



OVERSIGHT STATUS REPORT REGARDING THE NEVADA DEPARTMENT OF CORRECTIONS

A Report of the Corrections Support and Accountability Project

JULY 2010

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Executive Summary

The Vera Institute of Justice is pleased to present this report of the Corrections Support and Accountability Project. The Project partners us with five jurisdictions – two states and three counties – to help each partner jurisdiction develop meaningful oversight of its prisons or jails specifically tailored to its needs.

This report, and the recommendations summarized below, is the result of partnership with and the dedication of several Nevada State agencies, including the Nevada Department of Corrections and the Nevada Board of State Prison Commissioners, as well as the participation of other individuals and agencies, including the Nevada Legislature, the Governor's Office, the Attorney General's Office, the Secretary of State's Office, United States District Court for the District of Nevada, American Federation of State and Municipal Employees, Nevada Corrections Association and individual inmate advocates. In particular, this work would not have been possible without the leadership of Director Skolnik, who was incredibly accommodating and willing to open up his Department to this review. With the help of these participants we investigated the current mechanisms of correctional accountability and transparency already in place in the NDOC. This process included visits to prison facilities, numerous interviews, research, and meetings with NDOC staff and administrators and stakeholders to determine the most pressing oversight needs of Nevada's correctional system.

At the time of this report, NDOC has made progress implementing several of these recommendations. We believe that, with time and the cooperation of other Nevada stakeholders, implementing the remaining recommendations will enable the state to better evaluate the use of resources to support NDOC, identify inefficiencies, manage risk, measure the success and failures of programs and policies in order to guide future decision-making, build public confidence and public interest in NDOC, and promote good governance and professionalism. While we recognize that some of the recommendations may be aspirational during these economic times, many are cost-effective and may lead to long-term savings. Others should be considered for implementation when it is financially feasible.

The recommendations are provided in summary below for convenience. We encourage a full review of the report to understand the context and reasoning behind each of the recommendations.

1. Conduct more formal and regular audits of both southern and northern facilities.
2. Create formal follow-up for problems identified during internal audits.
3. Improve tracking system for inmate grievances and generate regular reports.

4. Resolve more inmate grievances at the facility level.
5. Consider creating a citizens review board for the inmate grievance process.
6. Implement a staff survey.
7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.
8. Keep more investigations at the facility level.
9. Provide additional training on NOTIS for staff at all levels.
10. Train select staff to run reports in NOTIS.
11. Set internal performance measures and formalize internal data sharing.
12. Provide more information to Board of State Prison Commission members and in a timely manner.
13. Clarify the role of the Board.
14. Develop system for following up on concerns received at public meetings.
15. Create an ombudsman to handle complaints by inmates, staff and the public.
16. Make certain reports and evaluations available to the public.
17. Develop a publicly available data dashboard.
18. Create a dedicated Public Information Officer position.

Introduction

All public entities are subject to external oversight and are expected to develop meaningful internal mechanisms of oversight as well. Oversight has tremendous benefits, though the degree to which these benefits are realized varies greatly. The public tends to call for improved oversight when our public institutions and leaders fail us, on the assumption that oversight will prevent such failures in the future. It is rare that the public or a particular industry reflects upon the proper role and functioning of oversight in the absence of a crisis; following a crisis, woeful speculation about the role oversight might have played in preventing failure in the first place comes too late.

In other words, oversight is too often a reaction to a negative. The recent failing of our financial markets has brought tremendous scrutiny to the efficacy of governmental regulation of those markets, driving efforts to significantly increase regulation and external oversight by the federal government. Periodically, academic or journalistic research will uncover high rates of medical errors in our hospitals or neglect in our nursing homes. The consistent response is to look to both internal quality assurance systems and external oversight to determine how we can do better and prevent future catastrophe. While these reactions are understandable, and certainly wise, there are few examples of an industry, institution, or agency that voluntarily advances oversight through careful planning in the absence of a crisis.

Vera's "Corrections Support and Accountability Project" is driven by the conviction that individual corrections departments have an opportunity to heed calls to strengthen oversight in a thoughtful way, in the absence of crisis.¹ Recent developments have drawn increased attention to conditions in our prisons and jails and the challenges facing those who run them. That attention has led to calls from a number of national commissions, professional organizations, and government leaders for stronger oversight of our prisons and jails, as described below. In these calls for better oversight, similar themes have emerged, revealing the beginnings of a consensus about what a comprehensive and effective system of correctional oversight could look like.

- 1) In April 2006, the University of Texas at Austin hosted a conference titled, "Opening up a Closed World: What Constitutes Effective Prison Oversight," organized by the Lyndon B. Johnson School of Public Affairs Adjunct Professor Michele Deitch, one of the country's leading experts on correctional oversight. The conference brought together corrections leaders, academics, and prisoners' rights advocates to advance the dialogue about what forms of oversight are most effective for ensuring safe and secure correctional institutions.

¹ See Appendix A for a full project description.

The conference began with a presentation by Professor Deitch, “Distinguishing the Various Functions of Prison Oversight,”² in which she introduced her conception of the six distinct functions of oversight that, together, form a layered and complete system designed to serve complementary constituencies and their goals. These six functions of oversight provide a helpful starting point for mapping the strengths and weaknesses of a given correctional system’s array of oversight. Section II of this report will describe these functions in greater detail, but, briefly, they are regulation, audit, accreditation, investigation, reporting, and inspection/monitoring.

- 2) In June 2006, Vera’s Commission on Safety and Abuse in America’s Prisons concluded that although, “[c]orrections leaders work hard to oversee their own institutions and hold themselves accountable, . . . their vital efforts are not sufficient and cannot substitute for external forms of oversight.”³ The Commission made nine recommendations all aimed at creating greater accountability and transparency for our correctional institutions. Among these, the Commission recommended that:
 - a. Every state should create an independent agency to monitor prisons and jails;
 - b. The investigation and enforcement activities of the U.S. Department of Justice should be expanded, and states should build similar capacity;
 - c. Prisons and jails should develop meaningful internal complaint systems for both prisoners and staff;
 - d. Prisons and jails should create opportunities for individual citizens and organized groups, including judges and lawmakers, to visit facilities; and
 - e. The media should have access to facilities, prisoners, and correctional data.

- 3) In August 2008, the American Bar Association’s Criminal Justice Section adopted a resolution urging oversight of correctional and detention facilities. The resolution called for the establishment of public entities – independent of any correctional agency – to monitor regularly and report publicly on the conditions in all adult and juvenile confinement facilities operating in a given jurisdiction. The

² Michele Deitch, “Distinguishing the Various Functions of Prison Oversight” (presentation at “Opening up a Closed World: What Constitutes Effective Prison Oversight?”, a conference hosted by the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin, April 23-26, 2006, <http://www.utexas.edu/lbj/archive/prisonconference> (accessed November 4, 2009)).

³ The Commission on Safety and Abuse in America’s Prisons, *Confronting Confinement* (New York: CSAAP, 2006), 16. For a full copy of the report or to read testimony from the Commission’s public hearings, visit www.prisoncommission.org.

resolution then lays out 20 key requirements for the effective monitoring of correctional and detention facilities. Some of these requirements are independence, a duty to conduct regular inspections and authority to examine and issue reports on particular problems, and a responsibility to work collaboratively with administrators and legislators to improve living and working conditions inside the institutions being monitored.⁴

- 4) In June 2009, the National Prison Rape Elimination Commission released its Final Report and proposed Standards, stressing the importance of audits, internal data collection and analysis, transparency, and external oversight of its standards to maintain prisons, jails, and juvenile, community corrections, and immigration detention facilities that protect prisoners from sexual abuse.⁵

The recommendations we make in this report emphasize many of the same principles, without describing a single vision for the oversight of the entire corrections industry. Each of the recommendations is grounded in experience with the positive outcomes of court-ordered monitoring and is driven by an articulated belief that oversight has measurable benefits—that it is necessary to ensure safe and humane institutions, that it is vital for identifying failures and inefficiencies, and that it can help strong managers improve operations and gain access to the resources they need.

There is also agreement on how to accomplish these goals. The recommendations all acknowledge that effective oversight requires layers of accountability and transparency, as well as both internal and external checks. Each points specifically to independent monitoring as a critical piece of an oversight regime. This emphasis likely arises in part because although this form has great potential, it is the one form of oversight most commonly missing from the field of correctional oversight.

To simply score corrections systems according to a checklist of oversight functions would not get us very far. We believe that for most corrections systems, it is more important to assess the extent to which they are achieving the benefits of good oversight, rather than checking items off a list. As a starting point, however, Professor Deitch's list of the six oversight functions provides a helpful roadmap to the mechanisms that together can achieve optimal benefits without unduly burdening it. It is important that they are well designed, and work in concert to help strong managers make more informed decisions.

⁴ ABA Resolution 104 B Urges Oversight of Correctional and Detention Facilities. For the full text of the resolution and the Key Requirements for the Effective Monitoring of Correctional and Detention Facilities, see Appendix B. American Bar Association, Criminal Justice Section, *Report to the House of Delegates* (Washington, DC: ABA, 2008), <http://www.abanet.org/crimjust/policy/am08104b.pdf> (accessed November 13, 2009).

⁵ National Prison Rape Elimination Commission, *Report* (Washington, DC: 2009). The report and information about the Commission are available at www.nprec.us (accessed November 13, 2009).

Of course, no single mechanism of correctional oversight can provide all of the benefits that a layered system offers. A well-planned and layered system of both internal and external oversight should help a corrections department to successfully accomplish the following:

- Ensure safe and healthy working and living conditions for staff and inmates;
- Evaluate the use of existing resources and the need for new resources, and help leadership make the case for resources;
- Identify inefficiencies (and ultimately save money);
- Manage risk (and ultimately save money);
- Measure the success and failures of programs and policies in order to guide future decision-making;
- Build public confidence and public interest;
- Promote good governance and professionalism.

In this report, Vera has mapped the current internal and external oversight of the Nevada Department of Corrections (NDOC) to assist the state in considering ways to improve this oversight. The report includes an analysis of the strengths we have identified, the benefits of the existing mechanisms of oversight in Nevada, and areas in need of improvement. It also includes recommendations for strengthening some of the existing internal accountability measures and identifies the potential for the development of new external mechanisms of oversight in light of the state's and Department's goals and the gaps that currently exist. We believe that pursuing the goals laid out in these recommendations offers NDOC an opportunity to become a model that states around the country can follow.

Existing Mechanisms of Oversight in Nevada

This section provides a brief description of the Nevada Department of Corrections' existing oversight mechanisms, organized by Professor Michele Deitch's "functions" of oversight. Professor Deitch's explanation of the functions of correctional oversight and concept of layering to achieve greater accountability and transparency in corrections offer a useful framework for understanding and evaluating the prison oversight mechanisms that exist in Nevada. The primary purpose of this section is to describe the layers of oversight that already exist in Nevada before providing a "big picture" analysis of the benefits of these mechanisms and recommendations for improvement.

First, a description of the Nevada Department of Corrections (NDOC) will be helpful. The head of the NDOC is the Director, who has the responsibility of supervising all institutions and facilities within NDOC.⁶ The Director has the ability to appoint Deputy

⁶ Nevada Revised Statutes 209.131(1).

Directors, who report directly to him and oversee various aspects of NDOC operations. Currently, there are five Deputy Directors: two general Deputy Directors – one for the northern region and one for the southern region – who oversee NDOC’s general operations; a Deputy Director of Industrial Programs, who oversees all industrial, vocational and agricultural programs; a Deputy Director of Support Services, who oversees inmate services, support staff and NDOC’s fiscal and technical responsibilities; and a Medical Director, who oversees medical services throughout the facilities. NDOC also houses an Inspector General’s office, which conducts investigations within the Department and has the authority to report directly to the Governor or other Board of State Prison Commission members.⁷ Although NDOC functions as one entity, many of its operations are divided between the northern and southern regions, a relatively common practice in Nevada government agencies.

NDOC currently operates eight correctional facilities. The prisons in the northern region are: Northern Nevada Correctional Center, Nevada State Prison, Lovelock Correctional Center, and Warm Springs Correctional Center. In the southern region, NDOC operates Ely State Prison, High Desert State Prison, Southern Desert Correctional Center and the Florence McClure Women’s Correctional Center. NDOC also runs nine conservation camps, which, in conjunction with the Nevada Division of Forestry, train inmates to work as firefighters, one transitional housing center, one boot camp and one restitution center. Every institution has a warden who reports to the Director and is responsible for executing NDOC policies and enforcing all regulations pertaining to the care and custody of inmates in the institution.⁸ The wardens often have associate wardens to assist them with many of the operational issues in the facilities, such as responding to inmate and staff grievances.

