



NEVADA STATE LAW ENFORCEMENT OFFICERS' ASSOCIATION

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MEMORANDUM

Date: February 1, 2013

To: Senate Majority Leader Mo Denis
Senator Debbie Smith, Chair, Senate Finance Committee
Senator David Parks, Chair, Senate Government Affairs Committee
Speaker of the Assembly Maryland Kirkpatrick
Assemblywoman Maggie Carlton, Chair, Assembly Ways and Means
Committee
Assemblywoman Teresa Benitez-Thompson, Chair, Assembly Government
Affairs Committee

From: Ron Cuzze, President

Subject: Opposition to the proposal to move Parole to the Department of
Corrections

In nearly every legislative session over the past 20 years there has been some discussion and in a few instances a proposal to move Parole and Probation duties to the Nevada Department of Corrections. Nevada has been fortunate that this idea has never had support from the Legislature, nor from our Law Enforcement and Judicial communities. With California as an example of how a parole system works under the Department of Corrections, Nevada is very fortunate that these proposals have not been successful. This year the idea has surfaced again.

The Nevada State Law Enforcement Officers' Association (NSLEOA) is in full and complete opposition to Governor Sandoval's proposal currently before the 2013 Legislature to tear apart the Nevada Division of Parole & Probation, an agency under the oversight of the Nevada Department of Public Safety, and move those Parole functions over to the Nevada Department of Corrections under a new Community

functions over to the Nevada Department of Corrections under a new Community Corrections/Parole Services Unit which they hope to form. The proposal indicates that it will provide efficiency and savings to the state, and is being reported as cost neutral. The NSLEOA believes that this plan has very significant costs, a lack of any proven efficiencies, and major public safety issues. The proposed changes also prepares the way for the Governor to request in a future session that Probation functions be turned over to Nevada Counties. This would set Nevada back more than 20 years.

One of the leading proponents to bring this change to Nevada has been Mr. James F. Austin of JFA Associates, a contract analyst for the Nevada Department of Corrections and a resident of California. For several years Mr. Austin has strongly urged Nevada's Legislature to follow the "California model", and have the counties supervise probation cases, and the state supervise parole under NDOC. He has argued that Nevada works in "silos" on Probation, Parole and Corrections services, and that despite our high parole success rates compared to national statistics we have dysfunctional systems. He has also recommended, very insistently yet without any true basis in viable statistics, that the Division of Parole and Probation be moved under the NDOC in order that the release rate for inmates to parole increase, and the process become smoother. We would like to point out that Mr. Austin was caught in several misstatements when he testified before Nevada's Advisory Commission on the Administration of Justice in 2012, those misstatements being caught and put on record by Commissioners in both northern and southern Nevada (ACAJ Final Report Jan. 2013, pages 19-20). His bias toward the "California model" was clear, as were his efforts to deceive Nevada's leaders.

The NSLEOA would also like to briefly bring to your attention the record of the "California Model" regarding parole. That would be the same model that, through a series of failures and missteps which have been well documented by the California Inspector General's Office, allowed the horrors of the Richard Davis, Phillip Garrido and John Gardner cases to happen. The costs related to lawsuits from these and other parole failures are staggering. As a result of the murder of Polly Klaas by Richard Davis, nearly every state in the union enacted some form of the three strikes law, which

seems a clear indication of public opinion about the supervision of parolees. The public is not interested in cash register justice for parolees.

In California there are approximately 70,000 parolees on the street; however of that number nearly 35,000 are **not supervised** and serve what is called "non-revocable" parole. In essence, while they are parolees with terms or conditions for release to the community, they cannot be revoked if they violate those parole terms. The State of California has also pushed the cost associated with these non-revocable cases to the counties. We have to ask why anyone in their right mind would want Nevada to move toward a system that is as terrible for public safety and offender accountability, and is as financially unsound as California.

The NSLEOA is also concerned that this plan has been moving forward for most of 2012 *as if already approved by the Legislature*. The NDOC contacted the National Institute of Corrections (NIC) early in 2012, and a high number of meetings to facilitate the "transition" of Parole to NDOC have already taken place. Top personnel from both Parole & Probation and NDOC have met weekly in both Las Vegas and northern cities to develop plans and identify staff that would be moved over to NDOC and to work out many other details. When NIC met with a large number of NDOC personnel and two top Parole & Probation leaders in Las Vegas at the end of August 2012, they were under the impression that this change had already been approved by the State and NIC was just there to facilitate the actual change. We ask that you consider the payroll costs, travel, lodging and room rentals which have already been spent without Legislative approval on an idea which was not made public, nor discussed with the Legislative Council Bureau or approved by any standing committee. These costs have been generated within the NDOC, Parole & Probation, Records and Technology and Department of Public Safety, and with the Governor's staff. And while it appears that NDOC was given the go-ahead to make national contacts, hold multi-agency meetings and to talk about this around their Department and to other agencies without restriction, Parole & Probation was put under a strict confidentiality "gag" order, and employees were required to sign a non-disclosure document and instructed not to talk about this with anyone outside of their command personnel involved in the change.

which will ultimately seek to push probation services and costs on the Counties. We ask your support in stopping this appalling and costly idea once and for all.

Should any change in organizational structure be deemed necessary, we encourage the Legislature to consider instead the plan which the NSLEOA proposed to the Advisory Commission during 2012, that being to place the NDOC under the oversight of the Department of Public Safety, Attachment I. We believe our proposed alternative will provide significant improvements in communications, training, certifications and morale for personnel at NDOC. It will also better insure that inmate needs are addressed and services are provided in a timelier manner, and result in a significant reduction in complaints and lawsuits.

The Nevada State Law Enforcement Officers' Association is a statewide association which represents over 445 sworn, non-sworn and retired law enforcement professionals in 22 State agencies. These agencies include, but are not limited to, Nevada Parole and Probation, Highway Patrol, Taxicab Authority, Capitol Police, Secretary of State, Nevada System of Higher Education and the Department of Corrections.

Included in the following pages are the NSLEOA's areas of concern regarding the Governor's plan to place Parole functions under NDOC. We have broken them down by topics and can provide additional details if requested. We can also provide contact information for NSLEOA lobbyists and individuals who will testify on this issue during the 2013 Legislative session.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Cuzze", written in a cursive style.

Ron Cuzze

Cc: Distribution List



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
2013 NEVADA LEGISLATURE**

**ATTACHMENT A
WHAT'S WRONG WITH TRANSFERRING PAROLE TO
NDOC?**

WHAT'S WRONG WITH TRANSFERRING PAROLE TO NDOC?

1. THE PROPOSAL IS NOT COST NEUTRAL, IT WILL BE VERY EXPENSIVE;

THIS PLAN TO PUT PAROLE UNDER NDOC APPEARS TO BE A SOLUTION IN SEARCH OF A PROBLEM. And it won't come cheap. This idea has been reviewed, rehashed, remodeled, revamped and rejected by the Legislature since 1993. For historical reference there was a projected fiscal impact paper prepared by Mark Krmptic dated April 20, 2007 for the joint fiscal subcommittee when this issue was looked at that year. The technology costs could not be estimated at that time, as is still the case today.

While there are a very large number of fiscal considerations that can be mentioned, we would prefer to address some of the more high level and costly items:

COSTS TO THE STATE:

- a. **Technology costs - UNKNOWN;** The technology issues are difficult and will be expensive. NDOC's NOTIS and Parole & Probation's OTIS computer systems cannot communicate with each other and are built on different platforms. Costs will also include technology security, networking between agencies, state information systems and national database switches, establishing levels of application clearances for employees at DPS vs NDOC, E-mail system setup and reprogramming, etc.;
- b. **Dangerous Offender Notification System (DONS);** DONS is a critical notification system used daily by law enforcement personnel from agencies statewide which advises deputies/officers/investigators on the street of the Parole/Probation status and risk posed by offenders. THE NDOC COMPUTER SYSTEM WILL NOT INTERFACE WITH DONS. So far in the planning sessions with NDOC and P&P, no one has been able to venture a guess as to what it will take to allow NDOC to take over their portion of the DONS system, a system that was created due to the murder of a Sparks police officer by a violent career criminal who was released multiple times on parole, in spite of being returned for parole violation on several occasions. In order to insure that DONS continues to work if this transition of Parole to NDOC takes place, it will require that DPS/Probation staff continue to make all of the entries and updates for the parole cases and Parole Agents working for NDOC. P&P will need to maintain a complete database of all current and new parolees and NDOC Parole Agents until NDOC can afford to have their own computer system replaced or upgraded so they can interface with DONS; One agency will be doing the all of the computer work for another.
- c. **Costs to add a new Deputy Director** and an unidentified Position to NDOC (noted on PDF page 2364 of the Governor's budget document and listed as page 101-3712 – Enhancement E240 in budget items for the Parole Services section of the NDOC budget), listed at \$223,000 per year for 2013-14;

- d. **Significant costs for NDOC to eventually have their own office space** for their new Parole Agents & staff. After all, they can only rely upon the hospitality of another state agency for so long. This is not a cost neutral proposition - as the saying goes, pay now or pay later.
- e. **The NDOC intends to show cost/salary savings by downgrading all new and open Parole Agent positions from pay grade 39 to pay grade 36**, which will cause a huge disparity in pay for employees who as Parole Agents will still perform essentially the same duties and functions as they did as DPS Officers working for Parole & Probation. This disparate treatment in pay would result in complaints and grievances, and in a salary study by the state. The ultimate result would be the payment of back pay and benefits at pay grade 39 for those new Parole Agents. This would be an expense, not a cost savings;
- f. **Costs related to recruitment, hiring and training of many new Parole Agents** when the sworn personnel who were transferred over to NDOC/Parole Services following this change later reapply and are hired back by DPS/Probation Division to fill open any positions in the Probation Division, which offers pay grade 39 for officers.
- g. **Costs for NDOC to participated in, build or operate a police radio system;** (this item is addressed further under Officer Safety concerns)

Some other considerations which have been termed trivial by some, but which add up to significant costs to the state include, signage changes for all current P&P locations; business cards, official paperwork/letterheads and envelopes; replacement of Badges & ID cards for all sworn staff; costs/programming hours to update websites and pages; reprogramming costs for the state phone system and users in multiple locations, updating the state phone directory; revised projections needed for the EITS/DPS technology plans to rebuild the NCJIS system, including OTIS (Parole & Probation system) vs a separate NOTIS for NDOC and OTIS for Probation systems with various interfaces; evidence vaults and locations; POST training costs increases as NDOC begins to hire and train at the Category 2 level for Parole Agents; the cost associated with having DPS/Probation Division provide Field Training Officers and in-service training for newly hired NDOC Parole Agents until the NDOC develops their own program and trainers; cost for additional NDOC vehicles for the new Deputy Director, Captains, etc. in the new Parole Services unit.

