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

Open Meeting
on the
NEVADA STATE PAROLE SYSTEM

VOLUME II
July 19, 1974
AFTERNOON SESSION

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

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

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1 VOLUME II

2 July 19, 1974

3 AFTERNOON SESSION

4

5 THE CHAIRMAN: Ladies and Gentlemen, will you please
6 be seated?

7 We are going to call the hearing back into session.

8 At this time we are asking Ms. Melody Meoli and Mary
9 Grant to come to our witness seats, please?

10 Thank you.

11 Before we go into questioning witnesses, we want to
12 introduce a couple of the members that have arrived since
13 the session opened. To my left, another member that has
14 joined us of the Committee, is Mr. Eddie Scott from Reno,
15 and Mr., to my left, Mr. Steve Walther, and I believe that
16 that's all the new members that have joined us since we
17 opened this morning.

18 We are going to start with the panel. Pat, will you
19 start the questioning, please?

20 Do you have any written statements at this time,
21 either one of you?

22 MS. GRANT: I believe we both do, sir.

23 THE CHAIRMAN: You do have written statements.

24 Okay, will you proceed at the questions? Or of your
25 statements.

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MS. MARY GRANT

A. (By Ms. Grant) My name is Mary Grant, Mr. Chairman, Ladies and Gentlemen.

It is a privilege to be asked to testify before this official board. I feel what I have to say will be of benefit to prisoners both still in prison and on parole.

I would like to tell you about some deep concerns I have about the parole system in Nevada.

Having been granted parole on March 19, 1974, after serving two years 11 months and five days behind bars.

I was not released from prison until June 28, 1974, three months, nine days after my parole. These last three months were the very hardest that I served during the entire time that I was in the prison.

When an inmate goes before the board and is released, each moment thereafter is spent in anxiety. You are both happy, frightened and yes, even a little sad.

The happiness is caused by the realization that this prison life will be behind you and you will once again be free to join the human race.

The fright is caused by the unknown. The unknown that lies beyond the walls and always presents fear you might break one of the rules that would cause you to return.

The sadness is the serving and the severing of the

1 friendships that you have made during your stay in prison.
2 No matter how good this friendship is, no matter how long,
3 these friendships must be then severed.

4 I'm not here today to tell you about my personal
5 problems with the parole personnel but to point out to this
6 official board some of the concerns that many inmates have
7 about parole processes.

8 My concerns are as follows: One, it is very dif-
9 ficult for an inmate to obtain a job commitment and to find
10 housing while still in prison. Put yourself in the position
11 of an inmate, if, right this moment, these doors were
12 locked and no one was allowed to leave before you could
13 obtain a job, a definite place to live, and you were not
14 given the opportunity or the privilege of contacting any
15 friend or anybody that you knew except to write one letter.

16 Of course, that letter is not to go to anyone that
17 you know. How many of you could obtain a job in, let's
18 say Reno? How long would it take you?

19 This is what many of us face. Some of us have never
20 lived in the area and know no one or any place of business
21 to ask for assistance. We have no money, many times,
22 except what is given to us by the prison. This is the
23 amount of \$50.00 at this time.

24 Mr. Whitaker, who testified before us, mentioned this
25 also. That we feel that some of the staff should be allowed

1 to go to -- with each prisoner to the board. Especially
2 the lieutenant or the person that is in charge of the wing
3 or the place where we live. Your boss that you work with
4 every day, or someone who knows you almost every day of
5 your stay in prison.

6 We believe that the counselors, the ministers, the
7 psychiatrists, the people that are qualified to go with
8 us to the board, we believe these people should be able
9 to go and to help us to make the board understand us.

10 Three. We believe the parole board should call you
11 back in after you have been in and after they have made
12 their deliberation. And let them tell us of their findings.
13 I have been imprisoned in both California and in Utah before
14 coming to prison in Nevada. And the beforementioned states
15 practice this method with great success.

16 If an inmate has questions about the outcome of the
17 decision, he could then ask and be given an answer of why
18 he was either denied or approved for parole.

19 My first appearance before the board, I was denied
20 for one year. I was not told why, or what I could do to
21 help myself be ready for parole after the year was up. When
22 I was paroled, I was not told why. I did not know what the
23 difference was or what I had done different to make them
24 grant me my parole at this time.

25 It has been general knowledge at the prison by the

1 inmates that anyone appearing before the board the first
2 time will be denied. If a prisoner was only given a four-
3 year sentence for a violent crime, they are almost always
4 required to finish their sentence.

5 I wish that the Nevada board, parole board system,
6 would at this time consider these points. They are very
7 often discussed by the inmates.

8 Now I'd like to talk to you about parole. I have been
9 on parole for less than one month and during this time I
10 have been faced with several problems that I consider quite
11 major. First of all, my one real concern is my family.
12 My mother and father, my grandparents and my children. I
13 have been away from home for much too long and during the
14 last years of my sentence, my mother and grandmother has be-
15 come quite ill.

16 Knowing this, and the problems that I would be --
17 that would be encountered upon my release to obtain per-
18 mission to visit my family in Florida, my counselor, the
19 staff, the parole board, Carson City Parole Department, the
20 matrons and inmates were all told of my desires to go home
21 for one month to visit my family.

22 Everyone told me there would be no problem. All I
23 had to do was to tell my parole officer when I wanted to go.
24 I did. A group of parole people decided that I was not, at
25 this time, ready to make a trip. I was told to get settled

1 in the house where I would be living, where I was given
2 temporary quarters by a 78-year old lady. I was also told
3 to get settled in school and enrolled. All of this, which
4 I figured was defeating my whole purpose. Because once
5 enrolled in school, I did not want to pull out, take a
6 leave of absence to go home.

7 The next day I registered in beauty college, since
8 going through tears and a major upset about not being allowed
9 to go. I was told that my kit, uniforms and a \$64.00 ~~per~~
10 week for living expenses was arranged several months
11 before my parole. This was arranged through Manpower.

12 The day I registered, the manager of the school, who
13 had been with the gentleman from Manpower, called to tell
14 him that I was now enrolled in school that day. And needed
15 my kit and uniforms and so forth.

16 She was told that Manpower program had been dissolved
17 only weeks after they were out at the prison. This left
18 me with no income, no uniforms, no kit, all of which was
19 mandatory for my survival. And to be able to attend
20 school where I would be going.

21 As yet, I have no assistance for living expenses,
22 and don't know where to turn for it. Vocational rehabili-
23 tation got my kit for me and also my uniforms. But no
24 assistance for food, housing or no other necessary essen-
25 tials has been made at this time.

1 Another major problem faced by all parolees is to
2 be able to contact a parole officer on week ends, holidays
3 and after 5:00 p.m. on the afternoon. A parolee is under
4 24-hour a day, seven days a week surveillance. Emergencies
5 happen sometimes after 5:00 p.m., sometimes on week ends
6 and holidays, that require assistance from a parolee --
7 for a parolee from her parole officer. Where can we turn?
8 Who can we go to? How can we contact these people?
9 Especially if they have an unlisted phone number.

10 I thank this Committee for listening to me and
11 I'll be glad to answer any questions that will be put to me.

12 THE CHAIRMAN: Can we go to Ms. Meoli?

13
14
15 MS. MELODY MEOLI

16
17 A (By Ms. Meoli) Yes, my name is Melody Meoli and I'm
18 presently serving a four-year sentence for probation violation
19 along with a 20-year suspended sentence and five years
20 probation, running concurrently, with my sentence.

21 I come before you today to testify to facts, feelings
22 and our future. I am not here today to present my personal
23 grievances as I do not have anything personal against any one
24 member of a select group.

25 My testimony today will deal with the general feelings

1 of the women inmate and myself, the facts will be self-
2 evident in my testimony.

3 The feelings are ~~a~~ ~~very~~ ~~important~~ factor in the
4 success of dealing with the future of each inmate and the
5 future is what we are trying to attain. A revamping of the
6 parole board procedures is needed because of the ever-
7 growing prison population. Many parole board applicants
8 question what is expected of them in relation to prison
9 programs and behavior. Up until a few months ago, appli-
10 cants weren't given any reason for their denials of parole,
11 although they presented the board members a full resume of
12 their job intentions, place of residence and have shown
13 considerable progress during their incarceration.

14 Many were denied not once but sometimes two or three
15 times. A denial by the parole board, in effect, is a
16 statement that satisfactory rehabilitation has not occurred.
17 What the board members fail to define is if we are given
18 denials on a disapproved program, or inadequate education,
19 what, then, can we pursue in order to earn our parole?

20 I have witnessed many women who have had no disci-
21 plinary writeups, have maintained a satisfactory work
22 record, accomplished many credits in the area of education
23 and have done the required length of time and still receive
24 a denial.

25 I've also witnessed a woman who was denied to expiration

1 on her second appearance, on a three-year sentence, resulting
2 from her disapproved work program.

3 What we are advocating is some form of feedback from
4 the members of the parole board advising what we might
5 do differently upon a denial of release. Then, if an
6 applicant is denied on a disapproved program, possibly we
7 could be rescheduled for the next board so we might be
8 able to present them with a program according to the
9 members' requirements.

10 In the California penal institutions, the parole
11 board members have each applicant wait outside after the
12 initial interview. They are then called back in and given
13 their results by the board members themselves. This
14 offers the opportunity to discuss reasons for denials of
15 parole and what is expected of them on each.

16 In Nevada, though, at the women's prison, the results
17 are handed to our officer in charge at the end of the day,
18 and he relays them to us. By these means he can only
19 speculate the reasons for our denial.

20 Then, at the most, three days later, we are advised
21 at our postclassification hearings, the reasons stated for
22 denial with no mention of how to prepare ourselves for our
23 next appearance.

24 We feel it is only humane to discuss these denials
25 with the people who handed down our decision. Otherwise, this

1 leaves the inmate with a feeling of hopelessness which
2 defeats the purpose of incarceration.

3 I, myself, found it very disheartening not to be
4 able to discuss my own denial face-to-face with the people
5 who have my future in their hands. It is understood by
6 each felon that they have lost their rights once they are
7 convicted, but what we don't understand is where, exactly,
8 our civil rights stand.

9 By this I mean equal representation at our parole
10 hearings by a staff member who knows us in a living, working
11 situation. As of now, the only representation we have
12 is in the form of our preparole presentation. The inmates
13 need representation by someone who relates to us on a
14 daily basis. It would seem beneficial to review files and
15 written reports and in addition, the board would be able
16 to have the inmate representative answer any questions
17 they might have about the inmate.

18 I would like to summarize by saying that we all
19 are here for a common goal and that is to do what's best
20 for both parties.

21 Thank you.

22 THE CHAIRMAN: Okay, you may proceed to question
23 the witnesses.

24 Q. (By Ms. Lynch) Yes, I would like to start with
25 Ms. Grant.

1 You said that you were -- you went before the parole
2 board in March and you were not released until June. What
3 was the reason for this delay?

4 A Well, I had a hold, parole hold from the State of
5 California. At the time that I went before the board, my
6 counselor, several months prior to that, had told me that
7 the California hold had been dropped. Three weeks after
8 my board appearance, we found that there had been a mistake
9 in the paper work at the maximum security prison, that in
10 essence, my parole had been dropped in, I believe it was
11 1971, and re-updated in 1972. Which, at both times, I
12 was still in the prison here in Nevada.

13 We know no reason why it was taken off and then put
14 back on. But the paper work was fouled up, and it was just
15 a -- one of them common mistakes that's made due to the
16 paper work system, and I went to my -- my papers had to go
17 back before the board here in Nevada, which took a month,
18 then they had to go to California to go before the board
19 there, which took another month, then they had to go back
20 and had to go back before the board here, which took another
21 month.

22 So all of it could have been taken care of with two
23 or three phone calls, you know, which I'm not saying the
24 parole board didn't try because Mr. Hocker's office and Mr.
25 Campos and all the -- all the people at the prison really went

1 all out, but it's just, it's just the red tape that you
2 have to go through.

3 Q What is the usual amount of time between the granting
4 of parole and the release of an inmate?

5 A It can go anywhere from a week to 60 days.

6 Q So your case was unusual?

7 A Yes. It is. Nevertheless, it didn't mean that I
8 didn't go through quite a change during that three months'
9 time.

10 Q The delay had nothing to do with finding housing or
11 anything like this, this was just --

12 A No, that had been arranged through my church group.

13 Q I see.

14 Do you know the reason you were granted parole?

15 A No, I do not.

16 Q How were you given the news that you were granted
17 parole?

18 A Lieutenant Fletcher called me in to his office,
19 he looked at me and handed me a yellow piece of paper and
20 he says, well, they've granted you parole, and I don't know
21 why, and kind of laughed about it.

22 Q You have no idea why, then, you can't think of any?

23 A No, I do not. I do not know why I was denied the
24 first time and why I was given parole the second time. I
25 was not told either time.

1 Q Was there any substantial change in what you were
2 doing in the prison or anything, between the first hearing
3 and the second hearing?_

4 A Not in my living conditions, no. There was a job
5 change, and other than that, none.

6 Q You said that one of the problems was that it was
7 difficult to get a job and get housing. Do you get any
8 kind of help from the prison staff or the department of
9 parole and probation in this area?

10 A The parole staff is not allowed to give you any
11 assistance in this. In fact, they're constantly told not
12 to get involved.

13 Q Not to get involved?

14 A Why these people are told not to get involved with
15 you when they live with you every day, is beyond me. It's
16 -- you know, they see us every day, they're with us every
17 day, of course they go home at 5:00 o'clock or 3:00, whatever
18 time they happen to get off, but nevertheless they are
19 involved in our lives, they hear our complaints, they hear
20 our sorrows, they hear our family problems. And yet, when
21 it comes down to time to get out, we're told that they
22 can't get involved.

23 Q How were you able to get a job, was this through your
24 church group?

25 A Yes, it was.

1 Q I see, so it was an independent agency that you had
2 contact with?

3 A I was also throwing a little credit where it's very
4 definitely due, to both Reba and to Mr. Scott and to Mr.
5 Cooper, which is not here today. They offered me assistance.

6 But since it had all been arranged through Manpower,
7 I let them know that I did not need any because Manpower
8 helped me. I don't need a great deal of money to live on,
9 and the \$64.00 a week would have been sufficient to take
10 care of rent and this kind of thing. But whenever I came
11 out, Manpower had dissolved, now I don't know who to go to
12 or where.

13 Q The first time you went before the board, did you
14 have any kind of job opportunity available to you?

15 A Yes, I did. At that time my parole program was changed
16 completely, I know that you've asked several of the
17 gentlemen that was before us, my program changed completely,
18 all the way through.

19 My first parole plan was to go back to Florida,
20 and my father and mother own a business, grocery store and
21 gas station, in Florida. My brother's a policeman. My
22 family, back as many generations as I know of, which date
23 back to the 1600's, I'm the only black sheep in the bunch,
24 the only one that's ever been in trouble. So there would
25 have been no problems there.

1 My father wanted to turn the business over to me,
2 at that time his health was very bad. I had a house
3 trailer to live in, which is still there. And the parole
4 board said no. And things changed in my life, which changed
5 my opinion and I wanted to go to school here and live in
6 Nevada. But I still wanted to make my trip back to Florida,
7 you know, for just a visit.

8 Q You said that you have gone before the Utah and
9 California parole boards and in those states, the parole
10 board informs you of a decision and you're able to have
11 some sort of communication with them.

12 Would you go a little bit more in depth into that,
13 and say if you see any advantages or disadvantages?

14 A Yes, I will.

15 When I went to -- I have to back up a little bit just
16 prior to that.

17 I was living in Utah, and at that time I was, which
18 I still am, the mother of six children. And was married for
19 -- well, that time about 19 years. My husband was trans-
20 ferred, his job from there to California, but I had written
21 some checks to pay for living expenses like groceries,
22 lunch money for the kids, this sort of thing. I did not
23 have enough money in the bank to cover it. I was taken to
24 court not wanting to let my husband know that I was in
25 problems or having problems. I got permission from the courts

1 to transfer to California.

2 Once we were in California, things in our marriage
3 had begin to go wrong prior to our going, and I wrote
4 checks in California to cover the checks in Utah. So,
5 consequently, I got myself in hot water in both places.

6 So, I went to court in California and was sent there
7 directly to the California Institution for Women.

8 Now, when I went before the board there, you're
9 eligible to carry your minister or counselors, members
10 of the family, anybody that has sufficient grounds to
11 assist you in any way, to the board with you. It's this
12 way in Utah also.

