

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

Mitch Brust	Personnel Division
Lloyd Mann	Assemblyman
Mike Medema	Department of Prisons
Eric Moon	American Friends Service Committee
Ted Oleson	American Civil Liberties Union
Don Rhodes	Legislative Counsel Bureau
Elmer R. Rusco	American Civil Liberties Union
Gary L. Smith	Washoe Legal Services
Charles L. Wolff, Jr.	Department of Prisons

Chairman Hayes called the meeting to order at 8:05 a.m.

ASSEMBLY BILL 384

Subjects department of prisons to provisions of Nevada Administrative Procedure Act for purpose of adopting regulations.

Mr. Rhodes had prepared testimony on this bill which he gave to the Committee (Exhibit A).

Assemblyman Mann, prime sponsor of all of the bills considered by the Committee on this date, said that this bill would enable the public a little more insight into rules and regulations that are going to be adopted at the prison. He said the one area that has been excluded is security. He suggested the addition of the following wording at the end of Page 1, Line 17: "to be so determined by the director of the department of prisons subject to a review by the state board of prison commissioners."

Mr. Mann said that the reason this bill was introduced was that the public has a great interest in having some input in the rules of the prison.

Date: March 13, 1979

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Mr. Stewart asked if all regulations used at the prison had to do with security. Mr. Mann said he did not think that all regulations pertained to security procedures. Mr. Wolff said that there are areas in the regulations that have no effect on security procedures. Mr. Rhodes pointed out the list in front of the report from the interim subcommittee in which many of the items did not deal with security.

Attached to the minutes is a letter from Mr. Wolff concerning this bill (Exhibit B).

ASSEMBLY BILL 391

Requires monthly reports to offenders of money in offenders' store fund.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit C).

Mr. Mann said this bill satisfies one of the complaints received from numerous prisoners who said that accounting of their funds was sporadic. He said that prison administration had already adopted this procedure, but it was felt it should be a permanent requirement, and that was the reason for inclusion in the NRS. He said reports will be done on a monthly basis, and the reports will be posted.

Mr. Wolff said that the present accounting is being done quarterly, and it would be no problem to do this monthly through the use of the minicomputer that has been installed.

ASSEMBLY BILL 392

Provides for establishment of policies and procedures to govern visitation of offenders in prison.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit D).

Mr. Mann said that there had been complaints from prisoners concerning visitation procedures. It was told the subcommittee that procedures can change from one shift to the next. He said that prisoners wished to have a regulation that would make these procedures consistent from shift to shift.

Chairman Hayes asked if the subcommittee had considered conjugal visits. Mr. Mann said that there had been no consideration because of opposition during the last session of satisfying the sexual desires of the inmates.

Mr. Malone asked why this bill could not be made a part of the internal prison regulations. He said he would wonder if the provisions of the bill would be carried out.

Mr. Wolff said that most of the provisions of the bills being considered had been covered in the prison procedures manual. He said if the Legislature feels these things should be in statute, the prison system would not be opposed. Mr. Mann stated that the procedure manual is fairly new. He said that the prison system had already adopted about 60% of the study of the interim subcommittee. He said, however, that to avoid the need for another interim study on the same subject he would be in favor of adopting these recommendations in statute.

Mr. Sena said that with the talk of building a new prison, by putting these recommendations in the statute, the regulations at the new prison and other prisons would be consistent across the State.

Mr. Prengaman said it appeared to him that these bills were being considered for passage to overload the Board of Prison Commissioners to achieve a goal of having a board that consisted of appointed professionals rather than the present elected officials. Mr. Mann said that these bills were not a war of wills between himself and the present administration. He said he felt the present administration was overburdened. One of the problems that was found by the subcommittee was that many regulations were on the books that were not being followed.

Mr. Rhodes said that the idea of a citizens board had generated as early as 1966 in a report done by the Governor concerning the prison system.

ASSEMBLY BILL 393

Provides for establishment of procedures for allowing offenders to retain certain personal property in prison.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit E).

Mr. Mann said that this bill addressed a regulation that was not being adhered to. He said that the problem was that at a whim, a correctional officer might take a prisoner's property. In one instance, property was stored in a basement that flooded, and the property was destroyed. He said property has been taken from prisoners that still has not been found.

ASSEMBLY BILL 394

Requires training for certain correctional officers.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit F).

Mr. Mann said that the fiscal note on this bill was \$130,000 a year during the next biennium. He said that Mr. Wolff had indicated to him that he would like to institute this type of program at the prison, but because of funding he had not been able to do it. He said he thought it was a farce to say that good control was wanted at the prison when people were hired off the street and put to work.

Mr. Rhodes said this bill puts training up front. He said that at least a person would be prepared when he went on the job.

Mr. Sena noted that if the correctional personnel were not trained and a prisoner was killed, the State of Nevada could find themselves liable.

ASSEMBLY BILL 395

Provides for the use of offenders in positions at prison.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit G).

Mr. Mann said that a big problem at the prison is idleness. He said that it has been too easy to let the prisoners sit idle. He said he did not know if this bill was the answer because he felt it was very weak.

Mr. Wolff said that prisoners are assigned to as many jobs as possible, but there were many more inmates than there were jobs.

Mr. Mann said he did not feel prisoners had to be paid for doing various jobs. He said they are getting free room and board. He said the Nevada prison system has been too lenient on prisoners.

ASSEMBLY BILL 396

Requires gift of clothing and increases amount of money which may be given to an offender upon release from prison.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit H).

Mr. Mann proposed the amendment on Line 15 of the bill by changing "Shall" to "May". He said this should not be a mandatory provision because many prisoners have more than enough money to take care of themselves when they are released from prison. He said that this change would change the fiscal note on the bill.

Mr. Sena asked what percentage of released prisoners have neither money or transportation. Mr. Wolff answered that there are about half of the prisoners in this category. He said that if a prisoner has a savings account of over \$200, he does not need any money, and if he has suitable clothes, the prison should not have to supply that.

Mr. Mann stated that for further assistance, the Parole and Probation Department has a program of making loans of up to \$300 if the prisoners need the extra help.

ASSEMBLY BILL 397

Provides for psychological testing of all prospective correctional officers.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit I).

Mr. Mann said that according to Mr. Wolff, it is very important that this type of testing be done before an individual is hired. He said this should be done as part of the pre-requisite for the job.

Mr. Wolff said that the fiscal note that was prepared was just over \$17,000.

Mr. Brust said that the fiscal note projected by the Personnel Division was \$35,000 to \$40,000.

Mr. Horn said that the trend was to require this type of testing in all areas. He said these tests should be initiated by the Legislature in all areas.

ASSEMBLY BILL 432

Adopts certain requirements of due process for disciplinary proceedings at the state prison.

Mr. Mann said he would ask to withdraw this bill. He said that the Governor's Office had pointed out to him that the same thing has been accomplished in courts through the Code of Penal Discipline.

Mr. Sena moved to indefinitely postpone A.B. 432; Mr. Brady seconded the motion.

At the request of the chair, the motion was withdrawn until all testimony can be heard.

ASSEMBLY BILL 433

Prohibits discriminatory denial of certain services of department of prisons.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit J).

Mr. Mann said that perhaps the most disturbing thing about the investigation conducted by the subcommittee was the treatment of female prisoners. He said there was a maritime class conducted at the prison which was very popular. He said that women, as well as men, attended this class until a male and female prisoner were caught "in a closet." Instead of tightening security, he said the women were not allowed to attend the class any longer.

Mr. Stewart asked if the opportunities for offenders would be considered equal if the offenders were separated because of race. Mr. Wolff addressed his answer to separation because of sex, and he said that the activities inmates are involved in do not have to be segregated. He said that coeducational classes in upholstery, welding, landscaping and things of this nature had been held in the past. He stated that the women's facility has been enlarged with inclusion of recreational facilities to help meet a variety of needs of the growing population in that facility.

Mr. Stewart said that there have been a lot of court cases in which separating prisoners on the basis of race has been overruled on the basis that it is a denial of equal opportunity. He said he had no problem with that ruling, but when the same test is applied to sex, it enters some areas he said should be clarified or made clear for equal educational and recreational facilities and opportunities in reference to sex.

Mr. Mann said that the bill was written as it appears in the Oregon law. He said that there have been no problems there, and he said he had no problems with the present language.

Mr. Stewart said that he did not disregard the fact that there is needed in a lot of cases a maintenance of separate facilities or the pursual of opportunities in different kinds of programs.

ASSEMBLY BILL 436

Provides for review and reporting of results of programs for rehabilitation of offenders.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit K).

Mr. Mann said this bill had a \$65,000 fiscal note for the biennium. He said he hoped this Committee would pass the bill and let the Ways and Means Committee make a decision regarding the bill's cost.

Mr. Stewart asked if a review is made of the present prison programs. Mr. Wolff said that a review is made.

Mr. Mann said that the interim study committee had had a very difficult time getting figures that "jived." He said that this bill would require a system of keeping track of success of prison programs.

ASSEMBLY BILL 437

Provides for establishment of procedures for recreation programs for offender.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit L).

Mr. Mann said he thought this bill would reduce problems at the prison. He said that the more active the prisoners are, the less apt they are to cause problems. He said that the lockup situations at the prison do not make the prisoners more amenable to rules and regulations. He said the interim subcommittee had also found that women were discriminated against in recreational programs.

ASSEMBLY BILL 446

Provides for establishment of private industry at state prison and application of wages therefrom.

Mr. Mann said that this was an extensive bill in terms of establishing private industries in the prison. He said he had extensive amendments to the bill submitted to him from the Governor's Office (Exhibit M). He said he would concur with the suggested amendments.

Mr. Rhodes submitted his written statement (Exhibit N) on this bill to the Committee.

Also attached (Exhibit O) is a memo from Mr. Rhodes to Mr. Mann concerning A.B. 446, A.B. 447, and A.B. 448.

ASSEMBLY BILL 447

Allows conditioning of parole upon attending and completing educational courses.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit P).

Mr. Mann said that when a person lacks a formal education, he excludes himself from certain opportunities. He said that prisoners should be encouraged to get their education because only with the education can they have a better chance when they get out of prison.