COSTS TO EMPLOYEES:

THE NSLEOA RECOMMENDS THAT SHOULD THE GOVERNOR'S PLAN BE ADOPTED THAT ALL EXPENSES WHICH MUST BE BORNE BY EMPLOYEES THEMSELVES RELATED TO THIS MANDATORY CHANGE IN AGENCIES BE PAID FOR BY THE STATE OF NEVADA.

- a. While wallet badges are purchased by the Division, Belt/vest badges for field identification and uniforms must be purchased by each individual officer; with this change all personally purchased badges would have to be replaced at a cost of about \$140 per badge (265 positions at \$140 each = \$37,100);
- b. External protective vest carriers are currently purchased by officers individually; the vest identification patches would all need to be replaced at a cost of about \$25 to \$55 each;
- c. Employee-purchased DPS Uniforms and DPS jackets would no longer be authorized for use during a special event or emergency by the new Parole Agents working for NDOC (an investment of about \$100 per uniform, and about \$100 to \$200 for jackets by the individuals impacted);
- d. New DPS patches will be required on all personally purchased DPS Uniforms/Jackets for special events and emergencies by Probation Officers remaining under DPS (a cost of about \$20 for patches and sewing by a uniform store);

2. THE PROPOSAL IS NOT AN EFFICIENCY OR IMPROVEMENT

- a. Parole & Probation has high parole & probation success rates now, compared to the national averages.
- b. The Division meets regularly with both Parole Board and NDOC to discuss issues and individual inmate or parolee cases, as may be needed.
- c. Most of the parolees who are waiting for release to parole from NDOC have refused to submit a release plan, preferring to finish up their time in prison than having a parole "tail" and the costs of monthly parole fees when they get out. This is not the fault of any agency involved.

3. PUBLIC SAFETY CONCERNS

- a. Some of the savings Director Cox spoke about will come from an unusual perspective intended to discourage Parole Agents from returning parolees to the Parole Board for revocation hearings. In a memo dated July 13, 2012 in which various pros and cons of this plan were discussed, on page 5 NDOC indicated that by their having control over technical parole violations it would allow them to not arrest parolees for violations, and instead divert those parolees to less expensive transitional housing. Casa Grande is already used to divert low risk parole violators and a complete reorganization is not needed to continue to use this resource. One of the problems noted with using Casa

Grande to house more parole violators is the promise made to the community that violent offenders and sex offenders will not be housed at Casa Grande.

- b. It should be noted that when parolee Valerie Moore became intoxicated, that intoxication was only a “technical” violation. It wasn’t until she, while intoxicated, moved a mattress outside a room of the Mizpah Hotel in Reno and lit it on fire, ultimately killing 12 people, that she was no longer considered a technical violator. A child molester in the company of a child is “only a technical violator” until they kidnap, rape or murder that child. The question becomes, do we want to stop these offenses before they happen by arresting parolees for parole violation and asking the Parole Board to revoke their parole, or just wring our hands about those tragedies after the fact.
- c. We believe there is a very real possibility that this plan will result in the unchecked raising of parole caseloads with the goal of reducing prison populations and operating costs.
- d. NSLEOA is very concerned that in a future session there will be an attempt to implement more of the “California model” and move Probation functions to the Counties, the majority of which cannot afford to take on the duties and responsibilities of supervising criminal offenders, and which would greatly impact the recidivism and overall safety in each county/community.
- e. *“The Fox in charge of the hen-house”* argument; If the NDOC controls both the inmates inside prison and the means to put them out on the street by running all Parole functions as well, then the State runs the risk of having one individual or small group who can artificially keep prison numbers down by releasing inmates to parole at will, and bypassing all common sense controls. Having a check and balance system is necessary in managing both costs and the safety of our communities.

4. OFFICER SAFETY CONCERNS

- a. NDOC does not have a police radio system, such as the system in use by the Department of Public Safety. To build such a system would be expensive. To participate in the DPS system would be a cost not addressed in their budget.
- b. NDOC suggested that their new Parole Agents use iPads and iPhones with a “panic button application” instead of using 2-way law enforcement radios to call for help – they were looking at the lower overall costs and not at the fact that trying to “log in” to the device, select the “panic” application and get assistance to their location would be impossible when the officer is facing an imminent threat, is hands-on with an attacker or in an emergency situation. . It should also be noted that when a critical event, such as the IHOP shootings in Carson City, or a major natural disaster occur, cell phone use becomes impossible due to the high volume of calls being attempted.



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
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**ATTACHMENT B
NPP TALKING POINTS MAY 18, 2012**

Brian Sandoval
Governor



Chris Perry
Director

Bernard W. Curtis
Chief

DIVISION OF PAROLE AND PROBATION

OFFICE OF THE CHIEF
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Talking Points for May 8, 2012 meeting with NDOC

- We are talking about a rewrite of approximately 25 chapters of NRS or more, along with any corresponding NAC, as well as the Interstate Compact on Adult Offenders, a loss of productivity, and an increase in costs to get the same result we are getting now because no increase in funding for re-entry, rehabilitation and programming is included. No compelling problems or savings have been identified and the same conclusions were reached by the Legislative Counsel Bureau staff in 2007.
- The current system is working well. The Nevada Division of Parole and Probation uncovered accused serial murderer Joseph Naso, while the California model being proposed resulted in the Phillip Garrido and John Gardner horrors. For full details, see the California Inspector General's scathing report on the parole supervision of each of these offenders. The Nevada Division of Parole and Probation was the only agency that was not criticized or sued as a result of the crimes committed by Phillip Garrido while on Federal and Nevada parole. Going back a little further in time, the murder of Polly Klass by California parolee Richard Davis resulted in what has come to be known as the "three strikes law."
- Nevada has the highest rate of violent crime, yet Nevada is only 13th in the number of incarcerations, in spite of the fact that the state's population is greatly increased most weekends by the number of visitors. It appears the Division is making appropriate sentencing recommendations.
- The Division meets regularly, and in some cases weekly, with staff from the NDOC and the Parole Board. Comments about "silos" appear to be unfounded. In addition, statistics provided to both NDOC and the Parole Board monthly reflect that approximately 75% of the inmates in prison past their parole eligibility date (PED) are the result of the inmate not wanting to leave on parole or the file being received from the Parole Board after the inmate's PED. As to the reasons for parole violation, the Parole Board returned parolees to prison for new convictions/pending new criminal cases in the past in approximately 50% of the cases revoked. Another 25% were revoked by the Parole Board for absconding, leaving approximately 25% technical violators. It should be noted that a sex offender in the company of a child is a technical violation, not generally a criminal violation.
- This reorganization would create 17 new "silos" and could take the state back more than 20 years if probation is given to the counties. It is doubtful that all of the small rural counties could provide probation services. It would also mean the NDOC and the Parole Board would not likely receive a uniform Pre-sentence Report, as risk assessment tools are expensive. DONS and the Criminal History Repository provide users with only one entity to interact with; the possibility exists that those functions would require users to have the ability to interact with every other county under a plan in which the counties supervise probationers. It is likely some counties could not afford to make the required changes to their system. Had California had a system such as

DONS when Polly Klass was abducted, she would not have been murdered by Richard Davis. He was wanted for parole violation when he kidnapped her, but that warrant was only entered into the California Highway Patrol system, not in NCIC. When local police ran his name after finding his car stuck in the mud during the immediate search for Polly, no information on the parole retake warrant was available. Polly Klass was still alive in the trunk of the car when Richard Davis was released by the local authorities. He immediately killed her and buried her body.

- The need for the Division's employees to be trained as category I law enforcement officers and the expense and time already spent on training and recertifying all sworn staff to ensure the approximately 250 sworn employees are available to be mobilized in the event of a disaster or homeland security event. In 2007, it was projected by LCB that each new cadet entering POST would cost the state an additional \$500 if not trained by DPS.
- It appears the dispatch functions and IT core of DONS/OTIS would need to remain within DPS as NDOC does not have a dispatch function or the computer compatibility to absorb the DONS/OTIS interface with all the law enforcement agencies within the state. It is possible the Division would also continue to require the use of the DPS evidence vaults.

- If savings are the desired result, several ideas can be considered:
 1. Supervise low risk offenders with civilian employees.
 2. Abolish parole supervision. Those with current supervision can be transferred to the Department of Corrections for supervision. That population would ultimately be a small number of offenders with life or very lengthy sentences. This would have to be enacted prospectively.
 3. Force parolees to leave on their parole eligibility date, even if they have no place to live. NDOC can return them to their county of conviction, similar to the California model. 200 parolees could be released by Parole and Probation within the next two weeks under this proposal, with the exception of sex offenders. Could NDOC handle that many releases in this short a time frame?
- If efficiency is desired, several ideas can be considered:
 1. Transfer the Pardons Secretary to the Division of Parole and Probation.
 2. Have several caseloads supervised from Casa Grande if funds for programs, such as PRIDE, are budgeted during the next biennium. Or place the 200 offenders that refuse parole at Casa Grande and assist them with re-entry.

PROPOSED NEVADA PAROLE AND CORRECTIONS MERGER

Since 2010, five states have proposed merging the functions of Parole and the Department of Corrections. Four of the states, OK, GA, SC and TN, did not go through with the merger. The only state where the merger was passed and implemented was New York. From internet research it appears that the benefits of the various merger proposals were twofold; monetary savings were cited in every state, along with increased efficiency. Negatives included conflict of interest concerns, lack of support from law enforcement agencies and skepticism over costs savings. As New York is the only state to have passed the merger, information on the transition obtained from internet research and multiple telephone conversations is noted below.