13 You go before the board, they question you, other
14 people speak at that time. If they desire. You leave
15 the room, the other people in there are then questioned also.
16 They call you back in, they tell you of their findings. They
17 ask you if you have any questions concerning this, whether
18 they deny you or approve you.

19 And at that time you can tell them why you were
20 either denied or approved. It's done the same way in Utah.

21 Q. What kind of reasons are given in those hearings, in
22 California or Utah?

23 A. I don't understand your question.

24 Q. Did -- were you denied your -- in your parole hearing
25 in California?

1 A. I was denied my first time in California, I went to
2 my first board, which I had the grand jury sitting in,
3 and it really made it nice, but I went from the hole. I
4 got into a little hassle and --

5 Q. And you were denied --

6 A. I was denied for two weeks.

7 Q. And did they give you reasons?

8 A. They told me why I was denied, they certainly did,
9 and they said after I got out of the hole in their next
10 appearance, I was to come back before them, which I did.
11 And this time they said, I believe it was the six months
12 that they gave me, and that I was released.

13 Q. Do you feel that them telling you the reason why
14 you were denied helped you to prepare for the next parole
15 hearing?

16 A. Most definitely. Any person that goes before a parole
17 board, first thing is you're scared to death because these
18 people hold your entire life in their hands.

19 You don't know what answer to give them because the
20 answer that you give them you want to satisfy them and
21 you've done the best you can. They either know whether
22 you are ready to go or whether you are not because of the
23 way you've lived. If you've tried to help yourself, if
24 you've tried to meet the rules and regulations of the
25 prison, then you certainly should be considered for parole.

1 If you violated every rule in the book, then you're
2 going to when you leave. So, I believe it is a very,
3 very definite need for every parolee to be told why and to
4 be able to discuss it.

5 MS. LYNCH: I don't have any further questions.

6 THE CHAIRMAN: Any other members of the Committee
7 have any questions?

8 MS. GODOY: I just have one question.

9 Q (By Ms. Godoy) This is directed to both of you.
10 The first time that you went up for parole, do you
11 know whether or not the prison staff had recommended that
12 you be paroled?

13 A No, I don't.

14 A (By Ms. Meoli) No.

15 MS. GODOY: Thank you.

16 Q (By Mr. Scott) I'd like to know a little bit about
17 the medical situation and I could ask this of both of you.

18 What kind of medical care, medical availability or
19 how, if you need medical care, how do you go about getting
20 medical care, or would you explain the medical situation?

21 THE CHAIRMAN: That question --

22 MR. SCOTT: That's a question you don't want to ask?

23 THE CHAIRMAN: No, it isn't in the line.

24 A (By Ms. Grant) That's okay, we would like to answer it,
25 if the Committee doesn't mind. It does with both psychiatric

1 and your physical health.

2 THE CHAIRMAN: Okay.

3 A. I saw my parole -- I mean my psychiatrist or a
4 psychiatrist, I believe it was about the first four months
5 I was out there. And it was Dr. Lippo (Phonetic), I be-
6 lieve he's a psychologist.

7 During my conversation with him, I felt that he
8 was very unconcerned, he showed no sign of even listening,
9 much less caring. When I left the room, he gave me
10 absolutely no, no idea if I'd ever see him again or what I
11 could do to help myself or anything.

12 And then, several months before I left, I believe it
13 was maybe February, January, somewhere right in there, I
14 saw the psychiatrist that we have out there, out -- that
15 they've got out there now. He told me to go see the medical
16 doctor and have him to put me on hormones, and I did. And
17 as far as the medical part, this is where it comes in.

18 I went and saw the doctor and told him what the
19 psychiatrist had suggested, he put me on hormones, which
20 all the ladies know that is something all of us old women
21 need, and then they took me off of them.

22 And about two weeks before I was to leave the prison
23 I went back and asked the doctor if he thought that I
24 should be put back on them or what I was to tell the other
25 doctor when I left the prison. He gave me a very definite

1 yes, that he thought I should be put back on hormones and
2 he didn't want me to get pregnant once I left the prison.

3 MS. GODOY: I really don't -- thank you very much,
4 but we're not really into that line of questioning.

5 Thank you.

6 Q (By Mr. Scott) One on parole.

7 After week ends and evening. You said you can't
8 contact, you don't know how to contact your parole officer
9 after 5:00 o'clock and on week ends?

10 A No. There was a situation that arose that I wanted
11 to contact her and had no idea, and we called, oh, several
12 places, even at the police station and finally got assis-
13 tance through the Reno Police Department, and a lady that
14 was on the switchboard called Mrs. Smith, she had an un-
15 listed number. And he called her or the lady called her
16 and then Mrs. Smith called me back. And it was just -- it
17 took about two hours to try to find her.

18 If it had been a real emergency, in other words, if
19 I'd have got a telegram that my mother or somebody had died
20 or my kids had been in an accident or something, I feel
21 definitely sure that I would have gone to them, rather
22 than spending all the hours that I did trying to find her
23 and that would have been a strict violation of my parole.

24 Q In making up your parole program, is there available
25 to you in the prison job announcements and things like that,

1 where you might be able to seek out some help in order to
2 help set you on work on your own parole program?

3 A Not that I know of.

4 A (By Ms. Meoli) No.

5 Q No job announcements available for circulation?

6 A Not that I've ever seen.

7 THE CHAIRMAN: Any other?

8 MS. LYNCH: I have one more.

9 Q (By Ms. Lynch) Do you fully understand all of the
10 infractions that could lead to a violation of parole?

11 A (By Ms. Grant) Yes, I do.

12 Q Your parole officer went over with you all the
13 various situations?

14 A Yes, this is gone over by the representative, it's
15 either Mr. Glick or Mr. Peterson, I believe, before we
16 leave the prison and a copy of these rules and regulations
17 are given to us and we sign them at that time.

18 If there's any question after that, you can ask your
19 parole officer when you go directly from the prison to the
20 parole officer and she goes through that with you, too.

21 THE CHAIRMAN: Any other questions?

22 MR. ROMERO: Mr. Chairman, yes.

23 Q (By Mr. Romero) Ms. Grant, have you been in communi-
24 cation with the parole board since you have been on parole?

25 A No, I have not.

1 Q Have they been in communication with you?

2 A No, they have not. Are you talking about the board
3 or the parole --

4 Q The board.

5 A No.

6 Q Does your parole officer, to the best of your know-
7 ledge, have any communication with the parole board?

8 A I have no idea.

9 Q Does she have records -- obviously she keeps records
10 on you as to your progress?

11 A I'm sure that she would, yes.

12 Q What does she do with these records, do you know?

13 A No, I don't. I would have no idea.

14 Q Did you ever sign any statements or --

15 A Once a month you're -- before the 5th of the month,
16 you're required to turn in a form that's a standard form
17 that has your name and address and job and this kind of
18 things on it, and then you sign it and turn it in.

19 Q Earlier, one of the prison officials stated that
20 some of the things that they did for the men were to assist
21 them in filling out job applications. Do you get the same
22 type of service in the women's part?

23 A It's really funny, the women, if you've noticed in
24 your conversation with the -- all the people this morning,
25 very seldom does the women's prison even get mentioned, much

1 less given any attention.

2 We're kind of forgotten out there, we're so few in
3 number till we don't carry any weight.

4 You know, our -- even in small things as, like
5 choosing a movie, the -- we carry no weight at all, and --
6 like I said with the exception of Reba and Mr. Scott's
7 office, that's about it.

8 MR. ROMERO: Thank you.

9 THE CHAIRMAN: Any other questions?

10 Do you have any questions of Ms. Meoli?

11 MS. LYNCH: Yes, I do.

12 Q (By Ms. Lynch) Now, you were denied parole, is that
13 correct?

14 A (By Ms. Meoli) Pardon me?

15 Q You were denied your parole?

16 A Yes, that's right.

17 Q And were you given any reasons for your denial?

18 A Yes. The reasons were read to me two days later
19 at my postclassification hearing, there was three of them,
20 past criminal involvement, nature of the crime and failure
21 to complete previous probation.

22 Q Do you feel those reasons are helpful to you in any
23 way? In helping to prepare for your next parole hearing?

24 A No, because I felt I had accomplished a lot while
25 I was in, while I'm in prison, and I feel that they gave me,

1 they gave me a six-month denial and I thought the denial
2 was to make sure that my attitude is right, that I'm really
3 ready to leave the penitentiary. But what I could do to
4 help my next appearance, it isn't understood.

5 Q I see.

6 So you feel it was more they didn't like your attitude
7 than actually the reasons that they gave you?

8 A No, I feel they didn't like my crime.

9 Q They didn't like your crime.

10 Okay.

11 Does your correctional counselor help you at all in
12 preparing for the parole board hearing?

13 A Our correctional officer?

14 Q Yes.

15 A No, Ma'am.

16 Q No help at all?

17 A No.

18 Q Do you feel that the women inmates are given the
19 same kind of help that the male inmates are given?

20 A Oh, no.

21 Q Not at all?

22 A Not at all.

23 Q Would you like to elaborate on that?

24 A Well, as the other inmates stated, and the officials
25 stated before, you know, they're given job applications

1 and they have a lot of people, you know, that see them
2 and they have more people pulling for them than we do
3 for us. And it's very frustrating trying to write out all
4 these letters to people, you know, trying to get your job
5 together, and as far as their activities, you know, the
6 activities that they can participate in, you know, to
7 help themselves during their incarceration, there are drug
8 groups and all that, the Jay-Cees and activities like
9 this, you know, they have a lot more activities.

10 Which would, you know, the board would probably
11 appreciate. But the women don't have these things. We
12 don't have that many activities. We don't have any drug
13 group.

14 Q And your correctional officer does not help you at
15 all prepare for the --

16 A No, our counselor writes up our presentence reports
17 and she tries to write them to the best of her ability --

18 Q But does she sit down with you, say for an hour be-
19 fore the hearing and talk to you about what is going to
20 happen?

21 A Yes.

22 Q She does do that?

23 A She'll sit -- when she takes our presentence report
24 during the month that we're supposed to appear, she spends,
25 you know, quite a bit of time with us. But she is the only

1 officer or any staff that puts that much output to us.

2 Q What recommendations would you make to improve
3 the parole board process?

4 A Well, I would like to see, number one, a pro-
5 fessional parole board, I think they would be able to
6 spend much more time with each individual that appears
7 before them. It gives them much more time.

8 I would like them -- I would like to see them give
9 us our answers if we're denied a parole, I'd like to see
10 them discuss it with us. I'd like to see them tell us what
11 can we do to improve this?

12 I would like a representative to go in with us. Some-
13 time -- well, when I appeared, there was questions that
14 might have been, you know, asked of me and when I'd answer
15 them I'd get the feeling they'd think I was lying. And so
16 maybe to collaborate: (sic) me, a representative, they
17 could talk to my representative.

18 I feel we need equal representation.

19 Q Do you have a feeling that there might be things
20 perhaps in your writeup, your presentence report, that --

21 A Yes. I feel there might be things in my file, my
22 C file, not the presentence report, but my C file, yes.

23 Q That are incorrect and you have no chance to contra-
24 dict these?

25 A No. I don't even know what's in them.

1 MS. LYNCH: I have no further questions.

2 THE CHAIRMAN: Any further questions?

3 Q (By Ms. DeLuca) Ms. Grant, I'd like to ask you, is
4 your parole officer a male or female?

5 A (By Ms. Grant) Female.

6 Q I just wanted to explore, but I don't know how to ask
7 exactly. In the way parole regulations are applied, do you
8 see any treatment of women as differently as opposed to
9 the way they treat men?

10 A Well, no, I really can't say that. I don't know
11 anything about how they treat the men parolees. I've had
12 no contact with such.

13 My biggest concern is being able to contact the
14 parole officer if the need arises, because I, for one, know
15 that I can not do any more prison time. I've been locked
16 up almost continuously since 1967, and that's a long time.

17 When I was extradited from California to Utah, and
18 then I got out of prison in Utah, I had a magnificent parole
19 officer, I couldnot have asked for a better officer nor a
20 better friend. And I feel that Mrs. Smith will be the same
21 way, but should the emergency arise, that I needed her, or
22 any parolee, any -- as many people as we have on parole,
23 certainly somebody's going to have problems after 5:00, on
24 week ends or holidays.

25 You, yourself, if you got word that your mother was

1 critically ill or any problem like this, your first concern
2 is going to be to do the best thing that you can for them.

3 Well, we're no different, just because we've been in
4 prison and on parole doesn't make us any less a person or
5 any less human about it. It doesn't make our desires and
6 our -- in fact, our family bonds are probably some stronger
7 because we -- we know the importance of family.

8 We know the importance of love because we've had to
9 put it to test. And consequently we feel that this should
10 be brought up.

11 Q You're not allowed to associate with any other
12 parolee, is that correct?

13 A That's correct.

14 Q Do you feel that this would be of benefit to you to
15 be able to talk about your concerns and worries with other
16 parolees?

17 A Most definitely. This is one thing, you can't
18 understand a parolee's problems, the situation that he's
19 lived under and been put through, because you've never
20 been there. You know, it's like being a mother. If you've
21 never been a mother, you can imagine the feeling, but yet
22 unless you've been through it you actually do not know.

23 And it's the same thing about parole. A lot of times,
24 well, the AA program says, if you feel like you're going to
25 take a drink, call me, because they've been through it, they

1 know what it is. It's the same thing with us. If another
2 parolee says, hey, I'm -- even if they threaten you vio-
3 lently, of spanking you or something, you know, it's --
4 you can get it out and say, well, hey, this is bothering
5 me, and you relate, you've got a kind of a family bond that
6 you can relate to another inmate, where -- where you can't
7 work, you know, relate to somebody that doesn't work with
8 these people.

9 MS. DELUCA: Thank you very much.

10 Q (By Dr. Katz) To follow up on that in California
11 they have this little buddy system, friends that you do
12 make sometimes and this can be of help to you on the out-
13 side, for instance, you do have some ties there, some con-
14 cerns there, some mutual problems and right now that would
15 be a violation of your parole?

16 A Yes, it would. We've heard about Seventh-Step, is
17 this -- we've heard about it and we think it's a great
18 thing, well, I, for one, tried to write to -- I found a
19 newspaper that was, Outlaw? I think it was Outlaw, and it's
20 written by prisoners, and at that time I was very con-
21 cerned, you know, because it was before time for my
22 parole, and I was really concerned about anything that I
23 could do to help Mary Grant to get out of prison, anything
24 that I could do to help me to stay out. I was told that
25 this newspaper or any newspaper like this was not -- not

1 approved for prisoners to have.

2 Q Along those lines, too, it's my understanding that
3 a lot of individuals return back to prison not because they
4 create another crime, as much as violate their parole,
5 are there any other rulings or regulations relating to your
6 parole that you might feel are unnecessary or would get
7 you into further difficulty or you say bring about this
8 tremendous fear that you must have, which was of violating
9 the rules and regulations?

10 A Right off-hand that's -- that is kind of a 'touchy
11 question because you never know how far your parole
12 officer, whether she's going to feel good today and this
13 will be all right, or whether she's not going to feel good
14 tomorrow and that won't be all right.

15 But usually the rules stand pretty pat, they stand
16 pretty definite.

17 Q To be more specific, I understand one of the rules
18 you have to get permission from your parole officer re-
19 garding change of jobs, you got to -- moving from one
20 place to another, regarding debts, things of that nature --

21 A I don't believe the permission -- as far as this
22 goes -- when you have to call her and ask permission to move,
23 I believe that this should be the person's prerogative.

24 If they're not comfortable in the home where they
25 are, that as long as they stay in the general area that they

1 should be allowed to move.

2 The same thing with the job. If you're offered a
3 better job tomorrow and get higher pay, you can't say, hey,
4 fellow, wait till next week and let me, I got to talk to
5 somebody else.

6 This is another thing. And as far as the debt, if
7 I wanted to buy a car, for example, I have to go and obtain
8 permission to buy that car. I understand the reasons be-
9 hind this because of the money situation. There's many
10 inmates that has been on parole that has never had money
11 problems. I don't have any rent and I never have to have
12 because I use the other fellow's.

13 You know, if he's got good credit, I'm fine. But
14 now I want to establish a gentle, rather general, everyday
15 existence, I want to be accepted as what I am now, and what
16 I was before I become a criminal at the age of 33 years old.

17 DR. KATZ: Thank you.

18 Q (By Ms. Lynch) You said in California you were able
19 to have witnesses with you at your parole board. Did this
20 prove to be cumbersome or time consuming? How long was
21 your hearing?

