

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:

Donald W. Barplen	University of Nevada
Barbara Durbin	Parole and Probation
James L. Parker	Reno Police Department
Jim Pollard	Developmental Disability Council
Russ Schoolry	Washoe County Sheriffs Office
Charles Wolff	Department of Prisons

ASSEMBLY BILL 770

Extends authority of members of University of Nevada System police department.

Mr. David Kladney, State of Nevada Employees Association, testified for A.B. 670. He stated that this bill would expand the jurisdiction of the University of Nevada Police Department. He stated that there are instances of where they have been unable to act because of their limited jurisdiction. If they did go beyond their jurisdiction, they would be personally liable for any problems caused by their actions. He would like to see the jurisdiction of the University Police increased to a one mile radius. Mr. Kladney stated that this has been tried in California and so far has worked out very well.

Mr. Malone questioned as to what type of training they were given.

Mr. Kladney stated that they attended the Nevada Highway Patrols' Police Academy. He also stated that the area of patrol would be up to the chief of police. This bill would not give the police officers any more rights, just expand their jurisdiction.

Chief Parker testified against A.B. 770. He felt that his department does not need any assistance from the University.

Russ Schoolry, Washoe County Sheriff's Office, testified against this bill. He felt that their sheriffs office can handle the situation as it stands.

Paul Prengaman questioned as to who had jurisdiction on U.S. 395.

Mr. Schoolry stated that their sheriffs office had some, Reno P.D. and Highway Patrol also has jurisdiction of U.S. 395.

Bob Carpenter, President of Criminal Justice Chapter, testified on this bill. For testimony, please EX. A.

SENATE BILL 343

Provides for hearing on notice of lis pendens and for expunging recorded notice upon posting of bond in certain circumstances.

Russ McDonald testified on the bill. He stated that the word "expunge" is used throughout the bill which means physically remove and he felt that this could be damaging to the microfilm and microfiche.

Harvey Wittemore testified on the bill. He stated that he is for the bill as long as it has amendments. He feels that this bill should have a prospective effect only, and he does not want the bill to affect notices that have been previously filed.

Senator Close testified on the bill. He stated that he felt the bill is pertinent because the lis pendens has been utilized as a blackmail over a person who has a piece of property and someone else files an interest in it. This is actually no different than an attachment. The lein will follow the title to the property. He would like to have the work "expunge" clarified so that it does not mean physically. He stated that if the court deems that the lis pendens is proper, then it should be allowed to stand and that there is no danger of immediate seizure. Mr. Close felt that this bill does have some merit.

ASSEMBLY BILL 511

Provides procedure for appointment of guardians of adults and establishes special guardianships for persons of limited capacity.

Jim Pollard, Planning Council, testified for this bill; stating that he continues to support the bill and its amendments. This bill would allow for an appointment of a guardian for persons who are incompetent or are of a limited capacity whether or not they are in agreement. Also, it would provide that the hearing

can be closed and that they can be submitted to experimental medical treatment and sterilization. It would put the guardian in the position to choose for the person. Competency is based on whether a person can care for all of his needs. If he can care for some of his needs, then he is judged to be in a limited capacity.

Mr. Stewart stated that under existing law the courts could have the hearing open or closed and the ward has no attorney.

Chairman Hayes stated that she felt the bill still had some problems.

Mr. Pollard said this bill would affect all of these people; allowing them to be treated if they are in a limited capacity. Without the passage of this bill, they would have to be judged totally incompetent.

Bill Brady questioned as to whether or not these people were actually being sterilized.

Mr. Pollard answered that they should have the same rights as all other people. He stated that the purpose of the bill is to give these people more rights; medical treatment and sterilization without informed consent.

ASSEMBLY BILL 789

Creates Department of Corrections.

Warden Wolff, Director of Prisons, testified for this bill. For his testimony, please see EX. B.

Lloyd Mann, Assemblyman, testified for this bill. He stated that a raise for the Warden was put in the bill because anytime you give a person more responsibility, you must compensate monetarily. He feels that we need to address the problems for dealing with offenders that we presently do not have. He hopes that any amendments to this bill will not delay it too long.

Frank Daykin, Legal Division, testified on this bill. He stated that the Prisons will form an institution which includes the prison. The Chief of Institutions is the one who runs the divisions; the other being Parole and Probation. It will be broken down into two parts: 1) Division of Institutions - all of the prisons and honor camps, 2) Division of Parole and Probation - offenders who are outside of actual physical confinement. All of the institutions of the department will be under the supervision of the warden (Department of Institutions). Mr. Daykin stated that the term "prison" would mean Institution of the Department of Corrections.

