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Meet.
306
V.1

NEVADA STATE ADVISORY COMMITTEE
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS

Open Meeting
on the
NEVADA STATE PAROLE SYSTEM

VOLUME I
July 19, 1974
MORNING SESSION

BOULEY, SCHLESINGER, PROFITT and DICURTI
OFFICIAL COURT REPORTERS
187 North Church Avenue
Tucson, Arizona

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Meet.
306
v.1

NEVADA STATE ADVISORY COMMITTEE
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS

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VOLUME I

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NEVADA STATE ADVISORY COMMITTEE
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS

Open Meeting
on the
NEVADA STATE PAROLE SYSTEM
July 19-20, 1974

THOSE PRESENT:

MR. WOODROW WILSON, Chairman

COMMITTEE MEMBERS:

MS. SUSAN L. DeLUCA	MS. MAIDA TORRES STANOVIK
DR. IRVING KATZ	MS. DONNY L. JOHNSON
MR. FERNANDO ROMERO	MS. PATRICIA A. LYNCH
MR. STEVEN WALTHER	MR. EDDIE B. SCOTT

STAFF MEMBERS:

MR. PHILIP MONTEZ, Regional Director

MS. RAMONA GODOY	MR. THOMAS D. PILLA
MR. MICHAEL ISHIKAWA	MS. ANNA SEGURA
MS. ROBERTA JONES-BOOKER	

THE ABOVE ENTITLED meeting was held in the Senate
Hearing Room, Nevada State Assembly Building, Carson City,
Nevada, on July 19-20, 1974, and the following proceedings
were had, to wit:

VOLUME I

July 19, 1974

MORNING SESSION

THE CHAIRMAN: Ladies and Gentlemen, the State Advisory Committee open meeting on the state parole system.

This meeting will now come to order.

I'm Woodrow Wilson, Chairman of the State Advisory Committee to the United States Commission on Civil Rights.

The other members of the Committee are Susan L. DeLuca, Dr. Irving Katz, Fernando Romero, Maida Torres Stanovik, Donny L. Johnson, Patricia A. Lynch, and several other members that are not present today.

Also with us today, from the Western Regional Office of the Commission on Civil Rights, are Phil Montez, Regional Director, Ramona Godoy, Mike Ishikawa, Roberta Jones-Booker, Thomas D. Pilla, Anna Segura, and Court Reporter is James Bouley.

This open meeting is being held pursuant to rules applicable to the State Advisory Committee and other requirements promulgated by the United States Commission on Civil Rights.

The Commission on Civil Rights is an independent agency of the United States Government, established by

1 Congress in 1957, and authorized by the Civil Rights Acts
2 of 1957, '60, '64, and 1973.

3 To, one, investigate complaints alleging that
4 citizens are being deprived of the rights to vote for
5 reason of their race, color, religion, national origin or
6 region or section.

7 Two, study and collect information concerning legal
8 developments which constitute a denial of equal protection
9 of the law under the Constitution.

10 Three, appraise federal laws and policies with
11 respect to equal protection of the laws.

12 Four, serving as a national clearing house for civil
13 rights information.

14 Five, investigate allegations of vote fraud.

15 I would like to emphasize at this time, that this
16 is an open meeting. And not an adversary type of pro-
17 ceeding. Individuals have been invited to come and share
18 with us, the Committee, information relating to the subject
19 of today's inquiry. Each person who will participate has
20 voluntarily agreed to meet with the Committee.

21 Every effort has been made to invite persons who are
22 knowledgeable about the problems and progress in the area
23 to be dealt with here today. In an effort to get a well-
24 balanced picture of the situation in this state, we have
25 invited inmates, prison staff and administrators, parole

1 board staff and commissioners, parolees and parole and
2 probation department staff administrators as well as
3 other state officials with direct responsibility in this
4 area.

5 Since this is an open meeting, the press, radio,
6 television stations as well as individuals are welcome.
7 Any person discussing a matter with the Committee, however,
8 may specifically request that they not be televised in this
9 case, it will be necessary for me to comply with their
10 wishes.

11 We are very concerned that we get all the informa-
12 tion relating to the matter under investigation. We are,
13 however, concerned that no individual be the victim of
14 slander or libelous statements. As a precaution against
15 such a happening, persons making a statement here or
16 answering questions have been interviewed prior to this
17 meeting.

18 However, in the unlikely event that such a situation
19 should develop, it will be necessary for me to call this
20 to the attention of the person making the statement and
21 request that they desist in their action.

22 If the testimony a person is offering, however, is
23 of such importance, it may be necessary for the Committee
24 to hear the information at a closed session. The person
25 against whom the allegations are being made will have ample

1 opportunity to make a statement in closed session before
2 the Committee, if he so desires.

3 In any event, prior to the time that the Committee
4 submits its report to the Commission, every effort will
5 be extended to get a complete picture of the situation
6 as it exists in Nevada now.

7 We are also concerned that no individual be the
8 victim of retaliation for any statement made at this open
9 meeting. Witnesses are protected by the provision of
10 18USC-1505, which provides, whoever by threat or force, or
11 by any threatening letter of communication, endeavors to
12 intimidate, influence or impede any witness in any pro-
13 ceedings pending before any department or agency of the
14 United States or in connection with any inquiry or investi-
15 gation being held by either house or any committee of
16 either house or, whoever injures any party or witness in
17 his person or property on account of his attending or
18 having attended such a proceeding, inquiry or investigation,
19 or on account of his testifying or having testified to any
20 matter pending herein, shall be fined not more than
21 \$5,000.00 or imprisoned not more than five years or both.

22 In the event that any person testifying before this
23 Committee considers any adverse action taken against him
24 to be the result of having testified, he or she should
25 immediately contact the Western Regional Office of the

1 United States Commission on Civil Rights.

2 At the conclusion of the scheduled meeting, should
3 anyone else wish to appear in open session before the
4 Committee, they should notify the Western Regional Office
5 staff before 12:00 o'clock noon on Saturday.

6 Officially representing the Governor, Mike O'Callaghan,
7 this morning, is Mr. Harry Lipparelli, Criminal Justice
8 Specialist, Nevada State Crime Commission, who will offer
9 some welcoming remarks.

10 Would Mr. Lipparelli come forward, please?

11

12

13

MR. HARRY LIPPARELLI

14

15 A (By Mr. Lipparelli) Good morning, Ladies and
16 Gentlemen. On behalf of Governor O'Callaghan, and Mr.
17 John ^{McGREGGARTY} ~~McGordy~~ (Phonetic), Administrative Assistant to the
18 governor, may I take this opportunity to extend a very
19 cordial welcome.

20 Governor O'Callaghan and Mr. ^{McGREGGARTY} ~~McGordy~~ both extend
21 their deepest regrets, they will not be able to attend
22 this hearing.

23 For the next few minutes, I would like to briefly
24 outline some of the various and general programs that
25 currently exist in the parole system for Nevada, specifically

1 the accomplishments made during the past two to three
2 years.

3 As most of you know, with each passing year an
4 increased burden is placed on the parole and probation
5 department to develop more and more community-based
6 treatment programs versus placement in institutional
7 settings. This is further complicated by the tremendous
8 growth rate that we are experiencing in Nevada. Increased
9 population also brings about increased activity.

10 To illustrate further, the parole department has
11 witnessed a 242.6% increase in presentence investigations
12 from the period 1966 to 1973. Specifically in fiscal
13 year 1966-67, there were 398 presentence investigations.
14 As compared to 1,328 cases in 1972 and '73.

15 Paralleling the increase, there has also been a
16 dramatic increase in the use of probation throughout the
17 state. The more hardcore cases are being confined to
18 institutional care. However, the lesser use cases that
19 one time were being committed, are now using the probation
20 route more extensively.

21 A study was completed in Nevada as far back as
22 1964, showing a parole success rate of 6% over the previous
23 five years. More importantly, the period between 1970 and
24 1972, showed an even higher increase of 68% success rate,
25 which speaks highly of the work being accomplished in the

1 field.

2 Relying on the percentage of success rates did not
3 stop Nevada from pursuing further inroads. To increase
4 the effectiveness of the parole system, when one looks
5 at the possible clients they'll be faced with this year,
6 next year or the years ahead, specific programs must be
7 implemented to meet these problems headon.

8 To illustrate my point further, a sample of the
9 present prison population reveals that approximately 59%
10 of the population is between the ages of 21 and 30. This
11 represents a sizeable portion of people who will eventually
12 hit the streets at a very young age. This further points
13 out the need to provide an even higher concentration of
14 meaningful programs.

15 To keep these young offenders from committing further
16 crimes.

17 At this juncture, I hasten to add that my remarks
18 are being limited to the parole system. I will not touch
19 upon the advances presently being permitted at the prison
20 since this topic will be covered at a later date.

21 Nevada has looked further into specific problems and
22 the best way to reduce these problem areas. We have known
23 for some time that many of these young offenders were en-
24 tangled in the drug culture. Our records show that of the
25 conviction rates collected by the department of parole and

1 probation, approximately one-third were drug-related.

2 Another great concern has been extreme and vast
3 distances that exist in Nevada. These officers cover
4 thousands of miles a year to reach some of the most remote
5 areas that exist. So the officers in the two metropolitan
6 areas where the heaviest concentration of workloads exist.

7 The problems mentioned above are just but a few
8 things that are faced on a day to day working basis. To
9 remain on top of some of these unseemingly unsurmountable
10 problems, Nevada began to correct measures over the past
11 two to three years.

12 During this time span, the governor's office and the
13 legislature increased the staffing by one-third. To this
14 end, this allowed the creation of two more parole officers
15 in the eastern part of the state in Ely, and another in
16 the western part of the state in Fallon.

17 Restructuring at the department level was activated
18 in the metropolitan areas creating more specialized talents
19 among the officers. This allowed more officer-client time
20 in the treatment process, rather than having each officer's
21 duties spread over a myriad of daily routines.

22 As I expressed earlier, the problem of narcotics was
23 met from two sides. First, at least one-third of the
24 parole staff had received extensive training on drug abuse
25 and its related problems.

1 Second, through the assistance of the crime com-
2 mission and the LEAA grant-in-aid program, the department
3 has instituted a special intensive supervision unit, also
4 known as ISU, from a select staff and have received advanced
5 training in drug abuse.

6 This particular unit deals specifically with nar-
7 cotic offenders on a team basis. And in just one year's
8 time has made a definite impact on the problem.

9 To provide intensive supervision guidance and
10 counsel for these individuals, has caused dramatic reduction
11 of repeated narcotic offenders.

12 A second function of the ISU team is a monitoring of
13 highly involved people assigned to their caseloads.

14 Needless to say, human nature in narcotic offenders
15 and by individuals each officer's caseload does not exceed
16 25 clients.

17 Similarly, the department has also added to the staff,
18 trained psychologists in both the metropolitan areas to
19 increase effectiveness in the treatment process. In a
20 more extreme behavior cases the technical advice provided
21 by these specialists continues to increase the likelihood
22 of keeping the clients and the community, safe.

23 In addition to psychological assistance, the parole
24 department has worked in close concert with rehab. counselors
25 at all field offices. This added assistance continues to

1 provide more community resources and counseling services.

2 In July, 1973, the work furlough program was insti-
3 tuted, whereby inmates were gradually introduced to the
4 community living. Once an inmate has been cleared and
5 approved to enter the program, he is given an opportunity
6 to work at full salary and return to confinement during
7 the evening and during off-work days.

8 During this interim the parole department provides
9 services to the inmate at the local level.

10 Last, but not least, the parole department is cur-
11 rently reviewing national standards and goals for possible
12 adoption at the agency level as well as preparing legis-
13 lation for forthcoming legislative session.

14 The general description of the parole system for
15 Nevada should illustrate the concerted effort being applied
16 to meet ever-increasing workloads. We are meeting the
17 challenge by providing increased services, increasing
18 manpower, introducing specialized programs for specific
19 problems to continue to seek out more community resources.

20 We know that the next few months and the years ahead,
21 Nevada will continue to face newer and more complex
22 problems. However, we stand ready to meet these obstacles
23 headon. We feel certain that in the next two days of
24 hearings, we'll be enlightened by the chief of the parole department
25 and parole board members.

1 The governor again extends his welcome and great
2 success in the next two days.

3 Thank you.

4 THE CHAIRMAN: Would any member of the Committee
5 have any questions of this witness?

6 Mr. Lipparelli, I would like to ask you a question.

7 Do you have any figures on the amount of funding,
8 federal funding that the parole system has received?

9 A Yes, I do, but I don't have it with me at this time.
10 I do have it in my office.

11 THE CHAIRMAN: Could this information be furnished
12 the Committee at a later date?

13 A Certainly.

14 THE CHAIRMAN: Any other questions by the Committee?

15 MS. DeLUCA: Yes, I have a question.

16 Q (By Ms. DeLuca) Mr. Lipparelli, what are the --
17 can you tell us the criteria the governor uses to appoint
18 members of the -- to appoint parole commissioners?

19 A No, I can't personally answer that question.

20 Q Can you get the information for us from the governor
21 and supply it to us?

22 A Yes, yes.

23 MS. DeLUCA: Thank you.

24 THE CHAIRMAN: We certainly want to thank you, Mr.
25 Lipparelli, for your presentation and representing the

1 governor, and please give the governor our thanks, also,
2 for your participation.

3 A Thank you.

4 THE CHAIRMAN: At this time, I would like to present
5 to you, Michael Ishikawa, Staff Member of the Western
6 Regional Office, U.S. Commission on Civil Rights. With
7 a few remarks.

8
9 MR. MICHAEL ISHIKAWA

10
11 A (By Mr. Ishikawa) Thank you, Mr. Chairman.

12 According to the national prisoners statistics
13 report, entitled Prisoners in State and Federal Institutions
14 for Adult Felons, in 1970 approximately 83,000 felons left
15 prison. 73% of them were released on parole, 19% were
16 released by discharge and 9% by other forms of conditional
17 release.

18 The report shows that nationally, parole is the
19 predominant mode of release for prison inmates today. And
20 is likely to become even moreso. This trend can be high-
21 lighted by comparing the figures just stated for 1970 with
22 those for 1966. When 88,000 felons left prison, 61% were
23 released by parole, 34% by discharge, and 5% by other
24 forms of conditional release.

25 A study by the President's Commission on Law Enforce-

1 ment and Administration of Justice, showed that slightly
2 more than 112,000 offenders were then under parole super-
3 vision in 1965. By 197⁵, this commission states that the
4 figure will reach in excess of 142,000.

5 I might add these figures include only those offenders
6 sentenced to state prisons, they do not include youth
7 committed to juvenile institutions and adults committed to
8 federal prisons.

9 Based on statistical reports and studies supplied to
10 the Commission staff by the Nevada State Department of
11 Parole and Probation, and the Nevada State Prison, the
12 following information was noted: Between fiscal years
13 1967 and 1973, a span of seven years, 1,009 felons were
14 granted parole. This is 39% of the 2,598 cases heard by
15 the parole board.

16 Of those 1,009 felons who were granted parole, 245
17 or 24% were returned to prison because of parole violations.
18 The parole board ^{Met} ~~last submitted~~ in May of this year, and
19 heard 117 cases granting parole to 40 inmates and nonparole
20 to 48.

21 The parole board also granted work release for six
22 inmates and denied work release for eight.

23 As of July 18, 1974, the inmate population for the
24 Nevada State Prison was 854 with 404 inmates at the maximum
25 security facility, 368 inmates at the medium security facilities,

1 39 inmates at the women's security facility, 27 inmates
2 on transfer, 13 inmates in court, and three inmates were
3 listed on escape status.

4 The ethnic breakdown for the inmate population by
5 facility is: White, at maximum there are 313, at the
6 medium facility, 248, at the women's facility, 19. A
7 total of 580.

8 Black, at the maximum facility, 66. At the medium
9 facility, 99. Women's facility, 13. A total of 178.

10 Mexican-American, there were nine at the maximum
11 facility, ten at the medium, two at the women's facility,
12 a total of 26.

13 American Indian, nine at the maximum facility, --
14 excuse me, correct that, 15 at the maximum facility, three
15 at the medium facility, there were none at the women's,
16 a total of 18.

17 Asian-American, there were two at the maximum
18 facility, none at the medium or the women's facilities,
19 so a total of two.

20 As of June 1, 1974, there were 103 parolees under
21 the supervision of the department of parole and probation.
22 The ethnic and sex breakdown of the parolees in the
23 State of Nevada are: Black males, 26. Black women, one.
24 White males, 54. White female, 14. American Indian, males,
25 five. There were no women.

1 Mexican-American, three males. No women.

2 The staff from the Western Regional Office of the
3 U.S. Commission on Civil Rights, interviewed inmates,
4 prison staff, administrators from all three prisons, the
5 parole board commissioners, staff of the parole and pardons
6 board, the department of parole and probation staff and
7 administrators, parolees, ~~and concerned individuals~~ ~~was~~
8 throughout the State of Nevada.

9 Based on these interviews, ~~and the data collected,~~
10 Staff has invited individuals with expertise and
11 knowledge of the Nevada State Parole System to participate
12 in this public hearing.

13 Because of the scope of this hearing and because
14 of the fact that the Nevada State Prison, the Nevada
15 Board of Parole Commissioners and the department of parole
16 and probation are separate and autonomous agencies, Staff
17 thought it appropriate to quote from Vincent O'Leary and
18 Joan Muffles' (Phonetic) article, entitled A National Survey
19 of Parole Decision-Making, found in Volume 19 of the Journal
20 of Crime and Delinquency, dated July, '73.

21 And I quote, "While the arguments and rebuttals con-
22 tinue, alternative system which tends to cut the ground
23 away from both major patterns has gained considerable
24 ground in recent years. It is linked with the general
25 move towards consolidation of all types of correctional

1 services into a single department responsible for both
2 institutional and penal programs.

3 "The typical result of consolidation is that
4 parole decisions are made by a central authority that has
5 independent power but is organizationally situated in the
6 overall department of corrections. The proponents of this
7 system argue that it promotes an increased concern for
8 the whole correctional system and a greater sensitivity
9 to institutional programs at the same time that separation
10 of parole decisions from the medium control of an insti-
11 tution tends to give appropriate rate to parole decision-
12 making considerations beyond institutional management."

13 And that's the Staff report, Mr. Chairman.

14 THE CHAIRMAN: I want to thank Mr. Ishikawa for his
15 report to the Advisory Committee.

16 Do any of you have any statement or questions you
17 would like to ask Mr. Ishikawa?

18 Thank you very much.

19 At this time we want to ask Mr. William Lattin,
20 Associate Warden, Mr. Howard Pyle, Corrections Classifications
21 Counselor, to come forward to the panel.

22 Do either of you gentlemen have a written statement
23 for the Committee?

24 MR. PYLE: No, I don't believe so.

25 MR. LATTIN: No, sir.

1 THE CHAIRMAN: Well, would you proceed, Mr. Katz,
2 with Mr. William Lattin.

3 Q (By Mr. Katz) What is your background, Mr. Lattin,
4 in corrections, and how long have you served in the
5 present position?

6 MR. PYLE: I'm Mr. Pyle, this is Mr. Lattin.

7
8 MR. WILLIAM LATTIN

9
10 A (By Mr. Lattin) I ~~is served as~~ ~~associate warden~~ for
11 approximately five years, I believe.

12 Q Can you explain your background in corrections,
13 please?

14 A Yes, sir, I came to the Nevada State Prison approxi-
15 mately nine years ago, as an academic instructor, and
16 served in that capacity for a couple years. I was then
17 appointed supervisor of education. I served in that capacity
18 for a couple years and then I was appointed as associate
19 warden.

20 Q What are your present functions and duties as
21 they relate to the parole board hearings?

22 A Presently I'm in charge of a ~~medium~~ security prison.
23 In that capacity, I'm in charge of both custody and the
24 care and treatment section at the prison, specifically in
25 regard to parole and probation, or the parole system.

1 I review all classification procedures, I review
2 the parole board referral reports, I also summarize the
3 parole board referral reports and make a recommendation on
4 them before they go to the parole board.