22 A I think I was in the -- before the committee, I'd
23 say ten minutes. And it wasn't more than about ten or 15
24 minutes the whole time that I was in, out, my family was
25 talked to, or friends at that time, I didn't have any family

1 in this area, but it was very quick. Almost as fast as it
2 is here.

3 MS. LYNCH: Thank you.

4 Q (By Ms. Johnson) Did you feel, Mary, that having
5 witnesses brought to the board in any way confused the
6 board or made it confusing for them?

7 A No, I think it made them understand me as a person
8 better. I don't believe many people know me much better
9 than my children do. If my children are able to be
10 questioned at that time, I believe that they, you know,
11 are friends, know me better than people that just look at
12 my papers and say, you know, real quick. You can't -- you
13 can't look at what's on paper and know what's inside of a
14 person because it -- your papers don't read like that.

15 Q Were the witnesses well accepted by the board?

16 A Yes, they were. They were made to feel very welcome
17 and they were -- I think everybody was more at ease, both
18 the inmate and the board and the people that were in there.
19 I think everybody was better satisfied.

20 MS. JOHNSON: Thank you, Mary.

21 THE CHAIRMAN: I want to thank you again, Ladies,
22 for appearing before the Committee. And we certainly want
23 to express our appreciation for your contribution, your
24 testimony, and we are very grateful that you were able to come.

25 MS. MEOLI: Thank you for asking us.

1 THE CHAIRMAN: We will now ask Parole Board Chairman,
2 Mr. Clayton Phillips if he will come, Mr. Dennis Wright,
3 Vice Chairman of the Nevada Parole Board? And Mr. Carl
4 Hocker, Executive Secretary of the Parole Board and Pardons
5 Board.

6 Gentlemen, do either of you have written statements
7 that you would like to give?

8 MR. WRIGHT: No statement.

9 MR. PHILLIPS: No statements.

10 MR. HOCKER: No.

11 THE CHAIRMAN: If not, we will start the -- with the
12 statement, do you have a statement, oral statement that
13 you would like to make? Either of you?

14 MR. WRIGHT: Do either of you gentlemen?

15 MR. HOCKER: No.

16 THE CHAIRMAN: Well, we'll start questioning of Mr.
17 Phillips, the Chairman of the Nevada Parole Board, at this
18 time.

19 MR. WALTHER: I guess that's me.

20 Q (By Mr. Walther) I think because your positions are
21 similar, or the questions I directed to you would be similar
22 to the questions I would direct to you, I'd like to have
23 either one of you answer that would like to. If I ask one
24 question and you would like to supplement it or vice-versa,
25 please let's do it that way.

1 MR. PHILLIPS: Okay, fine.

2 Q Could each of you give us the information as to your
3 background on the period, the period of time you've been
4 on the board and your experience on the board, when you
5 came on and what your position and role it?

6

7

8

MR. CLAYTON PHILLIPS

9

10 A (By Mr. Phillips) All right, I'll kick off, if it's
11 all right.

12 I happen to be a fourth generation Nevadan for one
13 thing.

14 Number two, I'm a former school teacher and an
15 athletic coach.

16 Number three, I was with the FBI for eight years.
17 I also served as chief of police for the City of Reno, I've
18 been in the insurance business in Reno for the past 20
19 years.

20 Q Mr. Phillips?

21

22

23

MR. DENNIS WRIGHT

24

25 A (By Mr. Wright) I'm a 40-year resident of southern

1 Nevada, I have been with First National Bank of Nevada for
2 the last 32 years. I've been a vice president of the bank
3 for about the last five or six years. And I'm president --
4 vice president and credit officer for southern Nevada,
5 and I was appointed to the board approximately five years
6 ago by Governor ^{LAYALT} ~~Lowell~~ (Phonetic) and reappointed by
7 Governor O'Callaghan.

8 Q I'm going to run through basically, just for in-
9 formation purposes, of the record ~~the~~ -- okay, Mr. Hocker,
10 I guess we'll go through you also.

11 Could you please give us your background, please,
12 and your -- up to your present position?

13
14
15 MR. CARL HOCKER

16
17 A (By Mr. Hocker) I've been in the field of correc-
18 tions for 36-plus years, this position was created by the
19 legislature during the last session, and I was appointed
20 July 1, 1973.

21 Q What are your present duties at the present time?

22 A I'm the executive secretary to both the board of
23 parole commissioners and the board of pardon commissioners.

24 Q And as executive secretary to the board of parole
25 commissioners, what are your duties in that regard?

1 A Well, I have a -- I have something here that is re-
2 duced to writing, if I may quote from it. Not necessarily
3 in this order of importance. I have to assure that all
4 inmates to appear before the board of parole commissioners
5 as soon as they are legally eligible.

6 This position requires understanding of Nevada
7 Statutes an ability to compile and figure statutory time
8 and ~~extra~~ credits. Must assure inmates' rights are not
9 violated in other matters, such as hearing for loss of
10 statutory time.

11 This requires the general working knowledge of the
12 Nevada Statutes and case law and attorney general's opinion,
13 Civil Rights Act of 1964 and subsequent case law, knowledge
14 in this area should at least be sufficient to recognize
15 potential problems in order to seek attorney general's
16 opinions.

17 I evaluate the merit of and approve or deny parole
18 advancement applications. This requires skill in inter-
19 viewing and evaluating human behavior and progress in the
20 institutional setting, etcetera.

21 Requires a basic understanding of prison procedures,
22 problems and in the inmates' subculture.

23 I maintain an office somewhere between the prison
24 and the department of parole and probation and maintain
25 liaison with those two departments.

1 I have to be able to interview inmates both in the
2 general population and in the isolation and maximum security
3 section of the prison.

4 It is part of my duties to evaluate the merit of and
5 deny or approve pardons board applications. I am required
6 to maintain knowledge of Nevada and national statistics per-
7 taining to parole risk factors, awareness of current recom-
8 mendations of professional associations, such as paroling
9 authorities, etcetera, I must have knowledge pertaining to
10 the legal aspects of the Interstate Compact Act.

11 I suggest changes in parole and pardon board policy
12 and update the manuals in each area. I answer all corres-
13 pondence from inmates, their families, attorneys and other
14 interested parties regarding inmates and their problems as
15 related to parole and pardon board functions.

16 I meet with all of the above when personal inter-
17 views are requested. I am responsible for all parole and
18 pardons board agendas and schedules.

19 I assure that necessary items are placed on business
20 meeting agendas both for policy review and for recommendations
21 for specific modification of parole agreements, recommenda-
22 tions for early discharge from parole, etcetera.

23 And as I have said before, I act as a primary liaison
24 between the parole board, parole department and the Nevada
25 State Prison. I act as a primary liaison on behalf of the

1 governor and other pardons board members on all matters
2 pertaining to applications for that board.

3 Q Thank you.

4 What are you reading from?

5 A I beg your pardon?

6 Q What is that you're reading from, is that a memorandum
7 prepared by the attorney general's office or something
8 like that?

9 A No. This is a personal memorandum that I prepared.

10 Q That you have prepared yourself?

11 A Yes. In conjunction with other people.

12 Q I see. Could you submit a copy of that to our
13 Reporter, for the record, rather than just to make it a
14 part of the record?

15 A No.

16 Q You can't? Well, I guess the Court Reporter is just
17 going to have to go with what he said.

18 Is there anybody who delineates the nature and extent
19 of your duties other than the ones that you promulgated
20 for yourself there?

21 A I'm sorry, I wasn't attentive.

22 Q Is there anyone who designates the -- delineates for
23 you the nature and extent of your duties other than the
24 ones that you have promulgated there for yourself?

25 A Well, primarily it is the board of parole commissioners

1 and the board of pardons commissioners.

2 Q So this was prepared in conjunction with them?

3 A According to their instructions, yes.

4 Q I see.

5 Mr. Phillips, I'm going to run through some of the
6 statutory provisions with regard to the parole board for
7 the record, and I'd like to ask some questions of any of
8 you, but if there's someone else who can better answer them,
9 we'll do it that way.

10 I've provided for your ease, Chapter 213, of the
11 Nevada Revised Statutes, if you want to refer to them.

12 First of all, do you know if there's been any policy
13 in the past with regard to appointments of the people on
14 the board? Has it been regional or have they been generally
15 members of the same party of the governor at that time, or --
16 I'm just trying to get a little bit at the history of the
17 makeup of the board.

18 A (By Mr. Phillips) All right.

19 I've been on this board about ten years, I've served
20 under three governors and at no time has there ever been
21 a pattern as you suggest. I didn't think.

22 Q I'm not suggesting that's the case, I'm just asking
23 you from your experience.

24 A At no time do I think politics has ever entered the
25 picture because I happen to be a Republican and I've served,

1 I'm serving under a Democratic governor. And I served
2 under two Republican governors. I don't think I saw them
3 during the time I was on, more than two or three times
4 a year.

5 Q Were you first appointed by a Republican governor?

6 A Yes, I was on the first board that was ever estab-
7 lished in this state, under Governor Russell.

8 Q Is there any money provided by the state or anybody
9 for any educational or courses for the members of the pardons
10 board now, and current -- or the parole board, on the
11 current theories or anything along that line?

12 A In other words, you're talking about in-service
13 training, I assume?

14 Q Yes, I am.

15 A There are no funds that I know of for that.

16 A (By Mr. Hocker) Excuse me, I'm sorry, Mr. Chairman,
17 there are funds in the current budget for training for the
18 parole board. No definite plans have been formulated at
19 this point in time but there does exist money for that
20 purpose.

21 Q There exists it now, you say --

22 A Yes.

23 Q -- or it's going to be submitted to the next legis-
24 lature?

25 A No, it exists now, it's in the current budget.

1 Q What kind of money are you talking about?

2 A I'm not able to tell you in dollars and cents, I
3 would have to consult the fiscal officer to tell you with
4 any degree of accuracy.

5 When you talk to Mr. Campos you might address that
6 question to him, it's possible that he can tell you, off the
7 top of his head.

8 Q Do you know if this happens to be federal or state
9 money?

10 A State.

11 Q Can you tell me a little bit how often the board
12 meets?

13 A (By Mr. Phillips) We meet biannually -- bimonthly,
14 I should say.

15 Q Once every two months?

16 A Right.

17 Q I see.

18 And how often are those meetings, or how long are
19 those meetings?

20 A Two days with an executive session the evening
21 before the first day of the meeting. Or hearing, I should
22 say.

23 Q Who decides how often you meet?

24 Who decides how often you meet?

25 A The board itself.

1 Q And you've set that up as meeting six times a year?

2 A Originally it was for two meetings per year and as
3 the case load increased we finally arrived at the point
4 where we're meeting six times a year.

5 Q When did you start that schedule?

6 A I don't know, I was off the board during the --
7 wait a minute, during the administration of Governor ^{Sawyer}~~Syler~~
8 (Phonetic), I think they got up to four meetings and I
9 would say about six years ago we went to six meetings,
10 that's just a guess.

11 Q And have the meetings always been two or two-and-a-
12 half-day meetings?

13 A No. They -- the first meetings I ever attended
14 were one day and two of those a year.

15 Q Where do you generally meet?

16 A Where do we generally meet?

17 Q Right.

18 A The executive session is held at the Reno office in
19 Reno, on a Monday night, we spend one day at maximum and one
20 day at minimum.

21 Q And that's where your hearings are held?

22 A Yes.

23 Q How do you get paid for this, or are you compensated
24 in any way?

25 A Would you repeat that?

1 Q Are you compensated in any way?

2 A Your question was how are we compensated or what are
3 we compensated for?

4 The compensation is \$25.00 per day. And per diem for
5 those who have to travel down south or anywhere else out
6 in the state.

7 Q How much time does the board have when they're
8 going to consider an application for parole prior to the
9 actual hearing, to examine the individual members' file
10 and become familiar with the inmate?

11 A We receive the parole referral reports about two
12 weeks in advance of the hearing.

13 Q Each member --

14 A Each member does, correct.

15 Q Do you go over these in executive session?

16 A If there's something especially of interest to all
17 members we do. If they're routine matters we don't. Or
18 routine cases we don't discuss them until the day of the
19 hearing.

20 Q Do you -- is it the responsibility of the members, then,
21 to have read these and be prepared before the hearing takes
22 place?

23 A It is his responsibility, correct.

24 Q Who prepares the actual information each member
25 receives?

1 A The institution, and of course, they're sent out to
2 us by our own executive secretary.

3 Q What are, generally, what is contained in these --

4 A In the referral reports?

5 Q Yes, in the referral reports?

6 A First of all, a synopsis of the events, then various
7 segments that refer to the case itself. And the various
8 categories, criminal record, you name it.

9 Q Does the recommen -- is a recommendation included?

10 A A recommendation is always included, correct.

11 Q Is the applicant for parole ever given a copy of
12 this parole report?

13 A No.

14 Q Is there a reason why?

15 A Yes. The reason is that they are confidential.

16 Q Is there a policy reason why the board wants to make
17 them confidential?

18 A Not necessarily, no.

19 Q In other words, if a particular applicant wished to
20 see it, would it be made available to him?

21 A Well, it's very simple, you wouldn't want to let the
22 applicant read the report that he is insane or judged
23 insane or psychologically incompetent, that's one of the
24 reasons.

25 Q Why do you think that?

1 A Why do --

2 Q Yes, in other words, why, in your opinion, would it
3 be wrong for a pending applicant for parole not to know the
4 contents of the report indicated that he had a mental
5 imbalance or some substantial reason why --

6 A I would worry about the adverse effect on the man
7 himself.

8 A (By Mr. Hocker) Allow me to interject a comment,
9 please.

10 They're not entitled to those things by statute.
11 Anyone who is not involved with the institution or the parole
12 board may not have possession of those things without an
13 order issued by the court. That's been firmly established.

14 Q Is there any statute that requires that parole
15 reports be confidential?

16 A Off the top of my head, I can't tell you. I can
17 tell you, however, that there is an attorney general's
18 opinion to the effect that they are not entitled to those
19 things.

20 Q Well, then, in other words, the -- there's no
21 statute which says they're entitled to them, is that
22 correct?

23 A I can't answer that.

24 Q And so you -- the reason why these referral reports
25 have been not made available to the applicant is because

1 of the reliance of the board on the attorney general's
2 report?

3 A Well, the primary reason is to preserve the con-
4 fidentiality of this document.

5 Q Is there a reason, in other words, I personally would
6 feel that it would be perhaps helpful, although it may
7 hurt the person's feelings, the applicant or something
8 like that. But it seems -- it seems for me it would be
9 near impossible for an applicant to parole to contend with
10 the charge that he was insane or had mental imbalance
11 without knowing that the charge is being made.

12 A Well, he's not charged with being -- with being
13 insane --

14 Q Well, I was referring to the example that Mr. Phillips
15 had in mind, I'm not saying that they contain these
16 charges. I'm using the instance in which such a charge is
17 made.

18 How can an applicant for parole ever deal with a
19 problem like that unless he knows the problem has been
20 brought to the attention of the parole board through its
21 parole report?

22 A Well, he's aware of any mental condition, so-to-
23 speak, if he's neurotic or has a high violence potential,
24 he is invariably on some form of medication in order to
25 stabilize his condition. He knows full well what his condition

1 is when he gets up tight, to use that phraseology, and gets
2 all upset, he heads for the doctor and asks for some
3 medication in order to stabilize his upset condition.
4 Or to relieve it.

5 Q If that is the case, that the applicant for parole
6 is aware that he has a mental problem, what policy reason
7 would the parole board have to deny him the contents of the
8 record which contains that information?

9 A Well, that would, in general terms, be the recom-
10 mendation of the -- of the psychiatrist who tells the insti-
11 tution staff that he does not want this psychiatric report
12 made available to the institution, because of the -- of
13 the excellent probability that it would further and further
14 increase this man's anxiety. It would militate against
15 anything that the psychiatrist was attempting to do, and
16 if the psychiatrist says, don't do something like that,
17 the board or anybody else has no alternative except to
18 obey him.

19 Q Do you mean that the contents of the referral record
20 include the provision that the psychiatrist recommended
21 that the portion of the report relating to his mental con-
22 dition not be disclosed to him?

23 A Well, we're referring to a specific instance and not
24 a --

25 Q I understand that.

1 A Yes.

2 Q So in that particular instance, the psychiatrist,
3 the referral report includes the provision that the psy-
4 chiatrist does not want this information disclosed?

5 A Yes, if he wants to tell him something about his
6 condition, he wants to do it in his own terms and his own
7 fashion.

