

## MINUTES

WAYS AND MEANS COMMITTEE - NEVADA STATE LEGISLATURE - 58th SESSION

March 31, 1975

The meeting was called to order by Chairman Mello at 8:00 A.M. in the Ways and Means Committee Room.

PRESENT: Chairman Mello, Mr. Bremner, Mrs. Brookman, Mr. Dreyer, Mr. Glover, Mr. Howard, Mr. Robinson, Mr. Weise and Mr. Wittenberg.

ALSO PRESENT: John Dolan, Bill Bible, Warden Ed Pogue, Judge Howard Babcock, Ernest Wright, Reverend James Stewart, Judge Paul Goldman, Dr. Sandorf, Robert Trimble, Brian Fry, Nancy Pfaff, Donald Pfaff, Reverend John Deckenbeck, Peter Hurd, Dr. Richard Siegel, Lee Sanders, Jan Marinissen, Phyllis Kaiser, Fr. Larry Dunphy, Steve Pulkkinen, Ann Scott, Mary Rusko, George Kaiser, Verna Johnson, Marian Seiber, Donnie Johnson, Bill May, Charles Zeh, Carl Hocker, Bill Hancock, Norm Snelgrove and Bud Campos.

Chairman Mello stated that this hearing was on the Capital Improvement Project, 75-16, page 652, for a prison located in Clark County at a cost of \$7,463,000.

Warden Ed Pogue stated that the prison receives 20% of the population and convictions were up 100%, but they still only receive 20%. 17% of the inmates were sent to the prison for burglaries, 8% for narcotics and 36% which is the highest for violent crimes.

The Medium Prison has two units, 12 dorms and 250 inmates. One honor unit has 96 inmates and the one single room unit has 70 for a total of 416 inmates. There are 32 inmates in the women's prison, but next month this should be reduced to 23. The Maximum Security prison has two tier single cells with 198 inmates, two tiers of four men cells or 108 inmates, four dorms of 50 inmates, a Psychiatric unit with 12 inmates and the maximum house has 53 for a total of 411 inmates.

Warden Pogue stated that they presently have 411 inmates in the Maximum prison and have had to add beds to accommodate the overcrowdedness. They have a lack of programs which leads to idleness which leads to problems. The last four fatal homicides were at Maximum. In this prison they have a mixture of first offenders, multi-offenders, youthful offenders, offenders with psychiatric problems, immature offenders or those with no friends and the escape prone inmate.

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The Correctional Center will have six groups of 25 single rooms for 150 inmates under medium custody which provide an opportunity to change themselves. There would also be two groups of 25 single rooms each for 50 inmates under medium custody would could work with forestry groups and parks. Also, two groups of 25 single rooms for 50 inmates on a 90 day trial. This would provide a program which would help return them back to the urban environment.

Warden Pogue stated that it is necessary to have this institution located near an urban environment as it would make it easier to recruit good staff, there would be a referral source or use of other professionals other than the dentist and doctor, and it would get the community involved in programs with the use of volunteers, they could contract with the community college for education, they would have a better opportunity for employment placement when they return to the community, community contacts would help them work out problems they have since their incarceration, and the inmates would contribute to the community by contributing blood, making repairs on churches, etc as a manpower resource available to the community.

District Court Judge, Howard Babcock, stated that he has sentenced over 700 persons when he was judge in two years from 18-25 years of age. He stated they come from poor economic environments, they have no trade or training and poor employment records. He feels the need for a correctional facility in Clark County as 40% of the inmate population is from the south.

Mr. Ernest Wright stated that most of the correctional facilities are being overstressed. This would provide an additional resource to the courts. He stated that they are unable to select who will be in the facility and overcrowdedness is a hazard to the staff. The prison programs are handi-

capped because of the facility. The three alternatives a judge has at present is to put a man in prison, put him on probation or fine him. There is a need for a 90 day law in this facility to give the courts an additional resource. This plan also puts some responsibility on the community. He felt this is the time for a facility of this type and any service that provides help to the people in the State should be made available, whether it be education, medical facilities, drug facilities, or prison facilities.

Reverend James Stewart stated that their ideology is what is best to do the job to help people straighten out their lives. Something has to be done between locking them up and putting them in programs. This would offer opportunities for realistic help. The Community would not be afraid of the facility in their vicinity if they understand and they should participate in the programs that might be offered in this facility.

