

MINUTES

WAYS AND MEANS COMMITTEE

NEVADA STATE LEGISLATURE - 59th SESSION

April 19, 1977

The meeting was called to order by Chairman Mello at 8:00 a.m.

PRESENT: Chairman Mello, Mr. Bremner, Mr. Hickey, Mr. Howard, Mr. Glover, Mr. Kosinski, Mr. Rhoads, Mr. Serpa and Mr. Vergiels.

EXCUSED: Mrs. Brookman, due to illness.

OTHERS PRESENT: John Dolan, Assembly Fiscal Analyst; Bill Bible, Budget Division; Vernon Bennett, Public Employees Retirement System; Orvis Reil, Retired Employee; Bill Isaeff, Deputy Attorney General; John Pursel, Cooperative Extension Service, University of Nevada; Bob Gagnier, SNEA; Larry Hicks, Washoe County District Attorney; Frank Sullivan, Chief Juvenile Probation Officer, Washoe County; Ken Hougen, N.P.E.A.C.; Bud Campos, Parole and Probation; Wilbur Keating, Retirement System, Jim Lien, Department of Taxation and Ray Crosby, Disabled American Veterans.

Orvis Reil, retired citizen, former teacher, former Highway Department employee and representing the National Retired Teachers Association and the American Association of Retired Persons spoke in favor of the bill. (His remarks are attached.)

Bill Isaeff, Deputy Attorney General and legal counsel for the Public Employees System of Nevada, spoke only to one section of the bill, that being Section 11 on Page 4 of S.B. 173.

Mr. Isaeff stated that the Attorney General had conducted considerable research on the possible effects of the changes proposed in S.B. 173, Section 11, and the legal ramifications thereof and has concluded that the proposed deletions of certain positions from the early retirement system may only legally apply prospectively and may not legally be made to apply to the current occupants of those positions. The situation before the Committee is testimony before the Senate Finance Committee and on the Floor of the Senate that it was their intent that this should operate not only in the future as to the future occupants of these positions, but that it should act in certain instances to completely remove from the system certain persons who were there. This appears, in the opinion of the Attorney General, to be contrary both to existing Nevada State Law and contrary to certain provisions of the Federal Constitution. There are three types of employees who may be affected by the changes in the bill. The Attorney General is of the opinion that there is no question of the ability and authority of the Legislature to make these changes prospectively, although he may disagree with some of the policies that would be behind making these deletions because of the effect that they will have upon recruitment for the persons to be in the positions to be deleted. He recognizes the Legislature's clear authority to make that type of prospective change.

There are essentially three types of employees to be affected: those who have more than ten years of credited service in the early retirement system as of the effective date of this act, which would be July 1, 1977; those with less than ten years service; and those

who have been included in the system through some type of administrative action over the years and who have contributed, some with more than ten years now and some with less than ten years. Looking to those who have more than ten years of service, Nevada law already in NRS 286.6793 provides a certain type of vesting right for persons who are in the system for ten or more years of accredited contributing service. That statute currently provides that certain types of employee retirement of survivor benefits vest after ten years of creditable service and goes on to state that all such benefits become fixed by the provisions of this Chapter as they read on that date. It is the position of the Attorney General that one of the retirement benefits that vested for these persons who have more than ten years service is the right to work towards and complete the service under the law as it existed at that time, which for many of these people would be 20 years of service and age 50 for early retirement.

Under the approach that has been stated as the intent of Senate Finance, these people would not be allowed to gain any more credit after July 1, 1977 in the early retirement system. It has been represented to Mr. Isaeff that there is one person to be affected by that change who on July 1, 1977, would be 17 days short of 20 years. Mr. Isaeff submitted to the members of the Committee that there is not a court in this state or a court in this nation that would allow a man to have his retirement benefits stopped 17 days short of full qualification.

Looking to the persons who have less than ten years of service, Mr. Isaeff felt they have a serious possible problem with the contract clause in the federal constitution. Although the word "contract" in the context of public employment is not usually looked upon in the same way as the private contract you or I might enter into, the word is used in the context of public employment, although it is perhaps a broader meaning given to it by the court. The persons who have rendered less than ten years service who would be, according to the intent expressed on the Senate side, required to be ~~k~~icked out of this system and simply given a refund of the monies that they had paid in to the early retirement system.

The contract problem the Attorney General foresees is that if these persons, upon accepting employment, entered into a form of contract with the government in which the government said in return for your services we will give you X dollars take home pay and so much in the way of fringe benefits, one of which is credit in the early retirement system, these people have now rendered that service to the government and the government is proposing to say we are changing our part of the deal. We will only give you so many dollars take home pay and only this amount of fringe benefits, not that extra amount of fringe benefits. Under the contract theory which applies to retirement law based on the Supreme Court decisions of a number of states, principally in the west, they have recognized that the government may not interfere with this type situation retroactively. The terms of the contract could be changed, perhaps for the future, but you cannot make the situation retroactive.

Mr. Bennett had referred to a group of people who have been included in the early retirement system through administrative action of one type or another. These people seem to fall generally into the same category, those with more than ten years and some of them having less than ten years. Mr. Isaeff believes that the situation described with respect to these current state long contract rights under the federal constitution apply equally well to these individuals. Had the question not come up on the Floor and before the various committees and had the Attorney General simply been asked for his opinion on this issue after the bill had become law, they would have rendered the same type of opinion based upon the research they conducted. Mr. Isaeff respectfully urged Ways and Means to adopt the same intent, that is, that the provisions of Section 11, which would delete from inclusion in the early retirement system the University of Nevada System Police Department, Special Investigators employed

by the Attorney General or a District Attorney and all the members of the Parole and Probation Department that the intent of the Legislature be as expressed by Ways and Means, that these changes will not affect any incumbent who occupies those positions and that the Retirement System will apply these policy decisions of the Legislature prospectively only.

That means the size of the group will be frozen as it is right now and no new persons who occupy those three job positions will be allowed into the early retirement system. The size of that group will eventually phase itself out. The only reasonable way to apply it is in the manner that Mr. Isaeff has suggested.

Mr. Isaeff stated the bill needs no amendment to have the interpretation placed on it that he has described. If it is the Committee's decision that these three categories should be removed from the early retirement system, that can be accomplished with the dark brackets that are in the bill now and it will not require an amendment to the bill to simply say that it does not apply to the persons who are currently occupying those positions. That interpretation can be supplied without any new language to the statute.

Mr. Kosinski agreed with Mr. Isaeff's comments about the employee who has the vested right and asked, regarding the employee who has not spent the ten years, if there was any Nevada case law or U.S. Supreme Court case law that would back up Mr. Isaeff's position.

Mr. Isaeff replied there have only been two Nevada cases in the 30 year history of the Retirement Act, which have not dealt with this issue. However, both cases have ruled in favor of the employee. There is no U.S. Supreme Court decision on this point, but there are numerous state Supreme Court decisions. There are a chain of cases coming out of California going back 30 years and in what you might call the majority position 30 years ago was that you could do anything to an employee at almost any time during his career because the pension was looked upon as a gratuity of the government. Now the courts don't recognize it as a gratuity but a part of compensation. Other courts have now adopted the California position. In the West, Nevada is literally surrounded by states that follow this contract theory. There is no reason for Mr. Isaeff to believe that the Nevada Supreme Court, a liberal court on matters of this sort, would rule any differently.

Mr. Isaeff stated he didn't want to mislead the Committee into believing that no change can be made after day one of the person's employment. The courts have recognized that reasonable changes in this contract of employment with public employees may be made, but the courts have reserved for themselves the decision of what is reasonable and what is not reasonable and they have also said that when a law is enacted which creates a disadvantage to the public employee under these circumstances, particularly with respect to a retirement hike, there must be some offsetting advantage. Although S.B. 173 which Mr. Isaeff supports for the new advantages that it grants to all public employees, Mr. Isaeff doesn't believe taking this bill as a total package, you can say that you are giving as much as you are taking away when you eliminate these persons from the very valuable right of early retirement. Indeed, these persons can work as much as five years less and retire five years earlier than a regular public employee. The reasonable changes are allowed, but the disadvantages have to be offset by advantages.

Mr. Isaeff stated that the California court has also been the leader in the last year or so of pointing out that vesting is not a term that has a single meaning. In one of the California cases, the court pointed out that there can be two different meanings to the term vesting. One of those is the type of vesting that says you cannot take that right away even if you discharge the employee, and another type of vesting is the type they recognize as beginning

almost at the first day of employment. The longer you work the more you vest. That is the type of vesting that they seem to rely upon when they talk about this contract theory in the cases mentioned.

Mr. Vernon Bennett asked Mr. Isaeff to state officially for the record upon whose request and instruction he appeared and on whose behalf he appeared. Mr. Isaeff stated he appeared at the request of the Attorney General because the Attorney General has a duty to alert the Committee to the possible legal consequences of action which is contained in the bill.

Mr. Hickey asked Mr. Bennett regarding Section 11 if he had received legal advice. Mr. Bennett replied yes. Mr. Hickey asked the name of the attorney that gave Mr. Bennett the advice. Mr. Bennett replied Bill Isaeff was their attorney representing the Retirement System and the Senate Finance Committee obtained advice from Mr. Frank Daykin. Mr. Daykin's opinion, Mr. Bennett understood, unofficially, was that he advised Senate Finance that they did have the authority to cancel benefits in the future provided they recognized the vested rights that had been earned by a member up to that point. This is why they put in legislation that would provide that a person who was vested as of June 30, 1977 would not continue to be a contributing member in the future but he would be entitled to the early retirement he had already earned which is at age 55 rather than at age 60 which other members can retire at.

Mr. Bennett clarified that he was not in any way indicating that there is anything wrong with Mr. Isaeff's appearance, but due to the fact that this probably will be a legal case, due to the fact that there are investigators from the Attorney General's office possibly going to be involved, Mr. Bennett has been advised that the Attorney General's office may not represent the Retirement System and wanted the record to reflect that the Attorney General's opinion will not necessarily be the legal position of the Retirement System.