8 Q Well, there's a lot of things that we'd like to get
9 to, but one thing I think, as long as we're sort of on the
10 right of disclosure and the rights of the applicant at the
11 hearing, or prior to the hearing, is the applicant given
12 the opportunity to have the advice of counsel during the
13 hearing on the parole application? Is he given the right
14 to have the presence of counsel --

15 A (By Mr. Phillips) You're talking about a parole
16 hearing now --

17 Q Yes, I am.

18 A No, he does not have the right to counsel.

19 Q What policy reason does the board have or what reason
20 do they have for not giving that right at the present time?

21 A At one time we did allow representation at the
22 hearings, the pastor or an attorney or some good friend or
23 some such thing, but we found and learned later that it was
24 more or less discriminatory against those who couldn't
25 afford an attorney, who couldn't scrape up somebody to repre-

1 sent themselves or represent them, and also we found that
2 those being represented by attorneys especially were taking
3 maybe three or four times the amount of time, therefore
4 depriving others of that same time that they were actually
5 entitled to.

6 So it came to the point of where we just had to
7 discontinue allowing counsel representation at the parole
8 hearings.

9 Q When did that decision take place?

10 A I would guess, do you remember?

11 A (By Mr. Wright) I'd say about four years ago.

12 A (By Mr. Phillips) About four years ago.

13 Q About 1970?

14 A When things started to grow and pile up as they are
15 now.

16 Q Do you personally feel that it's advantageous to an
17 applicant for parole to have counsel present at the parole
18 hearing?

19 A I don't think it does any good.

20 I'm interested in what that man has to say and what
21 he's like, what his plans are, and I don't like to listen
22 to somebody that's telling me what that man thinks when I'm
23 not sure that the man who tells me that actually knows.

24 Q In other words, you feel in your own mind that the
25 applicant perhaps has a better chance if he appears by himself

1 rather than with counsel?

2 A. I would certainly say so based on my experience.

3 Q. Do you agree with that?

4 A. (By Mr. Wright) Yes, I do.

5 Q. Mr. Hocker, would you tend to vote the same way?

6 A. (By Mr. Hocker) I beg your pardon?

7 Q. Would you tend to feel the same way on that?

8 A. Yes, I do.

9 Q. In what ways did you feel it was detrimental to have
10 counsel at least present?

11 A. (By Mr. Phillips) Detrimental?

12 Q. Yes, is there any reason --

13 A. If counsel is at least present, I can't see where
14 there's anything detrimental about it with the exception
15 that we have a policy that we don't allow anybody at the
16 hearings, no observers, except paid personnel of the insti-
17 tution or of the parole department.

18 Q. But in our trying to decide, you know, make decisions
19 as to whether it's a good policy or a bad policy, we'd be
20 interested in your comments as to why you feel or the
21 board feels it's important to exclude people from at least
22 being present at the hearing, even if they didn't actually
23 participate in the hearing itself --

24 A. I think, if I might break in here, that too many
25 people in the room discourage an individual appearing for

1 parole. I've seen the effect on them when we used to
2 allow all sorts of observers and representation and whatnot.
3 I think fewer people in the room, the better the chance
4 of getting at the man himself is.

5 In other words, you know what I mean when I say
6 getting at him, we want to get into his thinking. He's
7 not worried about four or five other people listening to
8 him, he's worried about us.

9 Q But what if the request is made by the applicant
10 himself to have, say his parents present, if he's a young
11 boy or his wife present if he's married or his counsel if
12 his counsel just wants to be there to know what's going on?

13 A I'd say if we were forced to do it we could get
14 along with it, we could live with it.

15 Q In other words, is it possible now for a parole
16 applicant to have the presence of a close member of the
17 family or counsel?

18 A Is it possible now?

19 Q At his request, yes.

20 A No, no, it's absolutely against our policy.

21 Q Do you foresee any change of that policy at the
22 present time?

23 A No, because I think we've had better results, I
24 have seen both methods, and we're having better results now.
25 We're covering more ground.

1 Q. In what way are the results better?

2 A. We get a chance to talk to the man and delve into
3 his character, his thinking, but when you sit and listen
4 to an attorney for half an hour, believe me, you know how
5 attorneys can talk.

6 Q. You're listening to one right now.

7 A. That's one of those things.

8 Q. No, I'm talking not even so much the situation where
9 counsel is actually articulated in the case in behalf of
10 the applicant, but the situation where a person wants to
11 have members of the family or even his legal counsel
12 present, even though not participating. Is there any
13 reason why the board would not want to permit that to take
14 place?

15 A. We would -- it's contrary to our policy as -- I'll
16 repeat, if we had to live with it we could, and I can't
17 see where it would harm very much, either.

18 In some cases, yes, in some cases, no.

19 Q. I don't want to be -- to mean to be argumentative,
20 if I ask you these questions, but when you have a hearing,
21 for example, generally counsel is permitted to advocate
22 on behalf of the client or ask questions or make sure that
23 certain testimony and facts are elicited and the fellow
24 may not be inclined to recommend because he's concerned
25 or inexperienced or that type of thing. And of course, counsel

1 are present at trials and everything else.

2 Do you feel that the parole board hearing is suc-
3 ficiently different to justify the denying of the presence
4 of counsel for the participation as opposed to trial or
5 other kinds of hearings where counsel are allowed to
6 participate?

7 A I'd say you got ahead of me there at one point,
8 but I would say that if it were up to me I would certainly
9 deny from now on out, counsel being present at the parole
10 hearing.

11 Q Do you think the parole applicant should be entitled
12 to examine the file which is in the possession of the
13 parole board, with regard to information bearing upon his
14 right for his rehabilitativeness or that kind of thing?

15 A Well, I don't think he should have access to those
16 files because there sometimes is derogatory information
17 contained therein, and if nothing else, why disillusion the
18 poor man? Why not give him a little hope of some kind.

19 Q In other words, it would be your feeling that the
20 derogatory information in the file should not be made known
21 to the applicant?

22 A No. Some of it's very personal, of course. And
23 I don't believe in bringing that out and embarrassing the
24 man or anything else. I sometimes think that has no place
25 in the hearing itself or the judgment of the hearing.

1 Q Well, what I meant to say is, it's conceivable to me
2 that derogatory comments in a referral report or I guess
3 the C file, if that's not the referral report, might have
4 a bearing on whether or not the members of the parole board
5 would want to grant a particular applicant parole, and if
6 the applicant isn't aware that the derogatory comments
7 are there, how can he fairly contend with them?

8 A How can he what?

9 Q Fairly contend with the accusations or derogatory
10 comments which may or may not be true or based upon hearsay?

11 A Well, I can tell you again, as an individual, much
12 of that information, many times I disregard it, give the
13 man a break.

14 Q Do you think you disregard it in every instance?

15 A In my judgment, as a man, yes.

16 A (By Mr. Hocker) I'm going to ask a question.

17 What -- what do you specifically refer to when you
18 say derogatory comments?

19 Q I was just referring to the information that Mr.
20 Phillips was referring to, that --

21 A Well, are you talking about an instance where an
22 individual has been suspected, shall we say, of a violation
23 of the rules of a fairly serious nature but that -- and that
24 is a part of the record, but no proof has been established
25 that his has occurred, is that what you're referring to?

1 Q Well, I'm referring to the situation that -- that
2 may be an example I don't know, but that Mr. Phillips was
3 referring to in which the file will contain derogatory
4 information which he didn't want to disillusion the
5 applicant by having him know it was in the file.

6 And perhaps that is a situation or maybe other kinds
7 of information, too.

8 A (By Mr. Phillips) Correct.

9 Q (By Dr. Katz) Well, to be more specific, the inmates
10 indicated sometimes the FBI report will indicate arrests
11 but they haven't gotten a chance to explain that these
12 arrests, let's say were not at all appropriate to their
13 particular background and this derogatory information may
14 be present in the files but there's no chance for them
15 to react to it or disprove it or put it in the right
16 context.

17 A (By Mr. Hocker) Well, let me react on that, please.

18 You're referring to the rap sheet where it lists
19 an arrest, which has been made a matter of record by the
20 Federal Bureau of Investigation. Then the other column
21 doesn't list any disposition. So if any mention is made
22 of that in the referral report, if it is mentioned and
23 stated that he was arrested for thus and so, but no, there's
24 no disposition listed.

25 In that case it is a policy of the institution and

1 certainly that of the parole board to disregard that par-
2 ticular thing. If a disposition is listed, yes. That is,
3 that is also mentioned in the referral report.

4 Sometimes an arrest that lists no disposition carries
5 a lot of import with it, for example an arrest for sex
6 offense, a rape or child molest or something of that sort,
7 there are many instances it's quite common where the victim
8 declines to prosecute because of the embarrassment or the
9 trauma involved in the prosecution. In the case of child
10 molest and that sort of thing, it is generally agreed in
11 many instances by both the public defender and the attorney
12 for the defense and the district attorney, that it would
13 be tragic and very traumatic to the child to put it through
14 a trial in court.

15 So that's one instance where an arrest is important.
16 That sort of thing is checked out to find out what the
17 disposition is and why there was no prosecution initiated.

18 If I make myself clear.

19 Q Is the parole applicant made -- informed that all
20 of this information with regard to this claimed sex offense
21 against a minor is in his report? Is that information
22 made available to him?

23 A Well, he knows that he was arrested, they don't have
24 to -- nobody has to tell him that.

25 What is important, however, is that the board is not

1 going to hand down any judgment in this case based on that
2 particular thing, they know it's there, but that's not
3 part of their deliberations really.

4 Q Well, it seems to me, though, that if it isn't
5 part of their deliberations it shouldn't even be in the
6 referral report because certainly there must be a reason
7 why somebody put it in there.

8 A (By Mr. Wright) I think you're getting away from the
9 purpose and how these reports are prepared for the board.

10 They're prepared by the prison counselor who deals
11 with this man almost daily. The prison counselor and the
12 institutions try to understand this man as to which is
13 the best way for him to go.

14 Now, in evaluating this man there's many things
15 we said derogatory. Well, a counselor sees him one way,
16 sees a danger for him if he goes this way, does something
17 else. Well, if these reports are made available to the
18 inmate, and the judgment of the counselor he should do this
19 or do that or he's done or done that, he's making this
20 kind of progress or lack of progress, whatever the counselor
21 and the inmate may have going for themselves to try to
22 help an inmate, you're going to destroy it.

23 I just can't see it.

24 Q I'm going to run through a couple of things, if I may.

25 THE CHAIRMAN: Changing the train of questioning, I

1 have heard through the statements of all of you with re-
2 gard to the board policies, setting policies and by the
3 board from time to time.

4 Are these policies considered based on statutory
5 requirements or it's just the opinion of the members of
6 the board that these policies should be instituted to
7 improve the conduct of the board from time to time?

8 A. (By Mr. Phillips) These policies are made within
9 the framework of the statutes, that's all I can tell you.
10 The board has very broad powers.

11 Q. (By the Chairman) I understand.

12 A. And sometimes maybe too broad, I don't know.

13 Q. I understand.

14 But primarily many of them are not based on the
15 statutes, for instance, let's deal specifically --

16 A. I'm just a little puzzled as to where you're going.

17 Q. Let's be a little specific with one that was men-
18 tioned a few moments ago and that's the one that says that
19 you have established that no inmate can have at a hearing,
20 an attorney --

21 A. That's right.

22 Q. Or a minister or friend?

23 A. Right.

24 Q. Now, is there any place in the statute that would
25 deny that?

1 A Will deny the board that power? Not that we know of.

2 Q No, that would deny that individual having this
3 type of --

4 A No, the policies we make are cleared through the
5 attorney general's office and as far as the technical end
6 of it is concerned, I can't answer that.

7 Q The technical end?

8 A I can't answer that.

9 Q Could we request of the board to have that checked
10 out and information given back to us, that this item in
11 particular is covered by statute?

12 A Yes.

13 Q Since the attorney general gave you an opinion.
14 Could we have this opinion?

15 A (By Mr. Hocker) Let me respond like this: I'll
16 turn the question around as it were, I can't tell you
17 whether or not the statutes specifically say that the
18 applicant may or may not have counsel or friend present,
19 but I can say that, based on an attorney general's opinion,
20 the policy of the board is completely proper according to
21 the statutes.

22 Q Mr. Hocker, that's the policy of the board, I'm
23 talking about this specific item.

24 A Yes.

25 Q Did you have an opinion of the attorney general on

1 this particular, I notice I have here the information where
2 this decision was made?

3 A. Yes.

4 Q. All right.

5 Now, could we have, could you get us information
6 where the attorney general gave you an opinion on this
7 particular item?

8 A. I'll attempt to do that.

9 Q. We'd appreciate that very much, if we could get
10 that.

11 Q. (By Mr. Walther) Is it your understanding that the
12 attorney general has advised the board that it would not
13 be legal to have counsel present or have people present --

14 A. No.

15 Q. -- or just that it is not illegal to deny them?

16 A. That's better.

17 Q. (By Ms. DeLuca) I'd like to ask Mr. Phillips, do
18 you read each and every referral report thoroughly that
19 comes to you?

20 A. (By Mr. Phillips) I read it through and through
21 several times. See, we have two weeks to work on these
22 things prior to the hearings themselves.

23 Q. Mr. Wright, do you read each one?

24 A. (By Mr. Wright) I read them, I used to go through
25 them at night at the house and make notations and so forth,

1 and by the time I got up there to hear that man, you get
2 a completely different feeling for him, you're either
3 more for him or -- you just change your mind.

4 Now, to answer your question, I read them briefly,
5 but I wait until I get to see the guy and then he makes
6 a difference.

7 Q. So, do you feel a certain amount of information that
8 comes before is irrelevant or --

9 A. No, they're good reports.

10 Now, everybody says you talk about negative in-
11 formation in there. It tells you in that report the
12 nature of the crime, what happened, briefly, not the
13 details, then about the man's family, his prior convictions,
14 his prison counselor's opinion of the man, which way he
15 should go or how he's progressing. There's a lot of in-
16 formation in there, that thing may be on one case, there
17 may be five or six pages of information.

18 So, there's all sorts of information in there and
19 like I said before, it wouldn't be good for the guy to
20 read it in 99% of the cases.

21 Q. (By Dr. Katz) I can't understand that, the psy-
22 chologists with quite a bit of training and background
23 and did lot of psychological evaluations for the courts and
24 I have a great deal of difficulty, I think I'm fairly skilled,
25 in making a decision about a person within ten or even 15

1 minutes or even an hour of interviewing him, I don't
2 quite understand how in, say ten or 15 minutes a single
3 person, you can make a decision without going thoroughly
4 into the person's background and the history, something
5 about where he's going to, something about his family
6 background, something about the employment situation, make
7 a crucial decision regarding parole and have that much
8 faith in your judgment within, let's say what, ten, 15-
9 minute interview with a person?

10 A (By Mr. Wright) Doctor, I've been a banker all my
11 life, I made a lot of decisions a lot quicker than that.

12 Q (By Ms. DeLuca) I would like to ask of Mr. Wright,
13 you mentioned you feel that many, I think not all men,
14 it would push them kind of backwards to have them read their
15 own report?

16 A That's right.

17 Q And I'd like -- I mean do you have any training in
18 counseling or this area which would lead you to believe this
19 kind of thing? Or is it just your lay experience?

20 A It's just my lay experience.

21 Q My experience with it, because I'm a social worker
22 and I deal with people who have many, many problems also,
23 that if the report is responsibly, well written up the
24 majority of people are certainly not harmed by reading them
25 and maybe helped, maybe helped if it's used right.

1 I won't say everyone, but -- I'd just like to put that
2 in, you know.

3 Q (By Dr. Katz) Yes, I might answer in terms of the
4 ethics profession, now we're beginning to realize the
5 rights of individuals whom we make evaluations of and we
6 may, as Mr. Hocker indicated, put things in terms of our
7 own language we think the individuals could understand,
8 but generally, we do feel responsibility and I'm talking
9 I think now for psychologists and psychiatrists to make
10 known to the individual at some level at least, the kind
11 of evaluation that we do make of that particular person,
12 to the extent to which he can understand and to the extent
13 to which he's able to use the information constructively.

14 Q (By Ms. DeLuca) Mr. Phillips, can I ask you, on
15 the average, about how long would you spend with each
16 potential parolee? Questioning him?

17 A (By Mr. Phillips) That's hard to determine. I can
18 tell you this, some come in and don't take any time, they
19 have nothing to say, just want to appear before the board.

20 Others will come in and they're very oratorically
21 inclined so-to-speak, and they may speak for 20 minutes
22 and take the other man's time who didn't use that par-
23 ticular period of time.