5 Q All right.

6 In reference to the parole board reports, now what
7 purpose do they serve in regard to the eventual decision
8 made?

9 A I didn't get the last part of that question, sir?

10 Q Well, in regard to the referral reports, what
11 purpose do they serve in regard to the decision made by
12 the parole board itself?

13 A I think the parole board referral report is probably
14 the main and basic thing connected with their decision-
15 making process. The parole board referral report is quite
16 detailed and quite comprehensive. It is supposed to
17 include a summary of an individual's past as it's related
18 to his connection with corrections anywhere along the line.

19 Q What else does it include, if anything?

20 A It includes specifically and what we're particularly
21 concerned with is the inmate's behavior from the time he's
22 incarcerated in the system until he appears before the
23 board.

24 We try to document and present everything that would
25 have any relationship to whether or not he's paroled,

1 whether or not he's a good risk in the community, to the
2 board, in that referral report.

3 Q What about the inclusion of any other information,
4 psychiatric reports, psychological evaluations or --

5 A It's all relevant and it's all included.

6 We try to include anything that is available that
7 would have some bearing on their decision.

8 Q All right.

9 Is the inmate able to see his report?

10 A Not currently, and not in all instances. Sometimes
11 they see portions of the report, sometimes they're given
12 verbatim, statements relative to portions of their report.
13 But currently we do not show the inmate his parole referral
14 report.

15 Q What's your opinion, Mr. Lattin, about that policy
16 of not showing the reports to the inmates?

17 A Well, I think that in many instances, that perhaps
18 it would not be to the inmate's best interest to show him
19 the report. However, as I discussed with Mr. Ishikawa,
20 we have for several years recognized the fact that this
21 may change and we anticipate that perhaps one day the
22 inmate will see that just as he sees his presentence
23 report.

24 Q Okay.

25 I imagine one advantage of the inmate seeing the

1 report, is that he could react to it, he could supplement
2 or maybe even refute some of the aspects of it, that isn't
3 available to him right now, though.

4 A Well, as I said before, generally speaking, the
5 inmate knows exactly what's in the report, the report is
6 a summary of his behavior in the institution and anything
7 that might have happened to him relative to the hearing
8 and they're usually aware of what's in there.

9 Q What about somebody's psychiatric report now, would
10 he be aware of what that includes?

11 A I think, again, that varies with the individual
12 inmates. Some inmates are certainly aware from their
13 contact with the psychiatrist or in some cases, the
14 psychologist, as to what is involved, in other cases I
15 would say no.

16 And I would say in answer to your question, that
17 that's probably a question that the psychologist or the
18 psychiatrist should answer. I feel that the psychiatrist
19 should be the one to answer a question of that nature.

20 Q Is the referral report the only official communi-
21 cation between the prison staff and the parole board?

22 A No. The parole board, when they meet every two
23 months to review the cases, there's always at least one
24 member of the classification and treatment team available
25 for the parole board meetings.

1 And then there's always open channels of communi-
2 cation between the prison and the parole board, and the
3 parole department, if there's any supplemental information
4 needed.

5 Q Do you have any statistics or information regarding
6 how closely the report by the prison staff is related to
7 the eventual decision made by the parole board?

8 A No, sir. Nothing specific at this time.

9 I did keep a rather loose personal record for a
10 matter of two or three years, some years ago, and I was
11 of the opinion then that the overall percentage was
12 quite close. The -- there was certainly a disagreement on
13 specific cases.

14 In some instances when the prison had recommended
15 parole they were denied, in some instances when the
16 prison recommended denial, they were paroled.

17 But in spite of those disparities, the overall
18 percentage seemed to be quite close. But I don't have
19 any specific, up to date statistics.

20 Q For the record, could you get that information to
21 us so we could have it?

22 A I'm not sure whether we've got the research capabilities
23 to go back and check all of those or not. It would cer-
24 tainly be a major undertaking to go back through the dead
25 files and come up with that.

1 Q I was going to say in the last year?

2 A Well, again I'd --

3 Q Let me ask this question then. Are you aware of how
4 the board makes a decision in terms of how they use your
5 report or what other criteria they utilize in making a
6 decision relative to the inmate?

7 A I think so, yes, sir.

8 Q Then you are informed of the manner in which and the
9 basis on which a decision is made?

10 A At this time I am, or some member of the staff is.
11 There's always a member of the staff present during the
12 decision-making process, and we take notes on this, we
13 discuss it with the board so in that respect, I would
14 say yes, sir, we are.

15 Q All right, relative to the inmates, do you feel that
16 they get very specific information as to why, let's say
17 if their parole is denied, why, on what basis the denial
18 is reached?

19 A I would say that in most instances, they are becoming
20 more and more aware of this decision-making process.
21 Specifically in the last two years both the parole board
22 and the staff at the prison has made a much more concen-
23 trated effort on counseling the inmate as to exactly what
24 went on in the decision-making process.

25 And currently, we document, to the best of our ability,

1 what those are and relate them very directly to the
2 inmates at their next regular classification.

3 Q All right.

4 In terms of the next classification, how close does
5 that occur, let's say to the actual decision made?

6 A Well, technically, I stated that wrong, I said the
7 next regular classification, it should have been post-
8 board classification. At maximum security, Mr. Pyle would
9 have to answer that question.

10 At medium security, it's usually we start it the
11 day following the parole board hearing and in the case of
12 large boards, sometimes it takes us two days to interview
13 everyone, but we get everyone that has made an appearance
14 within two days.

15 We call this post-board classification, and we try
16 to go over in detail just exactly what happened.

17 Now, I'm speaking specifically now with the people
18 that were denied parole. Many times the people that got
19 parole, that are on assignments that they like, why, that
20 classification is very brief and that sort of thing.

21 Q All right.

22 Is it your opinion, then, that the inmates do get
23 very specific information, are knowledgeable about how the
24 decision was made, on what basis it occurs, and at the
25 same time, are they aware when the parole is denied what

1 they might be able to do, let's say, in terms of the
2 next parole hearing that might get them in a better
3 position or be able to meet whatever criteria is being
4 established for acceptance of parole?

5 A I can only say that it's to the prison staff's
6 best interest to be able to give them all of that informa-
7 tion that we possibly can. We're interested in programming
8 them so that we can get them out just as quickly as is
9 feasible. And our process is such that we try to impart
10 to them the information that will do just exactly that.

11 Q Yes, I agree with you, I think it is to everyone's
12 interest, what I'm really interested in is to what extent
13 those interests are met, how effectively they are met.

14 A Well, I'd have to say this, and it would be an
15 individual thing, I think a lot depends on the man's
16 sentence, on his mental condition, how aware he is of what
17 we're actually saying, that sort of thing.

18 But we do try to see that he has all the information
19 that he can use to his advantage.

20 Q Yes, I want to touch on that, too, and that is,
21 let's say the inmate's ability relative, let's say to his
22 cultural background, his ethnic background, to what extent
23 do you have staff and skills that would be able to communi-
24 cate to someone who actually doesn't have the language
25 ability, who doesn't have some of the cultural background,

1 the verbal aspects that relate to the decision-making
2 process? Is that a problem?

3 A I don't recall right off-hand in the last several
4 years, anyone that I have dealt with that had such a
5 language barrier that we could not communicate. There
6 are some that we have to be much more careful with, and
7 try much harder to see that they understand. But we've
8 been very fortunate, at least at medium security prison,
9 in dealing with inmates that we did not have a complete
10 language barrier.

11 Q Yes, you're probably familiar with the difficulty,
12 particularly with psychological evaluations and psychiatric
13 reports, difficulty sometimes in getting an accurate
14 report. When there is a different cultural background
15 between the professional and the inmate.

16 To what extent is the inmate able, let's say to
17 request or receive, let's say, evaluations from psychiatric
18 reports from persons that he may feel more rapport with,
19 does he have that option available to him if he wanted
20 to get an evaluation or a report by someone he felt more
21 rapport with or closely tied to culturally, ethnically?

22 A Generally speaking, on psychiatric and psychological
23 reports, the staff relies on the people that are immediately
24 available to the prison.

25 The staff psychiatrist, when there is one, a staff

1 psychologist when there is one, people that have been
2 called in on a consulting basis as a result of a request
3 by the doctor or the psychiatrist, whatever the case may
4 be.

5 There have been occasions when inmates have been
6 examined by people of their own choosing at their own
7 request. But that's an individual thing that's evaluated
8 as the situation arises.

9 Q Is there some process by which certain inmates do
10 get evaluation and some do not?

11 In other words, sometimes it's mandatory, sexual
12 offenses --

13 A That's true, according to the Nevada Revised Statutes
14 certain sexual offenders, it's mandatory, those, of course,
15 are automatically reviewed by what we call the psychiatric
16 panel, usually our own psychiatrist or psychologist looks
17 at them in addition.

18 But the procedure that I normally follow is, in
19 addition to any cases that have been referred by staff
20 during the period of time while the inmates has been with
21 us, in addition to those, I examine as soon as a board list
22 comes out, with the names of the people that are going to
23 appear before a parole hearing, I examine that list and
24 in the cases of people that obviously should have psychiatric
25 evaluations in order for the parole board to have that in-

1 formation, why, then we make the request for a referral.

2 Q All right, the impression I'm getting, then, that
3 this is mainly at the discretion, then, of the staff as to
4 whether these evaluations and reports are necessary?

5 A Not necessarily. Some inmates refer themselves and
6 when they do, why, we handle those to the best of our
7 ability exactly the same as staff referrals.

8 Q Okay.

9 So inmates are aware, then, that they have this
10 right, this opportunity for evaluations?

11 A They're not only aware of it, they're encouraged
12 to ask for referrals if the situation arises where they
13 think it would be to their advantage. And I might add that
14 some do. Some don't. In some it's very difficult to get
15 them to voluntarily see a psychiatrist or a psychologist,
16 but we have a certain number of inmates that do ask for
17 help and we try to furnish that help just as quickly as
18 we can.

19 Q One of the national trends, you're probably aware
20 of, is the element of paid prison parole board members.

21 What's your opinion about the system as we have it
22 now and the possibility of going into, let's say a full
23 time or a more regular basis parole board and having a
24 paid, professional staff that would make the decisions rather
25 than a volunteers, citizens now make the decisions?

1 A I wouldn't want to get into a discussion with you
2 on, "professionals", and what constitutes a professional
3 but I do think that due to the tremendous increase in the
4 last few years of cases that the parole board has had to
5 review, that our board needs more time.

6 We just, from a sheer volume of numbers where we've
7 been meeting for two days every two months to review any-
8 where from 60 to 125 cases, it's my feeling that the board
9 needs more time for that.

10 I do not question the professional background nor the
11 ethics of any of the board members that we've had.

12 But I do think that numerically we're reaching the
13 point where we need more time.

14 Q All right, one more question and that is again in
15 terms of what we see in other states.

16 What about the creation of an overall department of
17 corrections, do you have any opinions on that?

18 A Again, I wouldn't want to comment on anything other
19 than to say from a purely statistical point of view and the
20 fact that we're currently asking for another 250-man unit
21 for youthful offenders and in view of the fact that all our
22 beds are full, that we're going to need more help.

23 MR. KATZ: Thank you, Mr. Lattin, that's all the
24 questions I have.

25 THE CHAIRMAN: Any other member of the Committee have

1 a question?

2 MS. STANOVIK: Yes, I have a couple of questions.

3 Q (By Ms. Stanovik) Do you know when or -- not who
4 personally, but how the decision was made not to allow an
5 inmate to see his referral report? Has this been policy
6 all along, as far as you know?

7 A Well, I've been there very close to ten years now,
8 and it's been the policy, it was the policy when I came to
9 the institution and I don't know where it developed.

10 Q Did you say that you felt the reason for this was
11 that it was in the best interest of the inmate not to see
12 this report?

13 A I think in some instances it would be to the inmate's
14 best interest.

15 Q Can you explain to me what you mean by that?

16 A Well, not all inmates are emotionally stable, put it
17 that way, and there's certain cases and certain instances
18 when I am sure that if we were to consult with our
19 psychiatric staff that they would recommend that we be
20 very cautious about that. Those are the types of things
21 I'm thinking about.

22 Q But --

23 A And they'd have to be evaluated as individual cases.

24 Q But that is not done that way, right, as far as the
25 referral reports? Nobody gets to see them, is that what --

1 A. No.

2 Q Or do some inmates get to see theirs?

3 A. Some inmates see part of theirs, some inmates get
4 verbatim reports, some parts of the parole board reports,
5 in other words, in keeping with our policy of trying to
6 inform the inmates as to what he has to do to best program
7 himself, why, we divulge that information if we feel that
8 it's to his best interests.

9 Q Okay.

10 I have a couple other questions.

11 I'm not sure I understood whether you said yes or no,
12 answered this question with yes or no, if an inmate is denied
13 parole, does he know what to do so that he can improve what
14 needs improvement for next time?

15 A. I would say so. In almost every instance we try to
16 be specific as possible as to, you know, what would be in
17 his best interest and what he should do to get parole just
18 as quickly as possible.

19 Q Okay. I have one more question.

20 When there is a referral to either the psychiatrist
21 or psychologist, either by the staff or a self-referral, what
22 kind of help is provided? Does the psychologist or psychia-
23 trist do an evaluation and follow up with counseling if
24 necessary or exactly what takes place?

25 A. Again, depending on the individual case and the indi-

1 vidual need, why, naturally we try to follow up with what-
2 ever it is the psychologist or the psychiatrist recommends.

3 Q You do have, then, the staff that could provide
4 the followup counseling as recommended by the psychiatrist?

5 A Within reason, yes, Ma'am.

6 MS. STANOVIK: That's all.

7 MS. DELUCA: I have a few questions, Mr. Lattin.

8 Q (By Ms. Lattin) Is the inmate's total arrest record
9 in the referral report?

10 A Currently -- well, yes, Ma'am. It's either in the
11 referral report or it's in the central file and a capsulized
12 version of the arrest report is there.

13 Now, if you're talking about all of the sheets
14 attached to arrest reports, no. But if you're talking about
15 the capsulized summary of whatever he was committed for,
16 that's in the referral report.

17 Q I see.

18 A Now --

19 Q So, arrests where he was not convicted are not in-
20 cluded in any referral report, then?

21 A What we include in the referral report in one place
22 is a section called prior record, and in that particular
23 place we list any prior incarceration or arrest or whatever
24 the case may be, not in detail, but we summarize. For
25 instance, if he's had five felony convictions why we say

1 five felony convictions.

2 We don't go into detail unless for some reason or
3 another if we're specifically asked to.

4 Q So then, generally speaking, if a man or woman was
5 arrested for something but not convicted, that would not
6 be mentioned in that part?

7 A Yes, Ma'am, that is mentioned in as much as we say
8 arrested so many times, convicted so many times, and so
9 the results are there for them to interpret if they want
10 to interpret. But we characteristically we are very
11 complete on that.

12 Q I'd like to know a little bit more about the
13 specifics of a referral report besides the arrest record
14 and the possible psychiatric evaluation, exactly, can you
15 get really specific about what kinds of thing you might
16 find in the average report?

17 A Yes, Ma'am.

18 And I may go to Howard here for some help on this.

19 The first thing that's on the referral report is
20 what he is incarcerated for. In other words, the specific
21 charge that he's there now for, that's the first thing
22 that's on the report.

23 Then, the next item would be the district attorney's
24 statement, the district attorney generally speaking has the
25 right at least to make a statement.

1 And then we go from there to his prior record, and
2 just capsulize that, and from there, then, we go to such
3 things as happens to him in the institution, we have a
4 specific section for work assignments, we have a specific
5 section for his medical summaries, a specific section for
6 his educational, vocational achievements, we

7 We have a section that has to do with his behavior
8 and housing while he's in the institution, any disciplinaries
9 that he might have had or any commendations that he might
10 have had, whatever the case may be.

11 But then we have a section for family, we go into what
12 his family background was to the best of our knowledge,
13 what it currently is, and then we have a section for what
14 his release plans are.

15 If he has release plans, we go into them rather
16 thoroughly and then we have the final section we call the
17 evaluation whereby the counselor just briefly summarizes
18 all of these.

19 MR. KATZ: I've further questions.

20 Q (By Mr. Katz) All right.

21 Relative to what you've just indicated it sounds like
22 the report is very comprehensive. How much time and oppor-
23 tunity and how much weight do you feel from your observations,
24 is given to these reports? How thoroughly are they gone
25 over, relative to the thoroughness with which you prepared

1 these reports by the parole board itself?

2 A Well, the parole board of recent years, has become
3 much more demanding that these reports be good reports.
4 And for that reason, in terms of hours for the counselor
5 to actually summarize the C file, interview the inmate,
6 dictate the report, that sort of thing, how many hours would
7 you say?

8 MR. PYLE: To write ~~an~~board report?

9 MR. LATTIN: Is that what you're talking about?

10 Q (By Mr. Katz) No, the question I'm asking is relative
11 to the time and effort which sounds like quite an expenditure
12 of time, and energy, goes into these reports, what I'm
13 interested in is from your observations and experience,
14 how much time and opportunity does the board itself have,
15 relative to all the persons that they do see, over the
16 reports?

17 A (By Mr. Lattin) I misunderstood the question.

18 Our deadline to get these to parole department is
19 such that if -- again, one of the members of the parole
20 department would have to testify to this, but I think that
21 we try to have those board reports in the hands of the
22 individual board members two weeks prior to the hearing.
23 So that they have an opportunity.

24 But again, you'd have to verify this with the parole
25 board representative.

1 Q Well, and I will, but the question I'm asking you
2 is from your observations to what extent, if you can give
3 any kind of percentage figure, which I know would be a
4 guess as to how much weight these reports are given in
5 terms of the final decision. I know that the parole board
6 person might not have the time and opportunity, let's
7 say even two weeks prior to this to get a large number,
8 and apparently the caseload's increasing relative to this.

9 How much does he go by the particular referral report,
10 how much by just observations and questions and inter-
11 action at the time of the parole board hearing itself?

12 A I think they reply -- or rely very heavily on the
13 report to get the process started.

14 Now, very frequently they see something in the
15 report or something in the presentation of the individual
16 inmate that causes them to devote more or less time to
17 the interview, but I think that they rely very heavily on
18 the information initially.

19 MS. DELUCA: I have another question.

20 Q (By Ms. DeLuca) When you or someone else communicates
21 to the inmate a denial of parole, is this done in writing
22 or are the reasons in writing, so forth?

23 A They're given a copy of the board action in writing,
24 but we have not given them a copy of the reasons. We do
25 that verbally at that post-board classification.

1 Q Why, can you answer why you would do it verbally as
2 opposed to -- or why not in writing?

3 A I think it's a matter of mechanics, it all takes
4 time, we've got limited help, that sort of thing. I think
5 it's just purely and simply, a matter of economics and
6 staff.

7 Q (By Mr. Romero:) If I may.

8 Leading into the staff, how many people do you have
9 working for you?

10 A In the way of custody ^{OR} counselors?

11 Q I'm talking about state employees working under, you
12 know, your supervision.

13 A I think the -- I'm not sure, perhaps when you get
14 to the warden he can give you the exact breakdown.

15 I'm just going to make a guess that there's approxi-
16 mately 250 staff for the 900 inmates.

17 Q Two hundred-fifty staff. And this is only in
18 medium or --

19 A No, that's for the total complex.

20 Q How many would be in medium of the 250?

21 A I would think less than half.

22 Q Do you happen to have a rough idea of the ethnic
23 breakdown of the 125 people?

24 A No, sir. I could get it for you.

25 Q Would you do that, please?

1 A You're talking about staff.

2 Q I'm talking about staff.

3 And also, if you will, their classification, their
4 job classification, and further, a small outline of what
5 their duties are.

6 Now, earlier you said that to the best of your know-
7 ledge, there was no language barrier that you knew of
8 that, the way I took it is that communication, verbal communi-
9 cation was no problem. Am I correct in assuming this?

10 A No, you're not correct in assuming that. I said
11 that it was not at this time a major problem. There are
12 people there with language difficulties, but by concen-
13 trating on it I think we communicate.

