

STUCK BEHIND BARS:

EXPLORING REASONS WHY PAROLE ELIGIBLE INMATES IN NEVADA REMAIN INCARCERATED

May 21, 2015

Ten years ago a report by the Nevada Department of Corrections (NDOC) found that the Nevada Department of Parole and Probation (NDPP) was unable to properly manage and prepare inmates for the transition from inmate life to law abiding citizen.¹ Recently, however, NDPP reported they have improved their operations and are collaborating with the Nevada Department of Corrections (NDOC) to better serve the inmate population.² Yet, even within this report, it appeared that a high number of inmates were not released from prison despite being eligible for parole.³ NDPP reported the two most common reasons why eligible inmates were not paroled as: (1) the inmate refused parole or refused to submit a parole plan (26.2% of inmates); and (2) the inmate submitted a non-viable plan, or their plan was denied during the investigation (18.7% of inmates).

The ACLUNV was particularly troubled by the high rate of inmates refusing parole. In order to gain a deeper understanding of the changes in the parole and probation process and the reasons why inmates were unable to submit a viable parole plan, the ACLU of Nevada (ACLUNV) conducted a survey of parole-eligible inmates. This report reviews the survey responses.

IMPORTANCE OF IMPROVING THE PAROLE AND PROBATION SYSTEM

It is vital that ex-offenders be equipped with the proper tools and preparation to reintegrate into society. In theory, the parole and probation system should serve as the conduit between incarceration and integration into the community. A properly functioning parole system provides a "positive means of promoting successful reintegration. It results in reducing unnecessary expenditures for continued incarceration while, at the same time, maintaining an appropriate degree of supervision and control to ensure continued protection of society."⁴

Moreover, research demonstrates that former inmates greatly benefit from the supervision and oversight provided by the parole and probation system. One study found that in comparison to paroled inmates, inmates released after serving their full sentence are significantly more likely to be subject to a post-release re-arrest and reconviction, and are also more likely to re-offend sooner than those participating in the parole and probation program.⁵ Furthermore, being released on parole supervision helps decrease an

¹ http://lasvegassun.com/news/2005/dec/27/report-blasts-parole-system/

² Nevada Parole and Probation Unit Re-Entry Programs Power Point Presentation

http://www.leg.state.nv.us/interim/77th2013/Committee/StatCom/ACAJ/Other/8-July-2014/PandPParoleUnitReEntryPrograms.ppt (attached as Appendix A).

³ For example, in May 2014, although 357 inmates were eligible for parole, 321 inmates could not be released. (Appendix A, slide 9)

⁴ American Probation and Parole Association, https://www.appa-

net.org/eweb/Dynamicpage.aspx?webcode=IB PositionStatement&wps key=e21e9312-056e-43be-8d55-dda3549dd7dc.

⁵ Recidivism and the Propensity to Forgo Parole Release, May 2011, Justice Quarterly. http://www.tandfonline.com/doi/abs/10.1080/07418825.2011.570362

inmate's likelihood of substance abuse after release.⁶ Even NDOC recognizes "[w]hen offenders smoothly transition from the correctional system to society, they are more likely to be successful." Importantly, the Nevada Department of Corrections expends approximately \$20,238 of taxpayer money per year to house just one inmate.⁸

It is clear that a successful transition from incarceration to integration is ideal. This begs the question: Why is NDPP failing to provide a successful transition to eligible parolees and charging taxpayers for their failure?

SURVEY METHODOLOGY AND FINDINGS

A. Methodology

The ACLUNV compiled information about parole eligible inmates from NDPP's hearings website. We reviewed data from all hearings occurring from 2011-2014 and created a list of inmates still housed in an NDOC facility. Every fifth inmate was selected from this list to create a survey group. We then sent the survey to the first 75 inmates from that group. The ACLUNV made small adjustments to the sample to ensure representation of various cultural backgrounds and genders. The surveys were answered anonymously, yet were numbered in order to track the response rate.

The questions in the survey ranged from basic background information, to the inmate's experiences with NDPP and NDOC¹⁰.