NY DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION MERGER

In 1971, the Division of Parole was consolidated with the Department of Corrections to form the New York Department of Correctional Services (DOCS). In the wake of the Attica Prison riot in 1971 and demands from the courts and other quarters that the procedural rights of parolees be protected, Parole in 1977 was again established as an autonomous agency within the Executive Department. The same reform act mandated adoption of formal release guidelines to eliminate any perception of arbitrariness. The two agencies were separate until 2011, when Governor Cuomo recommended the two agencies again be merged. The proposal was supported by the agencies affected by the merger, but opposed by the two unions representing Parole and Corrections Officers. The proposal also included closing several correctional facilities, thereby eliminating 582 positions.

Contact with John Walters, Professional Employers Federation (Union) President confirmed that the merger is proceeding slowly, adding that there are significant concerns for long term implementation. He explained that the current governor believes in rehabilitation over incarceration and as a result, seven prisons have been closed in the merger. By contrast, the previous governor had a "hard line" approach to crime, resulting in a greater percentage of incarceration and very few offenders granted parole. In the opinion of the union, the merger magnifies the "inherent conflict of interest"; specifically, the governor, through the Department of Corrections can now control the parole and/or revocation of inmates based on the current political climate and their personal or party philosophy on technical violations and offender rehabilitation.

Chris Hickey, New York Correction Officers and Police Benevolent Organization (Union) Vice President, explained that the merger was fought by his members due to concerns about public safety and the potential loss of jobs. He recalled the merger was "sold to the Legislature" as a cost cutting move that would promote efficiency. He said the merger was moving "very slowly", but has yet to prove more efficient. He also informed that any cost savings are the result of closing seven corrections facilities (estimated at 12.4 million) and not the merger itself.

The disparity in Parole and Correction Officer Pay and related issues has also caused problems. In New York, Parole Officers must have a four year degree, while Correction Officers only need a GED to qualify. Both positions enjoy peace officer status. Parole Officers are represented by the Professional Employers Federation, while Correction Officers are represented by their own, separate union. Based on the difference in education and qualifications, Parole Officers earn [on the average] 20% more than their prison counterparts.

Currently, 18% of all Parole Officers work within the prison in the capacity of a [Nevada] Correctional Caseworker. Although these institutional officers previously had Peace Officer status and carried firearms, they were reclassified as civilian employees after the merger and re-titled Rehabilitation Coordinators. The officers believed that they lost the respect of inmates and promotional opportunities when they lost Peace Officer status. There is currently a tentative plan to replace these re-classified officers with non sworn employees at a lower rate of pay by attrition which has also caused dissension. On the Corrections side of the house, Warrant and Transfer Officers conduct similar work at lower pay. The realignment has resulted in the potential for supervisors to earn less than the employees they supervise.

Contact with a Spokesperson with the Corrections Division revealed that the Department of Corrections, being the "larger, more entrenched" agency has not been negatively affected by the merger. He indicated that nearly all negative issues have presented from the "parole side of the house", and the difference in functions of various positions. For example, agency policies and procedures were recently updated on use of force and search/seizure that were applicable for Corrections Officers, but unworkable for Parole Officers.

The Deputy Director of the Parole Division was unable to discuss any specifics of the merger, but provided a website where public merger documents were located. These documents included information on the merger, proposed cost savings and resulting benefits to the public.

RESEARCH ON PAROLE AND CORRECTIONS MERGER

In the past two years, several states have pursued legislation to combine their Department of Corrections and Parole functions. Specifics of the proposals and eventual outcome are as follows:

State	Yr introduced	Proposed benefits (PROS)	Concerns (CONS)	Bill Status
Oklahoma	2010	<ul style="list-style-type: none"> * \$500,000 cost savings yearly * Eliminate duplication of services 	<ul style="list-style-type: none"> * Agencies have separate functions and may not be objective when granting parole * Both agencies had "no comment" on proposal. No support from Executive Branch 	Bill failed
Georgia	2010	<ul style="list-style-type: none"> * Would streamline operations * Could save money (no amount suggested) 	<ul style="list-style-type: none"> * Merger would consolidate too much power in one place * Due to cost of implementing merger, no money would be saved 	Bill failed
South Carolina	2010	<ul style="list-style-type: none"> * \$6.0 million cost savings yearly * Increased efficiency * Eliminate duplication of services as functions of both agencies are related * Governor and both agencies supported the merger 	<ul style="list-style-type: none"> * Less oversight of convicted criminals on supervision * Concern over loss of jobs and oversight * Dollars and cents will take precedence over victims rights * City and County law enforcement agencies did not support proposal 	Bill failed
New York	2011	<ul style="list-style-type: none"> * \$6.5 million cost savings yearly * Increased efficiency * Eliminate duplication of services * Achieve better outcomes * Enhance Public Safety 	<ul style="list-style-type: none"> * Would put too much power in the hands of a single official who is more concerned with the needs of the prison than parole * Would give the Parole Board less power in setting up parole requirements. * Conflict of interest to place parole under corrections, as prisoners could be released for reasons that have nothing to do with good behavior, ie: prison overcrowding 	Passed and Implemented
Tennessee	2012	<ul style="list-style-type: none"> * \$714,000 cost savings yearly * Collaboration of the agencies will result in less recidivism and greater stability * Would improve public safety * Both agencies supported merger 	None cited	Bill failed



NATIONAL CONFERENCE OF STATE LEGISLATURES

The Forum for America's Ideas

Location of Probation and Parole Services within State Governments

July 2010

State	Parole**	Probation
Alabama	Board of Pardon and Paroles	Board of Pardon and Paroles
Alaska	Department of Corrections, Division of Probation and Parole	Department of Corrections, Division of Probation and Parole
Arizona	Supervision - Department of Corrections, Release - Board of Executive Clemency	Run by County's superior courts
Arkansas	Board of Corrections and Rehabilitation, Department of Community Corrections	Board of Corrections and Rehabilitation, Department of Community Corrections
California	Supervision - Department of Corrections and Rehabilitation, Division of Adult Parole, Release - Department of Corrections and Rehabilitation, Board of Parole Hearings	Run by counties
Colorado	Supervision - Department of Corrections, Division of Adult Parole and Community Corrections; Release - Board of Parole	Judicial Branch, Division of Probation Services
Connecticut	Supervision - Department of Corrections, Division of Operations, Parole and Community Services; Release - Board of Pardons and Paroles	Judicial Office of Adult Probation
Delaware	Supervision - Department of Corrections, Bureau of Community Corrections, Release - Parole Board	Department of Corrections, Bureau of Community Corrections
Florida	Supervision - Department of Corrections, Office of Community Corrections; Release - Parole Commission	Department of Correction, Office of Community Corrections
Georgia	State Board of Pardons and Paroles	Department of Corrections, Corrections Division

State	Parole**	Probation
Hawaii	Hawaii Paroling Authority	State Judiciary, Adult Probation Offices
Idaho	Supervision - Department of Correction; Release - Commission of Pardons and Parole	Department of Correction
Illinois	Supervision - Department of Corrections, Adult Parole, Release - Prisoner Review Board *Cook County has a separate Department of Corrections	Services administered by circuit courts with development and monitoring of standards by the Administrative Office of the Illinois Courts, Probation Division.
Indiana	Supervision - Department of Correction, Division of Reentry and Community Services; Release - Department of Correction, Indiana Parole Board	Indiana Judicial Center, Judicial Conference develops, improves, and sets standards. County judges supervise probation officers
Iowa	Supervision - Department of Corrections; Release - Board of Parole	Department of Corrections
Kansas	Supervision - Department of Corrections, Community and Field Services; Release - Parole Board	District courts, Court Services Division or municipal courts (where established)
Kentucky	Supervision - Department of Corrections, Community Services and Facilities, Division of Probation and Parole; Release - Parole Board	Department of Corrections, Community Services and Facilities, Division of Probation and Parole
Louisiana	Supervision - Department of Public Safety and Corrections, Corrections Services, Division of Adult Probation and Parole; Release - Board of Parole	Department of Public Safety and Corrections, Corrections Services, Division of Adult Probation and Parole
Maine	Supervision - Department of Corrections, Division of Community Corrections; Release - Parole Board	Department of Corrections, Division of Community Corrections
Maryland	Supervision - Department of Public Safety and Correctional Services, Division of Parole and Probation; Release - Maryland Parole Commission	Department of Public Safety and Correctional Services, Division of Parole Probation
Massachusetts	Executive Office of Public Safety, Parole Board	Judicial Branch, Probation Service Department
Michigan	Department of Corrections, Field Operations Administration	Department of Corrections, Field Operations Administration (misdemeanor probation is supervised through district courts)
Minnesota	Those counties participating in the Community Corrections Act provide services - otherwise services are provided by state	Those counties participating in the Community Corrections Act provide services - otherwise services are provided by state
Mississippi	Supervision - Department of Corrections, Community Corrections Division; Release - Department of Corrections, Parole Board	Department of Corrections, Community Corrections Division
Missouri	Department of Corrections, Board of Probation and Parole	Department of Corrections, Board of Probation and Parole

