

SENATE FINANCE COMMITTEE
MINUTES OF MEETINGS
FEBRUARY 20, 1973

The meeting was called to order at 8:30 a.m. Senator Lamb was in the chair.

PRESENT: Floyd R. Lamb, Chairman
Warren L. Monroe
B. Mahlon Brown
James I. Gibson
William J. Raggio
Clifton Young
Archie Pozzi

Earl Oliver, LCB Fiscal Analyst
Bob Tripp, LCB Deputy Legislative Auditor
Howard Barrett, Administrator, Budget Division
Cy Ryan, UPI

A. A. Campos, Parole & Probation Department
Nancy Breeden, "
Jim Matlack, "
Jim Gerow, "
William Kassel, "
Robert Burns, "
Carrol T. Nevin, Crime Commission
John W. Peevers, "
Vern J. Calhoun, "
Ron Stroud, "
Pauline Smith, "
Fred Davis, Nev. Ass'n. of Chambers of Commerce
Robert R. Haynes, V & T Restoration
Richard Brickell, "
Victor A. Perry, Nevada Heritage Association
Jack E. Jensen, SEOO (Economic Opportunity)
Frank J. Matthews, "
Joy Baker, "
Fred Gale, Archives

DEPARTMENT OF PAROLE & PROBATION - Page 371:

They have asked for an increase in staff based solely on an increased workload. The State of Nevada has had an increase in the number of criminal convictions of 37%, during which time the Probation and Parole Department had an increase of staff of 8%. This year convictions have increased 28% alone. They are asking for a 29% increase in professional staff to handle what looks like a 78% increase in workload figuring from 1971 to 1975.

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Mr. Campos said they are running an 86% success rate currently with all people on probation and about a 68% rate with all parolees. The rise in the Nevada crime rate has averaged about 15% over a three-year period. Nevada is following a national trend in sending a greater number of men to probation rather than prison. There were 157 men whom the department recommended to the courts that they be sent to prison whom the courts put on probation instead. There were only ten instances where the department recommended probation and the men were sent to prison, so from this you can see that courts tend to favor probation over prison even when it has been otherwise recommended.

The police departments have improved and they are finding more and better arrests as far as technical and prosecution material and technique. Also the implementation of the Public Defender's Office throughout the state has brought about plea bargaining.

To see how district judges have done with granting probation rather than prison sentencing see pages 29-33 of the supplemental material #4. Mr. Campos stated that they are getting types of cases that are referred back to his department which neither the community nor his department are able to cope with. That is why he is asking for two psychologists. He said in instances involving people with a high violence potential there are times when the courts refuse to accept his department's recommendations that those individuals be incarcerated in prison. He feels that if he had a psychologist to prepare and write the pre-sentencing report submitted to the courts perhaps the courts would tend more to comply with the recommendation. Mr. Campos said there was one instance recently where his department had strongly recommended incarceration involving a man with such a high violence potential, but the courts granted probation and within three weeks the man killed a coed. In instances where the Probation and Parole Department has recommended prison and the courts have instead granted probation the failure rate is categorically high, running at 48%.

Mr. Campos is requesting five new officers, two for Reno, two for Clark County, and one for either area to be determined at a later time according to workload. He said "Surprisingly, Clark County does not have a specifically higher caseload than Reno as might be intelligently assumed." He accredited this to the fact that for a number of years Washoe County has had stability in the district attorney's

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office whereas in Clark County they have had a constant turnover. He said Washoe really had set a kind of precedent and goal in this area.

Mr. Campos said parolee's are only about 15% of the entire caseload. He said that the workload has increased to the extent that it has only been due to the devotion of his employees that they have managed to get the job done, that they have worked so many hours overtime they don't record the overtime. He said the American Correctional Association has established a standard of 50 work units per month per officer, while the Department of Parole and Probation has been requiring a standard of 60 units per month per officer. The standard for 1973-75 has been increased to approximately 65 work units per month per officer.

With regard to Loans to Parolees on page 373, Mr. Campos said the only ones who don't pay back these loans are those who are violated and returned to prison and who thus can't pay because they have no funds in prison.

Mr. Campos said they currently have an officer in Reno, one officer in Las Vegas and a trainee in Las Vegas, who are working with drug addicts. They plan to broaden this project with an intensity of effort, working in shifts, reducing the caseloads to 30, and having one of the new psychologist positions spend half his time with the drug unit. Mr. Cassel said that currently sixty to seventy-five percent of addicts return to narcotics and criminal activity. Two years ago they had a caseload of 60 and now have 120 heroin and barbituate addicts. He said the federal drug hospitals find they have a 95% failure rate because they are dealing with unmotivated people. Senator Young asked if Synanon or such groups had any noticeable results. Mr. Campos said they didn't because they provide a different lifestyle while an individual is participating but once they leave they return to drugs. With regard to the drug abuse program this will be 25% state funded and 75% federal.