Chairman Hayes asked if a constitutional problem was being created by making the education requirement a condition of parole. Mr. Mann said he had been assured by legislative counsel that the bill would be entirely constitutional as it is written.

Mr. Wolff said that about the only thing that can be mandated in corrections is that an individual is not entitled to remain ignorant.

Mr. Rhodes said that the legislative counsel's opinion was that if a prisoner's sentence was not affected by whether or not he received an education, the bill would be constitutional.

ASSEMBLY BILL 448

Provides for establishment of procedures to govern handling of correspondence of offenders.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit Q).

Mr. Mann said that there was a suggested amendment on Line 4 of the bill changing "properly" to "prompt."

Mr. Mann said that the subcommittee had found that certain sergeants would hold mail for inmates they did not like without the consent of the administrative staff. He said this bill will address that situation.

Mr. Horn asked if this was more a problem for management. Mr. Mann said this was something where management failed, and that was why it should be in statute.

Mr. Wolff said that the prison would not object to this bill because this was being done now.

ASSEMBLY BILL 449

Requires substantial relationship to profession or occupation to deny or revoke license on account of commission of public offense.

Mr. Rhodes presented prepared testimony on this bill which he gave to the Committee (Exhibit R).

Mr. Mann said that this bill would provide that an individual could not be kept from their profession unless the offense they committed related to that profession. He said that the change in the bill regarding teachers was not part of the request submitted to the bill drafters.

Mr. Stewart said that in a lot of businesses, character and reputation are important things to consider in issuance of business licenses.

Mr. Mann said that if the rehabilitation concept was to be carried through, a person should not be punished forever by whatever means after he gets out of prison. He said that a person who has broken a law has not damaged himself to the point of not being able to function in his profession in most cases.

ASSEMBLY BILL 383

Limits supervision by correctional officers of offenders of opposite sex.

Mr. Mann said that several prisoners said that when they are using the restroom, it is hard for them to function with a woman watching. He said it was a unique problem due to the fact that it does not happen in the women's facility. He said that there have been several court rulings that go both ways on this subject.

Mr. Wolff said that he saw problems with this bill. He said that Mr. Mann's statement had probably occurred in the past. He said he thought the prison was doing a good job with the male and female employees and using discretion. He said this bill would block career advancement for women and hamper a variety of things. He said that the living units in the prison today were so constructed that it is impossible to keep the female guards out of the men's units. He said the new facility would correct that problem.

Mr. Mann said he did not want this bill put into statute. He said he introduced the bill so the problem could be aired.

ASSEMBLY BILL 397

Mr. Brust said that the Personnel Division was in support of this concept, but it was not known if statute was the way to handle the problem.

Mr. Brust said the bill talks about testing all officers being considered for appointment. He asked if this would be entry level people or people at any level. He said that if it was valid to test correctional officers coming into the system, it was also valid to test correctional sergeants. He said if this was also done, there would be an additional cost in developing the proper test.

Mr. Brust asked what might happen if a person working at the prison was given a psychological test in consideration of a promotion and failed the test.

Mr. Brust suggested that there might be other areas than just the prison where this type of testing should be done. He said that if other areas would be considered, the fiscal note on this bill would be considerably more than the \$17,000 that has been suggested by the prison.

Mr. Horn asked what might be the problem with the original scope of this legislation. Mr. Brust answered that the problem was with the possibility of individuals coming into the system at various levels. He said that it is inconsistent to test people out of the system and not test those in the system.

Attached to the minutes is a statement of support (Exhibit S) from the Washoe County Democratic Party regarding these bills.

Mr. Brady moved to adjourn. The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

Carl R. Ruthstrom Jr.

Carl R. Ruthstrom, Jr.
Secretary

A.B. 384
(BDR 18-57)

UNIFORM POLICIES AND PROCEDURES FOR ALL
AREAS OF PRISON ADMINISTRATION

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 7 OF THE REPORT.

ONE OF THE INTERIM SUBCOMMITTEE'S PRINCIPAL FINDINGS IS THE LACK OF CLEAR CUT, UNIFORM POLICIES AND PROCEDURES AND OPERATIONAL GUIDELINES FOR ALL AREAS OF PRISON ADMINISTRATION. THE EXISTENCE OF THIS PROBLEM PERMEATED ALL THE TESTIMONY AND INFORMATION OBTAINED BY THE SUBCOMMITTEE. MAJOR EXAMPLES OF THIS PROBLEM ARE DISCUSSED ON PAGE 8 OF THE SUBCOMMITTEE'S REPORT.

THE SUBCOMMITTEE BELIEVED THAT EFFECTIVE ADMINISTRATION OF ANY INSTITUTION RESULTS LARGELY FROM THE EXISTENCE OF A BODY OF CAREFULLY FORMULATED AND OBSERVED POLICIES AND PROCEDURES WHICH DEFINE CLEARLY BASIC GOALS AND PROVIDE GUIDELINES FOR OPERATING AND MAINTAINING THE INSTITUTION. SUCH GUIDELINES ARE ESPECIALLY IMPORTANT IN A CORRECTIONAL SYSTEM.

FURTHERMORE, THE SUBCOMMITTEE FELT THAT A GOVERNMENT AGENCY HAS AN OBLIGATION TO STATE PUBLICLY WHAT IT DOES AND HOW IT EXECUTES ITS FUNCTIONS. THEREFORE, THE SUBCOMMITTEE BELIEVED THAT REGULATIONS THE DEPARTMENT OF PRISONS ADOPTS, TO THE EXTENT THAT SUCH DOES NOT COMPROMISE SECURITY, SHOULD BE

SUBMITTED TO THE SAME REVIEW AND PUBLIC SCRUTINY AS OTHER STATE AGENCIES' REGULATIONS. THE VIEW THAT THE PUBLIC SHOULD HAVE ACCESS TO CERTAIN OF THE PRISON'S REGULATIONS IS PROFFERED IN MANY OF THE STANDARDS AND DRAFT LEGISLATION RELATING TO PRISON SYSTEMS.

ALSO, ACCORDING TO INFORMATION RECEIVED BY THE SUBCOMMITTEE, MANY STATES INCLUDE AT LEAST A PORTION OF THEIR PRISON SYSTEM'S REGULATIONS UNDER THE GUIDELINES SPECIFIED FOR THE ADOPTION AND REVIEW OF THEIR STATE AGENCIES' ADMINISTRATIVE REGULATIONS.*

BASED ON ITS FINDINGS CONCERNING THE DEPARTMENT'S LACK OF UNIFORM POLICIES AND PROCEDURES, THE SUBCOMMITTEE RECOMMENDED:

THE BOARD OF PRISON COMMISSIONERS ADOPT REGULATIONS NECESSARY TO ESTABLISH UNIFORM POLICIES AND PROCEDURES FOR CARRYING OUT ALL ASPECTS OF THE DEPARTMENT OF PRISONS' BUSINESS. THE SUBCOMMITTEE RECOMMENDED FURTHER THAT THE ADOPTION OF SUCH REGULATIONS, EXCEPT FOR THOSE RELATING TO SECURITY PROCEDURES, BE IN ACCORDANCE WITH THE APPLICABLE PROVISION OF NRS 233B, "NEVADA ADMINISTRATIVE ACT." THE DEPARTMENT'S REGULATIONS SHOULD BE EXEMPT FROM THE ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS OF CHAPTER 233B. (BDR 18-57)

*Arizona, Arkansas, Connecticut, California, Florida, Georgia, Maryland, Michigan, Mississippi, Nebraska, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, and Wyoming.

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A.B. 384 CARRIES OUT THE SUBCOMMITTEE'S RECOMMENDATION.

IT IS OUR UNDERSTANDING THAT THE DEPARTMENT HAS MADE SOME INITIAL EFFORTS AT REVISING ITS POLICIES AND PROCEDURES. THIS IS GOOD AND THE EFFORT SHOULD, I THINK THE SUBCOMMITTEE WOULD SAY, BE REINFORCED BY THE PASSAGE OF A.B. 384.

STATE OF NEVADA
DEPARTMENT OF PRISONS

BOARD OF PRISON COMMISSIONERS

ROBERT LIST, GOVERNOR

RICHARD BRYAN, ATTORNEY GENERAL

WM. D. SWACKHAMER, SECRETARY OF STATE



CHARLES L. WOLFF, JR.
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March 12, 1979

Assemblyman Hayes
Chairman of Committee on Judiciary
Legislative Building
Carson City, Nevada 89710

Dear Assemblyman Hayes:

The Department of Prisons is in agreement with the provisions of A.B. 384 regarding subjecting the Department of Prisons to the provisions of the Nevada Administrative Procedures Act for the purpose of adopting regulations exclusive of those regulations relating to the security procedures at the prison. I respectfully request that the provisions of line 17 be clarified to state that the security procedures exempted be so determined by the Director of the Department of Prisons subject to a review by the State Board of Prison Commissioners. It is felt that this clarification will eliminate future questions regarding who determines when a procedure relates to security.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles L. Wolff, Jr.", written over the typed name.

Charles L. Wolff, Jr.

Director

MM/CLW/kg

A.B. 391
(BDR-16-79)

REPORTING OF MONEY IN PRISONERS' STORE FUND

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 44 OF THE REPORT.

A RECURRING CONCERN OF THE INMATES, AS REPORTED TO THE SUBCOMMITTEE BY INMATES AND OTHERS APPEARING BEFORE IT, IS THE REPORTING PRACTICES OF THE PRISON RELATIVE TO THE MONEY IN THE PRISONERS' STORE FUND. MONEY IN THE PRISONERS' STORE FUND (WHICH COMES FROM PROFITS FROM INMATES' STORES, THE SALE OF GOODS MANUFACTURED BY INMATES AND DONATIONS) IS USED FOR INMATE RECREATIONAL ACTIVITIES INCLUDING THE RENTAL OF MOVIES. APPROXIMATELY \$25,000 IS GENERATED FOR THE FUND ON AN ANNUAL BASIS.

NRS 209.221 PERTAINS TO THE PRISONERS' STORE FUND AND, AMONG OTHER THINGS, CONTAINS A REQUIREMENT THAT THE DEPARTMENT SUBMIT REPORTS TO THE BOARD OF PRISON COMMISSIONERS RELATIVE TO THE MONEY IN THE PRISONERS' STORE FUND.