Mr. Hickey asked Mr. Bennett if he had received advice from the Attorney General's office particularly on Section 11. Mr. Bennett replied yes. The advice from the Attorney General's office is very similar to that which was provided by Mr. Isaeff. Mr. Bennett took issue with his interpretation of a vested right. It is the Retirement System's opinion and it is the opinion of their Actuary and many people who are knowledgeable in the field nationwide in retirement that a person vests and when that person vests he has a right that cannot be removed by the Legislature or the courts. However, when you have a particular statement in the law that says you vest with ten years service, it is the Retirement System's interpretation and opinion that anyone who does not have ten years service does not have a vested right. Mr. Bennett recalled two opinions from the Attorney General's office that states when a Nevada Revised Statute makes a specific provision, anything that is not specifically provided does not apply. Mr. Bennett didn't concur with the fact that there are two types of vesting. If there is another type of vesting, it is not presently provided in Nevada law. Nevada law provides that a member vests when he earns ten years service.

Mr. Isaeff stated that the statute he cited, NRS 286.6793 which is the so-called vesting statute, is the type of vesting that the California Supreme Court referred to as when you vest under this statute, you cannot lose this right even if you are terminated from employment. They defined another type of vesting as they understood the term and were applying it in California and that was the type of vesting that begins right at the beginning of employment. There is a certain limited type of vesting that the court recognizes. Mr. Isaeff felt Nevada is likely to follow that kind of a decision. California is the leading state Supreme Court

in the United States on matters of this type. Those who practice in Nevada know that Nevada tends to follow California courts more often than not. Mr. Isaeff stated that he and Mr. Bennett are not in agreement on whether or not there are one or two definitions of the term vesting.

Mr. Bremner asked about the people that contracted for service with the government and were subsequently brought into the early retirement system, would we still owe the same obligation to them. Mr. Isaeff replied yes, because they have gone ahead and rendered additional services to the state or to other local government entities with the expectation that this was a part of their compensation.

Mr. Bennett stated that this principle deals more than with just retirement. It deals with the authority of the Legislature because if you look at the numerous bills passed in this session where something has been taken away that has been provided by law beforehand, if this philosophy or principle is correct, the Legislature could do nothing to correct anything that was already in the law except to say that you will do it no further for people who are employed in the future. It would mean you couldn't cut salaries and couldn't take certain types of insurance or any other thing.

Mr. Isaeff stated that these cases have to be looked upon on an individual basis. In the particular cases where there are court decisions right on point, they can make some generalizations. Mr. Isaeff wouldn't want to see them extended to other areas that the Legislature might consider at other times.

John Pursel spoke to S.B. 173. His remarks are attached.

Bob Gagnier testified on S.B. 173. He stated that this bill is the result of a great deal of hard work by a lot of people. The major provisions in the bill are great advances in our retirement system and SNEA fully supports the bill. While there are difficulties with Section 11, SNEA feels that they can be taken care of one way or another and SNEA would like to see the bill passed in the interest of time in the present form.

Chairman Mello asked Mr. Gagnier if he had any proposed amendments to the bill. Mr. Gagnier replied that it was too bad the Committee got the bill as late as it did because now amendments to the bill will perhaps cause difficulties to the bill as a whole. Naturally SNEA would like to see Section 11 changed, but SNEA would support the original Section 11. SNEA does not support the concept of removing the Parole and Probation Officers nor the University of Nevada Police System.

Larry Hicks, Washoe County District Attorney spoke to S.B. 173. He spoke in opposition to the exclusion of the Parole and Probation Officers and to the District Attorneys and Attorney General's Investigators.

He stated he had been in the District Attorney's office in Washoe County since 1968 and worked there prior to that time as a research assistant. Throughout this period of time he has come to know well the Investigators working in the District Attorney's office as well as the Parole and Probation Officers and local Law Enforcement Officers. He stated that in his opinion these people all do operate on a relative par. If the purpose of the early retirement bill is to compensate a state employee because he is exposed to risk by virtue of his employment in law enforcement, certainly all of these categories fall into it.

In regard to the Parole and Probation Officers, it sounds as though these people are only involved after the arrests have been made and convictions have been obtained and the defendants are then placed on parole and probation. It would sound as though the risks and threat

to these people is over at that point, but the simple truth of the matter is that they aren't. Today in the State of Nevada approximately 80 to 90% of the people convicted of felony offenses in the State of Nevada receive probation. Virtually everyone who is sent to the Nevada State Prison, unless he is there for life, is going to go out on parole at one time or another. By the time you put all these people together, these Parole and Probation Deputies are dealing with some very dangerous people. These are the people that have been convicted of crimes and have been identified as criminals. If they are apprehended and prosecuted again, they will in all probability go to prison again and for that reason they are dangerous people. If the person is on parole or probation he knows that he stands to have his parole or probation revoked and that he will be sent back to prison or sent to prison. In that type of a situation the Parole and Probation Officer is involved every time.

In Washoe County, if the Reno Police Department, the Sparks Police Department or the Washoe County Sheriff's Office are going to conduct some type of an investigation relative to a person who is on parole or probation, they will not do so until they have the assistance of the Parole and Probation Officer. It is this man who goes to the door, knocks on the door and goes into the convicted person's home. It is this man who is exposed to as great a danger at this very sensitive moment who is literally placing his life on the line.

When these people are brought into court for probation revocations or brought back to the Parole Board for parole revocations, it is the Probation and Parole Officer who is presenting the case, has gathered the evidence, and who is in a way heading up this particular act against this person which is going to mean that the person goes to prison and he is exposed to a tremendous of risk at this point.

Regarding the Investigators in the District Attorney's office, Mr. Hicks stated that in his office these people are involved in the major cases. It was an Investigator from the Washoe County District Attorney's office who cracked the Tom Bean case. Today in Washoe County, Mr. Hicks is using his Investigators primarily working with his Criminal Trial Deputy going into criminal trials. Many times the witnesses for a trial are just as dangerous or worse dangerous than the defendants themselves. They have to deal with these people on a regular basis, the people have to be served with subpoenas, the people have to be brought into the court room, statements have to be obtained and they are difficult and unruly lot to deal with. The Investigators are exposed to this every day on an 11th hour ordeal.

Mr. Hicks stated that when you are going into trial and in trial this is when emotions are at a peak. This is when defendants and their families are at a peak and are unpredictable. Mr. Hicks emphasized that there is always the threat of danger at that particular time.

Mr. Hicks stated he couldn't see any logical reason why these people should be excluded.

Mr. Hicks added that although Mr. Bennett is correct when he mentioned the 1971 Attorney General opinion which expanded definition of a Peace Officer, but the District Attorneys and Parole and Probation Officers have been a part of the early retirement system since the late 1950's.

Mr. Hicks felt by excluding these people, it will tend to create problems that will vibrate throughout the entire criminal justice system within the state.

As a final comment, Mr. Hicks stated if the Committee was of a mind to exclude them, it seemed to Mr. Hicks that those people who have been in the system and who have relied on it for many years

it would be one of the most harsh and ridiculous penalties that could be imposed to exclude them in the early retirement system.

Mr. Bennett provided to the Committee the logical that was used by Senate Finance. Senate Finance took the position that when this early retirement program was created in 1969 it was intended only for policemen and for firemen. One of the criteria they used was the question of arrest. Another criteria which is spelled out in the law is a police officer (Section 11, Page 4, Line 26, 27, 28 and 29) who is a full time employee whose principal duties consist of enforcing the laws of the State of Nevada. Some of the criteria that was used by Senate Finance was whether or not this person was actually a policeman. Does he actually make arrests. They saw a considerable difference between an Investigator, a person who counsels people and things of this nature.

Mr. Bennett felt that the unfortunate thing is that this position was not taken years ago. It was unfortunate in 1971 that the retirement staff, without the authority from the Board, sent the opinion to many agencies. Mr. Bennett also felt that there will be a complete study of who is in presently and who should be in under the early retirement program during the next two years. If you use danger as a criteria, Mr. Bennett thought you should enroll under the early retirement program the people who work out on the highway road striping gangs because that is one of the most dangerous jobs in state government. That wasn't the criteria established in the law. It was a question of enforcing the law. Mr. Bennett felt at this point the position that was taken and the position that is in the bill identifies to the objective that a person who is only in a strict enforcement category or a strict fire fighting category is covered. He is also aware that they will probably have some legal action regarding the action taken.

Mr. Serpa asked Mr. Hicks if he had any actual numbers of incidents that have happened to Investigators and Parole and Probation Officers. Mr. Hicks replied not in that sense. Mr. Serpa asked for some actual incidents the Committee can see on paper to justify not excluding them. Mr. Hicks said he would provide the information.

Mr. Bennett stated that the list was provided to the Committee is a list of people in the early part of the list that were not covered by the law. These are the people that were contributing as of 1975 when the Legislature put a two year freeze. These people were never listed in the law, but they were told in effect you can continue to contribute until 1979 so the new Advisory Committee can study these positions and make recommendations at this Session.

Mr. Bennett asked Mr. Hicks is one of his Investigators encountered a violation of the law in his Investigation, would he make the arrest or would he have the Sheriff's office make the arrest. Mr. Hicks replied that the Investigator is entitled to make an arrest by law and he probably would. It would depend on exigency of what is happening. If it is an obvious arrest case happening in his presence he will make the arrest. If there is a warrent, the Investigator will probably make the arrest, perhaps in the company of another law enforcement officer, but he will be involved in the arrest process.

Mr. Hicks said that very few arrests had been made by Investigators during the past year.

Mr. Isaefff added that the Attorney General's Investigators perform a similar function to the District Attorneys. The District Attorney's people are somewhat more active because they are the Chief criminal prosecutors and the criminal prosecution role is somewhat secondary in Nevada. The Investigators do have authority to make arrests, they do sometimes make arrests.



Frank Sullivan, Chief Juvenile Probation Officer, Washoe County, stated that he has been with the Probation Department since 1961. The new law would exclude the 22 officers Mr. Sullivan has in the Juvenile Probation Department. As he reads the law it includes 33 people that he has at the detention hall. This is reflected on Page 4, Line 44e. Mr. Sullivan's detention hall is not called a jail, but in fact it is a jail. In Washoe County the last year the Probation Department had 47% of all arrests which were juveniles. Again, as Mr. Sullivan reads the law, he is losing 22 people and the system is gaining 33, which makes no sense to Mr. Sullivan.

Mr. Bennett stated that the intent of the amendment in Line f is to cover the guard, jailer or matron of a county or city jail. These people have already been covered and were covered under the May 19, 1975 groups that were frozen. Mr. Bennett was not familiar with the circumstances of Mr. Sullivan's detention hall. They would have to make a determination as to whether or not it is a city jail or a county jail. But the intent of the Senate was to cover those people who are already covered who are the guards, jailers and matrons at a city jail or a county jail. The city jail in Las Vegas is probably one of the most dangerous places you can work. These people have been covered. They were covered on May 19, 1975 in the group that was frozen until they could have the two year study. It was not the intent that Mr. Bennett would understand that a detention hall would be considered a city or county jail.