Judge Paul Goldman, Chief Judge for 1975, stated that he sentenced about 90% of the guilty verdicts. There will always be people who need to be incarcerated. Prisons need to begin rehabilitating people and there is a work release program in the Carson City prison. He stated that half of the population comes from Clark County and their family and friends do not realize where a person is who is sent to Carson City. It would help people realize that a person is in custody for a certain length of time if he is not sent away from home. He stated that a prison does not have to have four gray walls and a new institution is needed and it is needed in Clark County. The inmates would be under close custody although it would be a medium security prison. There is a need for a humane and effective place for inmates to be placed for short periods of time.

Dr. Sandors, Public Works Board, stated that he has been visiting the prison for the last 25 years and has hired parolees to work for him. He stated that they have looked at the cost figures of confining people in this institution and the figures do not include construction costs or overhead costs. He felt that the total cost per resident at the prison now is \$10,000 per year, but the new institution would be about \$6800 per year per individual. These figures can be reduced by having a facility that can take advantage of the resources the community can contribute. He felt that there is a need for this facility and it should be near Las Vegas.

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Robert Trimble, National Council on Crime and Delinquency, stated that they have participated in the planning for an design of numerous correctional facilities, both for adult and juvenile offenders. They have become increasingly concerned about an over-reliance on institutionalization as a means of handling the criminal offender. As a result of their experience, they are convinced that far too many offenders are incarcerated who could be dealt with more effectively, economically and humanely in non-institutional community based programs. Their Board has adopted a policy of developing alternatives to imprisonment before constructing any new detention or penal institutions. They have found that less than 15% of the men in state and federal prisons need maximum security and urges that only the very dangerous should be held in prison. Most states and communities have done little in the development of alternatives to deal with those offenders who are not dangerous and who do not require incarceration. He felt that to allocate funds for institutions before making the greatest possible use of community non-institution correction will increase rather than decrease institution populations. They believe in keeping the non-dangerous offender out of prison because the law favors the liberty of the individual and when the government has available a variety of equally effective means to a given end, it must choose the one which interferes the least with individual liberty. He felt that if the alternatives to incarceration are developed properly with adequate resources the "variety of equally effective means" would be available to them and reduce their institutional needs. Since this institution would be used to house those who can be easily rehabilitated or the non-dangerous offender, they should be amenable to rehabilitation in non-institutional programs. Imprisonment cannot rehabilitate. To incarcerate those who have potential for rehabilitation is to achieve the opposite of what is hoped for. The use of probation and parole can be greatly expanded in all states and there are many new and effective programs which have been and are being developed which should be tried.

Brian Fry, American Friends Service Committee, stated that extended use of parole and probation could save Nevada millions of dollars by making it

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possible to phase out the old maximum security prison without building a new prison. He felt that the old prison would be closed in two years, because the overall prison population can be reduced by more than 300. The mechanism suggested is that paroles can be granted to 50% of the eligible applicants at each hearing and that probation can be granted in 80% of the cases, rather than the 67% rate achieved in 1973-74. In January, parole was granted to 50% and in March, 67%. The Parole Board should continue its most recent approach and avoid decreasing parole grants to the low level of the last few years. He felt that many other alternatives exist and should be explored and refined. A thorough investigation to become aware of all the possible directions for Nevada's corrections is the task that has not yet been done by anyone. He stated he hoped this committee will mandate this task before millions of dollars and commitment to any major corrections approach is approved.

Nancy Pfaff has worked with prisoners through Rebound for the last year and a half and does not believe that prison is the answer and that other alternatives should be explored.

Donald Pfaff feels that more benefits should be provided especially to the first and second offender.

John Deckenback, Joint Strategy and Action Commission, stated they would like to see a moratorium on prison and jail construction until the alternatives had been fully implemented. A prison or jail should be a last resort, an admission that all other approaches have failed. It would seem prudent to await the results of the full study, examine the options provided the State and then move toward implementation. This would enable the State to implement changes in arrest practices, bail, pre-trial detention, sentencing, in a rationale manner. Authorizing the construction of a prison first presumes that the State's answer will be locked into a facility based concept. The construction of a prison first ignores the basic fact that the criminal justice system is a vast maze of interrelated social factors, legislation, law-enforcement, sentencing practices, etc. Economics have mandated that the alternatives be tested before a long-term commitment is made to a facility. The facility becomes, and is, the concrete expression of failure. The Las Vegas facility may be a very secure one and the "Junior College-like" outer appearance can quickly become little more than cosmetic cover-up for the same old thing. He hopes that one step in furthering the development of alternatives to incarceration, this committee will encourage the continued cooperation among the persons responsible for granting parole. It has been clearly demonstrated that their continued cooperation can reduce the prison population.