ASSEMBLY BILL 416

Provides that sheriffs rather than justices of the peace are ex officio county coroners.

Mr. Malone made a motion for the Committee to rescind their action to indefinitely postpone A.B. 416 that had been made on April 26, 1979; Mr. Sena seconded the motion. Under Committee Rule 4, the motion lost on the following vote:

Aye - Hayes, Brady, Fielding, Horn, Malone, Polish, Sena - 7.
Nay - Stewart, Prengaman, Coulter - 3.
Absent - Banner - 1.

SENATE BILL 59

Adopts revision of Uniform Federal Tax Lien Registration Act.

Mr. Sena moved to Do Pass S.B. 59 as amended; Mr. Brady seconded the motion. The Committee unanimously approved the motion.

ASSEMBLY BILL 770

Mr. Malone moved to indefinitely postpone A.B. 770; Mr. Sena seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Stewart, Brady, Coulter, Fielding, Horn, Malone, Polish, Sena - 9.
Nay - Prengaman - 1.
Absent - Banner - 1.

Chairman Hayes adjourned the meeting at 10:31 a.m.

Respectfully submitted,

Judy E. Williams

Judy E. Williams
Secretary

There has been no change in the jurisdiction of the University of Nevada Police Department since its establishment in 1965, even though the University System now includes, in this area, the Reno campus, the Stead facility (located nine miles north of the Reno campus), the Main Station Farm (located on McCarren Boulevard, six miles east of the Reno campus), and the north campus of Western Nevada Community College and Desert Research Institute sharing a 467 acre site some four miles north of the Reno campus. There are also community college sites located in Carson City and Elko.

There are also various other acreages located farther away from the Reno campus; for example, the S Bar S Ranch at Wadsworth and the George Whittell Forest in Little Valley.

In the southern portion of the State, the University System consists of the University of Nevada, Las Vegas; the Desert Research Institute and Clark County Community College.

In addition, there are numerous field laboratories and experiment stations throughout the State of Nevada. There are, in fact, University properties located in almost every county of the State.

In the performance of their duties as University police officers while traveling between the various entities of the University, these officers are frequently called upon to render emergency assistance by private citizens and other law enforcement agencies. However, the University Police have on numerous occasions been advised by legal counsel that even under these circumstances the officers would be operating outside their jurisdiction and would be held personally liable in the event a problem should arise out of their coming to the assistance of citizens or other law enforcement personnel. The following excerpts are typical of advice received:

"It is my opinion that a University of Nevada System Police officer may not exercise his powers as a peace officer in assisting other law enforcement agencies in their jurisdictions or in making arrests on his own beyond the jurisdiction specified in 396.325. The making of arrests outside the jurisdiction or the assisting in law enforcement matters beyond the University's jurisdiction presents some very serious problems for the University and for the individual police officer, as such activity could result in false arrest charges and lack of insurance coverage for those acts. Obviously, the insurance carrier for the University of Nevada in such an instance might well deny coverage for the acts of an individual officer committed beyond his jurisdiction on the basis that the officer was not acting within the scope of his authority or duties with the University of Nevada. In such an instance, the officer then obviously becomes 'on his own'."

"...I understand the desire of local law enforcement agencies to assist each other when that necessity arises, but unless the statute is amended

to provide for the exercise of peace officer powers within another local law enforcement agency's jurisdiction upon that agency's request, I think providing such assistance is extremely unwise at this point."

The statute as presently written causes an inability on the part of the police officers to act in certain instances in which it is assumed not only by private citizens and other law enforcement agencies that they will respond but also by the University administration and staff as well. The University Police are unable to:

1. Comply with the Grand Jury directives that state in part:

"...local law enforcement departments must take affirmative action when University students appearing to be under the age of twenty-one years are drinking alcoholic beverages openly and publicly, particularly when such drinking occurs in a city park and is participated in by a large number of students.

...Particularly where a public park is utilized and where functions are attended by many youthful people, the Grand Jurors recommend that the University Police Department and the Reno Police Department take more affirmative action in regard to policing drinking by the under aged."

