



# NEVADA STATE LAW ENFORCEMENT OFFICERS' ASSOCIATION

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February 17, 2013

## JOINT SUBCOMMITTEE ON PUBLIC SAFETY, NATURAL RESOURCES AND TRANSPORTATION

Senator David Parks, Senate Finance Committee  
Assemblyman David Bobzien, Assembly Ways and Means Committee  
Senate and Assembly Subcommittee Members

Cc: Chairwoman Debbie Smith, Senate Finance Committee  
Chairwoman Maggie Carlton, Assembly Ways and Means Committee

RE; NDOC Business Plan / Community Services – Parole Division

Dear Members of the 2013 Nevada Legislature:

The Nevada State Law Enforcement Officers' Association (NSLEOA) is adamantly opposed to the proposed transfer of either Parole functions, or of the entire Division of Parole & Probation, to the Nevada Department of Corrections (NDOC). We have reviewed the NDOC Business Plan for their proposed Community Services - Parole Division. We cannot see an improvement of services or public safety interests through this proposed change; in fact we see a substantial reduction in those areas. What is crystal clear is that there are very significant costs to the State in money, time and in a loss of state employee morale.

We respectfully request that members of the 2013 Nevada Legislature consider the following questions and concerns regarding the proposed transfer of Parole functions to the NDOC under a new Community Services program.

We ask for your support in stopping this terrible plan from moving forward.

Respectfully,

Ron Cuzze  
President

*Please reference the NDOC – Community Services Business Plan dated February 6, 2013;*

Page 3; section II – 3<sup>rd</sup> paragraph:

*“This transition will increase opportunity for released offenders to be successful. It will streamline communications between corrections and parole and with the offender, reducing duplication of costs and services.”*

NSLEOA Recommended Questions/Comments:

- How exactly will the relocation of Parole to NDOC accomplish this? The Division of Parole & Probation currently has a very high success rate, 86%, for parolees. This in the top 10% for the nation. How will NDOC do better?
- What costs and services are being duplicated now? Why?
- Specifically, how much are these duplicated costs and services costing the State of Nevada, in dollars and cents?

*“The realignment will present opportunities for enhanced technology and provide an expanded continuum of care. This will enhance and ensure community public safety and give release offenders a greater rehabilitation opportunity.”*

NSLEOA Recommended Questions/Comments:

- What, specifically, are the enhanced technology opportunities you speak of? How much will those cost?
- If you are talking about a new offender database and computer systems for Parole & Probation and NDOC, isn't that already being discussed? There was a Request for Proposal and an extensive study
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completed in preparation for a makeover of NCJIS systems including DONS and OTIS. And NDOC has discussed replacement of NOTIS. So, why exactly would this realignment bring about enhanced technology? And what will it cost?

- What do you mean by an expanded continuum of care? Why is this an improvement over what is offered to inmates/offenders now between NDOC and NPP? What will this expanded continuum of care cost?
- How will this transition of Parole to NDOC increase community public safety? Specifically, how will moving Parole to NDOC give released offenders a greater rehabilitation opportunity than they receive now? And at what cost?

Page 4, Section III, Mission Statement of the newly created Community Services Division;

*"...the successful reintegration of offenders into society, through proactive supervision, in a manner that is consistent with the principles of public safety, offender accountability and the protection of victims rights"*

NSLEOA Recommended Questions/Comments:

- Please explain how this is different from the manner in which Parole & Probation currently supervises parolees?
- Specifically, how will moving Parole functions to NDOC help protect victim rights?
- What specific principles of public safety do you mean in this statement?
- What do you mean by proactive supervision, and how will that be different or better from what is now offered by Parole & Probation?

*"... The new program will improve and streamline community correctional supervision and services."*

NSLEOA Recommended Questions/Comments:

- Are you aware that the current Parole success rate under Parole & Probation is above 85%?
- What exactly would you improve or streamline?