Peter Hurd, Marriage and Family Counselor, is opposed to the prison for the reasons that have already been stated.

Rex Baumgardner is a concerned ex-offender and has been in institutions. He feels that rehabilitation programs should be considered rather than a new prison.

Dr. Richard Siegel, American Civil Liberties League, believes that a prison should not be built. Nevada and California have almost the exact same make-up of arrests but California deals with them in different ways rather than imprisonment. If Nevada dealt with the prisoners the same way California did, there would be less people in Nevada's prison. The people in California's prison are people who really belong in prison. If Nevada's prisons double, the population of the prison will double.

Lee Sanders does not feel that putting people in prison is the answer and the younger people especially should be helped. He does not see where new programs are budgeted into this new facility.

Jan Marinissen, American Friends Service Committee, stated that they have conducted employment projects for the prisoners. He felt that the criminal justice process is a whole secret world and felt that the Legislature can do away with the isolation of the criminal justice process, but not by building more prisons, which are evil, detrimental and negative. Nevada is ranked highest in persons incarcerated. The Legislature can also provide opportunities to establish community projects. A new approach needs to be tried rather than pumping more money into an already deficient system.

Fr. Larry Dunphy stated he concurs with the position that Nevada should not build another prison facility, but should study the vast number of alternatives which are currently available to it both at a lesser cost and with greater probability of more satisfactory results. He questions whether prisons are the best or most appropriate means to the goal of protection of society and the reduction of crime. Prisons focus upon the incarcerated person as if he were the only cause of crime. Crime and delinquency are symptoms of failures and disorganizations of the community as well as of the individual offenders. In particular, these failures are seen as depriving offenders of contact with the institutions that are basically responsible for assuring the development of law-abiding conduct. It is stated that the highest crime rates occur where there is the poorest health, where life expectancy is the lowest, and where fetal infant deaths are twice as high, and where mental retardation may be five times as high. Crime can be related to failures in education, unemployment, racial discrimination, to below poverty level income even for full-time employment, to substandard housing and environment, to areas of concentration of shyster business practices, etc. These factors lead to the frustration, rage, fears and confusion that expresses itself in crime and violence. He felt that crime cannot be eliminated or seriously reduced by dealing only with the person who commits the crime of violence. More time should be devoted to the elimination of those factors causing or contributing to crime. He urges the committee to consider the use of these funds for the alternative systems so that the problem of crime can be dealt with in its larger and truer dimensions than the new facility would allow.

Steve Pulkkinen stated that it would cost the state at least \$5602 per person per year to be kept in prison. Since the average stay per person in prison is three years, this would be about \$17,000 per individual. Less than 10% of the budget goes toward job-training, counseling, or other rehabilitative efforts. He felt that if the building of this new prison is granted, the result would be that in 1977 the Governor would be requesting \$1.5 million dollars to staff and operate the new prison. This would not allow for the expansion of rehabilitation programs. He felt that new methods should be sought in dealing with convicted individuals that are aimed at solving problems rather than merely postponing them.

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Phyllis Kaiser asks for a delay in building any new prison for at least two years as there is a great opportunity for a real effort in trying new ways to meet the practical needs of prisoners as people and at the same time for helping members of the community overcome their fears. She would like to see two things tried: (1) a family sponsorship program as there is a very high percentage of prisoners that have no family or friends to write them or visit them after a few months of being in prison. Family sponsors are community volunteers who seek to form a trusting and accepting relationship with one prisoner. They would help find suitable employment for women and men released from the correctional facilities. These sponsoring families must be approved and complete orientation is given under present prison procedures. (2) two Community Centers should be built, one at Max and one at Medium with two purposes in mind. Visiting among prisoners, their friends and families would be put on a more relaxed and satisfactory basis. Facilities for snacks and child care would be available. This would help make the ordeal of being in prison a little less painful and embittering. Supervision by paid personnel and the help of volunteers, from college students to senior citizens, make the Visitors Services Center a source of help in time of need. The second floor of this community visitors center could be used as a half-way house for first and sometimes second offenders. These persons would be sentenced to a term in the half-way house. Successful rehabilitation would be more apt to happen before the offender spends a long time in prison. Under the present system, the State and the guards are always helping the prisoner, the prisoner does not help himself enough. In a half-way house situation he can be more responsible to help himself from the start. A prisoner's punishment continues until he dies. It continues in job chances forever closed to him and it continues in limits to education. Money and people can be saved and along with these programs and efforts, a renewed sense on all sides of our common dignity and humanity can be attained.