ACCORDING TO THE DEPARTMENT OF PRISONS IT, ALTHOUGH NOT REQUIRED BY LAW TO DO SO, OCCASIONALLY PROVIDES REPORTS ON THE STATUS OF THE PRISONERS' STORE FUND TO THE ELECTED INMATE COMMITTEES AT EACH INSTITUTION. THE SUBCOMMITTEE BELIEVED THAT MUCH INMATE CONCERN ABOUT THE ACCOUNTING OF THE MONEY IN THE PRISONERS' STORE

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FUND WOULD BE DISSPELLED IF SUCH REPORTING WAS DONE ON A UNIFORM AND ROUTINE BASIS. THEREFORE, THE SUBCOMMITTEE RECOMMENDED THAT:

A MONTHLY REPORT BE PROVIDED TO THE INMATE COMMITTEES AT EACH INSTITUTION WITHIN THE DEPARTMENT OF PRISONS RELATIVE TO THE MONEY IN THE PRISONERS' STORE FUND. (BDR 16-79)

A.B. 391 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 392
(BDR 16-75)

INMATE VISITATION

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 46 OF THE REPORT.

PERHAPS ONE OF THE MOST IMPORTANT ACTIVITIES TO ANY INMATE IS VISITING WITH HIS FAMILY AND FRIENDS. ABRIDGEMENT OF AN INMATE'S VISITATION RIGHTS CAN LEAD TO SERIOUS MORALE PROBLEMS AND GENERAL INMATE UNREST.

VIRTUALLY EVERY STATEMENT ON VISITATION BY PRISON OFFICIALS, CORRECTIONAL STANDARDS AND DRAFT MODEL LEGISLATION, EVERY NATIONAL STUDY AND EVERY MAJOR TEXTBOOK ON CORRECTIONS, STRESS THE CRITICAL NATURE OF INMATE VISITATION BOTH IN TERMS OF THE REDUCTION OF TENSION INSIDE THE PRISON AND IN FACILITATING THE REHABILITATION OF THE PRISONER BY STRENGTHENING HIS TIES WITH SOCIETY.

THE DEPARTMENT OF PRISONS ALLOWS VISITS AT EACH OF ITS INSTITUTIONS. THE SUBCOMMITTEE FOUND THAT THE FREQUENCY OF VISITS AND WITH WHOM THE VISITS MAY BE MADE APPEARS TO VARY DEPENDING UPON THE INSTITUTION AND THE POLICIES OF THE SUPERINTENDENTS.

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SEVERAL PERSONS APPEARING BEFORE THE SUBCOMMITTEE EXPRESSED THE VIEW THAT THE VISITING POLICIES AT THE DEPARTMENT ARE TOO RESTRICTIVE AND TEND TO DISCRIMINATE AGAINST CERTAIN INMATES AND VISITORS. THE SUBCOMMITTEE BELIEVED THAT THE CRITICAL VALUE FOR OFFENDERS OF A PROGRAM OF VISITING WITH RELATIVES AND FRIENDS IS CLEAR AND OBVIOUS. IT THEREFORE RECOMMENDED THAT:

THE STATE BOARD OF PRISON COMMISSIONERS ADOPT REGULATIONS NECESSARY TO ESTABLISH REASONABLE INMATE VISITATION POLICIES AND PROCEDURES. THE SUBCOMMITTEE FURTHER RECOMMENDED THAT SUCH REGULATIONS SHOULD BE (1) MADE AVAILABLE TO ALL STAFF MEMBERS, INMATES AND THEIR VISITORS, AND (2) REVIEWED ANNUALLY AND UPDATED AS NEEDED. (BDR 16-75)

A.B. 392 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 393
(BDR 16-17)

INMATE PROPERTY

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 40 OF THE REPORT.

THERE WAS A TOTAL INMATE LOCKDOWN IN EFFECT AT THE MAXIMUM SECURITY PRISON DURING MUCH OF THE SUBCOMMITTEE'S MEETING SCHEDULE. AS AN INITIAL PART OF THE LOCKDOWN, THE PRISON ADMINISTRATION CONFISCATED MOST OF THE INMATES' PERSONAL BELONGINGS. THIS CONFISCATION PRECIPITATED A RASH OF LETTERS TO THE SUBCOMMITTEE FROM THE INMATES AND ALSO LED TO MUCH DISCUSSION ON INMATE PROPERTY RIGHTS DURING THE SUBCOMMITTEE'S HEARING AT THE MAXIMUM SECURITY PRISON. INMATES WERE AGGRIEVED THAT THEIR PROPERTY HAD BEEN TAKEN FROM THEM WHEN THEY HAD NOT BEEN PERSONALLY INVOLVED IN INCIDENTS WHICH LED TO THE LOCKDOWN. INMATES ALSO COMPLAINED THAT THEIR STORED PROPERTY WAS BEING IMPROPERLY STORED, MISPLACED AND LOST BY PRISON OFFICIALS. AND, CERTAIN INMATES COMPLAINED THAT MATERIALS NECESSARY TO PRACTICE THEIR RELIGIOUS BELIEFS HAD BEEN TAKEN UNNECESSARILY FROM THEM.

THE AMERICAN CORRECTIONAL ASSOCIATION, IN ITS MANUAL OF STANDARDS FOR ADULT CORRECTIONAL INSTITUTIONS, HAS STANDARDS RELATING TO INMATE PROPERTY RIGHTS.

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THE SUBCOMMITTEE REVIEWED THESE STANDARDS AND THEN MADE THE FOLLOWING RECOMMENDATION:

THE STATE BOARD OF PRISON COMMISSIONERS ADOPT REGULATIONS SPECIFYING THE PERSONAL PROPERTY INMATES ARE PERMITTED TO RETAIN IN THEIR POSSESSION. SUCH REGULATIONS SHOULD ESTABLISH PROCEDURES NECESSARY TO ENSURE THAT INMATES BE PERMITTED TO RETAIN, CONSISTENT WITH SECURITY AND THE PROPER FUNCTIONING OF THE INSTITUTIONS, REASONABLE AMOUNTS OF PERSONAL PROPERTY. SUCH REGULATIONS SHOULD ALSO ESTABLISH NECESSARY PROCEDURES FOR THE CAREFUL HANDLING AND SECURE STORAGE OF INMATES' PERSONAL PROPERTY.

(NOTE: THE BOARD OF EXAMINERS HAS SETTLED THE CLAIMS OF SEVERAL INMATES WHOSE PROPERTY WAS DAMAGED BECAUSE IT WAS IMPROPERLY STORED.)

A.B. 393 WOULD PUT THE SUBCOMMITTEE'S RECOMMENDATION INTO EFFECT.

A.B. 394
(BDR 16-60)

TRAINING OF CORRECTIONAL OFFICERS

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 10 OF THE REPORT:

THE SUBCOMMITTEE FOUND THAT THE PRESENCE OF TRAINED, MOTIVATED CORRECTIONAL OFFICERS WHO ARE PROPERLY SUITED FOR THE UNIQUE CONDITIONS IN WHICH THEY WORK ARE OF CRITICAL IMPORTANCE TO THE OPERATION OF A CORRECTIONAL INSTITUTION. MANY OF THE PROBLEMS THE COMMITTEE BECAME AWARE OF ARE ATTRIBUTABLE IT FELT, TO THE IMPROPER TRAINING OR MOTIVATION OF LINE CORRECTIONAL STAFF. FOR EXAMPLE, IT BECAME OBVIOUS THAT MANY OF THE PROBLEMS ASSOCIATED WITH INMATE HOSTILITY AND UNRULINESS AT THE MAXIMUM SECURITY PRISON DURING THE SO-CALLED LOCKDOWN PERIOD IN LATE FALL OF 1977 AND EARLY SPRING OF 1978 WERE GENERATED BECAUSE OF LINE STAFF'S FAILURE TO DEAL PROPERLY WITH SUCH SEEMINGLY MINOR MATTERS AS (1) PROVIDING FRESH CLOTHING AND LINEN CHANGES TO INMATES, (2) REPORTING MALFUNCTIONING PLUMBING PROBLEMS, AND (3) DEALING PROPERLY WITH INMATES' MEDICAL, SANITATION, PERSONAL PROPERTY, AND OTHER GRIEVANCES.

SIMILAR STAFF TRAINING AND MOTIVATION PROBLEMS WERE POINTED OUT TO THE SUBCOMMITTEE IN THE AREAS OF STAFF-INMATE RELATIONS, INMATE DISCIPLINARY TECHNIQUES AND SECURITY. THE SUBCOMMITTEE LEARNED OF ONE CASE WHERE IMPROPER STAFF MOTIVATION AND ATTENTION

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TO DUTY LED TO THE ESCAPE OF TWO INMATES THROUGH A FENCE UNDER THE TOWER IN WHICH A CORRECTIONAL OFFICER WAS STATIONED. MOREOVER, THE SUBCOMMITTEE WAS MADE AWARE OF CORRECTIONAL OFFICERS WHO WERE GIVEN RESPONSIBILITY FOR THE SUPERVISION OF INMATES, SOME OF WHOM HAD HIGH SECURITY REQUIREMENT CLASSIFICATIONS, WITHOUT BEING GIVEN ANY FORMAL TRAINING. THE SUBCOMMITTEE WAS ALSO TOLD, BY PRISON CORRECTIONAL STAFF, THAT CERTAIN CORRECTIONAL OFFICERS HAD BEEN REQUIRED TO TRANSPORT INMATES OFF THE GROUNDS OF THE PRISON BEFORE THE CORRECTIONAL OFFICERS HAD BEEN GIVEN ANY FORMAL TRAINING IN PROPER INMATE CONTROL OR SUPERVISION TECHNIQUES.