14 Q How many psychiatrists are working at medium?

15 A We've currently got one psychiatrist full time. We
16 have a consulting or have had, until a week or so ago, a
17 consulting psychiatrist that was doing some group work in
18 addition to the one assigned.

19 Q Is this psychiatrist or any of the consultants bilingual
20 in any other language?

21 A I couldn't answer that.

22 Q Could you find out for me, please?

23 And also, has your staff ever received any in-service
24 training as far as minorities are concerned?

25 A I'd have to refer that question to the training officer.

1 I'm sure that there has been but the exact hour
2 breakdown I wouldn't know.

3 Q Would you do that for the Commission, please, and
4 you know, if you can, the date or dates and the extent of
5 the in-service training that was given?

6 Also, you referred, as far as counseling is con-
7 cerned, that at times some people or some of the inmates
8 could get, be examined by people of their own choosing, and
9 of their own requests.

10 How many times does this normally occur?

11 A Very infrequently.

12 Q Very infrequently?

13 A Yes.

14 Q What are, normally, the cases in which it does happen?

15 A Well, I'm thinking now specifically of a case where
16 the pardons board, I think, requested additional information
17 on an inmate over and above what staff psychiatrist had
18 given. Again we'd have to go to the medical department for
19 that information specifically. But I do recall the one.

20 Q And yet you said that many times this was -- no, I'm
21 going to ask you how many times other than that one, say?
22 Would you allow it to happen, in what instances would you
23 allow this to happen.

24 You said you only know of one. What other instances
25 would you personally allow this to happen?

1 A I think you'd evaluate each individual instance,
2 I think that would be a matter of staffing, of getting the
3 recommendation from our own psychiatrist and then depending
4 on what the need was, I think it would be individually
5 evaluated.

6 Q (By Ms. Johnson) Mr. Lattin, if in the sentencing
7 referral or by recommendation and parole board, psychiatric
8 treatment was recommended, how often would that prisoner
9 see the psychiatrist?

10 A Again, I'd say that that would be an individual
11 matter, and I think that again we'd have to ask the medical
12 department that specific question.

13 Q How often would you say it would be possible for a
14 prisoner to see a psychiatrist?

15 A Well, again, I think it would be an individual case.
16 Some of the people that are up on the psyc. unit are
17 observed almost daily. Other people --

18 Q By a psychiatrist?

19 A Yes, Ma'am.

20 Q The psychiatrist makes daily rounds in the psychiatric
21 unit?

22 A To the best of my knowledge he does, his office is
23 up there. And I'm sure that every day that he's in the
24 institution that he does make rounds.

25 Q How does the prison differentiate, what prisoners are

1 confined to psychiatric unit and what prisoners are not?

2 A Well, some are referred by the mental health institute,
3 and their writeups or diagnoses are followed. I think
4 specifically that the psychiatrist and the psychologist
5 and the staff evaluates each case individually, if the
6 individual can make it in the general population without
7 harm to himself or others, that's what we like to do.

8 But if he can't, why, then we have to confine him
9 according to the potential for harming himself or others.

10 Q I wonder if you could get the figures on particularly
11 ~~recommended by the board or~~ by a sentencing by the judge,
12 how often those people are seen? By a psychiatrist?

13 A I'm sure that the figures are available in a general
14 way. I'm not sure that, again we've got the capability
15 to go back and examine records, past records relative to
16 psy --

17 Q Possibly just those and if we could have just those
18 present people, right now, rather than --

19 A That are in the psychiatric unit?

20 Q That are both in the psychiatric unit, but particularly
21 those people who, at the time of sentencing, the judge has
22 asked a psychiatric treatment or recommendations by the
23 parole board for further psychiatric counseling and treatment.

24 Also, I wonder if, you mentioned that the DA's
25 report is included in as a part of the preboard referral and

1 I was wondering if the prisoner is allowed to see that
2 report? Or statement?

3 A They aren't allowed to see anything currently,
4 that's on the referral report. Now, in some instances I am
5 sure that they've seen it in the presentence report.

6 Q Is there a defense attorney's report included in the
7 referral?

8 A No, Ma'am.

9 Q Is the prisoner apprised of the arrest record?
10 Versus the convictions that are in his --

11 A Again this would, I feel, depend on the individual
12 prisoner and his counselor. I see no reason right now not
13 to go over that with him in detail, if he requested it.

14 I can't imagine --

15 Q If it was the prisoner's request, then, that he be
16 apprised of the arrest record in his prereferral report,
17 that would be available to him?

18 A I would be sure that the counselor would do that,
19 there'd be no reason that I can see of not to.

20 MS. JOHNSON: Thank you.

21 THE CHAIRMAN: Any other questions?

22 MR. ROMERO: I have one more.

23 Q (By Mr. Romero) Approximately how many cases does
24 the, you know, to the best of your knowledge, does the
25 parole board have at each hearing?

1 A Are you talking about at medium security or for the
2 whole institution?

3 Q At medium.

4 A I think this time we're going to be looking at about
5 60 cases.

6 Q Would you call that normal figure or average?

7 A I think the parole department could answer that
8 better because they keep track of that. I think it can
9 vary from 50 to 125, depending -- well, I'm talking about
10 the whole institution now --

11 Q How many, do you attend all these board hearings?

12 A I attend all of the full board hearings and I
13 attend, usually, one panel or the other of the panel hearings.
14 But if I'm -- if I'm present in the institution at all,
15 I make it a point to attend all full board hearings.

16 Q What is the extent of your input at these hearings?

17 A Generally speaking, our input is in the way of the
18 referral report and being there, available with the central
19 file. If the individual parole board members have ques-
20 tions that they feel weren't adequately covered in the
21 referral report, then we're there with the central file to
22 answer those questions.

23 Q Going back to the referral reports, do you personally
24 ever add anything to these referral reports?

25 A At medium security I summarize and recommend, yes, sir.

1 Q Every one of them?

2 A Every one of them, yes.

3 MR. ROMERO: Thank you.

4 MS. GODOY: Just one question.

5 Q (By Ms. Godoy) You had mentioned that an inmate is
6 given only as much information as it is assumed that he can
7 accept by his referral report. Who makes the determination
8 that an inmate might be emotionally unstable, as you
9 mentioned, and might not be able to accept this information?

10 A I think this is part of the complete classification
11 process, we've got committees, we've got individual counselors,
12 by the time we get around to looking at a person for a
13 referral report, a parole board report, they've been there
14 for a good many months and I think you'd have to say that
15 it was a result of staffing.

16 Q But who makes the ultimate decision, is that the
17 counselor?

18 A It could be. It could be the counselor, or it could
19 be a committee or it could be one of the administrators,
20 depending again on individual evaluation.

21 Q Then anyone on the staff could make that decision?

22 A Subject to review, anyone that's dealing with the
23 inmate.

24 Q Does everyone on the staff have any psychiatric
25 training?

1 A Certainly the psychologist and the psychiatrist.

2 Q But they are not the only ones to make this decision?

3 A No, Ma'am. But I might add in fairness to the
4 Committee and to the people, that they rely on what the
5 psychologist and the psychiatrist say in their decision-
6 making process.

7 Q In all cases?

8 A If it's available, I would -- I would certainly hope
9 so.

10 Q (By Ms. DeLuca) Mr. Lattin, this committee you talk
11 about, in general, then, they probably do not have any
12 background in the behavioral sciences or formal training,
13 is that what you're saying?

14

15

16

HOWARD PYLE

17

18 A (By Mr. Pyle) Could I interject something? I don't
19 presume we're going to go over this again, so I can make some
20 input, but so far I haven't said a word.

21 What I'd like to inject is that the counseling staff,
22 have all been trained in the behavioral sciences, the people
23 who are, in answer to the lady's question there, the people
24 that are unstable have been determined by a team of
25 diagnosticians to be unstable. This includes the psychiatric

1 input, the social worker, who is a counselor, his input, and
2 the input of everyday observation of a custodial repre-
3 sentative and a vocational and academic teacher or vocational
4 guidance counselor, and all of the people that are known,
5 through the files, to have a history of instability.

6 It isn't something that comes to us from the outside,
7 it's a recorded, daily record of acts which display, you
8 know, unstable factors.

9 Now, we know this when we deal with the client.

10 Q Yes, but the question that had prompted this was
11 that there was mention made that some information is re-
12 tained from prisoners because it is determined that that
13 information might not be accepted by that prisoner, not
14 all of those prisoners from which the information was kept
15 were considered emotionally unstable by a psychiatrist.

16 A The psychiatric evaluations in the cases where we
17 do have psychiatric, there is a diagnosis, and if the man
18 is an psychotic individual he's definitely unstable.

19 Q If he is not psychotic, is all the information given
20 to him from his referral report?

21 A If he's not psychotic?

22 Q That's right.

23 A Is what information given him?

24 Q From the referral report, the information that is
25 there on recommending him for parole?

1 A No. No. I hadn't finished. There are a lot of
2 other psychiatric diagnoses, and if the man is a psycho-
3 pathic type of person, subject to violence, this sort of
4 thing, no, he's not necessarily told something that's
5 going to set the fuse off.

6 THE CHAIRMAN: Any more questions by the Committee?

7 MR. ROMERO: Well, yes.

8 Q (By Mr. Romero) Are you implying that all the inmates
9 are, in essence, emotionally unstable?

10 A No. No. We were talking about individual cases, and
11 this is the way we deal. Now, there are some cases like
12 this.

13 Q Okay.

14 Are there cases where inmates are shown this re-
15 ferral report?

16 A I have shown it to them. I write them. And I face
17 them every day after they're denied for six months, a year,
18 two years, in the yard, and private interviews, all over
19 the place, I have shown it to them. I usually tell them
20 what's --

21 Q You have actually shown them the report, not --

22 A Oftentimes, oftentimes.

23 Q For the, if I may, and for the Commission, can you
24 submit the names of the individuals that you have given
25 these reports to?

1 A I probably could think of a few.

2 MR. ROMERO: Thank you.

3 Q (By the Chairman) Mr. Lattin --

4 A (By Mr. Lattin) Yes, sir.

5 Q -- I believe that it has been indicated that a
6 report, a request from the DA origin on the sentence and
7 the judge's requested recommendations on individual inmates
8 that come before the board. I would like to know, if, when
9 these requests are made from the judge of origin or the
10 DA, if a report on the conduct of this inmate and how much
11 he has progressed, rehabilitated himself, sent along with
12 this request to the judge or to the DA?

13 A Let me make sure I have your question properly.

14 You're asking if a judge, a sentencing judge or a
15 district attorney asks us for a progress report on an
16 inmate, do we comply with that request?

17 Q No, I mean you -- they do not request information on
18 this individual each time he comes up for parole, is that
19 the case? But you do require a report, request a report
20 from the DA?

21 A I think that question, sir, that the parole board
22 would necessarily have to answer. I think that they ~~auto-~~
23 matically notify the jurisdiction when anyone is coming
24 up for a parole board hearing. And I think that's a ques-
25 tion that they could answer specifically.

1 Q Okay.

2 You do not have that information?

3 A We do not handle that, no, sir. If a judge or if
4 a district attorney from the sentencing jurisdiction asks
5 for a progress report on an individual inmate, for one
6 reason or another, we comply with that.

7 Q But you do not know specifically that if this in-
8 formation is sent without being requested?

9 A It's not from us. We do not normally, with one
10 exception, send any information to the judge.

11 The one exception to that, to my knowledge, is under-
12 our new work release program, when an inmate is granted
13 work release, we, by law, have to notify the sentencing
14 judge and we do do that.

15 Q And a progress report is sent along with this in this
16 information?

17 A It wasn't originally, but it is now.

18 The first few times we just complied with the statute
19 and just indicated that the subject had been granted work
20 release, but now we, generally speaking, send a progress
21 report to the judge so that he knows why we've made a
22 positive ~~recommendation~~ in that particular case. But I
23 think this is voluntary on our part.

24 Q (By Ms. DeLuca) Mr. Lattin, I have just one more
25 question. Do you have any formalized training in the areas --

1 well, such as university training, work shops, something
2 like that. Conferences in the area of counseling and
3 corrections and in minority group cultural relations?

4 Any formal training in those areas other than
5 your on-the-job training?

6 A Yes, Ma'am. I have, in addition to a BA, I've got
7 a professional counselor's endorsement, and I have approxi-
8 mately 50 hours of work at a graduate level in psychology
9 and behavior and that sort of thing.

10 MS. DELUCA: Thank you.

11 THE CHAIRMAN: Dr. Katz? Mr. Pyle?

12 Q (By Dr. Katz) All right, Mr. Pyle, will you please
13 give your background in corrections and explain the duties
14 and functions that you have?

15 A (By Mr. Pyle) I have about 14 years in corrections,
16 I started as a correctional officer at Folsom Prison in
17 California, worked for the California system for nearly
18 seven years and I've been here in Nevada since August of
19 1967.

20 I was a counselor and a correctional officer in
21 California and I'm a counselor here, since I started.

22 I was a CC-I until October of '69, and then I was
23 promoted to a supervisory level counselor.

24 At that time, and with the length of time now would
25 be about four years, four and a half years as a supervisory

1 counselor. My education is a BA in social service at
2 corrections, which I finished over in Nevada here, and my
3 job at the prison is handling intake, and this is a diagnostic
4 area. With new arrivals, additionally the screening pro-
5 cesses during the quarantine period to see, to test inmates
6 for various tests we give, which are grade level placement
7 tests.

8 Achievements tests, psychological testing is done,
9 of course, by the psychologist or psychiatrist.

10 We make decisions at the initial time to see if the
11 person is going to be able to adjust within the -- in a
12 safe, within the general population, we make decisions on
13 classification, whether to keep him at the max. prison
14 or send him to medium, we try to determine the inmate's
15 needs in terms of, if we see deficiencies, what we can do
16 during his time in the prison, to help him. To prepare
17 himself for release.

18 During the initial period an inmate is taken through
19 an orientation, he is -- he appears at the classification
20 committee to begin with, about ten days after he gets in
21 the prison, an orientation classification, the day prior
22 to this he has had a lecture which takes anywhere from,
23 oh, two hours to two and a half hours, that tells him,
24 and at this orientation period he's told his responsibilities
25 by a custodial representative. Usually a sergeant.

1 He's told all of the pertinent information he should
2 know about his sentence structure, who his counselor is,
3 when he goes to the parole board, what would be required
4 of him in terms of his behavior and the staff recommendation
5 for school and one thing and another. That we would like
6 to see him accomplish.

7 And the next day this man, he's told what trades
8 are available, how much academic school is available, that
9 he has access to the pardons board, to the courts, and he
10 has access to his counselor, and to the parole board.

11 And the next day he goes to initial orientation
12 classification and we determine in the case,

13 Now, this is a reception center, is at the max.
14 prison, we determine at that time, try to find him some
15 assignment or whether or not he can be a direct transfer made
16 to the medium prison, depending on the crime and his term
17 status and many other factors.

18 He is usually held for a 60-day evaluation period,
19 either at max. or if he goes to med. we can follow it.

20 The first 60 days a social summary is written, a
21 cumulative case history is put together, we try to staff
22 his needs and reasons for his delinquency, and to some
23 degree, to establish what sort of an offender, what patterns
24 he has established and what we can do in terms of a remedy
25 during the period of time he's in the prison.

1 Now, this is put into what we call an admission
2 summary and cumulative case history. This is a top1 that's
3 put into the file for future counselors, teachers, the
4 custodial staff, the parole board, if they want to read it,
5 and anybody who's interested in working with the individual
6 to help him help himself.

7 Q All right.

8 When you indicated, then, you have several roles,
9 you're one of two full time, I understand, counselors at
10 the maximum security prison, is that correct?

11 A I'm one of three.

12 Q One of three, okay.

13 So you have a role, actually, of diagnosis, you
14 also have the role of counseling and apparently you also
15 have the role of making some kind of recommendation, as
16 I understand it, to the parole board, which is a very crucial
17 decision.

18 How do you handle these diverse roles, when you're
19 trying to be both a counselor as well as diagnostician,
20 as well as let's say a person who is part of the prison staff
21 making a recommendation regarding the future life of the
22 individual?

23 A It isn't easy to be a case worker, who, and establish
24 a rapport in a social worker's relationship and at the
25 same time have a great deal to say about the man's return to

1 the community. In the beginning the inmate is made aware
2 of your functions as a counselor, he's told that you'll
3 be his counselor and that at the time, you know, in a
4 year we tell him that he's going to go to the board in
5 a year or maybe 11 months or maybe 18 months, 24 months,
6 depending on his sentence, that the board reports are
7 written by the counselors, and that, really, what it is,
8 it's a collection of objective records of what he's done
9 during the time he's here.

10 We show them the board report ~~foremat~~ when they get
11 there. In other words, just exactly what's going to be in
12 his report, and we show him at the end of the report or
13 this ~~foremat~~ that there's an area reserved for the evaluation.
14 We tell them that they're entitled to see everything,
15 but not entitled -- but they're not entitled to see the
16 counselor's evaluation. But we also try to tell them
17 that we'd be glad to more or less explain to them the
18 reasons for anything we have said in the report.

19 Now, many times these evaluations are read to them.
20 In a board meeting.

21 Q Let me stop you here.

22 If you say that you can explain, or you're ~~willing~~
23 to explain to them, anything that's in the report, but yet
24 they don't know what is in the report, is that correct?

25 A Well, they know --

1 Q I'm talking about the counseling now --

2 A They know that they have five priors, you know,
3 they know that they have maybe had six disciplinaries
4 during the year they've been there, they know that these
5 are negative factors and they're told at the beginning of
6 their sentence the board will weigh parole on negative be-
7 havior as opposed to postive improvement or positive
8 involvement, I shbould say, in training, and a clear record
9 and this sort of thing.

10 So they are told that all negative factors, including,
11 you know, a record of their previous criminal history is
12 going to be in the report.

13 So they're not in the dark as to what's in this
14 report by any stretch of the imagination.

15 We -- we tell them they write their own report by
16 what they do.

17 Essentially, however, we also tell them that if we
18 have a great many inmates, as you probably know, that do
19 have a lot of positive things that they do, they're in-
20 volved in Jay-Cees, 20-30 club, American Club, ~~academic school,~~
21 vocational training, athletics, church activities, they
22 go out to different groups, they have a chess club.

23 They might be interested in sports, they might be
24 working in a downtown assignment or up on a mountain, these
25 postive factors, they're assured that these positive factors

1 will be brought to the attention of the board.

2 So, an inmate really knows what's in his report.
3 The only thing he doesn't know is that when a counselor
4 makes his prognosis and it's not a recommendation, Mr.
5 Lattin has already told you, that he makes a recommendation
6 for the institution, based on the entire content of the
7 report. But if the -- if the counselor's convinced that a
8 person is, for instance like Mr. Lattin said, emotionally
9 unstable or immature, who is prone to acting out and causing
10 behavioral problems, say every 30 days, the report has
11 reflected it.

12 So, in the evaluative area he's going to say that
13 this individual is an emotionally unstable person apparently
14 because he hasn't been able to avoid these recurring disci-
15 plinaries or whatever the report might reflect. And this
16 sort of thing is precisely what would probably make him
17 a difficult case to supervise in the community for -- or
18 to cooperate, he's been uncooperative, say with staff in
19 the prison, it would probably reflect that he might be un-
20 cooperative with his parole officer in the community.

21 So, he might represent what we would say might be
22 a marginal candidate, so there will be some statements
23 like this.

24 Now, I -- Mr. Lattin has already said that we --
25 we've known for a long time that what we write there, we

1 have to be able to, you know, face the man day in and day
2 out and generally the counsebers will write something that,
3 you know, isn't going to turn the guy around and want him
4 to break your neck.

5 Q Going along with Mr. Lattin's statement, then, it's
6 crucial, isn't it, that in terms of what goes into the
7 report, the decision-making process, the communication
8 thereof to the individual inmate, this is crucial to the
9 morale, the effectiveness of your program?