A snapshot of the survey is below:

Gender of Inmate Respondents

Male: 38Females: 4No Response: 1

Race of Inmate Respondents

Black/African American: 18White/Caucasian: 17Native American: 3

Hispanic: 1

Bi-Racial (Black/AA & C): 1

No Response: 3

Sexual Orientation of Inmate Respondents

Heterosexual: 35Neutral: 1No response: 6

• LGBTQ: 1

Average Parole Hearings Per Inmate: 3.32

Inmates Electing Sentence Expiration: 9

Caseworker Assigned

Yes: 36No: 6

No Response: 1

Re-entry Coordinator Assigned

Yes: 16No: 26

No Response: 1

The ACLUNV Received 43 Responses to the Survey.

http://www.doc.nv.gov/sites/doc/files/pdf/stats/annual/FY2013 Statistical Abstract.pdf

⁶ http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411744-Returning-Home-on-Parole-Former-Prisoners-Experiences-in-Illinois-Ohio-and-Texas.PDF (Yahner et al. 2008)

NDOC, Fiscal Year 2013 Annual Statistical Report, p. 69.

⁸ http://www.leg.state.nv.us/interim/77th2013/Committee/Interim/LegCommisionBudgetSubcomm/Other/27-January-2015/NDOC.pdf

⁹ State of Nevada Parole and Probation http://npp.dps.nv.gov/

¹⁰ See Inmate Survey, Appendix B.

B. Important Findings

The information gathered from the survey revealed the reasons many inmates are eligible for parole, but are not released from prison. The general consensus of the surveyed inmates is that there is a lack of resources available to help them prepare for parole, and thus are not able to create viable parole plans. Over 68% of the inmates surveyed received very little or no assistance from NDPP or NDOC in preparing for their parole hearing or release. Approximately 20% of the inmates surveyed stated they refused parole; all of these inmates cited the difficulty in creating an appropriate parole plan as a reason.

"I waited here for 15 months with a parole and no help." "I have been paroled for 16 months and have had four plans denied."

The ACLUNV findings from the survey revealed the reasons why inmates are not released from prison, despite being parole eligible.

1. INMATES RECEIVE INADEQUATE ASSISTANCE FROM CASE WORKERS AND RE-ENTRY COORDINATORS

According to NDPP, Re-Entry Coordinators conduct orientation programs with inmates in order to assist

with integration into society upon release, and caseworkers are available to help inmates prepare for parole.¹¹

"The case workers do not help us they are only involved if there is a disciplinary concern. There is no help whatsoever with reentry."

However, the inmates surveyed conveyed serious concerns about their lack of contact with their re-entry coordinator or caseworker.

Of the inmates assigned re-entry coordinators, over sixty percent (60%) had never met their re-entry coordinator. And, 30%

of inmates assigned caseworker's had never met with their assigned caseworker.

2. INMATES ARE UNAWARE OF CLASSES TO AID IN TRANSITION PREPARATION

NDPP claimed that informational seminars occur on a monthly basis within each facility offering inmates resources and insight regarding preparation for life while on parole.

Yet, none of the inmates surveyed were aware of any classes available to aid in parole preparation. In fact, a majority of inmates identified a strong need for classes providing parole readiness assistance.

"I think the caseworkers should have a class that you could take to help you get jobs housing and better your life."

One inmate requested "[a] better orientation process, bring back job search and workshops and street readiness. More information on your rights and improve release money."

¹¹ Appendix A, Slides 20-24.

3. AFFORDABLE HOUSING OPTIONS FOR PAROLEES IS SUBSTANTIALLY LACKING

Although re-entry coordinators provide information on approved halfway and transitional housing options for the inmates, ¹² the number of adequate housing options for parolees is substantially lacking. Over 80% of the inmates surveyed claimed they face difficulty securing housing and paying for the housing. A number of the approved housing options require a substantial payment from the inmate prior to release. This monetary requirement alone makes securing housing, and ultimately parole, impossible for many inmates. Moreover, only 13 % of the inmates surveyed knew of the possibility of securing indigent funding grants for housing.

Yet, even if an inmate is able to pay the upfront costs of transitional housing they still may not be able to secure a bed. NDPP claims that 300 inmates are eligible for parole each month.¹³ The approved housing list, however, can only accommodate 989 inmates at any given time (not including any available beds at the Veteran's Hospital Network). Of this number, 64 beds are designated for men-only and 148 are designated for women and children only. Seventeen (17) of the housing options do not accept sex offenders of any level, and

another seventeen (17) will accept sex offenders only on a conditional basis.