THE AMERICAN CORRECTION ASSOCIATION HAS DEVELOPED STANDARDS FOR STAFF TRAINING AND DEVELOPMENT. THE SUBCOMMITTEE BELIEVED THAT CERTAIN OF THESE STANDARDS ARE OF EXTREME IMPORTANCE FOR THE SUCCESSFUL OPERATION OF PRISON INSTITUTIONS. BASED ON THESE STANDARDS, AND ITS OWN OBSERVATIONS AND CONCLUSIONS CONCERNING THE NECESSITY FOR PROPER STAFF TRAINING, THE SUBCOMMITTEE RECOMMENDED THAT:

ALL NEW CORRECTIONAL OFFICERS RECEIVE 40 HOURS OF ORIENTATION PRIOR TO JOB ASSIGNMENT AND AN ADDITIONAL 40 HOURS OF TRAINING DURING THE FIRST YEAR OF EMPLOYMENT. INITIAL ORIENTATION, GIVEN BY QUALIFIED

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INSTRUCTORS, SHOULD BE TO THE POLICIES, ORGANIZATION
STRUCTURES, PROGRAMS AND REGULATIONS OF THE DEPARTMENT
AND INCLUDE INFORMATION ON PROPER STAFF-PRISONER RELATIONS
INCLUDING PROPER DISCIPLINARY TECHNIQUES. THE SUBCOM-
MITTEE ALSO RECOMMENDED THAT ALL EMPLOYEES CONTINUE TO
RECEIVE A MINIMUM OF 40 HOURS OF TRAINING EACH YEAR
AFTER THE FIRST YEAR. (BDR 16-60)

A.B. 394 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 395
(BDR 16-64)

EXPANDED USE OF PRISONERS IN PRISON OPERATIONS

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 18 OF THE REPORT.

DURING THE SUBCOMMITTEE HEARINGS, SEVERAL INMATES EXPRESSED A DESIRE TO BE OFFERED INCREASED OPPORTUNITIES WITHIN THE PRISON SYSTEM TO USE VOCATIONAL SKILLS THEY HAD BROUGHT WITH THEM TO PRISON. INMATES WITH SKILLS SUCH AS ELECTRICIAN, REFRIGERATION SPECIALIST, METAL WORKER, AND OTHERS EXPRESSED DESIRE TO EITHER PRACTICE THEIR SKILL IN THE OPERATION OF THE INSTITUTIONS OR TO BE GIVEN THE OPPORTUNITY TO TEACH THEIR SKILL TO OTHER INMATES. IT WAS EXPRESSED BY CERTAIN INMATES THAT ONE WAY TO EXPAND, ON A LOW COST BASIS, THE TRAINING PROGRAMS AT THE INSTITUTIONS WOULD BE TO USE INMATES IN AS MANY TRAINING PROGRAMS AS POSSIBLE.

INMATES ALSO EXPRESSED A DESIRE TO ASSIST IN AS MANY INSTITUTIONAL JOBS AS POSSIBLE WITHIN THE CONFINES OF PROPER SECURITY. IT WAS POINTED OUT THAT THIS WOULD BE AN ECONOMICAL WAY FOR THE INSTITUTIONS TO RUN MANY OF THEIR ONGOING MAINTENANCE AND DAY-TO-DAY OPERATIONS AND AT THE SAME TIME TO DEAL WITH THE INMATE IDLENESS PROBLEMS. THE SUBCOMMITTEE THOUGHT THAT THE SUGGESTIONS HAD MERIT AND THEREFORE RECOMMENDED THAT:

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THE BOARD OF PRISON COMMISSIONERS ADOPT REGULATIONS
NECESSARY TO ESTABLISH PROCEDURES WHICH PROVIDE FOR
INMATES TO BE USED IN AS MANY NONSECURITY OR NON-
MANAGEMENT POSITIONS AS POSSIBLE. (BDR 16-64)

A.B. 395 WOULD PUT THE SUBCOMMITTEE'S RECOMMENDATION INTO OPERATION.

A.B. 396
(BDR 16-82)

INMATE RELEASE PAY

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 48 OF THE REPORT.

ONE OF THE SUBCOMMITTEE'S CONCERNS WAS THE LOW LEVEL OF THE SO-CALLED GATE MONEY PRISONERS ARE ELIGIBLE FOR WHEN THEY ARE RELEASED FROM PRISON. NRS. 209.511 PROVIDES, AMONG OTHER THINGS, THAT WHEN AN OFFENDER IS RELEASED FROM AN INSTITUTION BY EXPIRATION OF HIS TERM OF SENTENCE, BY PARDON OR BY PAROLE, THE DIRECTOR:

MAY FURNISH HIM WITH A SUM OF MONEY NOT TO EXCEED \$50, THE AMOUNT TO BE BASED UPON THE OFFENDER'S ECONOMIC NEED AS DETERMINED BY THE DIRECTOR, WHICH SHALL BE PAID OUT OF THE APPROPRIATE ACCOUNT WITHIN THE GENERAL FUND FOR THE USE OF THE DEPARTMENT AS ANY OTHER CLAIM AGAINST THE STATE IS PAID.

THE \$50 INMATE RELEASE PAY HAS BEEN IN THE LAW SINCE 1973 WHEN THE AMOUNT WAS RAISED FROM \$25 TO \$50 BY CHAPTER 540, STATUTES OF NEVADA 1973. SINCE 1973 THE CONSUMER PRICE INDEX HAS RISEN BY APPROXIMATELY 55 PERCENT.

MOST PRISONERS HAVE FEW FINANCIAL RESOURCES WHEN RELEASED FROM

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PRISON. THE RESOURCES THEY HAVE MUST BE USED TO OBTAIN TRANSPORTATION TO THEIR HOMETOWN, PURCHASE SUITABLE CLOTHES FOR EMPLOYMENT INTERVIEWS, AND TO SURVIVE UNTIL THEY OBTAIN EMPLOYMENT. ACCORDING TO THE AMERICAN BAR ASSOCIATION, MANY STATES PROVIDE AT LEAST \$100 IN "GATE MONEY" FOR PERSONS LEAVING PRISON (CALIFORNIA, COLORADO, FLORIDA, GEORGIA, HAWAII, ILLINOIS, IOWA, KANSAS, MINNESOTA, MISSISSIPPI, MISSOURI, NEBRASKA, NEW HAMPSHIRE, NEW JERSEY AND NEW MEXICO).

THE SUBCOMMITTEE BELIEVED THAT PRISONERS WITHOUT FINANCIAL RESOURCES SHOULD BE PROVIDED AT LEAST \$100 ON THEIR RELEASE FROM PRISON. THIS IS THE MINIMUM AMOUNT NECESSARY FOR A PRISONER TO HAVE A REASONABLE CHANCE FOR SURVIVAL WHEN HE IS RELEASED FROM PRISON. THE SUBCOMMITTEE THEREFORE RECOMMENDED THAT:

THE AMOUNT OF MONEY THE DIRECTOR OF PRISONS MAY FURNISH AN OFFENDER UPON THE OFFENDER'S RELEASE FROM THE DEPARTMENT OF PRISONS BE INCREASED TO \$100. THE SUBCOMMITTEE RECOMMENDED FURTHER THAT RELEASED OFFENDERS ALSO BE GIVEN CLOTHING SUITABLE FOR REENTRY INTO THE COMMUNITY.

(BDR 16-82)

A.B. 396 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION. IT ALSO RECOGNIZES THE DEPARTMENT OF PRISONS' SUGGESTION THAT OFFENDERS BE GIVEN CLOTHING SUITABLE FOR REENTRY INTO THE COMMUNITY.

A.B. 397
(BDR 16-62)

EMOTIONAL SUITABILITY OF PROSPECTIVE CORRECTIONAL OFFICERS
FOR THE WORK

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS
ON PAGE 12 OF THE REPORT.

IN LINE WITH ITS OTHER RECOMMENDATIONS ON STAFF SELECTION, PRO-
MOTION AND TRAINING THE SUBCOMMITTEE BELIEVED THAT PROSPECTIVE
CORRECTIONAL OFFICERS SHOULD ALSO BE EMOTIONALLY SUITED FOR
INTERACTION WITH INMATES. MANY POLICE DEPARTMENTS HAVE LONG
BEEN AWARE OF THE NECESSITY FOR PROPER SCREENING DEVICES,
BEYOND THE NORMAL INTERVIEW, TO DETERMINE THE EMOTIONAL ADEQUACY
OF PROSPECTIVE OFFICERS FOR THE WORK.

THE SUBCOMMITTEE THOUGHT THAT PROPER SCREENING FOR CORRECTIONAL
OFFICERS IS OF VITAL IMPORTANCE TO ENSURE THAT THE BEST SUITED
APPLICANTS ARE SELECTED FOR CORRECTIONAL OFFICER POSITIONS. THE
PERSONNEL DIVISION ADVISES THAT IT COULD DEVELOP PSYCHOLOGICAL
SCREENING DEVICES FOR PROSPECTIVE CORRECTIONAL OFFICERS WITH
ASSISTANCE FROM THE PRISON PSYCHOLOGIST WHO HAS DEVELOPED MANY
SUCH SCREENING DEVICES. THEREFORE, THE SUBCOMMITTEE RECOMMENDED:

THE DEPARTMENT OF PRISONS, WITH ASSISTANCE FROM THE
PERSONNEL DIVISION, INITIATE THE USE OF APPROPRIATE
PSYCHOLOGICAL SCREENING DEVICES FOR PROSPECTIVE
CORRECTIONAL OFFICERS. (BDR 16-62)

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Page 2.

A.B. 397 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 433
(BDR 16-70)

EQUAL ACCESS TO EDUCATION AND TRAINING FOR
FEMALE INMATES

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 24 OF THE REPORT.

OF MAJOR CONCERN TO THE SUBCOMMITTEE WAS THE OPERATION OF THE WOMEN'S PRISON AND THE AVAILABILITY OF ADEQUATE RECREATIONAL, TRAINING AND EMPLOYMENT PROGRAMS FOR WOMEN PRISONERS.

IN RESPONSE TO THE SUBCOMMITTEE'S CONCERN, THE DEPARTMENT PROVIDED DETAILED INFORMATION ON WOMEN OFFENDERS AND INSTITUTED CERTAIN NEW PROGRAMS FOR THE WOMEN PRISONERS SUCH AS COMMUNITY COLLEGE COURSES (THROUGH WESTERN NEVADA COMMUNITY COLLEGE) AND NONTRADITIONAL TRAINING PROGRAMS IN SUCH THINGS AS HEAVY DUTY TRUCK DRIVING.

