

**ATTACHMENT H**

To: Board of Prison Commissioners

Date: January 8, 2008

Subject: Budget Savings in the Nevada Department of Corrections and Parole Board

Attached are several proposals for improvements that would save millions of tax dollars in addition to generating much needed tax revenue. Every inmate who is incarcerated beyond their minimum sentence imposed by the judge, and who has achieved maximum positive programming, is a potential working, tax paying citizen who can CONTRIBUTE to society rather than take from it.

The proposals written by my husband were originally submitted to the ACR 17 Committee chaired by Assemblyman William Horne in the spring of 2006. During the ACR 17 Subcommittee Meetings, there was an overwhelming amount of documentation to support recommendations for positive and cost saving changes in the system.

Currently, the Advisory Committee for the Administration of Justice, chaired by Justice James Hardesty, is meeting monthly to propose changes to improve the system. I have attended more than one meeting and have been very impressed with the attention Mr. Hardesty and the Committee members have displayed.

My concern is, I have been hearing and reading about efforts by various committees over the past 15 years while the Prison Budget has continued to climb by leaps and bounds. There also continues to be no accountability or transparency for the Parole Board, which is a great concern for victims, inmates, and the public.

Nevada is at the bottom of the list for Education and the top of the list for incarceration; how can this not be a direct correlation when so many inmates cannot read or write. Effort, not only dollars, need to be redirected to education, health, and community in order to strengthen our state, not break it apart piece by piece.

I hope you will closely review the attached proposals and understand that no one, including the inmates, are asking for prison gates to swing wide open. What the public as well as the incarcerated are simply asking for is what is best for the people of this state. Most of the inmates will return to society; most truly do want to return as better people and repay society for their crimes instead of continue to take tax dollars that would be better invested in education.

Thank you for your time and attention in this matter. If you have any questions or comments, please do not hesitate to contact me.

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# **Prison Population Reduction Proposal**

**By Teresa Werner, public citizen and wife of inmate E. John Werner #49376**

**January 8, 2007**

## **Grant Previous Parole Denials Where Appropriate**

There are many inmates who have been denied parole even though they have completed their minimum sentence set by the Judge, programmed positively, and have been assessed as low/no risk for re-offending. Many of these individuals are merely going to a consecutive sentence and not being released. They are often denied more than once by the Parole Board who bases their decision almost solely on the Pre-sentencing Report, despite positive rehabilitation during incarceration.

There are problems in practice of the Parole Board basing their decision on the Pre-Sentencing Report. The Pre-Sentencing Report contains both facts and opinions based on the original police report. The JUDGE uses those tools as well as other evidence provided in court to make their ruling on the sentence. By using the Pre-Sentencing Report, and not acknowledging the case in its entirety, the Parole Board is over-ruling the Judge's decision by extending the minimum sentence despite positive rehabilitation. The Parole Board should be evaluating incarceration behavior only and not re-trying the inmate for the crime; that is the Judge's job that the public elected him/her to do.

In the past, Nevada has reversed previous parole denials to create an emergency release valve in cases of over-crowding. If it can be done on an emergency basis, it can, and should be a standard practice to grant parole to those who have completed the minimum sentence the Judge imposed and programmed positively.

Adopting and implementing these practices would create minimal impact on the Parole Board. Concerns regarding additional influx for the Parole and Probation (P&P) Department should be minimal. P&P has ramped up to accommodate the AB 510 influx and Chief Gonska has stated his confidence that they are ready for anything.

## **Run Consecutive Sentences Concurrently**

There are many cases of a single crime being committed, where there are multiple, consecutive charges stacked that result in a very long term prison sentence. When the longest sentence of all the charges is 5-10 years or more, this serves no purpose. A 10 year sentence is a long time; to put it in perspective, those who have served more than 10 years have never seen the internet, never used a debit card to pay for things, and have never held a cell phone in their hand. In these fast changing times of our society, 10 years is an exceptionally long time to be out-of-touch with society and away from family. It is a copious amount of time to think about and regret a crime and it should be enough time for the prison to have positively rehabilitated them.

There are heinous crimes and repeat offenders that society should remain safe from. However, there are many who have grown, programmed positively, and completed the longest sentence imposed by the Judge, that could be re-evaluated to have their sentences run concurrently.

This should create no additional burden on the Parole Board or P&P.

## **Streamline Parole to Consecutive Sentences**

Legislation needs to be passed such that in cases of consecutive sentences, if the inmate programs positively, has a low/no risk of re-offending, and has not committed an additional crime while incarcerated, that s/he automatically go to the next sentence after completing the minimum of the longest sentence imposed by the Judge. This has been proposed in various bills over the last several years, most recently in AB 416 by Harvey Munford.

This would not only NOT create an additional burden on the Parole Board, but reduce their work load as there would be no reason to hold hearings on every sentence. The only times hearings would be held is when the likelihood for success of the inmate is questionable that the NDOC Caseworker would need the guidance of the Parole Board, and when the inmate is eligible to be paroled for release.

January 8, 2008

Dear members of the Board of Prison Commissioners,

Subject: Feasibility of Mandatory Parole after Serving a Portion of a Sentence

Mandatory Parole is practically an oxymoron in Nevada. The judicial system in Nevada, when it comes to rules, regulations and laws, it is not a matter of the left hand not talking to the right hand, it is as if they are on two different bodies and are bitter adversaries.