CRIME COMMISSION - Pages 375-383:

See attached remarks by Carrol Nevin.

Senator Brown asked if any funds were being used for the training of judges. Mr. Nevin said that the National College of Trial Judges has held seminars and the justices of the peace had 100% attendance but that the district judges have had poor attendance.

They said there has been a steady increase in drug usage and only 20% were convicted. He said it had changed from

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marijuana offenses which were inexpensive to prepare for prosecution to offenses related to cocaine and heroin which were more complicated and expensive. He said the drug problem was growing faster than the population is increasing.

Mr. Barrett said the Crime Commission would be getting an increase in regular grants but that the discretionary money (rather like one shot appropriations) would fluctuate with requests as each one was approved.

PAGE 375:

Travel has doubled because the staff has doubled. There were some positions which were approved but unfilled which have now been filled.

PAGE 378: (Identification and Communications):

The one staff chemist has done 752 tests and analyzed 3,071 items. He has spent 5,000 hours in court. Federal personnel have recommended they request an additional chemist because it will make more efficient use of the lab when the other chemist is in court or on leave. Also they want a clerk typist because they are currently wasting the chemist's salary requiring him to type and prepare reports which are actually a clerk's work. Also they need the chemist because a Supreme Court ruling requires that they not only determine narcotic usage through testing but also the level or percentage of narcotic.

INVESTIGATION AND NARCOTICS DIVISION - Pages 380-382:

Senator Gibson asked how spending programs could be monitored when the blocks of revenue sharing became available for programs at a later date, whether legislative and the governor's priorities would be followed. Mr. Barrett said if the revenue sharing plans go through and when the blocks of money became available to state departments that the individual agencies should not be allowed to singly decide where to put this money but that the governor and the legislature should somehow determine how to spend funds.

The in-state travel has doubled because of an increase in new personnel and a one-third increase in the rates charged by the motor pool. Mr. Barrett said also there is a bill before this session of the legislature to allot an additional \$15,000 for instate travel this biennium, so that will bring the total for in-state travel this biennium to \$45,000, thus there won't actually be a doubling next biennium in the request for travel.

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There is a 1971 rebate of \$1,200 and none for 1972 (for page 381). Informants fees are internally audited. There is a federal requirement that the state must buy in for local monies for matching funds. There is a 27-month buy in so they ask that these funds not be required to be reverted because it extends beyond the biennium.

HERITAGE ASSOCIATION - Page 169:

Senator Lamb said that there has been criticism of the Heritage Association, and perhaps the first mistake was theirs (the association's) but the second mistake would be ours (the legislature's). He said, "I think we have been had on this \$100,000." Senator Lamb read from a letter, see attached.

Mr. Perry said with regard to the 25 cars in California they dealt with Paramount Studios on this and went to the museum to get funds. They got a firm price on the deal on Friday and Mr. Calhoun attempted to poll the museum board members by telephone over the weekend. Mr. Shelton bought the cars, however, over the weekend. When Mr. Perry found Mr. Shelton had bought the cars he contacted him and learned that he had bought the 19 cars through Mr. Steiner. This offer came through Mr. Steiner.

The association raised \$22,000 through donations and fund raising. Mr. Perry again requested \$20,000 to hire a full time employee and clerical services as there are currently only two individuals doing this work on a volunteer basis (Mr. Perry and Dr. Rushmore). The other \$20,000 requested would go to repairing and maintaining cars. The museum requested them to get an opinion from the Attorney General as to legislative intent in spending the \$100,000. The Attorney General's opinion stated that they felt it was the intent of the legislature that part of the \$100,000 could go for maintenance and to provide security for the stock, so they have hired a part-time watchman and fenced the railroad car near the armory.

With regard to the arson charge by Mr. Rader, Mr. Perry stated that Gilbert Niece owned engines 21 and 27 in the early sixties. The State Parks Division wanted to acquire them and were negotiating for them but it was then they were turned over to the Carson City Chamber of Commerce. The car that was burned was damaged prior to the formation of the Heritage Association.