State	Parole**	Probation
Montana	Department of Corrections, Probation and Parole Bureau	Department of Corrections, Probation and Parole Bureau
Nebraska	Supervision - Department of Correctional Services, Parole Administration; Release - Department of Correctional Services, Board of Parole	State Judicial Branch, Nebraska Probation System
Nevada	Supervision - Department of Corrections, Division of Parole and Probation; Release - Department of Public Safety, Board of Parole Commissioners	Department of Corrections, Division of Parole and Probation
New Hampshire	Supervision - Department of Corrections, Division of Field Services; Release - Parole Board	Department of Corrections, Division of Field Services
New Jersey	State Parole Board, Division of Parole	Administrative Office of the Courts, Probation Services
New Mexico	Supervision - Corrections Department, Probation and Parole Division; Release - New Mexico Adult Parole Board	Corrections Department, Probation and Parole Division
New York	Supervision - Division of Parole; Releasing - Board of Parole *New York City operates a separate jail/prison system	Services are administered via county departments. Division of Probation and Correctional Alternatives supervises county operations and provides financial assistance
North Carolina	Supervision - Department of Corrections, Division of Community Corrections; Release - Post-Release Supervision and Parole Commission	Department of Corrections, Division of Community Corrections
North Dakota	Supervision - Department of Corrections and Rehabilitation, Field Services Division; Release - Parole Board	Department of Corrections and Rehabilitation, Field Services Division
Ohio	Department of Rehabilitation and Correction, Division of Parole and Community Services, Adult Parole Authority	Department of Rehabilitation and Correction, Division of Parole and Community Services, Adult Parole Authority (for those referred by the Court of Common Pleas). Local probation departments supervise the remaining offenders
Oklahoma	Supervision - Department of Corrections, Division of Community Corrections, Release - Pardon and Parole Board	Department of Corrections, Division of Community Corrections
Oregon	Supervision - counties provide all community corrections supervision; Release - Board of Parole and Post-Prison Supervision	Counties provide all community corrections supervision
Pennsylvania	Board of Probation and Parole, for offenders sentenced to more than two years, otherwise supervised by county probation departments *Philadelphia has its own prison system for inmates with sentences of two years or less	Board of Probation and Parole, for offenders sentenced to more than two years, otherwise supervised by county probation departments

State	Parole**	Probation
Rhode Island	Supervision - Department of Corrections, Release -- Parole Board	Department of Corrections
South Carolina	Supervision - Department of Probation, Parole and Pardon Services, Field Operations Division; Release - Board of Pardons and Pardons	Department of Probation, Parole and Pardon Services, Field Operations Division
South Dakota	Supervision - Department of Corrections; Release - Board of Pardons and Pardons	Unified Judicial System, Court Services Department
Tennessee	Supervision - Board of Probation and Parole, Probation and Parole Field Services; Release - Board of Probation and Parole	Board of Probation and Parole, Probation and Parole Field Services
Texas	Supervision - Department of Criminal Justice, Parole Division; Release -- Board of Pardons and Pardons	Local supervision and corrections departments supervise probationers
Utah	Supervision - Department of Corrections, Division of Adult Probation and Parole; Release - Board of Pardons and Parole	Department of Corrections, Division of Adult Probation and Parole
Vermont	Supervision -- Agency of Human Services, Department of Corrections, Release -- Board of Parole	Agency of Human Services, Department of Corrections
Virginia	Supervision - Department of Corrections, Community Corrections, Probation and Parole Field Services; Release - Secretary of Public Safety, Parole Board	Department of Corrections, Community Corrections, Probation and Parole Field Services
Washington	Supervision - Department of Corrections, Office of Correctional Operations; Release -- Indeterminate Sentence Review Board	Department of Corrections, Office of Correctional Operations
West Virginia	Supervision - Department of Military Affairs and Public Safety, Division of Corrections; Release - Board of Parole	Supreme Court of Appeals
Wisconsin	Supervision - Department of Corrections, Division of Community Corrections; Release -- Earned Release Review Commission	Department of Corrections, Division of Community Corrections
Wyoming	Supervision - Department of Corrections, Division of Field Services; Release- Board of Parole	Department of Corrections, Division of Field Services

**It is noted when parole releasing authority and parole supervision services are separate entities.

Source: American Correctional Association, 2007 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities; and National Conference of State Legislatures, 2010



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
2013 NEVADA LEGISLATURE**

**ATTACHMENT C
NPP MEMO - TRANSFER OF PAROLE TO NDOC
MAY 29, 2012**



DIVISION OF PAROLE AND PROBATION
OFFICE OF THE CHIEF

MEMORANDUM

DATE: May 29, 2012

TO: Chief Bernie Curtis

FROM: Nancy Tiffany

SUBJECT: Transfer of Parole Supervision

1. Population and positions needed

Snapshot shows 2,296 parolees and house arrest inmates under supervision by an officer. Some of these offenders are on both probation and parole.

Reno: 9 officers

Carson City and Fallon: 4 officers

Elko: 1 officer

Ely, Tonopah and Winnemucca: 1 officer

Pahrump: 1 officer

Las Vegas: 21 officers

Total: 37 officers

1 sgt. for Reno, 1 sgt. for rurals, 3 sgt.'s for Las Vegas Total: 5 sergeants

1 lt. north and 1 south Total: 2 lieutenants

1 captain

2 AA I

Snapshot shows 2,529 parolees supervised in HQ. Some on these offenders are on both probation and parole.

9 P&P specialists, plus 1 P&P supervisor

1 AAI

GRAND TOTAL: 58 positions

2. Support functions/operations required for parole supervision:

- Statewide dispatch system Pro: Could stay with DPS and pay cost allocation Con: Big expense to create
- Statewide radio system Pro: Could stay with NDOT
- POST training Con: POST may charge \$500 per cadet
- In-service training Pro: DPS could provide during transition with cost allocation and overtime appropriation Con: DPS staff need NDOC in-service if they will work inside a facility, down time and loss of productivity
- Evidence facilities Pro: Could stay with DPS with cost allocation Con: Expense to build for NDOC
- Range, range masters, amorers Unknown if NDOC plans to use armed officers
- Certified DT and Taser instructors Unknown if NDOC plans to use less lethal tools
- Cars and storage facilities Pro: Transfer cars from DPS to NDOC Con: Where to park them as unknown where staff will be assigned office space, may have impact on Motor Pool
- Staff office space Unknown if NDOC plan to rent office or have felons report to existing institutions Con: No NDOC facilities in some towns where DPS offices do exist, plus distance from towns to many institutions.
- Weapons lockers Unknown if NDOC plans to use armed officers
- Computer system and associated software Unknown operating system at NDOC Pro: NDOC has a time keeping system Con: NOTIS and OTIS can not interface at this time
- IT support for OTIS and DONS Pro: Could stay with DPS with cost allocation CON: Major PR problems with law enforcement if parole function removed from DONS. Requires 24/7 response capabilities. OTIS uses a different platform than NOTIS uses. May have no IT support for OTIS or DONS initially. Could be a significant expense.
- House arrest contract/services Pro: If WSCA has this service available, will not need to go through bid process
- Filing new criminal charges Pro: NDOC already does this Con: Possible impact on AG's office
- Warrants and extraditions Pro: NDOC already does this
- Office of Professional Responsibility Pro: NDOC already does this via IG Con: May need more staff
- Background Investigations: Unknown level and scope of background
- Evaluation of Risk and Needs instrument Con: Firms now charge by the test, unlike what P&P purchased long ago. Major expense.
- Accounting system for collection and distribution of supervision fees, restitution, DNA, house arrest fees Pro: NDOC does some of this now Con: Unknown how much time and cost to build the rest of the system

3. Possible issues:

- Disparity between POST categories for sworn staff
- Disparity in pay for sworn staff
- Disparity in pay for caseworkers/specialists

- Cross training/in-service training down time

All four concerns could be solved by transferring vacant positions, allowing NDOC to determine their class, grade and what category of peace officer they will be. Con: Civilian positions will likely be filled, not vacant.

- Dual supervision of offenders on parole and probation

Consider them to be probationers, as probation term normally much longer than parole term.

- Buy outs of annual and sick leave for employees that retire rather than transfer
- Moving costs for forced transfers

Again, most of these concerns can be handled by transferring vacant positions. It is believed there will be civilian employees to whom this may be applicable. Con: Further expense to the state.

4. Required changes:

- Changes to the Interstate Compact on the Supervision of Adult Offenders Con: Need federal and state approval
- Changes to NRS and NAC Con: Will likely take more than one legislative session to find all the references that will need to be changed. Requires significant research.
- Regulations related to parolees and house arrest inmates Pro: Can use existing P&P directives Con: NDOC utilizes regulations, which will require hearings and time to be approved.

5. Efficiencies and Cost Savings

- On April 20, 2007, a report was submitted to the Subcommittee on Corrections, Parole and Probation by LCB analyst Mark Krmpotic. The study looked at the fiscal impact of transferring the Parole Board and the Division of Parole and Probation to the Department of Corrections and is available for review.
- No efficiencies have been noted. Some scenarios may result in significant downtime and loss of efficiency for a temporary period.
- No cost savings have been identified in the short term, and in some scenarios, major costs increases are probable.

Cons: This proposal, in one form or another, has been recommended to the Legislature since 1993, with negative results on every occasion. It is usually viewed as an attempt to control the prison population by preventing notification of the Courts and/or the Parole Board of technical violations committed by offenders on parole. As such, it may be viewed as a decrease in public safety, particularly in light of the terrible performance by the California Department of Corrections Parole Division.

Those issues were brought to light by the investigation into CDC's supervision of Phillip Garrido and John Gamdner by the California Office of the Inspector General. The California model of parole agents working for the Department of Corrections would not seem like a model that Nevada would want to emulate. Nevada Parole and Probation was the only agency that was not sued or singled out for criticism related to

the supervision of Phillip Garrido. The Division declined approximately seven requests by California parole officers to release Phillip Garrido from supervision as he was viewed as a low risk offender.P

And it was the Nevada Division of Parole and Probation that took the initiative to collect DNA that solved the cold case murder of Lisa Bonham and most recently uncovered alleged serial killer Joseph Naso, all by doing their jobs.

Pros: Increased treatment of incarcerated offenders, the use of under-populated prisons as half-way houses and changes to the length of parole do not require a reorganization of government entities. They do require money. Moving parole supervision to NDOC does not appear to save any money in the near term, and will cost money.



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
2013 NEVADA LEGISLATURE**

ATTACHMENT D NDOC REPOSENSE TO NPP MEMO JULY 13, 2012

The Pro and Con comments shown in red and blue text are from the May 29, 2012 NPP memo.

The NDOC response is noted in bold black underlined text.