2. Follow up investigations off campus.
3. Stop and cite traffic violators who are a menace to the safety of other motorists. For example, in court a person who had been cited for a traffic violation informed the judge that the University Police had no authority to cite her since she was on the west side of Virginia Street (no mention was made of the fact whether or not she had committed the violation). The judge then dismissed the case on the grounds that the University Police were out of their jurisdiction. However, in this particular instance, the judge was misinformed since the University has buildings on both sides of the street. A letter expressing regret that this occurred was received by the UNR Police Department from the District Attorney's office.

However, from this and other similar incidents, many persons now feel they can freely commit serious and life endangering violations of traffic laws in full view of University Police without fear of receiving a traffic citation.

4. Investigate shots fired into the Police Department Building from across jurisdictional lines.
5. Investigate shots fired into other buildings and at light fixtures.
6. Assist other law enforcement agencies who are having trouble across jurisdictional line.
7. Render medical assistance to injured over center line of street.
8. Cite violators on pedestrian rights-of-way at cross walks.
9. Assist citizens over center lines even when requested.

As previously stated, the present statute also creates a personal liability situation in the following instances which, in most cases, are required by the University administration:

1. Transporting monies to and from banks
 - (a) officer walking into armed robbery situation
 - (b) accidents occurring enroute while carrying money
2. Transporting students to hospital
3. Transporting prisoners to jail
4. Extraditions--crimes committed on System property
5. Traveling from entity to entity officer is stopped by citizen requesting assistance
6. Assisting injured motorist at accident scene between entities
7. Officers sent outside jurisdictional boundaries to provide protection for Mackay Silver
8. Officers providing security for World Supreme Court Judges while judges are guests of the Judicial College
9. Officers going on authorized break and walking in on an armed robbery in progress
10. Officers or other agencies requesting assistance in a trouble situation
11. Transporting lost and/or mentally confused persons
12. Surveillance which is necessary from city streets or county roads
13. Officers called to handle inoperative University vehicles between entities
14. Officers required to escort money from University activities to the Controller's Office night depository.

In September of 1970, Mr. William P. Bealle, then Director of Police of the University of California System and ex Chief of Police of Berkeley, California, studied the University of Nevada Police Department and made certain recommendations. Recommendations pertaining to the jurisdictional question were as follows:

"Recommendation (Legislation):

(1) Modification of peace officer jurisdiction by legislation revising and amending Section 2, Chapter 396, of NRS, to provide that

"A. Persons employed and compensation as members of such police department, when so appointed and duly sworn, are peace officers whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law upon the campuses and properties of the University of Nevada. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in hot pursuit of any offender or suspected offender leaving such a campus or area; (2) to make arrests for crimes committed, or for which there is probable cause to believe have been committed, in his presence; or (3) when, in uniform, such officer, as a peace officer, is requested by a peace officer to render such assistance as is appropriate under such circumstances to the officer.

"The proposed amendment would eliminate the possibility of future legal argument and confusion over the issue of the University officer's authority to serve as a peace officer beyond the center line of public streets adjacent to the campus.

"University officers should be free to render assistance to City police as well as receive help when a public offense or disorder moves from the campus to the city. This revision will also permit a University police officer in uniform to take necessary action when he is traveling between the Reno and Stead campuses and a public offense is committed in his presence or when he observes a City police officer in need of help."

In 1973 when this change was again being considered, Procter Hug, Jr, then Deputy Attorney General, made the following statement in regard to the proposed change of the wording of NRS 396.325:

"It would seem to me that, dependent upon the center line of a street, it would be hard for the authorities to administer it, and it would be better to leave the jurisdiction of the campus police a little more flexible on the streets."

It has been recognized by many people that a change does need to be made. This change as requested would clearly and accurately state to the University, as well as to other law enforcement agencies in the state, the responsibilities and limitations of the University Police Department.

This change would, at the same time, eliminate the problem of University officers when they on the one hand are required by the University to perform certain duties while at the same time being advised that should a problem arise or accident occur they would be held personally liable.

The changes requested are similar to those presently in effect for the university police departments in California, Utah, Illinois, and various other states. Excerpts from these states' statutes are attached and identified as follows:

- Reference A - University of California
- Reference B - Southern Illinois University
- Reference C - University of Utah

This bill is especially important at this time with the increase in various types of crimes being committed both on and immediately surrounding the University campuses and with the expansion of services and activities being offered by the University System. For example, the Sierra Job Corps Center at the Stead facility will bring many additional persons to this area. Although the federal government will provide a security force, its members will not be police officers and will report to the UNR Police Department.