Understanding the structure of NDOC, as well as how existing mechanisms of correctional oversight function in Nevada, is necessary for identifying ways that NDOC can build on those mechanisms to enhance accountability and transparency. In this section, Vera has mapped out what NDOC is currently doing in these areas, using Deitch’s framework in combination with information we received through interviews with Department staff, government officials, and community groups and members of the public. In the process, we have identified several gaps in Nevada’s oversight mechanisms, which will be addressed by our recommendations.

A. Regulation

Any body that has the authority to mandate and enforce rules or standards for correctional agencies to follow performs a regulatory function. External regulation of corrections – whether carried out by a legislative, budget, or other entity – can help corrections leaders ensure safe and healthy conditions in their facilities as well as help identify inefficiencies.

⁷ For a description of the Board of State Prison Commissioners, see page 10.

⁸ Nevada Revised Statutes 209.161(3).

In Nevada, an array of bodies serves a regulatory function. The state Executive Branch and the Nevada Legislature work together to develop, approve, and manage the biennial budgets of the various state agencies, including NDOC. The legislature also holds the key role of passing the laws that govern the state, which can affect operations or policies of NDOC. In addition to these state government branches, the Board of State Prison Commissioners has a constitutional mandate to supervise and govern the Department of Corrections. Lastly, like all state agencies, NDOC is subject to regulation by state and federal laws as well as annual inspections by the state fire marshal.

Below are brief descriptions of the Nevada Executive Branch, the State Legislature, the Board of Prison Commissioners and the Legislative Subcommittee on Corrections, Parole and Probation and how they function as regulatory bodies.

The Nevada Executive Branch. The NDOC, as a state agency, functions under the executive branch of the state government and the Governor's office. The Governor has the authority to appoint the Director of NDOC but generally does not oversee day-to-day operations. However, as the head of the executive branch, the Governor does have the ability to put pressure on NDOC to make certain policy decisions, such as implementing recommendations made by audit committees like the Division of Internal Audits.⁹

The executive branch also exerts regulatory power over NDOC through developing the Executive Budget. Once NDOC has prepared its biennial budget, it must submit it to the Budget Division of the Executive Branch, which analyzes the budget and determines conformity with both NDOC's mission and the Governor's initiatives. If the Budget Division has any questions about budgetary items, NDOC budget staff must provide detailed justifications. The Budget Division eventually creates a final Executive Budget, taking into account the available funding, that contains a chapter detailing the NDOC budget. Throughout the two-year budget period, the Budget Division will monitor any proposed budget changes to ensure they are consistent with appropriate laws, regulations and policies.

The Nevada Legislature. Given its authority by the Nevada Constitution, the state legislature performs regulatory oversight of NDOC. The legislature is comprised of 63 members in two separate houses, the Senate and the Assembly. Although the legislature only meets biennially, it has several interim committees that meet between sessions in an effort to continually investigate and formulate recommendations for the next session. Several of these committees have a role in providing oversight to NDOC, such as the Assembly Committee on Corrections, Parole and Probation and the Advisory Commission on the Administration of Justice.¹⁰

⁹ Additional information about the Division of Internal Audits is discussed in the "Audits" section, below at page 12.

¹⁰ For a discussion of the Assembly Committee on Corrections, Parole and Probation, see below at page 9. For a discussion of the Advisory Commission on the Administration of Justice, see below at page 18.

The legislature is the primary law-making body in Nevada and thus has a great deal of regulatory power over NDOC. Chapter 209 of the Nevada Revised Statutes (NRS) not only created the Department of Corrections, but also sets forth standards and policies NDOC must follow. Although the NRS Chapter 209 does not go into detail about how to run NDOC, it gives NDOC authority to develop policies such as its administrative regulations and operating procedures and lays the foundation for what these should include.

Another large part the Nevada Legislature plays in regulating NDOC is through the budget process. Both the Senate and the Assembly have money committees: the Senate Finance Committee and the Assembly Committee on Ways and Means, respectively. These money committees create joint subcommittees to review the aspects of the Executive Budget for their assigned state agencies, including NDOC. The review process requires NDOC to present its budget, provide testimony and data to support special budget requests, and provide additional information when requested. Along with these data, the legislature requires NDOC to submit certain performance measures as a way to evaluate how it is functioning. The legislature conducts most of this work with the help of the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB Fiscal), a service agency for the Nevada Legislature. LCB Fiscal reviews and analyzes the budget and all supporting testimony and documents to assist the members of the money committees in their decision-making process. It is also responsible for monitoring the budget throughout the biennium.

To address fiscal and budgetary issues that come up when not in session, the legislature created the Interim Finance Committee. This committee has the authority to approve, modify or reject any additional funding requests raised by any state agency between sessions. This includes reallocation of funding within NDOC and additional funding requests from the Interim Finance Committee's contingency fund. When making its decisions, the Interim Finance Committee can request NDOC provide any necessary information.

Assembly Committee on Corrections, Parole and Probation. To help ensure that it makes informed decisions on bill proposals affecting various criminal justice issues, the Assembly established a Committee on Corrections, Parole and Probation. Created in 2007, the Committee comprises 14 members of the Nevada Assembly and meets throughout the legislative session. The primary role of the Committee is to review all bills going before the legislature that may have an impact on NDOC, the Division of Parole and Probation and the Parole Commission. The Committee also can, through its various assembly members, propose its own bills to be considered by the legislature.

At the beginning of the legislative session, the NDOC's Director reports to the Committee on the current state of NDOC, including information on budgetary issues, inmate population projections and internal plans. The Committee members have the opportunity to interact with the Director and ask him for information that may be helpful

in the decision-making process. At subsequent meetings throughout the session, the Committee members will consider various bills relating to the criminal justice system. This usually begins with testimony by the legislator who proposed the bill, which allows the Committee members an opportunity to ask questions and get clarification on specifics of the bill. Once testimony is complete, the Committee votes on whether or not to allow the bill to go to the assembly floor. The Committee also holds working sessions during which the Committee is able to make necessary amendments to bills before they go to vote before the assembly.

Due to its role in reviewing proposed legislation affecting NDOC, the Committee has broad access to both NDOC data and facilities. It can request information at any time and require NDOC staff to appear at its meetings to testify on various issues. In accordance with Nevada's open meeting laws, all of the Committee's agendas are publicly available on the Board's website and the public has a right to comment at each of its meetings.

Board of State Prison Commissioners. The Board of State Prison Commissioners is a body created by the Nevada Constitution to supervise the workings of NDOC. The Governor, Secretary of State and Attorney General make up the Board. Constitutionally, the Board supervises NDOC and has broad authority over it.

Although historically it has met less frequently, today the Board meets quarterly and in a public setting. Prior to meetings, NDOC staff provide each Board member with materials relevant to the issues on the agenda. This agenda is made public prior to the scheduled meeting. The Board is responsible for reviewing certain policy decisions being made by the Director and has the opportunity to question him directly and approve decisions being made internally to NDOC.¹¹ The Board may also request presentations by other organizations or individuals, such as the Advisory Commission on the Administration of Justice, to gain insight into specific issues regarding NDOC. During these meetings, the Board also has the responsibility of approving changes to administrative regulations (ARs), the inter-Departmental policies that govern all aspects of operations. NDOC is currently in the process of updating all of its ARs and has a goal of revising them annually to reflect current operations. Before the Board approves an AR it is labeled a Temporary AR. Temporary ARs become NDOC policy before they are approved, but can only remain on temporary status until the next Board meeting. If needed, the Board has the authority to extend the temporary status of a regulation.

The open meeting laws in Nevada require the Board to entertain public comments at each meeting, during which citizens may make statements to the Board. After the meeting the minutes are published on the Board's page on the NDOC website.¹²

¹¹ An example of the type of decision that would go before the Board is approval of NDOC's partnership with the Vera Institute of Justice on the Corrections Support and Accountability Project.

¹² The Board of State Prison Commissioner's page can be found at: <http://www.doc.nv.gov/board/>.

B. Audits

The audit function is essentially a management tool whereby an internal unit or external body checks compliance with established standards, rules, or policies. Audits help corrections leaders identify inefficiencies and manage risk; they can also help promote professionalism by holding staff accountable for compliance.

The Nevada Department of Corrections is audited, both externally and internally, by a patchwork of bodies and under several different standards of measurement. In terms of external audits, NDOC, like all other state agencies, is subject to audit by the Legislative Counsel Bureau's Audit and Fiscal Divisions. Additionally, the Executive Branch has its own Division of Internal Audits that regularly audits state agencies. Other state agencies, such as the Bureau of Health Care Quality and Compliance and the Health Department, conduct regular audits as well. NDOC is also subject to external fiscal audits by the state Division of Budget and Planning and population projection audits by outside contractors.

Internally, NDOC conducts audits of its facilities to ensure they are complying with specified administrative regulations. The Inspector General's Office, which is housed within NDOC, also audits facilities for compliance with external regulations and policies, such as health and safety codes. Finally, NDOC conducts routine audits of the education programs to ensure they are in compliance with state Department of Education standards.

Below are descriptions of the Legislative Counsel Bureau, the Executive Branch's Division of Internal Audits, and NDOC's internal auditing process.

Legislative Counsel Bureau. The Legislative Counsel Bureau (LCB) was established by the Nevada Legislature to assist it with information gathering and analysis to help legislators make decisions during session. While LCB has several divisions and provides many services to the legislature, such as examining and suggesting changes to the Executive Budget and performing research relating to proposed legislation, it most directly works with NDOC through its auditing function.

The LCB Audit Division conducts routine performance audits of all state agencies on a rotating schedule or at the request of a legislative committee or legislator. The LCB is able to audit most state agencies once every four to eight years. Audits conducted by the LCB provide state officials and citizens with independent and reliable information on how agencies in the state are operating. When auditing NDOC, the LCB auditors look at specific operations, such as inmate programming, grievances, or health care, that are determined to be areas of potential liability or of particular interest to the legislature. The auditors visit the facilities, conduct extensive interviews with staff and review Departmental documents in making their assessments. In addition to examining whether NDOC is in compliance with administrative regulations, the auditors may conduct research on best practices to evaluate how NDOC's operations compare. Once the audit is complete, the LCB prepares a report detailing its findings. A draft of the report is given to NDOC personnel to ensure that the observations are accurate. Following NDOC's feedback, the LCB presents the final report to the Audit Subcommittee of the Legislative

Commission and eventually makes the report public. Sixty days after the report and recommendations are presented to the Audit Subcommittee, NDOC has to submit a corrective action plan. The LCB auditors follow up on NDOC's compliance with the action plan six months after the report is issued and keep the legislature updated on how they are progressing.

Division of Internal Audits. The Division of Internal Audits (DIA) is part of the Executive Branch's Department of Administration. Overall, the DIA works to monitor internal agencies and enhance operations. Specifically, the Internal Audit section of the DIA works to help agencies find ways to operate more efficiently in an effort to maximize state resources. The Internal Audit section reports to the Executive Branch Audit Committee, made up of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General and a member of the public. The Audit Committee directs the focus of the audits, although agencies can request audits as well. These audits, like LCB audits, focus on a specific area of operations. Auditors visit NDOC facilities to observe operations, interview staff and inmates, test data and review documents before formulating their recommendations. The audit staff present their recommendations to NDOC and meet with top staff to discuss the implications of these recommendations before issuing a final report. Once the final report is issued, NDOC staff have 10 business days to respond. Both the report and NDOC's response are presented to the Audit Committee and eventually made public. Six months later the Internal Audit staff conduct follow-up visits to facilities to ensure that NDOC has complied with the recommendations.

NDOC's Internal Audit Process. NDOC itself conducts internal compliance audits to ensure that every facility is operating in conformity with designated administrative regulations. While ideally NDOC staff would audit every facility once a year, recent fiscal cutbacks and staff shortages have dramatically reduced the number of audits taking place. One full-time staff member is responsible for conducting these audits, among other responsibilities, and so only conducts audits of the southern region. The facilities in the northern region conduct self-audits, where administrators from one northern facility visit and audit another northern facility.

When formal internal audits are conducted, the NDOC auditor accompanies a team of corrections professionals to the facility to be audited. Not all ARs require audits – only those with express language requiring audits are used for formal internal audits. For all of the ARs that do require auditing, the audit team has a checklist of questions that helps determine compliance. For each item on the checklist, the team member can mark the number of the applicable operating procedure, whether the facility is compliant, partially compliant, or not compliant, the urgency of coming into compliance (immediate, 30 days, 60 days or 90+ days) and a space for any other comments. The checklists may also require the audit team to present scenarios to staff members and record their answers,

review files for particular pieces of information or ask inmates relevant questions. While checklists are a guideline, the team is not limited to the them – they may make independent observations and gather evidence to include in their findings. After the audit team has concluded its work at the facility, it meets with the facility’s leaders to informally discuss their findings.

