

MINUTES

LEGISLATIVE FUNCTIONS COMMITTEE
FEBRUARY 7, 1977

Members Present: Chairman Glover
Mrs. Brookman
Mr. Bremner
Mr. Bennett
Mr. Coulter
Mrs. Wagner

Members Absent: Mr. Murphy

Guests Present: Geri Alcamo, American Friends Service Committee
Toni Roberts, Washoe Legal Services
Dr. Richard Siegel, American Civil Liberties Union
Mr. Elmer R. Rusco, American Civil Liberties Union
Patrick J. Mullen, Nevada State Prison
Geno Menchetti, Attorney General's office
Charles L. Wolff, Jr., prisons
Michael L. Medema, prisons
Bryn Armstrong, Las Vegas Sun
Sue Morrow, Nevada Appeal
Jim Hatlin
Assemblyman Mann
Assemblyman Jacobsen

Chairman Glover called the meeting to order at 3:05 p.m. He suggested that since ACR 1 and ACR 2 deal with the same copy but a slightly different format, they should be discussed at the same time.

ACR 1: Orders study of conditions at the state prison by legislative commission.

ACR 2: Provides for special joint committee to investigate state prison conditions.

Assemblyman Mann: Mr. Mann stated that he had originally submitted these two resolutions to give the committee more flexibility, but in prospect felt that because this deals with such a serious problem, it must be studied by an interim committee. A special committee reporting to this session would have to rush through and could not get to the source of the severe problems that have plagued the prison system. He added that these resolutions were not meant to criticize the prison system but to give guidance in legislation after thorough investigation to help in correcting these problems. He asked that the committee act favorably on ACR 1 and felt ACR 2 was not a viable solution at this time.

Mrs. Wagner asked Mr. Mann if he felt there should be people other than legislators on this interim committee. Mr. Mann answered that certainly the public should have the opportunity through hearings to give input, but because the committee must address itself to legislation, he felt that it might not be proper to have others as members as it must be a working session rather than a condemnation session.

Warden Wolff representing the prisons: Mr. Wolff referred to a letter dated January 31, 1977, written to Chairman Glover (Exhibit A) in which he stated in essence the same view as that of Mr. Mann, that the prisons felt in order to accomplish a comprehensive analysis, it would necessarily take an interim committee. Mr. Bremner asked Warden Wolff if he would welcome such a study. His answer was absolutely yes, that he felt it would be necessary to have a nine-month study with three months for considering legislation to be most effective for the State. He did not feel that the Grand Jury investigation would be any duplication and would probably not begin for six months and run longer than the interim study.

Dr. Siegel representing the American Civil Liberties Union: Dr. Siegel stated that they were very pleased that Warden Wolff was supporting the interim study, and they also felt this study must be done between sessions. He also stated that the Justice Department will be focusing on racial discrimination and the Grand Jury will be primarily considering the deaths. He added that groups, such as the American Civil Liberties Union and the American Friends Service Committee wanted the opportunity to work closely with the interim committee and strongly urged citizen participation on the committee and in writing the report. He also noted that the board of the prison has been meeting very irregularly and that recent reforms have come about only because of a Federal case. He feels that reforms should come from within the State and that this must be done with the joint participation of the legislature and all interested persons.

Geri Alcamo representing American Friends Service Committee: Ms. Alcamo stated that her group wanted to stress the second part of her prepared testimony (Exhibit B) which is in favor of an interim study (ACR 1). She also stated that they felt that the community, as well as those who are involved with the prison through circumstance or commitment, should be included on this committee.

Mr. Glover added that, although community input was needed, practically speaking the actual legislation must be up to the legislators and has to be sold to the next session.

Mr. Rusco representing the American Civil Liberties Union: Mr. Rusco stated that they would like to see a study that included citizen members not seeking to blame but to look into fundamental problems with a broad perspective. They would also suggest the

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possibility of reducing in some way the number of persons incarcerated and of linking correction with some compensation of persons hurt by the crime. He added that the ACLU and five other groups had sent a letter to the prison board asking for a meeting but were turned down. In conclusion he said that they were definitely in favor of ACR 1 but that it should be expanded to include citizen representation, and he did not feel that this would take away from the responsibility of the legislature.