Mr. Sullivan stated that a jail in the Webster Dictionary is "a building for confinement of a person held in lawful custody" and detention is "the act or fact of detaining or holding back; a holding in custody."

Mr. Bennett stated that the question would be whether the detention hall would meet the legal definition of a city jail or a county jail. They did not provide coverage to anyone who is in a "jail" according to Mr. Webster.

Mr. Ken Hougen, representing the Nevada Public Employees Action Coalition. They represent 4,100 county, city and classified school employees in the State of Nevada. They have participated in the original things that are in S.B. 173 over meeting within the past year to year and a half. They support S.B. 173 in total.

Bud Campos, Parole and Probation testified on S.B. 173. His remarks are attached. He spoke in opposition to the amendments made in Section 11.

Mr. Howard asked Mr. Bennett if there were any recommendations in the Senate by the Retirement System to grandfather the people that are under early retirement in the act. Mr. Bennett replied they had expressed to the Senate that they felt that those people who had a vested right, that the vested right included the right to continue as a member. Those are the people who had ten or more years service.

Mr. Howard asked if any recommendation was made to grandfather all of the people at this point in time. Mr. Bennett replied they considered that as a possible amendment. It was discussed with the members of Senate Finance and they were not agreeable.

Mr. Bennett commented regarding Mr. Campos' testimony is that he gave the Committee the example of a person who was becoming deaf and could no longer hear, and Mr. Bennett advised the Committee that with five or more years service the Retirement System has a disability retirement program that is provided to a member without reduction for age if he is physically unable to perform his job.



Mr. Bennett stated the system is primarily, compared to other state Retirement Systems throughout the nation, a young system, because they were formed in 1947. Beginning about five years ago the number of retired employees began to increase rapidly from approximately 1,500 to now 3,700. During the last two years the number increased from approximately 3,000 to 3,700, which includes retired persons, disability retired persons, beneficiaries and survivor benefit recipients. The number of benefit recipients are increasing at at least 10% a year and making a dramatical upcurve. It compares very similarly with other states.

Mr. Bennett stated the Retirement System gets approximately 7 disability applications a month; probably one every three months would be a policeman or a fireman who has difficulty performing his job due to physical reasons.

A.B. 720. Mr. Kosinski gave the Subcommittee's report. He stated he and Mr. Howard met with Bob Warren and Richard Bunker who also had consulted with Mr. Broadbent concerning the problem. Even though there was not agreement because Mr. Bunker and Mr. Warren did not want any bill or at least did not want local government included in the bill, Mr. Howard and Mr. Kosinski in talking with the other two gentlemen worked out an amendment that answers most of their major objections. What they propose doing is deleting Section 2 from the bill which would require and limit the different entities to a single representative. They maintained section 3 in the bill with some amendments. What the amendment would do essentially is leave in Lines 14 and then going down to line 17 provide that within thirty days after the end of a legislative session, these government entities which are departments or agencies of the state or political subdivision would submit a report which would cover the previous two years. Subsection 1 would be deleted and go into Subsection 2--the names of its officers and employees who have testified, delete "upon invitation" and just indicate anyone who had testified before a legislative committee or anyone who had engaged in lobbying activities. On Subsection 3 the language was changed to indicate the approximate amount of staff time expressed in dollars. This was because they don't want the reporting requirements to be too much of a burden. Subsections 4 and 5 would remain essentially the same as they are now. The restrictions on the number of lobbyists would be deleted from the bill, but all government entities, state and local, would be required to submit a report indicating the amount of dollars that they had spent and the names of all the people who would come up to the Legislature to testify or to lobby.

Mr. Howard stated that this would give them a breakdown or at least some information they have been looking for for a long time, which is how much is the Legislature costing the local subdivisions and the state for the bills introduced and the entity itself for legislation they may require. It may give an indication of the impact of any bills Legislators may introduce affecting local entities and the state.

Mr. Serpa stated that after testimony he had heard, he would like to have the local city and county governments taken out of the bill entirely.

Mr. Kosinski stated the report in regard to the state agencies would state how many taxpayers' dollars are being expended in an effort to get legislation through or prohibiting it from going through. That holds true for local government. It will also state how many taxpayers' dollars are being wasted in this area.

Mr. Glover thought that the whole thing was a waste of time.

Mr. Hickey felt that if the state has to disclose how much it is spending on lobbying, then it is reasonable to require the private sector to do the same thing.

Mr. Glover felt they could accomplish the same thing by telling the department heads when they come over that they have too many people and they either get rid of some of the people or their budgets will be cut.

Mr. Howard made a motion for adoption of the subcommittee's proposed amendments; seconded by Mr. Vergiels. Motion passed. (Mr. Glover, Mr. Rhoads and Mr. Serpa voted no.)

Mr. Hickey made a motion for a "Do Pass, as amended"; seconded by Mr. Vergiels. Motion passed. (Mr. Glover, Mr. Rhoads and Mr. Serpa voted no.)

A.B. 622. Jim Lien, Department of Taxation, stated that the fiscal impact discussed is both on local governments and the State of Nevada courts due to the 25¢ state tax rate. They have worked with the Veterans Administration to determine the number of veterans that would be covered by amended A.B. 622. They also are fully aware of the fact that not 100% of those individuals would be eligible for benefits and based basically on information they have had on disabled people owning property, they have come up with a 50% ineligible factor which means they would have a revenue impact the first year of the biennium of approximately \$351,000. Of that the state's General Fund would have an impact of \$21,063. The majority of that money, some 55%, would be Clark County affected. The Clark County Assessor's Office indicated that they had not been opposed to the bill.

Mr. Lien stated amended A.B. 622 changes it from being 100% disabled exemption down now to a 30% and is categorized from 30 to 49 and graduated up to 100% exemption for disability and the assessed valuations go by classes as well. It changes completely the concept of the prior statute 361.091 which had only been for 100% disabled veterans.

Mr. Lien couldn't guarantee that this will be the exact figure because the Veterans Administration couldn't give Taxation a full geographical disbursement. All VA could give was a generality that the majority of the veterans live in Clark County.

Mr. Kosinski stated obviously this bill is an attempt to bring in and provide a benefit on the part of the state to veterans who have suffered some disability and to give them a benefit that they were not entitled to before on a graduated scale.

Ray Crosby, Disabled American Veterans, stated they gave up another bill for all veterans in order to even be able to get A.B. 622. They were told quite frankly that they couldn't get both bills through and if they put both bills through they would probably lose both. He stated that Nevada is the lowest of all states in the United States in veteran's benefits. The Disabled American Veterans deeply need and want this bill passed.

Chairman Mello asked if the bill covered only those veterans that are disabled because of something that happened to them while they were in the service or does it cover the veteran that is discharged now and has an injury. Mr. Crosby replied that the bill relates to service connected disabled veterans only.

Mr. Lien stated there are approximately 95,000 veterans in the state and approximately 5,200 that would qualify under this category and roughly 2,600 people that would qualify under the program. This is what is projected.

Mr. Crosby stated that the bill was drafted and authored by Clark County Assessor, Gene Denton, and the veterans didn't even know about it. Mr. Crosby has no idea of why the bill was drafted the way it was, but when you get into 100% they get around \$700.00 per month. The more severe your disability the less chance or opportunity you have to even be able to work. There are some disabled American veterans who are financially independent and don't even want to take their checks. They help people out constantly within the organization. This is not true with everyone, but it is the general spirit.

A bona fide resident is a resident who has been in the state thirty days.

Mr. Bremner was appointed as temporary Co-Chairman of the Committee.

The meeting adjourned at 10:45 a.m.



NATIONAL  
RETIRED  
TEACHERS  
ASSOCIATION

AMERICAN  
ASSOCIATION  
OF RETIRED  
PERSONS

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*2 years as a member  
and science teacher - 34  
years with the New Professor  
100% of year of school  
I was Prof. of Chemistry  
also was  
at school  
Retired person*

( I RETIRED IN DECEMBER 1971 after 36 years of service )  
( I AM A REGISTERED LOBBYIST NO. 77-1300 )

MY NAME IS ORVIS REIL, I AM THE VICE CHAIRMAN OF THE  
NATIONAL RETIRED TEACHERS ASSOCIATION AND AMERICAN ASSOCIATION  
OF RETIRED PERSONS NEVADA JOINT STATE LEGISLATIVE COMMITTEE. I AM  
A MEMBER OF THE NATIONAL, STATE AND LOCAL UNIT OF BOTH ORGANIZATIONS.  
THE COMMITTEE IS COMPOSED OF TWELVE MEMBERS: SIX FROM EACH OF THE  
TWO ORGANIZATIONS: WE NOT ONLY REPRESENT THE MEMBERS OF THE STATE  
AND LOCAL UNITS BUT ALL THE NATIONAL MEMBERS, WHO TOTAL OVER THIRTY  
THOUSAND IN THE STATE. MRS NELLIE LAIRD THE CHAIRMAN, WHO IS UNABLE  
TO BE HERE TODAY AND I HAVE ATTENDED NEARLY ALL THE RETIREMENT BOARD  
MEETINGS HELD IN CARSON CITY SINCE AUGUST 1974. WE WERE IN ON THE  
DISCUSSIONS WHEN THE MATERIAL WAS PUT TOGETHER THAT IS CONTAINED IN  
SENATE BILL 173. WE WOULD OF LIKED MORE BENEFITS THAN THE DISCUSSIONS  
COULD SUPPORT, BUT KNOWING THE THINGS THAT WENT ON DURING THE PAST TWO  
YEARS WE ARE IN FAVOR OF THE BILL AS WRITTEN. WE BELIEVE, BOTH, THE  
RETIREMENT BOARD AND THE LEGISLATURE WILL STUDY THE ITEMS THAT HAVE  
BEEN QUESTIONED AND IMPROVE ON IT TWO YEARS FROM NOW IF POSSIBLE.