After the audit is complete, the audit staff compiles a report and presents it to the warden, the Director, and the Deputy Directors. The report details each deficiency noted by the audit team and outlines a corrective action with a deadline. The facilities are expected to respond to the report within the prescribed timeframe. No formal system exists to follow up on compliance.

Inspector General’s Office Compliance Inspections. In addition to the state agencies that audit the facilities regarding state regulations, the Inspector General’s (IG) office has a dedicated staff member to conduct internal inspections.¹³ These inspections cover all state health, fire, environmental protection and occupational safety standards to which NDOC is held by various state agencies. All administrative regulations are drafted to comply with these statewide standards. A compliance officer within the IG’s office conducts these inspections on a regular basis, ideally visiting each facility twice a year. The IG’s office also has jurisdiction to inspect inmate work environments or work areas for NDOC contracts (e.g. building of a new facility). The inspections take place over a period of one to three days, depending on the size of the facility. The compliance officer inspects the entire facility, including all inmate cells, for violations of state standards. If a facility is found to violate a particular regulation, the IG’s office issues an order to obey to the warden and the Deputy Director responsible for supervising the facility. The order contains a deadline by which the facility must come into compliance. The facility is required to respond with a specific action plan detailing what they will do to comply and when they expect it to be complete. The Compliance Enforcement Officer will continue to follow up with the facilities until they are in compliance.

C. Accreditation

Accreditation formalizes the successful result of certain auditing or inspections processes and is associated with some kind of certification of compliance or other official stamp of approval. NDOC is not currently accredited by any organization.

D. Investigation

Investigations conducted in correctional settings are similar to any other investigation into alleged misconduct, criminal or otherwise. They are a reactive tool for uncovering facts relating to an allegation of wrongdoing, with the goal of holding perpetrators

¹³ A more complete description of the other work conducted by the IG’s office is included in the Investigation section, below at pages 16-17.

accountable. NDOC facilities, like those in states across the country, are subject to investigations by federal and state entities like the U.S. Department of Justice (DOJ), the U.S. Equal Employment Opportunity Commission and analogous state agencies, and the Nevada Attorney General. Similarly, the protection and advocacy agency for Nevada, the Nevada Disability Advocacy & Law Center, has federal statutory authority to represent and advocate for people with disabilities, including those who are incarcerated, to ensure the protection of their civil rights. The American Civil Liberties Union of Nevada also plays an informal investigatory role in all state prisons and jails by receiving and investigating inmate complaints and bringing lawsuits against state prisons regarding systemic conditions issues.

In addition to the types of bodies and investigations described above, NDOC has an internal structure in place designed to ensure routine investigations of inmate and staff complaints are conducted in a fair, thorough, and timely manner. For inmates, NDOC has an informal and formal grievance system. There is a similar system for staff complaints. Recently, NDOC instituted the Inmate Early Mediation Program with the Attorney General's office and a federal magistrate judge. This program allows inmates an opportunity to enter mediation with NDOC after they have filed a lawsuit with the hope of expedient and less expensive dispute resolution.

NDOC has a few other investigatory mechanisms aside from its grievance procedures. It houses an Inspector General's (IG) office, which is responsible for conducting investigations of incidents of misconduct held in their facilities. NDOC also has a Family Services officer who is able to receive and investigate questions from family members of those incarcerated in the system.

Below are more detailed descriptions of the inmate and staff grievance procedures, the Inmate Early Mediation Program, and the Inspector General's office.

Inmate Grievance System. The Nevada Department of Corrections has both an informal inmate grievance procedure and a formal inmate grievance system for resolving inmate complaints. At the first, informal level, the inmate files a grievance with his or her caseworker, who is responsible for investigating and responding to the grievance. The inmate must request a grievance form in the housing unit or can access them in the law library. At the informal level, an inmate has six months to file a grievance regarding personal property, personal injury, or medical, tort, or civil rights claims or has ten days to file a grievance regarding all other issues such as classification, disciplinary sanctions, mail or food. Policy requires the caseworker to respond to the informal grievance within 45 days. After the caseworker response, the inmate has five days to appeal the decision to the formal grievance level. If the inmate does not file an informal grievance or does not do so during the allotted time frame, he or she cannot make a formal grievance.

According to NDOC policy, the warden at the inmate's facility receives the second-level grievance (the first in the formal grievance procedure), although several sources noted these are often handled by an associate warden. At this level the inmate must

provide additional information, such as a sworn declaration of facts to prove the informal-level decision is incorrect. The warden or associate warden has 45 days to investigate and respond to the second-level grievance. If the grieving inmate continues to be unsatisfied after the second level of review, he or she can appeal to the third level (the second level in the formal process). The Deputy Director who oversees the facility reviews the majority of the third-level grievances. There are some exceptions – the Medical Director reviews medical grievances, the Deputy Director for Support Services reviews fiscal and telephone issues, and the Offender Management Division Administrator reviews classification and timekeeping grievances. At this level, those reviewing the grievance have the authority to send the grievance back for further review if they do not agree with the decision made at the lower levels. The response time at the third level of review is sixty days. The completed response should include a detailed decision that specifies the reasons for the outcome. Once the inmate has received a response to this final grievance, he or she has exhausted their administrative remedies and is able to file a lawsuit.

NDOC tracks grievances in its information database, NOTIS (described in the Reporting section, below). Although NDOC does not generate regular reports about grievances, staff can either run their own reports or can request the Information Technology division to create reports.

Staff grievance system. Staff members may also access a formal grievance system, though they are encouraged first to raise any grievances or complaints informally through their chain of command. The staff grievance system has four levels of review – the staff member’s immediate supervisor, the Assistant Warden of the staff member’s facility, the Director or Deputy Director, and, finally, the state’s Employee-Management Committee. The Employee-Management Committee provides the final review of all state employee grievances. Three state agency supervisors and three state employees serve on the Committee. The six members vote whether to uphold or overturn the decisions made at the lower levels.

Inmate Early Mediation Program. In January of 2009, NDOC began a pilot program with the United States District Court, District of Nevada, allowing inmates who had filed lawsuits against NDOC to enter a mediation process to settle their claim. When an inmate files a lawsuit, a pro se law clerk for the court screens it for frivolousness. Once a case makes it through the screening process and is filed with the court, it is eligible for mediation upon the inmate’s consent.

Currently, the Inmate Early Mediation Program only accepts cases from inmates in the northern facilities. The court sets aside two Tuesdays a month for these mediations, and in a typical day, two cases will be mediated – one in the morning and one in the afternoon. A trained, pro bono attorney acts as a mediator between the inmate, who appears via videoconference, and NDOC. A representative from NDOC, a Deputy

Attorney General, and a state tort claims manager, who oversees the financial implications of any agreements, are present during the mediations. The inmates appear without counsel. If the parties reach a settlement during the course of the mediation, the clerk of the court enters a binding settlement agreement that day. The settlement can require a range of relief, including expunging a disciplinary infraction from the inmate's record, referring an inmate to an outside provider for medical review, or monetary damages. Since its inception through December 3, 2009, the program has mediated 48 cases, 15 (30%) of which resulted in settlement.

In 2010 the Attorney General's office hired several new employees to assist in the mediations. Although not yet fully-functioning, the AG's new staff will meet with inmates who have filed lawsuits against NDOC and who also qualify to take part in the Early Mediation Program. During the meeting, the AG's staff will inquire about the inmate's demands in an attempt to determine whether mediation will ultimately result in a settlement. They will not conduct any independent investigations or interview any witnesses. The Attorney General's office also hopes that over time these staff will be able to monitor systemic issues they encounter throughout their meetings with inmates and be able to work with NDOC leaders to resolve them before they develop into larger legal issues. The Attorney General's office has hired several former corrections officials, including two former directors, to carry out this work.

Inspector General's Office. The Inspector General's (IG) office is the primary internal investigator for NDOC. The IG's office is housed within NDOC and has two offices – the southern office has ten investigators while the northern office has seven. Under NDOC regulations, the IG is “authorized to investigate any matter arising from the Department or any person employed, incarcerated, or present in an institution or facility.”¹⁴ In addition to conducting administrative investigations into alleged misconduct, the IG's office is responsible for carrying out internal criminal investigations. All investigations completed by the IG's office are kept confidential, but occasionally the office reports to various governmental bodies.

Nevada law requires the IG's office to investigate every allegation of misconduct against a corrections officer.¹⁵ The IG's office gets notified of an incident through various channels, including the inmate grievance system, staff complaints and complaints by the public. NDOC staff are also required to report all crimes, misconduct or suspicious activities to the IG's office through the NOTIS system.¹⁶ Once the IG's office receives a report, it reviews the information and determines whether its investigators or the facility's personnel should handle the investigation. Class 1 and 2 offense investigations, which include less serious misconduct, are usually assigned to the warden at the officer's

¹⁴ Nevada Department of Corrections, Administrative Regulation 457: Investigations (May 8, 2008).

¹⁵ Nevada Revised Statutes 289.057.

¹⁶ Described in detail in the “Reporting” section, below at page 17-18.

facility. On occasion, however, the IG's office may handle the investigation of these lower-level offenses, including if the officer is already under investigation for a more serious offense or if the Class 1 or 2 offense is an aggravating factor for another, more serious offense.¹⁷ When the investigation is conducted at the facility level, the warden can either handle the investigation or assign it to a lower-level staff member, such as a lieutenant. For more serious Class 3 offenses, the IG's office has the discretion to conduct the investigation or assign an investigation to the facility.¹⁸ Class 4 and 5 offenses, which are the most serious in nature, are automatically assigned to the IG's office.¹⁹ Anyone handling an investigation, whether from the IG's office or an employee of the facility, has full access to staff, inmates and documentation when conducting their investigations. Once an investigation is complete, the IG's office submits its findings to the division head, who determines what, if any, sanctions to apply.

E. Reporting

Any external body that publishes information on prison conditions or management issues fulfills the reporting function of oversight according to Michele Deitch's description. Traditionally, civil or human rights groups and the media have been the primary educators of the public on prison and jail issues. Additionally, government commissions or committees that oversee prison operations and conditions fall under the reporting function. In Nevada, the local American Civil Liberties Union (ACLU) has been involved in bringing attention to prison conditions in the state. The Advisory Commission on the Administration of Justice, a legislative entity, examines the workings of the criminal justice system, including NDOC, and evaluates and reports on the effectiveness of the various agencies and policies. Finally, a core set of individuals, organizations and new media forums are very active in reporting conditions and advocating on behalf of those incarcerated.

Internally, NDOC tracks information in its offender management system, Nevada Offender Tracking Information System (NOTIS). Implemented in 2007, the intention of NOTIS is to track inmates from the time they enter the system until they are released. The system has the ability to track many elements of operations, from inmate classification and grievances to disciplinary charges and investigations by the Inspector General. The staff of the Statistical and Planning section of Offender Management handle

¹⁷ Examples of Class 1 offenses are failure to provide identification or proper I.D. or making an unprofessional remark to an inmate. Examples of Class 2 offenses are discharging a firearm because of negligence or making a discourteous or improper remark to a co-worker. All employee conduct offenses are detailed in Nevada Department of Corrections, Administrative Regulation 339: Code of Ethics, Employee Conduct, Prohibitions and Penalties (Temporary)(October 25, 2009).

¹⁸ Examples of Class 3 offenses are purchasing or possessing alcoholic beverages while on duty and failing to report misconduct.

¹⁹ Examples of Class 4 offenses are sleeping on duty or failing to remain fully awake while on duty and willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. Examples of Class 5 offenses are solicitation of any sex act with an inmate and theft of property belonging to another employee, a citizen, or an inmate.

much of these data monitoring duties. However, for staff to receive certain data they must request that information technology staff design and run a report that meets their specifications.

Below is a discussion of the Advisory Commission on the Administration of Justice, the Statistical and Planning section and the various advocacy groups and individuals in Nevada.

Advisory Commission on the Administration of Justice. The Advisory Commission on the Administration of Justice is an interim panel created by the Nevada Legislature as an oversight body for the state's various justice systems. The Commission provides a forum, between legislative sessions, for those involved in criminal justice to steer policy and law-making in certain directions. Its members come from a variety of justice-related professions, including judges, public defenders, prosecutors, law enforcement, victims, inmate advocates and the Director of NDOC.

Between legislative sessions the Commission holds regular meetings, which are open to the public. The Commission meets with the purpose of developing a series of goals to achieve in the area of criminal justice, which it can do through a variety of means. The members of the Commission have the opportunity to request that legislators propose specific bills in the upcoming session and can work with the legislators in developing those. Commission meetings also present an opportunity to make recommendations to agency heads, such as the NDOC's Director, on various internal policy decisions during the interim. In the past, the Director and his staff reported regularly on various issues related to the NDOC. Recently, however, the focus of the Commission has been on other issues related to the justice system.