Board of State
Prison Commissioners

BRIAN SANDOVAL
Governor
CATHERINE CORTEZ MASTO
Attorney General
ROSS MILLER
Secretary of State



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS

Northern Administration
5500 Snyder Avenue, Carson City, NV 89702
Phone: (775) 887-3285 - Fax: (775) 887-3138

Southern Administration
3955 W. Russell Road, Las Vegas, NV 89118
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BRIAN SANDOVAL
Governor

JAMES G. COX
Director

Date: July 13, 2012

To: Director Chris Perry, cperry@dps.state.nv.us
Director Jeff Mohlenkamp, jmohlenkamp@admin.nv.gov
Chief Bernie Curtis, bcurtis@dps.state.nv.us
Deputy Chief Kim Madris, kmadris@dps.state.nv.us
Deputy Chief Tony DeCrona, tdecrona@dps.state.nv.us
General Counsel Lucas Foletta, lfoletta@gov.nv.gov

From: Director James "Greg" Cox, gcox@doc.nv.gov

Subject: Response to the Memorandum that was created on May 29, 2012 by Nancy Tiffany to Chief Curtis on the "Transfer of Parole Supervision"

1. Population and positions needed

Snapshot shows 2,296 parolees and house arrest inmates under supervision by an officer. Some of these offenders are on both probation and parole.

Reno: 9 officers

Carson City and Fallon: 4 officers

Elko: 1 officer

Ely, Tonopah and Winnemucca: 1 officer

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Las Vegas: 21 officers

Total: 37 officers

1 sgt. for Reno, 1 sgt. for rurals, 3 sgt.'s for Las Vegas Total: 5 sergeants

1 lt. north and 1 south Total: 2 lieutenants

1 captain

2 AA I

Snapshot shows 2,529 parolees supervised in HQ. Some on these offenders are on both probation and parole.

9 P&P specialists, plus 1 P&P supervisor

1 AA I

GRAND TOTAL: 58 positions

o NDOC response: NDOC will need the following staff that currently provide Parole services:

- Department of Public Safety Parole Major
- Inspector General IG / Professional Responsibility Staff
- Support Staff
- Fiscal/Accounting Staff
- Administrative Assistants
- Support Services (Allocation for this)
- Victim Services
- Family Services
- Training Staff

- Release Coordinator
- Interstate Parole Coordinator
- Extradition / Warrant Staff
- Transportation Officers
- Human Resource Staff

2. Support functions/operations required for parole supervision:

- Statewide dispatch system Pro: Could stay with DPS and pay cost allocation, Con: Big expense to create
 - **NDOC response: Agree with the Pro, to stay with DPS and pay cost allocation, this cost needs to be provided by DPS.**
- Statewide radio system Pro: Could stay with NDOT
 - **NDOC response: Agree with the Pro, to stay with DPS and pay cost allocation, this cost needs to be provided by DPS.**
- POST training Con: POST may charge \$500 per cadet
 - **NDOC response: NDOC will provide CAT 2 Post Training at our training facilities in the north and south. NDOC Training staff will be trained to be able to provide CAT 2 requirements.**
- In-service training Pro: DPS could provide during transition with cost allocation and overtime appropriation Con: DPS staff need NDOC in-service if they will work inside a facility, down time and loss of productivity
 - **NDOC response: Will incorporate in-service training during Post training. Current DPS in-service training will be incorporated into NDOC in-service training.**
- Evidence facilities Pro: Could stay with DPS with cost allocation Con: Expense to build for NDOC
 - **NDOC response: Agree with Pro, stay with DPS at current location with cost allocation, this cost needs to be provided by DPS.**
- Range, range masters, armories Unknown if NDOC plans to use armed officers,
 - **NDOC response: Will use armed officers and NDOC already has a range, range masters, and armories.**
 - DPS currently uses NDOC range
 - Weapons in locked boxes
 - Currently Inspector Generals have lock boxes
 - 6 lock boxes in facilities
- Certified DT and Taser instructors Unknown if NDOC plans to use less lethal tools
 - **NDOC response: NDOC currently provides these trainings. Will certify existing Training staff to provide Defense Training and Taser Training currently provided by DPS.**
- Cars and storage facilities Pro: Transfer cars from DPS to NDOC Con: Where to park them as unknown where staff will be assigned office space, may have impact on Motor Pool
 - **NDOC response: DPS vehicles are currently being parked at State of Nevada Car Pool sites, this will continue and the transfer of this budget to NDOC will cover this expense. NDOC will need to know the number of vehicles DPS plans to transfer.**
- Staff office space Unknown if NDOC plan to rent office or have felons report to existing institutions Con: No NDOC facilities in some towns where DPS offices do exist, plus distance from towns to many institutions
 - **NDOC response: Current DPS office space used by Parole will be utilized. Ex-offenders will not report to existing NDOC institutions.**
- Weapons lockers Unknown if NDOC plans to use armed officers
 - **NDOC response: NDOC deals with various Law Enforcement Officers, who carry weapons, will use the same procedures to ensure weapons are secured. Currently has this in place within NDOC facilities.**
- Computer system and associated software Unknown operating system at NDOC Pro: NDOC has a time keeping system Con: NOTIS and OTIS can not interface at this time

- NDOC response: NDOC agrees with the Con, however, Parole officers and staff can be crossed-trained in OTIS and NOTIS, NDOC may have to expand their NOTIS to include a new Community Services Module. Parole staff has demonstrated successful cross-training in OTIS and NOTIS during the FY 11 Pride Program at Casa Grande.
- IT support for OTIS and DONS Pro: Could stay with DPS with cost allocation CON: Major PR problems with law enforcement if parole function removed from DONS. Requires 24/7 response capabilities. OTIS uses a different platform than NOTIS uses. May have no IT support for OTIS or DONS initially. Could be a significant expense
 - NDOC response: NDOC agrees with Pro, to stay with DPS with cost allocation, this cost needs to be provided by DPS.
- House arrest contract/services Pro: If WSCA has this service available, will not need to go through bid process
 - NDOC response: Agree with Pro, NDOC will use existing or work with Western States Contracting Alliance (WSCA) for this service, DPS needs to provide the current contracts and services being provided by WSCA.
- Filing new criminal charges Pro: NDOC already does this Con: Possible impact on AG's office
 - NDOC response: NDOC already does this, however, with move; current DPS: Parole AG staff can be transferred and used to minimize impact.
- Warrants and extraditions (Staff assigned to only) Pro: NDOC already does this
 - NDOC response: Agree with Pro, current Parole staff assigned to this function will need to be transferred to NDOC.
- Office of Professional Responsibility Pro: NDOC already does this via IG Con: May need more staff
 - NDOC response: Agree with Pro, however, NDOC will identify DPS staff assigned to this function and transfer to NDOC. Will work with NDOC current IG Office.
- Background Investigations: Unknown level and scope of background
 - NDOC response: This is currently being done, NDOC will work with DPS to see the level and scope currently being used. Current Parole staff assigned to this function will need to be transferred to NDOC. Current cost allocation needs to be transferred, this cost needs to be provided by DPS.
- Evaluation of Risk and Needs instrument Con: Firms now charge by the test, unlike what P&P purchased long ago. Major expense
 - NDOC response: Currently NDOC has purchased and is using the LSIR- Assessment Tool, NDOC will be utilizing the Ohio Risk Assessment System (ORAS) which NDOC Re-entry department can purchase.
 - ORAS can be purchased for an estimated cost of \$4,000 (\$2,000 for training and \$2,000 for materials) ORAS will provide the following:
 - Assist in more efficient allocation of supervision and treatment resources
 - Provides reliable assessment instruments with consistent meaning
 - Generates case plans that identify and prioritize individual offender needs and specific treatment domains
 - Predicts likelihood of re-arrest and recidivism at different points in the criminal justice system
 - NDOC will also utilize the Crime and Justice Institute (CJI) to provide non-partisan policy analysis, consulting, and research services to improve public safety, if the merger occurs.
- Accounting system for collection and distribution of supervision fees, restitution, DNA, house arrest fees Pro: NDOC does some of this now Con: Unknown how much time and cost to build the rest of the system
 - NDOC response: Agree with Pro, NDOC currently provides this service, if it needs to be modified, NDOC will do so. Kiosks can be utilized to collect restitution fees. NDOC can take this on; NDOC can incorporate into current NDOC budget account.

3. Possible issues:

- Disparity between POST categories for sworn staff.
 - **NDOC response: DPS CAT I sworn offices will remain (grandfathered in), future sworn officers will be CAT II officers.**
- Disparity in pay for sworn staff.
 - **NDOC response: This will remain the same.**
- Disparity in pay for caseworkers/specialists.
 - **NDOC response: No disparities because specialist compared to program officers instead of caseworkers.**
- Cross training/in-service training down time.
 - **NDOC response: this will be done in the beginning and will be scheduled to ensure no down time. During the transition phase NDOC will focus on reducing down time.**

All four concerns could be solved by transferring vacant positions, allowing NDOC to determine their class, grade and what category of peace officer they will be. Con: Civilian positions will likely be filled, not vacant.

- **NDOC response: Please see above, there should be an 80/20 split between the current and vacant positions.**
- Dual supervision of offenders on parole and probation
Consider them to be probationers, as probation term normally much longer than parole term,
 - **NDOC response: this will remain for the rural counties/areas. Dual Role between NDOC and Parole will be created to ensure dual supervision.**
- Buy outs of annual and sick leave for employees that retire rather than transfer,
 - **NDOC response: Transfer current budget with DPS to cover this expenditure. DPS would have to pay comp time.**
- Moving costs for forced transfers

Again, most of these concerns can be handled by transferring vacant positions. It is believed there will be civilian employees to whom this may be applicable. Con: Further expense to the state

- **NDOC response: NRS 281.167 and SAM 0240 does not allow the state to pay for cost for moves.**

4. Required changes:

- Changes to the Interstate Compact on the Supervision of Adult Offenders Con: Need federal and state approval
 - **NDOC response: NDOC will obtain these approvals; however, NDOC will use the current approvals through DPS.**
- Changes to NRS and NAC Con: Will likely take more than one legislative session to find all the references that will need to be changed. Requires significant research
 - **NDOC response: This will be done in conjunction with the AG's office.**
- Regulations related to parolees and house arrest inmates Pro: Can use existing P&P directives Con: NDOC utilizes regulations, which will require hearings and time to be approved.
 - **NDOC response: Agree with Pro, NDOC will maintain and review current regulations, NDOC Director can also create temporary administrative regulations to start then will get approval of the Board of Commissioners.**

5. Efficiencies and Cost Savings

- On April 20, 2007, a report was submitted to the Subcommittee on Corrections, Parole and Probation by LCB analyst Mark Krmpotic. The study looked at the fiscal impact of transferring the Parole Board and the Division of Parole and Probation to the Department of Corrections and is available for review.
- No efficiencies have been noted. Some scenarios may result in significant downtime and loss of efficiency for a temporary period.
 - **NDOC response: NDOC acknowledges there will be downtime during transition; however, working with DPS during this transition can reduce this downtime.**

- No cost savings have been identified in the short term, and in some scenarios, major costs increases are probable.