1052

Dr. J. Cloyd Miller  
President, NRTA

Alice VanLandingham  
President, AARP

Harriet Miller  
Executive Director

National Headquarters: 1909 K Street, N.W., Washington, D. C. 20049 (202) 872-4700

STATEMENT OFFERED BEFORE THE  
ASSEMBLY WAYS AND MEANS COMMITTEE  
ON SB 173 - 3RD REPRINT

April 19, 1977

I AM JOHN H. PURSEL. ~~I~~ WILL BE BRIEF IN THE INTEREST OF TIME.

I OFFERED TESTIMONY ON SENATE BILL 173 BEFORE THE SENATE FINANCE COMMITTEE ON FEBRUARY 24th AND APPEARED BEFORE THIS COMMITTEE ON MARCH 21st TO EXPRESS MY VIEWS ON AB 335 WHICH ALSO ADDRESSES ITSELF TO MY CONCERN. I WILL PROVIDE EACH OF YOU A COPY OF BOTH STATEMENTS AND NOT GO INTO THEM HERE. BASICALLY I URGE YOU TO DELETE SECTION 52 FROM SB 173 AND REINSTATE SECTION 22 OF SB 173 AS ORIGINALLY DRAFTED. OR, TO DELETE SECTION 52 AND INCORPORATE AB 335 IN IT'S PLACE. EITHER ONE OF THE TWO REQUESTED ACTIONS WILL BASICALLY ACCOMPLISH THE SAME PURPOSE OF PERMITTING THE FIFTEEN EXTENSION EMPLOYEES TO REMAIN AND CONTINUE IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

I APPRECIATE THE WORK OF THE SPONSORS, THE PATIENCE AND WISDOM OF THIS COMMITTEE AND THE ACTION OF THE ASSEMBLY IN PASSING AB 335 WITH A VOTE OF THIRTY-EIGHT TO ZERO.

I TRUST THAT THIS COMMITTEE AND THE ACTIONS OF THE ENTIRE LEGISLATURE WILL SEE FIT TO INCORPORATE ONE OF THE TWO AMENDMENTS I HAVE SUGGESTED FOR SB 173.

THANK YOU FOR YOUR CONSIDERATION.

STATEMENT OFFERED BEFORE THE  
SENATE FINANCE COMMITTEE FEBRUARY 24, 1977  
ON S. B. 173            FIRST REPRINT

I AM JOHN H. PURSEL AND I AM, AND HAVE BEEN, EMPLOYED BY THE COOPERATIVE EXTENSION SERVICE OF THE UNIVERSITY OF NEVADA AND I AM AN APPOINTEE OF THE U.S.D.A. SINCE AUGUST OF 1960. I HAVE TAKEN ANNUAL LEAVE AND TRAVELED AT MY EXPENSE TO BE PRESENT HERE TODAY.

I SPEAK FOR THOSE INDIVIDUALS WHO ARE EMPLOYED BY THE EXTENSION SERVICE AND HAVE BEEN CONTINUALLY SO EMPLOYED PRIOR TO JULY 1, 1967.

AT THE TIME WE WERE EMPLOYED WE WERE NOT GIVEN A CHOICE OF SELECTING THE NEVADA PUBLIC EMPLOYEES RETIREMENT SYSTEM OR THE SYSTEM SPONSORED BY THE FEDERAL GOVERNMENT, BUT WERE INFORMED THAT IT WAS MANDATORY TO CONTRIBUTE TO BOTH SYSTEMS.

IN 1967 THE LAW WAS CHANGED TO PROHIBIT NEW EMPLOYEES FROM BECOMING MEMBERS OF THE NEVADA SYSTEM AND THE FEDERAL SYSTEM (AT THE SAME TIME). THOSE OF US WHO WERE EMPLOYED BEFORE JULY 1, 1967 WERE INFORMED BY THE RETIREMENT BOARD, THAT IF WE WISHED TO REMAIN AND CONTINUE WITH THE NEVADA PUBLIC EMPLOYEES RETIREMENT SYSTEM A WRITTEN FORM SO STATING WOULD HAVE TO BE SIGNED AND RETURNED WITHIN A SPECIFIED TIME. I WAS ONE OF A FEW AFFECTED INDIVIDUALS WHO ELECTED TO REMAIN AND PAY INTO BOTH SYSTEMS AND DID SO BECAUSE I HAD FAITH IN BOTH SYSTEMS AND AN INTENT TO MAKE THE NEVADA COOPERATIVE EXTENSION SERVICE MY CAREER.

SHORTLY AFTER ELECTING TO STAY WITH THE NEVADA PUBLIC EMPLOYEES SYSTEM, I WAS APPROACHED TO MAKE AN INVESTMENT IN A TAX FREE ANNUITY. AFTER EXPLAINING MY RETIREMENT PLANS TO THE AGENT, AND AFTER HE STUDIED MY PERSONAL SITUATION, HE ADVISED ME AGAINST MAKING ADDITIONAL INVESTMENTS IN A TAX FREE ANNUITY. I RESPECTED HIS JUDGEMENT AND BELIEVED HE WAS SINCERE IN HIS ADVICE AS HE SACRIFICED AN OPPORTUNITY TO EARN A SALES COMMISSION. ON LATER DATES I WAS OFFERED SIMILAR OPPORTUNITIES WHICH WERE REFUSED IN BELIEF THAT I WAS PAYING FOR AND RECEIVING ADEQUATE FINANCIAL PROTECTION FOR OLD AGE.

S. B. 173  
JOHN PURSEL  
FEBRUARY 24, 1977

(2)

TODAY I QUESTION IF I MADE THE RIGHT DECISION TEN YEARS AGO AND FURTHER PONDER HOW I, AND MY FOURTEEN COLLEAGUES WHO ARE SIMILIARY AFFECTED, MAY MAKE UP OUR LOSS THAT WILL BROUGHT ABOUT BY S.B. 173 AS AMENDED IF IT BECOMES LAW.

I, THEREFORE, REQUEST THAT YOU GIVE SERIOUS CONSIDERATION TO DELETING THE CLAUSE (SEC. 52, PAGE 28) PROHIBITING PARTICIPATION IN THE FEDERAL AND STATE SYSTEM. AFTER JUNE 30, 1977 AND REINSTITUTING SEC. 22 OF PAGES 8 AND 9 OF S.B. 173 AS ORIGINALLY INTRODUCED FEBRUARY 2, 1977.

I ALSO WISH TO NOTE THAT ASSEMBLY BILL 335 WAS INTRODUCED IN THE ASSEMBLY YESTERDAY. IT WILL PERMIT THOSE OF US EMPLOYED BEFORE 1967 TO CONTINUE AS WE ARE AT THE PRESENT TIME AS LONG AS WE CONTINUE TO BE EMPLOYED BY THE COOPERATIVE EXTENSION SERVICE.

I ALSO WOULD LIKE TO POINT OUT THAT THE STATE AND FEDERAL SYSTEMS ARE FINANCIALLY INDEPENDENT OF EACH OTHER AND THAT THE CONTINUATION OF THESE FIFTEEN PEOPLE ON THE STATE RETIRMENT PLACES NO ADDITIONAL SPECIAL FINANCIAL BURDEN ON THE STATE RETIRMENT SYSTEM THAN ANY OTHER EMPLOYEE NOW PARTICIPATING IN THE SYSTEM.



STATEMENT OFFERED BEFORE THE  
ASSEMBLY WAYS AND MEANS COMMITTEE  
ON AB 335

March 21, 1977

I AM JOHN H. PURSEL, AN EMPLOYEE OF THE COOPERATIVE EXTENSION SERVICE OF THE UNIVERSITY OF NEVADA. I HAVE TAKEN LEAVE TIME AND TRAVELED AT MY OWN EXPENSE TO PRESENT MY VIEWS ON THE NEED FOR AB 335.

AT THE TIME I WAS EMPLOYED BY THE EXTENSION SERVICE IN 1960 I WAS NOT GIVEN A CHOICE OF PARTICIPATING IN THE NEVADA PUBLIC EMPLOYEES RETIREMENT SYSTEM OR THE RETIREMENT PLAN SPONSORED BY THE FEDERAL GOVERNMENT, BUT WAS INFORMED THAT IT WAS MANDATORY TO CONTRIBUTE TO BOTH SYSTEMS.

IN 1967 THE LAW WAS CHANGED TO PROHIBIT NEW EMPLOYEES FROM BECOMING MEMBERS OF THE NEVADA SYSTEM WHILE ALSO PARTICIPATING IN THE FEDERAL PLAN. THOSE OF US WHO WERE EMPLOYED BEFORE JULY 1, 1967 WERE INFORMED BY THE RETIREMENT BOARD THAT IF WE WISHED TO REMAIN AND CONTINUE MEMBERSHIP WITH THE NEVADA PUBLIC EMPLOYEES RETIREMENT SYSTEM, A WRITTEN FORM SO STATING WOULD HAVE TO BE SIGNED AND RETURNED WITHIN A SPECIFIED TIME. I WAS ONE OF A FEW AFFECTED INDIVIDUALS WHO ELECTED TO REMAIN AND PAY INTO BOTH SYSTEMS AND DID SO BECAUSE I HAD FAITH IN BOTH THE STATE AND FEDERAL SYSTEMS AND AN INTENT TO MAKE THE NEVADA COOPERATIVE EXTENSION SERVICE MY CAREER.

NOW, NEARLY TEN YEARS LATER, MY RIGHT TO REMAIN AND CONTINUE MY MEMBERSHIP IN THE NEVADA PUBLIC EMPLOYEES SYSTEM IS BEING QUESTIONED, NOT BECAUSE OF ANYTHING I DID OR DIDN'T DO, BUT BECAUSE OF DIFFICULTY IN INTERPRETING THE LAW AND IT' ORIGINAL INTENT.

2.

AB 335 AS WRITTEN IS A CLEAR AND EQUITABLE SOLUTION TO THE PROBLEM AND I URGE THAT IT BE PASSED INTO LAW AS IT STANDS TODAY. TO DO OTHERWISE WOULD HAVE A VERY SERIOUS ADVERSE EFFECT ON THOSE OF US AND OUR FAMILIES WHO IN GOOD FAITH PLANNED OUR OLD AGE LIVELIHOOD AROUND THE TWO SYSTEMS WE WERE REQUIRED TO BELONG TO IN THE FIRST PLACE.