Offender Management Division – Statistical and Planning. NDOC's Offender Management Division's Statistical and Planning section (Statistical Division) is responsible for tracking and analyzing much of the data collected in NOTIS. The Statistical Division is able to regularly track data contained in NOTIS and run regular reports analyzing this information. Every day, the Statistical Division circulates a 1.1-1.5 Report, which details the daily population. Various tables in the report break down the daily count by institution and gender, assess population numbers over time and compare the legislatively approved count with the actual count. This report is sent not only to NDOC personnel, such as administrative staff and wardens, but also to outside contractors and the legislature. At the end of the month, the statisticians develop a report that synthesizes this data from the entire month, which it publishes on its website. Along with this report, NDOC publishes reports on admissions by county, admissions by category and releases by category on a monthly basis.

Beyond these regular reports, the Statistical and Planning section also responds to requests for information from outside organizations or individuals. The legislature can make requests for any information they deem necessary to assist in the legislative

process. This can range from information about how many people are on death row to the length of sentences for prisoners with particular offenses. The media or even the public may also request certain information. NDOC provides information to the media and the public on a case by case basis; it is usually provided so long as it does not include information that identifies particular inmates or compromises the safety and security of the facilities. Finally, this section of Offender Management is responsible for responding to various corrections surveys by organizations like the Bureau of Justice Statistics and the US Census Bureau.

Inmate Advocates. Numerous organizations, individuals and media outlets advocate on the behalf of those incarcerated in Nevada. For example, the American Civil Liberties Union (ACLU) in Nevada has filed several lawsuits against NDOC for alleged civil rights violations and publishes information related to prison conditions on its website. Other organizations, such as the Religious Alliance in Nevada and now-defunct Citizens for the Rehabilitation of Errants (CURE), have in the past advocated actively on behalf of those incarcerated in Nevada. There are also several new media organizations, mainly prisoners' rights blogs, that publish information relating to NDOC online. *Nevada Prison Watch*, *Make the Walls Transparent*, and the *Spartacus Project of Nevada*, are a few examples of this type of media.²⁰ These bloggers publish news stories and reports from inmates on their sites with the stated goal of increasing the transparency of NDOC.

There is also a small, yet active, group of individuals who spend a great deal of time advocating for the incarcerated. Many of these individuals have family members or loved ones incarcerated in Nevada. In general, these advocates are vocal and attend many of the open meetings of the Board of Prison Commissioners or legislative bodies.

F. Monitoring

According to Michele Deitch's oversight framework, monitoring involves regular review and inspection of a correctional facility by an outside entity. The defining characteristics of monitoring are: 1) unfettered access to facilities for routine inspections in order to prevent problems and recommend improvements; 2) inspections conducted by an independent, external body; 3) a focus on facility conditions; and 4) recommendations that are advisory, rather than compulsory, in nature. While several notable examples of monitoring bodies exist in the United States – for example the New York City Board of Corrections – NDOC is not currently subject to any body or group that fills this oversight function.

²⁰ Nevada Prison Watch. <http://nevadaprisonwatch.blogspot.com/> (accessed May 4, 2010); Make the Walls Transparent. <http://makethewallstransparent.org/> (accessed May 4, 2010); Spartacus Project of Nevada. <http://spartacusprojectofnevada.blogspot.com/> (accessed May 4, 2010).

Analysis of Existing Oversight Mechanisms and Recommendations for Improvement

During the course of our visits to Nevada in July and November of 2009 and the dozens of phone interviews we conducted with NDOC employees and other criminal justice stakeholders over the last few months, we reached a number of conclusions about what is working well in Nevada and where there are opportunities for innovative, but crucial, improvements. This section provides an analysis of Nevada's current prison oversight and some recommendations for stronger oversight going forward.

Our criteria for analysis incorporates Michele Deitch's framework, the benefits of oversight, and the areas of concern identified by those employed and affected by NDOC. As discussed in the previous section, Michele Deitch's framework for the six functions of oversight is a useful tool for mapping out the layers of prison oversight that exist in Nevada and identifying gaps at the systems level. For example, while NDOC reports to many external governmental bodies, it lacks the staff and internal mechanisms to monitor itself internally in an effective and routine manner. In addition to mapping existing forms of oversight using Deitch's framework, we believe it is essential to evaluate how effective the existing mechanisms are in practice. This section of the report attempts to provide such an evaluation, using as a measure of effectiveness the degree to which the benefits of oversight discussed in the Introduction are being met. As we assessed Nevada's current oversight mechanisms, we considered whether they were designed for, and optimally used to achieve, one or more of the following goals:

- To ensure safe and healthy working and living conditions for staff and inmates;
- To evaluate the use of existing resources, the need for new resources, and help leadership make the case for new or existing resources;
- To identify inefficiencies (and ultimately save money);
- To manage risk (and ultimately save money);
- To measure the successes and failures of programs and policies in order to guide future decision-making;
- To build public confidence and public interest; and/or
- To promote good governance and professionalism.

Existing Internal Oversight and Recommendations

One of the most critical elements of creating effective oversight of corrections departments involves the commitment of internal administrators and staff to monitor work and promote accountability from within. Robust internal oversight mechanisms can serve as measurement tools for administrators to determine how they are performing and to ensure resources are being well spent. Creating internal oversight is particularly important in the corrections environment, when the nature of the system itself and

security demands require it to be relatively closed off. Internal accountability takes several forms, including internal investigations, audits and inspections, and they all serve the important purpose of making a prison system safer and more effective.

While proper policies and procedures are essential building blocks of an effective internal accountability system, these cannot be successful without adequate staffing and resources to carry out the objectives. Corrections departments simply need enough staff to perform the many, and sometimes time-intensive, tasks that are involved in these internal accountability practices. Not only must a corrections department have enough staff to carry out these important functions, they must also have a staff that believes in and is dedicated to the objectives of internal oversight. Although some of this comes down to staff culture issues and administrative priorities, a corrections department needs the proper financial resources to ensure a safe and secure system.

A. Recommendations for Internal Accountability:

Create a More Robust Internal Auditing Process

Audits are an incredibly important management tool to those who run departments of corrections. Valuable to both corrections administrators and the legislators responsible for funding and regulating the prison system, audits allow the collection and aggregation of data to provide a more thorough picture of what is happening in their facilities. Typically, the primary purpose of an audit is to determine whether the agency is meeting established standards or policies derived either internally or through legislation. As such, audits are one of the primary methods through which a prison system remains accountable both to itself and the public.

NDOC currently is subject to limited external audits, aside from the standard state government audits mentioned in Section 2 of this report.²¹ It has not been accredited by professional organizations such as the American Correctional Association (ACA) or National Commission on Correctional Health Care (NCCHC), which require external audits. While NDOC has requested funds to seek accreditation, these requests have been denied by the legislature. In conversations we had with NDOC administrators, many believed that they were following the standards dictated by these professional organizations, but could not seek accreditation due to these financial constraints. Going through the accreditation process can be very costly and may not seem like a justifiable expense for a corrections system that is facing so many financial constraints.

Although these concerns are understandable, it may be worthwhile for NDOC to continue exploring accreditation. Being accredited has the advantages of displaying a level of professionalism and can often help prove compliance when faced with potential legal liability. As such, formally seeking accreditation by a professional organization would be a worthwhile cost for the legislature to consider funding.

²¹ See Audit Section above, at pages 11-13.

While NDOC is subject to limited external audits by the state government, it does have its own internal auditing process. However, even these audits have been significantly pared down as a result of the current financial climate and staffing shortages. As mentioned above, the only facilities audited with any regularity are those in the southern region. Facilities in the north are only subject to peer audits, conducted by administrators from other northern facilities; several people we spoke with informed us that even those do not happen with the regularity required of an effective auditing process. We acknowledge that this effort is admirable and shows a strong commitment to the auditing process in the face of the limited resources NDOC has at their disposal. Nonetheless, these irregular and inconsistent audits cannot replace a program of regular, thorough, and professional internal audits which should be a funding priority.

Recommendation 1. Conduct more formal and regular audits of both southern and northern facilities.

In conversations we had with NDOC personnel, we were informed that many factors affect the Department's ability to conduct regular and thorough audits of all of its facilities. For one, there is limited staff to conduct these audits. It also seems as though internal audits are almost entirely without funding right now. Currently, only one person in NDOC is dedicated to conducting these audits, and this is just one of several important tasks for which she is responsible. These same budgetary restrictions severely limit the travel opportunities for audit staff. Travel from the southern region, where the auditing staff is permanently housed, to the northern region is costly. Thus, as mentioned in Section 2 of this report, only peer audits – audits performed by staff of other NDOC facilities – are taking place. While staff expressed doubts that even these audits were conducted on a regular basis, when they do occur they use the same forms as in the southern region and are reviewed by the audit supervisor.

The inconsistency with which internal audits are conducted threatens the safety and security of NDOC's facilities. Audits are essential management tools that can help administrators identify potential problems before they become a real danger. Although there is some upfront cost in performing regular audits, these small preventative measures should end up saving any corrections department money in the long term. While this may require NDOC to hire an additional staff person to take over some of the auditing responsibilities, the investment could potentially save money over time.

Recommendation 2. Create formal follow-up process for problems identified during internal audits.

In addition to being conducted on a regular basis, an effective audit should be accompanied by a formal follow-up process. However, in discussions we had with NDOC staff, we were informed that the current audit model does not require audit staff to

follow up to ensure the facility has complied with recommendations. Compliance ultimately becomes the responsibility of those running the facilities without any oversight by central office staff.

As it currently stands, after an audit the warden of the facility receives a report that details the deficiencies that audit staff found throughout their several days at the facility. This report lays out corrective actions that the facility must make and a specified deadline by which they must report back to NDOC administrators about their status. However, there are no sanctions, consequences, or real follow-up with facilities that either do not report back or have not been able to make the corrective action by the deadline. Continued deficiencies are merely noted again in the next audit of the facility.

Ensuring that action is taken to correct deficiencies found during the auditing process is, as already discussed, a critical part of the auditing process. While staff explained that a great deal of the corrective actions were simply too costly to carry out, some of the related deficiencies could seriously threaten safety or security of the facility. Yet even on these more serious problems, there appears to be no mechanism to ensure these deficiencies are addressed.²² We encourage NDOC to develop a formal follow-up system for audits, especially in an environment when audits are being conducted with some irregularity.

B. Recommendations for Internal Accountability: Improving Feedback Mechanisms

One of the most important internal mechanisms for ensuring safe and healthy conditions, as well as managing risk inside the facilities, is the inmate grievance system. When tracked and analyzed, inmate grievances can serve as a helpful tool for corrections leaders, alerting staff to problems requiring attention. Such problems can range from food service issues to inadequate medical or mental health care to staff use of force. But unless grievances are tracked in an effective way, larger scale problems may end up being unnoticed by administrators.

Recommendation 3. Improve tracking system for inmate grievances and generate regular reports.

In conversations with corrections experts, Vera staff heard repeatedly that a hallmark of a strong inmate grievance system is meaningful tracking and reporting. NDOC has made significant strides to electronically track all inmate grievances. We commend these efforts, especially since the benefits of doing so are numerous. As noted above, grievances are useful self-monitoring tools and allow corrections departments to solve individual problems before they become larger scale issues. However, by tracking and

²² For example, one facility audit noted that the facility was not conducting regular perimeter checks and areas intended to be secure were not locked. *See*, Audit of the Jean Conservation Camp, November 2008.

generating reports that detail the most common issues raised in inmate grievances, corrections departments can identify trends and begin to address them on a systemic, rather than individual, level.

Although the efforts to track inmate grievances electronically have continued since adopting the NOTIS system, in speaking with many administrators and staff in NDOC we heard many concerns about the limitations of the tracking system. Specifically, we heard that there were many gaps in recording how grievances moved through the first and second levels of the grievance process. Also it appears that NDOC staff do not generate regular reports with detailed information about trends in inmate grievances. Instead, individuals must run their own reports to note trends or systemic issues. Although the grievance process has been reviewed and approved by the federal courts, we highly encourage NDOC to continue making improvements by developing a way it can diligently and accurately record grievances from the informal level all the way through the final appeal.

Recommendation 4. Resolve more inmate grievances at the facility level.

It is natural for staff and the administration to view inmate complaints as negative feedback. However, this is not consistent with good governance; every complaint should be viewed as an opportunity for improvement. We understand that a lot of the issues NDOC faces in this area come from a lack of resources and the general understaffing that currently afflicts Nevada's prison system. However improvements can be made by internally adjusting the system and staff culture to ensure more grievances are resolved earlier in the grievance process.