Cons: This proposal, in one form or another, has been recommended to the Legislature since 1993, with negative results on every occasion. It is usually viewed as an attempt to control the prison population by preventing notification of the Courts and/or the Parole Board of technical violations committed by offenders on parole. As such, it may be viewed as a decrease in public safety, particularly in light of the terrible performance by the California Department of Corrections Parole Division.

Those issues were brought to light by the investigation into CDC's supervision of Phillip Garrido and John Garmdner by the California Office of the Inspector General. The California model of parole agents working for the Department of Corrections would not seem like a model that Nevada would want to emulate. Nevada Parole and Probation was the only agency that was not sued or singled out for criticism related to the supervision of Phillip Garrido. The Division declined approximately seven requests by California parole officers to release Phillip Garrido from supervision as he was viewed as a low risk offender.

And it was the Nevada Division of Parole and Probation that took the initiative to collect DNA that solved the cold case murder of Lisa Bonham and most recently uncovered alleged serial killer Joseph Naso, all by doing their jobs.

Pros: Increased treatment of incarcerated offenders, the use of under-populated prisons as half-way houses and changes to the length of parole do not require a reorganization of government entities. They do require money. Moving parole supervision to NDOC does not appear to save any money in the near term, and will cost money.

- **NDOC response: It must be noted that out of the 50 states in the Union, 40 states have Parole under the Department of Corrections (Please see attached Table). New York has recently done this move last year. Director Cox has been in contact with this agency.**
- **NDOC response: Being under one umbrella will allow for faultless discussion among the two agencies ensuring seamless transition for inmates from prison to the community. By having control over technical/parole violators NDOC will be able to divert these inmates to less expensive transitional housing facilities rather than prison.**

Cost Savings – Reducing CAT I sworn officers to CAT II Officers will also save long term. By controlling releases, violation responses and access to staff for overlap of services, you should be capable of reducing cost by several percent.

- **Cost saving analysis will be provided by Nevada Department of Corrections Fiscal once created will forward this document to you.**

PRISON POPULATION AND PAROLE / DOC BY STATE

STATE	INMATE POPULATION	PAROLE / DOC Together (Y/N)
WY	2010	Y
ME	2100	N
VT	2100	Y
NH	2500	Y
MT	2570	Y
SD	3455	Y
RI	3500	Y
NE	4438	Y
DE	5543	Y
HI	5746	N
WV	6500	Y
NM	6596	Y
UT	6797	Y
ID	7578	Y
IA	8782	Y
KS	9186	Y
MN	9338	N
MA	11276	N
NV	12748	N
KY	13111	Y
AR	13903	N
OR	13983	Y
LA	17980	Y
WA	18483	Y
CT	18538	Y
TN	20428	N
WI	21200	Y
CO	21989	Y
MD	22388	Y
SC	23306	N
IN	24106	Y
NJ	24763	Y
MS	24816	Y
AL	25400	N
OK	25634	Y
MO	30771	Y
VA	31427	Y
AZ	40181	Y
NC	41069	Y
MI	43082	Y
IL	48978	Y
PA	49074	N
OH	50000	Y
NY	55913	Y
GA	57000	Y
FL	102232	Y
TX	156469	Y
CA	168830	Y
AK	N/R	Y
ND	N/R	Y
		NO = 10 YES = 40



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
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**ATTACHMENT E
NDOC RESPONSE FACT SHEET
JULY 13, 2012**

Merger of Department of Corrections and Nevada Department of Public Safety/Parole ~ *Fact Sheet*

Mission Statement NDOC

The mission of the Nevada Department of Corrections (NDOC) is to protect the public by confining convicted felons according to the law, while keeping staff and inmates safe.

Mission Statement NDOC Division of Community Services

The mission of the NDOC Division of Community Services (DCS) is to enhance public safety by providing effective programs and services which prepare offenders for successful reentry into the community.

Overview

- Governor Brian Sandoval has asked Director James “Greg” Cox of Nevada Department of Corrections to provide him with some information/talking points on the possibility of a merger between Nevada Department of Public Safety: Parole and NDOC.
- This merger will streamline departmental functions, eliminate duplication of effort, achieve better outcomes for more offenders and enhance public safety, while simultaneously reducing expenditures and saving taxpayer dollars.
- A primary goal of a merger will be to create a more seamless, more comprehensive operation through a continuum of care from the moment an offender enters the correctional system until he or she successfully completes the required period of community supervision.

Parole Board: No Changes

- The Parole Board will continue as an independent body.
- The Parole Board will maintain its existing functions (e.g., release decisions, set conditions, etc).
- The Nevada Board of Parole Commissioners is created through the authority of the Nevada Revised Statutes, [NRS 213.108](#). The Board consists of a Chairman and six Commissioners, appointed by the Governor for a term of four (4) years. Reappointment is possible.

Changing Role of Parole and Corrections

Between the years of 1970-1981, Parole and Probation officer positions increased from 22 to 117, due to the increase of Pre-sentence Investigations (from 705 to 3,160). In 1971, the Department began a decade of growth and development. A training officer position was created and mandatory training programs for staff were developed. As the Department moved into the decade of the 1990s, the residential confinement programs have been expanded.

In fiscal year 1993, 7,069 Pre-sentence Investigations were completed and officers supervised an average of 11,200 offenders. State laws were amended allowing certain prisoners convicted of felony DUI offenses to be supervised as an inmate released in the community by Parole and Probation under residential confinement with electronic monitoring. The 1995 Legislature augmented policies on the release of prisoners to community supervision by allowing certain nonviolent inmates to be supervised by Parole and Probation under the Expanded House Arrest Program.

Following the 1997 Legislative Session, the Division was mandated to carry out the registration and tier level assessment components of SB-325, Sex Offender and Crimes Against Children Offender Registration. Following the 2001 Legislative Session, Department of Motor Vehicles and Public Safety became two separate departments, and the Division of Parole and Probation became part of newly created Department of Public Safety.

NDOC and Parole have historically worked collaboratively on many fronts, such as the PRIDE (Purpose, Respect, Integrity, Determination and Excellence) Program, the Casa Grande Transitional Center Facility, OPEN (Open Probation I Nevada) Program, working with staff from both fronts in determining release, and assisting in post release placement in treatment programs as appropriate.

Functions of New NDOC Division of Community Services DCS (Parole & Reentry)

- The merged agency's function will be to ensure the appropriate care, custody, treatment and supervision of the individual, whether in a facility or in the community.
- The merged agency's organizational chart will place the functions of community supervision directly under a Deputy Director reporting to the Director. (draft attached)
- Functions of the Parole Board will be apart from the NDOC'S organizational structure, but supported by the full agency.

Organizational Responsibilities:

- The NDOC/DCS will consist of two operational components – the Parole Board and non-Parole Board activities.
- Both components are designed to provide all appropriate services for all offenders, from entry to release, and from release through discharge.

Release Process:

- Parole eligibility criteria do not change, nor the manner in which Parole Boards meet and review cases.
- The Parole Board's autonomy in their decision making is specifically preserved in statute.
- There is no change in the ability of an offender to be seen by the Parole Board or to challenge the decision of the Parole Board.
- There will be no change in the Board's role in setting an offender's release conditions.
- Appeals of the Board's decisions, following a release denial, will continue to be handled by the Parole Board.
- The NDOC/DCS agency's staff will continue to provide information and assistance to the Parole Board, such as preparing the documents for an offender's Parole Board hearing.

Revocation Hearings:

- Individuals who perform revocation hearings will be hired by and report to the Board.
- All existing due process protections will remain in place.
- There are no substantive changes in the procedures by which parole violators will be re-released from prison.

Offender Discharge Process:

- The Nevada Offender Information Tracking System (NOTIS) will continue to monitor each inmate's possible release dates.
- If an inmate is granted parole, the inmate's caseworker will forward the inmate's proposed parole plan to the parole staff. If the parole plan is approved, the release coordinator will develop and manage all necessary documents and evaluations, such as blood draws, required to prepare for the inmate's release. The Offender Management Division will discharge a parolee's sentence upon notification by DCS that an inmate has fulfilled his judgment of conviction requirements.
- If the department discharges an inmate, the release coordinator will prepare and manage all the necessary documents and evaluations. They will also arrange for transportation of the inmate, assure gate medication is provided, and funds are made available.
- If an inmate is paroled, the Offender Management Division will retain the inmate's C-file and I-file in the active file section of record keeping. If an inmate is discharged, the files will be migrated to a staging area. At the end of six months in the staging area, the files will be transferred to State Records. For 30 years, the file will be retrievable by the department. After 30 years, the records will be transferred to State Archives for permanent retention. The files will be available for on-site inspection but not removal.

Other Programs & Processes

- Pardons Board requests will continue to be reviewed in accordance with all past policies and procedures.
- Interstate transfers will continue to be managed in accordance with all established policies and procedures.
- Re-entry services will be expanded to better incorporate services previously provided separately by NDOC and Parole.