24 It's just hard to say. We don't limit them to 15
25 minutes, if the man wants to talk 20 minutes that's fine,

1 or if he takes a half an hour, that's fine.

2 Because the thing, we use that 15 minute schedule
3 more or less just to see where we are going and when we
4 can expect to be finished with the hearings, that's all
5 we do.

6 Q (By Mr. Walther) Basically, spaced 15 minutes apart?

7 A It's set up on 15-minute schedule periods, and as
8 I say, some don't take three minutes.

9 Q (By Ms. DeLuca) I'm curious as to on this time
10 factor you said when attorneys were allowed in the room
11 and so forth, that they seemed to be taking up a lot of
12 time of the other people who weren't, didn't have
13 attorneys with them.

14 And so then that, you made the policy that no
15 attorneys were allowed.

16 I'm curious as to why the time wasn't expanded for
17 everyone so that everyone would have less time?

18 A (By Mr. Phillips) It seems to work out very well
19 the way we're doing it now.

20 Q I find that rather interesting.

21 A So we know we're doing something right.

22 Q I just find it interesting that it would go back-
23 wards in a sense, to deny everyone that amount of time
24 rather than allowing everyone the amount. In terms of
25 questions, if you ask the inmates questions, can you tell us

1 what kinds of questions you might ask them?

2 A We ask him what his future plan might be if he were
3 put out on the street, say tomorrow, if he plans any plans,
4 that tells you something, if he doesn't have any plans,
5 that tells you something again.

6 Ask him about his family, they're interested in
7 knowing what kind of a background he would be going into,
8 family ties are usually, if he has good ties, why we know
9 there's something there to help him, probably moreso than
10 anything else.

11 That type of question. What he's fitted to do, what
12 his scholastic background is, 101 things.

13 Q Are you interested in these kinds of things, for
14 example, like the amount of selfconfidence he might have
15 in himself and that type of thing?

16 A We don't ask that type of question. I won't say
17 we do normally. We leave that to the psychiatrist, psy-
18 chologist, whatever the case might be.

19 Q Is that something you would, in your mind, look for
20 when you look at an individual?

21 A Yes, very definitely.

22 Q How do you determine that, just from your own personal
23 standard, when you view a person, how are you able to
24 tell whether they, you know, have that confidence, can you
25 kind of, you know, other than their record in terms of

1 their work --

2 A Well, their very deportment in their seat before
3 you tells you something.

4 Q The way they set, things like that?

5 A That's right, you can always watch this too, and
6 tell.

7 Q Yes, I think we all do.

8 I'm curious, because this thing about cultural
9 awareness, are you aware that different cultural groups
10 have certain different ways of showing their selfconfidence
11 or lack of selfconfidence, in the way they behave?

12 A Right.

13 Q Do you feel your sensitive to that?

14 A To a degree, yes, to a degree.

15 Q For example, if a man or woman who came in and wasn't
16 able to speak up very much because they're just not a very
17 verbal person or kind of slouched and so forth, because
18 maybe just not be part of his cultural background to be
19 very assertive and aggressive.

20 Are you sensitive to those kinds of things?

21 A Fairly so, yes, sir.

22 Q (By Dr. Katz) One more, and that is relative to the,
23 38% or so or whatever percentage, who do not make it in
24 terms of those that you grant parole, do you get any in-
25 formation that may aid you in terms of future decisions,

1 as to what happened, what went wrong or in those instances
2 where you made, let's say a successful decision relative
3 to, that they may be able to make it in society, do you
4 know which ones do make it and on what basis, so that in
5 terms of future decisions you have that kind of feedback,
6 let's say, to account as some kind of directive or measure
7 in which to make future decisions?

8 A. That's a hard one to answer. I don't believe in
9 percentages, I don't think that the percentage has any-
10 thing to do with parole. I don't think you should allow
11 the percentages to sway your decisions one way or the
12 other.

13 Q. I'm not talking about percentage, I'm talking about
14 those numbers, in other words, there are some individuals
15 who you grant parole who get into further difficulty, who
16 have to be returned back to the institution --

17 A. Right.

18 Q. There are those who do not, who continue on and be-
19 come responsible, constructive citizens.

20 Whatever that percentage is. Do you get feedback
21 as to how these individuals make it or don't make it,
22 so that when you have future decisions to make you have
23 some additional criteria, some knowledge, let's say, of
24 how successful or unsuccessful your decisions were?

25 A. No, we don't have the feedback.

1 Q (By Ms. DeLuca) What percentage of the time would
2 you say you concur with the recommendation of the parolee's
3 counselor in relation to whether to parole or not, do you
4 have any statistics on that?

5 A We don't, that I know of. The recommendation of
6 the counselor, if that's what you mean, doesn't sway the
7 board either way, I would say.

8 Q Can you just in your mind recall approximately
9 how many times you've -- you were in agreement, though?

10 A I would say that we agree with them more times than
11 we don't agree with them, yes, maybe two to three, three
12 to two.

13 Q (By Mr. Walther) Does the parole board ever disagree
14 or are they ever not unanimous? Are they ever not unanimous?

15 A (By Mr. Wright) Do we ever disagree. And how.

16 A (By Mr. Phillips) Very definitely. Violently,
17 sometimes.

18 Q Has the parole board ever established policies or
19 any considerations which the parole applicant can cling to
20 in knowing what is important to the parole board? Is it
21 solely rehabilitation, does deterrence ever play a factor,
22 for example?

23 I'm thinking of a situation where, you know the
24 fellow would probably never commit the crime again and
25 probably would walk out on the streets and never do a thing

1 wrong again, but on the other hand, it might look bad be-
2 cause of all, he only served just a short period of time.
3 Is that ever brought up in discussions, the reasons for
4 deterrence or making him pay his debt to society, even
5 though he'll never commit a crime again?

6 A (By Mr. Wright) You can't ignore the fact that time
7 is to be served sometime, and dependent upon the type of
8 crime and so forth, we think about it, it isn't a big
9 discussion item.

10 But you tell me, commissioners, what is -- what's
11 a man's life worth? How many years should he serve for
12 killing somebody? How many years should he serve for having
13 six or seven past felonies?

14 Tell me when he's going to be rehabilitated and
15 saved and everything else? We don't know. Nobody knows
16 and you tell me, I don't know.

17 Yes, I do consider time, but it isn't -- you con-
18 sider it in the back of your mind but it isn't the factor
19 in voting whether he goes or doesn't.

20 Q I didn't hear the last part, I'm sorry.

21 A You consider it but it isn't a factor in when I
22 vote yes or no whether he goes on parole or not.

23 Q In other words, your sole consideration is whether
24 or not he would ever commit a crime again, or if he's
25 sufficient to be safely out on the streets?

1 A. That's right, and I -- you know we're sitting here
2 discussing our boys over here and girls, I wish that about
3 half of this panel that you're on, whatnot, would be made
4 up of the average John Doe Citizen that's been the victim
5 of some of our people over here, that -- then we'd
6 really get down to some nitty-gritty answers. I --

7 Q I'm curious to know why you think, honestly, that
8 that would make a difference in the questions we ask,
9 because it seems to me the questions shouldn't necessarily
10 relate to, you know, the offense, in other words, we're
11 just talking about here, when a person comes before your
12 board, what rights does he have, what considerations do
13 you give in granting or denying, we're not trying to get
14 advocate, one way or another --

15 A Well, that's just my personal opinion, Steve.

16 Q Do you consider, for example, when you -- you decide
17 against parole that maybe he's safe to be out on the
18 streets again, but he should pay a debt to society for the
19 viciousness of the crime?

20 In other words, there probably are instances where
21 crimes are committed that would never be committed again.

22 A Yes, I consider it.

23 Q Is there ever any guidelines given to somebody when
24 parole is denied, so that he has some reason or some way to
25 work toward proving a situation in your eyes, so that the

1 next time he comes before you he'll have a chance?

2 In other words, we've had people all day long here,
3 telling us they've never been given the reasons why they
4 were denied, they're just denied. And so therefore, they
5 have no reason to -- or no way to know how to improve
6 themselves. Or no way to argue that the decision by the
7 board was arbitrary because the decision, the reasons given
8 were not in fact based upon the facts.

9 Does the board have a policy along that line? -

10 A. (By Mr. Phillips) We have been sending word back
11 as to why they were denied, since the first of the year,
12 since January.

13 Q. How do you do that? How do you send this word back?

14 A. It's sent back to their counselor.

15 Q. Do you all agree on reasons, for example, number one --

16 A. Yes. In the presence of the counselor so that he can
17 take the word back.

18 Q. I see, he gets it down, one, two, three, these are
19 the reasons?

20 A. Yes.

21 Q. And they're made a part of the record?

22 A. Yes.

23 Q. Because the reason it seems important to me is not
24 only so he'll have something to work for, is so next time
25 he comes before the board it may not have the same members

1 and it's quite unfair, it seems to me, to work toward one
2 thing and then come before a new group of people and find
3 out that --

4 A He usually gets the message from the length of
5 period of the denials is related to him also.

6 A (By Mr. Hocker) May I respond to that, please?

7 I have before me a form which is filled out by the
8 institution representative who is present in the board room
9 when the hearing is being held, a copy of which I furnished
10 the Commission staff.

11 The institution representative, as the proceedings
12 develop, makes notes of what the board is saying to the
13 man and after he has departed, what they're saying about
14 him, and at that time, the reasons for the denial are
15 delineated and recorded.

16 And it's passed on this that the individual is told
17 the reason for his -- for his denial.

18 Have I made myself clear?

19 Q Secretary Hocker, when was this policy established?

20 A Well, these scratch sheets have always been in
21 existence, the practice of giving applicants specific
22 reasons for their denial began in January of this year.

23 MS. STANOVIK: I have a couple of other types of
24 questions.

25 Q (By Ms. Stanovik) Do either of you two know if there

1 are any minimum qualifications that have to be met before
2 somebody is appointed by the governor as a --

3 A. (By Mr. Phillips) There are no minimum qualifications.

4 Q. No minimum qualifications.

5 Do you have any idea what he uses as a basis to de-
6 cide who is --

7 A. I have no idea, do you --

8 A. (By Mr. Wright) No.

9 Q. Nothing.

10 A. (By Mr. Phillips) We're both Republicans.

11 Q. And my other question was, along the lines of
12 training, have you, as board members, received any type of
13 training at all in the lines of corrections, dealing with
14 inmates, those kinds of things?

15 A. We've had no formal training, but I understand our
16 results are just about as good as the professionals' are.

17 Q. What about training in working with people from
18 different ethnic backgrounds, that kind of training?

19 A. No training.

20 Q. None at all?

21 A. But there's a --

22 Q. Is there any kind of training that you've received
23 as parole commissioners?

24 A. None at all.

25 Q. None at all.

1 A. Just the older ones taking care of the younger ones,
2 that's about it.

3 A. (By Mr. Hocker) I'd like to respond to that.

4 Q. (By Mr. Walther) Before we get off on that, this
5 would be a good time to mention, do you think it would
6 be beneficial to invest the funds and have a full time
7 parole board composed of people who would maybe have an
8 educational background in corrections or something along
9 that line, who could devote full-time to corrections
10 like they have, for example, in larger states?

11 A. (By Mr. Phillips) Right, Nevada is unique, as you
12 know, and I think eventually you're going to have that, the
13 way this caseload is increasing, you're going to have to
14 come up with a full time parole board, because you can't
15 expect busy citizenry, busy in their own occupations, to
16 come over here much, put in much more time than we're
17 putting now. I can tell you that from experience, and I
18 think you will come to a full time parole board. I don't
19 think the taxpayers will be happy, but nevertheless, I
20 think it's a must, eventually.

21 Q. You think it's -- the State of Nevada is ready
22 now for a full time parole board?

23 A. I don't think it's quite necessary, I think it
24 could be solved probably by increasing the size of the
25 board, have monthly meetings, one panel meet one month

1 and another the next month, that might be the next move.

2 I don't think it's something that a full time board
3 situation is something we should jump into overnight, it
4 will take a lot of thinking, better make sure you keep
5 them busy.

6 Q What if the time for parole hearings was expanded
7 to 30 minutes an applicant, at that point do you think it
8 would be time for a full time board?

9 A It wouldn't. You could give an applicant 30 minutes
10 but he might only take three again, ~~that's~~ that's what I'm trying
11 to get at.

12 There aren't many that would take 30 minutes, I can
13 tell you that. Even though you tell them they can have
14 all day, if they want it, they still want to have a look
15 at you and then on out. Some of them.

16 A (By Mr. Hocker) Mr. Walther, I would like to respond
17 to part of that. Plans are being formulated and are
18 going to be implemented in the very near future, at least
19 we expect to present this plan and when I say we, Mr. Campos
20 and myself, to the board, increasing the number of hearing
21 representatives from the number that we are now using.

22 This falls within the statutes, it works well, and
23 will have the effect of -- the dual effect of reducing the
24 work load imposed on the present board, and giving them the
25 opportunity to devote more time to their clientele, that's

1 a firm commitment.

2 Q How often, how many percent of applications, are they
3 heard before the fulling board, can you give me any facts
4 along that line?

5 A Well, when I speak of the hearing representative I
6 speak of splitting the board of parole commissioners up
7 into segments and assigning X number of hearing rep. to each
8 segment, that it's been split into, there's certain types
9 of cases that the hearing representatives can not par-
10 ticipate in, full board must handle that.

11 But this is a matter of -- that we're going to
12 solve in our planning and in the formulation of this plan.

13 I would like, also, to ask to respond to Ms. Stanovik,
14 you asked a question a moment ago and I've forgotten the con-
15 text of it, but I did want to respond to it.

16 MS. STANOVIK: About training, probably.

17 A Oh, yes.

18 Well, you're talking about the qualifications of
19 parole board members. So I would respond to that with
20 a two-fold question, one, what is a professional board?
21 And two, what are the qualifications of our jurists? They
22 have no training other than their profession as attorney
23 to pass judgment on another human being.

24 So I see a parallel here. It's all a matter of good
25 judgment.

1 Q (By Mr. Romero) In a court of law, though, a jury
2 normally has from one day to two years to listen to one
3 case.

4 A Right.

5 Q And the person does have the rights of represen-
6 tation by an attorney, so I don't think you can really draw
7 a parallel there. Mr. --

8 A But the judge hands down the sentence. The jury
9 finds him guilty or not guilty.

10 THE CHAIRMAN: Gentlemen --

11 Q (By Mr. Walther) Mr. Hocker, I would like to ask you
12 one question along that line.

13 In the sentence and hearing, isn't it true -- it's
14 true and I agree with that, because I was going to bring
15 that up, for example, what a parole board was composed of
16 judges, because judges, after all, do mete out sentences at
17 sentencing hearings, and are also the ones responsible for
18 granting parole or probation. But in that instance, where
19 you have a situation where a judge is making that deter-
20 mination, and you also have a lawyer who's an advocate for him,
21 they also have the power to subpoena witnesses and also have
22 the power to take the stand themselves and cross examine
23 the person who provides the presentence report, put him on
24 the stand.

25 Don't you think those safeguards would be well

1 served if they, the parole applicant, had the same rights
2 at a parole hearing?

3 Because, after all, that's what the hearing is
4 about, whether or not a person is incarcerated or goes free,
5 consideration to the same.

6 A. Well, this is something of my own making that I
7 stepped into and I'm not going to get into a debate.

8 Q. (By Dr. Katz) I've some questions along those lines,
9 I want to paraphrase by saying the two of you have a tre-
10 mendous responsibility considering ~~you're volunteering your~~
11 time and energies.

12 A. It's an awesome one, I assure you.

13 Q. I'm concerned, though, about some discrepancies in
14 terms of what you've indicated and what I heard earlier from
15 Mr. Lattin and Mr. Pyle, and that is according to what
16 you indicated they felt that perhaps 90% of the recommenda-
17 tions that they made were coincidental or similar to yours,
18 but apparently it's considerably less than that, from what
19 you've indicated.

20 A. (By Mr. Phillips) Yes.

21 Q. Secondly, it was their feeling that the reports that
22 they prepared were highly considered in terms of the final
23 decision, what I hear from you is that they may or may not
24 be, since they are not considered that highly, that perhaps
25 your interview with the individual during that time is --

1 has much more weight?