Other examples would be the special events pavilions at both UNR and UNLV presently being planned to accommodate 12,000 and 18,000 spectators respectively. This change would allow for additional crowd and traffic control by the University on adjoining streets.

It is the intent of the proponents of these suggested changes to provide a means by which the officers of the University Police Department will be able to carry out the duties expected of them. As one noted Nevada Assistant Sheriff stated in Police magazine concerning a similar situation, "crime doesn't respect jurisdictional boundaries."

The Criminal Justice Chapter of the State Employees Association believe that there has been a demonstrated need for the requested changes and that they are in line with what other institutions of higher education presently have in effect. We, therefore, respectfully request your favorable consideration of A.B. 770.

CALIFORNIA REVISED STATUTES

EDUCATION CODE

CHAPTER 4. UNIVERSITY OF CALIFORNIA POLICE

POWER OF REGENTS TO APPOINT UNIVERSITY POLICE; EXTENT OF AUTHORITY OF UNIVERSITY POLICE

23501. The Regents of the University of California is authorized and empowered to appoint one or more persons to be members of the University of California Police Department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except (a) upon the campuses of the University of California and an area within one mile of the exterior boundaries of each thereof, and (b) in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California.

(Amended by Stats. 1962 (1st Ex. Sess.), Ch. 30)

830.2 (Members of Highway Patrol, State Police Division, National Guard, and University of California Police Department as Peace Officers)

(D) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

The following is taken from the statutes of the State of Illinois. The paragraph sets the powers and jurisdictions of the Southern Illinois University Police Department.

122 Subsection 435.8 paragraph 10.

To appoint, subject to the applicable civil service law, persons to be members of the Southern Illinois University Police Department. Members of the Police Department shall be conservators of the peace and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes, university rules and regulations and city or county ordinances, except that they may exercise such powers only within counties wherein the university and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when specifically requested by appropriate state or local law enforcement officials; provided, however, that such officers shall have no power to serve and execute civil processes.

Utah

Institutions of Higher Education in State of Utah

53-45-5. Powers of members of police or security departments.--Members of the police or security department of any state institution of higher education shall be appointed by the governing board of such institution and when so appointed shall be peace officers and shall also have all of the powers possessed by policemen in cities and by sheriffs, including, but not limited to, the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances; providing, however, that such powers may be exercised only in cities and counties in which such institutions its branches or properties are located and only in connection with acts occurring on the property of such institution or when required for the protection of its interests, property, students or employees; and otherwise within such counties when specifically requested by the state or local law enforcement officials having jurisdiction. Members of the police or security department of any state institution of higher education shall also have the power to enforce all rules and regulations promulgated by the governing board of such institution.

Reference C

THE PROBLEMS CREATED BY PRESENT LANGUAGE
OF NEVADA REVISED STATUTE 396.325

NRS 396.325 authorizing and establishing the University of Nevada Police in 1965 and amended in 1969 to create a University System Police Department needs once again to be updated for clarification of the duties and responsibilities which we are asked to perform as employees of the University of Nevada System Police. The statute as it now stands limits our authority strictly upon the campuses of the University of Nevada System including the areas to the center line of public streets adjacent to campus. This in itself is fine so far as most of our activities are concerned with the properties in the Reno area; the buildings, grounds, and community. We must patrol all areas assigned to us therein for the protection of properties not directly connected with UNR.

In 1969 when the NRS was modified to read "University of Nevada System Police" in place of "University Police," the campus at Las Vegas, the Community College Division, Desert Research Institute, and additional properties throughout the State have since come into being. On some of these properties we have been required to initiate action where property has been damaged or stolen; accidents have occurred which require a police report and investigation at the scene. We have encountered many problems traveling between properties on state highways or city streets where our authority does not exist. The following are some of the problems that we have encountered under the restrictive statute we now serve:

1. When assisting other agencies.

Since 1965 other agencies in the area have acknowledged the fact that we have competent, trained personnel capable of handling situations dealing with all manner of crime scenes and disturbances created from or out of University students and activities. At the present time our requests for assistance to cover other agencies outside of the university grounds have been hampered because of the statute stating our authority. Sorority and fraternity houses have been covered by University Police and backed by Reno officers solely because of the feeling that the University Police should handle university students and functions. We are requested also by outside agencies, i.e. Reno Police Department, Washoe County Sheriff's Department, and the Nevada Highway Patrol, by covering when their units are single and alone.