- If you are referring to a faster release for inmates from prison to parole, what steps will you no longer complete? Will you no longer check to see if the residence is appropriate? Will you accept the inmates plan without checking to see if it is false? Will your faster release plan protect victims?
- What about inmates who do not submit a plan because they want to complete their sentence and not receive parole? What is your plan which will streamline the release of these individuals, and how will that plan impact the supervision of those individuals and public safety?

Page 5; section B, Community Services, item I – Re-entry services;

*“...Offenders will hear a singular message from Community Services Division to utilize available resources for socialization, support and assistance which already exist in the community.”*

NSLEOA Recommended Questions/Comments:

- You say a singular message; Do they hear more than one message now? Why? Can you tell us what messages offenders hear now?
- Why do we need to move Parole to NDOC to make this happen?

*“Increased collaboration between Parole and Re-entry will increase offender re-entry services including a wide variety of supporting pre-release and post-release programs and services, such as employment and life-skills counseling, halfway house accommodations, counseling services, specialized community substance abuse services, work programs and family services.”*

NSLEOA Recommended Questions/Comments:

- Why would moving Parole to NDOC increase employment and life-skills counseling?
- How would this move increase the availability of halfway house accommodations, counseling services, work programs, etc?
- Could collaboration increase between agencies without this move?

Page 6; section B, Community Services, item I – Re-entry services; bottom of page 5 and top of page 6;

*"By working together parole agents and correctional staff will assist offenders with obtaining the basic essentials to succeed before an inmate is released, thus increasing re-entry success. Services will include accessing resources such as housing, employment, school, training, food, substance abuse treatment, therapy and counseling. Better communication will ensure that such services will not be duplicated and therefore be available for more participants."*

NSLEOA Recommended Questions/Comments:

- What services are duplicated now, and why?
  
- Your plan is to have Parole Agents work with inmates prior to their release from prison? Is this what your correctional caseworkers do now?
  
- How much will it cost for the NDOC to insure the resources as you have listed here are available for each inmate or parolee?
  
- What happens when an inmate or parolee does not want any of those services or resources?
  
- Do you think it would be cheaper to simply increase communication between the NPP parole officers and NDOC correctional caseworkers now, instead of making an extensive and expensive transition of Parole to NDOC?

Page 6; section ii – Community Corrections in Nevada:

*1<sup>st</sup> paragraph - "...Currently community corrections are only being accessed by NDOC with the help of faith-based/community organizations. Aligning Parole with NDOC will give the opportunity for expansion of community corrections for parolees at post release."*

NSLEOA Recommended Questions/Comments:

- Does this definition of community corrections describe what Parole & Probation does now?
  
- Why is NDOC only working with faith-based organizations? If NDOC believes this is a valuable idea, why haven't they expanded on available services for inmates already?
  
- Why do we need to move Parole to NDOC to expand post release programs for offenders?

- Is NDOC aware of the community based programs and services which Parole & Probation officers currently utilize? The Legislature is aware that they now work with -
  - o Urban League
  - o Ridge House
  - o Sex Offender Treatment Providers
  - o Drug and Substance Abuse counselors and programs
  - o Mental Health providers
  - o Transitional living and half way house providers
  - o Various other job search and county assistance programs
  - o Drug Courts, Mental Health Courts, etc.

*2<sup>nd</sup> paragraph - "... The Parole Division will utilize a validated Risk/Needs assessment tool as a measurement to determine the appropriate supervision level in the community. The Division will establish general supervision, sex offender and intensive supervision caseloads. All levels of supervision will be afforded the same opportunities to ensure successful reintegration into our communities"*

NSLEOA Recommended Questions/Comments:

- Is the NDOC aware that Parole & Probation currently uses a validated Risk/Needs assessment tool?
- It is our understanding that Parole & Probation currently has general supervision, sex offender, intensive supervision, house arrest, gangs, and other specialized caseloads. Why should we go to the expense and trouble of moving Parole to NDOC in order to have these same caseloads under NDOC?