The system currently in place is as follows:

1. Judge sentences criminal to a specific time for the specific charge.
2. Good time and work time credits are provided inmates who earn them allowing them an early release from prison to a supervision program.
3. Inmate is granted parole if s/he succeeds at #2.

The system currently in place IS NOT FOLLOWED.

1. The Parole board disregards completely and does not honor the judge's sentence at all.
2. The NDOC:
  - a. Does not offer, or takes away programs/work opportunities to earn credits.
  - b. Only gives partial credit rather than full credit per day as the law dictates.
  - c. Credits only count back from the end of the sentence shortening parole, not prison time.
3. Parole Board meets in a closed meeting setting disobeying the open meeting law and has obviously predetermined parole results long before the hearing.
4. Even when parole is granted, actual release can take months.

It is common knowledge that both the prison system is over crowded and the Parole Officers are over burdened with Parolees. It is CRUCIAL to the success of the released inmate and even MORE important to public citizens that the released person is successfully rehabilitated and can be a productive member of society. For this reason, among many others, the case load of Parole Officers needs to be seriously addressed.

The spending of government money is always tricky to say the least, but it is simple math really: Lets just say the cost to house a prisoner is \$20,000 per year, and lets say an average Parole Officer has 20 cases (parolees), that's seeing one person a day. It costs a little more to house a prisoner than \$20,000 per year and I am quite sure that Parole Officers (although I am sure they think they earn it) don't make \$400,000 per year and I bet Parole Officers have more than 20 cases at any given time.

It would be more economical to double or even quadruple the number of Parole Officers then to house them. If you cut their case load down to a reasonable number, they could actually do what they are meant to do and that is HELP the parolee succeed at becoming a contributing member of society. Building more prisons and overloading a minimal Parole Officer staff is NOT the answer and serves NO ONE.

The answer is simple: Adhere to the system that is currently in place, make the NDOC and the Parole Board accountable to the same laws they are enforcing, and hire more Parole Officers to ensure the parolees succeed and the public is safe. Hire parole officers instead of building prisons.

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Typed and sent on behalf of Mr. Werner by:  
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January 8, 2008

Dear members of the Board of Prison Commissioners,

Subject: Imposition of Sentences

The prison system is clogged and over crowded with stacked consecutive sentences that serve no real purpose but to build the reputations of judges and prosecutors and satisfy an ever growing public view of vengeance and intolerance. The consecutive sentences serve no Penalogical purpose. Does 70 years of a criminal's life repay an assault? Does 30 years repay an armed robbery? Does 20 years repay a kidnapping that consisted of asking an adult man to drive himself somewhere for a nefarious purpose?

### The Influence of Legal Representation

Our judicial system is also too heavily weighted on the legal representatives 'power of suggestion'. While it is true that the defendant does indeed have a brain and CAN make their own decision, the defendant is in a very cornered and disadvantaged position to make a clear decision. It should be obvious that they are perhaps NOT the best decision makers, given their position in the first place. Add to that the intimidation and fear imposed by the legal representative's threat of a lengthily sentence if they don't take a plea. The question is hardly that of innocence or guilt, it is a question of TIME and the decision is based on fear rather than ration and justice. When a judge is making a decision on a sentence, EVIDIENCE should be looked at as well as the plea that the defendant has agreed to take based on 'representation'. Too often the representation can not be afforded by the defendant and therefore may NOT a vested interest in the defendant as in individual.

### Terms

While I agree that there should be 'guidelines' as to the 'ideal' sentence for a 'specific' crime, rarely, if ever are two crimes the same, much LESS the individuals who commit them. While it would be unreasonable to sentence one man to one year for murder of one person and sentence another man death for murder of one person, there should be some flexibility given to the law based on circumstances and evidence. I fully understand that with the exception of self defense, it is never right to take another life, there are as many explanations as there are individuals make-up of who commits the crime.

### Conclusion

The first issue to be considered once someone is proven to be guilty of a crime, is rehabilitation, punishment, or removal from society/forfeiture of life. How long does it take to rehabilitate someone, or is each individual different? What IS the likelihood of re-offense? Are they 'fix-able'? In today's world, 10 years is practically an entire generation. Why is it that as the world advances, Nevada's criminal justice system goes in reverse? If the 'system' does not 'improve' with the times, how do you expect the criminal to? Think about the person you are putting IN this system and then think about the person who will eventually return to the streets to live in your neighborhood. What kind of person do you want to come OUT of this system? Someone who has not been 'fixed'? Someone who maybe more dangerous due to the environment of prison then when they went in? If they can't be 'fixed' in prison then something else must be done to protect society which IS the main concern, right?

The answer is allowing the TRUTH and EVIDENCE to be first before negotiations begin on sentencing terms by the defendant and the legal team (representatives and judge) before a rational common sense decision is made. The first should be happening now, but it is grossly swept under the carpet to allow for swiftness in processing criminals like cattle.

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January 8, 2008

Dear members of the Board of Prison Commissioners,

Subject: Prison and Parole Reform

I have noticed the redundancy and repetition of issues that all correspond to each other, and issues that already have procedures in place to deal with them. You must simply demand the NDOC and Parole and Probation to comply with and follow these procedures. Set reasonable guidelines and enforce compliance.