"If you don't have anywhere to go there is no one there to help."

"Securing housing is a big issue, and the ones that may take you are questionable with lots of druggies."

"[It's] very difficult to have a plan. NDOC wants us to go to a halfway house that costs \$400-\$500 and we don't have that money.

One surveyed inmate relayed his difficulty with securing housing: "When I was released - my status as a sex offender meant that I only had <u>one</u> option of where I could parole - and it cost \$500 for two weeks!"

Another inmate recounted that although he had supportive family he was not permitted to stay with them after being paroled because his grandfather was a registered gun owner and his mother's husband was still on probation.

These limitations on housing inhibit many parole eligible inmates from creating a proper plan and obtaining release.

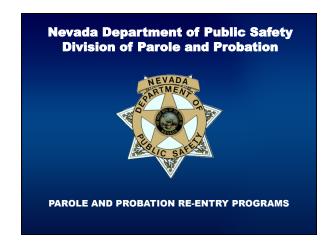
CONCLUSION

The Nevada Department of Corrections, ("NDOC") houses almost 13,000 inmates, and a majority of these inmates will eventually rejoin the Nevada community. As discussed, inmates who are released with the supervision and resources of the parole and probation system have a higher chance of successfully integrating into society than inmates who are released after serving their full sentence. This ACLUNV survey illustrates that inmates who are eligible, and want to participate in parole are often denied this opportunity because of a lack of resources and guidance. The State of Nevada must immediately review its parole and probation program to identify the disconnect between the departmental programs and inmate's expressed realities. This survey has highlighted the continued failure of NDPP and NDOC to properly transition inmates to life after incarceration. Only after this occurs can taxpayers trust that their money is being spent wisely and not wasted, and that the inmates subjected to this broken system can move on with their lives after having paid their debt to society.

 $^{{}^{12}\} NDPP\ Licensed\ housing:}\ \underline{http://www.leg.state.nv.us/interim/77th2013/Committee/StatCom/ACAJ/Other/8-July-2014/ParoleandProbationTreatmentProviders.pdf.}$

¹³ Id.

APPENDIX A





Agency Collaboration This training resulted in a collaborative effort to improve re-entry services for the parolee population in Nevada. Numerous post-training planning sessions were held and our current services are the result of that planning and implementation.



Las Vegas Personnel Parole Unit: DPS Lieutenant DPS Sergeants (2) DPS Officers (10) Specialist III (1) Administrative Assistant IV (2)

Offender Supervision

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- ▶ The Parole Unit is responsible for the supervision of offenders who have been granted release from prison by the Parole Board of Commissions and have a viable placement plan.
- Offenders are supervised by the Division while they complete a term of community supervision under their rules of parole.
- Supervision of offenders is granted to the Division of Parole and Probation under NRS Chapters 176, 176A, 209 and 213.

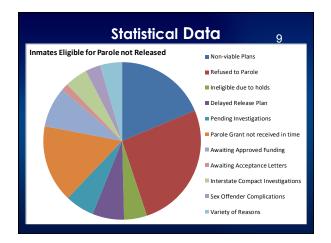
Statistical Data

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- On average the Division of Parole & Probation receives approximately 350 approved parole grants from the Board of Parole Commissioners each month.
- Of those, approximately 300 inmates are released on parole each month, leaving approximately 50 inmates who have been approved for release, but were not released for various reasons.

Parole Grant Approved – Not Released

- ▶ For the month of May 2014, the Division of Parole and Probation, Pre Release Unit recorded 357 inmates as "approved" for an upcoming parole release to community supervision.
- In contrast to this number, 321 inmates could not be released from prison despite having current parole grants.
- Of the 321 inmates not released from the custody of NDOC to parole supervision, the following slides provides the reasons the inmates were not released.