VARIOUS CORRECTIONAL STANDARDS STRESS NONDISCRIMINATORY TREATMENT. SPECIAL EMPHASIS IN THE STANDARDS IS PLACED ON ENSURING THAT WOMEN OFFENDERS ARE NOT SLIGHTED IN PRISON PROGRAMMING, HOUSING, OR WELL-BEING. THE SUBCOMMITTEE AGREED WITH THESE STANDARDS. IT ALSO RECOGNIZED THE UNIQUE NEEDS OF FEMALE OFFENDERS AND, ACCORDINGLY, WAS AWARE THAT FEMALE OFFENDERS MAY NEED DIFFERENT TYPES OF REHABILITATION PROGRAMS THAN MALE OFFENDERS. THE SUBCOMMITTEE, HOWEVER, DID NOT BELIEVE THAT WOMEN OFFENDERS SHOULD BE DENIED ADEQUATE REHABILITATION

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OPPORTUNITIES. TOO OFTEN PROGRAMS IN WOMENS' PRISONS ARE LACKING OR STRUCTURED EXCLUSIVELY TO TEACH THE WOMEN TO BEHAVE LIKE "LADIES." VOCATIONAL TRAINING IS LIMITED TO TRADITIONAL ROLES SUCH AS DOMESTIC HAIRDRESSING AND SECRETARIAL. INDUSTRIAL EMPLOYMENT OFFERINGS AND OPPORTUNITIES FOR EMPLOYMENT UPON RELEASE ARE LACKING. ALSO LACKING, ESPECIALLY IN THE NEVADA WOMEN'S INSTITUTION, ARE PROGRAMS TO COMBAT THE INMATE IDLENESS WITH MEANINGFUL PROGRAMS THAT WILL LEAD TO THE FEMALE INMATES' SUCCESSFUL REENTRY INTO SOCIETY.

THE SUBCOMMITTEE BELIEVED THAT NO DEPARTMENT OF PRISON INMATES SHOULD BE DISCRIMINATED AGAINST IN THE PROVISION OF SERVICES OR PROGRAMS. OREGON HAS PASSED A MEASURE RELATING TO THIS MATTER (SEE SUBSECTION 2 OF O.R.S. 1979.750 "EQUAL CARE AND TREATMENT FOR PERSONS IN STATE INSTITUTIONS") AND THE SUBCOMMITTEE BELIEVED A SIMILAR PROVISION IS WARRANTED IN NEVADA. THEREFORE, IT RECOMMENDED THAT:

NO DISCRIMINATION BE MADE IN THE PROVISION OF EDUCATIONAL, RECREATIONAL OR EMPLOYMENT FACILITIES OR SERVICES TO ANY PRISONERS INCARCERATED IN THE DEPARTMENT OF PRISONS ON ACCOUNT OF RACE, RELIGION, SEX, MARITAL STATUS OR NATIONAL ORIGIN. (BDR 16-70)

A.B. 433 WOULD PUT THE SUBCOMMITTEE'S RECOMMENDATION INTO EFFECT.

A.B. 436
(BDR 16-69)

RESEARCH AND PROGRAM EVALUATION

DISCUSSION OF THE RECOMMENDATION WHICH LED TO THIS BILL BEGINS ON PAGE 24 OF THE REPORT.

NATIONAL AND STATE STANDARDS FOR PRISON SYSTEMS EMPHASIZE THE NEED FOR PRISON RESEARCH COMPONENTS TO COLLECT AND ANALYZE INFORMATION FOR PLANNING, OPERATIONAL CONTROL, OFFENDER TRACKING AND PROGRAM REVIEW.

IN NEVADA, THIS NEED HAS BEEN IDENTIFIED SPECIFICALLY IN STANDARDS 14.1 THROUGH 14.6 OF THE "SETTING FOR CORRECTIONS" SECTION OF THE PROPOSED NEVADA CRIMINAL JUSTICE STANDARDS AND GOALS.

ONE OF THE DIFFICULTIES THE SUBCOMMITTEE HAD IN ITS STUDY WAS OBTAINING INFORMATION FROM THE DEPARTMENT OF PRISONS NECESSARY TO ANALYZE THE DEPARTMENT'S EFFORTS TOWARDS THE REHABILITATION OF OFFENDERS. THIS IS BECAUSE, AS THE SUBCOMMITTEE FOUND, THE DEPARTMENT ACCUMULATES VERY LITTLE QUANTIFIED INFORMATION ON THE SUCCESS OF ITS REHABILITATION PROGRAMS. PRECISE INFORMATION ON INMATE RECIDIVISM OR TIME SPENT PER DAY IN PROGRAMMING IS NOT KEPT.

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THE SUBCOMMITTEE BELIEVED THAT THE DEPARTMENT OF PRISONS NEEDS TO IMPROVE ITS RESEARCH CAPABILITIES TO PROVIDE THE INFORMATION THAT BOTH THE DEPARTMENT AND THE LEGISLATURE NEED TO EVALUATE THE EFFECTIVENESS OF THE DEPARTMENT'S EXISTING OFFENDER REHABILITATION PROGRAMS AND TO PLAN FOR CHANGES IN SUCH PROGRAMS.

THE GOVERNOR'S COMMITTEE FOR A DEPARTMENT OF CORRECTIONS FOR NEVADA SHARED THIS OPINION. THE COMMITTEE'S 1966 REPORT STATED:

RESEARCH, STATISTICS, AND PLANNING. THE DEPARTMENT SHALL ESTABLISH PROGRAMS OF RESEARCH, STATISTICS, AND PLANNING INCLUDING STUDY OF THE PERFORMANCE OF THE VARIOUS FUNCTIONS AND ACTIVITIES OF THE DEPARTMENT, AS WELL AS OBTAINING INFORMATION ABOUT OTHER PROGRAMS, AND STUDIES AFFECTING THE TREATMENT OF OFFENDERS.

BASED ON ITS FINDINGS AND PRIOR RECOMMENDATIONS RELATING TO THE DEPARTMENT OF PRISONS' RESEARCH ACTIVITIES, THE SUBCOMMITTEE RECOMMENDED THAT:

THE DEPARTMENT OF PRISONS DEVELOP RESEARCH AND PROGRAM EVALUATION CAPABILITIES NECESSARY TO (1) DETERMINE THE EFFECTIVENESS OF ITS OFFENDER

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EDUCATION, VOCATIONAL AND TRAINING AND OTHER
REHABILITATION PROGRAMS, (2) PLAN FOR EFFECTIVE
SHORT TERM (1 YEAR OR LESS) AND LONG TERM (1 TO
5 YEARS) CHANGES IN SUCH PROGRAMS, AND (3) PROVIDE
DETAILED INFORMATION ON ITS ACTIVITIES TO THE BOARD
OF PRISON COMMISSIONERS, THE GOVERNOR AND THE
LEGISLATURE. (BDR 16-69)

A.B. 436 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 437
(BDR 16-72)

INMATE RECREATION AND ACTIVITIES

AS NOTED ON SEVERAL OCCASIONS, INMATE IDLENESS APPEARS TO BE ONE OF THE MAJOR PROBLEMS WITHIN THE DEPARTMENT OF PRISONS. SUCH IDLENESS CAN BE DEALT WITH THROUGH PROPER INMATE INVOLVEMENT IN WORK, TRAINING AND EDUCATIONAL PROGRAMS. ADEQUATE RECREATIONAL OUTLETS ARE ALSO NECESSARY TO HELP INMATES CHANNEL THEIR ENERGIES INTO LEGAL PASTIMES DURING THEIR INTEGRATION INTO SOCIETY.

DURING THE SUBCOMMITTEE'S TOURS OF PRISON FACILITIES, IT WAS NOTED THAT INMATE RECREATIONAL ACTIVITIES AT THE WOMEN'S CORRECTIONAL CENTER AND THE NEVADA STATE PRISON WERE VERY LIMITED. A MUCH WIDER RANGE OF RECREATIONAL ACTIVITIES APPEARED TO BE AVAILABLE AT THE NORTHERN NEVADA CORRECTIONAL CENTER AND AT JEAN.

THE LEGISLATURE HAS SHOWN ITS INTENT THAT THERE BE RECREATIONAL ACTIVITIES AVAILABLE FOR INMATES THROUGH THE APPROPRIATION OF FUNDS FOR RECREATIONAL EQUIPMENT AND RECREATIONAL SPECIALIST POSITIONS (THREE AT THE NORTHERN NEVADA CORRECTIONAL CENTER, ONE AT THE NEVADA STATE PRISON AND ONE AT THE SOUTHERN NEVADA CORRECTIONAL CENTER).

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CONSIDERING THE DEPARTMENT OF PRISONS' RECREATIONAL POSITION STAFFING, THE SUBCOMMITTEE BELIEVED THAT THE DEPARTMENT SHOULD BE ABLE TO DEVELOP MORE COMPREHENSIVE RECREATIONAL AND CULTURAL ACTIVITIES FOR THE PRISONERS. SUCH PROGRAMS SHOULD STIMULATE A WIDE RANGE OF INTEREST THAT INMATES CAN PURSUE WHEN RELEASED AND, WHEN SECURITY AND OTHER CONSIDERATIONS ALLOW, PROVIDE FOR INTERACTION WITH VOLUNTEERS OR COMMUNITY SPORTS AND CULTURAL GROUPS.

A.B. 437, WHICH SAYS, "THE BOARD SHALL ESTABLISH BY REGULATION PROCEDURES FOR THE OPERATION OF RECREATION PROGRAMS FOR OFFENDERS WHICH INCLUDE BOTH ATHLETIC AND CULTURAL ACTIVITIES," REFLECTS THE INTERIM SUBCOMMITTEE'S VIEWS.



The State of Nevada
Executive Chamber
Carson City, Nevada 89710

Robert List
Governor

February 26, 1979

The Honorable Lloyd W. Mann
Nevada State Assembly
Legislative Building
Carson City, Nevada

Dear Lloyd:

Re: AB 346 and AB 446

This memo will confirm our conversation today regarding possible problems contained in the wording of these two bills. I believe we are still in agreement on the intent of this legislation, but I would like to eliminate the possibility of misinterpretation by other parties after passage that might result in civil actions against the State.