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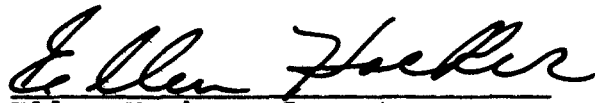
Senator Brown said that during the sixties there were many grandiose schemes and the committee was told that if they would create a state agency to handle this there would be a tremendous response from the public and they would be able to raise hundreds of thousands of dollars for this purpose of restoring the railroad. He said that \$22,000 was far short of this donation money which was hoped for and seemed to indicate a reluctance on the part of the public to go into this. He questioned whether perhaps they should repeal the statute and simply set up a museum for now. Mr. Perry said if you don't want to continue with the Heritage Association it should continue with some other state agency.

Senator Young said that the meeting a few days ago brought up some charges raised about Mr. Perry's stewardship and wondered if perhaps a subcommittee should be formed to look into these charges and offer Mr. Perry rebuttal time.


Senator Raggio said he thought it was one of the great tragedies when this railroad was disbanded and gone and the state lost the equipment and history. He said it was an idea which had a great deal of merit. Senator Lamb said he didn't think this committee intended to let this die. Senator Monroe asked whether we were being led down the garden path. Senator Lamb said that before the state began talking about building a railroad they had first buy equipment, fix it up, put it in a storehouse, and then lastly start thinking about building a railroad.

The meeting adjourned at 10:36 a.m.

Respectfully submitted,


Ellen Hocker, Secretary

APPROVED:


Floyd R. Lamb, Chairman

Murder, Rape, Robbery, Aggravated assault, Burglary
Larceny over \$50.00 and Auto Theft.

The Commission on Crime Delinquency and Correction
is a relatively new agency going into its fifth year of
operation.

The Department of Law Enforcement Assistance
will complete two years of operation in July of this year.

Crime is an important element in the social and
economic life of every person in Nevada.

Crime in the Nation rose 7% in 1971, the last year
of complete figures. This morale was the lowest since 1966.

In Nevada in 1971 the crime rate dropped from 3996
to 3843 crimes per 100,000 population. This refers to part
I offenses only.

California Hawaii, Arizona and Florida states
catering to leisure time holiday seeking tourist all show
increases in crime rates.

Las Vegas and Clark County registered 4356/70
4243/71 crimes and Reno and Washoe County, 4254/71 per
100,000 population.

In serious crimes 50% are committed by persons
under 18 years of age.

Men outnumber women 6 to 1 in the number arrested
but a significant trend is reflected in figures showing
that between 1966 and 1971 male arrests increased 39% while
for the same period female arrests rose 80%.

In July, 1968, as a result of facts supplied by
a Presidential Crime Commission which indicated an un-
usually high crime rate, Congress passed the Omnibus Crime
Control and Safe Streets Act.

This Act allocated to the states funds to be used
in preparing a comprehensive statewide plan for law enforce-
ment and further apportionment funds to implement the plan.

The Nevada Commission Crime Delinquency and
Corrections was created by Executive Order in December, 1968
followed by legislation passed in 1969.

From 1969 to date the sole purpose of the Commission has been to prepare to comprehensive plan based completely on input by local, county and state task forces and to disburse and monitor funds to implement the plan. 40% of the planning money must go to the local units of government to assist in their planning and 75% of the action money must go to local units to implement their programs as set out in the plan.

Over 4 3/4 million in Federal funds has been disbursed since 1969 and at least 1 3/4 million will be disbursed in 1973-74 fiscal year.

Contrary to many opinions these funds have been used to improve every facet of the Criminal Justice System.

One of our greatest accomplishments is the completion of the first step in an improved criminal Justice Communication and Information System.

Within a month every officer in the state will have direct automatic access to the National Crime Information Center at the FBI in Washington D.C., which Center records information on wanted persons, stolen cars, guns, cameras and other property identified by serial number.

An officer in Elko, Goldfield or Pioche has access to this information as well as those in Clark and Washoe County.

All point bulletins may be sent to any police agency in the Nation.

Within a relatively short period of time we hope to have large data banks or computer centers hooked into our system for the use of all setments of the system.

A criminal law manual including utla 14-15-16 has been prepared and made available to every officer in the state. This manual will be updated and made more inclusive - laws of arrest, search and seizures, Recent Supreme Court Decisions.

The Public Defender's Office and the Court Administrator were originally funded through the Commission.

Schools and seminars for District Judges, Justices of the Peace, Prosecutors, Parole and Probation Officers, Juvenile Officers as well as Prison personnel and law enforcement officers have been funded.

I firmly believe that providing of better equipment for and additional training of officers in the control of

riots and civil disorders has done a great deal to cool situations that have threatened on several occasions.

Substantial sums have been awarded to improve jails and construct new facilities in the less populated counties as well as Clark and Washoe County.