Assemblyman Jacobsen: Mr. Jacobsen said he was concerned about having a study and he would agree with Chairman Glover's comments about practicality and with Warden Wolff that the study would give him some support, but he felt that a work program for those who wanted to work was a better solution. He added that Nevada only has a work program with the Division of Forestry and in the making of license plates and the prison at present is buying all of its furniture from the Utah State Prison. He said also that in the past unions have felt that work programs kept honest people from jobs. He stated that most of us tend to feel sorry for the prisoner when in actuality they are a menace to society and should not have all the comforts causing some prisoners to look at the prison as security. Mr. Jacobsen is apprehensive towards a citizens committee as he feels they are not tuned in to the problem and only know what they read in the newspapers. He added that if an interim committee was formed that he would like to see as members a few of the guards, as well as members of the prison committee who represent the prisoners themselves, that the people that know the problem are those who work with the problem.

Chairman Glover asked Mr. Jacobsen what type of work programs were used in other states. Mr. Jacobsen responded that they have in-house work programs catering to their own needs, such as furniture building and reupholstering and would not be in competition with private enterprise.

Mrs. Brookman asked Mr. Jacobsen how he would feel about the legislative commission putting this out for an in-house study. His answer was that he would rather see this than a citizen's committee.

Mrs. Brookman then asked about a study concerning work programs that was done some years ago and suggested reviewing it.

Mrs. Wagner stated that she agreed with Mr. Jacobsen but that she felt that a work program should provide the prisoners with some kind of skill that would be useful in a later period in life.

Mr. Bennett stated that we must bring our prison system up to the twentieth century and if we did not do so, the Federal government might step in. He also suggested that a citizens committee of capable, knowledgeable people be formed to make recommendations to the legislative commission.

Chairman Glover thanked everyone for coming to testify and then asked for approval of the minutes of the January 31st meeting. Mrs. Brookman made the correction that it was George G. Brookman not George E. Brookman. The minutes were approved as corrected.

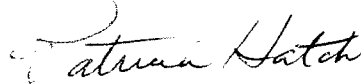
Mr. Coulter stated that Ken Hallard, Chairman of the Democratic Committee for Washoe County, had asked that the two reporters for their news letter be added to the official list of the press. Mr. Coulter moved that Christine Everhart and Corinne Smith be duly authorized as representatives of the press for the Washoe Democrat. Mr. Bremner seconded the motion and it was carried unanimously by the committee.

Mr. Jacobsen showed examples of the different types of pictures that could be made for the legislators. Mr. Bremner moved that the least expensive type (black and white) be used. Chairman Glover suggested that for continuity the same type should be used as in past years. Mrs. Brookman moved that the colored pictures be used as before but that the final picture be returned to each legislator for approval before actual use. The motion was seconded by Mrs. Wagner and unanimously approved by the committee.

Mrs. Wagner suggested that the committee try meeting once a week rather than twice. Chairman Glover, with the approval of the committee, said they would try this after the scheduled agendas running through February 23, 1977.

Chairman Glover adjourned the meeting at 3:55 p.m.

Respectfully submitted,



Patricia Hatch, Assembly Attache

NEVADA STATE PRISONS

EXHIBIT A

BOARD OF PRISON COMMISSIONERS
MIKE O'CALLAGHAN, GOVERNOR
ROBERT LIST, ATTORNEY GENERAL
M. D. SWACKHAMER, SECRETARY OF STATE



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PRE-RELEASE CENTER
301 SOUTH HIGHLAND DRIVE
LAS VEGAS, NEVADA 89106

January 31, 1977

Assembly Committee on
Legislative Functions
Legislative Building
Carson City, Nevada

Attention: Chairman Glover

Dear Chairman Glover and Committee Members:

Assembly Concurrent Resolutions No. 1 and 2 have been referred to the Assembly Committee on Legislative Functions. Both resolutions express concern regarding the security and well-being of the system to provide rehabilitation of the convicts. The conclusion of each resolution is that a comprehensive study or investigation of the Prisons by members of the Legislature is desirable and necessary. The resolutions differ regarding the time frame for the investigation and possibly the membership of the study group. ACR 1 permits the Legislative Commission to conduct an interim study with the findings to be reported to the 60th Session of the Legislature. ACR 2 calls for a special joint committee to conduct an immediate investigation for presentation of findings to this session of the Legislature.

The Prisons appreciates the Legislature's concern regarding the prison system and the care and treatment of inmates. The State Board of Prison Commissioners and the Prisons staff has initiated a four year program to improve the operation of the Prisons system and to provide adequate care and treatment to the inmates. Highlights of the four year program include:

1. Governor's recommended operating budget proposals with emphasis on basic care and treatment of inmates. The recommended operating budgets represent an overall increase of 41% for FYE 6/30/78 and 67% for FYE 6/30/79 over this years operating levels.
2. Governor's recommended capital improvements include as the State's top six priorities \$14,301,200 for prison construction and rejuvenation.