Statistical Data

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- ▶ Approximately 26.2% of offenders approved for parole refuse or refused to submit a parole plan;
- Approximately 18.7% submitted a non-viable plan, or their plan was denied during the investigation;
- ▶ Approximately 6% were waiting for the investigation of their plan to be completed;
- Approximately 15.9% did not receive their parole grant in time to complete release process prior to parole eligibility date.
- Approximately 1.5% were waiting on acceptance letters to parole to a residential program;

Statistical Data

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- ▶ Approximately 4.7% were ineligible for release due to a detainer being in place from another jurisdiction;
- ▶ Approximately 4.7% were not released due to a pending investigation by another state as the inmate has requested to transfer their parole to another state.
- Approximately 6.5% were delayed because they were awaiting a release plan;
- Approximately 8.2% had an approved plan, but were awaiting on approved funding.
- ▶ Approximately 3.1% encountered placement complications due to their sex offender status.
- Approximately 4.5% fell into a variety of complications category.

Approved Parole Grants

- Once received by the Board of Parole Commissioners, the approved parole grants are entered into the Division's Offender Tracking Information System (OTIS) by our support staff.
- Upon entry, a criminal history records check is run on every offender to determine if there are any valid warrants and/or detainers.
- ▶ If a warrant is found and a detainer is placed on an inmate from another jurisdiction, the inmate will still be paroled, but their release will be delayed pending the resolution of the warrant or detainer by the other jurisdiction.

Approved Parole Grants

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- If there are no warrants or detainers, the approved parole grants will be assigned to a P&P Specialist who will determine if the offender falls under certain immediate release criteria.
- For instance, if an inmate has no history of violence or convictions for a sex offense, they can parole to an approved halfway house facility without a field investigation being completed.
- If the inmate does not meet this criterion due to the offender's criminal history, the P&P Specialist will forward the approved parole grant to the appropriate Parole & Probation field office for an investigation by a sworn officer.

Pre-Parole Investigation

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- The investigation conducted by the assigned sworn officer will include verification of the residence, the suitability of the occupants and the location, if applicable.
- It will also include verification of employment, or verification of placement into a counseling program if required by the Board of Parole Commissioners as a condition of parole.

Investigation Completion 15

- Upon completion of the investigation by the sworn officer, the P&P Specialist will coordinate and process the release of the inmate with the Release Coordinator at the Nevada Department of Corrections (NDOC).
- If the placement is denied, the P&P Specialist will work with the NDOC caseworker, Division Re-Entry Coordinators and the inmate to obtain another viable plan.

Pre-Release Responsibilities Cont₁₆

- ➤ The Pre-Release unit is also responsible for the tracking of approximately 1,775 institutional parole cases and 200 institutional probation cases.
- ▶ These cases involve an inmate with multiple parole and/or probation cases where the underlying prison sentences are consecutive to each other. In these situations an inmate may be approved for a parole grant on one case, but will then begin serving their sentence on a second or subsequent case, therefore, they will not physically be released from custody even though they have been granted parole on the first case.

Pre-Release Responsibilities Cont,

▶ The Pre-Release unit will continue to monitor and track these types of cases until either the inmate is eligible for release on all of their cases, or a specific case is discharged, whereupon the P&P Specialist will process the appropriate discharge paperwork and the inmate will be discharged on that particular case.

Re-Entry Program

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- Re-Entry Coordinators are responsible for working with inmates who have been approved for parole, but are still incarcerated past their parole eligibly date due to difficulty in obtaining adequate funding and/or difficulty in obtaining viable placement in the community.
- Re-Entry Coordinators are the liaisons between inmates and the Nevada Department of Corrections (NDOC), the halfway houses, the treatment programs, the Veterans Affairs programs, the Nevada Re-Entry Coalition and the Incarcerated Veterans Reintegration Council.

Re-Entry Coordinators 10

- Re-Entry Coordinators visit prison facilities on a regular basis to meet with inmates one on one to develop suitable residence plans for release on parole.
- Re-Entry Coordinators will contact halfway houses and treatment programs in regards to accepting the inmate into their program and assist them to fill out application requests;

Re-Entry Coordinators

- Re-Entry Coordinators will contact perspective employers in an attempt to obtain employment for inmates.
- Conduct group inmate meetings in the prison to educate the inmates on various residence plans, interstate compact issues, and Veterans Administration (VA) programs.

Available Funding

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▶ The inmate will also be notified about any indigent funding that may be available and they are provided with the Parole & Probation approved facility list that can help them find suitable halfway houses willing and able to accept them. Also specific education on sex offender specific residences, halfway houses and treatment programs are relayed to any inmate with a conviction for a sex offense.