A large sum has been awarded to the Probation subsidy Program throughout the state to test this concept of controlling juvenile delinquency.

The Commission's main objective is to reduce the hard core crime rate and to improve the entire criminal justice system to insure speedy justice for all persons.

In 1971 the Legislature created the Department of Law Enforcement Assistance under the Crime Commission. As the name implies this Department was to be of assistance to the System throughout the state.

Three divisions were formed in the Department; the Planning and training Division which carried on the work the Commission has been performing; the Identification and Communication Division and the Investigation and Narcotics Division.

If you desire I would like to briefly describe the work of these Divisions and their budgets.

The Planning and Training Division is under M. John Peevers and is primarily concerned with development of the statewide plan in accordance with the desires of local and state agencies.

The Division deals with the Police Courts - Prosecution and Corrections aspects of the system as well as juvenile delinquency.

The allocations, disbursing and accounting of funds for Planning - Action and Discretionary Programs are handled in this Division as is accounting and monitoring of all grants and awards.

Mr. Peevers and his staff have done an outstanding job in a very difficult program of allocating funds to the various facets of the system. In addition the Division operates the programs of the Peace Officer's Standards and training committee which is raising training to acceptable levels and doing excellent job.

The internal auditing of all funds if handled by Mr. Jack Richards under my supervision.

I am particularly proud of the work of this Division and its work has been favorably mentioned in a

letter from Mr. Cornelius Cooper, Regional Director of the Law Enforcement Assistance Administration to Governor O'Callaghan.

In view of the ever increasing number of programs and amounts of funds to monitor and audit I have requested an additional position of auditor-trainee and a half time senior account clerk to assist our accountant.

On page 376 of the budget you will note an item under Contractual Services which has increased considerably.

This has been occasioned by the inclusion of a management information system study and funds to allow the Legislative Counsel Bureau, Audit Division to audit the LEAA program areas on a regular basis.

If you have questions on this portion of the budget I will be pleased to attempt to answer them.

The Identification and Communication Division is under the capable direction of Mr. Ronald Stroup who has been with us a little over six months. I am sincerely sorry we did not find him sooner and I feel a considerable amount of consultant fees could have been saved.

The Division has implemented and improved the teletype system making it almost completely automatic.

As previously mentioned every officer and Department in Nevada now has access to criminal data in Washington, D.C. and in every other state.

Within a relatively short time these data banks will be available to every agency in the System.

In the Identification field we have no intention in following the mandate of the Legislature, of building a gigantic finger print file in Carson City or of duplicating any criminalistic laboratory in northern Nevada.

As fingerprint cards are received they will be classified, microfilmed and forwarded to the FBI in Washington.

We are now providing a chemist to the Clark County Sheriff's Department laboratory to cover request for examination from Lincoln, White Pine, Esmeralda and Nye Counties.

A small laboratory which has been in operation over two years handling drug identification and quantification has been transferred from the narcotics Division to the Identification Division.

The work of this laboratory handling all drug work in northern Nevada has increased so much that I am asking for another chemist and clerk typist in this unit

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and a fingerprint classifier in the Identification Division.

These additions are absolute minimums if this Division and the laboratory are to continue to function.

If you have questions concerning this Division Budget I would be pleased to attempt to answer them.

The Investigation and Narcotics Division is under Acting Chief Vern Calhoun.

An increase in drug arrests has been experienced by virtually every department in the state.

Within the last year we have had planes carrying marijuana and drugs, crash or intercepted at Battle Mountain, Searchlight, Hawthorne and two at Alamo.

A camper truck which overturned near Fallon was found to be loaded with marijuana and pills.

The Governor has requested that the agent personnel of this Division be increased by seven. This will be accomplished by utilizing two educators, two Emergency Employment personnel all now in the Division and three men personnel.

The education function will be dropped and transferred to the alcohol and Drug Abuse office of the Department of Health, Welfare and Rehabilitation.

To support the additional personnel we are asking for two new desired positions, one in Las Vegas and one in Carson, plus necessary equipment.

One item on page 380 under Communication Expense shows an increase to \$11,965. This is to provide a teleprinter in Carson and Las Vegas to allow the transmission of reports by phone lines to reduce the time necessary to transmit typewriter reports and to provide for use by additional personnel.

If you have questions regarding this Division or its budget I will be pleased attempt to answer them.

I sincerely appreciate the opportunity you have afforded me to appear before you.

Buy In and Hard match important aspect of funding and I would appreciate being allowed to have Mr. John Peevers explain this situation.