

MINUTES OF RPEN CARSON CITY CHAPTER GENERAL MEETING Tuesday March 1, 2016

Ellen Westphal called the meeting to order at 2:07 p.m. with the Pledge of Allegiance.

The minutes of the February 2, 2016 meeting were read and approved as written. There was no treasurer's report.

Ellen introduced Captain Dwight Gover, with the Division of Parole and Probation, which is a part of the Department of Public Safety here in Nevada.

Mr. Gover explained they are charged with the supervision of probationers and parolees and inmates conditionally released into the community. They also have life-time sex offenders which they supervise as well. Essentially, probation is the process by which a person convicted of a felony or gross misdemeanor may have their sentence suspended and they are placed under the supervision of Parole and Probation. For a felony conviction it is for up to five years, and for gross misdemeanor it is for up to three years. The court may choose this option over a jail sentence. That person is required to comply with certain terms and conditions such as mental health counseling, anger management, alcohol or drug counseling, restitution, etc.

It is the responsibility of P&P officers to then supervise these folks and assure they comply with those conditions. They also conduct pre-sentence investigations for the courts and make recommendations to the court for what type of sentence the offender should receive. There are currently approximately 18,000 offenders under supervision by the Division; 12,000 on probation, 4,000 on parole, over 1,200 lifetime sex offenders, and 53 on conditional release. They have just shy of 500 personnel to supervise that population. Of that only about 282 are sworn personnel. They are sworn peace officers with power to arrest. They go out and knock on doors, making personal contact with these individuals, and making arrests if needed. The remaining staff are non-sworn personnel who handle fiscal and other administrative support duties and conduct pre-sentence investigations.

Lifetime sex offender supervision is pretty unique. Essentially, after serving a certain type of sex offense sentence, some people are deemed to still represent a significant danger to the community. These are placed on lifetime supervision for up to 10 years, as long as they do not have any subsequent violations. If they do violate, the incident is investigated as a new crime. Not all sex offenders are considered to need lifetime supervision.

In most cases, if an offender violates probation, they are placed in county jail without bail until they are brought back before the sentencing court. If they are on parole they are sent back to prison to await an appearance before the parole board. There are some county alternative sentencing departments for lower level criminal situations.

Success rate on probation is in the 75% range. That basically only means they successfully completed their probation requirements for the offense for which they were convicted. That does not mean they never offend again. Success rates are fairly difficult to define and states have differing parameters.

As for DUI's, first and second are considered misdemeanors while the third is a felony. There has been a change in Nevada law of late which now allows even third time offenders to enter a diversion program rather than go to prison.

Mr. Gover said some of the individuals who enter the system are really not bad people. They just made a mistake and for the most part they are never seen or heard from again after they complete the program. They are the ones who benefit most from the program which helps them get back on track, find a job, and get the counseling they need. But there are some who are considered to be repeat customers, who violate probation and parole. Some are very violent offenders. P&P officers have to make arrests, fight with offenders, and in one case he cited, even have to shoot someone. They must be very well trained in many different aspects of the law.

The Division is currently having a problem with retaining trained staff. The counties and cities benefit from collective bargaining, so can offer better retirement and benefits. The state hires people, trains them at considerable expense and then they are lured away by better conditions at the local levels. The hiring process alone can take up to a year. They have to pass a written test, physical agility tests, polygraph and psychological tests, and a background check. Then they are sent off to the academy for 16 weeks, where some of them drop out. After that they are trained in the specific requirements and regulations governing the agency and some may fail to complete that. So after much time, effort and expense an officer can then be hired away by the city or county. The Division is currently struggling with a 10% vacancy rate. It is one of the most difficult things they are dealing with right now.

Illegal aliens who commit a crime are another special problem. Immigration Customs Enforcement (ICE) is notified and makes a determination whether or not they are going to deport that individual. If they choose not to deport the Division then supervises them as they would anyone else.

If someone on parole or probation wants to travel they are issued a pass but must report back by a specified point in time. They are very seldom allowed to travel outside the country. There are sometimes agreements between states where an offender can move to another state which then assumes the responsibility for supervision of that individual.

Parole and Probation is sometimes the cop and sometimes the counselor who helps the offender get a leg up and go on to success. Caseloads run from 80-1 for general supervision, 45-1 for sex offenders or house arrest, and 30-1 for intensive supervision which are people who are more difficult to deal with. In Las Vegas right now the general supervision caseloads are currently 200-1 due to so many vacancies.

It is less expensive to have someone on probation than in jail or prison. The offender pays for the costs of supervision. It runs about \$8 per day versus anywhere from \$40-\$60 per day in jail or prison. If they can't pay they are directed to places that can assist them with doing that as well as obtaining medical care.

Some officers try to develop relationships with organizations and employers throughout the state in order to help offenders obtain jobs or to get the training and/or counseling to help them be successful. But that is becoming more difficult given the staffing shortages. Sometimes they have to rely on the community to assist with those efforts. Someone who has been locked up for the majority of their life has few if any social or employment skills to work with. It can be a challenge.

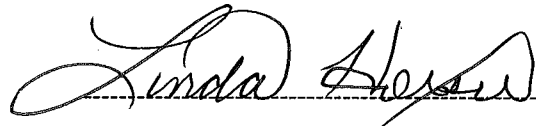
The Division also does reports for the Board of Pardons Commissioners. They investigate the offender's background as well as family or community support systems and make a recommendation to the Pardons Board. Those are reviewed by the Governor, the Attorney General, and Justices of the Nevada Supreme Court. A full pardon could reinstate that person's right to bear arms, however a conditional pardon does not return those rights to the individual.

The Division has officers in the community routinely, often at night, knocking on doors. They are not very visible, but are in neighborhoods visiting offenders in their homes. They are armed and have the power to make arrests, even of a citizen who may be committing an unrelated offense. They must have a wide knowledge of the law because the offenders they supervise have been convicted of such a wide variety of crimes. Theirs can be a dangerous job because the people they supervise are not anxious to go back to prison if they are found to have violated the terms or conditions of their parole or probation. The officers have the right to search and seize in certain situations without a warrant, so they also have to know evidentiary rules. They have even on occasion assisted local law enforcement in solving other crimes.

This was a truly interesting and informative presentation.

Meeting adjourned at 2:45.

DATE OF REPORT April 5, 2016

A handwritten signature in cursive script, reading "Linda Hoxsie", written over a horizontal dashed line.

Linda Hoxsie, Secretary