**The Parole Board is not needed**

Prison terms and post-incarcerations supervision are already combined, as long as Parole and Probation and the NDOC actually parole inmates. Prison sentences handed out by judges simply need to outline how much time will be served and how much done on supervision, or isn't that already the case?

**Require Inmates to Serve their Sentence Imposed by the Judge**

You have a huge storehouse of people who have a debt to pay. Allow them to pay it; REQUIRE IT!

Example: An inmate serving 10 years minimum with little or no violence, no drug use, a relatively disciplinary free record, and has programmed positively. He has spent a decade in prison, worked to improve and rehabilitate himself and earn a parole. What is the purpose in denying his parole? He has earned it, and now its time for him to make his repayment to society. There are thousands of programs and charities in desperate need of help. A condition of his parole should be to work in these areas to repay his debt to society. There are no limits to the areas and levels that this can work; only that of your vision and courage.

Early parole could be granted to those willing to take on more ambitious assignments such as advisors to homeland security. Prison inmates, especially lifers, have untold skills and abilities related to areas of identifying trouble, dangerous situations, potential threats, and how navigate these circumstances.

Insight and knowledge of the criminal mind and actions that supposed experts are comically lacking in such as knowledge of unconventional weapons and tactics far beyond conventional thought. Who better to do the dangerous work of disaster relief or aid work in war zones? With GPS technology today and supervision potentials there is no limit to what can be done.

There actually are inmates willing and eager to make amends for their crimes and to repay their debts. The only limits to the options available to you; to become progressive leaders in the world of corrections and rehabilitation are myopic views of the system and your inability to look at incarcerated persons as individuals instead of a single group defined by a single common denominator. Is every person with black hair Italian? Is every person in prison a madman to be feared forever? There is a clear lack of desire to make changes and drive to implement them, when it's so much easier to just lock them up and away from society and not bother.

It is no secret that the NDOC is a major money making institution in the state. The NDOC is highly profitable and loses money if inmates are paroled and do not return and if the prison's do not stay full.

I propose a question to you: Why would a department of corrections need a marketing department? When was the last time the NDOC's financial records were reviewed? The NDOC's financial earnings almost equal their state budget yearly through prison industries, inmate payroll deductions, inmate welfare fund deductions, the telephone system, the inmate store system, and other income generating activities. Posted quarterly earning statements show earnings in the millions. Yet the NDOC exceeds it's "budget" regularly and at these times paroles drop dramatically as statistics clearly show.

The answers and procedures to deal with all of the issues at hand are either already in place or limited by a desire to not want the system to work; a financial agenda , business consideration, and a 'good 'ol boy' mentality and cronyism.

Set realistic guidelines that are realistic for ALL inmates and enforce those guidelines. Take the decisions out of the hands of people predisposed to an adversarial posture. A point system is already in place. It does not work. It is contradictory and unrealistic. It makes it virtually impossible to obtain a parole on your first hearing.

A functional point system that will allow an inmate who stays out of trouble, programs positively and works to earn his/her parole is what is called for. It will also eliminate the need for the parole board. Actual good time/work time credits that allow an inmate to gain early release – coming off of the front of the sentence instead of the back (i.e., now, an inmate serving 2-10 years with 3 years good time serves 3-7 years but gets paroled after 5 so he gets no early release; he just serves 2 years on parole instead of 5. But, if he earns 10 days a month and programs/loses no stat time, at 2 years he's earned 240 days. 730 days (2 years) minus 240 days = 490 days. He'd go to the parole board 8 months early.

This is just an example. As it is now, an inmate serving 10 to life, these credits do not apply to him/her and do no good at all. Where is the equal protection? The point to these credits is early release for good behavior, not less post-conviction supervision. A comprehensive, practical and fair system is needed. The inmate should know his/her earliest parole/release date the day he/she arrives in prison and if they earn it-they should get it.

Treat those incarcerated as individuals and do not simply assign a standardized label. Be bold and inventive when looking at post-incarceration supervisions. In order to fix this failed system, the days of looking the other way and doing the bare minimum must end.

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January 8, 2008

Dear members of the Board of Prison Commissioners,

Subject: Parole and Pardons

**Pardons:**

The current practices for pardons, to be frank, date back to "good 'ol boy" politics. It seems no one is granted a pardon hearing unless they spend big money on an attorney to lobby the justices, and there seems to be no rhyme or reason to who is chosen to be heard.

There is no criteria for receiving a hearing before the board. A bare minimum of applicants are chosen, and clearly not the most deserving. Nor do the reasons for granting or denying a pardon make any sense. It is a well known fact that a pardon can be "bought" but only by a select few who have the financial means and families with the social contacts to do so.

The pardons system should be used to address miscarriages of justice, excessive sentences, issues of innocence, appeal issues not addressed or badly ruled on, issues of inmates who have strived towards rehabilitation and earned a reprieve, or to answer poor and abhorrent treatment in prison.

The pardons board should be the way to address the many mistakes by this state's justice system and to reward those who strive to change and make amends for their crimes.