Our conversations with NDOC administrators revealed that the Department faces an ongoing problem with inmate litigation. Moreover, Deputy Directors spend significant time on inmate grievances; they commonly disagree with or need more information to support decisions made at the lower grievance levels. Resolving inmate grievances before they reach higher levels of appeal or the courts is much more time and cost efficient. This is especially important for a system facing resource challenges.

Resolving grievances at the facility level will require some internal changes. First, each facility must have adequate staff to conduct investigations into grievances. Staff must also be properly trained to understand that an informal grievance is a good gauge for the facility and can help diffuse problems or prevent certain issues from becoming more systemic. If facility staff are able to resolve more of these grievances, the overall process would be more efficient and reduce the cost and time NDOC spends on inmate litigation. However, it is important to continue the process of tracking and monitoring grievances at a systemic level, as is currently practice in NDOC. This will help administrators identify trends and potentially larger issues, as discussed in the previous recommendation.

A well-functioning grievance system can help inmates and the public feel more confident in the way the prisons are functioning. The grievance process is seen by many as the main way in which inmates can make officials aware of problems they may be experiencing in the facilities. Thus, if this system is not functioning properly, inmates or their loved ones may feel helpless and without recourse. This was a concern we heard in many of the conversations we had with inmates and advocates. In addition to making the changes described above, NDOC should consider allowing citizen involvement in the grievance process, which could bolster trust among the critics of the grievance process.

Recommendation 5. Consider creating a citizens review board for the inmate grievance process.

In 2008 the Nevada Legislative Counsel Bureau conducted an audit of NDOC's grievance system. In its report, the LCB suggested that NDOC consider adopting a citizens advisory committee to help monitor its inmate grievance system.²³ In its assessment of the feasibility of this option, the LCB examined similar oversight bodies in two states, Missouri and North Carolina. In our research we spoke with representatives from these bodies and believe that NDOC could greatly benefit from adopting a citizens review board.²⁴

At a time when departments of corrections are constantly threatened with lawsuits from prisoners unsatisfied with the outcome of their grievances, injecting more insight into the grievance process and showing a deeper commitment to resolving issues before they reach the courts is important. NDOC already has made strides to alleviate the pressure of inmate lawsuits. A citizens review board, if properly developed, can be another cost-effective way for NDOC to ease the financial and resource burden that litigation poses. As mentioned above, it may also help ease tensions with inmates and prison rights advocates who have tenuous trust in the inmate grievance process.

Considering NDOC's current fiscal and staffing situation, the model used by the Missouri Department of Corrections provides a particularly apt example. This model functions by using a core group of volunteers from the community who review and make recommendations on select grievances after an inmate has exhausted his or her administrative remedies. Since a model like this only requires minimal paid staff time, mostly involving coordination with the board members, it is an inexpensive way for a department of corrections to assure inmates that their grievances are taken seriously and, hopefully, reduce litigation as a result.

²³ Legislative Counsel Bureau, *State of Nevada, Department of Corrections, Inmate Programs, Grievances, and Access to Health Care Audit Report* (Carson City, NV: The State of Nevada Legislative Counsel Bureau: 2008).

²⁴ Finesse Couch, Executive Director of Inmate Grievance Board for the North Carolina Department of Corrections, telephone interview by Alissa Cambier, December 16, 2009; George Lombardi, Director, Missouri Department of Corrections, telephone interview by Alissa Cambier, January 4, 2010.

While it is crucial for departments of corrections to understand inmate needs, they cannot forget the needs of staff working in the facilities. Just as grievances can highlight systemic issues affecting inmates, staff surveys can provide important information about the need and challenges faced by line staff. They too can be affected by conditions and culture within the facilities and need an outlet for voicing their concerns.

Recommendation 6. Implement a staff survey.

We spoke with several staff members while conducting our research and they expressed concerns about various aspects of NDOC operations. A frustration that we heard is that many line staff do not believe that administrators are listening to their concerns as much as they could. While NDOC administrators informed us that they personally respond to correspondence from staff, one way to further lines of communication is to implement a staff survey. The Federal Bureau of Prisons has used staff surveys to determine work environment measures such as job satisfaction and organizational commitment.²⁵ Implementing a staff survey regarding the general work environment will assist NDOC administrators determine what barriers exist to effective job performance and help identify reasons for voluntary separation.

C. Recommendations for Internal Accountability:

Enhancing Effectiveness of Innovative Conflict-Resolution Programs

Other sections of this report have discussed NDOC's efforts to develop innovative ways to resolve conflicts before they end up in court. We commend NDOC and the Nevada government for working together to develop these programs, and we encourage them to continue to work towards more innovative practices. One particularly promising program is the Inmate Early Mediation Program. This program, developed with the Attorney General's office, has been met with a lot of enthusiasm, including from the judge and attorneys involved.

Despite the program's early successes, some adjustments could be made to ensure that it fully benefits both the inmates involved and NDOC. One problem the program is currently encountering is a low rate of agreements. We heard from many people involved that participation in the program is time intensive, yet very few cases reach a settlement. Since the program began, only about 30% of the cases have resulted in an agreement. Staff from both NDOC and the Attorney General's office told us they found this number

²⁵ Camp, S. D., Saylor, W. G., and Gilman, E. B., *Aggregate Work Environment Measures and Job Separations at the Federal Bureau of Prisons* (Federal Bureau of Prisons, Office of Research and Evaluation, Washington, DC: 1995), 1. Available at http://www.bop.gov/news/research_projects/published_reports/prison_mgmt/oreprcamp_agg.pdf (accessed January 7, 2010).

frustrating, especially considering that they devote considerable amounts of their time to attend the mediations.

In response to these frustrations, NDOC and Attorney General's office have made steps toward improving the process. As mentioned in Section 2 of this report, the Attorney General's office has recently hired several people to work with inmates who have filed lawsuits to see if they have any interest in reaching an agreement with NDOC before entering mediation. While this should alleviate concerns about wasting state resources in terms of staff time in court, NDOC will not achieve long-term cost savings unless cases are settled before they reach a jury. All parties stand to benefit if inmates are provided with the resources they need to enter mediation with realistic expectations and confidence to settle.

Recommendation 7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.

In speaking with the magistrate judge and others involved in the Inmate Early Mediation Program, it is clear that one of the biggest reasons cases do not settle is that the prisoners do not understand their rights or the likelihood of winning their case in court. As a result, they may be very hesitant to accept any settlement offer, no matter how reasonable. The way the mediations currently work, the inmate appears via videoconference and faces an NDOC representative and a Deputy Attorney General, along with the neutral mediator. The prisoner does not have any legal representation or assistance during the process. As a result, he or she does not have anyone to confer with or to explain the strengths and weaknesses of the case. It may also create a more adversarial environment, as representatives of NDOC and the state outnumber the prisoner.

Providing inmates with a pro bono attorney for the limited purpose of assisting during mediation may alleviate these tensions and lead to more settlements. In speaking with the magistrate judge, it seems clear that there is a significant interest among attorneys to be involved in this program. All of the attorneys who served as mediators in the past have agreed to continue to work with the program. They are also becoming more familiar with prison issues. NDOC and the Attorney General's office can work with the courts to recruit additional pro bono attorneys to assist the inmates during mediation.

D. Recommendations for Internal Accountability: Increase Confidence in Internal Investigations

Internal investigations are a key component of a corrections department's internal oversight structure. Investigative models are by their nature reactive, responding to reports of wrongful conduct or to critical incidents. Investigations can determine root causes and result in changes to policies, practices, or procedures to help prevent recurrences of the misconduct at issue.

As mentioned in the previous section of this report, the Office of the Inspector General is the main investigatory body for NDOC. Until recently, the IG's office reviewed almost all critical incidents, including staff misconduct, and handled investigations. In conversations we had with facility line staff, many had concerns about this practice. Channeling all investigations through the IG's office led to a large backlog of investigations, during which staff can have certain privileges suspended. The IG's office is so busy because it not only handles misconduct allegations against staff, it also handles all inmate misconduct investigations. Additionally, once the investigations begin, they can take a long time to complete, often requiring a great deal of resources to conduct numerous in-depth interviews.

One of the biggest frustrations we heard from staff and union representatives was the length of time it took for an investigation and adjudication of staff misconduct cases to be completed. It often takes a few months for an investigation to begin, and once it is complete, it may take additional time for the warden to adjudicate. To stem the negative effects on staff morale, NDOC should consider carefully how to alleviate the tension.

We understand that this is one of the most challenging areas for administrators to strike a balance between competing interests. On one hand, there is public outcry for investigations to be taken seriously and conducted without bias. Corrections institutions in particular run the risk of losing public confidence in internal investigations because they occur behind closed doors and are rarely made public. At the same time, staff feel that investigations take too long, which can have negative professional consequences. NDOC administrators have made worthy efforts to strike the appropriate balance. As is the case in other areas, the problems with internal investigations come down to a lack of resources and staff. We encourage NDOC to continue to make sure investigations are thorough and at the same time conducted in an efficient and timely manner. To balance these interests, we recommend some adjustments to the investigatory process.

Recommendation 8. Keep more investigations at the facility level.

Administrators and staff informed us that NDOC has begun the process of moving some investigations that would normally be handled by the IG's office to the facility level. They are doing this by allowing facility staff to investigate some lower-level infractions, while still filtering the charges through the IG's office as a way to maintain uniformity throughout the system. We encourage them to continue this work and to liaise with staff and union organizations to finalize administrative regulations reflecting those changes. When making these changes, NDOC administrators must keep in mind that certain allegations are serious enough that they must be investigated by a more impartial body, such as the IG's office. It is important to strike the appropriate balance between these competing interests when adopting new policies and procedures.

The efforts to allow more facility-level investigations will only be successful if there are enough dedicated staff members to handle the increased work these investigations

will incur. If facility staff are already busy handling prior tasks, they will not be able to expedite the investigation process. The current process requires the warden to review and delegate the investigatory process for all investigations assigned to the facility level. Wardens typically have very heavy workloads and, understandably, do not have the time to conduct these investigations themselves in a thorough manner. Although they do have the authority to assign investigations to lower-level staff, that process also delays the completion of an investigation. This can be very frustrating for the staff member being investigated, especially if he or she has admitted wrongdoing.

**E. Recommendations for Internal Accountability:
Improve Internal Data Tracking Process**

As mentioned above, tracking data is one of the most important mechanisms a corrections department has to monitor itself and its performance. Internal data tracking is particularly important as a way to ensure systems are functioning properly and funds are being well spent. Internal data sharing can also help administrators identify problem areas and make decisions about how to remedy them.

As noted above, NDOC completely overhauled its data tracking system when it transferred over to the NOTIS system. While we applaud NDOC for acknowledging the importance of and investing resources in data tracking, during our research we heard several concerns from NDOC staff about the way NOTIS is currently functioning. While some of these concerns are byproducts of the standard growing pains that come with transitioning to a new system, NDOC can take steps to make NOTIS a more useful tool for both administrators and line staff.

Recommendation 9. Provide additional training on NOTIS for staff at all levels.

One of the biggest concerns that we heard from staff and administrators was that people were not very familiar with the NOTIS system, which affects its efficiency. Many believed this was due to inadequate training. Since being able to track internal information in a timely and accurate manner is so important to the functioning of a corrections department, we encourage NDOC to increase the training it provides to staff at all levels. The integrity of the NOTIS data depends on all staff fully understanding how to use the system. Without proper training, NDOC risks inaccurate data that can affect optimal operations.

Recommendation 10. Train select staff to run reports in NOTIS.

While all staff will benefit from understanding more of the intricacies of how NOTIS works, certain NDOC staff would benefit a great deal from increased access to the

system. One frustration we heard from staff, in particular from central office administrators and research staff, was that they were not able to run original reports through NOTIS without the assistance of the information technology staff. This leads to inefficiency at the management level, especially when staffing shortages may lead to delays in accessing reports. Prison system administrators consistently depend on data reports when making decisions. Without the capability of quickly running reports, prison administrators are significantly limited in their ability to make certain time-sensitive decisions.

Recommendation 11. Set internal performance measures and formalize internal data sharing.

Internal data sharing is a key way for administrators in corrections departments to promote accountability and identify trends or areas of concern. It allows administrators to coordinate resources and programs and achieve a number of the stated benefits of oversight, including ensuring a safe prison environment, identifying inefficiencies, managing risk, and measuring the success and failure of programs and initiatives. Often the most effective way to achieve these goals is to set internal performance measures against which a corrections department can compare how it is doing. At the very least, it is helpful to have a system for higher-level staff to share certain data and information with one another on a regular basis.