IN MY OWN CASE, SHORTLY AFTER ELECTING TO STAY WITH THE NEVADA PUBLIC EMPLOYEES RETIREMENT SYSTEM, I DECLINED AN OPPORTUNITY TO PARTICIPATE IN A TAX-FREE ANNUITY AND EVEN THE AGENT WHO OFFERED IT TO ME AGREED IT WAS NOT NEEDED WITH THE PRESENT RETIRMENT PLANS I AM PARTICIPATING IN. THAT DECISION WAS ALSO REACHED NEARLY TEN YEARS AGO. TODAY I MUST QUESTION IF IT WAS THE CORRECT ONE.

I WOULD LIKE TO POINT OUT THAT THE STATE AND FEDERAL SYSTEMS ARE FINANCIALLY INDEPENDENT OF EACH OTHER AND THAT THE CONTINUATION OF THE FIFTEEN MEMBERS WHO ARE ON THE STATE SYSTEM, PLACES NO ADDITIONAL SPECIAL FINANACIAL BURDEN ON THE RETIREMENT SYSTEM THAN ANY OTHER MEMBER.

I PERSONALLY ENCOURAGE AND TRUST THAT THIS COMMITTEE WILL GIVE AB 335 A DO PASS RECOMMENDATION AS IT IS NOW WRITTEN.

State of Nevada  
Public Employees Retirement Board  
P.O. Box 637  
Carson City, Nevada 89701

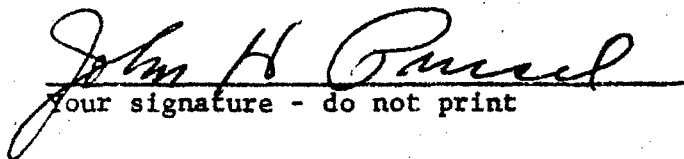
Attention: Mr. Kenneth Buck  
Executive Secretary

Dear Sir:

I, John H. Purnal, an employee of the University of Nevada Cooperative Extension Service, hereby notify you that I wish to take the following action in accord with Chapter 182 Statute 1967, Senate Bill No. 81.

1. To continue and retain my membership in the State of Nevada Public Employees Retirement System after July 1, 1967.

Dated the 9th day of May, 1967

  
Your signature - do not print

2. To terminate my membership in the State of Nevada Public Employees Retirement System July 1, 1967.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Your signature - do not print

VERNON  
EXECUTIVE OFFICER

STATE OF NEVADA

WILL KEATING  
ASSISTANT EXECUTIVE OFFICER



BOARD  
ELBERT S. EDWARDS  
CHAIRMAN  
L. ROSS CULBERTSON  
VICE CHAIRMAN  
MEMBERS  
CHARLES H. COLLINS  
BOYD MANNING  
DONALD L. REAM  
GLENDON F. WALTHER  
ROBERT C. WEEMS

**PUBLIC EMPLOYEES RETIREMENT SYSTEM**

P.O. Box 1569  
CARSON CITY, NEVADA 89701  
TELEPHONE (702) 688-4200

RETIREMENT ESTIMATE

Retiree John H. Pursel Date to Retire 8/30/90

\*\*\*\*\*

Age at Retirement: M 60 F 46  
Retiree Beneficiary

\*\*\*\*\*

Service : 17.05 Average Monthly Compensation: \$ 1600.47  
6/30/77

\*\*\*\*\*

	<u>Monthly Allowance</u>		
	<u>Retiree</u> <u>Will Receive</u>	<u>Beneficiary</u> <u>Will Receive</u> <u>Upon Death of</u> <u>Retiree</u>	
Unmodified	<u>682.28</u>	<u>-0-</u>	
Option 2	<u>471.46</u>	<u>471.46</u>	
Option 3	<u>560.15</u>	<u>280.08</u>	
Option 4	<u>506.25</u>	<u>506.25</u>	After Beneficiary reaches age 60
Option 5	<u>581.30</u>	<u>290.65</u>	After Beneficiary reaches age 60

If Options 2, 3, 4 or 5 are selected and beneficiary should predecease retiree, the retiree will automatically revert to the unmodified allowance the month following the demise of the beneficiary.

This is a retirement estimate only. It is designed to provide sufficient information to assist a member in selecting a retirement plan. It is not an official legal document.

Vernon Bennett  
Vernon Bennett, Executive Officer

1059

FISCAL YEAR	TOTAL CONTRIBUTION	NET RETURN	INTEREST	CUMULATED	PRESENT VALUE
60-61	527.10	<del>4.04</del>	0	527.10	527.10
61-62	625.70	3.86	20.35	1152.80	1173.15
62-63	670.00	4.02	47.16	1843.15	1890.21
63-64	823.98	3.88	73.34	2714.29	2787.65
64-65	849.96	3.76	104.81	3637.59	3742.40
65-66	991.08	3.88	145.21	4733.48	4878.69
66-67	1073.06	3.94	192.22	5951.75	6143.97
67-68	1270.80	4.02	246.99	7414.77	7661.75
68-69	1364.40	4.80	367.76	9026.16	9393.92
69-70	1530.00	4.06	381.39	10923.92	11305.31
70-71	1638.00	4.32	488.39	12943.31	13431.20
71-72	1692.00	4.34	582.94	15123.70	15706.67
72-73	1864.80	4.60	722.51	17571.44	18293.95
73-74	2315.88	4.82	881.77	20609.83	21491.60
74-75	2441.60	5.49	1179.89	23933.20	25113.09
75-76	3062.40	8.77	2204.17	28175.49	30379.66
76-77	3365.92	Est. (7.00)	2126.58	33745.58	35872.16
77-78					

35872.16 at 7% compounded for 13 years = \$86,446.20

My Life Expectancy at age 60 =  $60 + 18.4 = 78.4$  years

Benefit -  $\$471.46 \times 12 = \$5657.52$  Annually

Value of Fund at age 60 assuming 7% interest =  $\$86,446.20$

$\$86,446.20 \times .07 = \$6051.23$  per year - or a surplus of  $\$393.71$  per year.

The above does not allow for any cost of living increases or other increases allowed over time as history indicates there may be.

---

Making the Assumption that No Beneficiary is provided for and the Unmodified Annuity is Accepted:

My Life Expectancy at Age 60 =  $60 + 18.4 = 78.4$  years

Benefit -  $\$682.28 \times 12 = \$8187.36$  per year

Value of Fund at age 60 assuming 7% interest =  $\$86,446.20$

$\$86,446.20 \times 7\% = \$6051.23$

UNMODIFIED ANNUITY

Year	Balance of Fund	Deduct Annuity 8187.36	Interest	Value of Fund
1	86446.20	78258.84	5478.12	83736.96
2	83736.96	75549.60	5288.47	80838.07
3	80838.07	72650.71	5085.55	77736.26
4	77736.26	69548.90	4868.42	74417.32
5	74417.32	66229.96	4636.10	70866.06
6	70866.06	62678.70	4387.51	67066.21
7	67066.21	58878.85	4121.52	63000.37
8	63000.37	54813.01	3836.91	58649.92
9	58649.92	50462.62	3532.38	53995.00
10	53995.00	45807.64	3206.53	49014.17
11	49014.17	40826.81	2857.87	43684.68
12	43684.68	35497.32	2484.81	37982.13
13	37982.13	29794.77	2085.63	31880.40
14	31880.40	23693.04	1658.51	25351.55
15	25351.55	17164.19	1201.49	18365.68
16	18365.68	10178.32	712.48	10890.80
17	10890.80	2703.44	189.24	2892.68
18	2892.68	(5294.68)	(370.63)	(5665.31)
18.4	(5665.31)	-3274.94 (8940.25)	.4 year (250.33)	(9190.58)



CHIEF INVESTIGATOR  
(DISTRICT ATTORNEY)

DEFINITION

Under administrative direction, is responsible for planning, organizing and directing the activities of the Intelligence Division of the District Attorney's office, which is involved in all facets of legal investigative and related work.

EXAMPLES OF WORK PERFORMED

(The following is used as a partial description and is not restrictive as to duties required.)

Plans, assigns, directs and reviews all operations of the Intelligence Division of the District Attorney's office; coordinates activities of the Division with those of other Divisions within the District Attorney's office to insure maximum efficiency and utilization within the Department; represents the Department to interested parties concerning activities of the Division; responsible for all equipment and equipment maintenance of the Division; insures staff receives adequate training, direction and advice concerning procedural and investigation techniques; determines which investigations will be conducted. Assigns and supervises major felony and sensitive cases being handled by the Division. Directs and participates in investigations in areas of significant importance, sensitivity and confidentiality, including investigations referred by the Grand Jury, County Manager, County Commissioners and city jurisdictions within Washoe County. Responsible for analyzing and evaluating criminal intelligence obtained by subordinate investigators and other cooperating intelligence agencies and for making effective utilization of refined intelligence data. Maintains appropriate personal contact to keep informed on law enforcement activities in the county; maintains records and prepares correspondence and reports. Apprehends and arrest law violators.

DESIRABLE KNOWLEDGES, SKILLS AND ABILITIES

Considerable knowledge of: Modern practices and methods used in crime detection and criminal investigation; applicable laws, orders, rules and regulations with specific reference to admissible evidence in the prosecution of persons; geography of the county, its incorporated areas and road network; general procedures used by the courts in criminal trials; the nature of legal evidence; the field of administration and administrative procedures and practices.

Ability to: Organize and administer a program of major scope and complexity; analyze, evaluate and recommend on policy, procedures and programs; supervise and evaluate the work of subordinates; obtain information through interview, interrogations and observations, and to prepare and submit comprehensive reports; make investigations including secret surveillance of individuals for use as the basis of criminal prosecution and criminal intelligence; assist in the preparation of cases for court; react quickly and correctly in an emergency; establish and maintain effective working relationship with other employees and with the public; assemble information, evaluate and present supported conclusions.

Skill in the use of firearms. Good physical strength and agility and freedom from disabling defects.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited college or university, plus four years of responsible investigative experience, which must have included use of scientific methods of criminal investigation or crime detection; or an equivalent combination of education and experience.

NEW 3/77

INVESTIGATOR III  
(DISTRICT ATTORNEY)

DEFINITION

Under general direction, supervises and participates in a full range of legal investigative and related work in the office of the District Attorney. Initiates investigations, plans, assigns and reviews investigations performed by subordinate Investigators and participates in investigations which involve a high degree of conflict or sensitive issues. Assignments are received in the form of oral or written instructions and usually are general in nature. Although technical and legal advice are available, is expected to supervise and conduct investigations and to make work decisions with considerable independence. Work is reviewed by a superior through results obtained.

EXAMPLES OF WORK PERFORMED (The following is used as a partial description and is not restrictive as to duties required.