**Parole:**

The current practices for granting parole are an even worse system. Paroles are denied to model inmates and granted to problem inmates who are almost guaranteed to re-offend on a regular basis; almost as if it were policy. It's the rule as opposed to the exception.

The parole board shows total disregard for the justice system and judge's sentences. (i.e., I appeared before the parole board in '04. I am eligible for parole after 10 years. The parole board informed me "I was, in fact NOT eligible for at least 13 years, regardless of my sentence, as the judge does not decide when I am parole eligible, the board does." That combined with the case workers who prepare board reports and regularly falsify them to prevent parole eligibility [I was given 5 fictitious priors] shows major abuses of power.) Also, the inclusion of a priest and a nun on a three member panel is patently outrageous.

The parole board has created a point system that makes it completely impossible to achieve a parole at your first hearing. In plain terms, the parole board is not a 'system' but a farce and is an embarrassment to both government officials as well as the convicted. One of the reasons many the parole system needs to be overhauled is it sets totally unreasonable conditions:

- No out-of-state parole
- No drinking alcohol for inmates with NO alcohol issues in their crimes
- Mandatory drug rehab for those with NO drug histories
- Not allowing parolees to be self-employed or own their own businesses
- Dictating what fields of employment parolees are, or are not allowed to pursue
- No real estate jobs
- No training
- No casino jobs
- No jobs dealing with money or credit cards

The parole board is corrupt, outdated and totally unnecessary.

The solution is a realistic and comprehensive point system - PERIOD. If an inmate programs positively and maintains a good prison record and keeps their points low enough, they should be granted parole. If not, what is the point for an inmate to try to rehabilitate if no matter what they do (good or bad), it makes no difference for their release? And what is the point to giving an inmate a parole eligibility date if there is no intention of honoring it? It is common knowledge that those most likely to re-offend get paroled 75% more than the least likely to re-offend in the state of Nevada. Again, this is an embarrassment to the justice system as well as the current and formerly convicted.

You have an opportunity to take Nevada from a backwards "bottom of the barrel" rated state to a national leader in innovative and productive new methods of corrections and post conviction supervision. Please do not let this opportunity pass you by.

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# **Purpose and Reasoning to Support Predetermined Parole Dates, Elimination of Parole Board, and Creation of Realistic Points System January 2008**

## **The Problem**

Nevada's Parole System as it stands right now operates as machinery to feed the beast. From the Parole Board to Parole Officers, the entire Parole System operates as a revolving door to keep prisons full and growing. By its very nature, the Parole Board has sole discretion in granting parole as a privilege. With no guidelines or governing criteria as to whom parole is granted – it falls to whim. It becomes a personal choice that follows no rhyme or reason. Thus, inmates with a greater likelihood of recidivism get paroled more often and earlier than those without. Those inmates then come under the supervision of the Department of Parole and Probation which operates, by policy, to violate and re-incarcerate instead of aiding to reintegrate creating a vicious cycle that benefits no one and brings hardship on every facet of this state.

The Parole Board operates with a multi-million dollar budget. These moneys could very well be used in several other areas of need. Not the least of which would be for the hiring and training of more Parole Officers, GPS Tracking, re-entry programs, etc. With a realistic and comprehensive point system the Parole Board becomes redundant and unnecessary.

A point system now exists – but is only an unofficial guideline the Board is not required to consider or follow. The case workers in the prisons compile and create the Parole Board Reports and track the inmates along the point system. With a comprehensive and realistic point system which determines an inmate's parole eligibility and parole date – the Parole Board is no longer necessary. Without increasing the workload of institutional Case Workers – as this is a function they already perform.

As it is now, no amount of rehabilitative programming, education or vocational training makes any difference towards an inmate's parole eligibility as the Parole Board does not have to consider any of it, and they don't, as is proven by their record of not granting parole to those who do qualify under the current system.

## **Solution**

With a comprehensive point system determining when an inmate is granted parole, there is no question; and places an inmate in the position to take more responsibility for his own rehabilitation. It would provide for a more structured and productive term of incarceration, while weeding out those with no desire to rehabilitate and who do not deserve a parole.

Parole is a privilege. An early release to supervision for those who earn it. The current system uses it as a prize to be doled out on a whim based on personal desires or agendas, not based on merit. The current prison overcrowding and need for new prisons is a direct result. The simple act of granting parole to those eligible would alleviate this strain.

With an overriding and comprehensive point system, an inmate, upon entering the system, would know the exact date of his earliest possible release to parole supervision – as well as the latest. Allowing for the development of a comprehensive rehabilitation program with criteria and goals which must be met, behavioral expectations and applications. All of which must be met – or an inmate simply does not qualify for parole. A program somewhat tailored to the individual offender, when completed – along with the prescribed term of incarceration before parole eligibility. The inmate is granted parole. A goal he/she has worked for and earned. A parole to supervision which is very necessary and an integral part of rehabilitation.

Knowing an inmate's earliest date of release also allows for the development of pre-release programs and parole plans much more effective than what is currently in place. All of which serve to protect the public interest and safety, open up hard beds and reduce prison populations, increase the efficiency of the Prison/Parole & Probation Systems, reduce recidivism and create more productive citizens who re-enter society, eliminate an ineffectual, expensive and unnecessary government department, putting tax/budget dollars to better use, not just within the Department of Corrections, but throughout the state.