2 A. Correct.

3 Q. In reference to their report and I just wanted to
4 check that out with you.

5 Q. (By Ms. DeLuca) Does Mr. Hocker make recommendations
6 to your board regarding the --

7 A. Oh, does Mr. Hocker make --

8 Q. Yes, do you receive recommendations at any time from
9 him, regarding what to --

10 A. No, and we wouldn't pay any attention to him if he
11 did.

12 Q. That's what I wanted to know.

13 Q. (By Mr. Walther) I have some questions about parole
14 revocation, very quickly.

15 A. Yes.

16 Q. Are there rules and regulations covering parole
17 revocation proceedings?

18 A. What are they?

19 Q. Are there any?

20 A. I don't know what you mean by rules, but parole
21 revocation entitles a man to counsel, he can face adverse
22 witnesses against him, he can bring in his own witnesses
23 if he so desires. He's entitled to something in writing
24 as to the actual proceedings and the results, that's the
25 only one of the four classifications that's like a trial,

1 so-to-speak. And thus it should be because this is his
2 first trial on a parole violation.

3 Q When a person is arrested for a parole violation,
4 is he arrested based upon what we'd call probable cause,
5 which is the initial amount of evidence needed to arrest
6 somebody when he's, you know, committing his first crime,
7 for example?

8 A He's arrested on probable cause and within 15 days
9 a probable cause hearing should be held and shall be held.

10 Q And who passes on the existence of possible cause,
11 if his arrest is issued for a parole violation there --

12 A The hearing panel itself.

13 Q Is it based upon what we'd call competent evidence
14 in the sense that it isn't based on hearsay? I heard X is
15 now doing marijuana, or --

16 A It's based on airtight evidence, I'd say.

17 Q I'm sorry?

18 A Airtight evidence.

19 Q Airtight?

20 A Airtight. It means there's no way out.

21 THE CHAIRMAN: I would like to make a statement at
22 this time.

23 For the benefit of the Committee, all questions cer-
24 tainly must be channeled through the Chairman, and then we
25 can proceed orderly with the continuation of the sessions.

1 Now, go ahead, Steve.

2 Q (By Mr. Walther) What is the burden of proof which
3 exists in a parole revocation hearing?

4 For example, when you go to convict somebody for a
5 criminal offense, the state has to prove all of the
6 elements of the offense and the jury has to be satisfied
7 beyond a shadow of a doubt.

8 Now, in normal civil case, it's by the preponderance
9 of the evidence, so the burden in the criminal case is the
10 heavier burden, beyond a shadow of a doubt. Is a burden
11 of proof established in your parole hearings, does it have
12 to be beyond a shadow of a doubt?

13 A (By Mr. Wright) Yes. Yes. Like Mr. Phillips said
14 before, the inmate, this fellow on parole, he has the turn
15 to air if he wishes, if he gets by the probable cause hearing
16 and is released, then forget it. But if he gets back up
17 to the prison, then he's entitled to all these things.

18 Q Does he have subpoena power?

19 A I'm not an attorney, Steve, so I couldn't tell you.

20 Q I just wondered.

21 A That's a technical --

22 A (By Mr. Phillips) No.

23 A (By Mr. Hocker) No.

24 Q (By Mr. Walther) Mr. Hocker, is that correct, he's
25 not?

1 A. No, no, he does not.

2 Mr. Phillips adequately described what he's entitled
3 to, and it doesn't seem to me that subpoena power is
4 necessary, for example, if he wants to confront the parole
5 agent or whoever, that can be arranged.

6 If it's a police officer, this is a matter between
7 the chief of the department to communicate with the officer's
8 superior who will thereupon order him to appear.

9 There doesn't appear to me to be any problem here
10 and there never has been in a hearing.

11 Q. But in the event the person did want to compel some-
12 body to be present, to testify in his behalf, he would be
13 unable to do so?

14 A. To the best of my knowledge, yes.

15 Q. What -- who has the burden of proof in a parole
16 violation hearing?

17 In other words, who comes forward first with the
18 proof, for example, in a normal trial the state has to
19 prosecute and prove the case, the defense then has the
20 right to disprove the case type, with various types of
21 evidence.

22 A. The chief of the department of parole and probation
23 presents the initial evidence, and then it evolves into
24 the hearing situation, so I would say that it would be the
25 chief.

1 Q Does he take the stand under oath?

2 A No, no oaths are given in these hearings.

3 Q No oaths, none of the testimony is given under oath?

4 A No. It can be, customarily it has not been found to
5 be necessary.

6 A (By Mr. Phillips) We do have the power to
7 administer an oath, however.

8 Q All right.

9 Is a transcript taken of these proceedings? Is a
10 transcript taken of these proceedings like a court reporter?

11 A (By Mr. Hocker) Yes.

12 A (By Mr. Phillips) Yes, we have our clerk there.

13 Q It's a clerk that takes the minutes down or is there
14 a court reporter which takes every question and answer?

15 A You might say minutes. We don't have a court reporter
16 style anyway.

17 Q Is there the ability on the part of the parole
18 revocation defendant to have a court reporter present and
19 have testimony taken under oath, if he makes that request?

20 A We've never had a request of that nature, but if it
21 were so, I would grant it, yes.

22 Q One other question I have would be regarding
23 restoration of citizenship. What is the policy of the board,
24 generally, with regard to this? They've served their period
25 of parole, do they automatically have restoration of

1 citizenship or are they denied it?

2 A That is one of the points, automatically it's
3 supposed to be restored, citizenship is supposed to be
4 restored. If we don't, the man goes, where is it, ten
5 years with nothing greater than a traffic violation, then
6 he has the right to apply, if we still don't consider his
7 application, he can go to the court direct with his appli-
8 cation for restoration of civil rights.

9 A (By Mr. Hocker) I would like to respond to that,
10 Mr. Chairman.

11 There are three types of discharge, which are given
12 at the time his parole expires. One is the honorable
13 discharge, that's issued by the chief, and it restores
14 citizenship. There's a general discharge, this is again
15 given by the chief and it involves an instance where the
16 present whereabouts of the man is unknown, but no known
17 violation of the law has occurred.

18 Then there's a dishonorable discharge which involves
19 someone who has encountered more difficulty.

20 Now, in the case of the general discharge, after a
21 period of time in general terms equal to that that he
22 served in the institution, he can petition the pardons board
23 for his restoration of citizenship.

24 Is that responsive?

25 Q Thanks, yes, pretty much, except that you've the right

1 to restore citizenship as a parole board, right?

2 A (By Mr. Phillips) We do as of -- with an honorable
3 discharge.

4 Q An honorable discharged and when that honorable
5 discharge is given, restoration of all rights of citizenship
6 is given at the same time?

7 A Yes.

8 Q (By Ms. Johnson) Mr. Phillips, at the time of
9 denial of any prisoner, does the board itself make recom-
10 mendations as to what that prisoner might do to gain parole
11 at the next board?

12 A (By Mr. Hocker) I would like to respond to that,
13 would you address that question to me, please?

14 Q Yes, does Mr. Phillips or Mr. Wright, Mr. Hocker,
15 or Castleberry (Phonetic), any members of the board, make
16 recommendations as to what the person might do to gain
17 parole at the next board?

18 A Well, let me reiterate what I said earlier about the
19 institution representative who is sitting there, recording
20 the proceedings and who hears the board specify the
21 reasons for denial, right? Okay.

22 Let me give you an example. He might have been
23 denied for -- because the evaluation of his progress was not
24 satisfactory.

25 He has made no efforts at all in the area of self-help,

1 he has rejected all efforts of the institution staff to
2 motivate this person to improve his academic standing, his
3 vocational skills, and so on. He has been assigned on a
4 short term basis, to X number of programs, all of which
5 he has rejected, all he wants to do is go play basketball.

6 And it's clearly indicated that in this individual
7 case, he needs his GED or his high school diploma, he has
8 no saleable skills, other than being a pool hustler, for
9 example, some of the implied recommendation, at least, is,
10 get busy and satisfy your personal needs, obtain a saleable
11 -- saleable skill and so on. Might have to do with his
12 prison behavior and attitude.

13 Here's an individual who's an extreme management
14 problem during the preceding year, so it is suggested to
15 him that he correct his conduct and come back to the board
16 with an acceptable record in that area.

17 Q But do the board members themselves at the time of
18 the denial, then -- I assume that they use this form to
19 check off one of those reasons for denial, or whatever.

20 Do they write, do they make any recommendations
21 themselves as to what -- what that prisoner should do, what
22 would satisfy them at the next, say they've given him a
23 year dump or two year-dump, or whatever, at the end of that
24 time, what would be their criteria for parole at the end
25 of that?

1 A Well, I tried to respond to that by stating that
2 after the man has left the room, the board discusses the
3 case and makes a, reaches a decision as to whether to
4 parole the individual or not, and if not, they specify the
5 reasons why they are denying him.

6 Q How is that done, is that written down by the board
7 members on a --

8 A No, it is written down by the institution represen-
9 tative, as I explained to you.

10 Q What then happens, Mr. Pyle told us this morning
11 that sometimes he's not able to sit in on hearings, what
12 happens when the institutional representative is not --

13 A (By Mr. Phillips) Is not able to what?

14 Q Sit in on all of the hearings.

15 A (By Mr. Hocker) I don't think you understand that --

16 A (By Mr. Phillips) I don't recall anything like that --

17 A (By Mr. Hocker) I heard Mr. Pyle's testimony and I
18 knew at the time that it was confusing to this Commission.

19 He said that he sat in on half of the cases, and saw
20 the persons in whose hearing he had participated. But
21 when the board is split into panels there is another
22 institution employee recording with the other panel, so that
23 person interprets what he has written and Mr. Pyle inter-
24 prets what he has written to the client, is that --

25 Q So that board members then would say, if I were a

1 board member and you were the institutional representative,
2 I would then say, Mr. Pyle, we are going to deny Steve
3 Walther for a year because of protection of society, we
4 recommend that he bring the board back, in two years, a
5 GED, a vocational program, no --

6 A (By Mr. Phillips) We don't do that because in a
7 way you're promising something that you might not be able
8 to fulfill.

9 Q (By Ms. Johnson) Well, then, how does a prisoner
10 know --

11 A We simply state the board would like to see more of
12 this, the board would like to see more of that. It's
13 left up, pretty much up to the man himself if he wants to
14 perform.

15 Q But if he does all these things, if he goes through
16 all these programs, if he goes through the educational
17 programs, if he goes through psychological testing, no
18 writeups, he's still not guaranteed a parole, either next
19 year or --

20 A He isn't guaranteed, but he'd probably get it, I'll
21 say that, too.

22 Q Although we've seen, we've had testimony this
23 morning from prisoners who have been there many, many
24 years, who have received institutional recommendations, who
25 have been through all the vocational programs, so I would

1 then assume that the reasons that that prisoner was being
2 incarcerated would be protection of society, would you say,
3 or what -- what would the reasons be for someone being
4 there ten, 16, 20 years? You know? How do you -- he'd
5 complied with all programs issued and all psychiatric
6 things and he'd --

7 A. Two things, nature of the crime and protection of
8 society.

9 Q. In case of the nature of the crime, how does the
10 board, say this year you see him and it's nature of the
11 crime, so you decide not to parole him.

12 But when he comes before the board next year, you
13 still decide not to -- how do you decide when to parole
14 that kind of a case?

15 A. The only way you can do that is by a vote by five
16 people, and if he makes it he makes it and if he doesn't,
17 he doesn't. It's pretty hard to say how five people think.

18 See, if he's lucky enough to come through with a
19 favorable vote, he's out.

20 Q. But you say it takes a quorum, is it a quorum, a
21 majority of the parole board?

22 A. The type of crime you're referring to, I'd say is
23 usually held before a full board, five people, five members.

24 Q. And so three --

25 A. Three members are a quorum, all right, but a full board

1 hears the serious offenses.

2 Q (By Mr. Walther) Is there ever a situation where
3 the board feels as a matter of policy, it will not grant
4 an applicant for parole in the first instance, suppose,
5 for example, a fellow asks for parole after he's committed
6 first degree murder, the first possible time it's possible
7 to apply?

8 A Ten years.

9 Q Does the board feel that -- seven, I believe, maybe
10 it's --

11 A Ten.

12 Q Does the board feel that as a matter of policy for
13 a certain period of time parole should be denied?

14 A As a matter of policy, no.

15 Q As a matter of practice, is that the case?

16 A It's a very difficult thing, I'll tell you, and
17 there's no -- I don't know what the answer is to that.
18 There is no policy, however.

19 Q I have a couple of questions with regard to stat.
20 time. The hearings take place before you with regard to
21 those?

22 A Stat. time?

23 Q Yes.

24 A Yes.

25 Q How many hearings do you think you have a year on that?

1 A How many hearings?

2 Q How many hearings a year on the loss of stat. time?

3 A We hear maybe what, four or five?

4 A (By Mr. Wright) Four or five.

5 A (By Mr. Phillips) Four or five each session.

6 Q Each session?

7 A Yes.

8 Q Do the normal guarantees, or for example, I'm
9 talking about do the normal trial rights such as right to
10 counsel, right to cross examination, right to testimony
11 under oath, right to a transcript, do any of those rights
12 exist?

13 A No.

14 Q In a hearing such as that?

15 A Because he comes in with a prior criminal conviction.
16 He's already been convicted of a violation by the insti-
17 tution hearing staff.

18 Q So it's just an automatic thing as far as you're
19 concerned?

20 A It's not a case of how much time do we take or do
21 we agree with the recommendation of the institution or what
22 do we do, it's something that sometimes I wonder if it
23 belongs within the scope of parole boards' duties.

24 Q So there's no actual fact-finding hearing on your
25 part, is that correct?

1 A. That's correct.

2 Q. Fact-finding hearing has already taken place and
3 you just look at the results and make a decision on how much?

4 A. We make a decision, sometimes we go along with the
5 recommendations, again, sometimes we don't, sometimes we go
6 part-way, there's no set policy.

7 Q. (By Ms. DeLuca) I have a question.

8 Mr. Phillips, do you feel that if the board were
9 able to delineate the criteria they used to deny the
10 parole much more specifically, and to really give sugges-
11 tions, to an inmate, as to what he might do to achieve
12 parole, do you feel that this would help the parolee
13 plan his program or help him with the motivation or some-
14 thing in a measurable way, do you think this might be more
15 important if it could be done?

16 A. I think if it could be done, you hit the nail on
17 the head. I don't know whether it could be done or not.

18 Many times you don't like to guarantee somebody
19 something, you like to give them an incentive to do some-
20 thing on his own.

21 And then you backfire, he knows very well if he does
22 a good job or not, he gets the message and he'll come out
23 of it all right. And he usually does on his own and it
24 makes him feel better.

25 Q. So, are you implying you don't think it could be done

1 to delineate the criteria more clearly?

2 A. It could be done, yes, but I don't think it's desirable.

3 Q. And why?

4 A. We'd like to leave that up to the man himself to dis-
5 play his feelings toward.

6 Q. (By Mr. Walther) But isn't he required to guess what
7 your reasons are for denying the parole?

8 A. Isn't he what?

9 Q. Isn't he required to guess what your reasons are at
10 that point?

11 A. To guess what our reasons are --

12 Q. Well, in a sense, because otherwise how is he going
13 to know what your considerations are?

14 A. Well, for one thing, if we deny him for six months
15 he knows that he has a pretty good chance of getting out
16 the next time. That's common knowledge.

17 Q. But he doesn't know what he has to do in the six-
18 month period to get out --

19 A. What's that?

20 Q. He doesn't know what he has to do in the six-month
21 period to get out.

22 A. He knows he's done all right to that point, he
23 better hold the line for six more months, isn't it?

24 Q. (By Ms. Johnson) What about in the case of a year or
25 two-year denial, say --

1 A We don't give very many two-year denials, we could
2 give three, as far as that's concerned, but by far and
3 large, a one-year denial is what we give. And it should
4 tell somebody something, and yet it doesn't -- it doesn't
5 tell him exactly what we're thinking.

6 And in fact, it gives him some hope, a one-year
7 denial is much better than two, so-to-speak. Has a good
8 effect on him.

9 Q (By Ms. DeLuca) If you denied someone for six
10 months, but in your mind the way you're talking they had
11 a real good chance of getting it the next time around if
12 they just held the line, things would be all right, why
13 would you deny them for just six months, is it just some-
14 thing --

15 A We just want to see if the results he is displaying
16 at us will hold, if it's the real thing. See, if he can
17 take a short denial, see how he might react to it.

18 Q (By Ms. Johnson) What if in that period of time,
19 Mr. Phillips, this six months period of time --

20 A What?

21 Q In that six months period of time, okay? Say the
22 prisoner had been doing very, very well and just gave him
23 a six months dump and someone, something happened, there
24 are things that happen in prison, say that you have a job
25 somebody wants and they may plant a knife in your locker or

1 something. Then put in a file that the officer finds.
2 Then you go to a hearing. It's sometimes very difficult
3 hearing in that they don't have the right to confront
4 witnesses and that sort of thing. And sometimes taken for
5 granted that that offense happened.