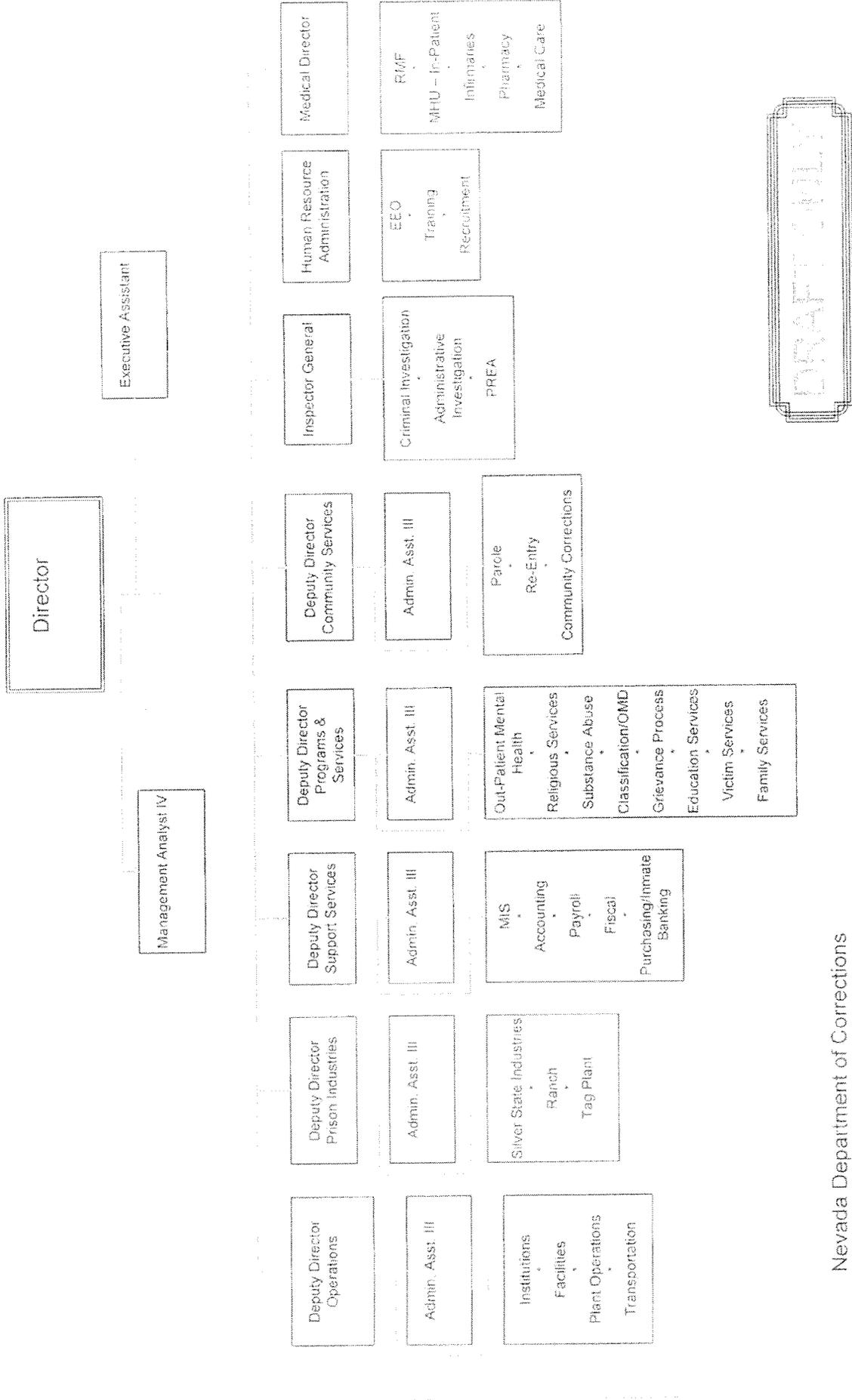
Cost Savings

Currently there are roughly 400 inmates within NDOC who are past their Parole Eligibility Date because they do not have an approved Parole Plan. This costs NDOC around \$499,680 a month ($\$41.64/\text{day} \times 30/\text{days} \times 400 \text{ inmates}$). Moving at least 50 of these offenders to NDOC's Transitional Centers where the cost per day is \$33.95 will save the state \$11,535/month, \$138,420/year ($\$41.64 - \$33.95 = \$7.69/\text{day} \times 30/\text{days} \times 50 \text{ inmates} = \$11,535$).

This figure can be lowered as NDOC and Parole will be able to coordinate these efforts better. Reduce the numbers of inmates who are past their Parole Eligibility Date will reduce cost short-term and long-term.

July 13, 2012

State of Nevada
Department of Corrections
3955 West Russell Road
Las Vegas, Nevada 89115
James "Greg" Cox, Director
www.doc.nv.gov



DRAFT ONLY



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OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC

2013 NEVADA LEGISLATURE

ATTACHMENT F

NPP REVISED TRANSFER NUMBERS

NOVEMBER 28, 2012

Nov 28, 2012

Sworn (Captain – Sergeant): TO NEW PAROLE SERVICES UNIT/NDOC

- 2 Captain: 1 South and 1 North. Captains required in both locations to effectively supervise staff.
- 4 Lieutenant: 2 South and 2 North. Necessary for the effective supervision of staff and operations.
- 9 Sergeants: 5 South and 4 North. Necessary for effective first line supervision.

Sworn Line Staff:

- 56 Officers (Reno): 13
- Officers (Carson City): 2
- Officer (Fallon): 1
- Officer (Elko): 1
- Officers (Las Vegas): 39

Non-Sworn Northern:

- 20 Specialist III (HQ): 1 Supervise Specialist IIs
- Specialist II (HQ): 11 Pre-Release; FAU; ISC functions
- AAII (HQ): 1 Supervise AAI and assist in parole grant entry
- AAI: (HQ): 2 Parole grant entry and ancillary duties
- Specialist III (Reno): 1 Deportees/FAU
- AAIII (Reno): 1 Support for DD, Captain, Lieutenant/supervise AAs
- AAII (Carson City): 1 File set-up
- AAI (Reno): 2 Reception, fees

Non-Sworn Southern:

- 14 Management Analyst II (Las Vegas): 1 Fiscal and ancillary duties
- AAIV (Las Vegas): 2 Parole Board
- AAIII (Las Vegas): 1 Support for DD, Captain, Lieutenant
- AAII (Las Vegas): 1 Supervise AAs
- AAI (Las Vegas): 6 Reception, fees, file set up
- Substance Abuse Counselor (Las Vegas): 1 DUI inmate program
- Specialist III (Las Vegas): 1 ISC/Officer Support
- Specialist II (Las Vegas): 1 ISC/FAU

Total Staff: 105

CONFIDENTIAL
4.50 = 104/100
14.50 OFFICE EQUIPMENT
GRANT COMPUTERS 60.00 W/
PAROLE FEES

Probation: DPS/PROBATION DIVISION

Sworn Personnel:

Headquarters

- 1 Chief
- 1 Major
- 1 Captain (covers rural command also)
- 3 Lieutenants (Personnel/Pardons; GSU; Operations including Long street)
- 2 Sergeants (ISU & FAU)
- 1 POII (Firearms; sworn inventory etc)

Reno

- 1 Captain
- 3 Lieutenants
- 4 Sergeants
- 23 POIIs

1377/80 = 18 (includes 119 deportees currently monitored by 2 Spec IIIs)
53/30 = 2
93/45 = 3
Total. 23

Carson City

- 1 Sergeant (Reports to HQ LT)
- 6 POIIs

364/80 = 5
30/30 = 1
Total. 6

Fallon/Tonopah

- 1 Sergeant (Reports to HQ LT)
- 4 POIIs

236 (Fallon)
36 (Tonopah)
272/80 = 4
Total. 4

Ely/Winnemucca/Elko

① Lieutenant (covers Elko, Ely, Winnemucca, Tonopah and Fallon) (REPORTS TO HQ (APT))
- 1 Sergeant
6 POIs

232 (Elko)
134 (Winnemucca)
86 (Ely)
452/80 = 6
Total. 6

Las Vegas/Pahrump

1 Major (?)
2 Captains
7 Lieutenants
14 Sergeants
93 POIs

5229/80 = 66 (includes 272 deportees)
327/45 = 8
563/30 = 19
Total. 93

Northern Majors: 1
Northern Captains: 2
Northern Lieutenants: 7
Northern Sergeants: 9
Northern Officers: 40

Southern Majors: 1(?)
Southern Captains: 2
Southern Lieutenants: 7
Southern Sergeants: 14
Southern Officers: 93

Total Sworn:
Chief 1
Majors 2(?)
Captains 4
Lieutenants 14
Sergeants 23
Officers 133
Total 177 (or 176)

Probation Non-Sworn

Headquarters

2 Specialist III (ISC/FAU)
13 Specialist II (3255/250)
2 Specialist IV (Pardons)
1 MA II (Chief's office but answers to Lt)
1 AAIV (Chief's office)
Total: 19

GSU:

1 Specialist II (Supervisor)
3 AAIII (Records, Personnel, TAC)
3 AAII (Records, Personnel, ATAC)
2 AAI (DONS, mail, file setup)
All answer phones
Total: 9

Fiscal:

1 ASO
1 MAIII
1 MAI
1 AAIV
1 AAIII
2 AAII
3 Acctg Asst I
Total: 10
HQ Total: 38

Reno

2 Specialist V (PSI supervisors)
14 Specialist III (PSIs - 2 starting soon)
2 Specialist III (FAU/Deportees)
1 Specialist III (Specialty Court liaison)
1 AAIII (PSI support)
4 AAI (PSI support)
1 AA (PSI support)
2 AAI (Reception/fees)
1 AAIV (Support for Captain and Lts) Supervises:
6 AAIII (Reports for officers, file setup, filing; 1 is ISC and another is Lifetime Sup)
1 AAII (ATAC, supplies, training files)
Send 1 Specialist III, 2 AAIII and 1 AA to Parole

Total (Reno) minus those to send: 31

Carson City

3 Specialist III
1 AAIII
1 AAI
Total: 5

Fallon

1 Specialist III
1 AAII
Total: 2

Elko

1 Specialist III
1 AAIII
1 AAI
Total: 3

Ely

1 Specialist III
1 AAI
Total: 2

Winnemucca

1 Specialist III
1 AA
Total: 2

Tonopah

1 Specialist III
Total: 1

Pahrump

1 Specialist III
1 AAI
Total: 2

Las Vegas

1 MAI
5 P&P Supervisor
6 Specialist IV
31 Specialist III
1 Specialist II
1 Substance Abuse Counselor (does this need to stay?)
4 AAIIV
3 AAIII
5 AAII
13 AAI
7 AA
1 Supply Technician
Total: 78

Total Non-Sworn: 164*

*Does not include vacancies



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
2013 NEVADA LEGISLATURE**

**ATTACHMENT G
MARK KRMPOTIC REPORT
APRIL 20, 2007**

Fiscal impact of transferring the Parole Board and Division of Parole and Probation to the Department of Corrections

The Subcommittee previously requested staff to examine the fiscal impact of transferring the Parole Board and the Division of Parole and Probation to the Department of Corrections. In analyzing the transfer of these functions, staff reviewed three primary areas of impact. Those include:

- Indirect Cost Allocation;
- Technology Services; and
- Law Enforcement Training.