### **Proposal**

With a few simple changes to the current parole success likelihood factors worksheet – a realistic, comprehensive system for granting parole can be established; thus eliminating the need for the Board of Parole Commissioners.

1. The system should deal primarily with the instant offense and prison record on that offense and NOT combine prior convictions with the current incarceration. Prior convictions should be a separate category.
2. Consecutive sentences/lesser included offenses stemming from the same crime which resulted in the current incarceration should not be counted as separate. An institutional parole to a consecutive sentence when there is no release should not count as a prior conviction/incarceration.
3. Victim impact is already calculated into crime severity level and shouldn't be counted twice.
4. Good time/meritorious time credits should be considered.
5. There should be no point cap on positive programming credits as this reduces the incentive and desire to continue to positively program.
6. Consideration should be given to behavior improvements/declines and length of time between disciplinary sanctions and severity.
7. Programming points, programs taken and good time/meritorious credits should carry over to consecutive sentences as it is one continuous incarceration.
8. Credit should be given for success with institutional paroles.
9. Good time/work/meritorious time should count towards parole eligibility date otherwise it is useless as an incentive and should apply to life sentence minimums as well.
10. Recidivism risk assessment factors should also be considered towards eligibility.
11. The 'GRM' time factor and points per time category should be more reflective of each other and more realistic. A point system that, at the start, makes it impossible for anyone to qualify for their earliest parole date is unreasonable.
12. Risk assessment should be based on convictions not arrests as arrests do not accurately indicate the actual commission of a crime.

With the proposed point system, it would be possible to better project an inmate's earliest date of release. Benefits to a more accurate number of current and future inmates include the following:

- Better development of pre-release programs and parole plans
- Reduce Prison Populations of inmates proven eligible for release
- Open up hard beds to reduce the strain on City and County Courtrooms and Jails
- Increase the authentication and efficiency of the Prison/Parole & Probation Systems
- Reduce recidivism
- Create more productive citizens who re-enter society
- Reallocation of multi-million dollar funds to better use by eliminating the Parole Board

All of the above benefits overwhelmingly serve to protect the public interest and safety.

#### In Summary

The current point system is not only defective; it is not being utilized correctly, when used at all. It was created and is dire need of repair. The system limits rewarding positive behavior and allows for penalizing institutional paroles, which stifles motivation for success of rehabilitation. A clear and comprehensive point system that is used as a tool for both the Prison Case Worker and the Inmate, throughout the duration of incarceration from beginning to end, is essential to the success of the rehabilitation of the inmate. The ability to clearly identify inmates who have earned parole, as well as those who haven't, provides for the least amount of burden to the public in many ways. This tool, when used properly, also aides in better understanding and guidance by the Parole Officer assigned to the Parolee. Amending the current point system to evaluate parole eligibility is not only long overdue but is essential to the success of the Department of Corrections as well as Public Safety.

Proposed by:

E. John Werner #49376

and

John Cuzdy #23044

January 8, 2008

To Whom It May Concern:

Subject: Request to continue and expand Inmate self-supported programming

The program information attached was conceived of by inmates, for inmates, in an effort to combat the apathy and ambivalence to rehabilitative programming that permeates the NDOC. This program was created by inmates who care about changing themselves and others. It is the hopes that this program will bring an end to the revolving door that our system has become, to give inmates the tools and opportunities needed to beat addictions, and end the destructive cycles in their lives.

This program also offers an alternative to faith-based programs which may discourage some from the start. Inmate sponsored programs have always faced opposition from administration; this program more than others. This program was created and began in 2000 and has all but been stamped out since then due to its connection with the wiccan community.

This program is non-religious and open to all regardless of their beliefs. This program works and works well. Administrative support and oversight is welcome as is that of Prison Psychologists. We would also welcome any questions and comments from you as well. It should also be noted that this program costs NOTHING to conduct and needs NO funding.

Thank you for your time and attention.

Sincerely,

E. John Werner #49376

# Alternative Classes for Drug and Alcohol Addiction and Anger and Impulse Management

By Inmates – For Inmates  
Elmer John Werner #49376

In order to beat an addiction – any addiction – first is to want to beat it. Second is having the willpower to say no, walk away and stay away. “Giving it up to a higher power” or “recognizing that you are powerless and have no control” is NOT the answer for everyone.

Our program consists of metaphysical exercises in a non-religious capacity designed to build and empower a person’s will. We utilize creative visualization, meditation, fasting, logic exercises, breathing control, exercise and nutrition to help an individual build and strengthen his mind, body, self-esteem, and willpower. There is no time limit placed on this; it is an ongoing process.

By starting with learning to breathe correctly and to moderate and improve the diet, and by building regimens that are kept, core behaviors, patterns, and habits are changed. Meditation teaches impulse control, thought pattern control and dedication. Fasting, beginning with one meal, gives control over desires and impulse as well as control over urges and habit, physical, mental and emotional. It teaches the body and mind that the denial of urges and desires is possible and non-harmful. It also builds the body and mind’s ability to deny itself and its urges, and over time makes it as simple as a thought. This makes it much easier to overcome the physical, mental and emotional urges to drink or do drugs giving one the strength of will to say no and mean it. Creative visualization makes obtaining goals and desires, an embedded and common place imprint in the mind. Positive ideas become foremost in ones thoughts and provide pathways and direction to achieving desired goals.