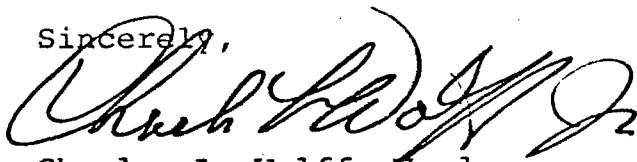
3. Legislation presented to this session creating a department of Prisons (SB 116) and a Prisons Industry Act (in bdr stage).

This session of the Legislature will be involved in evaluating the merits of these steps in the improvement program. The 60th Session of the Legislature will be able to review the effectiveness of the proposals as enacted by the 59th Session. The Prisons believes that the study permitted by ACR 1 provides the largest potential for return to the Legislature for the following reasons:

1. The Governor's proposals represent measures to release the immediate deficiencies within the Prison system. The proposals were developed by the professional staff of the Prison system. The Prisons staff will clarify the proposals to the appropriate Legislative Committees regarding the problems which will be relieved and the options considered.
2. Implementation of the proposals has began within the limits presented by the present budget. This state of change may present a confused picture to a current study group concerning the Prisons operating procedure.
3. The Prison system and its operations are complex at best. The members of the Legislature, whose time is severely limited, should be given the proper time span necessary to understand the Prison system and the complex operation of the institutions.

In summary, the Governor has provided the short range relief for the Prisons. The long range evaluation of goals and programs by the Legislature will provide the Prisons the most benefit. For these reasons, we encourage passage of ACR 1.

Sincerely,



Charles L. Wolff, Warden

CLW/MLM/lm



AMERICAN FRIENDS SERVICE COMMITTEE

RENO AREA OFFICE

560 Cranleigh Drive, Reno, Nevada 89502

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Feb. 7, 1977

EXHIBIT B

Testimony for Committee on Legislative Functions Hearing on A.C.R. 1 and A.C.R. 2

My name is Geri Alesmo. I am representing the Reno Area Committee of the American Friends Service Committee (AFSC) in order to give testimony concerning the establishment of a legislative commission to study the state prison conditions.

AFSC, a Quaker organization, has traditionally been concerned with criminal justice and the operation of the penal system. In fact, the first penitentiary was a product of Quaker concern for reform of punishment. Locally, our Reno Area Committee has worked singly and in conjunction with other community groups to educate Nevada citizens and work for change regarding correctional policies and alternatives.

We gave testimony during the last legislature. At that time the AFSC staff person made a statement that is particularly relevant today. He said, "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." We see the introduction of A.C.R. 1 and A.C.R. 2 as a step toward achieving this need.

It would seem that such a rational approach must include investigation of historical and current policies, philosophies, prison conditions as well as possible future directions of Nevada's criminal justice system.

We would suggest the establishment of a study commission with two functions, a short-term investigation and a long-term policy determination.

1. Short-term investigation of current problems at the Nevada State Prison and continuing violence and racial tensions.

This probe could include:

- A. What were the precipitating factors that led to the riot? Did the failure to carry out a shakedown and/or previous lockups and tightening of security contribute to the problems?
- B. What are the actual physical conditions at the prison?
- C. Is there still a necessity for prisoners to be in lock-up?
- D. Any other grievances and suggestions brought to this commission by citizens' groups or inmates.
- E. Results of this investigation should be presented during the current legislative session.

Results of the following should be presented at the 1979 session.

2. The Long-term function of this commission could address itself to issues such as the following:
 - A. Questioning the actual need for new correctional facilities.
 - B. Exploring alternatives to incarceration, such as parole revisions, increased probation, decriminalization of certain crimes, Own Recognizance (O.R.) policies, etc.
 - C. Looking at criminal justice systems of states similar to ours, for the purpose of comparison and/or implementation.

Constituency of Commission

The key element to a successful commission is to include both community and legislative membership in equivalent numbers. Such a composition can help bring enough varied perspectives to work toward a comprehensive study.

Since in this study you will already be dealing with the correctional staff, prison administration and the inmates, we feel it is imperative to include on the study commission those who are, by circumstance or commitment, involved in the prison. Examples would be an ex-offender, the relative or friend of an inmate and representatives of community groups who have historically worked on criminal justice issues.

Thank you for your courtesy and this opportunity for the American Friends Service Committee to present testimony. We would be happy to answer questions or provide materials on these issues.