Veteran Inmates

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- Re-Entry Coordinators work with the Veterans Administration program and assists veterans currently incarcerated in prison.
- Re-Entry Coordinators assists veteran inmates fill out various forms necessary to enroll them in a VA program if not already approved.

Coordination with NDOC

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- Lastly, Division Re-Entry Coordinators and the Re-Entry staff at NDOC meet on a regular basis and work with other state agencies.
- They discuss available resources to help place inmates into approved state licensed programs and to specifically help any mentally ill inmates with their release plans.

Las Vegas Inmate Transition to Parole Procedures

- Since October 2013, Re-Entry Coordinators from the Division of Parole and Probation, Southern Command have participated in a joint effort with various Nevada Department of Corrections facilities in Southern Nevada to assist a parolee's transition from a life of incarceration to a successful life out of custody.
- Southern Command Re-Entry Coordinators have been conducting orientation programs and informational seminars at the women's and men's prisons, as well as prison work camp sites.

Las Vegas Inmate Transition to Parole Procedures

- Re-Entry Coordinators will conduct an orientation and informational seminar at the Florence McClure Correctional Center located in North Las Vegas.
- Re-Entry Coordinators will conduct orientations and informational seminars at the Southern Desert Correctional Center, Three Lakes Conservation Camp and High Desert Correctional Center. These facilities are located at Indian Springs, located approximately 40 miles from Las Vegas.
- ▶ This orientations and informational seminars occur monthly within each facility.

Parole Eligibility Orientation (LV) 26

- During these sessions, the inmates are provided an orientation of the pre-release process. The Pre-Release plan is discussed as well as the importance of supplying caseworkers with two solid release plans.
- Re-Entry Coordinators also discuss the option of declining to parole, as appropriate.

Parole Eligibility Orientation (LV)

- ➤ The inmates are then walked through the release process from the time they are released from the prison and delivered to the parole and probation office to the time they are released from parole.
- A sample parole agreement and all the rules of parole are reviewed and the most common special conditions are discussed.

Parole Eligibility Orientation (LV)8

- Re-Entry Coordinators review the good time credit process and what is required of parolees to keep their original Parole expiration dates.
- The parolees are also instructed as to their requirements if they are paroled to a hold.

Parole Eligibility Orientation (LV)9

- Re-Entry Coordinators discuss other important topics with inmates such as the Interstate Compact process for inmates desiring to parole to another state.
- The Parole Unit's philosophical approach to supervision of parolees along with detailed behavioral expectations and what is required from them in order to successfully complete parole.

Orientation (Las Vegas)

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- What happens when they encounter law enforcement.
- Re-Entry Coordinators discuss how Division detainers are placed on offenders. These detainers are placed when offenders are involved in new criminal activity and/or violate their supervision conditions.
- ▶ The procedure for requesting a travel pass and when inmates are eligible to apply for a travel pass.

Social Service and Personal Development Programs (LV)

- Re-Entry Coordinators provide an overview of re-entry, social service and personal development programs such as:
 - ▶ Hope for Prisoners
 - ▶ The Foundation for Independent Tomorrow (F.I.T.) and
 - ▶ Urban League
 - ▶ One Stop Shop
 - ▶ Shade Tree Women's shelter
 - ▶ Department of Veteran's Affairs
 - ▶ Las Vegas Urban League
 - Westcare

Services Provided by Programs (LyV)

- ▶ These programs offer services for:
 - ▶ Pre-Vocational Training
 - ▶ Mentoring
 - ▶ Leadership Training
 - ▶ Job Development
 - ▶ Basic Computer Training and Skills Development
 - ▶ Housing and Rental Assistance
 - Substance Abuse Counseling Services as well as many other services designed to assist the parolee with the daunting task of obtaining the assistance needed to comply with the terms of parole as well as becoming an asset to the community as

Question and Answer Opportunities (LV)

- Finally, a review of the information shared with inmates is completed.
- Inmates are provided a list of the most common counseling programs available in the Las Vegas.
- During closing and wrap up of the orientation program, the room is opened to the inmates for question and answer time.

Offenders without Appropriate Release Plans (LV)

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- Additionally, in an effort to assist offenders who could not secure appropriate release plans, the Parole Unit voluntarily researched local residential complexes that would be willing to accept parolees as residents.
- That research led to an agreement with an extended stay residential complex with multiple locations throughout the state who agreed to accept those troubled inmates.