Anger Management and Impulse Control are also dealt with utilizing these techniques in conjunction with a different focus. Added to the above tools are expanded chaos/logic exercises to teach the far reaching consequences of one’s actions. For example (and this is an exaggerated example): “You pick a dandelion and blow away the fluff. What could happen next? One of the seeds is caught by a breeze and floats for miles and finally alights on a cliff side, wedged next to a pebble. Three months later, a foraging mouse finds and eats the seed, dislodging the pebble, which dislodges more, triggering a rock slide, which in turn dams up a stream, which in turn....” This is not to be taken seriously but is a way to expand the thought process and the way the mind works so that consequences of actions are more clear.

The results of these programs speak for themselves as they are individualized and tailored – administered by people who care about the results and the people involved; by inmates – for inmates. Simply look at the prison records of anyone involved (names and #s on request) and the parole records. Of the approximately 40 inmates “I” have been involved with in these programs, one has gotten a dirty U.A. test, one has had two disciplinary issues with alcohol and two have had fights. Compare that, per capita, with all the other ‘prison sponsored’ programs. The success rate of these programs is overwhelming. No one who has gone through this program and been released has re-offended. These programs are open to any and all interested inmates.

The goals of this program are:

1. To know yourself
2. To know your problems/addictions
3. Build your willpower
4. Achieve balance and control
5. Understand the consequences of your actions
6. To keep thoughts and actions in good order
7. To apply what you learn to your life
8. Regain control of your life

# SENTENCING

## Let the Punishment Truly Fit the Crime

It is time to separate first time offenders from 'convicts' (career criminals whom have no desire to change.) Most individuals become involved in crime between ages of 18-28 and are generally from dysfunctional families. These individuals did not function well in school or in employment. Occasionally there are those over 28 who get into trouble for the first time. These individuals generally are not unwilling to do their best, and many times, they ARE doing their best but lack the education or social skills to survive the structure and expectations of society.

### FIRST TIME OFFENDERS

#### PROBATION

Second chance must begin BEFORE coming to prison via the city/county jail. The less chances someone has to learn better life skills in the society that they are expected to conform to, the more chance they will learn worse habits in the violent conditions in jail/prison. These 'skills' they MUST learn in jail/prison to survive will NOT be helpful, and may in fact be detrimental, for success.

Certain 'first time' convicts should NOT come to prison, but given probation instead. However, while on probation, they must receive three full opportunities to successfully complete probation, but these opportunities must not be made known to the probationer. While on probation, those whom haven't completed their high school education must do so, or must attend a vocational training program. Additionally, they should do considerable community service applicable to, and for the victim, family, friends, etc., so they understand the ripple effect and how one crime act effects so many. Long term programs that assist in reprogramming their thinking are also crucial to their success. They should sign a contract which details, and clearly outlines what probation is, and sets forth what is required from them to successfully complete probation. Failure should not be an easy option. Every effort should be made by both the probationer as well as the officer to create a better member of society rather than another inmate.

Probationers (and parolees) must maintain their own progress report, applicable to their grant of probation and or parole. This will allow any probation officer or court to easily determine the level, or lack, of progress. If there is NO progress, then a minimum of 180 hours of jail SERVICE is warranted (assist in cleaning, working in food service, laundry, washing floors, walls, etc.) The work time could be after work hours and on days off from their job so they won't lose any opportunities for success in society while they 'see' what their future holds if they do NOT succeed in probation. Probation Officers, Case Workers and Social Workers should also be assigned to probationers to address the tools needed for success.

#### PAROLE

Before a grant of parole is offered to an offender, the individual MUST complete needed educational requirements (i.e., GED and or High School diploma). Additionally, long term (two years minimum) programs addressing societal needs must be completed.

### THERE SHOULD BE NO PRISON SENTENCE SHORTER THEN TWO YEARS.

During this minimum two year sentence, inmates should unlearn the behavior that brought them to this point and begin learning behavior that will change their thinking to lead them in a positive direction. Long term programming must include anger management, treatment for mental health and addiction problems, constructive thinking, parenting, and communication skills including alternatives to violence programs. Simple 'attendance' must not be tolerated, nor accepted; active participation and success is mandatory.

**Prison should not be viewed by the convict or public perception as a 'vacation'.**

**The goal of sentencing must be to achieve a desired behavior BEFORE release.**

## CAREER CRIMINALS

Career criminals are individuals who MUST receive harsh sentences and extensive mandatory programming. They must also be required to obtain a college degree or at least five years of 'trade experience' before parole is granted. When considering parole release, evaluations should be conducted for aptitude testing for technical abilities, training, as well as life skills. Components of this evaluation must include knowledge of basic life skills such as home, auto, credit, banking, employment, child/family care, etc.

Sentencing must be fully and completely in the hands of the court, with the parole board and/or probation department, being utilized to enforce the structure set forth.

## SENTANCING REFORM = SOCIAL REFORM

It is absolutely imperative that sentencing reform must move forward and seek appropriate punishment for first time offenders and repeat offenders. There should be a minimum of a three year parole period to monitor AND PROVIDE SUPPORT for successful rehabilitation into society.