Assigns, reviews and may perform criminal pre-trial investigation of all felonies (i.e. homicides, rapes, robberies, burglaries), non-felonies and juvenile cases. Supervises investigations concerning civil litigation, non-support welfare and welfare fraud investigations. Supervises and participates in the investigation of cases representing a high degree of conflict or sensitivity, such a personnel investigations, political corruption or official malfeasance investigations as requested by the Grand Jury, County Commissioners or other County or City agencies. Obtains criminal intelligence on organized crime figures and known felons for use by the Department; interrogates suspects and witnesses; prepares evidence and investigatory reports for submission in court; testifies in court; supervises and participates in cooperative investigations for local, State and Federal law enforcement agencies; apprehends and arrests law violators. Keeps records and makes reports of cases investigated and the information gathered. Supervises the serving of legal processes, i.e. subpoenas, warrants. Performs related work as required.

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of: Modern practices and methods used in crime detection and criminal investigation; applicable laws, orders, rules and regulations with specific reference to admissible evidence in the prosecution of persons; geography of the County, its incorporated areas and road network; court procedures in criminal trials; the nature of legal evidence. Good knowledge of supervisory principles and techniques.

Ability to: Plan, organize and supervise work of subordinates; obtain information through interviews, interrogations and observations; prepare and submit comprehensive reports; make investigations including secret surveillance of individuals for use as the basis of criminal prosecutions and criminal intelligence; assist in the preparation of cases for court; react quickly and correctly in emergencies; establish and maintain effective working relationships with other employees and the public; assemble information, evaluate and present supported conclusions.

Skill in the use and care of firearms. Good physical strength and agility and freedom from disabling defects.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited college or university, plus three years of responsible investigative experience, which must have included use of scientific methods of criminal investigation or crime detection; or an equivalent combination of education and experience.

INVESTIGATOR II  
(DISTRICT ATTORNEY)

DEFINITION

Under general supervision, performs a full range of legal investigative and related work at the journeyman level in the office of the District Attorney; OR supervises and participates in a specialized investigative function, such as Consumer Protection. Assignments are received in the form of oral or written instructions and usually are general in nature. Although technical and legal advice are available, is expected to conduct investigations and to make work decisions with some independence. Work is reviewed by a superior officer through results obtained.

EXAMPLES OF WORK PERFORMED (The following is used as a partial description and is not restrictive as to duties required.)

Performs criminal pre-trial investigation of all felonies (i.e. homicides, rapes, robberies, burglaries, embezzlement, obtaining money by false pretenses and larceny) non-felonies and juvenile cases. May conduct or supervise civil litigation, non-support welfare and welfare fraud investigations. May assist or conduct investigations which are initiated by the District Attorney, other County agencies, County Commissioners or the Grand Jury. Locates and interrogates suspects and witnesses; prepares evidence and investigatory reports for submission in court; testifies in court; conducts cooperative investigations for local, State and Federal law enforcement agencies; apprehends and arrests law violators.\* Keeps records and makes reports of cases investigated and information gathered. Serves legal processes, i.e. subpoenas, warrants. Performs related work as required.

DESIRED KNOWLEDGE, SKILLS AND ABILITIES

Good knowledge of: Modern practices and methods required in crime detection and criminal investigation; applicable laws, orders, rules and regulations with specific reference to admissible evidence in the prosecution of persons; the geography of the County, its incorporated areas and road network; court procedures in criminal trials; the nature of legal evidence.

Ability to: Obtain information through interview, interrogation and observation; prepare and submit comprehensive reports; make investigations including secret surveillance of individuals for use as the basis for criminal prosecution and criminal intelligence; assist in the preparation of cases for court; react quickly and calmly under emergency conditions; establish and maintain effective working relationships with associates and the public; assemble information, evaluate and present supported conclusions. Skill in the use and care of firearms. Good physical strength and agility and freedom from disabling defects.

DESIRED TRAINING AND EXPERIENCE

Graduation from an accredited college or university, plus two years of responsible investigative experience, which must have included the use of scientific methods of criminal investigation or crime detection; or an equivalent combination of education and experience.

\*(Investigators who work in the specialized area of Consumer Protection are not classified as Peace Officers as set forth in NRS 169.125, and therefore do not have police powers of apprehension and arrest.)

NEW 3/77

INVESTIGATOR I  
(DISTRICT ATTORNEY)

DEFINITION

Under supervision, performs a full range of legal investigative and related work at less than the full journeyman level, but with greater responsibility than that required of a trainee in the office of the District Attorney; OR performs journeyman level legal investigative and related work in a specialized function, such as Consumer Protection. Assignments are received in the form of oral or written instructions and usually are general in nature. Work is reviewed by a superior officer during the course of the investigation and through the results obtained.

EXAMPLES OF WORK PERFORMED (The following is used as a partial description and is not restrictive as to duties required.)

Performs criminal pre-trial investigations in cases involving misdemeanors, gross misdemeanors, felonies, and juvenile cases. Conducts civil litigation, non-support welfare and welfare fraud investigations. Performs related investigations as assigned. Interrogates suspects and witnesses; prepares evidence and investigatory reports for submission in court; testifies in court; conducts cooperative investigations with local, State and Federal law enforcement agencies; apprehends and arrests law violators.\* Keeps records and makes reports of cases investigated and information gathered; serves legal processes, i.e. subpoenas, warrants

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

Working knowledge of: Modern practices and methods for employed crime detection and criminal investigation; applicable laws, orders, rules and regulations with specific reference to admissible evidence in the prosecution of persons; the geography of the County and its incorporated areas and road network; court procedures in criminal trials; the nature of legal evidence.

Ability to: Obtain information through interview, interrogation and observation; prepare and submit comprehensive reports; make investigations including secret surveillance of individuals for use as the basis for criminal prosecutions and criminal intelligence; assist in the preparation of cases for court; react quickly and correctly in emergencies; establish and maintain an effective working relationship with other employees and the public; assemble information, evaluate and present supported conclusions.

Skill in the use and care of firearms. Good physical strength and agility and freedom from disabling defects.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited college or university, plus one year of responsible investigative experience, which must have included use of scientific methods of criminal investigation or crime detection, or an equivalent combination of education.

\*(Investigators who work in the specialized area of Consumer Protection are not classified as Peace Officers as set forth in NRS 169.125, and therefore do not have police powers of apprehension and arrest.)

NEW 3/77

State v. Spiersch

Was arrested on a felony charge. This individual originally attempted to elude arrest before apprehension was finally effected.

State v. Ramos

Mr. Stephen Ramos, a material witness in a conspiracy to commit murder case, was arrested in Ontario, Oregon, and transported back to Reno.

State v. Craig

Robbie Craig was arrested for suborning perjury.

State v. Rudin

Night service of subpoena upon known drug user at his residence in Sun Valley.

State v. DePaoli

Arrest of defendant and transportation to Washoe County Jail.

State v. Wayne  
Smith

Arrest of material witness and transportation to Washoe County Jail. Later provided security in Deputy District Attorney's Office and to and from Washoe County Jail.

State v. Ramos

Provided security for Deputy District Attorney on two occasions after threats were made upon life and that of his family.

State v. Ed  
Anderson

Apprehension and transportation of mental patient who had threatened to kill his family and himself. This involved a chase on foot through the streets of downtown Reno as subject attempted to locate a handgun he had secreted in the area.

State v. James  
Anderson

Arrest and protective custody of felon heroin addict, Michael Ferguson, who was also material witness. Interview of various junkies, pimps and prostitutes at the Modern Motel under very hostile circumstances - one junkie was brought to office.

State v. Rowen  
and Robertson

Assist in arrest of Yeoman in Auburn, Washington. Custody of subject during trip from Seattle to Reno.

State v. Duane  
Arndt

Service of subpoena upon Fred Render, suspected of having participated in the Arndt murder, at his apartment. Subject is also a known drug user and suspected drug dealer.

Bomb Threat

Searched for the bomb in the bushes, surrounding area of the courthouse.

State v. William  
E. Williams

Arrest of defendant and transportation to Washoe County Jail.

State v. Ferris,  
Keys, Howard, Davis  
and Edwards

Interrogation of defendant in Calaveris County, California. Taken into custody. Transportation to Spark Jail, transportation to and from Sparks Jail for polygraph and later testimony.

State v. Donald  
Smith

Investigators from this office participated in surveillance and the subsequent search of an apartment for a suspect wanted for attempted murder, murder, armed robbery, assault on a police officer. Subject was known to be armed and dangerous.

Additionally, on many occasions investigators have had to serve subpoenas and locate witnesses in hostile surroundings such as bars and clubs that are known to be hangouts of ex-felons, prison gang members, etc.

Finally, investigators from this office have had on numerous occasions to visit the State Prison for the purpose of conferring with convicted persons and/or informers.

PH/l:ml

## INTRODUCTION

Officers of the Department of Parole and Probation are currently under the early retirement plan.

Senate Bill 173, as amended removes us.

The following is a brief presentation offering justification for retention under the early retirement plan.

  
A. A. CAMPOS, CHIEF  
Department of Parole and Probation



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## WHY EARLY RETIREMENT?

In recent hearings, there has been an abundance of discussion over the danger which various persons face within the criminal justice system. From its inception, the concept of early retirement has been based on the fact that age can be a deterrent to effective performance in the critical aspects of enforcement work. Early retirement is not a "reward for a job well done".

A public safety officer in advancing years can be a danger to self, fellow workers, the general public, and even the offender.

A person who begins to suffer from arthritis, potential heart problems, bones which will not easily mend, and all the other maladies which eventually beset us all, has no business handling public offenders and/or dangerous persons.

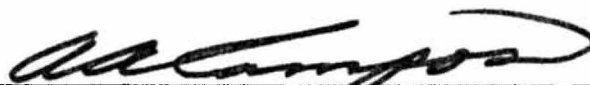
It is not a reasonable demand to make of the officer or the officer's family.

Fellow workers should not have to rely on a person over 55 years old in arrest or other enforcement situations. Reactions are slower, the ability to chase fleeing offenders through the streets is impaired, the ability to dive down a flight of stairs, handle an unruly, psychotic or drug influenced offender, is highly questionable.

The citizen too is endangered; for example, recently a parole officer was killed by a parolee in Kansas. (His age, 27, did not save him.) However, his partner was able to subdue the parolee and take him into custody. Had he been unable to do so, the parolee's mother, the subject of the offenders hostility, might have been killed as well.