NDOC does not currently have a formalized set of performance measures in place. However, it does report some performance indicators to the state government for budgetary purposes; these help legislators make policy decisions regarding the prison system. Just as legislators need information to make educated decisions on policies, so do internal administrators. We suggest that NDOC begin to build into its system a set of internal performance measures that it tracks on a regular basis. This would involve setting particular achievement goals, developing guidelines on how to reach those, creating a system for following up on areas in need of correction, and providing training for staff responsible for creating and maintaining individual performance measures.

NDOC does conduct regular meetings of both its wardens (divided into northern and southern regions) and executive staff. These regular meetings of management-level staff are beneficial, and could be enhanced by including performance indicators in the discussions to optimize the effectiveness of this internal oversight tool.

Existing External Mechanisms and Recommendations

Oversight by governmental bodies, individuals, and organizations external to the prison system plays a large role in enhancing accountability of departments of corrections by shining a light on elements of correctional systems that only exist behind closed doors.

Working together, these mechanisms provide a critical set of external checks and balances to ensure that NDOC is using its resources effectively and has the right policies and procedures in place to maintain a safe, secure prison system.

In many ways, the Board of State Prison Commissioners provides the most concrete benefits of external oversight to NDOC. A body created by the state constitution, the Board's sole purpose is to allow government officials to oversee a great deal of what occurs within NDOC. The Board fulfills this function through quarterly meetings, during which it approves administrative regulations proposed by NDOC and evaluates the implications of larger policy questions, such as the recent issue of state employee furloughs. This process obliges NDOC to engage in a public discussion of important issues, shedding light on how administrators make internal policy decisions. It also allows a forum for the public to engage in these important policy conversations and provide a different perspective from NDOC's administrators or government officials. As a general matter, the Board promotes transparency and accountability by providing an objective and independent check on the way NDOC functions.

While the oversight provided by the Board is important, its role has many limitations. Historically the Board did not meet on a consistent basis – only in 2007 did it begin to hold quarterly meetings. We commend the Board for taking this step and encourage them to continue to meet regularly. Additionally, while the Board has the authority to approve all administrative regulations before they become official NDOC policy, they have no formal system to ensure they are being followed at the facility level. Finally, while the Board admirably enhances accountability by allowing public participation in meetings, there is rarely follow-up on complaints or claims made during the public comment portion of Board meetings.

Similarly, the Nevada Legislature, along with its committees and commissions, plays an important yet limited part in overseeing NDOC. In general, the legislature keeps the public aware of issues within NDOC and ensures the Department is adhering to the general objectives of the state and its populace. As noted above, it does this primarily through its law-making authority and control over NDOC's budget. Also, by creating committees that focus on NDOC—such as the Committee on Corrections, Probation and Parole—the legislature allows a public forum for in-depth discussions of pertinent issues and pending legislation concerning the prison system. Despite these efforts, because the legislature is on a biennial schedule, it can only provide a limited amount of oversight.

The Advisory Commission on the Administration of Justice is yet another government body that provides external oversight of NDOC. Created by the legislature, it ensures that conversations about law and policy issues affecting NDOC continue during the legislature's lengthy interim period. Although NDOC may not always be the focus of the Commission's agenda, the Commission provides a forum for in-depth discussion of laws that may affect the prison system, either directly or indirectly, which serves as important external oversight of the Department of Corrections.

We commend these government bodies for achieving many of the goals of oversight. To take full advantage of the range of benefits that may be achieved, we recommend strengthening external oversight so that NDOC can build more public support and confidence.

A. Recommendations for External Oversight:

Improving Effectiveness of the Board of State Prison Commissioners

As noted above, one of the biggest roles the Board of State Prison Commissioners plays in overseeing the Department of Corrections is through its authority to approve or reject proposed administrative regulations. NDOC is currently in the process of updating all of its regulations, as many are out-of-date or inconsistent with current practices. An internal committee, consisting of all the deputies in the Department and some line staff members, meets every other week and is charged with updating each regulation until they are all up-to-date. Once the committee finalizes a draft regulation and the Director approves it, the regulation becomes official NDOC policy until it goes for a vote before the Board.²⁶

Prior to Board meetings, NDOC staff prepare a packet of information for each Board member to help educate them on the proposed changes. This packet usually consists solely of copies of the updated administrative regulations. It is the only information Board members receive to assist them in the voting process, and they typically only receive it a few days in advance of the meeting. Through conversations we had with Board members and their staff, we learned that they often felt that the information they received in the past was not sufficient to help them make informed decisions.

Recommendation 12. Provide more information to Board of State Prison Commission members and in a timely manner.

The Board of State Prison Commissioners is a strong model of oversight for a state prison system. However, for the members of the Board to provide the most effective guidance as an oversight body, it must have the information and resources necessary to do so. Many of the decisions made by the Board, especially the approval of the administrative regulations, can have a direct impact on the safety and security of the prison system. This tremendous responsibility means that the Board members should be as informed as possible to help guide NDOC in a way that benefits not only the internal workings of the prisons, but also increases staff satisfaction and public confidence. Because the Board members are not experts in corrections, they need more information and guidance by those who are involved in the day-to-day workings of NDOC.

²⁶ Nevada Department of Corrections Administrative Regulation 100: Administrative Regulations (August 14, 2009).

Also, since Board members are prohibited from speaking with each other about substantive issues prior to meetings, each depends on the information they receive from NDOC staff. As noted above, some Board members and their staff observed that better preparation could help them make more informed decisions on policy changes. In recent conversations with NDOC administrators, we have heard that they have begun providing more information to the Board members in advance of meetings. In order to improve the effectiveness of the Board's oversight of NDOC, we suggest that NDOC continue to work with Board staff to decide what information would be useful and to establish a timeline so that Board members and their staff have the opportunity to fully review documents before meetings.

B. Recommendations for External Oversight: Building Public Trust and Confidence

In addition to approving administrative regulations, a part of each Board meeting is dedicated to receiving public comment. Nevada's open meeting laws require that government meetings and records be public in an effort to enhance transparency and increase public trust in the way the state is functioning.²⁷ Under these laws, state governmental bodies must publish, at least three days in advance, the time, location and agenda of the meeting and allow the public to attend. Each agenda must include a time devoted to public comment, if any, and a discussion of these comments. Following the meetings, the respective government entities must publish the minutes of their meetings.

The Board of State Prison Commissioners, as a government entity, is subject to these open meeting laws. Accordingly, the Board's meetings are open to the public with a structured public comment period. Many people participate in this part of the meeting, whether they are a relative of an incarcerated person, a concerned correctional officer, or an interested state citizen. As a function of this open forum, Board meetings serve as one of the main ways that the public can interact with NDOC.

In conversations we had with Board members, stakeholders and advocates, we heard dissatisfaction with this portion of the meetings. Many of the advocates we spoke with expressed frustration that, at least from their perspective, the vast majority of the concerns they raise at Board meetings go unanswered by the Board. They believe that the complaints raised during this time are met with no response, either during the meeting or in follow-up. Some of these complaints may relate to serious concerns that may require an immediate response.

Furthermore, the nature of the public comment period raises the expectation that these concerns will be responded to directly by Board members. Although the statute that created the Board leaves much undefined, it does not require the Board to respond to or

²⁷ Nevada Revised Statutes 239, 241.

act on the comments of the citizens.²⁸ We have even heard some indications that Board members may consider it inappropriate for them to do so. Through these conversations it is clear that Board members believe that, in terms of public comment, their only real role is as a forum for the public to air their grievances with NDOC. But members of the public may not understand this and are understandably dissatisfied if Board members do not respond to the serious issues they raise during the meetings.

Recommendation 13. Clarify the role of the Board.

The reality of having a Board made up of some of the highest state officials is that they may not be able to individually respond to issues raised by every person who testifies at each meeting. We suggest that, if this is the case, the Board should be explicit about its limitations to complete investigations of each issue raised at public meetings. After attending a Board meeting, we noticed that those who made public comments regarding individual inmates or NDOC policies seemed to be under the impression that the Board would, or should, exercise the power to investigate those complaints. However, Board members and their staff openly acknowledged in conversations with us that this rarely happens. If it is not possible for Board members or their staff to look into certain issues raised, they should explicitly state that at the beginning of the public comment portion of the meeting. They can acknowledge, however, that members of NDOC are present at the meeting and hearing their complaints.

Although clarifying the role of the Board and its ability to respond to public comments might be helpful in alleviating some of the public's dissatisfaction, it will most likely not be enough to garner the feelings of public trust and confidence that are an important part of effective external oversight. Because several advocates stated that they view Board meetings as one of the most important ways they can alert NDOC to issues, they expect some level of attention paid to their concerns. This is especially important because some of the issues raised at these meetings can be quite serious.

Recommendation 14. Develop system for following up on concerns received at public meetings.

There are several ways that the Board and NDOC can work together to make sure that citizens are more satisfied with the public comment portions of the Board meetings. At a minimum, we suggest that the Board encourage NDOC to have a staff member attend each meeting, record the comment period, and develop a formal process for following up and reporting back on legitimate concerns posed by the public. While NDOC may already be responding to some issues raised, we encourage them to formalize this system and make efforts to respond to all concerns made public during the Board meetings.

²⁸ Nevada Revised Statutes 209.101-116.

While developing a formal system for following up will be a relatively easy and inexpensive way to alleviate some tension between NDOC and the advocates in the state, we know this may not satisfy some individuals. Many of the advocates we spoke with are very vocal about their desire for an independent investigative body that can receive, investigate, and respond to complaints against NDOC.

Recommendation 15. Create an ombudsman to handle complaints by inmates, staff and the public.

In conversations with NDOC officials, several people expressed interest in creating an ombudsman's office external to NDOC, in part to eliminate the need to litigate issues that could be resolved earlier. While NDOC has made efforts to create positions within the Attorney General's office to deal with some of these issues, the role these employees will take on falls far short of what a true ombudsman's office can accomplish. Specifically, the new employees will only be meeting with prisoners who have already filed a lawsuit against the Department. While the people in these roles have corrections experience and will be able to bring potential systemic issues to the attention of NDOC administrators, they will not be able to prevent litigation in the same way that a traditional ombudsman's office is intended.

A well-functioning ombudsman is one of the strongest ways for a corrections department to promote good governance and professionalism in the workplace. Ombudsman's offices enhance accountability to the public by hearing grievances and addressing complaints against an agency or individual. They also have the benefit of managing risk by providing impartial and independent investigations of citizens' individual complaints and, ideally, by preventing similar events in the future. While most investigations carried out by traditional ombudsmen's offices are complaint-driven, some ombudsmen have the authority to conduct self-initiated investigations. The ultimate success of any ombudsman's office depends on what level of autonomy and access it is granted, as well as adequate funding and staffing levels. Whether enacted by executive, judicial or legislative action, the hallmark of an ombudsman is independence.

There are some states that have made the determination that an ombudsman's office is particularly important in the correctional setting. They recognize that ombudsmen help management monitor the quality of supervision, keep supervisory staff aware of the needs of the lower ranks, and provide crisis intervention. Although the models look different, they all perform many of these important tasks.

Michigan's Legislative Corrections Ombudsman (LCO) is an example of a robust ombudsman's office with strong authority and access. The ombudsman has the ability to initiate investigations, issue public reports, access facilities, prisoners and records, and make reports and recommendations to the Legislature. The LCO receives grievances from inmates after they have exhausted the inmate grievance process. Unlike many ombudsmen, it has subpoena power and can require the Michigan Department of

Corrections to inform them of corrective action within a given timeframe. Though the office was closed in 2003, the state legislature reestablished it in 2008, stating that it provided an invaluable service, not only by addressing deficiencies and problems within the system, but also by acting as a liaison to families of Michigan's prisoners.²⁹

Iowa also has an ombudsman in its Office of Citizen's Aide, an independent agency to which people can air their grievances about any state agency. Although that office does not solely focus on corrections matters, they do have a staff member who specializes in corrections complaints. The office first attempts to address problems informally, but they do possess subpoena power and can issue public reports and make recommendations to the General Assembly.³⁰

We recognize that creating an ombudsman's office would be a significant additional expense for a department that is already stretched very thin financially. However, the Nevada Department of Corrections could benefit greatly from the community-building and tension-diffusing power of an ombudsman's office. Although administrators have made attempts to build this role into various positions, such as the new position with the Attorney General's office, they have not taken the steps towards resolving problems before they become lawsuits, as a true ombudsman's office could do. It is important that an ombudsman not only have the authority to investigate complaints before they reach the level of a formal legal complaint, but they must also operate with the goal of transparency. This requires regular and public reporting of findings and the power to suggest solutions. By creating an alternative route for inmate complaints, an ombudsman's office can shed light on issues that otherwise might become crises. Additionally, given the tense nature of the relationship between NDOC and some of the citizens in Nevada, an ombudsman could significantly improve the Department's relationship with the public and inmates' family members, and could reduce litigation.