Society needs to be reminded that someone who commits a crime is a human, just like someone who has not committed a crime (yet), and they should not be viewed as garbage that is 'going away'. There needs to be efforts to bridge the incarcerated with the outside world, and perhaps even their victims, in such a way that both parties LEARN from the unfortunate event. One suggestion would be for offenders to have their confessions video recorded and shown to middle schools, high schools, colleges, churches, treatment centers, juvenile detention centers, and domestic violence safe houses, as appropriate. Only through hearing and learning directly from all parties involved in the acts of crime, can we truly get a better understanding of the picture and work together to find ways to REDUCE crime as well as curb judgment that might be tainted by the voice of the media, victims, and public perception.

Conducting a 'Video Voice' from the offender declaring what they did, who was impacted, and what the offender is willing to do to rehabilitate/reconcile, can be a valuable tool for both the victim and the offender in the punishment, healing, and correction process.

In closing, I applaud all of the members of the Advisory Committee for the Administration of Justice for having the insight, the courage, and the determination to achieve such a worthy, and much needed goal.

Thank you for allowing me to share my voice.

Curtis L. Downing #18675  
High Desert State Prison

Typed and forwarded by:  
Teresa Werner  
P.O. Box 21067  
Sun Valley, NV 89433

October 17, 2007

By the middle of 2006, the number of people incarcerated in the US was 2,245,189, a 2.8% increase from 2005. This was the largest increase since 2000. One in every 133 residents of the United States is in prison or jail.

Comment from typist: I didn't think the 1/133 number could be right so I researched it. I was surprised to find it referenced in the following article: <http://abcnews.go.com/TheLaw/story?id=3321586>

2006 also saw the first increase in the number of people under 18 in State Prisons since 1995. Between 2005 and 2006 the number of youth in State Prisons increased 7.1%. In addition, the Bureau of Justice shows the rates of incarceration by race and ethnicity as being uneven.

The majority of research around the country shows that States that rely heavily on incarceration as a primary approach to public safety squander tax payers dollars ineffectively, such as Nevada. The NDOC budget will surpass the billion dollar mark soon, if it already has not. It is now becoming blatantly clear that moving away from costly and unproductive mandatory minimum sentencing is crucial. However, we should understand, that it is not just mandatory sentencing. We need to look at what brings us to the point of overcrowding.

Law enforcement agents are arresting people and stacking criminal charges against them in order to ensure a prison term; for example, I was originally arrested for alleged possession of a forged instrument. From that one charge, it turned into a burglary, and a forgery; THREE charges from ONE = 3 Felonies. Police Officers are recognized for arrests. DAs are recognized for convictions. The DA realizes that it is easy to convict an ex-felon because of his past record.

Pre-sentence investigations are bias as they are based off the information in the Police Report, without any further investigation. The Pre-sentencing report does not include positive attributes of the suspect – all negative. The report includes recommendations of how much time the suspect should receive, which is a conflict of interest. The DA also recommends how much time the suspect should receive. The DA and Probation and Parole should not be allowed to recommend sentencing. It is the DAs job to prosecute. The Judge should be the only one allowed to dictate sentencing, thereby eliminating political pressure. If the Judge decides that person should be placed on parole, then its P&P's job to supervise that individual, not determine if that person doesn't deserve a chance at probation or prison.

When an individual is arrested, if that person has not committed a violent act, he should automatically be given an OR and a court date, yet the system places high bails on them knowing that the majority will not come up with the funds to bail out. This process causes overcrowding and leads to more plea bargains. The Public Defender will tell the suspect, "if you except the plea agreement, you can go home today." What happened to innocent until proven guilty? There are several alternatives to incarceration.

The leading cause of recidivism is that there are no positive programs available. Ex-felons are alienated outcasts, not to be given another chance; opportunities simply do not exist. If a felon is not given the tools to straighten out his life, it is easy to return to where he IS accepted – Prison. Legislation needs to be passed to support ex-felons getting back to the work force so they can be a positive contributing member to society. In addition, if positive changes in the justice system are truly desired, there should be an inmate on the Advisory Committee.

**We are the problem; we should be a part of the solution.**

**My Story:**

Two months before my trial, Herman Herbig was appointed as my counsel. He told me, and I quote: "Reno does not like your kind. Reno stands for running every nigger out." In addition, he told me that the DA was a racist so I should take the deal. I informed the court through writing what my attorney had told me and even filed a motion to remove him for his threatening behavior. To no avail was I assisted. I was forced to go to trial with Mr. Herbig and received three consecutive sentences.

After losing the trial, I filed a notice of appeal. Mr. Herbig was ordered by the Supreme Court to file my appeal. He declined and was sanctioned and fired. The last time I saw him, was on the news that he had vanished owing the state 3.5 million dollars.

No one cares if you do not commit an offense as long as there is a conviction. Ethics and morals no longer exist in the judicial system. It takes months to convict an innocent person, but it will take YEARS for them to prove their innocence. Public Defenders are over worked with case loads of defendants. Their clients' only means of relief is to take the deal because they are not going to give you proper representation if you claim your innocence.

Thank you for taking the time to read my comments and share my story with you. I hope that you will allow me and other inmates to contribute to finding a solution to the problems we ALL face.