The nature of public safety work -- dealing with offenders -- is brutal to continued good health of all peace officers. Stress and fear are common and can result in a variety of physical symptoms.

The determination as to who should be in early retirement should be judged solely on fact. If an officer is involved in conflict situations as an integral part of the job, the Agency should be able to retire that person at age 55, or even sooner. The primary purpose of early retirement is protection, not reward.

  
A. A. CAMPOS, CHIEF  
Department of Parole and Probation

PEACE OFFICER RETIREMENT  
DEPARTMENT OF PAROLE AND PROBATION

The Department of Parole and Probation does keep a low profile on arrests and enforcement functions. While Police Departments and County Sheriffs appropriately make news releases regarding arrests, numbers of arrests, narcotics seized, etc., this Agency avoids such publicity. Where joint arrests are made, or any large amount of drugs seized, we attempt to give most of the credit to any other agency involved.

Because of this low profile, we often find ourselves somewhat "left out in the cold" when it comes to any of the considered benefits for officers.

Some persons feel that we deal with offenders only "after the fact." When we stop to consider what is already known, that of the serious recidivism rate, we see a different picture. About one-third of all persons received at Nevada State Prison are parole and probation violators. While we do not keep statistics on arrests, it can be fairly accurately estimated that at least one-half of all those persons returned are there as a result of an arrest by this Agency. The above category does not constitute the sum

total of our arrests, but certainly represents a significant arrest wherein the subject is in serious and immediate danger of long term imprisonment.

Resistance in arrest situations is not uncommon. We have had three (3) of our clients killed by law enforcement in Nevada in the last three (3) years.

One of the last police officers killed in the State of Nevada was Officer Rusty Walters in Elko approximately two (2) years ago. In that incident, the officer killed could just as easily have been a member of this Department, as we were also seeking the subject for arrest purposes at the time Officer Walters made contact; both he and the probationer were killed.

If one were to attempt to analyze what danger lies in this business, whether it be parole officers, police officers or prison workers, we would have to say that all have one thing in common, and that is the client with whom we deal. The individual who continues to commit crimes has identified himself, by his very actions, as the least desirable, most dangerous person in our society. The danger lies not in our specific roles in dealing with these individuals, but rather the individuals with whom we deal. We all deal with the same persons, and we all deal with them, at one point or another, in highly volatile situations.

Our clients continue to live in a violent world before arrest, while in prison, and while on parole or probation. In the last two (2) years, seven (7) of our clients have been murdered, mostly by each other, we have had at least a half a dozen suicides and seven (7) overdose deaths. Additionally, there were the three (3) killed by police officers. During that same period of time we had one (1) individual die a natural death.

One of the unknown dangers with which we are continually confronted with is the fact that we see our offenders on a regular basis in their own environment and in their own home. It is not uncommon when we walk into a home unannounced, that we find evidence of criminal activity. This can and does include possession of narcotics, firearms, stolen goods, harboring a fugitive, and a multitude of other crimes. The fact that we have power to search or arrest without a warrant makes us doubly threatening to any individual under our supervision engaged in criminal activities. When we suspect anyone of being actively involved, we do conduct our own intensive investigation which involves all the traditional methods of intelligence and surveillance work, more often than not culminating in arrest.

Mutual aid involving law enforcement agencies is common. We often ask for their assistance regarding some of our cases and in as many instances they ask for our assistance.

Additionally, staff of this Department are expected to regularly assist police officers in any type of situation, regardless of whether it involves clients of this Department. In the last two (2) years, we have had at least two (2) occasions in which officers of this Department were nearly killed when assisting other agencies in matters not relating to our clients. In one situation, an offender aimed and attempted to fire a shotgun point blank into the face of one of our officers. Our officer gained control of the situation and took the individual into custody. In another situation, while aiding in the apprehension of a suspect of a burglary, the suspect did point a sidearm on our officer, waived, then placed the gun to his own head and pulled the trigger.

This Agency is involved in the arrest and transportation of our fugitives. Last year for example, we made about the same number of trips returning fugitives from throughout the United States as did the Washoe County Sheriff's Department.

Officers of this Agency are required to qualify with and carry firearms.



No member of this Department has been killed in the line of duty. Hopefully, none ever will be.

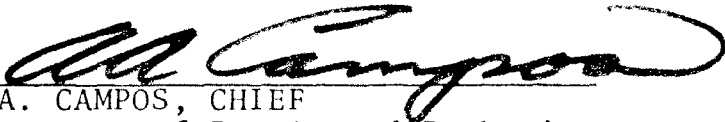
Aside from luck, there are other reasons. We represent less than 3% of the total peace officer contingency in Nevada. Furthermore, we are a relatively new agency; thirteen (13) years ago there were only five (5) Parole and Probation Officers in the State. As the use of parole and probation increases, the chances of a member of this Agency being killed of course increase.

Because of our required officer qualifications, a high percentage of our officers do have previous criminal justice experience. Currently, of fifty-seven (57) officers, forty (40) had other criminal justice and/or law enforcement experience prior to coming to this Agency. These factors of course also reduce, to some extent, the probability of serious injury. However, it does not reduce the risk.

One of the primary concerns we have is the direction the Agency may take in the event officers of this Department do not receive the benefit of the Peace Officer Retirement Plan. We do ask, and require, that our staff continually place public safety above any other consideration. If staff do not receive the benefits, it seems inconsistent to expect that this course be followed in the future, at least as far as direct action is concerned. It is my observation,

that in other parole and/or probation departments which are excluded from such benefits, the public simply is not getting the protection it deserves. For example, I am aware that many officers, in other jurisdictions, deliberately avoid high crime rate areas, certain housing developments, and other environments where danger lies. It has become somewhat common practice, in situations such as this, for persons to falsify records of contact and overall case work activities. It is imperative that those situations never be allowed to develop here in Nevada.

At this time I would ask the Nevada Legislature to follow one of two courses. Currently, we are under the Peace Officer Retirement Plan. Senate Bill 173, as amended, removes us. I would ask for reconsideration for return of Peace Officer Retirement status to the officers of this Agency; or in lieu of that, ask that the Committee restore us on an interim basis and allow us to work for the next two (2) years with the Legislative Committee on Retirement. As we now have research capability, we will fully develop all pertinent data which should be reviewed for continuing inclusion under early retirement.

  
A. A. CAMPOS, CHIEF  
Department of Parole and Probation

## TRANSPORTATION OF FUGITIVES

This Agency returns fugitives from throughout the United States and the State of Nevada. While any officer can receive this assignment on an individual case, depending on destination of the returned fugitive, we do have one individual in our Administrative Office who is assigned as many trips as possible. Not counting short transportation trips in-state, this individual has made over 38 trips on a nationwide basis in the last two (2) years, for the most part alone, and in a total of approximately 70 such trips in the last three (3) years, this task has been accomplished without incident. This is primarily due to the expertise of this individual, as certainly transportation of fugitives does have a high risk for escape and violence. Persons do not ordinarily desire to return to prison or to face the Court for probation violation hearing. The following are but a few examples of the types of offender returned:

- (1) Habitual criminal with psychiatric history returned after two cases of murder in the first degree dropped on the East Coast. Returned to prison, denied to expiration of sentence, on date of release was arrested for Ex-Felon in Possession of Firearm.

- (2) Aggressive individual with assaultive background who became a fugitive almost the day of release after seriously assaulting another individual. After his return by this Agency, he was charged with Attempted Murder arising from a racial incident at the Prison.
- (3) Parole absconder returned to Nevada State Prison, was later murdered during racial incident at Prison.
- (4) Became a fugitive and returned by this Agency, now charged with Attempted Murder at Prison.
- (5) Returned violator, serving time for Attempted Murder, who fled the United States. Was in possession of sawed-off shotgun at time of arrest. Following a later re-parole, this subject was murdered, his headless body found in a river in another state, after again absconding supervision in Nevada.
- (6) Returned after intensive psychiatric study in another state after being placed in custody due to what he had described as an overwhelming desire to kill people.

The record of the above Parole and Probation Officer is obviously an excellent one, and for good reason. An ex-Marine, this individual had extensive experience at the California Medical Facility in handling criminally

psychotic offenders. Additionally, he himself can escape from just about any type of restraining gear.

However, at age 45, he is already developing hearing problems and it is very obvious that the above functions could not be safely performed by him as an individual officer or as an assisting officer much beyond the age of 55.

  
A. A. CAMPOS, CHIEF  
Department of Parole and Probation

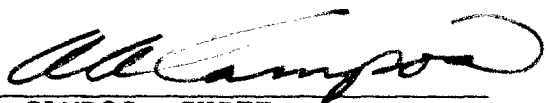


Weapons now in our custody pending disposal.  
They do not include weapons currently in evidence.

Some of these weapons were turned over to us voluntarily, due to probation conditions, some were seized by our officers as a result of search, some were seized during the course of an arrest.

Were it not for our role as enforcement officers, most of these weapons and hundreds more would still be in the hands of public offenders.

The small sawed-off shotgun, front center, seizure and subsequent arrest, also resulted in a recovery, by our officer of a stolen statute, insured for \$50,000.00.



A. A. CAMPOS, CHIEF  
Department of Parole and Probation

LEGAL AREAS OF ENFORCEMENT  
DEPARTMENT OF PAROLE AND PROBATION


Nevada Revised Statutes refer, in many areas, to the enforcement role of Parole and Probation Officers. These laws cover arrest, revocation matters, drug testing, etc.

There are apparently no laws which dictate social-work responsibilities in the supervision of parolees or probationers.

The Court order for probation, as well as the Parole Boards conditions of parole, are to be enforced by officers of this Agency.

Case law, both State and Federal, review many areas of enforcement such as arrest, search, and due process. It is only by tradition, and Agency policy, that the officer assumes the additional role of counselor.

As our Agency is directed -- primarily by laws and policies outside of our control -- in responsibilities dealing with enforcement and control of public offenders, our officers should have the support of the Legislature and the protection offered through early retirement.

  
A. A. CAMPOS, CHIEF  
Department of Parole and Probation



## RETIREMENT HISTORY

## DEPARTMENT OF PAROLE AND PROBATION

The following does not include the first person to retire from the Agency, that being in 1960, at age 55. That was a secretary-peace officer, very possibly an inappropriate manipulation of the system.