AB 346 would amend NRS 209.221 to read as follows:

THE PRISONER'S STORE FUND IS HEREBY CREATED AS A TRUST FUND. ALL MONEY RECEIVED FOR THE BENEFIT OF OFFENDERS THROUGH CONTRIBUTIONS AND FROM OTHER SOURCES NOT OTHERWISE REQUIRED TO BE DEPOSITED IN ANOTHER FUND MUST BE DEPOSITED IN THE PRISONER'S STORE FUND.

I do not question the intent of this bill, only the questions it brings up as to what monies are received for the benefit of the offender.

AB 446, as it is drafted, eliminates from BDR 16 - 63, Sections 2 and 3.

SECTION 2. THE DEPARTMENT OF PRISONS IS AUTHORIZED TO MANUFACTURE ARTICLES AT THE PRISON.

Arguably, this section might not be needed, but I believe it does help to clarify part of the intent of this legislation which I interpret to be the creating of industries operated by the prison which would provide needed items to local government which are not normally available from Nevada sources at a cost saving and to provide the vocational-type training programs that we both feel are necessary for the offender.

The Honorable Lloyd W. Mann
February 26, 1979
Page Two

SECTION 3. THERE IS HEREBY CREATED IN THE STATE TREASURY A REVOLVING FUND FOR PRISON INDUSTRIES TO BE ADMINISTERED BY THE DEPARTMENT FOR THE SUPPORT OF INDUSTRY AT THE STATE PRISON. RECEIPTS FROM THE SALE OF ARTICLES MANUFACTURED MUST BE DEPOSITED IN THIS FUND, AND EXPENSES RELATED TO THEIR MANUFACTURE PAID FROM IT.

The elimination of this section removes the revolving fund that Director Wolff feels is necessary to operate this type of program. It was my understanding in our conversations that the bright aspect of this program was that it would operate with its own funds once established and would be of a perpetuating-type action, similar to what we discussed with the prison farm.

Additionally, it clarifies where the funds shall be used which are derived from the industry program so as not to be confused with the provision created in AB 346 with monies received for the benefit of offenders.

With the exception of these two sections, I believe the rest of AB 446 is constructed as we agreed.

Thank you for your time. I would greatly appreciate it if you would let me know where we stand on this item.

Sincerely,



BRUCE GREENHALGH
Executive Assistant

cc: Governor Robert List
Charles L. Wolff

A.B. 446
(BDR 16-63)

PRIVATE INDUSTRY VENTURES IN PRISON FACILITIES

DISCUSSION OF THE WORK PROGRAM RECOMMENDATIONS START ON PAGE 13 OF THE SUBCOMMITTEE'S REPORT.

THERE WAS A GENERAL AGREEMENT EXPRESSED TO THE SUBCOMMITTEE THAT THE DEPARTMENT OF PRISONS' WORK PROGRAMS NEED TO BE EXPANDED AND REORGANIZED TO PROVIDE SKILLS AND WORK EXPERIENCE RELATED TO THE KIND OF WORK OFFENDERS WILL DO AFTER THEY ARE EVENTUALLY RELEASED. SUCH WORK IS ALSO NECESSARY TO PROVIDE RELEASED OFFENDERS WITH THE FINANCIAL RESOURCES NEEDED FOR INITIAL SURVIVAL IN THE FREE WORLD.

ONE OF THE SUBCOMMITTEE'S RECOMMENDATIONS CONCERNED PRIVATE INDUSTRY VENTURES IN PRISON FACILITIES. SEVERAL STATES, INCLUDING, MINNESOTA, RHODE ISLAND, IOWA, TENNESSEE AND KANSAS, PROVIDE FOR SUCH VENTURES.

A.B. 446, WHICH IS SLIGHTLY DIFFERENT THAN THE SUBCOMMITTEE'S RECOMMENDED BDR: (1) PERMITS PRIVATE INDUSTRY TO OPERATE ON PRISON GROUNDS, (2) ESTABLISHES AN ADVISORY BOARD FOR PRISON INDUSTRIES, AND (3) REQUIRES THE STATE BOARD OF PRISON COMMISSIONERS TO ADOPT REGULATIONS SPECIFYING CRITERIA FOR REASONABLE DEDUCTIONS FROM THE PAY OF OFFENDERS EMPLOYED IN PRIVATE VENTURES FOR THE COST OF THEIR ROOM AND BOARD, SAVINGS, FAMILY SUPPORT AND

A.B. 446
Page 2

RESTITUTION TO VICTIMS. THE BILL ALSO REQUIRES PREVAILING WAGES.

ONE ARGUMENT OFTEN EMPLOYED AGAINST A PREVAILING WAGE RATE IN PRISONS IS THAT PRISONERS ARE NOT OBLIGATED TO PAY NORMAL EXPENSES SUCH AS ROOM AND BOARD AND THUS DO NOT NEED THE LEVEL OF INCOME APPROPRIATE FOR OUTSIDE EMPLOYMENT. HOWEVER, UNDER THE FEDERAL WORK RELEASE ACT AND MANY SIMILAR STATE ENACTMENTS, PRISONERS EARNING PREVAILING WAGE RATES MAY BE ASKED TO MAKE SOME PAYMENT TOWARD THEIR ROOM AND BOARD. IF PREVAILING WAGES, HOURS, AND CONDITIONS OF EMPLOYMENT ARE PROVIDED, PRISONERS SHOULD, THE SUBCOMMITTEE THOUGHT, BE OBLIGATED TO COMPENSATE THE STATE FOR CERTAIN EXPENSES. THIS WOULD NOT ONLY ENCOURAGE RESPONSIBILITY SIMILAR TO THAT FACED BY WORKERS IN FREE SOCIETY, BUT WOULD MINIMIZE THE OBJECTIONS TO EFFECTUATING A PREVAILING WAGE SYSTEM.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

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EXHIBIT U
Page 1 of 4
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February 26, 1979

M E M O R A N D U M

TO: Assemblyman Lloyd W. Mann

FROM: Donald A. Rhodes, Chief Deputy Research Director

SUBJECT: Comparison of Certain of the Subcommittee to Study
the Condition of the State Prison's Recommendation
and Bill Draft Request with A.B. 446, A.B. 447 and
A.B. 448.

Enclosed is a copy of the referenced comparison. The primary changes in the introduced bills, in addition to certain technical changes noted in the comparison, are the elimination of a state use law and the elimination of the requirement that offenders be provided with reasonable access to the use of a telephone.

DAR/jld
Encl.

COMPARISON OF CERTAIN OF THE SUBCOMMITTEE TO STUDY THE CONDITION
OF THE STATE PRISON'S RECOMMENDATIONS AND BILL DRAFT
REQUESTS WITH A.B. 446, A.B. 447 and A.B. 448

INMATE WORK PROGRAMS

Subcommittee Recommendations

1. State Use Law:

Prison industries be expanded through the passage of a so-called state use law which

- (a) authorizes the additional manufacturing of articles at the state prison,
- (b) requires state agencies to purchase such articles,
- (c) establishes a revolving prison industry fund to support such industries,
- (d) creates a five-member prison industry advisory board (composed of three members from private industry and one member from labor appointed by the governor for 4-year terms and one inmate selected by his peers for a 1-year term) to adopt rules and advise the director of the department of prisons regarding the management of prison industries, and
- (e) requires that inmate compensation for work performed in such industries be, to the reasonable extent possible, equivalent to the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which such work is being performed.

(BDR 16-63)

2. Private Industry Ventures in Prison Facilities:

Private industry be permitted to operate ventures, employing prison inmates, on the grounds of the department of prisons' facilities. In this regard, the subcommittee recommends that inmates employed in such ventures be paid no less than the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which such work is being performed.

(BDR 16-63)

3. Inmate Pay and Pay Deductions:

The board of prison trustees adopt by regulation, criteria for reasonable deductions from the pay of inmates employed in prison industries, or private industry ventures employing prisoners, for room and board, savings, family support and restitution to victims.

(BDR 16-63)

Comparison of Subcommittee's Bill Draft Requests and Assembly Bills as Introduced

BDR 16-63

A.B. 446

Difference Between Subcommittee's
BDR and Bill

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Section 1. Chapter 209 is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. The department of prisons is authorized to manufacture articles at the state prison.

Sec. 2. 1. The advisory board for prison industries is hereby created.

Sec. 3. There is hereby created in the state treasury a revolving fund for prison industries to be administered by the department for the support of industry at the state prison. Receipts from the sale of articles manufactured must be deposited in this fund, and expenses related to their manufacture paid from it.

2. The advisory board consists of five members:

Sec. 4. 1. The advisory board for prison industries is hereby created.

2. The advisory board consists of five members:

(a) Three members from private industry appointed by the governor for terms of 4 years.

(b) One member from organized labor appointed by the governor for a term of 4 years.

(c) One member from the offender population who is selected by his peers for a term of 1 year.

3. The advisory board shall adopt regulations and advise the director of the department regarding the management of prison industries.

Sec. 5. To the extent reasonably possible, compensation for work performed in prison industries must be equivalent to the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which the work is performed.

Sec. 6. One or more private enterprises may operate ventures, employing offenders, on the grounds of facilities of the department of prisons. Compensation for such employment must be equivalent to the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which the work is performed.

Sec. 7. The board shall adopt regulations specifying criteria for the reasonable deduction from the pay of offenders employed in prison industries or private ventures for the cost of their room and board, savings, family support and restitution to victims of their respective offenses.

Sec. 8. NRS 333.290 is hereby amended to read as follows:

333.290 1. Every advertisement for bids covering any class of materials or supplies that any charitable [,] or reformatory [or penal] institution of the state is prepared to supply, in whole or in part, through the labor of inmates, [shall] must carry a statement that the chief reserves the right to secure such materials or supplies from any such institution or institutions, to the extent that they can be secured of equal quality and at prices not higher than those of the lowest acceptable bid received in response to such advertisement.