Offenders without Appropriate Release Blans

Additionally, this company (Siegel Suites) has now become a vendor with the Nevada Department of Corrections, which allows for the company to be paid directly by the Nevada Department of Corrections and for the inmate to be released to these residences upon his or her parole grant.

Program Response and Effectiveness

- Upon completion of the orientation/information seminars many parolees have been thankful for the information provided and were less anxious upon release having received the information provided at the seminars.
- ▶ This response serves as proof that our concerted efforts are paying off. By being able to centralize operations and deal with the inmates directly, once paroled, these offenders are equipped with the knowledge they need in order to get off to a good start.
- By working directly with the inmates who are not released during the month for whatever reason, the Division's Re-Entry Coordinator has been able to get an average of 25 inmates per month released to a viable placement plan who would have otherwise remained incarcerated.



APPENDIX B



Inmate Parole and Probation Survey

The following survey is conducted by the American Civil Liberties Union of Nevada for the purposes of gaining a better understanding of the State of Nevada's current Parole and Probation release process. This survey is anonymous and the results will be used to compile information and data on release programs within the state. Please answer the following questions to the best of your ability.

 Biographical Information: (Optional) a. Race:	
 c. What is your sexual orientation?	
 2. Are you currently, or were you ever eligible for parole or probation? ☐ Yes ☐ No 3. If you were eligible for parole, but it was not granted, please check the reason or reasons why it was not granted (please check all that apply) a. I did not have a viable plan ☐ b. I refused my parole ☐ c. I had a delayed release plan ☐ d. I was ineligible due to additional holds ☐ 	
3. If you were eligible for parole, but it was not granted, please check the reason or reasons why it was not granted (please check all that apply) a. I did not have a viable plan □ b. I refused my parole □ c. I had a delayed release plan □ d. I was ineligible due to additional holds □	
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d. I was ineligible due to additional holds □	
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e. I had pending investigations □	
f. My grant was not received in time \square	
g. Interstate compact investigations □	
h. Awaiting acceptance letters	
i. Sex offender complications □	
j. Other Reasons □	
i. Please explain	
4. How many parole hearings have you had?	
5. What type of information (if any) did you receive to help prepare you for your first parole board hearing?	
Please explain	
6. Have you elected to have your sentence expire? □ Yes □ No	
a. If yes, how much time was remaining on your sentence when you elected it to expire?	
b. What were your reasons for electing to have your sentence expire? Please explain	

7.	Do you have a caseworker assigned? □ Yes □ No	
	a. How often do you meet with your caseworker?	
	b. Is your caseworker assisting you with your options for re-entry? ☐ Yes ☐ No	
	c. Has your caseworker notified you of any potential social security/SSI benefits you may be eligible for	?
	□Yes □ No	
8.	Do you have a re-entry coordinator? □ Yes □ No	
	a. How often do you meet with your re-entry coordinator?	
	b. Has your re-entry coordinator secured you employment upon your release? ☐ Yes ☐ No	
	c. Is your re-entry coordinator assisting you with housing? ☐ Yes ☐ No	
	d. Has your caseworker notified you of any potential social security/SSI benefits you may be eligible for	?
	□Yes □ No	
9	Are you a veteran? □ Yes □ No	
٠.	a. If so, have you been notified about the options available for veterans? □ Yes □ No	
	a. It so, have you been notified about the options available for veteralis? • 1 fes • 100	
10	Do you have now or have you had in the past any major medical concerns during your incarceration? Yes N	10
	□ Prefer Not to Answer	
	a. Were you informed of clinics that will assist you in continuing your treatments etc. upon your release?)
	□Yes □ No	
11.	If you have a release plan currently in place:	
	a. How difficult was it to secure housing? Please explain	
	b. Were you given indigent defense grant money to help secure your housing options?	
	□ Yes □ No	
	If yes, how long did it take to confirm eligibility for the funds?	
12.	Is there any additional information that you feel would be helpful for the purposes of this survey? Yes No	
	If yes, please explain below:	

PLEASE RETURN THIS SURVEY USING THE SELF ADDRESSED STAMPED ENVELOPE TO:

ACLU of NEVADA 601 S. Rancho Drive, Suite B11 Las Vegas, Nevada 89106