ATTACHMENT C

Sallie Lincoln

From: Teresa Werner [terwer42@yahoo.com]

Sent: Thursday, July 03, 2008 9:09 AM

To: Deanna Lazovich; SOS Exec; Sallie Lincoln; Catherine POL-Masto; Howard Pol-Skolnik

Cc: Donna AVP; Tosh Dawson; Pat FFIP; NVJR FFIP; Bill-Joyce FFIP; Wanda FFIP; NVPrisoners FFIP; Rachel FFIP; Wendy FFIP; Rick FFIP; Rachel FFIP; Marie FFIP; harbert FFIP-ATV; Kim FFIP-Freeman; Sherry FFIP-Kennedy; Debbie FFIP-Odell; Juli FFIP-Redress; Cindy FFIP-Redress; Toni FFIP-Silva; Natalie FFIP-SmithParra; Kristy Law-Schaaf; NV Justice Reform

Subject: BOP Meeting July 8th - Public Comment

Attachments: Streamlining Paroles and Pop-Budget Reduction.doc

Please accept the attached document for public comment at the subject meeting.

I also plan on attending and speaking if time permits.

Thank you

Teresa Werner

Streamline Paroles / Reduce Prison Budget
7/8/08

The 'theory' of consecutive sentences for multiple crimes is a sound one when it involves crime sprees or habitual activities consisting of multiple acts. However, when one criminal event results in multiple crimes due to unfortunate and sometimes unplanned circumstances, stacking charges is senseless and serves no one.

There are two options to correct the senseless form of consecutive sentencing:

Automate Consecutive Paroles

One of the main issues proposed in AB 416 in the last legislative session was for the very much needed oversight committee for the NDOC. However, another idea that has been proposed in past legislative sessions is to streamline consecutive institutional paroles. **With the adoption of an oversight committee for the NDOC**, there is no reason that institutional paroled can't be granted or denied automatically by the NDOC. If the inmate programs positively, has a low/no risk of re-offending, and has not committed an additional crime while incarcerated, s/he would be granted an institutional parole to the next sentence after completing the minimum of the longest sentence imposed by the Judge.

Adopting this process would greatly reduce the Parole Board work load as there would be no reason to hold hearings on each sentence. The only hearings that 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 to the community.

Re-Evaluate Long-Term Consecutive Sentences

There are many cases of a single crime being committed, where there are multiple, consecutive charges stacked that result in a long term prison sentences. When the longest sentence of all the charges combined is 5-10 years or more, this begs the question of who is paying more for the crime: the criminal, the tax-payer, or the community, when they may be ultimately released worse then when they went in after spending so long in a violent environment and out-of-touch with society.

A 10 year sentence is a long time; to put it in perspective, those who have served more then 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. The fast changing times our society are sometimes challenging for some of us 'in' it everyday. The challenges an ex-convict must face to catch up on 10 years of society, family, and technology are overwhelming enough, however they also have the pressures of finding employment and adhering to strict parole guidelines.

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 minimum of the longest sentence imposed by the Judge, that should be considered to have their sentences run concurrently.

Adopting this process would also greatly reduce the Parole Board workload as there would be fewer hearings for consecutive sentences. In fact, enabling the NDOC to grant/deny institutional paroles coupled with long-term consecutive sentencing structures being re-evaluated to be concurrent, this would greatly reduce the workload of the Parole Board so they could dedicate more time on hearings for high-risk/repeat offenders.

Reducing the Prison Population/Budget

We all are well aware that AB 510 doubled the good time credits for C, D, and E felons which reduced their time on their MINIMUM sentence term. AB 510 does not apply to A and B felons who make up the majority of the prison population and are sentenced to much longer and costlier sentences. The reason for excluding A and B felons is that they are 'usually' the most violent offenders and are charged with violent crimes. However, there are a few important facts to know and understand about most A and B felons:

1. Many HAVE completed their minimum sentence(s) imposed by the judge (some 10+ years or more).
2. Many have been deemed 'low risk' by the Parole Board but continue to be denied parole based on their crime/charge so many years ago.
3. Many are charged with multiple charges stemming from a single crime, or for crimes they did not commit, such as:
   a. Convicted of murders they did not commit (but were *with* the person who did – aka the Felony Murder Rule which most countries/states have gotten rid of long ago.)
   b. Convicted of kidnapping under Nevada's vague kidnapping law (example: OJ Simpson is charged for kidnapping for telling someone to 'move'.)
   c. Convicted of transporting, many times unknowingly, large quantities of drugs (aka mules).
   d. Convicted of multiple charges, to be served consecutively, stemming from a single incident/crime.
4. Many will continue to grow old and die in prison which will greatly increase medical care costs for the state while continuing to take funding for education and programs **the community** needs.

Rather then pass laws to reduce time for the minority of those in prison for brief periods, who may not have time to 'learn their lesson', perhaps consideration should be made to make a bigger impact, not only to reduce the prison population and budget, but to increase public safety. Many of those charged with C, D, and E felonies are substance abuse and property crime related. If someone is arrested and charged for substance abuse or theft, it probably wasn't their first time and they were probably repeat offenders until they were caught. That probability, coupled with the fact that these offenders receive little/no treatment in prison or when they are released to the community, prison is a very foolish way to waste money on these types of offenders if they are released back into the community with less then what they had going in, and expect them to be 'better' for the community.

There are many in prison who have committed violent acts, which is where they should be sent to do their time. However, many have done their time, learned their lesson, and have earned a 'low risk' assessment from the Parole Board. Those individuals, who have done 10 years or more, should be re-evaluated to determine if their sentences can be run concurrent rather then consecutive.

Statistics show that those who spend 10 years or more in prison are less likely to recommit crimes as they have outgrown that behavior and fully understand the consequences. Statistics also show that murders recommit less then 1% of the time, even while in the violent environment of prison. What are the statistics for someone who has a substance abuse problem of recommitting when they don't have 'time' to learn their lesson, or receive proper treatment?

In Summary I Propose the Following:

1. Allow the NDOC to grant consecutive sentence paroles for those who have a low/no risk of re-offending. This would allow the Parole Board to focus on public safety issues, reviewing only high risk offenders and those considered to be released back into society.
2. Re-evaluate inmates who have served 10 years or more on consecutive sentences to determine if their sentences can be run concurrently and they can be released after serving the minimum time on their longest sentence if they are now deemed to be low/no risk.

Implementing the above proposals would reduce the Parole Board's workload substantially, reduce prison population, INCREASE public safety, and enable funds to be re-appropriated back to the community to PREVENT crime and criminal activity.

Thank you for your consideration.

Teresa Werner
P.O. Box 21067
Sun Valley, NV 89433