10 A That's right.

11 Q And you're in a position in terms of meeting with
12 the inmates and terms of preparing these reports and also
13 communicating to them the effect of the decision made by
14 the parole board, are you satisfied that in terms of this
15 entire process now, that the communication regarding the
16 decision-making process, the decision-making process itself
17 in terms of how the decision is made, is effectively
18 executed in terms of the, particularly in terms of communi-
19 cation now, to the inmate, as well as your own knowledge of
20 what occurs?

21 You would not be able to communicate if you didn't
22 know yourself, really, how, let's say the prison board
23 members themselves made these evaluations and these decisions?

24 A Well, I sit in the post-board classification along
25 with a lieutenant and usually a school teacher, and we tell

1 the man, he already knows his results, he found them out
2 the day before from the board.

3 We tell him, we call him in because, you know, if
4 he has a parole, we tell him, all right, you might continue
5 your present program and when you're working and we'll have
6 a preparole school starting say the next Friday.

7 For a man who's been denied we call him in and we
8 tell him that, and usually I'm the one who wrote the report.

9 Now, I sit, I might, in so many reports written, I
10 can sit on one panel, I can't be at two places at once, so
11 I hear at least half of the cases that I've written, I
12 hear the decision-making process go on among the parole
13 board members as a clerk in the board room.

14 Q Yes, I want to get at that.

15 Okay, in terms of being present, now, during the
16 decision-making process, then, you are present at only
17 half, then, of them?

18 A Sure.

19 Q And in other words, the other half you're not aware
20 of what decision-making process is?

21 A I don't hear it, I'm aware of what it is, I know
22 they staff the case after an inmate comes in and he
23 leaves the room, they begin to talk about the prospects of
24 pros and cons and what he looks like for release.

25 Q In other words, then, with the other half that you

1 are not present, you're not in a position to fully communi-
2 cate what occurred?

3 A Right, right.

4 Now, possibly it would be to the inmate's advantage
5 to have a representative, someone who is in there at post-
6 board, who could relate to the inmate what I could relate
7 if I had set in and listened to the goings-on, see?

8 Like you asked me if I was satisfied, if it is, you
9 know, communicated to the inmate and to -- with that
10 sort of -- I can't remember the question exactly.

11 Q Yes. In other words, are you satisfied now with the
12 process as it now exists, relative to the very crucial
13 decision that apparently is made in terms of communication
14 processes that occur?

15 A You brought up an important factor. I am satisfied
16 with what I can relate to the inmate when I personally
17 have been on his board. I am not satisfied to that great
18 of an extent where I have to tell an inmate that he got
19 denied and I read the list of reasons why he was denied to
20 him, verbatim, and I can't offer him any insights because
21 I wasn't there. I didn't hear what was said.

22 Q All right.

23 This leads to my next question and that is, in terms
24 of the number of correctional officers that are now present,
25 I see there are three, is that sufficient, then, to meet

1 the needs of the program?

2 A No. And we are putting on another counselor which
3 was approved, I think it was during our last legislature,
4 as of July 1st. We hope to have him, we've made some
5 interviews and we hope to have two more counselors during
6 this summer, one the 1st of August and another, hopefully,
7 before the September board meets.

8 Q All right.

9 Now, relative to the question I asked Mr. Lattin,
10 then, and that is in terms of your observations now and
11 those instances and apparently you're there 50%, how
12 closely is the decision that is made finally by the parole
13 board, coincide with your recommendation. The staff
14 recommendations at the prison?

15 A I haven't kept statistics, but I've got a pretty good
16 card index up here, and I can tell by how much adrenalin
17 that I've wasted during a board meeting of how well
18 they've gone along with me.

19 Not that my recommendations, you might say, because
20 I don't recommend, but written between the lines, you
21 know, you're going to say this man looks very good for
22 parole.

23 So I know that they go along with us way up in 90%
24 of the time.

25 Q (By Ms. Stanovik) What was that figure again?

1 A Way up in around 90% of the time.

2 Q (By Dr. Katz) All right, so that in 10% or approxi-
3 mately that level, there is --

4 A Some questions.

5 Q -- a decision made independent of your -- well,
6 they're always independent, but it doesn't coincide with
7 your decision?

8 A Well, there again they may have recommended somebody
9 for parole that we said was marginal. And they do that
10 as often as they deny someone who we said should be tried
11 at this time.

12 So it goes both ways.

13 Q All right.

14 It sounds to me like, then, one of your crucial
15 functions is the post-classification meeting with the
16 person --

17 A Very, very emotional, appearances, the inmates are
18 many times very discouraged and it's pretty serious moment
19 for them to try to understand the reason why. Maybe when
20 they've been doing their best.

21 Q I would think it would be particularly difficult in
22 two aspects, one, 50% where you're not really quite aware
23 of just how, why the decision was made, and then, of course
24 in those instances when the decision was made contrary per-
25 haps to, you know, your expectations or recommendations?

1 A Well, for the people who have had, not for instance
2 the inmates, I've written the reports usually for most
3 of them, even though I haven't set in the board room with
4 them, and I'm aware that of all the case factors, because
5 I know the man that closely.

6 And intimately, really, that I don't have to look
7 at the records. If he was marginal we'd go back into the
8 hearings that I'd been working with him on, I oftentimes
9 use post-board classification for a communication session
10 to bring the guy back to the point where I've been trying
11 for six months, you know, to get you back to the school.

12 I've done everything, you know, but beg you to get
13 back in the school and all you want to do is make purses
14 and so we'll go over some of the things.

15 Now, I tell him, all right, you've got eight months.
16 You only need, say a credit and a half for that high school
17 diploma that the board wants. If you'll just do it, you
18 know, they've got to let you go. What other reason, you
19 know, would they have in keeping you? You've been here
20 two years.

21 You know, you're doing five, they don't want any
22 more time, you know, so we go through these things. And
23 it's a personal interchange.

24 This is -- a lot of inmates walk out of there much
25 relieved, much encouraged, determined to try harder for the

1 next board. Some of them walk out four feet off the ground,
2 very hot, because no matter what you tell them, you know,
3 it might be the type of guy that it's somebody else's fault
4 that these occurred, he might have told you, well, he's
5 not guilty of the offense anyway, you can't really work,
6 you know, with a situation like that, so --

7 Q So your job can be that much more effective, then,
8 if you know specifically how the decision is reached and,
9 I'm talking now by the parole board members. And then,
10 if you can communicate some of this, at least, to the inmate
11 so that he be better rehabilitated and motivated, let's say.

12 Do you feel you get enough information now in these
13 hearings to be able to do that?

14 A I do.

15 One of the best ways for us to conduct post-board
16 classification is to take the CC-III, who is at max.
17 prison and the CC-II, and one of them would be clerking
18 one board and one of them will be clerking the other board
19 and then there's somebody in post-board that has been with
20 each inmate that walks in the room.

21 When we can do this, when it's feasible to do that,
22 it's a lot smoother.

23 Q What about in those instances where you are not
24 present, those 50%, wouldn't that be difficult to communi-
25 cate to the inmate if you weren't present, let's say during

1 that?

2 A Oh, yes, I've stated that.

3 Q All right, what are your feelings about a board that
4 would be, I don't want to get into a discussion of pro-
5 fessional, either, but let's say trained in the matter of
6 being able to make decisions in this regard, as many states
7 have now developed? Do you think that would perhaps be a
8 step or consideration that we ought to look into?

9 A I would like to inject that our board begins similar
10 training whenever a new member comes in.

11 And Mr. Campos probably will go into this quite
12 thoroughly, or Mr. Hocker, but they're setting on some
13 training --

14 Q Louder.

15 A They have recently undergone training and just doing
16 the job is a training and learning experience, it's some-
17 thing you have to do. I don't think anybody can train a
18 parole board unless he's been a parole board member. If
19 you can find somebody that's been a parole board member to
20 start a school for parole board people, that would be
21 pretty good.

22 But if you're speaking of professionals, for in-
23 stance people that have spent, you know, 15 years in prison,
24 business, or careers and people who have been counselors or
25 administrators in a prison, I would say yes, those people

1 certainly do know their business. They have mostly spent
2 a lifetime to train and work for the inmates and they know
3 what to do.

4 Q In regards to making this decision, I imagine one
5 factor would be your awareness of what is available in
6 the community, anyhow, to returning, let's say inmates or
7 possible parolees. Do you have knowledge of and do you
8 investigate, as part of your report, where the opportunities
9 are available, what is the difficulties in let's say re-
10 turning back to the community, in terms of being able to
11 make some kind of statement to the parole board regarding
12 this?

13 A We always make a statement as to whether or not the
14 inmate, in our opinion, would represent a risk or might
15 have a potential for violence or continued abuse of drugs
16 or difficult task if he had, say in bringing a pattern of
17 armed robbery that's persisted for 20 years or something.

18 We always make a statement that's relative to the
19 protection of society. Number one. This is a little tough,
20 we're working like I say, with a man who you want to help,
21 you want to have the best possible impact on him, but
22 still and all, if he is a danger to the community and
23 has proven it by repeated acts of violence or something
24 like that, well, that -- that is discussed.

25 Now, if you're talking about employment, we can go

1 into that. I, as a counselor, we don't engage in looking
2 for jobs for people, we do it, we make phone calls, get
3 addresses, we check out various possibilities for employ-
4 ment, but we're not required to do that. And in fact, we're
5 discouraged from doing it because it's -- we don't have
6 that much time to take care of all the things that we have
7 to do inside the prison and still try to do footwork out-
8 side to find jobs.

9 It would be an impossibility unless we had staff
10 hired at the prison to provide that type of service.

11 Now, if you talk about a prison of the future
12 being a social services delivery system, that's beautiful,
13 but it takes staff. It takes much staff that we don't have
14 now so we do what we can.

15 I don't turn a man down if he wants me to check with
16 a Toyota dealer in Reno to see if that opening is still
17 available, if he could get it. We take those, sometimes,
18 out of the prison, drive them up. Lot of times the parole
19 department come up and get them. We always advise as to
20 how to go about getting a state job. We have applications
21 there. If they want to get into a structured program,
22 say for -- of a religious nature, we might, like yesterday
23 a man came all the way from Los Angeles for another
24 counselor that he wanted that was interested in a religious
25 cloister of some kind there.

1 We do these things constantly. But as we find the
2 time and not because we're required to.

3 DR. KATZ: Thank you.

4 THE CHAIRMAN: Does any other member of the Committee
5 have a question?

6 MR. ROMERO: Yes, I do, Mr. Chairman.

7 Q (By Mr. Romero) Mr. Pyle, so I won't sound redundant,
8 could you give me all the information that I have re-
9 quested of Mr. Lattin, please, or do you want me to go
10 through them?

11 A All the information you requested of Mr. Lattin? I
12 think you asked or --

13 Q Number of staff, ethnic breakdown, job classification.

14 A The ethnic breakdown in our staffing at present,
15 I can give it to you, it will save a little research.

16 We have no Black counselors.

17 Q How many?

18 A We have an Anglo Saxon only, is this what you're
19 referring to?

20 We do have some Mexican-American correctional
21 officers and Blacks.

22 Q How many correctional officers are Chicano, Mexican-
23 American?

24 A Oh, I'd say I know personally of about four, maybe.

25 Q Four?

1 A Maybe there's more. I only know one Black at
2 present at max. prison. We've had a number of Blacks
3 there in the past and maybe some of them are still in
4 medium. They transfer back and forth. It's small.

5 We recruit open for everybody to come and take our
6 tests and we try to encourage minorities to work for us
7 and we'd like very much to have counselors from any ethnic
8 group, and I really can't tell you why we don't, except
9 that we haven't had the applicants.

10 Q Have you done an intensive recruitment as far as
11 minority staff?

12 A I think the state personnel division of Nevada has
13 demonstrated they've done an intensive job of recruitment
14 of ethnic minorities. The fact that we don't have them
15 in the prison as counselors, if they're qualified they should,
16 you know, come in and take the test, if we can find them.

17 We do have some in the university now, who are in
18 the department of social services and corrections who are
19 preparing themselves to come down and work at the prison,
20 and we'll probably have some interns from ethnic minority
21 groups in the future.

22 Q You mention -- well, I won't go into that.

23 As far as the parole board is concerned, do you
24 honestly feel that the parole board thoroughly and com-
25 pletely reviews each individual case prior to each hearing?

1 A Prior to the hearing?

2 Q Right.

3 A I would say so. _

4 Q Yet 90% --

5 A They have these reports as Mr. Lattin stated, for
6 a minimum of ten days in their possession to read them
7 and study them.

8 Q And that would be anywhere from 60 to 100 cases,
9 right?

10 A Right.

11 Q Yet you mentioned that 90% of the time your
12 recommendations are accepted by the parole board, right?

13 You're talking about a group of five individuals
14 with individual minds accepting your recommendation 90%
15 of the time?

16 A Right.

17 Q Okay.

18 What is your criteria that you use normally to
19 recommend whether a prisoner be -- pardon me, an inmate
20 be given parole or not?

21 A What is that issue of criteria?

22 Q What do you normally use as far as ~~judging~~ why an
23 inmate should be given or be ~~allotted~~ parole or be rejected
24 parole?

25 A Well, like I told you a minute ago, number one, ~~con-~~

1 siderations is what sort of a criminal pattern and what sort
2 of chances we feel exist for continued criminal acti:
3 vities. That is the primary consideration, the protection
4 of society. Number one.

5 Now, Mr. Lipparelli told you that we do have
6 special intensive unit through a grant from the federal
7 government to get a little more, a few more of the violent
8 type of people, the violent crimes into the community
9 under special supervision, as well as the drug offenders.

10 The other area is that at the time an inmate comes
11 into the prison, he goes through the intake process which
12 I've described. He is, the staff has made recommendations
13 that he should perhaps finish school. If he's capable.

14 They've made recommendation that he should try to
15 learn a saleable skill so that he can work instead of
16 perhaps stealing.

17 Q Right. You went through that, as you said, before.

18 A The criteria would fall right in, if -- I'm leading
19 up to that. If the man has made a concerted effort to
20 improve himself, to learn a trade, his behavior has been
21 acceptable, doesn't mean that he can't have had disci-
22 plinaries, some people are paroled right out of the max.
23 section up there, just got out of disciplinary proceedings.

24 It depends, the criteria would depend on if, in our
25 opinion, we feel that he's going to do his best to stay out

1 of prison. You can't just say cut and dry criteria, this
2 man fits it, fits it, fits it, with a little yardstick.
3 You're dealing with human beings.

4 Q But, you know, I have to, you know, use some kind
5 of yardstick because see, you said that 90% of the time
6 your recommendations are accepted and I want to know, since
7 obviously you play a tremendous part in this, you know,
8 I want to know some, you know, specifically why this is so.
9 And also, you know, can this be considered, say in essence,
10 a conflict of interest?

11 You know, you being with the inmates all the time,
12 you know, in essence, judging whether they should be or
13 should not be paroled.

14 A Do you think it would be better to have somebody
15 who wasn't?

16 I don't want to argue with you. Let me just say
17 that I feel that a person who is trained and schooled in this
18 type of work, who spends, you know, his full time in a
19 prison with the people who are going to go up for board
20 appearances, should know something about the person he's
21 dealing with.

22 Q Do you feel that way with the parole board --

23 A Take him, this man --

24 Q Mr. Pyle, excuse me for interrupting, do you feel
25 that same way about the parole board?

1 A That the parole board should be with them?

2 Q What, you just mentioned that people should be
3 trained, etcetera, etcetera, in, you know, handling an
4 inmate, now do you feel that same way about the parole
5 board? Do you feel that the parole board should know or
6 be better equipped to handle, you know, such situations?

7 A I stated a couple minutes ago that I thought that
8 training of the parole board does go on and it should go
9 on and that people who are in these career fields are
10 definitely qualified and should, you know, make excellent
11 parole board members.

12 Q Of the five members on the parole board, what are
13 their, if you know, what are their job -- what do they do
14 for a living?

15 A I would have to leave that up to Mr. Hocker's area,
16 in fact, we're getting into his area quite a bit here, which
17 I think you better ask him.

18 Q We'll get away from that, then, I'll ask that of
19 Mr. Hocker.

20 In your opinion, are all inmates treated without
21 regard to race, creed, color, national origin, and/or the
22 reason for their being in the institution?

23 A If you're referring to me --

24 Q No, I'm referring to, say the parole board.

25 A The parole board has a report in front of them for

1 ten days, he doesn't know if the man's Black, White, green
2 or yellow. There's no reference in that report to his ethnic
3 birth. There is no reference anywhere in the report to what
4 his race might be. So, when he walks in the room, they
5 see a Black man or they see a Mexican man. If the man
6 has a disliking, you might say, or a prejudice, which you
7 know everybody's got prejudices, it might enter then, but
8 it seems inconceivable to me that we have a parole board in
9 Nevada that's going to pick out, you know, Black or a
10 Mexican or an Oriental and say, well, this guy's going to
11 have a tough time today. You know.

12 Q Does a Black, a Chicano or a Native American, do
13 they receive the same type of counseling from your staff?

14 A Definitely.

15 Q There's no variance? In recreation facilities, are
16 they all allowed to utilize it at any time?

17 A Definitely.

18 Q Psychiatric help --

19 A Definitely.

20 Q There's no different -- okay.

21 How about training?

22 A Definitely.

23 Q And also work assignments?

24 A Definitely.

25 Q And you already mentioned the -- in the parole board

1 hearings.

2 MR. ROMERO: I have no further questions.

3 MS. GODOY: I have some.

4 Q (By Ms. Godoy) Mr. Pyle, when an inmate first enters
5 the institution, where you are employed, how much time
6 do you initially spend with that particular inmate?

7 A Myself or a counselor?

8 Q Yourself?

9 A Well, as I told you, I'm a supervisory counselor
10 and we've an intake counselor who'll spend a great deal
11 of time with the inmate. My personal contact at this
12 point, since I was upgraded, is not as -- during the
13 initial period of time, is not as great as the intake
14 counselor because this individual is not on my caseload
15 at that time. He's on the intake counselor's caseload
16 for a period of 60 days.

17 And they're very closely associated and many con-
18 tacts, they're information-seeking interviews, they're
19 testing sessions, they're evaluations, they're screening
20 sessions, and this is done by the counselor who will
21 prepare the social summary in terms of the man's family
22 and school and background and the whole thing.

23 I begin to see the inmate more frequently, of course,
24 after 60 days, like if he stays at the max. prison and
25 doesn't transfer to medium, then he comes on my caseload.

1 So then I see him.

2 Q Does the intake counselor write the evaluation
3 report?

4 A What evaluation report?

5 Q The evaluation report that you said you normally
6 do not allow the inmate to see?

7 A No.

8 Q Do you write the evaluation report?

9 A If it's an evaluation report on the parole board
10 referral report that you're talking about --

11 Q Right.

12 A That's -- I do those for the people in my caseload.
13 The intake counselor may also have a caseload and do some
14 reports so for those people that he takes to the board,
15 he does that evaluation.

16 Q What is the average number of cases per counselor?

17 A That is -- is a sore subject with me, they're high.
18 Right now max. I have 400.

19 Q You have 400 inmates that you have to evaluate?

20 A That's temporary because we are short one counselor,
21 and as soon as we put on two more counselors each counselor
22 at this prison will have around 120, something like that,
23 140.

24 Q On the average, how often can you or do you sit down
25 and talk with an inmate prior to their first parole board

1 hearing?

2 A Well, if an inmate has been in my caseload for a
3 full year, say the whole time prior to his first board,
4 I have talked to him during his first 60 days that he
5 wasn't on my caseload, approximately three times.

6 After he gets on my caseload, I see him for orienta-
7 tion and initial classification, that's probably three
8 times. During that year he's reviewed at classification
9 committee, which I am present on, but anywhere from four --
10 anywhere from two to four times, and private interviews
11 I would say would be, he's asked to see me or I've called
12 him in for some reason, would be another four times maybe,
13 so I probably saw the man for anywhere from 15 minutes to
14 an hour, about.

15 Q That's about 6,000 interviews a year that you
16 have to do with these inmates?

17 A Well, there are plenty of them, I take it.

18 Q At least, and you say approximately it lasts from
19 15 minutes to an hour?

20 A Well, the board report interview will last maybe an
21 hour. If I have 60 board reports for September, I have to
22 spend an hour with each individual on a pre-parole inter-
23 view. At least.