C. Recommendations for External Oversight: Enhancing Transparency

Transparency is one of the most important aspects of oversight, as it allows the public to evaluate how well government agencies represent and serve the public interest. Beyond fostering this trust with the public, agencies that are transparent contribute to good governance. Facilitating the sharing of information is crucial to making sound policy decisions and enables the healthy functioning of other agencies and branches of

²⁹ Michigan Senate Republicans, "Funding Sought to Restore Corrections Ombudsman's Office," March 14, 2008; <http://www.senate.michigan.gov/gop/readarticle.asp?id=1255&District=33> (accessed May 4, 2010); The Michigan Legislative Council, "Legislative Corrections Ombudsman," <http://capitol.legislature.mi.gov/lco.html> (accessed May 21, 2009).

³⁰ Eleena Mitchell-Sadler, Assistant Ombudsman in Corrections, telephone interview by Sarah Tynan, September 26, 2008; State of Iowa, "Office of Citizens' Aid/Ombudsman," <http://www.legis.state.ia.us/Ombudsman/> (accessed May 4, 2010).

government. The value of transparency is often reflected in state open meeting and sunshine laws, which invalidate decision or rule making behind closed doors.

There are various ways through which a department of corrections can enhance transparency, and NDOC has made strides to share information with the public. One of the strongest mechanisms for transparency currently in place is the website operated by NDOC. On the website, NDOC publishes its monthly population statistics and its 1.1 – 1.5 Reports for each month,³¹ as well as population forecasts and capital improvement plans prepared during the legislative session. While these reports are easily accessible, they are lengthy and it may be difficult to find certain information in them. In addition to its website, NDOC has employees that respond to requests for information from the public and media, although there is not a dedicated person who handles public relations.

These already existing mechanisms provide a framework that can be built upon to enhance the transparency of NDOC. The monthly statistical reports, while available to the public, are not readily accessible – they are in pdf format that must be downloaded and contain many charts that may be difficult to interpret. Allowing the public access to more information and making the information more user-friendly will help NDOC maintain a level of openness that is the hallmark of transparency.

Recommendation 16. Make certain reports and evaluations available to the public.

NDOC does share its main monthly reports, the 1.1 – 1.5 Reports, on its website, but it can take steps to share more diverse information with the public. While it is not feasible to share all internal reports with the public, there may be some that do not contain sensitive or confidential information that will help the public understand more clearly how the prisons in Nevada are operating and performing. Specifically, NDOC creates many reports that it shares with the legislature or other public bodies to help in law and policy making decisions. While this information should be publicly accessible through other means, such as through the legislature, NDOC can benefit from posting these reports on its website. This will make the information more readily accessible to those who are interested, thus building public confidence and transparency.

Recommendation 17. Develop a publicly available data dashboard.

In addition to publishing reports and evaluations generated for the specific purposes stated above, NDOC can benefit from publishing data that is measured and tracked internally. As mentioned above, NDOC would benefit immensely from developing a formal set of performance measures that track certain data points and sets internal

³¹ See Reporting Section above, at page 18.

operational goals.³² When constructed with thought and tracked on a regular basis, performance measures provide useful information to policymakers about how best to allocate resources to achieve better policy outcomes. Once these are in place, taking the next step to make this kind of data readily accessible is a growing best practice in transparency. One way to bring this information to the public is through an interactive, searchable database called a performance measurement dashboard.

Montgomery County, Maryland's CountyStat program, requires department heads, including the Director of the Montgomery County Department of Correction and Rehabilitation, to submit data on department-level performance measures on a quarterly basis. All department-level performance measures are published on the county's website in a dashboard. This dashboard shows whether the department's outcomes are meeting, falling behind, or exceeding its goals.³³ To promote greater transparency of the prison operations in Nevada, we recommend that NDOC consider developing a similar performance dashboard with an established set of data measures and publishing it on the department website. This could be a great tool for communicating successes to the public and showing where weaknesses might be corrected with additional resources.

Recommendation 18. Create a dedicated Public Information Officer position.

Another way for NDOC to respond to requests for information and actively engage the press and public in issues concerning the state's prisons is to create an official Public Information Officer (PIO) position. Currently, NDOC's Director and his administrative staff take on many of the responsibilities of a PIO. While these staff members are informed of the issues and are responsive to both the media and the public, they also have many other responsibilities. By creating a dedicated PIO position, the Department could not only more effectively and proactively disseminate information about the work it is doing but also free up valuable time of high-ranking NDOC employees.

Conclusion

The external and internal oversight mechanisms discussed in the preceding sections provide a number of benefits to NDOC. As previously noted, Vera believes that NDOC could benefit from some external oversight in the form of an ombudsman, as well as other measures to alleviate the public's concerns and help ensure that the prisons in

³² See Recommendation 11: Set internal performance measures and formalize internal data sharing, at page 30.

³³ Christopher Cihlar, CountyStat manager for Montgomery County, Maryland, telephone interview by Juliene James, Allison Hastings, and J.A. Dixon-Acosta, Washington, DC, May 18, 2009; Montgomery County Maryland, "CountyStat," <http://www2.montgomerycountymd.gov/countystat/> (accessed April 28, 2010).

Nevada are operating safely and securely. Additionally, Nevada has the opportunity to enhance transparency and improve accountability by developing a set of performance measures and sharing selected data through a publicly available dashboard. Internally, creating a more thorough and reliable auditing system will help NDOC administrators manage risk and identify inefficiencies. By reforming the internal investigation process and developing a staff survey, NDOC can improve relations with staff and ensure a safer and more satisfactory work environment. Finally, making efforts to resolve more inmate grievances at the facility level and developing a citizens review board will contribute to maintaining safe and healthy facilities by alerting staff to problems that need corrective action before they become systemic issues.

As we move forward in partnership with Nevada, Vera intends to work with NDOC to identify the recommendations of most interest. From there, Vera will help NDOC determine the feasibility of implementing those recommendations and provide technical assistance toward actual implementation. We look forward to our continued partnership.

Appendix A

CORRECTIONS SUPPORT AND ACCOUNTABILITY PROJECT

I. INTRODUCTION

Transparency, good oversight, and meaningful accountability are prerequisites for all well-run public institutions, including prisons and jails – this was the persistent message conveyed to Vera’s Commission on Safety and Abuse in America’s Prisons. However, many states and counties fail to provide adequate or effective oversight of their correctional institutions, at the same time that corrections administrators struggle to maintain safe institutions with too few resources. Successful oversight mechanisms can improve both institutional and public safety. Corrections leaders want to do right, but too many do not have access to resources or the public support needed to improve their prisons and jails. Strong oversight can help identify potential problems and prevent catastrophes, pointing necessary resources in the right direction and saving money in the long run.

In response to this need, Vera’s “Corrections Support and Accountability Project” partners us with five targeted jurisdictions – two states and three counties – to help each partner jurisdiction develop meaningful oversight of its prisons or jails specifically tailored to its needs. Effective oversight systems share certain characteristics – for example, they promote transparency and accountability, they are independent, and they both prevent and respond to problems. However, there are many very different oversight models that can achieve these goals, and we will work with our partners to help determine what form of oversight best serves them.

II. BACKGROUND

The importance of effective oversight cannot be overstated. Effective oversight improves safety in prisons and jails, a paramount concern for corrections officers, prisoners, and the families of both. Good oversight provides administrators with the information they need to manage prisoners and supervise officers effectively by identifying patterns of problems that arise from ineffective policies or misconduct. Good oversight can tell us not only when institutions are struggling, but when they are succeeding. Good oversight also increases transparency, enhancing the legitimacy of the system in the eyes of corrections officers, community members, and prisoners alike.

What happens inside jails and prisons does not stay inside jails and prisons. We must create safe and productive conditions of confinement not only because it is the right thing to do, but because it affects public health and safety. When people are incarcerated and work in facilities that are unsafe, unhealthy, unproductive, or inhumane, they carry the effects home with them, whether at the end of a shift or

the end of a sentence. The daily count of prisoners in the United States has surpassed 2.3 million. Over the course of a year, there are roughly 12 million admissions to prison or jail, and 95 percent of the people serving time eventually return to our communities. Approximately 750,000 men and women work in U.S. correctional facilities as line officers or other staff. The U.S. spends more than 60 billion dollars annually on corrections. National recidivism rates are in excess of 50 percent.

We are in a moment of exciting opportunity. The social and fiscal consequences of recent, massive increases in the incarcerated population have finally edged into the public consciousness. It is no longer realistic in today's political climate to cabin off prison conditions from the broader debates about crime policy and how we choose to spend resources in the criminal justice system. For example, the public is increasingly aware that crowded institutions breed violence that impacts both corrections officers and the communities prisoners return home to. And increased attention to the plight of the mentally ill, whose care we have largely left to prisons and jails, has led advocates and corrections professionals to voice many of the same concerns about the inadequate and inappropriate treatment that we provide to this population while incarcerated. While successful lawsuits have leveraged funds from government for corrections, they have largely failed to link prison and jail conditions to broader criminal justice policy in the public debate. At the same time, the Prison Litigation Reform Act has seriously curtailed federal judicial oversight of corrections in the past ten years. Meanwhile, corrections administrators, often unfairly, have shouldered the bulk of responsibility for poor prison and jail conditions. It is at this moment that increasing concern about prisons and jails opens a door to try something new.

III. PARTICIPANTS

Vera is working with five jurisdictions, two states and three counties, where the leaders in corrections and government are interested in: 1) exploring different models of correctional oversight, 2) assessing existing oversight mechanisms in their jurisdictions, and 3) working to strengthen existing mechanisms or implement news ones to enhance accountability and transparency in their systems. Vera is currently partnered with the state of Colorado, the state of Nevada, Travis County in Texas, Miami-Dade County in Florida, and Prince George's County in Maryland.

Over the course of the next 18 months, Vera will provide technical assistance to the departments of corrections in each of these jurisdictions to help them develop stronger oversight of their prisons and jails. In each jurisdiction, we are working with and gathering information from a diverse group of stakeholders in addition to the department of corrections, including, at the state level, the Governor's office; key state legislators who are responsible for criminal justice policy; members of the state judiciary; and a number of community and prisoners' rights advocates who have a

stake in the safe operation of prisons. Stakeholders in our partner counties include similarly diverse and qualified leaders in county government and in the community.

IV. PROJECT OVERVIEW AND GOALS

Throughout the duration of this project, Vera will work together with the participants to answer the following questions:

- * What are the strengths and weaknesses of your jurisdiction's current system of correctional oversight?
- * What are your correctional institution's/system's most significant challenges and how would oversight ideally help to address these?
- * What forms of correctional oversight exist in other jurisdictions around the country, and what are their strengths and weaknesses? Are there good models that could be adapted to meet your jurisdiction's needs?
- * What are the risks that jurisdictions have confronted when implementing changes to the oversight regime? How were these risks addressed by various stakeholders in the community? What lessons were learned that can be shared with others?

Vera is now working in each jurisdiction to gather extensive information about our partners' existing correctional oversight and the challenges their departments face through interviews with dozens of corrections staff, government leaders, and community advocates. In several jurisdictions, we have held meetings of key stakeholders in order to flesh out the issues of greatest concern to them, and in all of our partner jurisdictions we are working toward identifying reforms that will help them address their greatest challenges.

By January 2010, Vera will have delivered a detailed status report to each partner jurisdiction, mapping and assessing their existing correctional oversight. The report also will provide preliminary recommendations to the department of corrections about strengthening existing oversight or building new mechanisms given gaps we have identified.

Once we have delivered the status report and recommendations, we will work with our partners in the corrections departments to refine the recommendations with their feedback. We will then assess the feasibility of the recommendations, exploring the resources needed and steps necessary. After working with our partners to identify which recommendations they will pursue, we will develop an action plan that will guide our work for the remainder of the project. We expect that stakeholders in government and the community will be critical to achieving some of the goals set by our partners, and therefore we will involve, and have involved, stakeholders at each stage of the project.

In February or March 2010, after each partner jurisdiction has developed an action plan with our assistance, we will convene a national meeting for all of our partners. Vera has learned through its work that many corrections leaders feel isolated and lack opportunities to share their knowledge with colleagues, and oversight is a difficult subject to discuss in any field. The national meeting will provide an opportunity for our partners to have a dialogue about this sensitive issue in a safe environment and to learn from one another. More concretely, the meeting will provide each jurisdiction with an opportunity to refine its goals and action plans and a forum for cross-jurisdictional learning. Workshops will help them gain knowledge and skills necessary to achieve their goals. Leaders in oversight will present, creating a forum to discuss the strengths and weaknesses of various models.