6 Sometimes it might, you might not be able to prove
7 that you in fact did not put the knife there. But perhaps
8 another inmate put it there. I want -- Carl, I think, let
9 him respond?

10 A (By Mr. Höcker) Well, that's a mythical situation.

11 Q But see, they're all --

12 A Wait a minute now, I'm answering your question.

13 That's a mythical situation, a mythical situation.

14 Q But there are many like it, there, say was a fight
15 on the yard, say it was just, you know, there are so many
16 things, say someone got a letter from his wife and she was
17 leaving him or getting married to somebody else, or doing
18 something, and he just blew it, you know, so that at the
19 end of the six months time, when he came back to you, you
20 know, he would have a disciplinary but it would be a slip
21 rather than a serious infraction.

22 How would you -- what would you do at that point?

23 A It's hard to say, but there's always another six-month
24 denial can be --

25 MR. ROMERO: Mr. Chairman, may I ask a question, please?

1 Q (By Mr. Romero) Mr. Phillips, you said that you
2 read and reread the cases.

3 A (By Mr. Phillips) Parole reports?

4 Q Yes.

5 How much time do you normally take with each report?

6 A You mean reading it?

7 Q Right.

8 A All reports aren't the same length.

9 Q Approximately, sir?

10 A It's hard to say.

11 Q About.

12 A It might take five minutes for one where you don't
13 have too much thinking to do and you might spend ten minutes
14 thinking about it. It's hard to say in that sense.

15 Q About how many reports do you get?

16 A Oh, I guess we've, all the way from 50 to, say 100
17 on an average.

18 Q Fifty to how much, sir?

19 A A hundred.

20 Q A hundred?

21 A Yes.

22 Somewhere in there. But it's hard to say how much
23 time we spend reading a referral report, because again they
24 aren't all the same length.

25 Q (By the Chairman) You say that normally you don't

1 make the decision until you see or hear the man?

2 A Correct.

3 Q And then you say that at the same time you said that
4 you did not like or feel that an attorney should be
5 representing the inmate because you wanted to hear the in-
6 mate do his own talking?

7 A I, myself, do, the rest of the board might not.

8 Q What if that inmate has trouble communicating?

9 A I can usually get down to his level without any
10 trouble.

11 Q Get down to his level you say?

12 A Yes, if that's the problem.

13 Q I see. So do you get down to the level of a person
14 who does not speak English?

15 A That's a hard one to answer, you get into the back-
16 ground.

17 Do you have something to say?

18 A (By Mr. Hocker) Yes.

19 Q (By Mr. Romero) I'm asking, would you mind finishing?

20 A Well, he asked me to respond because of my knowledge
21 of the institution, Mr. Romero.

22 MR. PHILLIPS: Right.

23 A (By Mr. Hocker) In the last seven and a half years
24 I've not known anybody in the Nevada State Prison who could
25 not converse in the English language.

1 Q Good to hear.

2 A (By Mr. Phillips) Well, I don't recall having
3 ever talked to anybody who couldn't understand English, to
4 tell you the truth, again. If that were the case, we'd
5 get an interpreter, I'm sure.

6 Q Right.

7 Earlier, Mr. Ishikawa stated that combined, there
8 were 26 Mexican-American inmates in the Nevada State Prison,
9 is that correct, Mr. --

10 A (By Mr. Hocker) Yes.

11 Q How do you define, Mr. Hocker, a Mexican-American?

12 A I would define this man as a-- whose race, whose
13 blood race is -- is Mexican, but he is an American-born
14 Mexican.

15 Q So if a man from Mexico comes over, then you don't
16 include him in that figure?

17 A To the best of my knowledge, there is no one in that
18 category.

19 Let me correct myself, I believe that I know of two
20 who were born in the old country but who have resided in
21 the United States for the greater portion of their adult
22 life.

23 Q And they speak English?

24 A Yes, sir.

25 Q Thank you, sir.

1 A I have a Mexican-American in my office who's been
2 with me for 14 years and I know I could get his help if
3 I needed it.

4 Q My mother's a Mexican-American.

5 THE CHAIRMAN: Gentlemen --

6 MR. SCOTT: Mr. Chairman, I'm sorry, I'll make mine
7 very brief. I know it's prolonging it but I'd like to
8 ask you, and maybe you've covered this already --

9 THE CHAIRMAN: Please, not make it repetitious.

10 MR. SCOTT: That's why I say if it's already been
11 covered, let's just pass it over.

12 Q (By Mr. Scott) What is it that you would like to
13 see, as board members, to change the parole system in which
14 you work now, something that you can think of you feel
15 would be very valuable to change the process?

16 A (By Mr. Phillips) I can tell you this, I think the
17 possibility of lightening the load, as I say, more members
18 on the board and maybe monthly hearings and cutting down
19 the work load. I think that, we could do, to start with,
20 start there and do more for the parole system that we have
21 than any other one thing.

22 MS. GODOY: I just have a couple of questions.

23 Q (By Ms. Godoy) First of all, Mr. Phillips, as to
24 the prison staff which is allowed to sit in on the parole
25 board hearing, does the counselor, the correctional counselor,

1 make any recommendations to the board as to a particular
2 inmate?

3 A. No.

4 Q. Does the executive secretary make recommendations
5 to the board?

6 A. No.

7 Q. There are no comments made by either of those two
8 people at the parole board hearing?

9 A. No. That's the last thing we'd want to hear, is
10 comments by those people. They're not in there for that
11 purpose.

12 Q. (By Mr. Scott) What about the warden? What about
13 the warden, does the warden make recommendations?

14 For a person to be released on --

15 A. On the referral reports, sometimes, yes. But he's
16 not sitting there addressing the board, saying, let's
17 dump this man or let's let him go or let's do this or
18 that.

19 The board, you'll find, is pretty independent on
20 situations of that kind.

21 Q. (By Ms. Godoy) Now I'd like to direct a question
22 to Mr. Hocker, if I could.

23 Mr. Hocker, you read, earlier, a memo delineating
24 your responsibilities as executive secretary. I would like
25 to know when you prepared that memorandum?

1 A (By Mr. Hocker) Well, that was prepared sometime
2 prior to the activation of this position.

3 Q I see.

4 A It was a job description, so-to-speak.

5 Q A job description.

6 A Yes.

7 Q And that was created or that was compiled by you
8 and --

9 A Mr. Campos.

10 Q Okay..

11 Are the inmates given a copy of that memorandum to
12 see what your responsibilities are and how they might
13 affect them?

14 A No, the description of the position is contained in
15 the statutes and -- which state in broad terms what the
16 responsibilities of the position are, the various functions
17 are made known to the institution by various means, memo-
18 randums, for example.

19 Q But the specific responsibilities such as those that
20 you mentioned earlier, are those particular specific
21 responsibilities given in written form to the inmates?

22 A No.

23 Q Is there any reason why those are not made available
24 to the inmates nor to the State Advisory Committee?

25 A Well, as I stated just a moment ago, the inmates

1 know what my function is and they are given this informa-
2 tion not in one piece but in parts.

3 For example, the procedure by which parole advance-
4 ments are applied for and granted, is spelled out singularly
5 and distributed to the inmates.

6 Q But then this memorandum doesn't provide any new
7 information, does it?

8 A Oh, yes.

9 Q Oh, it does provide new information?

10 A Because this is the new procedure, new policy.

11 Q Then is there any reason why this memorandum could
12 not be made available to the inmates?

13 A It's not necessary.

14 Q Is there any reason why it can not be made available
15 to our Committee?

16 A Yes, because that's my property.

17 MS. GODOY: Thank you.

18 MS. DELUCA: I've a couple more, would you rather not?

19 THE CHAIRMAN: Have they been covered?

20 MS. DELUCA: I don't believe so, if they have, let
21 me know.

22 Q (By Ms. DeLuca) I'd like to ask Mr. Phillips and
23 Mr. Wright, the statistics we have for the release of in-
24 mates at the maximum and medium security prisons are about
25 equal, how do you explain that?

1 A (By Mr. Phillips) The what?

2 Q The statistics for release?

3 A Well, all I can tell you is that we call them as
4 we see them, that's the only thing I can tell you.

5 Q And who requires exfelons to register with law
6 enforcement, do you know?

7 A Who does?

8 Q Who requires exfelons to register?

9 A It's by statute, as far, you mean that provision or
10 requirement? Yes.

11 MS. DELUCA: Thank you.

12 MR. ROMERO: I just have one short question.

13 Q (By Mr. Romero) If a man and a woman commit the
14 same crime, do you view them any differently or do you
15 consider the crime the same?

16 A Do we view them any differently?

17 Q Yes, say a man --

18 A No.

19 Q -- commits first degree murder and a woman commits
20 first degree murder?

21 A No, absolutely not. If they're strong enough to
22 commit the crime then they ought to be strong enough to bear
23 the load, whether it's a male or female. It's still a
24 problem.

25 THE CHAIRMAN: Gentlemen, I have just one last

1 question for your group.

2 I have, from the interviews, noticed that we seem
3 to leave free flow of information up to the -- from the
4 inmate up to the board, I would like to know, from either of
5 you or all of you, do you have any suggestions which,
6 that you could have a better flow of communication of
7 information back to the inmate involved, do any of you have
8 any suggestions?

9 A. (By Mr. Phillips) Well, I have an answer to that,
10 I'm making my first meeting with the prison Jay-Cees tonight
11 and I don't know of any time in the past where that's
12 ever been done by any parole board member.

13 That's all I can tell you. I'm due out at the
14 meeting at 6:30.

15 Q. (By the Chairman) Do either of you have any --

16 A. (By Mr. Wright) No.

17 THE CHAIRMAN: Okay.

18 Well, we certainly want to thank you for your
19 participation, your consideration to come before the
20 Committee, and I'm sure that out of this, that we have
21 accomplished something.

22 A. (By Mr. Phillips) We would like to thank you, too,
23 we hope we've been able to help and we hope they've put
24 out the word that our parole board stacks up with the best
25 of them. Thank you.

1 THE CHAIRMAN: Thank you.

2 We will have a five-minute break.

3
4 (Short recess)

5
6 THE CHAIRMAN: Jim, Ladies and Gentlemen, we'll call
7 the Committe back in session, please?

8 Could we have at this time, Edwin T. Pogue, Warden,
9 Nevada State Prison.

10 Mr. Pogue?

11

12

13 MR. EDWIN T. POGUE

14

15 Q (By Ms. Johnson) Would you please tell us your back-
16 ground in corrections, Mr. Pogue?

17 A (By Mr. Pogue) All right, Donny.

18 Yes, I have a bachelor's degree in corrections
19 administration from the University of Arizona, worked as a
20 youth counselor while I was going to school, worked as a
21 deputy probation officer in Vallejo, California, adult and
22 juvenile, went to graduate school for a year, went to work
23 at San Quentin as a correctional counselor, went to special
24 treatment unit called the ICE Project, with shorter prison
25 terms coupled with intensive supervision, to see how that

1 would turn out.

2 Went to California Medical Facility as a classifica-
3 tion and parole representative, accepted a promotion up to
4 the Nevada State Prison as associate warden in charge of
5 classification and treatment. And then became deputy
6 warden in charge of the custody division.

7 Went to Clerkery (Phonetic) Youth Center for a
8 year as administrator and programmer and came back to
9 the prison as deputy warden in April of '73, was promoted
10 to warden of the Nevada State Prisons --

11 Q Would you please put him down as overqualified?

12 Warden, do you make recommendations for granting or
13 denying parole?

14 A Staff under my supervision do, occasionally I do.

15 Q Occasionally?

16 A Yes. Usually when one of them are on vacation or
17 something else, some other work load, something else
18 happens, then I make personal recommendations, but other-
19 wise it's the staff, either the associate warden or the
20 deputy warden.

21 Q The Committee has heard about referral reports pre-
22 pared by your staff for the parole board. That they are
23 sometimes read to the prisoner, but the prisoner is never
24 allowed to see them.

25 What is your feeling?

1 A I think that generally speaking, the people that
2 the report is written about, do not know the complete
3 information that is contained in the -- that is a setup,
4 a general trend, not only in corrections but in other
5 areas.

6 I think that, you know, I see an increased use of
7 this, as a tool both in the changing of behavior and also
8 in the sort of the honesty relationship between people.

9 Q Is there a policy that, a prison policy that keeps
10 the prisoner from having access to this referral report?

11 A Yes, that's correct, there is.

12 Q It's a prison policy ratified by the board of
13 prison commissioners?

14 A Yes, that's correct, there is.

15 Q When was that done?

16 A Shortly after the last election, '71, 1971.

17 Q For what reason?

18 A Well, they ratified all the rules of the institution
19 and that was one of them.

20 Q What, all the rules of the institution that are
21 policies concerning inmate behavior have also been ratified?

22 A Yes.

23 Q And are written policies now?

24 A I'm sorry --

25 Q They're all written and they're all ratified at this

1 point?

2 A. Yes.

3 Q. What's your feeling, personally, about inmates not
4 having access to the referral report? Do you think that
5 necessarily --

6 A. It's been a rather traditional way of dealing with
7 reports and with so-called sensitive material.

8 I, again I see a change not only in the Nevada
9 State Prison, you know we are telling them generally
10 speaking, we are trying to develop procedures and programs
11 so that it will be consistent and there will be a method
12 of giving everyone the information, rather than just a few
13 or rather than, you know, just saying the people that ask
14 or anything else.

15 Q. When that's accomplished, will that be inclusive
16 of the arrest history and all of that kind of thing?

17 A. Well, that's, of course, another area which is be-
18 coming more and more prevalent, and it certainly should
19 include that since that is a part of the consideration
20 and a part of the parole board's information, so therefore,
21 any information should be, then, discussed or whatever,
22 with, very similar to the presentence investigation reports.

23 Q. Is it a requirement that the correctional counselor
24 put in the arrest history in the referral report?

25 A. Yes. That's a part of the format which is adopted

1 by the parole board.

2 The -- there is a skeleton outline and this is
3 included as that, as a part of that skeleton outline.

4 Q Is it a requirement that the statement or opinion
5 from the DA's office be given verbatim to the parole board?

6 A That is a part of the approved foremat in existence
7 at this time, yes, that's correct.

8 Q Verbatim?

9 A Yes.

10 Q Do you feel that such an opinion from the DA's --
11 office, say many years ago, is still a relevant factor?

12 A It would -- you know, sometimes it might not be
13 relevant to the consideration that they are giving,
14 whether or not the man is now ready for release, and I
15 think that the -- that the import of the district attorney's
16 statement is on other things, that is the nature of the
17 offense or other factors which are included in, which is
18 required, I think, by statute.

19 Q And is there a requirement for a judge's statement
20 also?

21 A I don't know that.

22 Q Could you explain to the Commission about the taking
23 away of statutory time and for what reason that can be
24 done and what effect it has on the person, on the term
25 which he will serve?

1 A Statutory time is, in effect, a reward for good
2 behavior. It is statutorily provided that those people
3 who -- whose behavior is good may earn certain degrees of
4 time reduced from their sentence.

5 The taking of statutory time is therefore, then,
6 for a violation of institutional rules for felonies or
7 other offenses.

8 The disciplinary committee makes a recommendation
9 that the statutory time be taken or not as the case may be,
10 it's reviewed through the institutional procedure, either
11 the associate warden or the deputy warden reviews and
12 denies or approves.

13 If I approve that is a matter of referral to the
14 parole board, a report is prepared and the recommendation
15 as to how much statutory time is -- should be removed is
16 then presented to the parole board.

17 The parole board reviews it and then makes a decision
18 based upon that report and an interview with the person.

19 Q Who makes that determination?

20 A I make that recommendation specifically.

21 Q Well, for what offenses can statutory be taken away?

22 A As I remember the Nevada Revised Statutes indicates
23 serious offense. And so that is extremely broad. That is
24 sort of consistent with our disciplinary procedures whereby
25 serious offenses are referred to the disciplinary committee

1 and therefore the process can be initiated through them.

2 Q. There's one line in that statute saying that,
3 violence or intent of violence must be found, can you
4 respond to that, and how that is arrived at?

5 A. No, I can't. I don't remember that as being a
6 part of or an all-inclusive function. An omnibus function.

7 Q. It's 202, 209.290, a forfeiture, however, shall be
8 made only by the state board of parole commissioners after
9 due proof of the offense and notice to the offender and
10 no forfeiture shall be imposed when a convict has violated
11 a rule without violence or intent of which the state
12 board of parole commissioners shall be the sole judges,
13 and what I was wondering is how -- how intent to violence
14 is established?