2. Coverage for officers while en route to another University System area in circumstances that require immediate attention.

En route, many times officers have observed violations endangering lives due to driving under the influence of alcohol, excessive speed, reckless driving, stolen vehicles, armed robberies, muggings, and virtually all types of crimes down to the individual staggering in a lane of traffic. Not having the authority as a peace officer creates problems in taking an action to prevent the incident from worsening. We have attempted to view our obligations similar to citizens by making citizens arrests and referrals to other agencies; however, this has not worked well because when an individual flags down an officer in a marked vehicle, they generally expect the officer to take an immediate action. The referral problem is created where a crime of misdemeanor complaint must be committed in a peace officer's presence, and also; most generally, other officers do not wish to take over the case stating that we are peace officers by statute and therefore we should handle the incident.

3. Officer's protection while not on duty.

A large percentage of our arrests and actions are tied to individuals not connected with the University of Nevada. The officers of the University of Nevada System and their families do not live on the properties of the System, so upon leaving the area the officer loses his police power and finds it difficult to be protected under some of the statutes protecting police officers and their families. Many a time an officer is told either in an incident on campus or enroute to booking that his authority extends only on campus and on duty and the individual will catch him outside of his jurisdiction where he will no longer have the protection. In most cases city officers are required to live within the limits of the city in which they are employed. They receive coverage 24 hours a day as they are police officers 24 hours a day. County officers are required to live within the county of their employ. They are covered 24 hours a day as they are peace officers 24 hours a day. State officers, Highway Patrol, State Parole and Probation, officers of Narcotics and Investigations Division are all living within their jurisdiction and are covered 24 hours a day. Whereas the 24 hour coverage and protection for a university officer, even though the System has property throughout the state, is not provided while away from the System. We lose our authority and protection by law once we leave the perimeter lines of the property.

4. Extradition and transportation of prisoners.

In 1965 when the statute was added to law our sole purpose for authority was action upon the University of Nevada-Reno campus where an arrest must be made. Over the years these arrests, our investigations, and our problems have extended to other areas surrounding the properties to which individuals may flee. Upon occasion we have extradited prisoners from other cities and counties when warrants of arrest were issued for the University Police Department, where a crime occurred upon a System property. When the individual is apprehended in some other area, we have transported them back for trial. It is our duty and no other law enforcement agency wishes to accept this responsibility for us. Legally under the statute as it now stands we have no authority to receive a prisoner in any other area and by the power of a peace officer transport him to either Reno or Washoe County jail. In the same aspect our authority extends to the center line of the street adjacent to the property and we have no authority to transport anyone beyond that center line from the campus itself.

5. Coverage for officers while doing surveillance work on an off-campus situation where investigation and/or the crime has occurred upon University property.

This mainly deals with coverage of university officers while off campus either doing follow-up or trying to serve a warrant of arrest.

With our community now growing around our university system areas, and the University System's anticipated growth in the next few years the physical size along with the population suggests we will encounter many more problems in doing our assigned responsibilities for the State of Nevada and the University System.

FUNCTION SUMMARY

The University of Nevada System Police Department is an agency of the University System community statewide. Its purpose is to serve and protect the students, staff, faculty, and all other persons and property within that community.

The Department is presently composed of twelve (12) sworn police officers -- 1 Chief, 1 investigator, 2 sergeants, and 8 patrolmen. The Department has six vehicles consisting of three fully marked and equipped patrol units, two unmarked, low profile patrol units; equipped only with four channel radios, emergency equipment and spot lights, and one unmarked parking patrol vehicle equipped with radio only. The Police Department building holds a business office, Chief's office, investigator's office, squad room, and a 24-hour manned radio dispatch center, evidence locker and four position pistol range.

The officers and personnel of the Police Department are on duty 24-hours a day every day of the year, and their services and facilities are available at all times.

The University of Nevada System police have the exclusive responsibility of acting upon all law enforcement matters and performing police functions for the University of Nevada System's Reno and Stead campuses and the extended installations of the Agricultural Experiment Station on Valley Road and Veterinary Science facility experimental farms, dairy farm, and meat laboratory South of Sparks, and the Community College and Desert Research Institute near Sun Valley.