24 We were short of counselors, we find that we're
25 primarily doing board report interviews for the most of our

1 40 hours a week.

2 Q So then, much of your time is spent with the inmate
3 just before they go before the parole board, not as much
4 in between that period?

5 A Well, your time is divided between the classifica-
6 tion appearances, which is for programming of inmates,
7 and your parole board duties.

8 Q You've mentioned that you allow the inmates on your
9 caseload to see their reports. What percentage of those
10 inmates on your case -- in your caseload do you allow to
11 see those reports?

12 A It's very small. I would say I've probably only shown
13 it to five, maybe six inmates, the evaluation and that
14 was because that was the only way I could convince a man
15 that I wasn't trying to cut his throat or kill him forever
16 from ever going back to the community where he's, you
17 know, this sort of thing.

18 Q What would you consider to be an ideal caseload for
19 a counselor to adequately counsel an inmate?

20 A Well, the American Correctional Association has some
21 standards which, up till last time I looked at them, a year
22 or two ago, it was 150. And I would say that that would
23 be the maximum, ideally between 60 and 90.

24 Q And that would --

25 A And I think it's economically feasible to provide

1 one counselor for every 60 to 90 as a minimum, but here
2 again, that's my feeling.

3 MS. GODOY: Thank you.

4 Q (By Ms. DeLuca) Do you know for a fact, Mr. Pyle,
5 that the board, the parole board members do read early,
6 the referral reports? Do you know that for a fact?

7 A How would I know that for a fact?

8 MS. DELUCA: Thank you.

9 Q (By Ms. Johnson) Mr. Pyle, do you -- how do you
10 feel about the use of the, maybe correctional ombudsman?

11 You talked before about the importance of prisoners
12 understanding decisions that are made about them.

13 A We, I don't know exactly what you're referring to
14 as a correctional ombudsman, but we have an ombudsman for
15 the inmates at the prison, a free person who is, a 100% of
16 his time, is ombudsman work, but if you're talking about
17 an outside person --

18 Q Who is the ombudsman at the prison?

19 A It's a correctional officer and this is a newly-
20 created position and his job, and it's been a big help to
21 the counselors because he's taking care of a lot of problems
22 that are not that large, that the counselor would
23 ordinarily have to deal with, and it's mostly problems as
24 regards inmates' property, his watches, his things that
25 were left at medium when he transferred, his legal papers

1 that he wants to get notarized and sent out.

2 His problem with his mail or visiting, his being up
3 there with the -- the money account, these sorts of every-
4 day problems are of great importance to the inmate.

5 Q What about things like, if he should differ with the
6 decision made about parole or about his classification to
7 a job assignment?

8 A If an inmate differs with --

9 Q Or application for work release, those kinds of
10 things?

11 A Every inmate who comes before the classification
12 committee has recourse to the decision that was made that
13 day. First of all, he participates in the decision that's
14 made and he's asked if this is what he wants. And if it's
15 concerning his program, maybe 90% of the time or 80% of
16 the time he gets what he's desiring. If he wants to take
17 certain courses or trade that's what he gets. If he's
18 capable of doing the work. But if he has a grievance with
19 the committee action, he could go to the full committee,
20 which is made up of the warden or the deputy wardens
21 and a captain, whereas the regular committee is made up
22 by a lieutenant, a correctional counselor I or II, and
23 a school teacher.

24 We always have our psychiatrist sit on the committee
25 as well, but if he's unhappy with the decisions that are made

1 at that committee, we encourage him to take the matter
2 to the full committee.

3 Q What about decisions for parole or work release
4 or, is there an appealable --

5 A There's an appeal on board, he is allowed to ask for
6 advancement, if he gets a denial and feels that he didn't
7 present his case correctly, even like work cases at the
8 last board, we had a length of time remaining to be
9 served that was incorrect, typographic, he came in and
10 said, "I went in there and they told me that, since I had all
11 this time left, they were going to give me", or, "I got this
12 denial. But", he says, "I don't have that much time".

13 So we got him back on the board. It was an honest
14 mistake. He gets to go back.

15 Any man who feels that he merits the board looking
16 at his case again, he writes the secretary who can put him
17 on the next board, if the reasons seem legitimate.

18 And he can also ask for advancement based on dif-
19 ferent merit in his case. Accomplishments. A high school
20 diploma, finished high school, graduated from college,
21 learned two trades and is just excellent in every respect,
22 might get advancement.

23 Q To whom would he appeal the parole decision?

24 A He would appeal it to the secretary.

25 Q To the secretary of the parole board?

1 A And ask for a review.

2 Q You talked earlier, Mr. Pyle, about the danger of
3 having unstable people being apprised of all the information
4 in their pre-parole report and I wonder, would I take that
5 to mean that your feeling about people who are not con-
6 sidered unstable by the people that you talked about, a
7 psychologist and counselors, should be then apprised of what's
8 in their report?

9 A Well, like I was referring to people who have had
10 a definite diagnosis in most cases. If a guy just happens
11 to be 400 pounds and has a bad temper that still doesn't
12 mean you're not going to tell him exactly what he wants to
13 know.

14 Q But someone who has no such history or --

15 A He's generally going to hear, if he's the kind of
16 guy that mutilates himself and we have to put a 24-hour
17 suicide watch on him, we're going to protect him.

18 Q But you don't, then, see any reason why a normal,
19 stable prisoner shouldn't be apprised of what's contained
20 in this board report?

21 A They are apprised, they're told right down the line.
22 We just don't say here, you know, here it is, read it,
23 the board gives reasons, I usually clerk the board. I put
24 number one, two, three, four, five, all the reasons in there,
25 post-board, the next day or the day after, I pick up the

1 paper, these are the reasons that the board felt that you
2 shouldn't go at the present time. And they also have put
3 down some factors here that they want you to consider during
4 this next 12 months.

5 They've been trying to, you know, encourage you to
6 get your high school for two years now, and you're so close
7 they say, you know, why can't you get it? Maybe the guy
8 says, well, I can't concentrate long enough in the classroom.
9 Well, this he's told. You usually read it, read it to him.

10 Q Is the DA's opinion that's included at the initial
11 one, when the prisoner is admitted to the institution,
12 does that opinion carry through throughout all the years
13 that he may be incarcerated to each board?

14 A The district attorney, is, by statute, required when
15 an inmate is sentenced to prison, to send a narrative of
16 the facts, stating the facts of the crime.

17 And this comes in and it is made a part of the central
18 file, and in fact, that tells you what the crime was.

19 Q Isn't it true that often some of the statements pos-
20 sibly made in summation by the district attorney may be
21 included in that statement? His feeling about the case?

22 A Right. At the end some district attorneys, many
23 of them don't make a recommendation that they feel the man
24 should serve the maximum sentence. He's entitled to say
25 that. The board is not required to strike that out, that's

1 his opinion. The judge could say in his opinion just like
2 he might say this man should have psychiatric counsel, he
3 might put an opinion in there that said, this man we
4 recommend that he stay in there forever. That's their
5 opinions and up till now, you know, this is what we have
6 and we don't make a point of putting those things in
7 the report, but if you're going to -- if you're going to
8 put a verbatim statement of facts of the crime and that's
9 the last sentence, you know, it's in there.

10 Q But that's just what I'm getting at, that's used
11 like possibly ten or 15 years later, that the same opinion --

12 A If it's 17 years later, it was part of the district
13 attorney's statement when the man came to prison, it's
14 still there.

15 However, let me say, maybe I'm not exactly correct
16 on that. We can paraphrase this, we could possibly, you
17 know, we're not required by law to put that before the
18 board. Now, the board might be required by law to notify
19 the district attorney that so and so's coming up for
20 parole and let him know, I don't know, but --

21 MS. JOHNSON: Thank you.

22 DR. KATZ: I have one more question.

23 Q (By Dr. Katz) Now, the governor's representative
24 indicated that there was a 68% success rate. In other
25 words, 32%, then, did not make it. Do you have the opportunity

1 to investigate that in terms of your recommendation and the
2 parole board's recommendation and perhaps what happened,
3 let's say with both the 68% and the 32%, so that you can
4 use that information in terms of future decisions that
5 you're going to make?

6 A Unfortunately we don't. If we had a central
7 records keeping and statistical department, which was computer-
8 ized or whatever, and we had the funding to do this, we
9 could, some of the things that were asked here, we could
10 go out there and have it in about 30 minutes.

11 We want to collect statistics like that at the prison,
12 we do it with elbow grease.

13 And a whole room full of files, collect it. So it
14 isn't that easy. We have plans for a live, permanent
15 area of our records and statistical data, keeping statistical
16 data, being able to come up with it.

17 Q In other words, not only statistical data but let's
18 say in terms of human data, you have no feedback, no way,
19 let's say, of getting some correctional information or in-
20 formation relative to how weak your decision was and how
21 effective that decision was?

22 A We can't get the enforcement parole department, which
23 tells us the statistics to the extent that Mr. Campos, or
24 whoever his research person was, to the extent that he knew
25 where, you know, their 32% was, we wouldn't know. But I doubt

1 if any prison system could tell you where everybody is
2 that they've paroled, you know, over a period of time, or
3 discharged, because they leave, they vanish, they go on,
4 they might be in prison, where else.

5 Q I'm aware of that, but what I'm getting at is,
6 wouldn't it be helpful and important, maybe even crucial,
7 to you, to know to what extent the decision that you made
8 and the parole board made was effective or not, in terms
9 of what actually happened to that person and not only in
10 terms of statistics, but the reasons, maybe, that person
11 did not make it, so that you have this data available to
12 you and therefore you can use that in making any future
13 decisions?

14 A We do have that, if the man comes back to us and he
15 didn't make it, of course. We know the reasons for his re-
16 vocation. We know where we could see, like maybe we
17 shouldn't have sent him out there, maybe he wasn't prepared,
18 and it is helpful to us, if that will answer your question,
19 to know these things and we do get it with those who are
20 readmitted to the institution.

21 Q And those who may be admitted to other institutions
22 or you lost sight of, you wouldn't have.

23 Relative to the ones that you do get, let's say in
24 turn what would you say in terms of the Committee's informa-
25 tion now, is there any general factors you can point to which

1 make it difficult, let's say for a person to return back
2 to society and make it there, anything that will be helpful
3 to us to know?

4 A Well, the crucial thing is the wages and the employ-
5 ment, the maintaining steady employment for inmates who
6 have, say returned to, you know, everybody's violation
7 usually is different.

8 A man failed to maintain employment, poor associations,
9 wouldn't cooperate with his parole officer, and returned to
10 the use of drugs. All right, you've got these violations
11 and, you know, that these are the areas you're going to talk
12 to the individual about.

13 I don't, I really don't know how to proceed, you
14 know, on that. I don't know exactly what you want. But --

15 Q Well, you're hitting at some of them.

16 In other words, one factor that might be involved is
17 the employment possibilities of the individual, that seems
18 to be an important one?

19 A That is important, lot of inmates say, well, I got
20 fired, the guy found out I was an exfelon or parolee, well,
21 stories like that aren't usually too valid because the guy,
22 his parole officer knows who's worked.

23 The employer usually knows he's a parolee, we don't
24 try to hide that. If he went and found a job on his own and
25 didn't tell his employer he was on parole, then it's his

1 fault that he let the situation come up where, you know,
2 he should have maybe told the guy.

3 We generally find that the type of money they can
4 earn, the type of, what would you call it, rewards that,
5 you know, we don't want them just for money, we have to
6 get other rewards out of life. If you're a social outcast
7 and no people will associate with you or other people know
8 you've been in prison or some people are using dope, you
9 don't get any rewards out of that.

10 The whole situation when a parolee comes back, he's
11 an unhappy guy, he's done, he's failed, he's exposed to
12 everybody there as, he feels weak and he doesn't want to feel
13 weak, because he is a man. So how do you get into these
14 problems? How do you help a guy like that?

15 You can't change the society that won't accept him,
16 we can try, people like Donny work day and night on this.
17 But the more accepting community, they keep pointing their
18 fingers at us when we fail with these people, but society
19 is a little cold and a little busy.

20 And there's many reason why they fail parole. We
21 use the information, the feedback we get, believe me, when
22 they come back, to try to help them in their next attempt.
23 Sometimes we get them out within six months, sometimes
24 they only stay maybe 30 days or less.

25 Q All right.

1 One of our concerns here on the Civil Rights Com-
2 mission Advisory Board, is this question of equality
3 and this question of people's civil rights being respected.

4 Are you saying, then, that if society would do this
5 more it would be easier for a lot of the individuals to be
6 rehabilitated back into society?

7 A Right.

8 MS. STANOVIK: I have one question.

9 Q (By Ms. Stanovik) Have you personally received any
10 type of in-service training in working with persons from
11 different cultural backgrounds?

12 A I don't have to receive that service training, I
13 came from California to live with people from all cultural
14 backgrounds and married a few cultural backgrounds, so any-
15 body that will answer your question, although I have had,
16 you know, course work in college that does give me a
17 history, a Black history and a, this sort of thing.

18 Q I'm thinking more specifically of a course that might
19 include cultural differences, what makes this person
20 different because he is Black or Mexican-American or Indian,
21 do you feel that -- have you had a course along those
22 lines?

23 A I haven't had a specific course, but I've had a course
24 that covers that pretty well.

25 Q But you feel that your personal experiences have

1 given you that information moreso than any course would?

2 A. Definitely.

3 MS. LYNCH: I just have a question.

4 Q (By Ms. Lynch) Now, you agree with Mr. Lattin that
5 if an inmate is emotionally unstable he shouldn't be
6 shown his referral report, is that correct, basically?

7 A. Yes.

8 Q Is there any set procedure to determine this or is
9 this just a consensus of the different people that work with
10 the inmate?

11 A I think if you'd ask a member of the psychiatrists
12 association, if they think that their records should be
13 available for their patients, you'd find that they would
14 tell you no. That oftentimes their diagnosis would be
15 pretty destructive.

16 Q Well, that wasn't my question, my question is, how
17 is it determined that this person is emotionally unstable,
18 is this --

19 A By a psychiatrist who puts a diagnosis down on a
20 psychiatric evaluation.

21 Q Then you have no input into that process?

22 A Not on those cases, no. Not on a psychiatric matter.

23 Q So then, you rely strictly upon the psychiatric
24 report, whether or not to tell an inmate, to let an inmate
25 know --

1 A If he has a psychiatric report, we definitely would
2 look it over, take it into consideration, we don't rely
3 entirely on a psychiatric report in terms of that, no.

4 Q (By the Chairman) Then how is the decision made?

5 A How is the decision made? Well, generally we don't
6 show any inmates the evaluation. If that answers your
7 question.

8 The decision is, itself, an administrative decision.
9 It's not made individually by anyone, if a person shows an
10 inmate his evaluation, he's going against, probably, some
11 administrative policies or procedures.

12 Q (By Ms. Lynch) Okay, then, in regard to -- let's
13 see -- I'm going to scratch that.

14 MS. LYNCH: I have no further questions.

15 THE CHAIRMAN: Any other questions?

16 Gentlemen, we certainly want to thank you for your
17 participation, and the patience you've shown, and the
18 information you've given. And we certainly hope that those
19 items that we have requested, if you possibly could furnish
20 us this information later, we would appreciate it.

21 MR. LATTIN: We'll do our best.

22 THE CHAIRMAN: And thank you.

23 We'll take a five-minute break, please.

24

25 (Short recess)

1 THE CHAIRMAN: We're asking the -- Ladies and
2 Gentlemen, we're back in session.

3 We're asking that Mr. Clark, Mr. Joe Whitaker and
4 Mr. Alden Kelley, will you come forward, please as a
5 panel?

6 Gentlemen, starting with Mr. Clark, do you have a
7 statement, written statement at this time?

8 MR. CLARK: Yes, I'm Mr. Clark, and no, I don't have
9 a written statement at this time.

10 THE CHAIRMAN: Okay.

11 Mr. Whitaker, do you have a written statement?

12 MR. WHITAKER: Yes, I do.

13 THE CHAIRMAN: Okay.

14 Well, will you proceed with your written statement,
15 after we get the written statements, then we will start
16 to interview each of the persons on the panel.

17

18

19 MR. JOE WHITAKER

20

21 A (By Mr. Whitaker) Well, we were asked, in the
22 statement, to give our feelings and I've written some of
23 these things down. And I view the present parole system
24 in Nevada as having unrealistic expectations, by that I
25 mean the parole board is assuming they know how to treat

1 criminality, but in reality they do not.

2 It is wrong for them to let the public believe they
3 know when a prisoner should be let go. To my knowledge,
4 they have nothing that proves they can predict better
5 the probability of someone committing more crimes for a
6 long incarceration as opposed to a short one.

7 Another trap in their thinking is that a man is sent
8 to prison to be rehabilitated. My answer to that is no.
9 You're sent to prison as a penalty and that is the only
10 reason.

11 Personally, I am not convinced that prison really
12 deters anyone except the person who wouldn't do it or
13 commit a crime anyway. If the system wants to educate,
14 rehabilitate and teach a prisoner a trade, why couldn't
15 they give some thought to the fact that all those things
16 could be done much better outside than in prison?

17 All in all, there is a need to reexamine Nevada's
18 system, the system of sentencing, of parole and of revocation
19 of parole. It is all a part of sentencing.

20 That's it.

21 THE CHAIRMAN: Thank you.

22 Mr. Kelley?

23 MR. KELLEY: Yes, sir.

24 THE CHAIRMAN: Do you have a written statement?

25 MR. KELLEY: Yes, I do. I'd like to read it, if I may.

1 THE CHAIRMAN: Make your presentation, please.

2
3
4 MR. ALDEN KELLEY

5
6 A. (By Mr. Kelley) At the present time, I have the
7 unwanted distinction of being in the Nevada State Prison's
8 Senior Citizen. That is the inmate with the longest con-
9 secutive time served.

10 I've been incarcerated since 1955. I have been
11 subjected to the vagaries of four governors and wardens,
12 a half a dozen chiefs of parole and probably 20 parole
13 board members.

14 I've applied for parole nine times. But the obvious
15 lack of success in these efforts is demonstrated by my
16 appearance here today.

17 However, I am an expert board watcher, and have had
18 ample opportunity to acquire some knowledge and many
19 opinions about the often mysterious process by which human
20 lives are manipulated and changed every two months.

21 Also, I've talked with my fellow inmates, prison and
22 parole personnel, judges, lawyers, educators, and other
23 citizens while forming my opinions and drawing conclusions.

24 I am sure my dissatisfaction with the parole board
25 is an attitude shared by a great majority of the inmate

1 population.

2 Before taking your brief glimpse at just a few of
3 the glaring weaknesses, we see in the parole system, I'd
4 like to mention some of the odd and unpleasant incidents
5 that have occurred in my own dealings with the parole
6 board.

7 While some of the specifics are unique to my own
8 situation, similar events have happened far too many times,
9 to numerous individuals, contributing to the widespread
10 and critical consensus we hold of the board's shortcomings.

11 Number one, about two-thirds of all the prisoners
12 will have to confront the board on three or more occasions
13 in the hopes of being paroled for a term not much longer
14 than the last year of their original sentence. All of
15 us must prepare for these hearings as best we can, by
16 trying to organize some sort of attractive parole program.
17 Some instances, two dozen recommendations have been
18 submitted to the board in my behalf concerning job offers,
19 financial resources and other forms of sponsorship.

20 We all try to acquire some support in certain degrees
21 if for no other reason than it is suggested we do so by
22 members of the prison staff.

23 As shown by the parole board's past activities such
24 efforts have usually proved to be a waste of time.

25 Secondly, the board, over the years, has shown a

1 startling lack of consistency in the handling of the same
2 case over several sessions. For me, as for so many others,
3 short denials have been unexpectedly followed by long
4 ones. Scheduled appearances before a panel have been
5 capriciously cancelled without notice or reason. Decisions
6 made in the morning are changed in the afternoon. And
7 unfortunately, political considerations are not an unknown
8 factor in the final outcome.

