making case decisions.
- There will be no confusion regarding the sentence, the LS rules, or whether the offender understood the order for LS.
- Under the proposed laws Judges and District Attorneys will no longer need to address attorney requests for clarification of LS conditions, or constitutional challenges.
- The Violation process for probation cases is less burdensome to all parties and court officers.
 - As an example, violation reports do not go through a District Attorney case screening process.
 - Probation violation hearings will directly relate to the Instant case.
 - The Probation violation process and revocation hearings take less time in court, and less time on the court calendar than the filing of new charges for Violation of LS.
- The Division files the discharge request and the Court approves all discharges from probation. The offender does not need to hire an attorney or to file any additional court or board requests for discharge.
- The proposed laws will lessen the burden made by LS cases on court officers, including Judges, clerks and District Attorneys.

- Parole conditions will be set by the Parole Board, and the completion of additional forms or hearings to set LS conditions will not be necessary.
- The proposed changes will provide efficiencies to the judicial system through the elimination of new felony charges on Violation of LS for offenders sentenced after July 1, 2013. **However, new charges may still arise from new criminal activity or from violation charges for offenders who remain on LS.**

BENEFITS TO THE OFFENDER:

- Good time Credits will apply to those serving a Probation or Parole term, while they do not apply to LS cases.
- The proposed law will provide a fixed duration of not more than 15 years for probation and a fixed term of not more than 10 or 15 years for parole.
- Current LS laws provide an indeterminate or potentially lifetime sentence term.
- The violation process is simplified and expedient than the process for new violation of LS charges.
- The violation of probation process is usually 3 to 6 weeks versus up to 1 year for the completion of LS new charges.
- Current LS law is such that each filed violation of LS can result in a new felony conviction, whereas the violation process for probation and parole does not result in new convictions. This will reduce the negative impact on the individual's criminal history, and may provide improvements in institutional classifications, and employment opportunities.
- The Interstate Compact process is greatly improved, as other states will receive and supervise subjects on parole and probation, while some states remain reluctant or will not supervise LS cases.

- The Division files the request for discharge from probation or parole supervision with the court or board, saving the individual the expense in hiring a lawyer to file for release from LS, or saving the time involved in filing for the release on their own.
- While under LS there remain travel restrictions on the individual, however under the proposed changes, once parole or probation has been completed, there would no longer be travel restrictions. **However, the requirement to register as a felon or sex offender with local law enforcement would remain in effect.**

Current Lifetime Supervision Statistics:

Number of Lifetime Supervision cases and total sex offenders supervised by Parole and Probation:

June 2009: **452** Lifetime Supervision and 1117 total sex offenders supervised

June 2010: **545** Lifetime Supervision and 1229 total sex offenders supervised
(an increase of 93 LS cases)

June 2011: **621** Lifetime Supervision and 1322 total sex offenders supervised
(an increase of 76 LS cases)

June 2012: **666** Lifetime Supervision and 1410 total sex offenders supervised
(an increase of 45 LS cases)

(a 47% LS increase over 3 years)

New Charges filed by Parole and Probation for Violation of Lifetime Supervision and total new charges filed against ALL offenders supervised by Parole and Probation:

2009: **75** new charges for Violation of Lifetime Supervision and 351 total new charges filed

2010: **110** new charges for Violation of Lifetime Supervision and 327 total new charges filed

2011: **178** new charges for Violation of Lifetime Supervision and 383 total new charges filed