Members of the UNSPD are sworn peace officers, performing the same services as those of any municipal police agency. They enforce all Federal, State, and local laws within their jurisdiction, as well as University regulations.

Officers of the UNSPD are among the best trained and equipped in the State. They are graduates of the Nevada Highway Patrol Academy or the Northern Nevada Police Academy. They are also certified Emergency Medical Technicians. Many of the officers hold either associate or bachelor degrees in the sciences relating to criminal justice. In addition to this extensive training, they also attend many police and public service training seminars and short courses throughout the year.

PERSONAL LIABILITY OF EMPLOYEES

"There is also a dilemma that exists; because in stating that our police powers cease to exist upon leaving the University campus or properties, how can we, after making an arrest, transport our prisoners to booking? Also, how can we do many of the other off-campus University assigned tasks given to us to perform under the pretext of "police officers"?

We can not stop to render aid to fellow police officers from other agencies, the public, or to our own officers enroute between campuses, even when requested, unless we do so illegally and jeopardize our jobs and our financial securities by putting ourselves personally in line for a law suit. Our three options now under law would be to ignore the plight of citizens or fellow officers and not stop; to stop, but observe only; or to stop, but unwilling to stand by and observe, to simply continue on our way.

Although there are speed zones and traffic controls around the edges of University properties, motorists can speed, run stop signs or traffic lights and violate all of the pedestrian right-of-ways they want to surrounding these University properties as long as they are on the "other side of the center line" of the streets surrounding the University properties. Conceivably, a mugger could attack a person across the street from University properties or otherwise commit assault within view, and U.N.P.D. officers would be powerless as peace officers in such instances. If the victim of such a circumstance or by-standers at the scene were to ask why the U.N.P.D. officer would not arrest the offender, he would have to reply that if he went across the street to the scene of the crime, he would no longer have the power of a peace officer."

DEPARTMENT OF CORRECTIONS

The purpose of the proposed legislation is to consolidate the existing Department of Prisons and Department of Parole and Probation into a singular Department of Corrections to be headed by the Board of Prison Commissioners. The Board of Parole would remain a separate entity appointed by the Governor, but would be administratively serviced and funded by the Department of Corrections.

Twenty-six states and the District of Columbia have the single department approach for the administration of correctional institutions and adult parole supervision. Such consolidation is logical since time in an institution and time on parole are part of the same sentence. Parole and probation's functions are now intertwined with the prison's such as work release, supervision of inmates on temporary furlough, concern with parole violation and inmate parole procedure. The prison operates the work/living experience program which means that the two outside work programs available to inmates are administered by two separate departments.

Consolidation would assure that the offender would be dealt with more effectively in a continuous, coordinated and integrated correctional process - a process not as assured when two separate agencies merely cooperate. It has been found practicable to make a parole board a part of the Department of Corrections without making it subordinate to the administrative head. Placing it in the department emphasizes the mutual responsibility for institutional and parole services and is sound from fiscal and administrative standpoints. The consolidation of departments allows for greater interdivisional teaming of specialists, is conducive to employee motivation, to broader career opportunities, to organizational, functional and employee appraisal - in other words, it provides an improved managerial and work climate.

The integration of parole and probation services with the administration of institutions and their related programs into one department crystalizes responsibility and establishes a coordinated fiscal and managerial effort.

This approach is recommended by:

- The National Advisory Commission on Criminal Justice Standards and Goals;
- The American Bar Association;
- The Council of State Governments; and
- The American Correctional Association.

STATE SURVEY REGARDING DEPARTMENTS OF CORRECTION(S)

Twenty-six states and the District of Columbia have a Department of Corrections which include both field and support services for a separate parole board. The board is usually responsible to the governor.

In limited cases the department has jurisdiction over juvenile institutions and parole services; however, these are normally administered by a separate agency.

A few states, such as Montana, have integrated institutional and parole/probation field services but are divisions within a larger department or agency.

In Oklahoma, the head of the department appoints two of the five member parole board, while in Minnesota the governor appoints six members and the department head appoints the chairman. In Idaho the Board of Correction, which is appointed by the governor, appoints both the department head and the parole board.

Nevada's proposal would be consistent with the majority of states having integrated departments in that it would have separate parole board appointed by the governor with field and support services provided by the department.