9 The lack of continuity is most sharply etched in my
10 mind by one experience that I encountered several years ago.
11 On this occasion I was told that I was more than ready for
12 a parole, and a prime prospect for release. But I needed
13 to serve an extra 18 months to lessen the sting of possible
14 adverse publicity. Fine.

15 A year and a half later, after continued good conduct,
16 more recommendations and presentation of two parole programs,
17 I reapplied, confident I had finally earned my freedom.

18 However, at that hearing, new members were sitting
19 in judgment and after a surprisingly brief interview, they
20 completely rejected the previous idea about a parole and
21 handed out a maximum denial.

22 Naturally, like anyone, I wanted to know why I
23 experienced so much trouble in acquiring a parole and how
24 I could improve my chances. I have asked in writing for an
25 explanation or insight into the causes of various actions

1 by the board and what guidelines they use in making de-
2 cisions.

3 I've received answers to my inquiries but they
4 firmly stated that it was an official policy, expressly
5 set by the commissioners not to give any reasons for
6 denials nor to clearly delineate the policies under which
7 paroles are awarded or disapproved.

8 It would be impossible to itemize in one day or
9 one week, all the weaknesses that we know exist within
10 the parole process. But certain injustices are most deserving
11 of discussion and immediate attention.

12 One, inmates are not furnished with specific written
13 reasons explaining in detail any decisions made by the
14 board. Without this critical information we are powerless
15 to shape our own futures and must wait around aimlessly
16 for time, luck, or other haphazard circumstances to change
17 our lives.

18 Special attention, recognition or rewards are not
19 given to the inmate who demonstrates a positive approach
20 to the prison experience through selfimprovement endeavors.
21 Ridiculous as it may sound, there is no apparent correlation
22 between the constructive use of one's time and improved
23 chances for release.

24 Trustees, students and active members of groups fair
25 just as poorly as the most uninvolved or recalcitrant inmate.

1 Logically, this recognition should come in the form
2 of an early parole, but at present that goal remains very
3 elusive for 85% of the population. Instead, men in the hole
4 or working under minimum security, the multiple offender
5 or the first timer, the active or the lazy, are all
6 treated equally. No one seems to know what criteria, if
7 any, are accepted by the parole board in their hearings.

8 Many inmates believe that each type of offense has
9 been assigned a certain amount of time to be done in
10 prison with these requirements being established by the
11 commissioners over and above any minimum standards written
12 in the state statutes or sought by district attorneys and
13 judges.

14 Certainly, the most common word-of-mouth report
15 from the prison staff to disappointed applicants, is, not
16 enough time for the crime.

17 In effect, to some it appears as though the board
18 has been busy rejudging cases and deciding that individuals
19 should have been sentenced to a longer term for a more
20 serious crime than was proven in a court of law.

21 In conclusion, I would charge that the parole board
22 has failed miserably in fulfilling many obligations to both
23 its clients and the citizens of Nevada.

24 The stubborn refusal to directly inform inmates what
25 to expect or why or how, can not be justified against any

1 standards of common decency or justice. What does result
2 is that further indignities are added to the dehumanizing
3 influences already inherrent in any prison system.

4 More often than not, the secretiveness and arbitrary
5 treatment we receive from the board only accentuates the
6 punitive aspects of imprisonment, which surely was not the
7 intent of the legislature that originally authorized
8 paroles.

9 Around the nation protection and rehabilitation are
10 becoming the primary goals of any human correctional
11 system. But here, the board's contributing nothing towards
12 either one. Rehabilitation becomes an empty slogan when we
13 can not be paroled at the right time. Protection of the
14 public is ineffectively handled when almost everyone seems
15 to leave the institution simply because they have been
16 locked up for a certain number of months.

17 We blame the parole board for a number of problems
18 that they've created rather than solved. The prison has
19 become an increasingly expensive and grossly overcrowded.

20 Treatment programs are floundering because of a lack
21 of that most important incentive, freedom. And inmates
22 are stripped of their selfesteem by a tribunal not unlike
23 one which might be seen in a novel by Franz Kafka (Phonetic).
24

25 We had a cynical epithet that we passed around amongst
ourselves at the prison, and we say that the parole board

1 business is nothing but a farce. But the time to stop
2 laughing has finally got here.

3 Thank you.

4 THE CHAIRMAN: Thank you.

5 Could we have a statement by Mr. Clark before the
6 Committee starts personal questions?

7

8

9

MR. MIKE CLARK

10

11 A (By Mr. Clark) Yes, my name is Mike Clark, I'm 26
12 years old, this is my first felony conviction. I was sen-
13 tenced to four years, I've appeared before the parole
14 board once, at which time I was denied parole for one year.
15 I, afterwards, I went back to court and a sentencing judge,
16 I went back on a post-conviction relief, the sentencing
17 judge that I appeared before, and who had sentenced me to
18 the four years, tried to correct the sentence at that time,
19 because he had felt I would be paroled, after one quarter
20 of my time, which was one year.

21 My first board and because I wasn't, he tried to cor-
22 rect my sentence which was appealed by the state and the
23 supreme court upheld the state's appeal, and now I'm pre-
24 paring to appear before the parole board again.

25 It is -- as Mr. Kelley has stated, just not enough

1 time for the crime.

2 That's all I have to say.

3 THE CHAIRMAN: Okay.

4 Q (By Ms. DeLuca) Mr. Kelley, are you presently
5 in medium security or maximum security?

6 A (By Mr. Kelley) I'm at the medium security.

7 Q Would you be willing to state what crime or crimes
8 you were convicted of?

9 A I was convicted of first-degree murder, Clark County,
10 Las Vegas.

11 Q Thank you.

12 And you have served 19 years so far, is that right?

13 A Yes, Ma'am.

14 Q And how long was your sentence, though?

15 A My sentence was the regular life sentence in which
16 I was eligible for parole after seven years at the time.

17 Q And how long had you been at the prison before you
18 first went before the parole board?

19 A Seven years and four months, approximately, I made
20 my first appearance before the parole board in May of 1963.

21 Q And you've gone before the parole board nine times?

22 A Yes.

23 Q And what was your most recent appearance?

24 A My last appearance before the parole board was in
25 May of 1973. At which time I received a two-year denial,

1 which at the time, apparently was the maximum denial being
2 handed out by the parole board.

3 Q What kind of questions did they ask you in the
4 hearing?

5 A Well, at the different hearings that I've been to
6 I've been asked an assortment of questions, the last time
7 I went to the parole board they asked me why I had sought
8 to appeal my case to the state board of pardons, and they
9 wanted to know what I would do, what -- suggestions I could
10 make to solve the problem of publicity that would be
11 attendant if I received a parole and these were the only
12 two questions I was asked.

13 Q So they asked you no questions about your plans, if
14 you were released, or anything like that?

15 A No.

16 Q How long did they take, how long a time did they
17 spend with you this last time, how long did they take other
18 times?

19 A The longest interview that I have had with the
20 parole board was on that occasion when the conclusion was
21 that I seemed to be really ready to leave the prison,
22 but that I should do another 18 months.

23 On that occasions, I was with the board about 30 to
24 35 minutes. In 1973, I was there seven minutes.

25 Q So, have you -- you've never been granted parole, is

1 then, right?

2 A No, Ma'am.

3 Q Were specific reasons for parole given each time?

4 A Never.

5 Q For denial, rather?

6 A Never.

7 Q Never.

8 Not one specific reason at all?

9 A No, Ma'am. And as I stated, I have written in the
10 past, I've written letters to the chief of the parole
11 department and specifically requested some kind of in-
12 formation, what could I go on? What could I expect?
13 How much time? If that was the criteria they were
14 looking at. And he was -- told me that he was unable to
15 answer those questions because the parole commissioners
16 had expressly forbidden him to give out that kind of in-
17 formation.

18 Q Who or what positions, what kind of employees was it
19 that communicated the denial to you?

20 A At the time -- communicated the denial? It was a
21 member of the prison staff.

22 Q And did they give any reasons?

23 A I asked and they said they didn't know.

24 Q About how long did they spend with you each time?

25 A Between 30 and 45 seconds. In communicating the

1 denial. And then in most occasions, a day or two later,
2 we are again interviewed by the classification committee
3 to which Mr. Pyle referred this morning, and which they
4 discussed future plans and base of the denial.

5 On all those occasions no member of the committee
6 has ever been able to offer any information to me about
7 the denials.

8 Q What do you feel the real reasons were for your
9 denials, your denial?

10 A If I knew, I'd try and do something about it. I can
11 only guess and I have guessed a different thing every time.
12 I've not come to any firm conclusions as to what it is.
13 I do know that at the present time I have served more con-
14 secutive years than anybody else for a like offense, and
15 in my sentence is presently the third longest in the
16 state's history.

17 My file or my record since I've been in the insti-
18 tution has been quite favorable, as has been more recommen-
19 dations from the institution. And I've been able to muster
20 up a lot of outside support to go along with my parole
21 also.

22 Q Do you feel that politics or publicity, rather,
23 might be a strong factor in your case?

24 A I have felt that way on different occasions, and
25 I have, yes, also felt that a political consideration's

1 entered into the decisions that were made in my case.

2 I have no evidence on which to base these assumptions,
3 they're just feelings as of yet.

4 Q Did your counselor in the prison specify or offer
5 any suggestions for, you know, altering your plan so -- did
6 they suggest anything at any time?

7 A No.

8 Q Did you make any changes on your own, trying to
9 secondguess and see whether you could get release?

10 A I made a few small efforts, one time I decided that
11 I wouldn't have any parole program presented to the board,
12 so I did that, and then I went ahead and got out of state
13 parole programs, because I thought if publicity was an
14 issue, that maybe if I left the state and went back east
15 that this would be more favorable. I've appeared with
16 counsel and without, I've tried lots of letters, little
17 bit of letters, different things like this. But fundamentally,
18 if you're going to try and conduct any sort of a sales
19 campaign with the parole board, you're pretty much limited
20 as to what you can do.

21 You can just get some letters that say, well help
22 him when he gets out, you can get a job, you can display
23 some kind of financial security and that's all you can do,
24 really.

25 Q Thank you.

1 Are you in any particular type of programs right
2 now or anything? Yes, any programs?

3 A No. Except for the college program, taking college
4 courses. I have been involved in different programs for
5 periods ranging up to five years in the institution, but
6 unfortunately it gets to be sort of a dead end after a
7 while.

8 Q What -- can you tell us something about any
9 educational or vocational programs available at maximum
10 security?

11 A At the maximum security prison the serious problem
12 is the lack of any really constructive programs at that
13 institution. I was over there just the other day for an
14 hour and had an opportunity to look around and talk to
15 the people, and it's discouraging and depressing to say
16 the least. It's a wonder that anybody who stays there any
17 length of time is able to make any sort of a rational
18 statement and do anything constructive or do anything at
19 all.

20 In the past, the school, the high school has been
21 available, but they've been closed down and they hope to
22 reopen soon. There's no college classes. There's one
23 vocational program that I know of which is book binding,
24 which is not really a great demand for those people in the
25 outside world.

1 And the book binding students are limited to those
2 who are in protective custody, so the men on the yard really
3 have no opportunity for participation on that.

4 It's really a warehouse of human souls.

5 Q Is there any general attitude you could discuss, among
6 prisoners, among inmates regarding the parole board,
7 regarding going up for parole the first time? Is there
8 any assumptions made on the part of prisoners that they
9 will or will not make it because of what usually happens
10 or can you --

11 A The first time?

12 Q Yes.

13 A The majority of inmates have unrealistic expectations
14 of making their first board. And in 90% of the cases
15 they're going to get their feelings hurt, regardless of
16 their recommendations, their programs, their involvement
17 in activities in the institution or any other apparent
18 factors. It's a -- I'd rather go play at the dice table
19 than try and make my first parole board, really.

20 MS. DELUCA: I'm going to turn it over to anybody
21 else who has questions.

22 THE CHAIRMAN: Any other member have a question they'd
23 like to ask Mr. Kelley?

24 MR. SCOTT: Yes, Mr. Wilson.

25 Q (By Mr. Scott) I'd like to ask you to relate perhaps

1 from the inmate's point of view, from perhaps that runs
2 through person on the parole board as well as those of
3 the public, the terms that protecting the public and re-
4 ducing time, returning back to prison, could you elaborate
5 on that as far as the concerns about a person returning to
6 prison early by letting them out at different stages?

7 A I think that most of the inmates do not really be-
8 lieve that they will return to prison. There seems to be
9 an experience while one is incarcerated that one undergoes
10 whereby he really gets depressed about his life style and
11 his life situation, and in the great majority of the cases
12 they don't expect to return and they are able to project
13 a certain amount of this sincerity, temporary, unfor-
14 tunately, upon the members of the prison staff and the
15 parole boards.

16 I don't think the parole board is particularly well-
17 qualified to ascertain who the real good risks are and who
18 isn't. This may be one of the reasons that they have
19 wandered into a situation whereby just give them a certain
20 amount of time and if they're not terrible problems, we'll
21 just let them go.

22 Protection of the public, to most inmates, is a
23 little bit difficult to grasp because it's never been
24 explained to us what this means in terms of the parole
25 board's thinking. Or in those other public officials who

1 might espouse the term as some sort of consideration.
2 But 99% of the inmate population is going to return to the
3 streets eventually, and so it would seem to me that the
4 parole board has a duty to try and return them at the
5 best time possible, within his growth process, if one's
6 happening at all, rather than just leaving him there and
7 then just suddenly decide he's ready.

8 We know of cases where men have been in the hole,
9 isolation, and they've been paroled. They didn't even
10 bother to get a parole program, they knew they weren't
11 going to make it, but they had apparently met some criteria
12 not known to them in order to earn his parole.

13 I hope that answers your question.

14 THE CHAIRMAN: Any other questions about it?

15 MR. WALTHER: Mr. Kelley, I'd like to ask you a few
16 questions.

17 Q (By Mr. Walther) How old were you when you were --
18 when you arrived at Nevada State Prison?

19 A Twenty-four.

20 Q And had you had any prior felonies?

21 A I had received probation on one occasion for burglary.

22 Q And so your second conviction was for first degree
23 murder?

24 A Yes, sir.

25 Q How old were you when the felony was committed, the

1 first one?

2 A The first one? I was 18 years old. If I could
3 just wander aside for a minute, we are not allowed to see
4 the material that's in our C files at the institution. So,
5 what I say is not official, but I do know that my FBI rap.
6 sheet exists in my file and mentions certain items on there
7 of arrests, but you see, unfortunately, all they show on
8 any FBI file is arrests, they do not show the disposition
9 of these cases.

10 So, for example, if one were to look at my file they
11 would find two other alleged arrests, but they were never
12 even taken to trial, one was a case of mistaken identify
13 and one doesn't even belong to me. But unfortunately they
14 exist and so the parole board or the parole counselor will
15 see, arrested, arrested, arrested, and they add those up
16 when they are writing out a board report and they do not
17 check with the inmate to verify whether any of these are
18 true.

19 Q Have you ever asked for a view of your file which
20 they have in their possession at the parole board?

21 A About seven or eight times.

22 Q Have you asked in writing?

23 A Yes.

24 Q Have they given you any written reason for not per-
25 mitting you to see it?

1 A Board policy.

2 Q Have you ever had a lawyer present, any lawyer or
3 counselor at all, present or say even any members of your
4 family present at any parole hearings?

5 A Yes, on two occasions I was represented by counsel,
6 this policy has been stopped by the parole board.

7 Q When was that policy stopped?

8 A Sometime -- September, 1972, I think.

9 Q Did you ever request for the use of counsel after
10 September of 1972?

11 A Counsel did.

12 Q Who was your counsel?

13 A I had two lawyers, Mr. Samuel Frankovitch (Phonetic)
14 and Mr. Edward Hale, both of Reno.

15 Q Were they present at your earlier programs? Parole
16 hearings?

17 A Mr. Frankovitch was.

18 Q Did you ever have a transcript of any of the parole
19 hearings?

20 A No, there's -- there were no records kept on parole
21 hearings up until very recently, at which time they
22 started writing a summary of what they felt was the
23 material discussed.

24 Q Did you ever ask to have a transcript?

25 A No, I didn't.

1 Q Do you know if your counsel ever did, when you were
2 represented by counsel?

3 A Not that I know of.

4 Q Are you able, at the present time, from the way
5 you understand it, to have members of your family or other
6 people present?

7 A No representation is allowed at this time.

8 Q How about just onlookers?

9 A To the best of my knowledge, the parole board has
10 tried to discourage this as much as possible, it's my
11 understanding that now only one member of the prison may
12 sit at full board hearings and one member of the parole
13 department may sit there for the purpose of clerking or
14 taking notes.

15 And then the executive secretary and the five
16 members of the board.

17 Q Did they ever bring up the facts of your crime
18 during your parole hearings?

19 A No, they haven't.

20 Q Did they ever ask you why you felt you were suf-
21 ficiently rehabilitated to be out and free?

22 A Yes, they did.

23 Q And what reasons did you give them at that time?

24 A At this particular time I was in about my fourth year
25 of involvement with a selfhelp group known as Sin-Anon (Phonetic),

1 and I had been also involved in some psychological counsel-
2 ing from the institutional psychologist and I'd developed
3 quite a bit of insight to what I felt were certain problems
4 that had existed between me and my father, and things like
5 this.

6 And the board asked about these and we discussed
7 them at some length. This is the only occasion on which
8 this material has been asked or discussed.

9 I have volunteered this sort of information in other
10 hearings, but there's been no questions asked about it.

11 Q Have you ever requested in writing, that they
12 provide you with written reasons why your parole was denied?

13 A Yes, I have.

14 Q Did you request last time?

15 A I'm not sure. It was either '72 or '73 that I asked,
16 I don't remember which time it was. I'd have to look at
17 the letter again.

18 Q Did you ask them at the hearing to give you reasons
19 why you would be denied, if you were in fact, denied?

20 A No, I did not, because I didn't want to raise the
21 subject of possible denial. I tried to adopt a positive
22 approach in those matters.

23 Q Did they ever indicate to you that the reason why
24 you were denied parole was for deterrence reasons?

25 A No, they did not. This subject was raised in one other

1 occasion when I appeared before the board of pardons. But
2 not by the parole board.

3 The parole board has not given me any indication on
4 any occasion for any reasons at all.

5 Q What's your record like in prison here?

6 A I think it's quite acceptable, above average.

7 Q Have you spent any lost -- have you ever lost good
8 time or stat. time or anything along that line, or have
9 you ever, you know, had sanctions imposed against you for
10 any violations of prison rules or anything like that?

11 A Yes. I have. In 1972 I spent three days in
12 isolation because I had some illegal cat food for an illegal
13 cat. And in 1957 I spent sometime in lockup for being a
14 hardnose.

15 Q A what?

16 A Recalcitrant, troublemaker, and it was during this
17 period while I was in lockup that I began to reappraise my
18 situations.

19 Q Do you have any educational degrees now?

20 A No, sir.

21 Q What did you propose, you would do, to the board if
22 you got out? What did you have in mind?

23 A I have suggested several different programs to the
24 board, the most common of which and the one that has
25 attracted me the most has been to return to school, finish

1 an education and try and find some sort of a career in
2 corrections.

3 I'm not-- let me correct that. I am as critical,
4 probably of the prison system as I am of the parole system,
5 and I feel that there's a great number of changes that
6 should be brought about in both, and I'd like to get in-
7 volved in that and take some of the knowledge that I've
8 gained from this prison experience and put it to good use.

9 I think there's room for exconvicts in a number of
10 areas including the parole process and I'd like to be one
11 of them.

12 THE CHAIRMAN: Any other questions?

13 MS. LYNCH: I have a question.

14 Q (By Ms. Lynch) Were you given a chance to explain
15 the discrepancies in your FBI rap. sheet to the parole board?

16 A No. We are not permitted to see all the material
17 in our files so therefore, legally, I don't know that it's
18 there. But unofficially, I do. And I have requested that
19 as a lot of other inmates have, also, requested an opportunity
20 to review the material in our C files for that purpose,
21 of expunging erroneous material or to correct any miscon-
22 ceptions that may be in there or to discuss or debate cer-
23 tain reports that might be in there from one source or another.

