

March 4, 2013

Nevada State Legislature
Members of the Nevada Legislature
401 S. Carson Street
Carson City, NV 89701-4747

Nevadans for Civil Liberties
info@nevadans-for-civil-liberties.org

RE: 120 Stories in 120 Days, Story 4, a continuation of Story 1

Honorable Senate and Assembly Members,

Story 4

I would like to continue the story of the interactions of various Officers and Command staff of the Division of Parole and Probation in relation to me and my family. In summary, I am the spouse of an offender, who has never committed a crime. I retain all of my constitutional rights, as well as all of the protections of the Nevada Revised Statutes, and the Policies and Procedures of the Division of Parole and Probation. I am a citizen and registered voter of the State of Nevada. I am a professional in my field who has earned a Bachelor's and dual Master's Degrees and I am board certified in my profession.

My husband is currently serving his civil sentence of Lifetime Supervision. Per his lifetime supervision agreement, according to one of his "conditions", he is not allowed to have 'contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present'. Our family is aware of this restriction and follow this rules to the best of our ability and interpretation, which many times over the last few years seems to be in serious conflict with the Officers interpretation of the conditions, which is one reason you are being offered these stories.

In order to provide you with the proper background in relation to this, we will describe the situation as it occurred, and would like you to see if this was a concern for the Officer and the Division, or was it further intimidation, punishment and harassment to our family.

Our 25 year old son has a 3 month old daughter that my husband was allowed to see under the above supervision rule. My son is aware of his crime and there has always been anywhere from 3 to 10 adults present during any visit. Officer Howald's coerced agreement now prevents this union of our family for my husband and our granddaughter. Again, I, as well as our therapist, agree that a strong family situation provides the most stable of environments and is the best chance of success and rehabilitation for my husband, which should be the primary concern of the Division and

its Officers.

I believe that Officer Howald and the Division of Parole and Probation foster these types of changes to conditions to create conflict within the family so that the "client" will fail. They clearly have no rehabilitation in mind when they impose rules that have not been approved by the Board or the Court, and continue to further punish an offender and his family. This was instituted against my husband with no threat to our granddaughter, with no investigation by this Officer or sworn testimony concerning any issues or problems, and without the Officer discussing the situation with the parents of the child, as required to do per Policy and Procedure. What else would you call this type of behavior?

I believe that Officer Howald attempted to further punish my husband by imposing this condition upon him with his travel pass in her hand. We have since rescinded that signed agreement with the Board of Parole Commissioners and have our family attended the hearing where the Board authorized my husband to continue to have the right to see and visit with his family and granddaughter. Officer Howald was not able to provide any credible testimony or facts for why she wished to institute this condition or any threat concerning this child. She was not able to document any interaction with the parents of our granddaughter or with our family's treating psychologist. This cost our family thousands of dollars in therapy, in having our licensed psychologist present at this hearing to refute the Officers testimony, and to further resolve the situation. Yet, your Officers continue to institute these changes to conditions upon a whim.

In other court rulings that I have read concerning this issue, almost all states that have lifetime supervision or who have a condition concerning children under the age of 18 do not make the condition so overbroad as to be considered unconstitutional. In other letters to the legislature from our organization we will be including links to these cases along with our viewpoint on them, as well as making you aware of the upcoming lawsuits concerning these issues. I would be happy to forward these on to you, if you are interested. However, the Officers in the Division of Parole and Probation continue to enforce these types of conditions before they obtain Board approval, if it would have even been granted.

Sincerely,

A founding member of Nevadans for Civil Liberties