States having a Department of Corrections as proposed:

Arizona	Minnesota
Arkansas	Mississippi
California	Nebraska
Colorado	New Jersey
Delaware	New Mexico
Florida	New York
Georgia	North Carolina
Idaho	Ohio
Illinois	Oklahoma
Indiana	Rhode Island
Kansas	Tennessee
Louisiana	Virginia
Michigan	West Virginia
	District of Columbia

ANALYSIS OF AB 789 BY SECTION

The single purpose of AB 789 is to consolidate the existing Department of Prisons and Department of Parole and Probation into a singular Department of Corrections (see organizational chart). Parole and Probation becomes one of the new department's two divisions. The State Board of Parole remains an autonomous body within the Department of Corrections.

Section 2, page 1. This section establishes two operating divisions and provides that the chiefs be unclassified and appointed by the director. All administrative services would be a part of the director's office.

Section 3, pages 1 and 2. This language now appears in Chapter 213, NRS which is the authority for the Department of Parole and Probation; it is deleted therefrom and placed in Chapter 209 which will be authority for the new department.

Section 3.5, page 2. The language is identical to that of SB 448 which is scheduled for hearing before this committee Tuesday morning.

Section 3.7, page 2. This section gives direction to the new position of chief of institutions. ~~We suggest it be amended by deleting "Adopt regulations" and inserting "Recommend policy and regulations".~~ Pursuant to NRS 209.131, only the director can adopt regulations (with the approval of the board).

Sections 4, 5 and 6, page 2. Name changes only - changes department of prisons to department of corrections.

Section 7, pages 2 and 3. Tightens up the language setting forth the duties of the director by deleting that which need not be enumerated or those transferred to the chief of institutions. Paragraph 4 is new language to assure that money is not diverted from legislative approved programs to new, but unauthorized programs.

Section 8, page 3. The chief of institutions would appoint the superintendents although with the director's approval.

Section 9, page 3. Specifies conditions and persons who are to have peace officer powers; the exception being parole and probation officers who have those powers at all times.

Section 9.5, page 3. Removes the director from mandatory participation in the classification process and clarifies assignment procedures; existing conflicting provisions are repealed in Section 91, page 35.

Sections 10 and 11, pages 3 and 4. Grammatical, reference and name changes only.

Section 12, page 4. Makes the necessary deletions to the Parole and Probation statute to effect the consolidation. Unnecessary provisions regarding the existing Department of Parole and Probation are repealed in Section 91, page 35.

Section 13, page 4. The term state prison is deleted and the phrase "an institution of the department" is substituted; this is done throughout NRS with the exception of the sentencing statutes which refer to a specified time to be served in the "state prison". That term is then defined in Chapter 193, NRS as meaning an institution of the department of corrections.

Section 14, pages 4 and 5. The duties of the chief parole and probation officer are modified to reflect his being the head of a division of the proposed department and not a separate department head.

Sections 15, 16 and 17. Grammatical, reference and name changes only.

Section 18, page 6. Proposes increasing the parolee's revolving loan fund from \$2,500 to \$4,000. Loans are limited to \$300 each; Section 92 appropriates the additional \$1,500.

Sections 19 through 82, pages 6 through 30. No substantive changes, only grammatical, reference and name changes.

Section 83, pages 30 and 31. NRS 334.010 has been amended by AB 274, now Chapter 59, Statutes of Nevada, 1979. A conflict notice has been issued and the appropriate amendment drawn to conform this section to Chapter 59.

