

The joint hearing of the Senate and Assembly Legislative Functions Committees was called to order on Thursday, May 17, 1979, in Room 131, at 7:20 p.m. Senator Gene Echols in the Chair.

SENATE PRESENT: Chairman Echols
Vice-Chairman Close
Senator Ford
Senator Wilson

SENATE ABSENT: Senator Gibson
Senator Young

ASSEMBLY PRESENT: Assemblyman Westall

ASSEMBLY ABSENT: Assemblyman Mello
Assemblyman Barengo
Assemblyman Glover
Assemblyman Harmon
Assemblyman Vergiels
Assemblyman Rusk
Assemblyman Tanner
Assemblyman Weise

Chairman Echols requested that the members of the Committee and the audience join him in an invocation and the Pledge of Allegiance.

Chairman Echols stated that the purpose of this hearing is to receive testimony and information on the proposed prison studies, ACR-41 and SCR-52, alternatives to incarceration.

Chairman Echols introduced Eric Moon, American Friends Service Committee, who presented a twelve (12) minute slide presentation on alternatives to incarceration.

Chairman Echols introduced Rupert Hernandez, State Director for the Prison Fellowship of New Mexico, who was present to give testimony on the Prison Fellowship in New Mexico and tell how it works.

Mr. Hernandez explained the procedure of the minimum security prison system in New Mexico. He said, "New Mexico's problems are similar to Nevada's in terms of needing additional prisons because of lack of bed space. New Mexico realized their problem several years ago and started a program of minimum security facilities. New Mexico has one maximum security facility and eight (8) minimum security facilities. The prisoners are placed in the maximum security facility until they earn good time and then they are placed in a minimum security prison in the county in which they committed the crime. In the minimum security prison, the prisoner is able to go out on a work release, educational release, or a vocational training release. If they are working, they have to send some of their earnings to their family, pay for their room and board (which reduces the cost of the minimum security prison), and some of their earnings are placed in a savings account so when they are paroled, they have some money to help with their housing,

clothing and things of this nature."

"Part of the plan is to get community involvement. We studied for two or three months and came up with a program for getting the community involved. The program is called "Caring Committee of Concerned Citizens" which consists of outstanding citizens in the community who are forming committees to recruit volunteers to work inside the prison, to identify resources in the community and open up doors to new resources as far as employment, housing and vocational training is concerned. We also have volunteers who are raising funds for the material needs of inmates coming out of prison, such as clothing and reading material."

"We started a program where volunteers go into the institution six months before a prisoner comes up for parole. The volunteers help the offender with their parole plan and help them get back into the community. This program just started three (3) weeks ago so we feel that by October we will have adequate statistics to see if we can help keep inmates from going back. I worked voluntarily for ten (10) years in Colorado on a similar program and out of 300 inmates, only 5% ended back in prison."

"There are many places that can be used for minimum security type institutions, such as abandoned school buildings or abandoned army/navy facilities. New Mexico bought an abandoned air force base from the federal government for \$60,000.00, put a few hundred thousand dollars into it for remodeling and it now houses 150 people, 80 of which are working while living there."

Mr. Hernandez stated that he talked to Chuck Colson and Mr. Colson asked him to extend the invitation that the Prison Fellowship will be happy to assist the State of Nevada in setting up a similar program without a penny cost to the State.

Assemblyman Westall asked Mr. Hernandez, "What do you say to a man on the street who does not have a job and who does not have to go to prison because he has obeyed all the laws, how do you answer him when he says, "look what this offender is being handed when I, myself, do not have a job"."

Mr. Hernandez said that he, personally, is willing to help anyone whether they need a job or whatever.

Chairman Echols asked Mr. Hernandez how many states are active with his ministry.

Mr. Hernandez stated that New Mexico is being developed as a model for the rest of the nation.

Chairman Echols asked Mr. Hernandez to explain how the match-ups between the families and inmates works.

Mr. Hernandez said the inmates that are coming up for parole within 6 months are asked to fill out a resume including their background and hobbies. The volunteer also fills out a resume and then they are matched-up according to similar interests; occupationally and hobby-wise.

Senator Dodge asked Mr. Hernandez if their objective is to try to reduce the rate of recidivism.

Mr. Hernandez said that is their number one objective.

Senator Hernstadt asked Mr. Hernandez what the inmate population is in the jails in New Mexico.

Mr. Hernandez said there are 1,000 inmates in maximum security and 1,000 total in the minimum security facilities.

Richard Siegel, American Civil Liberties Union, asked Mr. Hernandez to clarify what is meant by "minimum security".