Allocation of Indirect Expenses

The department allocates expenses from its Director's Office, Administrative Services and Office of Professional Responsibility budget accounts, which collectively total approximately \$4.3 million in each year of the 2007-09 biennium, as recommended by the Governor. Based on information obtained from the agency, it is estimated that three positions (1 accounting, 2 personnel) would transfer to the Department of Corrections to provide central service support for the Division of Parole and Probation and the Parole Board. Furthermore, one new Sergeant is recommended in the Office of Professional Responsibility to address an increase in the number of internal investigations conducted each year for the department. Staff estimates this position would transfer to the Department of Corrections to support internal investigations stemming from the Division of Parole and Probation. In total, the reallocation of expenses, with the transfers identified, result in a decrease in General Funds by approximately \$900,000 each year, with corresponding increases in Highway Fund of approximately \$710,000 each year, federal funds by approximately \$65,000 each year and Other Funds (fees) by approximately \$125,000 each year.

Technology Services

Programming, network support and system operations are provided by the Department of Public Safety to the Division of Parole and Probation and the Parole Board. The Division of Parole and Probation is recommended to reimburse the Technology Division for services at approximately \$1.2 million for each year of the biennium while the Parole Board is recommended to provide reimbursement of \$33,000 each year. Based on the integration of the Division of Parole and Probation's Offender Tracking System and Dangerous Offender Notification System into the Nevada Criminal Justice Information System, staff is unable to estimate the fiscal impact on the cost of technology services without further analysis and information from the department.

Law Enforcement Training

The Department of Public Safety provides basic academy training for newly hired sworn positions for the Highway Patrol and Division of Parole and Probation. Cadets representing each division receive category I peace officer training which occurs over a 19 week period. Approximately 5 additional weeks of training is provided (beyond the initial 19 weeks) to officers of the Division of Parole and Probation on areas unique to that Division. The agency has indicated to staff that if prospective officers of the Division of Parole and Probation were trained at the category II peace officer level (the minimum training required under statute) the training time would be reduced from 19 weeks to 10 weeks plus 4 additional weeks for division specific training. Currently, the Department of Corrections trains its officers at the category III level, as required for positions working in a correctional setting. From an operational standpoint, it appears that several options exist for Parole and Probation Officers to receive basic academy training, which include the use of separate local academies, located in Las Vegas and potential use of the POST Commission academy in Carson City. Use of separate academies may require payment of \$500 per cadet. Staff does not project a cost reduction by transferring the Division of Parole and Probation since basic academy and ongoing training needs for the Division would continue if transferred.

SUBCOMMITTEE PS/Not Res/Trans
DATE 4-20-07 EXHIBIT C
SUBMITTED BY: Mark Krmpotic



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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
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**ATTACHMENT H
IMPORTANT, UNANSWERED QUESTIONS**

QUESTIONS:

1. Director Cox indicated at the Budget Subcommittee hearing held on 1-28-2013 that “no transferred DPS personnel would be adversely affected in pay”. Why then does his budget reflect a “cost savings” and downgrade of personnel? Is this a downgrade of DPS officers – pay grade 39, to Parole Agents – pay grade 36? Same duties and responsibilities as they had working for the DPS, but lower pay? Could this be planned disparate treatment for employees with the same job functions and duties?
2. Does NDOC have an operable statewide radio system for the Parole Agents to use in the field? Did NDOC really suggest during planning sessions that the new Parole Agents would not use police radios, but would be issued iPhones and iPads for their emergency communications? A “panic button” app? Really? Even if those devices would operate unhindered in all of Nevada’s urban and rural areas (we are assured these devices are not adequate for officer and public safety communications) where will NDOC get the funding to purchase these devices for the sworn staff required to move over to their Parole Services Unit? We did not see this very significant officer/agent safety and risk management item in their budget request.
3. During testimony on January 28, 2013 before the joint fiscal subcommittee, Director Cox stated repeatedly that this “realignment of parole” would reduce recidivism rates. He further testified that the national rates average 66%, with Nevada having a recidivism rate of 26%, which is much better than the national average. That number was later disputed by Connie Bisbee, chairman of the Parole Board. She believed the parolee recidivism rate to be 13%. James F. Austin has testified that Nevada enjoys a very low recidivism rate. Parole & Probation shows an 86% success rate, which would support the information provided by Chair Bisbee and James Austin. Why should we make any change if things are going well now?
4. What uniquely qualifies NDOC to administer the supervision of parolees in the community? What experience and documented success does NDOC have in the areas of community corrections? Why would the Nevada Legislature choose to select NDOC, an unproven agency in this field with many negative performance issues within their own agency, to run a program which impacts public safety, when the Parole & Probation Division has an excellent record?
5. Is there a conflict and ethical dilemma for the State of Nevada to have one agency control which individuals will receive a recommendation for a prison term and which parolee will be arrested and returned for parole violation? Would bed space and prison costs influence these decisions? How would this be beneficial for public safety? How would this be used against the state in a lawsuit such as those brought against California in the Klaas, Garrido, Gardner and similar high profile cases of horrific parole failure?



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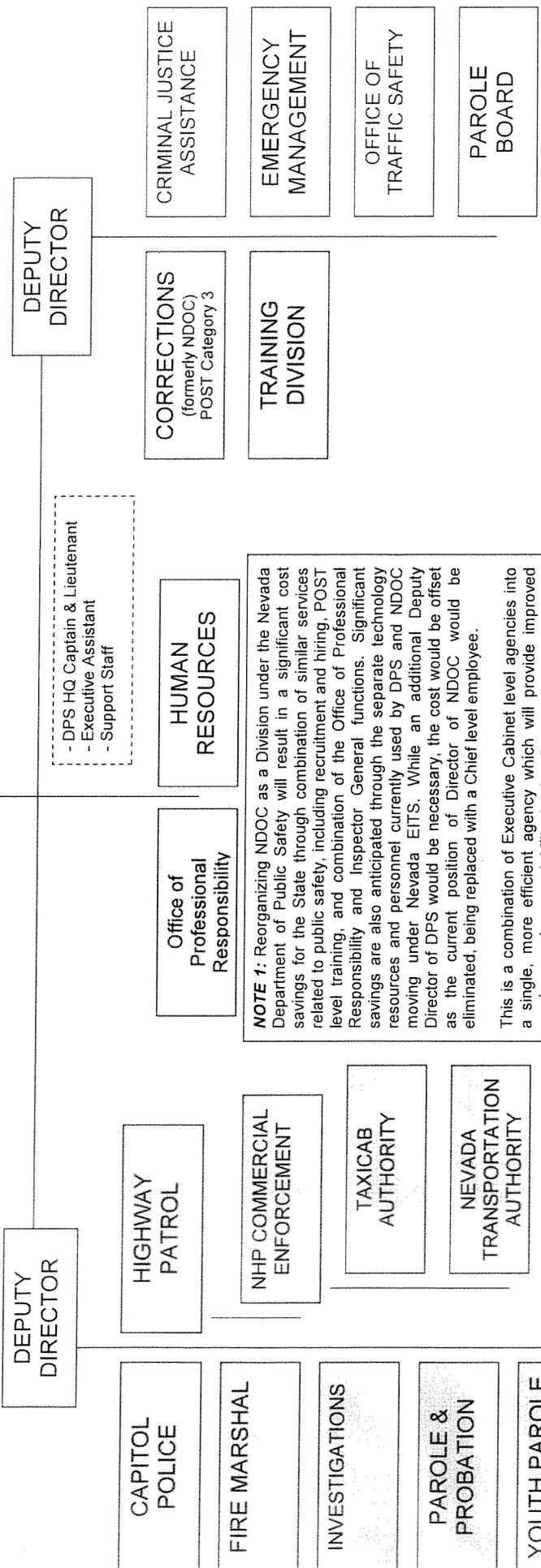
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**OPPOSITION TO THE PROPOSAL TO TRANSFER PAROLE TO NDOC
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**ATTACHMENT I
NSLEOA'S PROPOSED ALTERNATIVE
ORGANIZATIONAL STRUCTURE**

GOVERNOR – STATE OF NEVADA

DIRECTOR OF PUBLIC SAFETY



NOTE 1: Reorganizing NDOC as a Division under the Nevada Department of Public Safety will result in a significant cost savings for the State through combination of similar services related to public safety, including recruitment and hiring, POST level training, and combination of the Office of Professional Responsibility and Inspector General functions. Significant savings are also anticipated through the separate technology resources and personnel currently used by DPS and NDOC moving under Nevada EITS. While an additional Deputy Director of DPS would be necessary, the cost would be offset as the current position of Director of NDOC would be eliminated, being replaced with a Chief level employee.

This is a combination of Executive Cabinet level agencies into a single, more efficient agency which will provide improved services and accountability to the Governor and citizens of Nevada.

NOTE 2: The NSLEOA believes that placing Youth Parole under the DPS will improve administration and accountability, while also creating a safer environment for the sworn personnel, who are POST Category 1 Officers.

NOTE 3: Taxicab Authority and the Nevada Transportation Authority are Category 2 agencies with functions similar to those of NHP Commercial Enforcement Officers. The NSLEOA recommends that both agencies be added to the DPS under management of the NHP Commercial Enforcement.

POST Category 1 Agencies are shown with blue highlight

*** POST Category 2 Note:**
 The Taxicab Authority and the Nevada Transportation Authority are POST Category 2 agencies per NRS 289, however their sworn personnel receive Category 1 training at the Academy.