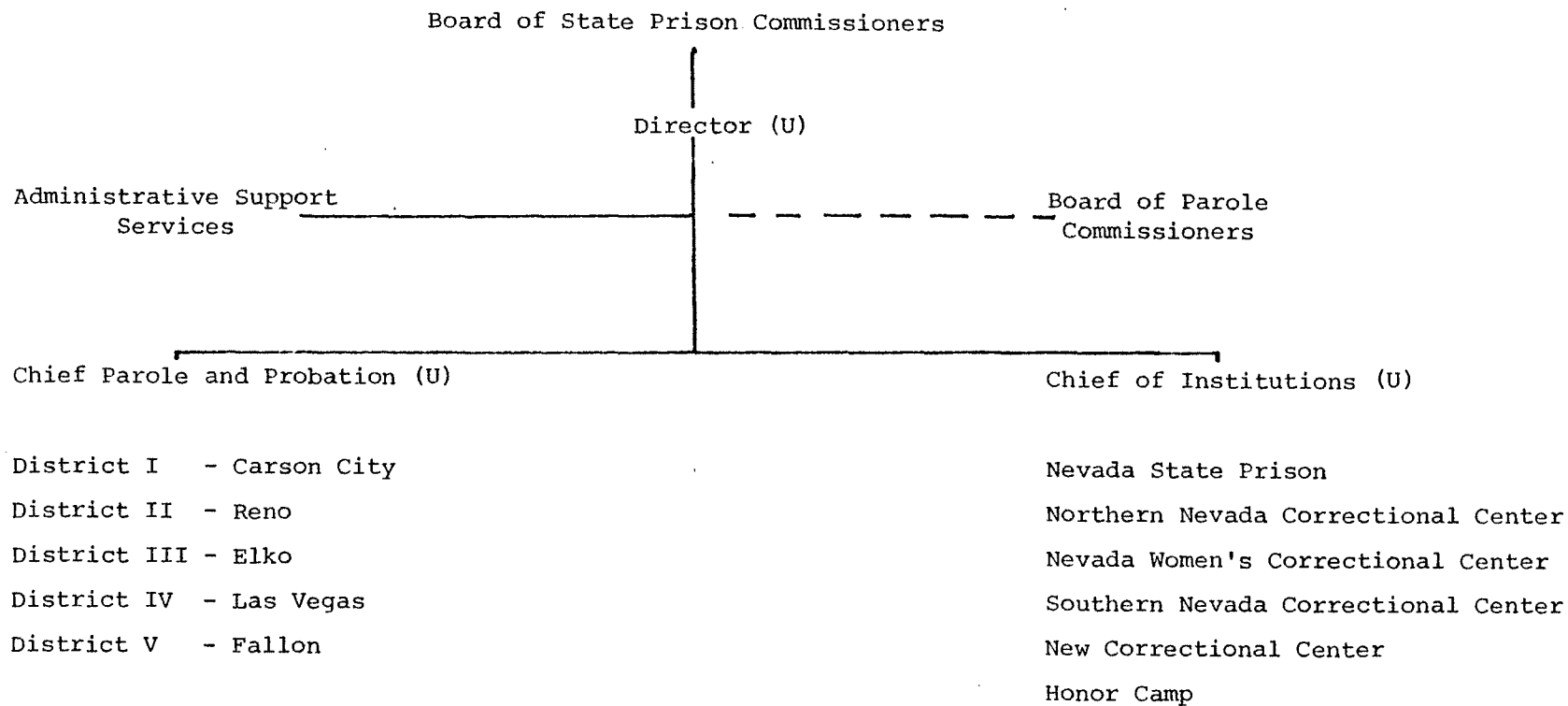
Sections 84 through 88, pages 31 through 34. No substantive changes, only grammatical reference and name changes.

Section 89, page 34. NRS 617.457 has been amended by AB 430, now Chapter 175, Statutes of Nevada, 1979. A conflict notice has been issued and the appropriate amendment drawn to conform this section with Chapter 175. However, we would suggest a further amendment to line 33 - deletion of "uniformed" thus allowing any contact employee this benefit. There are counselors, cooks and instructors who have the same frequency of contact with inmates as have correctional officers.

Section 91, page 35. Review of repealers and the addition of 209.481.

Sections 92 and 93, page 35. The necessary appropriations; to augment the parolee's revolving loan fund and to provides salary moneys due to the new position of chief of institutions.

DEPARTMENT OF CORRECTIONS



PROPOSED AMENDMENTS
to AB 789

- 1) Amend section 3.7, page 2, line 15, by deleting "Adopt" and inserting "Recommend policy and".
- 2) Amend section 8, page 3, by deleting line 21 and inserting:
"3. Each superintendent is responsible to the [director] chief of institutions for the admin-".
- 3) Amend section 9, page 3, by deleting lines 27 and 28 and inserting:
"NRS 213.1097, the director, the chiefs of the divisions and the [superintendent] superintendents, deputy [superintendent,] superintendents, correctional officers".
- 4) Amend section 9, page 3, line 35, by deleting the last "the" and inserting "an".
- 5) Amend section ~~89~~ 89, page ~~34~~ 34, line ~~33~~ 33, by deleting "a uniformed" and inserting "an [uniformed]".
- 6) Amend section 91, page 35 by deleting line 33 and inserting:
"SEC. 91. NRS 209.151, 209.481, 213.1071, 213.1072, 213.1073, 213.1091,".