Mr. Hernandez stated that "minimum security" in New Mexico is the facility to house the inmates. He said there is no fence around the facility and the inmates go in to town in the morning and work and return at night to sleep. He stated that if an inmate should "walk off", the inmate would be returned to maximum security.

Senator Faiss asked if the population of New Mexico is stable or if it is growing at the same ratio as Nevada.

Mr. Hernandez said that New Mexico is growing rapidly so New Mexico and Nevada have a similar situation.

Senator Dodge asked Mr. Hernandez if there is a follow-up program when the inmates are finally parolled.

Mr. Hernandez said the volunteer is asked to commit to work 6 months with the inmate while the inmate is in the institution and one year after time of parole.

Margaret Bathe, from the audience, asked Mr. Hernandez how long it took to develop this concept for the State of New Mexico.

Mr. Hernandez said he started working for Charles Colson in June of 1978 and the program started January 15, 1979. He stated that if this program were started in Nevada, it could be done in one day.

* * * * *

Chairman Echols introduced Ted Curber, the unofficial chaplain of the Clark County jail.

Mr. Curber said he has been involved in rescue mission work for twenty-three years and he supports ACR-41 and SCR-52.

Chairman Echols informed the audience that he has been involved as a volunteer for two years in the ministry of jails and prisons. He stated that because of his helping people, he knows of four (4) cells in the State of Nevada that are not occupied.

Chairman Echols informed the Committee members and audience that the private citizens are willing to help work with the inmates. He said he has had numerous calls just in the last week from people asking what they can do to help.

Chairman Echols stated that there are many resources available. He said he has received literature from organizations that are willing to help and named a few of them for the audience. The following are the organizations: "Western Moratorium on Prison Construction", "Friends Outside", "Women's Justices Program", "Conception Ministry", "Prison Ministry for Today", "Christians and Criminal Justice", "Volunteers in Criminal Justice", "Center Four", "Jail and Prison Construction Moratorium" and "Friends Committee on Legislation". Chairman Echols said he also has a brief resume from the Prison Fellowship, a resume from New Mexico telling how the prison facilities are working since they started five months ago, and some correspondence from individuals.

Chairman Echols said he had an article from "Volunteers in Parole", which is an organization of attorneys, and asked that it be read into the record. "Volunteers in Parole is a project designed to get attorneys involved in the correctional system in a non-adversary manner. The volunteer attorney is matched with a volunteer youth authority parolee. It is a design of the program that a volunteer attorney be matched with a parolee two or three months prior to his or her release from an institution. The attorney volunteer is encouraged to visit their match monthly until released, and be available for crucial ninety-day readjustment period in the community. (This being statistically the most difficult time for the parolee.) The needs of the parolee volunteer vary, there may be some matching during the various phases of his or her parole experience. The kinds of assistance and activities involved in each match or relationship will be determined jointly by the volunteer attorney, volunteer parolee, and possibly the parole agent. Activities often include assistance on locating housing, help finding a job, assistance with family or economic problems, joint recreational experiences. Permeating all of these activities is the establishment of a trusting and honest relationship between the parolee and a positive adult model in the community, thereby making the reentry process less difficult and increasing the chances that the parolee will be better able to cope and remain in the community." Chairman Echols said it should be noted that the VIP Program is sponsored by the Sacramento Young Lawyers Association and is a project of the State Bar of California.

Chairman Echols stated that his stepson, Dave Spurlock, is an attorney in Las Vegas and has committed to be the catalyst to explore the VIP Program.

238

Richard Siegel, American Civil Liberties Union, stated that he came to this meeting tonight because of the legislative side of the issue. He said there is a bill pending in the legislature (AB-198) which, if passed, would increase the length of a prison sentence by as much as nineteen (19) months. He said this would mean that the state would need many more "Ely's". He asked the audience to think about this side of the issue. Mr. Siegel stated that he feels deeply about making a total study of the prison system.

Charles Zey, Director, Washoe Legal Services, stated that the time should be taken to talk about the new maximum prison facility. He said he does not believe time is as critical to build the prison as it is made out to be. Mr. Zey stated that it costs \$50,000.00 per cell and another \$10,000.00 to \$20,000.00 annually to incarcerate someone and he believes that is reason enough to conduct a study.

Mr. Zey informed the Committee members and the audience that there are two sections in the Nevada Revised Statutes (NRS 209.401 and 213.300) which would put at Nevada's immediate disposal the means to make additional space available for incoming inmates without increasing the pressure on existing facilities. Mr. Zey said, "NRS 209.401 gives the warden authority to place people in the community, let them live in the community for the purposes of training, work and rehabilitation. NRS 213.300 provides the Chairman of the Board of Parole authority to place people six (6) months prior to release, in the community for the same purposes of NRS 209.401."