Page 6, section iii; Increase of communication/collaboration with Parole;

*"Community services employees will be utilized to assist correctional staff and inmates in the development of release plans. Being under one umbrella will allow for common datasets and improved communications among the two entities ensuring seamless transition for inmates from prison to community."*

NSLEOA Recommended Questions/Comments:

- Will parole agents be doing the work for the NDOC caseworkers?
- If Parole Agents will spend time inside the prisons talking with the inmates preparing for release, won't this mean those Agents will spend less time on the street supervising parolees? How will this help public safety?

- We understand that Parole officers and specialists do talk with caseworkers now on a frequent basis. What exactly is not working smoothly?
- Why can't we improve communications without making this change?
- We understand that NDOC caseworkers and P&P staff have access to view each others computer system and notes regarding inmates and offenders. Would it be cheaper to simply improve these communications than to make such a big and expensive move of agencies and personnel?

Page 6; section iv; Reduce costs per offender over the long term;

*Paragraph 1 - technical violators;*

NSLEOA Recommended Questions/Comments:

- Please explain the minor violations you refer to here which are the basis for all of these parolees being returned to prison each month.
- In the case of a felony DUI offender on House Arrest who was found intoxicated or drinking, would you divert that individual to an intermediate sanction and not lock them back up in prison?
- Are you familiar with the term, Cash Register Justice? Do you think that means saving money at the expense of public safety?
- Are you familiar with the case of parolee Valerie Moore? A parolee who became intoxicated, which in itself is only a technical violation? While intoxicated she moved a mattress outside of a room at the Mizpah hotel in Reno and lit it on fire, causing a building fire which killed 12 people. The question becomes, do we want to stop these offenses before they happen by arresting parolees for parole violations and asking the Parole Board to hear the case and revoke parole when appropriate? Or do we want to just wring our hands about those tragedies after the fact?
- Is the NDOC aware that the Parole Board, not the Parole & Probation Division, decides which parolees get revoked when they have been returned to the Board for a violation? The Parole & Probation officers make the arrests and file the violation report, and the Parole Board hears the case and decides.

*Paragraph 2 - Inmates past their parole eligibility date:*

NSLEOA Recommended Questions/Comments:

- Does NDOC blame Parole & Probation for these inmates not being released? Is that either fair or accurate?
- You state here that 40% of inmates submitted non-viable plans, and another 12% of inmates have declined or refuse to submit any plan for release. Does NDOC plan to do all the parole plan work for these inmates and push them out into the community? How does forcing inmates out on parole fit into a successful reentry model?
- Would you consider that forcing inmates out on parole instead of letting them clean up the time on their sentences to be a form of Cash Register Justice?
- Can you tell the members of the committee how many parolees Parole & Probation does approve for release each month?
- Regarding subsection 3, you say that through this realignment of Parole to NDOC you can better utilize the 305, 317 and 184 inmate programs. Can you tell us exactly what you mean by better utilize?
- Since these inmate programs are strictly regulated, how do you propose to increase the inmate participation in, say, the 305 – felony DUI offender program?
- Doesn't NDOC already decide which inmates are to be released to these programs? How would the transfer of Parole to NDOC make any difference in the inmate usage of these programs?
- What will it cost the state to increase inmate participation in these programs, should that even be possible?

Page 7, section v; Reduce recidivism;

*Paragraph 1; "Supervision, programming and treatment resources will be provided to address the issues and problems that drive crime. Having a consistent message from incarceration through release and community supervision lowers the probability of a parolee committing a new crime."*

NSLEOA Recommended Questions/Comments:

- Does NPP not provide supervision, programming and treatment resources now?

- How exactly will a message lower the chance of parolees committing new crime?
- Is there an inconsistent message now being given to inmates and offenders? Who exactly are these inconsistent messages coming from?