2. Every advertisement for bids covering any class of materials or supplies that any penal institution of the state is prepared to supply, in whole or in part, through the labor of offenders, must carry a statement that the chief is required to secure such materials or supplies from such institution to the extent that they are available.

3. All institutions' products meeting [these conditions shall] the respective conditions specified in subsections 1 and 2 must be utilized to the extent available, before orders are placed under contracts or otherwise.

(a) Three members from private industry appointed by the governor for terms of 4 years.

(b) One member from organized labor appointed by the governor for a term of 4 years.

(c) One member from the general public appointed by the governor for a term of 4 years.

3. The advisory board shall advise the board of state prisons commissioners and the director of the department regarding the management of prison industries.

Sec. 3. One or more private enterprises may operate ventures, employing offenders, on the grounds of facilities of the department of prisons. Compensation for such employment must be equivalent to the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which the work is performed.

Sec. 4. The board of state prison commissioners shall adopt regulations specifying criteria for the reasonable deduction from the pay of offenders employed in private ventures for the cost of their room and board, savings, family support and restitution to victims of their respective offenses.

1. A.B. 446 does not refer to a revolving fund for prison industries.
2. A.B. 446 changes the composition of the advisory board for prison industries by removing the "member from the offender population who is selected by his peers for a term of 1 year" and replacing him with "one member from the general public appointed by the governor for a term of 4 years."
3. A.B. 446 requires the advisory board for prison industries to advise the board of state prison commissioners and the director of the department of prisons. The subcommittee's BDR 16-63 required the advisory board to only advise the director of the department. (It was assumed that the board of prison commissioners would be abolished)
4. A.B. 446 does not contain any "state use law provisions."

INMATE CORRESPONDENCE AND TELEPHONE USE

Subcommittee's Recommendations

1. Correspondence:

The state board of prison trustees adopt regulations necessary to establish procedures which ensure that inmates' correspondence is handled in a manner which conforms with state and federal law. Such regulations should also establish procedures which ensure that inmates' incoming and outgoing mail is delivered within a reasonable period of time.

(BDR 16-78)

2. Telephone Use:

The state board of prison trustees adopt regulations necessary to establish procedures which provide inmates with reasonable access to telephone use.

(BDR 16-78)

Comparison of Subcommittee's Bill Draft Request and Assembly Bills as Introduced

BDR 16-78

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The board shall establish by regulation procedures which ensure that:

1. The correspondence of offenders is handled in conformance with state and federal law and that both incoming and outgoing mail are delivered within a reasonable period of time.

2. Offenders are provided with reasonable access to the use of a telephone.

A.B. 488

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The board shall establish by regulation procedures which ensure that the correspondence of offenders is handled properly and without delay and that both incoming and outgoing mail are delivered within a reasonable period of time.

Difference Between Subcommittee's BDR and Bill

1. Primary difference is that A.B. 488 does not require the board to establish by regulation procedures which ensure that offenders are provided with reasonable access to the use of a telephone.

COMPLETION OF BASIC EDUCATION

Subcommittee's Recommendation

The state board of parole commissioners be authorized to require that an offender without a high school diploma, or its equivalent, pursue remedial study in reading, writing, or mathematics, or other subjects deemed necessary by the board for the offender's successful reentry into society, as a condition of parole.

(BDR 16-67)

Comparison of Subcommittee's Bill Draft Requests and Assembly Bill as Introduced

BDR 16-67

1. The board may impose, as a condition either of granting or of remaining on parole, a requirement that an offender attend and satisfactorily complete certain educational courses designated by the board.

2. Failure to attend or satisfactorily complete the designated courses is a violation of a condition of parole unless the board determines that the failure was due to mitigating circumstances.

A.B. 447

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The board may impose, as a condition of granting parole, a requirement that an offender attend and satisfactorily complete certain educational courses designated by the board.

Difference Between Subcommittee's BDR and Bill

1. A.B. 447 does not provide that the parole board may require an offender to attend and satisfactorily complete specified educational courses as a condition of remaining on parole.

2. A.B. 447 does not specify that: "Failure to attend or satisfactorily complete the designated courses is a violation of a condition of parole unless the board determines that failure was due to mitigating circumstances."

A.B. 447
(BDR 16-67)

COMPLETION OF BASIC EDUCATION

A.B. 447 PERMITS THE STATE BOARD OF PAROLE COMMISSIONERS TO IMPOSE, AS A CONDITION OF GRANTING PAROLE, A REQUIREMENT THAT AN OFFENDER ATTEND AND SATISFACTORILY COMPLETE CERTAIN EDUCATIONAL COURSES.

THE SUBCOMMITTEE TO STUDY THE CONDITION OF THE PRISON BELIEVED THAT INMATES SHOULD COMPLETE A CERTAIN AMOUNT OF BASIC EDUCATION PRIOR TO REENTERING SOCIETY. BASIC SKILLS IN READING, WRITING AND MATHEMATICS ARE BECOMING INCREASINGLY IMPORTANT TO SURVIVE IN MODERN SOCIETY. IN ADDITION, SUCH BASIC EDUCATION IS OFTEN A NECESSARY PREREQUISITE FOR ENTERING OR SUCCESSFULLY COMPLETING MANY VOCATIONAL TRAINING PROGRAMS. WITHOUT BASIC EDUCATIONAL SKILLS, INMATES HAVE A LOW PROBABILITY OF SUCCESSFUL REENTRY INTO THE FREE WORLD. THE SUBCOMMITTEE THEREFORE RECOMMENDED THAT:

THE STATE BOARD OF PAROLE COMMISSIONERS BE AUTHORIZED TO REQUIRE THAT AN OFFENDER WITHOUT A HIGH SCHOOL DIPLOMA, OR ITS EQUIVALENT, PURSUE REMEDIAL STUDY IN READING, WRITING OR MATHEMATICS, OR OTHER SUBJECTS DEEMED NECESSARY BY THE BOARD FOR THE OFFENDER'S SUCCESSFUL REENTRY INTO SOCIETY, AS A CONDITION OF PAROLE.

A.B. 447, IF ENACTED, WOULD IMPLEMENT THE SUBCOMMITTEE'S RECOMMENDATION.

A.B. 448
(BDR 16-78)

INMATE CORRESPONDENCE

DISCUSSION OF THE RECOMMENDATION RELATING TO THIS TOPIC STARTS ON PAGE 42 OF THE REPORT.

MANY PERSONS MAKING PRESENTATIONS TO THE INTERIM SUBCOMMITTEE EXPRESSED CONCERNS ABOUT INMATE MAIL POLICIES AND PROCEDURES WITHIN THE DEPARTMENT OF PRISONS. SUCH THINGS AS UNDUE CENSORSHIP AND INORDINATE DELAYS IN THE TIME INVOLVED BEFORE INMATES RECEIVED MAIL WERE MENTIONED. ALSO MENTIONED WAS THE WITHHOLDING OR MISPLACING OF PUBLICATIONS BEING SENT TO INMATES. CASES OF PRISON STAFF DESTROYING INMATES' INCOMING MAIL AND REFUSING TO DELIVER CERTAIN CORRESPONDENCE TO INMATES WERE ALSO ALLEGED.

AFTER REVIEWING THE PRESENTATIONS AND THE PROPOSED MAIL POLICIES CONTAINED IN THE AMERICAN BAR ASSOCIATION'S TENATIVE DRAFT OF STANDARDS RELATING TO THE LEGAL STATUS OF PRISONERS AND THE AMERICAN CORRECTIONAL ASSOCIATION'S MANUAL OF STANDARDS FOR ADULT CORRECTIONAL INSTITUTIONS, THE SUBCOMMITTEE RECOMMENDED:

THE STATE BOARD OF PRISON COMMISSIONERS ADOPT REGULATIONS NECESSARY TO ESTABLISH PROCEDURES WHICH ENSURE THAT INMATES' CORRESPONDENCE IS HANDLED IN A MANNER WHICH CONFORMS WITH STATE AND FEDERAL LAW. SUCH REGULATIONS SHOULD ALSO

A.B. 448
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ESTABLISH PROCEDURES WHICH ENSURE THAT INMATES'
INCOMING AND OUTGOING MAIL IS DELIVERED WITHIN A
REASONABLE PERIOD OF TIME. (BDR 16-78)

A.B. 448, WHICH DIFFERES SLIGHTLY FROM THE BILL DRAFT REQUEST
CONTAINED IN THE INTERIM REPORT, ADDRESSES THE SUBCOMMITTEE'S
RECOMMENDATION.

A.B. 449
(BDR 54-81)

REMOVAL OF LICENSING RESTRICTIONS FOR CERTAIN
EX-OFFENDERS

DISCUSSION OF THE RECOMMENDATION WHICH WAS THE BASIS FOR THIS
BILL BEGINS ON PAGE 46 OF THE REPORT.

ONE OF THE MATTERS DISCUSSED DURING THE SUBCOMMITTEE'S MEETINGS
WAS THE VARIOUS OCCUPATIONS FROM WHICH PERSONS ARE, OR MAY
BECOME, DISQUALIFIED BY CONVICTION OF A FELONY OR CRIME OF
MORAL TURPITUDE. IN NEVADA, OVER 41 VOCATIONS RESTRICT (THROUGH
THE NEVADA REVISED STATUTES OR LOCAL ORDINANCES) THE EMPLOYMENT
OF EX-OFFENDERS.*

THE INTERIM SUBCOMMITTEE BELIEVED THAT EMPLOYMENT AFTER RELEASE
FROM PRISON IS A CRITICAL FACTOR IN DETERMINING THE FUTURE
SUCCESS OF MOST PERSONS CONVICTED OF A CRIME. WITHOUT PROSPECTS
FOR ADEQUATE EMPLOYMENT, AN OFFENDER'S CHANCES OF SUCCESSFUL
REENTRY INTO SOCIETY ARE DIM.