Respectfully,

Gilbert Tyler #71098  
WSCC P.O. Box 7007  
Carson City, NV  
89702-7007

Typed and forwarded by:  
Teresa Werner  
P.O. Box 21067  
Sun Valley, NV 89433

## **Delaying Pardon's Board is NOT a Fiscal Savings to the State!**

Per the attached letter from David Smith of the Parole Board, the Spring Pardon's Board has been delayed until the end of the year despite NAC 213.020 (also attached) stating Pardon's Boards will be held Semi-Annually.

Does the Parole Board really have a "Program Officer" Position?

Why is the Parole Board handling the Pardon's Board's logistics? Is that not a conflict of interest?

When was the last time a Pardon's Board was held for general population (and not solely for the immigrants which was the focus in 2007)?

The purpose of the Pardon's Board is to grant clemency where it is justified.

An estimate: If the Pardon's Board saw 20 people and 10 of them were granted some clemency and were released with time served, that would be a savings of \$100,000 for just the six months they are saving on the Program Officer's salary. Even if only 5 were released, it is still fiscally wiser to hire the Program Officer.

Did the Parole Board not just receive 2 million dollars to fill positions? How can they continue to avoid legal requirements with excuses that they 'cannot afford it'. The Parole Board is not setting a good example as a government agency by saying they do not have money to follow legal requirements; that excuse does not work for the inmates or the public. If the Parole Board cannot do their job, what is their fiscal value to the state?

As a government agency, please set a fiscally wise example by holding a Pardon's Board (open to all) Semi-Annually as the NAC requires.

## **Senseless Law Suits Cost Money**

The tedium of lawsuits and the continual review of Administrative Regulation 810 is allowing for the senseless gouging of funds.

It is claimed that the verdict of the lawsuits cannot be adhered to due to threats to security, however, from 2000 to 2004 while the prison was complying, there were no disciplinary incidents related to security, therefore this claim is false.

How much does it cost the state to repeatedly defend lawsuits that are filed for the sole purpose of complying with what has already been argued in federal court and won?

Teresa Werner,  
Public Citizen and Wife of Inmate E. John Werner

ADDRESS ALL COMMUNICATIONS TO:

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CARSON CITY, NEVADA 89706  
TELEPHONE (775) 687-5049  
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DAVID M. SMITH, EXECUTIVE SECRETARY

STATE OF NEVADA



BOARD OF PARDONS

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JUSTICE, MEMBER  
RONALD D. PARRAGUIRRE  
JUSTICE, MEMBER  
MICHAEL L. DOUGLAS  
JUSTICE, MEMBER  
MICHAEL A. CHERRY  
JUSTICE, MEMBER  
NANCY M. SAITTA  
JUSTICE, MEMBER

December 17, 2007

To: Pardons Board Members  
Howard Skolnik, Director of Corrections  
John Gonska, Chief of Parole and Probation

From: David M. Smith, Executive Secretary

Subject: Deferment of Spring Pardons Board Meeting

The Pardons Board meeting intended to be held in late Spring 2008 will be deferred until Fall 2008 in an effort to achieve fiscal savings as a result of a staff vacancy in the Parole Board office.

In May or June 2008, we plan to fill the Program Officer position responsible for coordinating Pardons Board activities. Once filled, we will begin the investigative process in anticipation of conducting Pardons Board hearings in November or December 2008.

Please feel free to contact me with any questions or concerns.

**PARDONS, REMISSIONS OF FINES, COMMUTATIONS OF PUNISHMENTS; STATE BOARD OF PARDONS  
COMMISSIONERS**

**NAC 213.010 "Board" defined.** As used in NAC 213.010 to 213.210, inclusive, unless the context otherwise requires, "Board" means the State Board of Pardons Commissioners.

(Supplied in codification)

**NAC 213.020 Meetings.** (NRS 233B.040)

1. The Board will meet semiannually.
2. Meetings will be held on the second Tuesday of September and March unless otherwise designated by the Board.
3. Upon the recommendation of any member of the Board or the Executive Secretary of the Board, and with the consent of the Governor, a special meeting of the Board may be held.

[Bd. of Pardons Comm'rs, No. 1, eff. 12-24-66]

**NAC 213.030 Chairman.** (NRS 233B.040) The Governor is the Chairman of the Board.

[Bd. of Pardons Comm'rs, No. 2, eff. 12-24-66]

**NAC 213.040 Applications: Time limit.** (NRS 233B.040, 233B.050)

1. An application for a pardon, the remission of a fine or forfeiture or the commutation of a punishment must be submitted to the Executive Secretary of the Board not less than 60 days before a semiannual meeting of the Board.

2. The Governor may prescribe a shorter period for a special hearing of the Board.

[Bd. of Pardons Comm'rs, No. 5, eff. 12-24-66; A 11-9-68]

**NAC 213.190 Hearings to be informal.** (NRS 233B.040, 233B.050) Hearings before the Board will be informal in nature and regular rules of evidence or other formalities do not apply. The hearing will be general in nature so that the Board is able to establish the true facts.

[Bd. of Pardons Comm'rs, No. 16, eff. 12-24-66; renumbered as No. 20, 11-9-68]