*Paragraph 2; "An integrated release process can ensure more complete wraparound transitional services are in place, reducing the chances of a parolee coming back to prison."*

NSLEOA Recommended Questions/Comments:

- Is this statement just a cute use of popular buzz words? What exactly does this mean? Is this actually something new or is Parole & Probation already doing this?

Page 7; Governor's Strategic Priorities;

i. Safe and Livable Communities – Reduce Repeat Criminal Activity

NSLEOA Recommended Questions/Comments:

- What duplication of programs/services will be reduced, and what are the anticipated cost savings?
- What is the continuum of care which you intend to expand? What will that cost?
- Are these areas which Parole & Probation handles now? Why couldn't they do this without the cost of moving Parole under NDOC?
- Under item 1 – Offender Program Success; doesn't Parole & Probation already have a success rate much higher than the national average?
- Under item 2 – Offender Revocation; If NDOC controls the front door to parole release as well as the back door to an inmate's return to prison by controlling the violation process and limiting the reasons for an arrest, couldn't the NDOC create a false-positive outcomes in the success statistics?

- Can we consider this a form of Cash Register Justice, meaning that the state will save money, falsify numbers and show a great outcome, all at the expense of true success and public safety?
- How will the new Parole Agents under NDOC have a greater impact for public safety than our DPS Officers do now under Parole & Probation?

Page 8; section ii – Efficient and Responsive State Government;

*“...a key objective is Leadership.”*

NSLEOA Recommended Questions/Comments:

- If you are moving over the existing Parole personnel, how will leadership change?
- What does NDOC provide in the way of leadership for these functions? Has NDOC led these functions before? Where will you learn how to lead these functions?
- Since you want to bring over the existing staff from Parole under DPS, you must feel they are competent in their jobs. Why then should we go through the time, trouble and expense to move Parole functions to NDOC when Parole & Probation already has the necessary leadership?
- How will the leadership of Parole function under NDOC be more cost effective than where they are now?

Page 8, section b – Implementation

*Paragraph 1 - “...Parole supervision is currently conducted throughout the state and will continue as such after realignment.”*

NSLEOA Recommended Questions/Comments:

- If parole supervision will be unchanged, and they presently have a very high success rate, why should we proceed with this difficult and expensive realignment?

*Paragraph 3 - "...The Community Services Division will be managed by a Major transferring from DPS."*

NSLEOA Recommended Questions/Comments:

- Has a DPS Major agreed to transfer to NDOC to manage the Parole Division? Or have the current Majors at Parole & Probation declined to transfer?
- Were you considering making this new Deputy Director a classified position?
- How can this realignment be considered cost neutral if you must add a new Deputy Director of NDOC (ie: the DPS Major coming over from Parole & Probation) and a support staff member to NDOC's staff at over \$220,000 per year?

*Paragraph 4 - "Initially, Community Services will be located in the same buildings in which they are currently located, to minimize the cost and the time required to complete the transition."*

NSLEOA Recommended Questions/Comments:

- When will NDOC ask for their own offices and facilities for these staff?
- You will eventually need your own offices and facilities. How much will these new offices and facilities cost?
- Isn't this a duplication of services and costs?
- If you are not moving the staff members, and in essence a parole officer will stay at the same desk in the same office when they become a parole agent for NDOC, what exactly are we saving and how is this efficient?

Page 9; top paragraph;

NSLEOA Recommended Questions/Comments:

- Do you know how much time in research and labor will it cost to find all of the applicable NRS and NAC sections and make these changes?

Page 9; section c – Timeline;

NSLEOA Recommended Questions/Comments:

- Why must this transfer happen on July 1, 2013? What's the rush?

Page 9; section d – Projections:

NSLEOA Recommended Questions/Comments:

- Because Mr. Austin has shown that he is very clearly biased toward this change in organizational structure, and is an outspoken proponent of the California Model in which the state handles Parole and the counties handle probation, can his statistics be trusted, or should they be validated?
- Are the listed caseload ratios of Officer to Offender going to remain the same under NDOC? Or will those ratio's change in favor of more Cash Register Justice thinking? Meaning, higher offender to officer ratios? When will those ratio's change?