24 Q Did the board ask you about any of these things?

25 A No, they have not.

1 Q They didn't.

2 THE CHAIRMAN: Any other questions?

3 DR. KATZ: Yes.

4 Q (By Dr. Katz) Did you hear Mr. Lattin indicate that
5 it is possible for you to request an independent psycho-
6 logical evaluation or psychiatric interview that might
7 be included in your reports?

8 A No, I did not hear him say that.

9 Q Are you aware that this is possible or ---

10 A I know that -- ^{(No)?} know I was not aware it was possible,

11 I do know that some sort of psychological evaluation is
12 usually conducted for inmates appearing for more serious
13 crimes, usually been the policy, I've been interviewed by
14 several different psychiatrists, on my stay there, been
15 tested a couple times by the prison psychologist and so
16 forth and so on, this has seemed to be standard procedure
17 for all of the major offenses that are appearing before
18 parole.

19 Q Do you have any knowledge at all of what these
20 reports or these evaluations indicate?

21 A Unofficially, I am aware that they are pretty
22 positive. But I've never been permitted to examine them.

23 Q And to what extent, again, do you have any clues as
24 to what extent they are included, let's say in your actual
25 report?

1 A Well, I know that an interview was held every time
2 before we go to the parole board, what the counselors
3 do with all of the reports that they collect, is not known
4 to us. They collect one from work supervisors and educators
5 and correctional officers and the psychiatrist and anybody
6 else, I guess, that feels like filling out a report.

7 But I do know that they have to compile this and
8 draw conclusions from them and create a summary report
9 which is the final report that I think is passed on to
10 members of the board.

11 I don't think that they see every item that is in
12 your institutional file. I think they see the digest of
13 it that's prepared by a counselor.

14 Q All right.

15 We were told by Mr. Lattin and Mr. Pyle that the
16 inmates generally are aware, anyway, right, of what the
17 reports indicate and that in terms of reporting back to
18 you, that how the decision was made and the basis for it.

19 As you, I believe, fairly well know or communicated
20 that. What is the general attitude of inmates, are they
21 aware, let's say what their reports indicate and are they
22 aware of the decision-making process and again, also, what
23 they could do to increase the possibility of getting an
24 approval next time around?

25 A I'd have to say no on all counts. The process by which

1 the board is now supplying information to the prison, who,
2 in turn, must interpret it and pass it along to the inmate,
3 is quite new.

4 I think they've only done it twice now. The ex-
5 planations that are given are rather vague in a number of
6 cases.

7 Not enough time seems to be the most common one, and
8 is checked off on a letter ticket, a little box by there,
9 they check it off and give it to the prisoner and the
10 prison holds it up and reads it to the inmate, but there's
11 no explanation given there as to what is enough time and
12 why haven't I done enough time or this, that or the other
13 thing.

14 There's a thing there called for the protection of
15 the public, people are getting this as a reason for denial
16 while they're on outside minimum security custody and they
17 continue to go back out at minimum security custody.

18 The nature of the crime is another reason that gets
19 passed down, but, of course, no crime is pleasant or
20 favorable and so this would seem to be kind of an evasion
21 of it.

22 Inadequate programming is one that occasionally
23 pops up but the institution is forced to interpret this in
24 their own light and in their own programs and sometimes
25 the interpretation comes out expressed in a rather strange

1 fashion. The inmates have -- are right now are just as
2 disgruntled about this mystery business as they were six
3 months ago, a year ago or 12 years ago.

4 Q (By Ms. Johnson) Mr. Kelley, you talked about
5 being interested in a job in corrections. Have you had
6 any such job offers, and if so, from whom?

7 A I have only had offers of assistance from people in
8 the correctional business to assist me in going back to
9 school and eventually finding job placement.

10 Such offers have come from Mr. Dave Fogle (Phonetic),
11 Dr. David Fogle, who is the governor's representative on
12 crime and corrections in the State of Illinois, Gerhart
13 Mueller, who's professor of law at the University of New
14 York and Dr. Richard Korn (Phonetic), who is professor
15 of criminology at the University of California at Berkley.

16 Q Have you ever been apprised of whether or not the
17 institution was recommending you for parole?

18 A I have been told informally, that the prison has
19 recommended me favorably for the last four or five hearings
20 that I've appeared before the board. I didn't ask to read
21 them because there didn't seem to be any reason for it.
22 But we were operating under the assumption, I think that
23 most of us still have, that you can't see it anyway, so you
24 don't ask to see why, especially when they tell you it's
25 favorable.

1 Q Do you have any idea of the average time served for
2 the conviction of murder, first?

3 A The nationwide average for first degree murder is 15
4 years and two months, the California average is about 14
5 years, which includes life without possibility of parole
6 sentences, and the Nevada average is about 12 and a half
7 years.

8 Q And you've been incarcerated how long?

9 A Nineteen years.

10 Q Are you familiar with correctional ombudsman program
11 being used in some states around?

12 A Yes, I am.

13 Q What is your feeling about its implementation in
14 Nevada? With particular emphasis on parole?

15 A I would like to feel that the correctional ombudsman
16 concept would be an extremely valuable, in a small state
17 such as Nevada, because he would have the opportunity to get
18 right close to the problems and deal on a one-to-one basis
19 without a lot of bureaucratic interference with the people
20 involved.

21 I did hear a mention this morning from Mr. Pyle
22 that we had an institutional ombudsman and that's the first
23 I ever heard of it. I don't think any of us have heard
24 of it.

25 And asked a couple members of the prison staff that

1 are here today whether they'd heard of it, and they hadn't
2 heard of it either. I do hope that it's going to be publi-
3 cized and made available to us in the very near future,
4 because it has a lot of valuable functions, I think.

5 Q (By Mr. Walther) Mr. Kelley, who advised you that
6 you were going to receive a favorable recommendation from
7 the institution?

8 A Parole counselors and other members of the staff.

9 Quite frankly, what it boils down to is you ask
10 somebody, anybody, do me a favor, how did I rate with the
11 prison? And if they feel like doing you a favor, they
12 will go find out for you.

13 Q Have you ever made a written request to get the
14 actual recommendation or report or even a report --

15 A No, I haven't. The only request that I ever made
16 was to see my file in toto.

17 Q Your C file?

18 A Yes, the same file that all of these reports go into
19 anyway. For that purpose, to see what everything that's
20 been going on.

21 Q Generally speaking, do you think that incarceration
22 strictly for purposes of deterrence is valid or valuable?

23 A In my particular case --

24 Q I mean generally.

25 A No, I'd like to just give an example.

1 When I went to the pardons board, that was the
2 reason that was given in my particular case that deterrence
3 was a valuable factor. Ten days later there was a crime
4 committee in Reno, very similar to mine. And I think this
5 kind of emphasizes the fact that deterrence is not a
6 viable function of correctional process or the judicial
7 process, because the people that need to be deterred aren't
8 listening and the people that are not going to cause
9 trouble are listening, but they don't need to be deterred.

10 Q So, if you were in corrections, and you were sitting
11 on the parole board, you would never consider, yourself,
12 deterrence as a valid reason for incarceration but strictly
13 rehabilitation?

14 A Rehabilitation, protection of the public in certain
15 cases, yes. But deterrence, I don't feel is in -- is at
16 all effective.

17 Q You mean if you were satisfied, say, that the person
18 who came before you who'd committed first degree murder,
19 would never do it again, and he'd only been in for a year,
20 you would -- you would recommend his release?

21 A The parole board is not capable of allowing an inmate
22 on first degree murder charges to be paroled before ten
23 years.

24 Q I understand that, but I'm assuming that the statutory
25 system was set up so that deterrence or so that there would

1 be no minimum.

2 And If I felt absolutely convinced at the end of one
3 year that he was ready to return and not commit more
4 crimes, I would, yes, recommend his parole at that time.

5 THE CHAIRMAN: Thank you, Mr. Kelley.

6 Well, now -- ~~Is~~ Fernando?

7 MR. ROMERO: Yes.

8 Q (By Mr. Romero) Mr. Whitaker, how many years have
9 you served at the Nevada State Prison?

10 A (By Mr. Whitaker) Two years.

11 Q Two years.

12 A Yes.

13 Q And your term is for --

14 A Eight years.

15 Q -- eight years.

16 You are in the medium security facility, I understand?

17 A That's correct.

18 Q And how long had you served before going to the board
19 for the first time?

20 A Sixteen months.

21 Q Sixteen months?

22 A Yes, sir.

23 Q And since then how many times have you been going?

24 A I made my initial appearance last September, after
25 going 16 months, I will be going this coming September.

1 Q So you've only been there --

2 A Once.

3 Q And obviously, it was not granted?

4 A No.

5 Q Were reasons given for the denial?

6 A Not really. I was told that I didn't have enough
7 time. On the sentence.

8 Q Who told you?

9 A I was told by the counselor in the office, when I
10 was handed my denial slip.

11 Q Did the parole board in any way inform you of such
12 reasons for denial?

13 A No, I think that the counselor told me at the time
14 that they felt that I was -- had too much going for me and
15 it was too intelligent an individual to have been involved
16 in such an antisocial crime.

17 Q May I ask --

18 A Sale of cocaine.

19 Q How long was this after you went before the board,
20 you said it was immediately after you went before the
21 board that the counselor notified you of your denial.

22 A No.

23 Well, after everyone has been to the parole board,
24 everyone, then the parole board leaves the institution and
25 members -- and those that went to the parole board are then

1 called back in. Usually in the order that they went before
2 the board, and given either their parole or their denial.

3 Q In hours or days or weeks?

4 A A matter of an hour or two hours after the board
5 left.

6 Q After they left the facility?

7 A Yes.

8 Q Would you say that then the parole board then makes
9 the decision as soon as perhaps the inmate walks out the
10 door? Would you --

11 A I would say so, yes.

12 Q Did you make any changes in your program after the
13 denial?

14 A No. Because I was involved in every program that a
15 person could be involved in, for the first board, and I just
16 continued it.

17 Q Could you be more specific as to the types of pro-
18 grams that you have been involved with?

19 A Well, I've been involved in an education program
20 since I arrived at medium security; I was a member of the
21 Jay-Cees, and was elected to the -- to be a state director
22 for the chapter.

23 I've been a member of the inmate committee, and made
24 advisory committee twice. I was involved with the drug pro-
25 gram, learning periprofessional counseling, learning how to

1 be a ^{Para}~~para~~professional counselor. And that's it.

2 Q Mr. Whitaker, earlier this morning, I don't think
3 you were here, but the governor's representative made a
4 statement to the effect that one-third of his staff or of
5 the prison staff had received extensive training in drug
6 abuse. Has this extensive training been given to you by
7 the staff?

8 A No. I would say that the -- that isn't so.

9 Q When you first arrived, when you, you know, were
10 first sentenced, did you receive assistance from prison
11 personnel into selecting some kind of rehabilitation program
12 or was it you who decided, you know, basically what was
13 good for you?

14 A I kind of decided what was good for me.

15 Q Did they help you in any form? Did they suggest
16 certain things that you perhaps had not looked into?

17 A No, they kind of give you an outline of the things
18 that exist, they have the Alcoholics Anonymous and the
19 drug group, of course, and the Jay-Cees and there's some
20 Yoga groups and a few other groups, but an individual is just
21 kind of left on his own to pick and choose what he wants.

22 Q Did your counselors or anybody else give you any
23 information as to how to prepare for the parole board
24 hearing?

25 A No.

1 Q You did this basically on your own, assuming what
2 it was that, you know, you had to prepare for?

3 A Well, in the time that I had to prepare for the
4 board I kind of watched how other individuals went about
5 preparing themselves, and looked at those individuals that
6 had been there for some time, and accepted recommendations
7 from them.

8 Q Do you know of, since you've been in, of anybody,
9 any inmate who has gotten paroled on his first time?

10 A Yes.

11 Q Would you say, could you take an estimated guess
12 as to what percentage this would be?

13 A I think it's a matter of record that somewhere between
14 10% and 15% of people appearing before the board the first
15 time make it.

16 Q Do you know of anybody who has received parole his
17 first time out who had a sentence more or less like yours?

18 A Yes.

19 Q Prior to appearing before the parole board, did you
20 get the opportunity to discuss your situation with correc-
21 tion officers, staff counselors, the executive secretary to
22 the board, parole board members or other individuals?

23 A My only contact was with my counselor at the time,
24 and we talked for about an hour, getting all sorts of data
25 together.

1 Q Mr. Whitaker, what would you recommend to the board
2 to increase its knowledge of the inmate?

3 A I would recommend that the C file, that they draw
4 their information from, be more complete. I would recom-
5 mend that the inmate be allowed to go through this with
6 his counselor or whomever, and see this information, check
7 it out, because we don't have any knowledge, really of
8 what's in there.

9 More often than not, the reports that are gathered
10 by staff, teachers, counselors, officers, are the reports
11 that have negative connotations to them, moreso than the
12 good that an individual has been doing, the changes that
13 they've made in their life. The achievements that they --
14 it's -- you're more subject to get a writeup for something
15 petty, like Alden pointed out, an illegal cat and illegal
16 cat food, than you are for saving another inmate's life.
17 If you happen to have -- wander onto something like that.

18 Q Mr. Whitaker, have you seen the prison psychiatrist,
19 and if you have, approximately how many times?

20 A I've never seen a prison psychiatrist.

21 Q Has he ever contacted you or any counselor referred
22 you to the psychiatrist?

23 A No.

24 MR. ROMERO: I have no further questions.

25 THE CHAIRMAN: Any other questions by Committee members?

1 MS. STANOVIK: I have a couple.

2 Q (By Ms. Stanovik) Considering that a large number,
3 I believe Mr. Lipparelli said one-third of the inmates
4 are convictions on drug charges, keeping that in mind,
5 do you feel, you personally, that the parole board, the
6 members of the parole board, have adequate knowledge of the
7 whole drug scene, that they know, they have some background
8 about -- about the different types of drugs and about the
9 different types of drug convictions and those kinds of
10 things? The board itself?

11 A I think the board has a very limited understanding
12 and view of drugs, drug users, drug pushers, and drugs
13 themselves.

14 Q What about the members of the prison staff?

15 A Very few of them know anything about drugs. From
16 pills to marijuana to heroin, cocaine, right on down the
17 line, they really don't know anything about them.

18 Q Along the same lines of understanding, do you feel
19 that the members of the parole board have an understanding
20 of different cultural backgrounds, of persons from dif-
21 ferent cultural backgrounds?

22 A No, I don't. I don't feel that they do. I don't
23 feel that they have compassion for them. I think that
24 inmates appearing before the parole board from Blacks,
25 Indians, Mexican-Americans, look at the board as a kind of

1 hopelessness that they feel when they appear before it,
2 because it's kind of the general feeling that people take
3 care of their own, like dogs take care of dogs, cats take
4 care of cats, and Blacks take care of Blacks, and there's
5 no one there to take care of them, the Blacks and the
6 Indians, it seems as though they do more time for the
7 related crimes than Whites.

8 Q Do you think that that's a general feeling among
9 the inmates from minority backgrounds?

10 A That's the feeling I'm expressing right now.

11 Q What about the members of the prison staff? Same
12 question, their understanding of different cultural back-
13 grounds?

14 A I don't think they understand. I really don't think
15 they understand. You have to be exposed to this thing,
16 you have to work with them -- with them, live with them
17 in some instances, in order to understand the problems,
18 the psychological problems that exist.

19 MS. STANOVIK: That's all.

20 Thank you.

21 THE CHAIRMAN: Any other questions by the Committee?

22 MR. SCOTT: I wanted to ask another question, if I
23 may.

24 Q (By Mr. Scott) Mr. Wilson. May I proceed on Mr.
25 Whitaker by asking him about minority staff people working

1 at the prison, and I understand there has been some Blacks,
2 a few, and they didn't last very long. Do you have any reason
3 why they didn't last very long, do you know any reason
4 why you think they didn't last very long?

5 A Yes. Racial pressures from staff itself. Not, I
6 don't feel so much from the higher level, from the adminis-
7 trative point of view, but I think from the officers
8 and the counselors that they have to work with. I have
9 not -- I not only think this but I know it. I've heard these
10 racial slurs, and I felt embarrassed for the officer.

11 Q So, otherwise, you feel like if a person, a staff
12 person was in a command position that the minority persons
13 inmates in the prison would perhaps may have a better
14 chance if there was someone in a command position from
15 minorities?

16 A I believe so.

17 Q Supervisory?

18 A I believe so, but I think that it should be wide-
19 spread, I think that there should be -- I believe all the
20 minorities should be represented in the prison because the
21 prison population has everything there. Have all the
22 minorities.

23 Q Do you feel that a committee from the prison could
24 give some recommendations prior to one going to the parole
25 board, some kind of a fair, balanced recommendations, by

1 meeting with the person who's going to the board and offering
2 some recommendation that could go along from the inmates
3 as well as those from the counselor's office?

4 A I do, but this type of input has been restricted by
5 parole board policy. I understand at one time they were
6 allowed to write such reports if they felt that dealing
7 with an inmate on an everyday basis, they felt that he was
8 ready, they come to know him, they come to understand his
9 needs, his problems, his hangups, his faults, but they're
10 not allowed to make these recommendations.

11 Your teacher, your vocational counselor, the
12 officers that patrol and house the area that you live in,
13 are not allowed to make positive recommendations for you,
14 they're restricted to putting circles around little things
15 that are known as attitude, adaptability, capabilities
16 and things like that, one, two, three, four, five, and
17 you're graded like excellent, good, above average, fair,
18 poor, and they're not allowed to really give the parole
19 board what they know about you.

20 Q Does any other member have anything different from
21 that, do you feel any different from that, or support that
22 or otherwise? Do you feel that -- do you feel that the
23 committee -- the inmates in the prison have some idea about
24 who's going to make it, who's ready, who's not ready or
25 so forth?

1 A (By Mr. Kelley) I feel that in the past years gone
2 by, that the prison staff played an extremely important and
3 integral part in the parole process. I think that their
4 role has really been lessened and that more recently that
5 they have had much less influence or effectiveness in the
6 parole board.

7 I heard Mr. Pyle this morning, say that he feels
8 that 90% of his recommendations receive similar action
9 from the board and I can't accept it. I find that highly
10 questionable, because informally speaking, members of the
11 prison staff will talk to us and they'll say, it's --
12 really difficult to program an individual because you
13 just don't know if you're going to do any good with him
14 when it comes parole board time. And unless there is a
15 case where a great majority of recommendations were for
16 negative, I don't think that the prison report carries any-
17 where near that kind of success rate.

18 Particularly if you just examined those individuals
19 that they recommend favorable action for.

20 THE CHAIRMAN: Thank you.

21 Q (By Dr. Katz) How many hours would you say you've
22 spent with your correctional counselor since you've been
23 incarcerated?

24 A (By Mr. Whitaker) Three.

25 Q Three hours? In terms of your ability to communicate

1 and rapport you've had with him, do you feel that he under-
2 stands you and your background and has a good knowledge of
3 you as a person, as an individual, human being?

4 A I believe so, but I also believe that if we spend
5 more time together he will know that much more about me.
6 His knowing things about me come from the fact that he knows
7 members of my family, he's been -- they have contacted him,
8 by phone and by mail --

9 Q All right, in regards to the postclassification
10 meeting you had with him, how was that handled, how did
11 you feel about the kind of communication you got from him?

12 A I didn't feel anything about it. It was just a for-
13 mat. It was something that he had to go through and the
14 sooner that he could get by me and get to the next one,
15 the better.

16 Q Were any recommendations made as to how you could
17 improve or work on yourself as well as a program relative
18 to the next meeting or next hearing?

19 A No, because there was nothing else the prison could
20 offer me and they kind of indicated this to me. My
21 counselor felt that I was ready to go home, but then he
22 wasn't on the parole board.

23 Q Was he able to, except for the time factor, then,
24 this is the only communication you had as to why you were
25 denied, then?