15 A. No, I have no idea on that.

16 MS. JOHNSON: That's all the questions I have.

17 THE CHAIRMAN: Do we have any questions from the
18 other Committee members?

19 MS. STANOVIK: I have a question.

20 Q. (By Ms. Stanovik) What is the total number of
21 correctional counselors at the prison?

22 A. About five full time people and then we have a -- an
23 academic instructor at the women's prison who devotes
24 about one-fourth time to academic instruction and about
25 three-fourths time to counseling.

1 We have, usually, a couple of interns or trainees
2 from the university.

3 Q. Is this instructor the only counselor available
4 at the women's section or is there -- is there a female
5 correctional counselor?

6 A. She is a female correctional counselor.

7 Q. So she's -- so it's five, and three-fourths, sort of?

8 A. Yes.

9 Q. Are you talking about a population of close to 900
10 inmates, is that about right?

11 A. Yes.

12 Q. Do -- are these correctional counselors able to
13 spend much time counseling?

14 A. No.

15 Q. What do they do?

16 A. Certainly the parole board reports take up a major
17 portion of their time and responsibilities. It's, you
18 know, we're -- because of the population increase we're
19 actually losing ground.

20 We're getting more people per counselor now than
21 we've ever had. And so we're further behind now than we
22 were four, five years ago.

23 Q. Can you explain to me the difference between a
24 correctional counselor and a correctional officer?

25 A. A correctional officer was formerly termed a guard,

1 and a --

2 Q Okay.

3 Are any of these five and three-fourths correctional
4 counselors members of a minority group?

5 A No.

6 Q No?

7 Okay, that's all, thank you.

8 Q (By Ms. DeLuca) Mr. Pogue, what is your opinion of
9 the creation of a full time professional parole board?

10 A I think it's needed. I can see a lot of advantages
11 and I think that we've reached the point in the state
12 where we need that as a -- as a function of the parole
13 department.

14 Q Also, how about, how do you feel about the creation
15 of the state department of corrections, the whole umbrella
16 agency to cover all corrections in the state?

17 A I have somewhat mixed feelings on that. Whether or
18 not it's called a department of corrections, I think that
19 we are functioning as though we were a department right now,
20 so I'm not sure that perhaps another layer would necessarily
21 be more productive.

22 I think that, you know, we've divided the institu-
23 tions, we've -- to have associate wardens in charge of
24 both max. and medium, we intend to ask the legislature, oh,
25 sort of a supervising counselor-type to be in charge of the

1 women's prison and we're making some more programmatic
2 changes so we are in fact doing what a department of
3 corrections would do.

4 We think at a less expensive level, because we're
5 not paying people as much as they probably deserve.

6 Q What kind of changes, if any, would you like to see
7 in the parole process or the whole parole situation?

8 A You probably get tired of hearing it because I
9 think everybody that you've asked that are going to say
10 the same thing. That is that they need more time, they
11 need more information, certainly, I feel that more coordina-
12 tion between them and the inmates is vital and necessary.

13 I think that, you know, I think there are a lot of
14 innovative projects that we can get into which don't
15 cost any money and which we could do contractual arrangements,
16 agreements whereby, you know, people would know specifically
17 what they are to do and how much time they are to do.

18 All kinds of things could be done if we had full
19 time warden and people who could devote their entire time
20 to this area.

21 Q Do you feel specific reasons for denial of parole
22 should be given to each inmate as an objective?

23 A Yes.

24 You know, I certainly do. But I think that there is
25 some misunderstanding, I think that, you know, I also really

1 question whether or not the people don't really know, you
2 know, what the time or the other elements which are in-
3 volved, but certainly, I think it would help to -- and
4 maybe conversely if -- even if you say, you know the offense
5 was so bad that you have to do more time, I still think
6 that people who are so personally involved, that is the
7 guy who has to do another year, would accept this as a full
8 legitimate reason.

9 I think that this is again as a direction, I think
10 that we're telling people more about what's expected of
11 them and certainly hope we are, and I think the parole
12 board also needs to do that.

13 MS. DELUCA: Thank you.

14 Q (By the Chairman) Mr. Pogue --

15 A Yes, sir.

16 Q -- if you had adequate funding, how many correctional
17 counselors would you need at this time, with the population
18 of the prison what it is today?

19 A Boy, I can think of uses for so many that I don't
20 know, what, 40, 50? 200? You know, I was over in the
21 Netherlands not long ago and they have a staff ratio of one
22 to one, that is one staff for every inmate. And they are
23 claiming that they're overworked and need more people to
24 do this.

25 They also have one of the best prison systems in

1 the world. So, you know, where do you arrive at a good
2 -- at a good figure, at a good ratio?

3 The American Correctional Association recommends
4 approximately one to every 100. It depends on what they
5 do and how they do it and again, when I was in the In-
6 creased Correctional Effectiveness program, there were
7 three people assigned full time to 60 inmates, we had a
8 success ratio of somewhere around 87, 90%, and you know,
9 perhaps it was due to us, perhaps it was due to the people
10 we selected for the program, we were never really able
11 to research it.

12 But certainly, we need more people and the more
13 people you do, the better job that the parole board, the
14 better, the more knowledge they're going to have about the
15 people and the more effect that we're going to have on
16 them.

17 I think that we could certainly decrease the staff
18 some by the use of volunteers, I think it's important that
19 people from the outside come into the institutions and
20 affect a normalcy on the environment in the institution
21 and on parole. I think volunteers in parole is an effec-
22 tive program, also.

23 Q What about psychologists, how many do you feel that
24 is necessary at this time? I mean that you could possibly
25 do with? I know that you have two or three now. I understand

1 from the information that we've gathered here today.

2 What is the minimum number that you think would be --

3 A I'm not too real hot on psychologosts or psychia-
4 trists, particularly in prisons because I feel that basically
5 what we're dealing with are character disorders in an
6 institution, that is the sociopath, psychopath, whatever
7 name you want to call it. And these are basically the people
8 that the traditional therapist can not reach.

9 And therefore, I think that we have to use a psycho-
10 logist who is innovative and who would help in program de-
11 sign or other things, and I don't see that traditional
12 therapy as a real important part of an institutional change
13 behavior. So, therefore, I think that you have to have
14 enough psychologists to adequately treat people, enough
15 psychiatrists to insure that evaluations and diagnoses are
16 correct, but I don't see them necessarily providing an
17 intensive therapy as being a critical factor in insti-
18 tutions.

19 You know, the national average is, I think some-
20 where, one psychiatrist to every 2,000 people. You know,
21 we have one psychiatrist to the 900 people that we have.
22 But, you know, if you ask me, you know, if that were
23 enough, I'd say, you know, we could make more and more
24 productive use of the psychiatrist that we have and we
25 could also use more people in many areas.

1 Q (By Ms. Stanovik) I have two questions, really.

2 First, what are the qualifications for a person's
3 going -- who's going to be a correctional counselor?

4 A Correctional counselor, there are different levels,
5 basically it's a degree in one of the behavioral sciences
6 plus one year of experience in, you know, in the social
7 work field.

8 Q It is a degree in behavioral sciences?

9 A Yes.

10 Q What about a correctional officer?

11 A That's a high school or equivalency, plus two years
12 of work experience, in any kind of work.

13 Q Do the correctional officers receive any type of
14 in-service training in the area of human relations, working
15 with people kind of --

16 A Yes, they undergo basically a two weeks orientation
17 course to the whole institution spectrum. In addition,
18 there are a number of courses, or I think there is one
19 specific segment in dealing with, you know, the various
20 types of people that we have in institutions.

21 I, you know, about 90 of the staff, 90 of the 250
22 staff are currently engaged in junior college level
23 community college level work for degrees. So, therefore,
24 there are access to a large number of programs.

25 Now, again, if you ask me, you know, is it an effective

1 program, are we really getting the information across, I've
2 probably got to say no, that we, you know, we're not really
3 developing that specific area or a lot of areas that we
4 need to develop in the institution.

5 Q (By the Chairman) Mr. Pogue, at this time, do you
6 have any suggested legislation that would affect the parole
7 processes in the state, suggestions that might improve
8 or have you any legislation or -- that you're going to
9 propose or --

10 A We're in the formative stages now, but we have a lot
11 of ideas, it depends on how well they're received by the
12 legislature.

13 Certainly one of the things that we'd like to see
14 is coupled with a youthful offenders institutions, is also
15 a reduction in the amount of time that they would have to
16 spend before they're eligible for parole. You know, every-
17 body is required to serve at least one year now in the
18 institution and I'd like to see that reduced to, I don't
19 know, six months, or whatever, for the youthful offender
20 so that we can attempt to program them on an accelerated
21 basis in the institution and return them to the community
22 at a sooner time.

23 That's one example. Certainly the -- I don't have,
24 you know, real direct responsibility to or from the parole
25 board, so I would hesitate to introduce too many legislation,

1 with no effect, anyway.

2 Q Does the parole board usually approve suggested
3 legislation prior to the request of introduction by the
4 legislature?

5 A Certainly not the ones that I introduce, that
6 goes through the prison board, the governor, the attorney
7 general, the secretary of state. Those that Mr. Campos
8 or Mr. Hocker would introduce does go through the parole
9 board.

10 Q They go through the parole board?

11 A Right, and again, quite frankly, Bud Campos and
12 Carl Hocker and I attempt to coordinate our legislation so
13 we don't wind up necessarily, you know, recommending two
14 different or conflicting pieces of legislation.

15 THE CHAIRMAN: Any other member of the --

16 MR. SCOTT: Yes.

17 Q (By Mr. Scott) Does each parolee, person going
18 before the board, usually a letter of recommendation from
19 the prison or from your office or someone, going with,
20 in his package to the board, some form of recommendation?

21 A Each report ends with a recommendation from the
22 institution, yes.

23 Q And would you say that your reports are often
24 pretty well received? Otherwise, according to, or sometimes
25 you have to raise your eyebrows?

1 Okay, I'll change that.

2 A I haven't kept any statistical records on that.

3 Q Also, a person having been, although we're getting
4 into the parole board kind of thing here, because a
5 person who is being dumped for a year or two years or for
6 a period of time, would you feel like that some considera-
7 tion should be given more for a reconsideration, that person
8 go back to the board in a shorter period of time, if that
9 person is ready to go back to the board?

10 Or what happens, does the prison make any contact
11 with the board saying this person proved satisfactory
12 or whatever reason they dumped this person for, if that had
13 been proved to a point that the prison feel like this
14 person's ready, within the two years time, say a year from
15 now this person's ready, is there any action a prison
16 can take, any letters to the board making this recommendation?

17 A Not really, the criteria now is substantial change
18 since he was last seen by the parole board and that does
19 not usually indicate things like completion of college
20 courses or completion of high school courses or completion
21 of vocational training, it means some more significant
22 change and therefore, usually the board is -- the person
23 is not advanced, except when the substantial changes do
24 occur.

25 Now, we are attempting to use the work furlough bill

1 as a process of -- of allowing people to appear before the
2 parole board before their regular scheduled time so that
3 they can participate in the work furlough program.

4 Q What do you do to help people with language barriers
5 who have gone before the board, or otherwise? What does
6 the prison do to help people who have language barriers?

7 Is there any assistance or offer of assistance to
8 these persons?

9 A Very little.

10 We do have the female instructor at the women's
11 prison is trained and has done a good job -- is trained
12 and, oh, what's it called English for non-English-speaking
13 people, I think, and has done a good job with some people
14 at the women's prison.

15 There have been people who do not speak English,
16 quite frankly, I -- we don't have the capabilities of
17 assisting them to any large degree. They're so few in
18 number that I don't know specifically what we have done
19 with them. I don't even know the one guy that I'm thinking
20 of, I don't know if he's even gone to the board yet, I
21 don't think so, I think he's on a murder conviction, so I
22 don't think he can appear yet.

23 Q That's --

24 A To further amplify, I don't know of any case where
25 the language has been a problem at the parole board hearing.

1 Q Then what about communications on the grounds,
2 then, with officers and persons like in charge, where
3 there's a language barrier plays, involved?

4 A Again, in the case of the one guy, he developed a
5 close friendship with another Spanish-speaking person and
6 was able to sort of act as his interpreter in those kinds
7 of situations.

8 We did have, you know, members of my staff, upon
9 occasion, have read the rules to Spanish-speaking inmates.
10 On other occasions, this person has acted as an interpreter
11 for him with the staff on a 24-hour basis, so-to-speak.

12 MR. SCOTT: Thank you.

13 Q (By Mr. Romero) Mr. Pogue, Mr. Hocker made it
14 sound basically like the Nevada State Prison is totally
15 English-speaking. That 100%. Can that be assumed correct?
16 That there are no -- in fact, you kind of said it yourself
17 there are absolutely no, other than one, that one case,
18 absolutely no problems in language communications, either
19 with the Black dialect or English as a second language
20 or lack of it, perhaps some of the Native Americans not
21 speaking English, you're saying that there's not, absolutely
22 no problem such as that?

23 A Oh, I didn't say that. I'm sorry, I hope I didn't
24 say that, because I think communications in its broadest
25 sense is probably one of the great problems in institutions

1 generally and with people particularly. I think.

2 But yes, I hope I didn't imply that there was no
3 problem with that.

4 Q In 1972, I read a report that stated that the
5 Mexican-American population within the state prison was
6 12%. Yet this morning, some figures were read that make
7 the Mexican-American figure as three -- anywhere from three
8 to three and a half percent, is that correct?

9 A It -- I've been there six and a half years and it has
10 never been anywhere near 12%.

11 Q I see.

12 A The Chicano population is extremely small in this
13 state and I think it's up to the 26 that I heard of this
14 morning, it's probably the largest that I've known it to
15 be because I haven't known it to be anywhere near that.

16 Q How do you determine who is a Mexican-American, is
17 this by name or self-identification, just how do you do it?

18 A There is an entry card made up when a person comes
19 into the institution, I'm not sure where Mike Ishikawa got
20 the figures from, if it's from there, then I think it's from
21 a self-referral, it could certainly be by the surname,
22 it could be from asking the person, I don't know, quite
23 frankly.

24 Q So that the system, then, is not geared to gather,
25 then, actual documentation as to anybody or at least the

1 Mexican-Americans, the ethnic breakdown, background?

2 A. What we've -- quite frankly, the -- oftentimes the
3 Chicano or the Mexican-American are included in the so-
4 called White population, and therefore we, you know, we
5 don't distinguish.

6 Q. So, that figure of 26 people could be wrong, it
7 could be much greater than that?

8 A. I don't know how Mike arrived at it so I don't know.
9 It would surprise me if it were any more.

10 Q. And you said that as far as the parole board, they
11 have never had any problem with anybody's dialect or any-
12 body that may not know the English language as far as you
13 know?

14 A. Right. I have not heard of this as being a problem.
15 I didn't say they had not had a problem.

16 Q. (By Mr. Scott) May I ask, what is -- I was going
17 to ask this to the board members, what is the age level
18 of the board members? Some kind of way you can describe
19 it?

20 A. Are they here?

21 Q. I don't know if there are any members here or not?
22 I was intending to ask that question.

23 THE CHAIRMAN: I think you're a little late.

24 A. Mr. Phillips and Mr. Wright are fairly representative
25 of the board.

1 MS. STANOVIK: I have one more.

2 Q. (By Ms. Stanovik) Do you ever make, you personally,
3 ever make recommendations to the parole board on policy?

4 A. Yes. Certainly infrequently, but yes, I have.

5 THE CHAIRMAN: Well, Mr. Pogue, we certainly want
6 to thank you, myself and the Committee, and the regional
7 office for your participation today.

8 We feel that your contribution has been very
9 meaningful to the Committee, and that we feel that out of
10 this hearing, something meaningful can come from it.

11 A. I wonder if I could say one thing, Mr. Chairman?

12 THE CHAIRMAN: Yes.

13 A. I also appreciate the manner in which the staff
14 persons, particularly Mike Ishikawa, has worked with the
15 institution, and the smoothness in which the information
16 was gathered from our standpoint. He's an excellent
17 representative of the staff and I think that has done a
18 good job for you.

19 THE CHAIRMAN: Thank you.

20 Well, Ladies and Gentlemen, this will conclude our
21 session today, the Committee will reconvene tomorrow morning
22 at 9:00 a.m.

23 I hope that the Committee, and those of you that are
24 participating and any guests that might care to come, will
25 be here at that time. Thank you.

(Hearing adjourned at 5:40 p.m.)