Ann Scott lives next door to a volunteer agency that works with prisoners. It is a one-car garage converted into an office for Rebound. They provide



a place to go for people who have no family or friends and are helped in finding a job. She felt that the state should help provide these programs so the inmates will have a place to go when they get out. In speaking for the Society of Friends, she stated that they want to work toward a system of justice that maximizes the individual's potential for good and at the same time safeguards the health of society as a whole. She felt that the efforts made by Warden Pogue in increasing involvement of the community provides needed services to prisoners and ex-prisoners and can also act to education the general public in the realities of our system of criminal justice. They urge the Ways and Means Committee to approve requests for the increased staff needed to provide these services at the existing facilities. They oppose the allotment of funds requested for the prison in Clark County. They feel there is a need to develop alternative concepts and practices in the field of criminal justice. She felt that optimum use of the practical person oriented kind of services that can be of help to the poor and powerless who make up a majority of the prison population needs to be made. They felt that if more prison facilities are built, they will be used. Money should be put into person-centered assistance to those awaiting trial, to probationers, and to parolees and they believe that more men and women will adjust successfully in society and can stay out of prison. The cost of operating a prison is far greater than the cost of probation, parole and employment services.

Mary Rusco left her statement with the committee which stated that she was concerned with the reform of an ineffective and often oppressive criminal justice system. The Unitarian-Universalist Association adopted the call for a moratorium on prison construction. Several suggested alternatives are decriminalization of victimless crimes such as prostitution and public drunkenness; negotiating with parties in a dispute which has led to warrants being sworn out; release on own recognizance programs; unsupervised probation and increased use of probation; weekend sentences and shorter sentences; work and study release; pre-release guidance centers; and increased use of parole. One alternative usually forgotten is legal education of the community so that citizen rights are firmly held in mind in any encounter with law-enforcement personnel. The U-U Association suggests a provision of a full range of mental health services, vocational training, basic education, rehabilitation, effective employment programs and other programs to enhance re-entry into the community, for the voluntary participation of any persons under the full or partial control of the "criminal justice system." She urged the committee to consider the high failure rate of the present criminal justice system before more of the tax dollars are committed to expand Nevada's prison facilities, when these tax dollars might better be spent in the study and implementation of the above suggested alternatives.

Elmo Rusco stated that locking a person up denies him liberty for the length of time he is incarcerated without knowing whether this will be of benefit to him or anyone else. He stated that if it is not known that a person sent to prison will be less likely to violate the rights of others when he gets out, then he should not be locked up. He felt that there is a need for rehabilitation to make these people responsible citizens. He endorses state support for programs such as Rebound.

George Kaiser stated that many of his friends are involved in the alternative programs. He felt that the reality is not whether the \$7.4 million would go to a building, but whether young people are going to be locked up in a cell.

Verna Johnson felt that the prisons in existence now have not been effective and the new prison should be delayed. She felt programs should be developed to help the prisoner such as a skill center to train prisoners so they can get a good job when they are released. She also felt that the \$50 a prisoner is given at the time of his release is not enough to keep him going until he gets his first paycheck.

Marion Sieber stated that the prison facility has proven to be self-defeating and ineffectual, both in terms of a deterrent to crime and of prisoner rehabilitation. Most of the people sent to prison are poor, uneducated and uninformed. She would rather see money spent towards the alternatives of the system which have been successful in other states. She questioned whether the objectives should be purely punitive by incarcerating offenders, or aimed towards rehabilitation and the eventual return to society.

Donnie Johnson, Director of Rebound, stated that standards and goals received from judges, policemen, probation officers, etc. should be looked at first. She felt that restoration centers, probation and fines should be of much wider use. Probation Departments should be given more money for programming and Parole Centers and Residential Centers are also alternatives. Education Release needs expansion and Creative Programming is needed. She felt that if a prison is going to be considered at all it should be a small maximum security prison.