Mr. Zey stated that in 1977-78 there were 627 inmates parolled. He said if the two statutes were enacted, there would be more than a sufficient amount of bed space for the estimated 250 new prisoners each year.

Mr. Zey stated that he feels Nevada should have a statewide pre-trial release program. He said this program is very successful in other states and it has been proven that the program helps to lower conviction rates and the use of probation is increased, which can save the state millions of dollars.

Assemblyman Westall asked Mr. Zey if he is saying that the state is not utilizing the two laws he mentioned, NRS 213.300 and NRS 209.401.

Mr. Zey stated that to his knowledge they are not being used.

Senator Dodge stated that those two bills for work release programs were passed in 1977 and they required, to his knowledge, that the inmate be housed in the county jails at night.

Mr. Zey said that NRS 213.300 says secure facility, it does not say jail.

Wiley Peoples, Work Release Supervisor, Department of Parole and Probation, stated that the interpretation of the statute is that the inmate be housed in a county or city jail when working away from the institution. He said that is one of the problems they are experiencing with the program.

Mr. Zey stated that he feels that is a constrained and narrow-minded reading of both of the statutes because neither one of them say jail facility at all.

Senator Dodge stated that when the bills were enacted in 1977, it was intended that the inmates be secure at night in some local facility.

Senator Ford stated that from what she has heard tonight and from what she has read, that given the right programming, motivation, and staffing, a secure facility could be a motel at the edge of town. It does not have to be a jail. Senator Ford added, "If you show the person that they have something to lose by leaving, even opening a door and walking out, they stay. It then becomes a secure facility because of what they lose by choosing to leave."

Senator Ford asked Director Wolff if he feels there are any people in the state's institutions that could be housed in something less than a local jail if the statute were modified to say that the inmate be supervised and maintained.

Director Wolff stated that the institutions have a significant amount of people that could be housed in that type of environment.

Senator Ford asked Director Wolff if he has statistics on the number of people who are in the institutions today that are incarcerated under the "so-called" victimless crime category.

Director Wolff said he does not have those statistics with him tonight, but there are a number of people who are incarcerated for property crime. Director Wolff stated that those people are sentenced to prison by the courts and the institutions have the responsibility of housing them. He said he feels the legislature is doing a "dynamic" job in moving in the direction of post-care programs, but he said they can not be developed over night. Director Wolff stated that the institutions are at 110% of their capability and an additional 250 inmates are expected this year. He said he has to have somewhere to put them.

Senator McCorkle asked Mr. Zey what fewer people in prisons and more people on probation would do to crime.

Gary Smith, Washoe Legal Services, answered for Mr. Zey. He said it would have no real impact on crime because the length of time an inmate is instructed, supervised and watched would not be shortened. The length of time inside the institution is the only thing that would be shortened.

Assemblyman Westall stated that she is interested in the pre-sentencing and asked if anyone present had success ratios on shock probation.

Director Wolff said it has worked well.

* * * * *

Chairman Echols stated that all these possibilities should be explored before the state commits itself to another "twenty-five million dollar failure."

Chairman Echols asked Director Wolff if the prison system would be supportive of letting private citizens meet and visit with prisoners.

Warden Wolff stated that the system would be supportive of anything that would summae the relationship between the inmates and the community that they are going back into.

Assemblyman Polish stated that when talking about prisons, we are talking about people who broke the law, criminals. He stated that the community has to be protected from the people who are breaking the law. He said he does not agree with some of the places that were discussed here tonight to put a criminal. He added, "I was on a football team and traveled, but I did not stay in my motel room every night and I doubt that anyone could have caught me. You mean to tell me that these adults, inmates, are going to be any different."

* * * * *

John Gavon, private citizen, stated that at one time there was a budget for an assistant chaplain for the prison and he said he would like to place on record a petition that the legislature resubmit the necessary funds for the assistant chaplain.

Chairman Echols stated that he received a telegram from the Full Gospel Businessmens International Fellowship in Las Vegas, which consists of 200 people, and they completely support the efforts of prison reform and new types of minimum security facilities.

* * * * *

There being no further testimony, Chairman Echols concluded the hearing at 9:15 p.m.

Conni J. Horning
Respectfully Submitted By:
Conni J. Horning, Secretary

Approved By:
Senator Gene Echols
Chairman