As this is a relatively new Agency, we have little in the way of history and those members who have retired did have other previous experience. Additionally, three of the four persons who have retired from this rapidly growing, achieved rank above the officer level. They retired at ages 54, 55, 60, and 61.

None were in good health; two were forced to retire due to poor health, and the other two were probably forced to retire for the same reason. One died shortly after retirement, one is almost a total cripple, one has recovered slowly from a stroke, and the other has severe chronic high blood pressure.



A. A. CAMPOS, CHIEF  
Department of Parole and Probation

PEACE OFFICER EARLY RETIREMENT  
A HISTORY

The Parole and Probation Officers of this Department have been enrolled in the early retirement program since its inception.

In 1960, at age 55, the first Officer to retire from this Agency did so under the early retirement plan.

Mr. Kenneth Buck, Executive Secretary of the Public Employees Retirement Board, in correspondence dated September 24, 1968, to then Chief Philip Hannifin of this Department, stated peace officer and police officer are synonymous in consideration of early retirement.

On July 1, 1971, the Parole and Probation Officers began contributing an additional 0.5 percent of compensation earned to the early retirement provisions as did police officers and firemen.

The Nevada State Legislature, in 1975, enacted NRS 286.225, establishing a separate Police and Firemen's Retirement Fund, in which the Officers of this Agency are enrolled.

Parole and Probation Officers are defined as Police and Peace Officers in NRS 169.125, 213.1097, and 286.061.



A. A. CAMPOS, CHIEF  
Department of Parole and Probation

OFFICER STAFF OF THE  
DEPARTMENT OF PAROLE AND PROBATION

The legislative act of removing the Department of Parole and Probation from the early retirement benefits (police - firemen) would have far reaching effect on the successful operation of this Department.

The present early retirement for police and firemen admits our officers to minimum retirement benefits at age 55 with 10 years of service or age 50 with 20 years of service. For the added benefit of early retirement, those now qualified pay an added 1/2 of 1% retirement deduction matched by the State. Standard deductions in other categories pay 8% matched by the State.

We have at present, one outstanding example of an officer who, with the loss of early retirement benefits, could conceivably lose in excess of \$7,500.00 invested in a planned business venture with others. This venture has been planned for his retirement under the present early retirement benefits. Delay could cause this officer to abandon such business venture.

Other outstanding examples are as follows:

We have at present seven (7) officers who have been in State Service from 10 years to 22 years. These seven (7) officers are exceptionally well qualified parole and probation officers who originally were qualified under early retirement benefits with other Agencies such as the Nevada State Prison, Washoe County Sheriff's Department, Douglas County Sheriff's Office, Highway Patrol. Several accepted transfer to this Department at a reduction in grade carrying less salary.

Twelve (12) parole and probation officers presently have 10 or more years service with this Department. Service ranges from 10 to 18 years.

All of the above officers with this Department and including the remaining 45 employees, accepted positions as parole and probation officers with the complete understanding they were to be protected under the early retirement provisions.

Names of all officers referred to can be furnished upon request.

A random sampling of our officer staff has brought forth such remarks as: "Well, I may have to look for other law enforcement employment", or "I should have taken advantage of a recent offer." Changes in general staff discipline

and dedication are to be expected should they be removed from the provision of the early retirement system.

Insofar as the Public Safety Officer's Benefit Act of 1976, granting a \$50,000.00 benefit to family survivors of a peace officer slain on duty, several categories are noted wherein the officer in his official capacity performs:

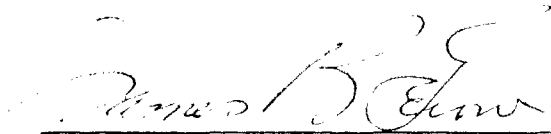
- (1) The apprehension or attempted apprehension of any person.
- (2) Protecting or guarding a person held for the commission of a crime.
- (3) The lawful prevention of the commission of a crime.
- (4) The performance of his duty where the activity is determined by the Administration to be potentially dangerous to the officer.

The legal description of a law enforcement officer as contained in the Act is as follows:

"Law enforcement officers means a person involved in crime control or reduction, or enforcement of criminal laws. This includes, but is not limited to, police, corrections, probation and parole officers."

It would appear, therefore that the Federal Government especially through the Law Enforcement Assistance Act, very definitely considers parole and probation officers to be

in the high risk category.

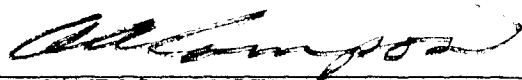


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JAMES R. GEROW, Deputy Chief  
Department of Parole and Probation

RETIREMENT LAW FOR  
FEDERAL PAROLE AND PROBATION OFFICERS

U. S. (Federal) Probation and Parole Officers are employed under provisions of a "special" early retirement system, with retirement at age 50 after 20 years of service or mandatory retirement at age 55. (Title 5, U.S. Code, Sec. 8336(c)).



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A. A. CAMPOS, CHIEF  
Department of Parole and Probation

FEDERAL PAROLE FACES CRISIS IN NEW YORK

3-77

**Corrections Career Ended**

Barry Sutherland, a New York state parole officer, chased Don Wiggins, a parolee, through a crowd of Christmas shoppers. Wiggins fired at the officer point blank and Barry Sutherland died within minutes.

Here's the way it happened: Wiggins, who had been sought in the past few weeks on holdup charges and the pistol-whipping of a woman, was spotted by the parole officer in an unemployment office. As Sutherland approached, Wiggins ran into the street. Sutherland was hit twice. A third shot struck a Long Island secretary.

Sutherland was 33 years old and recently married. Condolences from the ACA go the officer's widow.

An unarmed parole officer has absolutely no defense against a veteran armed felon.

Within the past few months two young career parole officers have been killed in the line of duty — two men who had decided to dedicate their lives to the corrections field. They gave everything.

Anyone have an answer to handling these kind of odds?

*Wiggins thought you might find this article interesting. Bob*

Due to numerous assaults on parole officers in New York, we have been advised Federal Parole and Probation placed a moratorium on home visits, until a safe course of action can be determined.

The article is somewhat misleading - New York State Parole Officers are armed. Under the Federal system, it is optional in each of the ninety one (91) regions, primarily at the discretion of the District Judge.



## PAROLE AND PROBATION VIOLATIONS

The following is parole and probation violation data for the last three (3) months. It covers violations for the months of December 1976, January 1977 and February 1977.

It reflects only those known violations, or suspected crimes, worthy of documentation by our staff.

The following information is taken from violation reports written over the last three (3) month period. It is necessarily incomplete in many ways, due to the short amount of time we were able to spend in research.

For example, many of the persons reflected as fugitives at the time the report was written have subsequently been arrested, either by officers of this or other agencies.

Technical violations are those conditions of parole or probation which are imposed by the Court or Parole Board which are not crimes. However, in identifying or arresting a technical violator the threat to the offender is as great as a felony arrest, as it can and often does result in imprisonment.

The following information pertains to Nevada Parolees and Probationers. It excludes the persons in those cate-

gories we are supervising for other states. Persons excluded represent seventeen per cent (17%) of our total case load.

Technical Violations	351
Alleged Felonies	101
Alleged Misdemeanors	<u>55</u>
Total	507
Persons placed in Fugitive Status	54
Number of Persons involved in all of the above	201



A. A. CAMPOS, CHIEF  
 Department of Parole and Probation

Senate Bill 173

Proposed Amendment

Page 4

Line 40. district attorney; or ]

[ (g) ] (e) A parole and probation officer of the department of parole and probation. [ whose duties require daily contact with the prisoners for a majority of his work; ]

[ (e) ] (f)

[ (f) ] (g)

[ (g) ] (h) The former holder of one of the positions enumerated in paragraphs (a) to [ (f) ] (g) . . .

*A. A. Campos*

*Dept. of Parole & Probation*

*our choice #1*

1095

te Transmitted April 18, 1977

STATE AGENCY ESTIMATES Date Prepared April 15, 1977

Agency Submitting Department of Taxation

Revenue and/or Expense Items	Fiscal Note 1976-77	Fiscal Note 1977-78	Fiscal Note 1978-79	Continuing
100%		\$ 141,856	\$ 146,432	
80-99%		87,048	89,856	
50-79%		266,864	275,808	
30-49%		206,336	213,200	
50% eligibility		< 351,052 >	< 362,648 >	
Total		351,052	362,648	

Explanation (Use Continuation Sheets If Required)

These figures are based on estimates of veterans provided by Veterans Administration assuming 50% ineligible - not homeowners, don't file, etc.

Assuming a 3.37% increase in the number of veterans per year, approximately 50%-55% would be in Clark County.

Local Government Impact YES  NO   
(Attach Explanation)

Signature *James C. Lien*  
Title Deputy Executive Director

DEPARTMENT OF ADMINISTRATION COMMENTS

Date \_\_\_\_\_

*Gen Fund 6% of above*

77-78      78-79  
\$ 21,063      \$ 21,759

Signature \_\_\_\_\_

Title \_\_\_\_\_

Senate Bill 173

Proposed Amendment

Page 30

SEC. 52.5. [The system shall refund to each member whose classification as a police officer is abrogated by this act the total amount by which his contributions since July 1, 1971, exceed the amount which he would have been required to contribute during that period if he had not been classified as a police officer, plus interest at the assumed investment income rate used in the most recent actuarial valuation of the system, and shall refund the same amount to his public employer.

SEC. 52.6. Any member who has completed 10 years of creditable service on or before July 1, 1977, and whose classification as a police officer is abrogated by this act is entitled to receive benefits under the early retirement provisions for police officers for any contributions made on or before July 1, 1977.]

In any case where positions legislatively classified as police officers are abrogated by this act, members contributing prior to July 1, 1977, shall remain contributing members and are entitled to receive full benefits under the early retirement for police officers.

[SEC. 52.7.] SEC. 52.6.

NOTE: Underlining represents suggested new language.

*A. A. Campos*  
*Dept. of Public & Prob.*

1977

*Our Choice #2*

4/19/77

NAME

REPRESENTING

Orvis E. Reyl	Retirement System - SB-19
Wilbur Keating	Retirement System - SB-19
Vernon Bennett	Retirement System - SB-19
<del>Bill Smith</del>	
John H. Purser	Mem. A.C.
Bob Nagin	Epsilon by Phi. & Gelf.
Larry Fisher	SWEA
Frank Sullivan	Washoe DA.
KEN HOOGEN	Washoe Co. Sheriff
	N. P. E. A. C.
AA Campos	Parole & Probation