Bill May stated that there is not a strong community involvement. The offenders have to be brought into the community to get their involvement. The burden should not be on the general public to produce alternatives, but on correctional officers to prove that alternatives can work.

Charles Zeh, Legal Aid Society, stated that prison comes at the end of the process and is a last resort. There are many decisions that can be made before and after imprisonment. Release on your own Recognizance enhances the opportunity for acquittal and probation. The meaning of incarceration needs to be understood before any decision is made. He agrees that prison is a disaster but the decision does not have to be made immediately. Minor changes in parole rates or the use of probation would not endanger the community. He questioned whether \$7.4 million would be enough for the prison and believes there is time and the necessity to explore the question fully of whether a new prison should be built.

Carl Hocker, Executive Secretary to the Board of Parole Commissioners stated that the board would not empty out the institution at the expense of public safety.

Judge Goldman stated that one essential fact of life is that people need to be incarcerated with close constant watch. The reality is that people have to be incarcerated for extended periods of time and the welfare of society as a whole needs to be looked at. The alternatives cost money and it is not available. The alternatives that do not cost money are being implemented. He would like to have the flexibility of not losing jurisdiction after a person has been sentenced.

Warden Pogue stated that prisons are only a part of the system and should be limited in their use and pre-release centers and half-way houses are being built. An integrated correctional facility is needed. The maximum security prison needs to be replaced and inhumane treatment needs to be considered. This should be recognized as an integral part that will minimize the use of this facility.

Brian Fry stated that there are two ways to look at statistics. The National Clearinghouse has recommended to reduce the prison population. He stated that there are a large number of people on property offenses and possession of marijuana who might be 19 years old who are in prison. If the alternatives had been improved some of these people could be in other places besides prison.

Charles Zeh disagreed with the prisoner getting a skin frisk after a visit from parents, friends or visitors although he was told this was necessary for security, but felt it had a great impact on the prisoner. 80% of the prison population are black or poor which means that poverty might be suspected as a cause of crime. He stated that if the committee wanted to deal with crime prevention, it should be done in the Welfare budgets and Social Services budgets.

Chairman Mello stated that he was pleased to see that Judge Goldman referred to the people who do not commit the crimes. He stated that no one spoke about the persons life-savings that had been robbed, the woman who had been raped or the loved one that had been shot and killed. He stated that it is our duty to protect the law-abiding citizens of this state.

Bill Hancock stated that a 16% inflationary factor is included in the \$7.4 million and he stated that the Apex site is over 17,000 feet and gas and water lines would have to be run to the facility.

Mr. Robinson stated that when he was campaigning the houses had double and triple locks on the doors and burglar alarms because the people are concerned about being burglarized. The criminal does not have the problem,

but society does. The state is not over institutionalizing when 20% of the people are being sent to prison because there are many who are not sentenced. He wondered just how much society had to pay. Parolees are being re-arrested and they have to be contained. It costs \$6800 to keep a person in the prison, but he questioned how much it would cost to keep them out. More of the people are finding out that crime does pay. He felt the prison facility should be built near a vocational school to help rehabilitate the people who are not in prison. He felt that more than \$50 should be given to a prisoner when he is released because it is almost impossible for a person to get started with this small amount.

Warden Pogue stated that approximately 50% of the prison population has been either in other institutions before or have been arrested before.

Mrs. Brookman stated that people should not resent being inspected when they get on a plane as the law was made to stop something and it did stop.

Judge Goldman stated that he rarely sentences a youthful offender. He uses split sentences and feels the new prison facility would provide a short term alternative.

Judge Babcock stated that judges faced with sentencing a criminal offender use the prison as a last resort. But if they are faced with a criminal offender who cannot function in society he does not hesitate sending him to prison.

Judge Goldman stated that plea bargaining is common and a person who has been sentenced for marijuana possession may have taken a lesser plea than what he was arrested for.

Warden Pogue stated that the new prison facility would house transfers from the maximum security prison who do not need maximum custody and some from medium.

Donnie Johnson stated that there would be less need for a new facility if the alternatives were provided. California found that the length of the sentence is not a deterrent.

Warden Pogue stated that a reduction in the number of inmates would allow for a better means of controlling the prisoners.

The meeting adjourned at 12:00 NOON.