1 A Yes.

2 Q Or the reason you were given?

3 A That's correct.

4 Q (By Ms. Johnson) Mr. Whitaker, in the past three
5 years, percentage of people paroled at their initial
6 hearings have decreased from 25% to 16% although there was
7 a study taken in 1971, demonstrating that parolees released
8 at initial hearings were 33-and-a-third percent more
9 successful.

10 I wonder if you have any ideas on what the reasoning
11 behind a decrease in those percentages might be?

12 A The decreases in parolee and individual on their
13 first --

14 Q Yes.

15 A No, I have no idea.

16 Q What would you say the general atmosphere of the
17 prison after a board hearing is?

18 A Ninety percent of the prison's population is mad.

19 Q Why? What accounts for that?

20 A First of all, I believe that the inmates know best
21 of all when another inmate is ready to go, when he has
22 reached -- there's a point in an inmate's life, sometimes
23 it's after they've spent their first five days in the
24 screen cell or maybe after they've been there 30 days, but
25 you don't have to stay in prison a lifetime to realize that

1 you've made a mistake. And that you're not so concerned
2 with yourself at times, but what it's doing to your mother,
3 what it's doing to your father. If you're married and a
4 parent, missing your children, losing your wife, because
5 these things usually happen after a period of time.

6 If you've been at all involved in supporting your
7 family. If I don't go to the board and

8 If I don't go to the board and Alden goes and he gets
9 dumped, I feel terrible. I really feel bad. I feel the
10 same way for Mike. I know they're ready to go.

11 There are inmates there that I feel aren't ready, I
12 think of all of us sitting here we know that there are
13 some that aren't ready to go back in society, but the
14 majority of us are, and you don't have to serve a third of
15 your time if you have a ten-year sentence, you don't have
16 to be here three and a half years, you've passed the point.
17 The parole board, in so many instances, has passed the
18 point of seeing that this individual is ready and now the
19 next -- and now the time that they're doing now is building
20 up a bitterness and resentment in them to the system.

21 THE CHAIRMAN: Thank you.

22 We will move on to Mr. Clark?

23 Q (By Ms. Stanovik) You have served two years of a
24 four-year sentence, is that right?

25 A (By Mr. Clark) Yes, I have.

1 Q And you've been before the parole board how many
2 times?

3 A I've been before them once before, last July.

4 Q And you were --

5 A Denied for one year.

6 Q Denied for one year.

7 A Yes.

8 Q Were you given any reasons?

9 A Not by the parole board members themselves, because
10 they've left at the time you get the results. But I was
11 given, at the time, by the prison staff that hands out the
12 results. They told me, the chaplain who was there and
13 associate warden told me at that time, that it wasn't
14 because I had a lack of programs or anything, but that it
15 was, the parole board felt I was too intelligent to have
16 become involved with the crime in the first place, and
17 needed another year to impress me.

18 Q What kind of program did you -- were you working on
19 at that time?

20 A I was, like Joe, I was probably involved in every
21 program that I could possibly get into that didn't conflict
22 with one another. I was in the Jay-Cees, I was vice president
23 of the Jay-Cees, we'd organized a drug panel and it was
24 a juvenile delinquency panel, I was working at the library,
25 I was running the library in the education department, I was

1 taking correspondence courses from the university and I
2 had been outside on several long programs such as on
3 trial judges conference and at Reno University, and I've
4 just been active.

5 I kept my time, occupied it all the time and tried
6 to stay busy.

7 Q Did you change this program at all after the denial?

8 A To an extent, it wasn't to try to -- the only
9 reason I did is because the job after I was denied for a
10 year, I went to -- I received minimum custody and I went
11 to work outside for the forestry department, and I've
12 been with them now for the last year.

13 There's a lot of time, especially in the summertime
14 when you're fighting fires, and everything, and you can't
15 be active in these groups and fulfill whatever position you're
16 holding in those groups, so that's -- now, I'm just more
17 or less with the forestry department and I haven't had the
18 time for the Jay-Cees and the other groups that I'd like
19 to stay with.

20 Q When you were denied parole, did you, at any time,
21 try to get the parole board to reconsider your situation?

22 A I didn't for a board advancement or anything of this
23 nature, I -- when I originally pleaded guilty there had
24 been some plea bargaining so I went back, I filed under the
25 postconviction statutes, I went back to court and tried to get

1 my time resolved there. That's when my time was corrected
2 and then it was appealed and so on.

3 I'm still in.

4 Q Did you know, after your denial, did you know what
5 you had to do between then and the next time you went
6 before the board to hopefully get paroled next time? Were
7 there some specific things you had that you -- that you
8 knew if you did those things it might do some good?

9 A Well, no, it's just I -- the reason I've been told
10 by the prison administration was that I needed another year
11 to impress me. I figured, with good behavior, I had the
12 prison recommendation for my first board, and so I was --
13 I just figured they wanted another year out of me. And at
14 that time, I'd been short enough, I'd only have, when I go
15 before the board this time, six months left, or approxi-
16 mately nine months, ten months on parole, if I'm paroled,
17 but I'd have six months left to clean up. So --

18 Q Do you agree with Mr. Whitaker that perhaps, both
19 members of the prison staff and members of the parole board
20 are not compassionate, I believe is the word he used, to
21 members of minority groups?

22 A Oh, definitely. I've heard some comments made about
23 the minority groups, by the different officers there.

24 I think you're going to have prejudices until people
25 become better educated or at least deal with one another more,

1 but I believe we have some prejudices just from background
2 and whatever, and that's something that's going to take us
3 quite a while to get away from.

4 Q Do you feel, then, that either the -- some of the
5 members of the prison staff or members of the parole board,
6 treat people from minority groups different?

7 A Oh, yes, definitely.

8 MS. STANOVIK: Thank you. I don't have any more
9 questions.

10 THE CHAIRMAN: Any other questions?

11 Q (By Mr. Walther) ~~Might I ask~~ what your offense was,
12 what you pled guilty to?

13 A Yes, sale of marijuana.

14 Q Was it your first offense?

15 A Yes.

16 Q The judge said that he sentenced you to four years
17 and figured you'd be paroled in one?

18 A Yes. He figured I would -- he had a letter from the
19 department of parole and probation, a memorandum that had
20 been passed out to all the judges, asking that an individual
21 be sentenced to more time and that with the proper recom-
22 mendations and behavior, in the institution he would be
23 released in one-quarter of his time, and this way they have
24 a longer supervision period on the inmate. Or on the indi-
25 vidual. This is why he tried to correct my sentence, he

1 indicated that.

2 He wanted me to do one year in prison and three
3 years under supervision, which now I'm doing two years in
4 prison and maybe less than a year on -- under parole super-
5 vision, if I'm paroled.

6 Q Was that your first offense?

7 A Yes, that's -- goes along with what Alden Kelley was
8 saying, they have your FBI rap. sheet there, which may
9 entail numerous arrests, but there's no disposition.
10 I had several arrests but most of them were thrown
11 out of court before I ever even went. So it was my first
12 felony conviction.

13 Q At the parole board hearing, did you tell them you
14 figured that you had a rap sheet that was ambiguous and try
15 to explain it to them?

16 A Yes. In fact, that was brought up that I did. They
17 hadn't looked at my FBI rap. sheet as much as they had
18 a copy, I guess, of the presentence investigation before
19 I was sentenced, they asked me about some of those cases
20 there and I explained it to them.

21 Q What did you tell the parole board to try and con-
22 vince them that the sale you accomplished a year before
23 wouldn't ever happen again?

24 A Just that I had learned my lesson, that's all you --
25 you just try to -- you show them which perhaps you have and

1 understanding that you realize it's not only yourself
2 you've hurt but your family, and you just show them the
3 programs and what you've done for the last year, or you
4 try to explain that to them, if they ask.

5 Q Do you think the hardship on your family, for
6 example. or your wife, should be a consideration by the
7 parole board?

8 A I definitely think so. I think -- these are the
9 people that are going to help you. If, at one instance,
10 you go up to your first board and you have a wife that is
11 waiting for you, she's saved money together, you're going
12 to go to school or whatever your circumstances are, your
13 wife has no criminal record of any sort, I think they
14 should take this into consideration.

15 Well, he has this person out there to help him,
16 where maybe you're dumped for a year and you go up to your
17 second program and you no longer have your wife to help you
18 on this time, so you're out there on your own for a lot of
19 individuals. And some of them have their family.

20 Q Are you saying that a person should get a more adverse
21 determination from the parole board because he doesn't
22 have a wife?

23 A No, no, I just think, whoever, I'm not saying just
24 because he's married, just as one instance I think -- I
25 don't think more time anybody does, I think it has a negative

1 effect, you know, if nothing else for most people.

2 But I do think that they should take into con-
3 sideration who he does have out there. I'm sure in a lot
4 of these instances, or in my own instance, for instance,
5 they, a lot of letters of support that I had from pro-
6 fessors, teachers that I'd had at the university, I'm
7 sure that they didn't even get a chance to see these
8 letters or they didn't have the time to see them. I be-
9 lieve they had a chance to but I believe it's just the
10 day before or the day you're going to the board, they
11 receive all this stuff in the mail.

12 Q Well, at the hearing, did you ask to go over this
13 stuff with them?

14 A They kind of glanced through the letters, they,
15 you know, whoever the chairman or -- they're all looking at
16 it, I believe, but it's -- you're not in there that long.
17 I was in there approximately five minutes.

18 Q Well, are they the ones that cut the hearing off or
19 were you done at that point?

20 A Excuse me?

21 Q Well, what I'm saying is are they the ones that cut
22 the hearing off at the end of five minutes or is that all
23 you had to say?

24 In other words, did you say, I have more or there's
25 more things I'd like to bring up, and they said no, or was

1 that it as far as you could present?

2 A They just brought it up that that was all the
3 questions they had to ask of me. They called the next
4 individual.

5 Q One other thing. I just wanted to ask you, you
6 said you think it's important for the parole board to know
7 that you've a family waiting outside.

8 The other thing that strikes me unfavorable about
9 that is the only question in my mind, if I were a parole
10 board, it seems to me ought to be whether or not you're
11 rehabilitated now to the point where the chances are, you
12 know, sufficiently good that you'd never recommit the
13 crime, because the people you hurt are not just your
14 family but the people you end up selling it to, for example,
15 in the case of a sale.

16 A Yes.

17 Q So I can't see in my own mind why the fact that, I
18 mean I'm certainly sympathetic factor, but why should that
19 be a consideration of the parole board?

20 A I think, and I believe if it was investigated, I
21 think -- I know a lot of people who have no family or
22 anything that are incarcerated who have been released on
23 parole, and released on parole to a motel room downtown
24 and a job at a gas station, with knowing nobody in the
25 community in which they're released to.

1 I believe that the record would probably show that
2 the recidivism rate is extremely high for those that are
3 released under those circumstances than somebody who's
4 released maybe to his own community where his family is
5 present or his wife or close friends.

6 Q But, see, the argument there is that if a person
7 doesn't have anybody on the outside, if the person doesn't
8 have anybody on the outside, you, supposedly, sitting as a
9 parole board member, would be less inclined to grant him
10 parole.

11 A It's -- being rehabilitated and having somebody,
12 they have a lot of programs existing now for --

13 A (By Mr. Whitaker) Can I say in terms of why should
14 it lessen a person's chances?

15 Why should it increase a person's chances? We're
16 not talking about lessening a person's possibilities of
17 parole but increasing one's possibilities.

18 Q The point that I thought that he was making was that
19 family factor should be important in determining whether
20 or not the fellow should have parole.

21 A I think it should be a determining factor.

22 THE CHAIRMAN: Any other questions?

23 Q (By Ms. Johnson) When is your next hearing before
24 the board of parole?

25 A This month, the end of this month. July.

1 Q The end of this month?

2 A Yes, the 30th of July.

3 Q Do you feel that your testifying here might have
4 any adverse effect on the outcome of that one way or the
5 other?

6 A I wondered about it, it -- there's only one way to
7 tell and that's what you tell on the 30th of July.

8 Q (By Mr. Romero) Mr. Clark, when you went before the
9 board, did you get the feeling that the parole board
10 thoroughly and completely reviewed your case before you
11 came -- before them? Or were they thumbing through the
12 file and all this, while you were being questioned?

13 A (By Mr. Clark) They were thumbing through the file
14 and they just, I didn't feel there was really that much
15 concern, I felt, I had been dumped before I even went in
16 there, so --

17 Q But did you get the feeling that they had thoroughly
18 and completely reviewed your case before you went before
19 them?

20 A No, I didn't.

21 Q Mr. Whitaker, how did you feel?

22 A (By Mr. Whitaker) No. No, I didn't feel that they
23 knew anything, really anything about my case.

24 Q Were they also thumbing through and --

25 A Only one individual did any thumbing and that was the

1 chairman at the time, the other two just kind of set by.

2 Q Did the five members, did each one ask you at least
3 one question?

4 A I appeared before a panel and there were only three.

5 Q Three?

6 A Three there.

7 Q And the three asked you at least one question?

8 A At least one, yes.

9 Q (By the Chairman) Mr. Kelley, did you feel that they
10 had thoroughly or that in all the past times that you have
11 gone to them, that they have thoroughly reviewed your case?

12 A (By Mr. Kelley) No, I have not felt this way.

13 Q Before the same board that now exists, how many
14 times have you gone to them?

15 A Well, the board changes --

16 Q Right. I'm just saying before the same board members?

17 A I've only appeared before the same full five, once.
18 Three of the members were there for four hearings.

19 Q Did they ask you basically the same type of ques-
20 tions the first time -- or the fourth time that they did
21 the first time?

22 A No.

23 Q Did they ever ask you the same question twice? To
24 the best of your recollection?

25 A There's been a kind of a general conversational

1 gambit that has occurred about every time that I've gone
2 to the board, which is in effect that you've been here a
3 number of times and we're all pretty familiar with your
4 file by now, do you have anything to add that we might
5 not know about?

6 And at that opportunity, I get to say whatever it is
7 I can think of to say and then we conclude the interview.

8 Q Did each individual parole board members, and I'm
9 asking this primarily of Mr. Clark, and Mr. Whitaker, did
10 each individual parole board members have a copy of your
11 case before them or was your file passed around between
12 two or more of the members?

13 A (By Mr. Whitaker) In my case I couldn't say whether
14 each one had a copy or not, because really, only one person
15 was thumbing through there and as I pointed out, that was
16 the chairman. The others just kind of sat there.

17 Q Looking at you intently or --

18 A Looking at me, cleaning their fingernails and
19 wondering what was next.

20 Q Mr. Clark?

21 A (By Mr. Clark) I can't recall whether each of them
22 had a jacket on it, it was the chairman, though, that asked
23 me most of the questions, I went before a panel also and the
24 other two members both did ask me a question but I don't
25 recall if they even had a file. In fact, I'm pretty sure

1 they didn't, seemed like one of them asked a question of
2 the chairman.

3 MR. ROMERO: Thank you, Mr. Chairman.

4 Q (By Mr. Scott) Just two questions I'd like to ask
5 you.

6 I'd like to ask you about representation before the
7 board. Do you feel like you've been more, your chances
8 have been improved, would have improved, if you'd been
9 able to have representation before the board with you?

10 A Are you speaking to Joe or myself?

11 Q Okay, I just passed it out so you go ahead.

12 A I wanted to have an attorney present, but the policy
13 wouldn't let it, so I'm not sure.

14 I'd like to have had representation because there's
15 some points that I kind of wanted to clarify or if there
16 was anything legal contained.

17 Q Mr. Whitaker?

18 A (By Mr. Whitaker) I would like to have had repre-
19 sentation there. My attorney did write and ask what time
20 I would be appearing before the board, and whether or not
21 he could attend, and he received written -- a letter
22 stating that he could not, that it was not board policy to
23 allow anyone in there.

24 I would like to have had him there because he could
25 have substantiated some things, some points that I made to

1 the board, and in some cases, I believe they might think
2 that I was telling a lie about them.

3 Q Let me ask you, how would you feel getting a state-
4 ment direct from the board on why they denied you or passed
5 by the word-of-mouth of someone, do you feel like you get
6 an adequate answer from the board as to why you were
7 denied or -- how do you feel about that, what you'd like
8 to have from the board? What would you have liked to have
9 had from the board?

10 A Since I was denied, I would like for the board to
11 have explained to me exactly why I was denied and what would
12 they want from me in the coming year in preparation for my
13 next board appearance. I would like to have had that
14 information.

15 THE CHAIRMAN: Thank you, Gentlemen.

16 MS. DELUCA: Mr. Wilson, I've one other question.

17 Q (By Ms. DeLuca) Mr. Kelley, I'd like to know, do
18 you feel that the prison employees have any sensitivity
19 and any knowledge of other cultural groups and other
20 racial groups, other groups, etcetera?

21 A (By Mr. Kelley) By and large, I would say the majority
22 of day-to-day staff personnel are not responsive to the
23 problems of the minority group, the individuals, regardless
24 of the minority group involved.

25 MS. DELUCA: Thank you.

1 Q (By Dr. Katz) One more quick question, this re-
2 sponse from all three.

3 How do you feel about a full time "professional
4 board", representing different minority groups making the
5 decision on your cases, the situation?

6 A (By Mr. Whitaker) Is that a yes or no question?

7 I'm not sure.

8 A (By Mr. Kelley) Or you'll have a couple more hours.

9 A (By Mr. Whitaker) Yes, I would like to see that.
10 I would like to see a board better equipped than the
11 one that we now have and better representative of the
12 races than we presently have.

13 A (By Mr. Clark) I definitely would like to see a board
14 where, if nothing else, a contract was made where at least
15 the individual wondered and where he did have some minority
16 members. I think even though it's -- you go in front of
17 an all White board or an all Black board or whatever, it's
18 -- there's certain individuals that maybe relate even on
19 an all White board, now if they're all upperclass and
20 there's some of them, or if you have some from the lower
21 class, maybe they can recognize my problems too, or if it's
22 a psychiatric, maybe it's something they can recognize
23 easier than somebody who is from an upperclass group.

24 I think you should have some or a little bit of
25 everything. And I'd like to make one thing clear, which Donny

1 Johnson asked me, if I thought this might affect my parole
2 board hearing, it's -- this may be with my case and
3 everything, I've wondered about it. But I'm just hoping
4 that the people that are on the parole board are pro-
5 fessional enough where something like this, where we're
6 all looking for a better understanding.

7 Q (By Ms. Johnson) Mr. Whitaker, would you think
8 that just a full time board, without definite criteria,
9 would be a great advantage or do you think that there is
10 some reason for having established definite kinds of
11 parole criteria?

12 A (By Mr. Whitaker) I don't quite understand the
13 question.

14 Q Criteria for parole, full time board, but, you
15 know, working just the way the board works now, with no
16 definite set criteria.

17 Or would you like to see a full time board estab-
18 lished but with some definite criteria for decision-making?

19 A Definitely, yes, I would.

20 Q Mr. Kelley?

21 A (By Mr. Kelley) I not only would like them to
22 have definitive rules and policies by which they would
23 operate, I would like them to make these processes known
24 to us as well, and to our friends and to the public and
25 kind of have it an open committee situation, somewhat similar

1 to this, in a lot of respects, except during the actual
2 hearings, to where the secretiveness and the seclusion is
3 taken out of the parole process and opened up, let a little
4 light in for a change.

5 Q Mr. Clark?

6 A (By Mr. Clark) Yes, I'd like to see where, if
7 nothing else, that maybe a contract where after a third
8 of your -- or after six months or something, you go in
9 front of a parole board and you make arrangements, you've
10 talked to counselors, they've had a chance to evaluate you,
11 you maybe make a contract with, that you need academic or
12 vocational skills or something, and that you can, at least
13 you know what they want from you and this way you can take
14 it to them and after you've completed it, you could be
15 paroled, if your time and everything.

16 THE CHAIRMAN: Gentlemen, we certainly want to thank
17 you on behalf of the Committee and myself for appearing
18 here and making your presentation. And to those of you that
19 have been in the audience, for having so much patience with
20 us.

21 At this time we are going to recess until 2:15 for
22 lunch, and at that time we will have the next panel, so
23 consider yourselves at recess.

24
25 (Noon recess)