Page 10; e – Access Financials/ I – Funding Sources;

NSLEOA Recommended Questions/Comments:

- How is this proposal cost neutral when you admit there are significant costs, including travel, training and new badges and ID's needed for every sworn staff member transferring to NDOC.
- Did you consider that there will also be costs for signage, stationary, envelopes, web sites and pages, and more for the new Parole Division under NDOC, as well as for the remaining Probation Division under DPS?
- We do not see the costs listed for what has already been spent on preparing for this change without approval of the Legislature or LCB. Can we please have those figures now?
- We understand that you are continuing with meetings on the transfer of parole to NDOC this week in Las Vegas. Did you get legislative approval to continue with those meetings? How many NDOC personnel are in Las Vegas for those meetings? We would like to see a breakdown of their wages, per diem, lodging and travel costs.
- How many more meetings are already scheduled, and how many state employees will attend each meeting?
- Do you think that you jumped the gun here, and should have waited for legislative approval to fund and proceed with this project?

- The new Deputy Director position you are requesting under Dec Unit E240 looks to provide wages for the employee at about \$98,000 per year, plus benefits. How does this compare with wages for your current Deputy Director positions, and how does it compare with the wages for a Major at DPS?
- If this new position pays more than your current Deputy Director positions, do you plan to submit a request to upgrade the current Deputy Director's pay to match this new position, either now or in the future?
- Do you intend to show a cost savings by down grading the new Parole Agent positions to pay grade 36, from the pay grade 39 which they are now as DPS Officer's?
- Do you plan to downgrade just the officers from a grade 39 to a grade 36? Wouldn't it be logical then to assume that a Sergeant would be downgraded to a grade 38, a Lieutenant become a grade 40, a captain become a grade 42 and a MAJOR become a grade 44 or 45? Do you plan to start the downgrades from the top down, or only downgrade those at the bottom of the pay scale?
- Would all of the expenses, increases and costs which are listed in the fiscal sections of your documents here occur if we left Parole where it is now?

Page 13; section iv – Major Purchases;

NSLEOA Recommended Questions/Comments:

- You say no major purchases are planned. What about firearms? Doesn't NDOC issue Glock pistols? Wouldn't NDOC need to purchase enough Glocks over the next two years to replace the Smith & Wesson firearms from Parole & Probation?
- Were you aware that the S&W firearms at P&P are at the point of requiring a full rebuild at a cost of about \$150 each, plus 1 ½ hours of labor. For 71 sworn staff that would be over \$10,000 in parts, plus 106.5 hours of labor. Does this qualify as a major purchase?
- The computers which would go over to NDOC from Parole & Probation are all over 3 years old now. Do you plan to ask for funding to replace

those at 4 or 5 years of service? Would purchasing 105 computers bring you back to LCB for funding before the next legislative session?

- What is the cost of replacement for NOTIS and OTIS when the NCJIS upgrade is handled over the next few years?
- What will the hardware costs be if you are required to put a second system, NOTIS, in to all of the Parole Agents working in Parole & Probation buildings?

Page 13, section f – item 1 – Re-entry;

*“Currently there is a fracture between re-entry services provided by NDOC and services provided by P&P.”*

NSLEOA Recommended Questions/Comments:

- Please explain and be specific as to what you mean by fracture.
- Why can't this fracture be fixed and keep the agencies the way they are?

Page 15; section h – Performance Indicators;

NSLEOA Recommended Questions/Comments:

- Are these performance indicators being determined now by either Parole & Probation or NDOC?
- If not, why can't these indicators be determined now?

Page 16; section I – Contingency Plans – Long Term:

NSLEOA Recommended Questions/Comments:

- Is NDOC saying that DPS/Parole & Probation is not working with them now on this subject?
- We were under the impression that discussions between NDOC and both Parole & Probation and DPS Records and Technology took place during 2012. Is this not true?