IN RECENT YEARS, STATE LEGISLATURES HAVE BEGUN WORK TO MITIGATE
THE EMPLOYMENT RESTRAINTS CONFRONTED BY EX-OFFENDERS. ACCORDING
TO CORRECTIONS COMPENDIUM OVER 20 STATES, INCLUDING NEW YORK,
WISCONSIN, HAWAII AND ILLINOIS NOW HAVE ADOPTED LEGISLATION OR
ADMINISTRATIVE REGULATIONS CONCERNING THE EMPLOYMENT ASPECTS
OF AN EX-CONVICT'S REINTEGRATION INTO SOCIETY. SEVERAL NATIONAL

*See back page for listing of professions.

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Page 2

AND STATE STANDARDS ALSO ADDRESS THE RESTORATION OF OFFENDERS' LICENSING PRIVILEGES.

THE SUBCOMMITTEE BELIEVED THAT IN SOME CIRCUMSTANCES AN EMPLOYER OR LICENSING AGENCY MAY BE JUSTIFIED IN USING A PRIOR CONVICTION AS THE BASIS FOR ADVERSE ACTION AGAINST AN EX-OFFENDER. THE MAJOR INTEREST JUSTIFYING DISCRIMINATION AGAINST AN EX-OFFENDER, SHOULD BE IN CIRCUMSTANCES WHERE GRANTING THE EMPLOYMENT OR LICENSE COULD SUBSTANTIALLY INCREASE THE LIKELIHOOD THAT THE EX-OFFENDER WOULD COMMIT A FUTURE CRIME. THUS, A COMPULSIVE CHILD MOLESTER SHOULD, OF COURSE, BE DENIED A LICENSE TO RUN A NURSERY SCHOOL. SIMILARLY, A PERSON WITH A HISTORY OF COMMITTING GAMBLING CRIMES SHOULD BE REFUSED A GAMING LICENSE OR WORK PERMIT.

THE SUBCOMMITTEE ALSO BELIEVED, HOWEVER, THAT RESTRICTIONS ON EMPLOYMENT LICENSING OF AN EX-OFFENDER SHOULD BEAR A DIRECT RELATIONSHIP BETWEEN THE OFFENSE AND THE JOB SOUGHT. OTHER FACTORS SUCH AS THE REHABILITATION OF THE OFFENDER AND THE TIME LAPSE SINCE CONVICTION SHOULD ALSO BE CONSIDERED. THE SUBCOMMITTEE THEREFORE RECOMMENDED THAT:

THE DENIAL OR REVOCATION OF A LICENSE, NECESSARY TO ENGAGE IN ANY OCCUPATION, BASED SOLELY ON THE CONVICTION OF AN OFFENSE BE PROHIBITED UNLESS

A.B. 449
Page 3

THE OFFENSE COMMITTED BEARS A SUBSTANTIAL RELATION-
SHIP TO THE FUNCTIONS AND RESPONSIBILITIES OF EMPLOYMENT.

A.B. 449 REFLECTS THE SUBCOMMITTEE'S RECOMMENDATION.

*PSYCHOLOGISTS, CONTRACTORS, NURSES, CHIROPRACTORS, PRACTI-
TIONERS OF TRADITIONAL ORIENTAL MEDICINE, VETERINARIANS,
PHARMACISTS, MARRIAGE AND FAMILY COUNSELORS, PRINCIPAL
APPLICANTS OF MORTGAGE COMPANIES, LABORATORY DIRECTORS OF
MEDICAL LABORATORIES, CERTIFIED SHORTHAND REPORTERS,
MINISTERS, DISPENSING OPTICIANS, PHYSICAL THERAPISTS,
LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, ACCOUNTANTS,
OPTOMETRISTS, PHYSICIANS, PHYSICIANS' ASSISTANTS, EMERGENCY
MEDICAL TECHNICIANS, HEARING AID SPECIALISTS, OSTEOPATHS,
PRIVATE INVESTIGATORS, PRIVATE PATROLMEN, PROCESS SERVERS
POLYGRAPH OPERATORS, REPOSSESSORS, CANINE SECURITY HANDLERS,
SKILLED NURSING FACILITY ADMINISTRATORS, TEACHERS, GAMING
EXECUTIVES AND EMPLOYEES, ATTORNEYS, ARCHITECTS, DENTISTS,
PODIATRISTS, FUNERAL DIRECTORS AND EMBALMERS, REAL ESTATE
BROKERS AND SALESMEN, TAXICAB DRIVERS, BARBERS, AND ESCROW
AGENTS.

335 Lancaster Drive
Reno, Nevada 89506
12 March 1979

Judiciary Committee
Nevada Legislature
Carson City, Nevada 89701

Dear Committee Members:

The Washoe County Democrats have for some time supported change in Nevada's corrections' system so that it may become more conducive to resocialization of offenders and at the same time more responsive to the interests of taxpayers and the general citizenry.

Last year's county party platform included two provisions aimed at solving corrections' problems. Our monthly meetings in February and March addressed the issues; in February Attorney-General Richard Bryan and UNR Prof. Richard Siegel spoke and in March Assemblyman Lloyd Mann spoke to interested crowds.

Then on March 13, 1979 by a unanimous vote of those present at the Central Committee meeting, the 35 proposals of the Interim Subcommittee to Study the Prisons were endorsed.

Several of the bills necessary to implement those proposals have been introduced, and are scheduled for hearing before the Judiciary Committee on March 13, 14, and 15, 1979. We would like to make our voices heard with regard to passage of these bills.

A.B. 346, 391, 383, 384, 392, 393, 394, 396, 397, 432, 433, 436, 437, 446, 447, 448, and 449 should all be passed. They should improve our system. On the other hand, A.B. 395 appears to be a good idea, but it seems peculiarly susceptible to misuse and thus could subvert the intent of A.B. 346, and perhaps it would establish a situation where some prisoners are placed in positions of power over other prisoners.

Incarcerated offenders need ways to constructively occupy their time and need to develop skills to compete successfully in the job market upon release. Thus A.B. 346 should be passed.

In the interest of good accounting practice and to enable offenders to keep an accounting of their funds, thus learning to deal with financial accounts, monthly reports should be compiled, perhaps with use of the already programmed computer, and given to prisoners regarding prisoner funds. Thus A.B. 391 should be passed.

In the interest of personal privacy, the obvious differences of sex should be taken into account, so that correctional

officers' supervision of offenders is limited by practicalities. Thus A.B. 383 should be passed.

The Administrative Procedure Act should cover all administrative agencies in Nevada. The Department of Corrections, or analagous entity, is an administrative agency since it embodies all of the powers and concerns, and thus needs the safeguards for due process as does any other administrative agency. Thus A.B. 384 most definitely should be passed.

Whim and caprice should be allowed to play no part in policies for prisoner visitation; visitation plays too great a part in offender resocialization. The public and the offender must be fairly treated. Thus A.B. 392, establishing procedures for visitation, should be passed.

All prisoners have some personal property in prison with them. It should not be subject to confiscation by prison officials or by stronger prisoners upon caprice. Thus A.B. 393, establishing procedures for retention of personal property, should be passed.

Correctional officers have the position and power to create substantial change in the lives of the prisoners they supervise. Also, there may come the time that their lives are on the line. They deserve and must have training. Thus A.B. 394 most definitely should be passed.

Currently an offender is released with \$50 "gate money" even if he has no job, no family, no place to live. This is woefully inadequate. An apartment may require a substantial amount of money just to move in. To get a job may require interviews and that requires proper and clean clothing. Even if the prisoner does get a job, there will be a delay in time until he will be paid. During that delay, how will he eat and where will he sleep. A.B. 396 should be passed.

In an effort to find proper employees for various jobs, more and more concerns are turning to psychological evaluation of prospective employees. Similarly, prospective correctional officers should be so tested. Thus A.B. 397 should be passed.

Case law already requires Constitutional due process be followed in prison disciplinary proceedings. Nevada statutory law should reflect that state of the law so that all involved persons recognize that protections exist. Thus A.B. 432 should be passed.

In the spirit of equal rights, Nevada's laws are being changed to reflect equality. Female prisoners should not be denied services which male prisoners have, and vice versa. Thus A.B. 433 should be passed.

Since prisoners are incarcerated 24 hours per day, seven days a week, 52 weeks a year, for the number of years of their sentences, that time must be filled. The old saw still

rings true: "Idle hands make the devil's work." Prisoners need work and they need recreation, just like anyone on the outside, perhaps more. Not to fulfill these universal needs merely promotes future difficulties with persons who have not learned to budget time. Thus A.B. 437 should be passed.

Prisoners need to learn how to work, not just the skills of a job, but what is required in personal habits and expectations to hold a job. They cannot learn those practical details unless private industry is allowed to teach this extensive labor pool. Furthermore, by paying prisoners realistic wages, the taxpayers can be repaid for room and board, the victim can be repaid for his injuries, and the prisoners can experience the benefits of a savings program. Thus A.B. 446 most definitely should be passed.

Though persons cannot be forced to educate themselves, education can be used as a carrot. While the prisoner believes that he is merely getting himself an early parole, he can in actuality be achieving some education with which to increase his chances of success within the law upon release. Thus A.B. 447 should be passed.

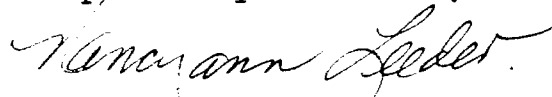
All persons have a First Amendment right to express themselves. Also, maintaining family and friend ties with prisoners is in the interest of resocialization and, therefore, of society. So prisoner correspondence should be opened only in the interest of necessary security. All involved persons should know what the considerations are. Thus there should be established procedures for handling mail, so A.B. 448 should be passed.

Our criminal system requires that upon an adjudication of guilt, a criminal's liberty is taken from him. Practically speaking, other intangibles and tangibles are also taken from him. But do we want him to be a welfare case upon release and thereafter? Do we want the taxpayers to sustain the initial injury as victim, and then subsequent injury as bankroller for the prisons, and forever after because the ex-offender no longer can use any training he used to support himself, if any, prior to incarceration. That is illogical. Unless there is a substantial relationship between the offender's skill/profession and his crime, then he should not have to face restricted avenues of wage-earning upon release. Thus A.B. 449 most definitely should be passed.

As a group these bills represent an excellent program package.

We endorse passage of these bills.

Respectfully submitted,



Nancyann Leeder
Legislative Committee
Washoe County Democratic Central
Committee