Over the course of the remaining 10 months of the project, Vera staff will work in each jurisdiction to help them implement their action plans – strengthening existing oversight and in some jurisdictions building new mechanisms. In some of our partner jurisdictions, the creation of a new mechanism of oversight will require resources from the state or county government, and community involvement. Vera will have laid the groundwork to gain buy-in from its interested stakeholders, and will be able to provide a detailed assessment of the resources needed to create the chosen mechanism.

While the primary and most immediate benefit Vera seeks to accomplish is the development of meaningful oversight in the states and counties that partner with us in this project, a secondary but equally important outcome is to demonstrate to other states and counties that good oversight is possible if it is constructed through a thoughtful process sensitive to a particular jurisdiction's needs. To that end, Vera will develop a web-based resource for other jurisdictions before completion of the project, with guidance developed through the course of the project about the strengths and weaknesses of different models, the resources needed to develop stronger internal and external oversight, and steps to achieve stronger oversight. We will also develop a self-assessment tool that other jurisdictions can use to examine the strengths and weaknesses of their correctional oversight and identify possible gaps. These resources, along with the successful creation of new or strengthened oversight mechanisms in our partner jurisdictions, will ensure that the project creates sustainable change. And by working with leaders in corrections, government, and communities around the country, the project is working to develop champions of oversight who will be armed with knowledge and tools to dramatically change the dialogue around correctional oversight nationally.

Appendix B

American Bar Association, Criminal Justice Section, Recommended Resolution Urging Oversight of Correctional and Detention Facilities

104B Urges Oversight of Correctional and Detention Facilities

(Submitted by CJS) Approved

RESOLVED, That the American Bar Association urges federal, state, tribal, local, and territorial governments to develop comprehensive plans to ensure that the public is informed about the operations of all correctional and detention facilities (facilities for the confinement of individuals for alleged or adjudicated crimes or delinquent acts) within their jurisdiction and that those facilities are accountable to the public.

FURTHER RESOLVED, That the American Bar Association urges federal, state, tribal, and territorial governments to establish public entities that are independent of any correctional agency to regularly monitor and report publicly on the conditions in all prisons, jails, and other adult and juvenile correctional and detention facilities operating within their jurisdiction.

FURTHER RESOLVED, That the American Bar Association adopts the “Key Requirements for the Effective Monitoring of Correctional and Detention Facilities”, dated August 2008, and urges that federal, state, tribal, local and territorial monitoring entities meet these Key Requirements as minimum standards.

FURTHER RESOLVED, That the American Bar Association recommends that the federal government:

- (1) Provide technical assistance and training to facilitate the establishment of monitoring entities that meet the “Key Requirements for the Effective Monitoring of Correctional and Detention Facilities.”
- (2) Require that jurisdictions receiving federal funds for correctional or detention facilities ensure that the facilities are monitored by at least one entity meeting these requirements.
- (3) Develop common definitions for the collection and reporting of key performance data by correctional and detention facilities.

KEY REQUIREMENTS FOR THE EFFECTIVE MONITORING OF CORRECTIONAL AND DETENTION FACILITIES

1. The monitoring entity is independent of the agency operating or utilizing the correctional or detention facility.
2. The monitoring entity is adequately funded and staffed.
3. The head of the monitoring entity is appointed for a fixed term by an elected official, is subject to confirmation by a legislative body, and can be removed only for just cause.
4. Inspection teams have the expertise, training, and requisite number of people to meet the monitoring entity’s purposes.

5. The monitoring entity has the duty to conduct regular inspections of the facility, as well as the authority to examine, and issue reports on, a particular problem at one or more facilities.
6. The monitoring entity is authorized to inspect or examine all aspects of a facility's operations and conditions including, but not limited to: staff recruitment, training, supervision, and discipline; inmate deaths; medical and mental-health care; use of force; inmate violence; conditions of confinement; inmate disciplinary processes; inmate grievance processes; substance-abuse treatment; educational, vocational, and other programming; and reentry planning.
7. The monitoring entity uses an array of means to gather and substantiate facts, including observations, interviews, surveys, document and record reviews, video and tape recordings, reports, statistics, and performance-based outcome measures.
8. Facility and other governmental officials are authorized and required to cooperate fully and promptly with the monitoring entity.
9. To the greatest extent possible consistent with the monitoring entity's purposes, the monitoring entity works collaboratively and constructively with administrators, legislators, and others to improve the facility's operations and conditions.
10. The monitoring entity has the authority to conduct both scheduled and unannounced inspections of any part or all of the facility at any time. The entity must adopt procedures to ensure that unannounced inspections are conducted in a reasonable manner.
11. The monitoring entity has the authority to obtain and inspect any and all records, including inmate and personnel records, bearing on the facility's operations or conditions.
12. The monitoring entity has the authority to conduct confidential interviews with any person, including line staff and inmates, concerning the facility's operations and conditions; to hold public hearings; to subpoena witnesses and documents; and to require that witnesses testify under oath.
13. Procedures are in place to enable facility administrators, line staff, inmates, and others to transmit information confidentially to the monitoring entity about the facility's operations and conditions.
14. Adequate safeguards are in place to protect individuals who transmit information to the monitoring entity from retaliation and threats of retaliation.
15. Facility administrators are provided the opportunity to review monitoring reports and provide feedback about them to the monitoring entity before their dissemination to the public, but the release of the reports is not subject to approval from outside the monitoring entity.
16. Monitoring reports apply legal requirements, best correctional practices, and other criteria to objectively and accurately review and assess a facility's policies, procedures, programs, and practices; identify systemic problems and the reasons for them; and proffer possible solutions to those problems.
17. Subject to reasonable privacy and security requirements as determined by the monitoring entity, the monitoring entity's reports are public, accessible through

- the Internet, and distributed to the media, the jurisdiction's legislative body, and its top elected official.
18. Facility administrators are required to respond publicly to monitoring reports; to develop and implement in a timely fashion action plans to rectify problems identified in those reports; and to inform the public semi-annually of their progress in implementing these action plans. The jurisdiction vests an administrative entity with the authority to redress noncompliance with these requirements.
 19. The monitoring entity continues to assess and report on previously identified problems and the progress made in resolving them until the problems are resolved.
 20. The jurisdiction adopts safeguards to ensure that the monitoring entity is meeting its designated purposes, including a requirement that it publish an annual report of its findings and activities that is public, accessible through the Internet, and distributed to the media, the jurisdiction's legislative body, and its top elected official.

Appendix C

People in Nevada Interviewed by Vera Staff

Archie Alexander, Compliance and Enforcement Supervisor, Inspector General's Office,
Nevada Department of Corrections

Robert Bannister (via questionnaire), Medical Director, Nevada Department of Corrections

Lynne Bigley, Supervising Rights Attorney, Northern Office of Nevada Disability Advocacy
and Law Center

Maxcine Blackwell, Management Analyst IV, Nevada Department of Corrections

Tanya Brown, Family member of person incarcerated by Nevada Department of Corrections

William Chisel, Chief, Division of Internal Audits, State of Nevada Department of
Administration

Eugene Columbus, President, Nevada Corrections Association

Brian Connett, Deputy Director of Industries, Nevada Department of Corrections

Valerie Cooke, Federal Magistrate Judge, United States District Court for the District of
Nevada

Greg Cox, Deputy Director, Nevada Department of Corrections

Tosh Dawson, Family member of person incarcerated by Nevada Department of Corrections

Pamela Del Porto, Acting Inspector General for Northern Region, Office of the Inspector
General, Nevada Department of Corrections

Mary Eaton, Chief of Nursing, Nevada Department of Corrections

Bill Heavilin, Supervising Rights Attorney, Las Vegas Office of Nevada Disability Advocacy
and Law Center

Don Helling, Deputy Director, Nevada Department of Corrections

Lynn Hettrick, Deputy Chief of Staff, Governor's Office, State of Nevada

Patricia Hines, Family member of person incarcerated by Nevada Department of
Corrections

Sheila Hollaway, Statistician II, Offender Management Division – Statistical and Planning,
Nevada Department of Corrections

William Horne, Assemblyman, District No. 34, Nevada Legislature

Scott Howard, Systems Administrator, Nevada Department of Corrections

Flo Jones, Family member of person incarcerated by Nevada Department of Corrections

Philip Kohn, Public Defender, Clark County Public Defender's Office

Constance Kosuda, Citizen of the State of Nevada

Ronda Larsen, Program Officer for Family Services, Nevada Department of Corrections

Nicole Lamboley, Chief Deputy, Secretary of State's Office, State of Nevada

Mercedes Maharis, Citizen of the State of Nevada
Kathryn McClain, Assemblywoman, District No. 15, Nevada Legislature
Ross Miller, Secretary of State, State of Nevada
Jeffrey Mohlenkamp, Deputy Director of Support Services, Nevada Department of Corrections
David Molnar, Acting Inspector General for Southern Region, Office of the Inspector General, Nevada Department of Corrections
Keith Munro, Assistant Attorney General, Attorney General's Office, State of Nevada
Susan O'Malley, Environmental Health Specialist III, Bureau of Health Care Quality and Compliance, Nevada Department of Health and Human Services
Suzanne Pardee, Public Information Officer, Nevada Department of Corrections
Kimberley Petersen, Elementary and Secondary Education Consultant, Nevada Department of Corrections
Kevin Ranft, Region 1 Vice President, Local 4041, American Federation of State, County and Municipal Employees
Michelle Ravel, Citizen of the State of Nevada
Tracy Raxter, Principal Deputy Fiscal Analyst, Legislative Counsel Bureau, Nevada Legislature
Deborah Reed, Chief Financial Officer, Nevada Department of Corrections
Rex Reed, Deputy Director, Administrator, Offender Management Division, Nevada Department of Corrections
Cy Ryan, Reporter, Las Vegas Sun
Richard Siegel, President, Board of Directors, American Civil Liberties Union of Nevada
Howard Skolnik, Director, Nevada Department of Corrections
Natalie Smith Parra, Citizen concerned for person incarcerated by Nevada Department of Corrections
Richard Stewart, Chief Information Technology Manager, Nevada Department of Corrections
Paul Townsend, Legislative Auditor, Legislative Counsel Bureau, Nevada Legislature
Janet Traut, Senior Deputy Attorney General, Attorney General's Office, State of Nevada
Robert Walsh, Public Information Officer, Secretary of State's Office, State of Nevada

Appendix D

Oversight Experts Interviewed by Vera Staff

Ann Arneill-Py, Executive Officer, California Mental Health Planning Council

Barbara Attard, San Jose Independent Police Auditor, Retired

Jack Beck, Director of the Prison Visiting Project, Correctional Association of New York

Robert Blanks, Sergeant, Los Angeles Sheriff's Department

John Bradley, Special Counsel to the District Attorney, Multnomah County District Attorney's Office

Kristofer Bucklen, Chief of Projections & Population Statistics, Bureau of Planning, Research, Statistics & Grants, Pennsylvania Department of Corrections

Murdina Campbell, Executive Director, Florida Correctional Medical Authority

Chris Cihlar, Montgomery County CountyStat Manager, Offices of the County Executive, Montgomery County, Maryland

Elyse Clawson, Executive Director, Community Resources for Justice, Crime and Justice Institute

Robert Cohen, M.D., Board Member, New York City Board of Correction

Fred Cohen, Consultant in Correctional Mental Health Care; Former Court-appointed Monitor for Ohio

Terry Collins, Director, Ohio Department of Rehabilitation and Correction

Finesse Couch, Executive Director, Inmate Grievance Resolution Board, North Carolina Department of Correction

Mark Cranston, Deputy Chief of Staff, New York City Department of Correction

Lyndon Danzel, Deputy, Los Angeles Sheriff's Department

Michele Deitch, Adjunct Professor of Public Policy, University of Texas, Lyndon B. Johnson School of Public Affairs

Kathleen Dennehy, Former Director, Massachusetts Department of Correction

Bill DiMascio, Executive Director, Pennsylvania Prison Society

Henry Dlugacz, Consultant in Correctional Mental Health Care; Adjunct Professor of Law, New York Law School

Jimmy Dominguez, Chair of Hillsborough County Public Safety Coordinating Council and Chief Administrative Criminal Judge of Florida's 13th Judicial Circuit

Charles Fasano, Director, Prisons and Jails Program, The John Howard Association of Illinois

Robert Fleischner, Attorney, The Center for Public Representation

Chuck French, Senior Deputy District Attorney, Multnomah County District Attorney's Office

Michael Gennaco, Chief Attorney, Los Angeles County Office of Independent Review

Joe Goldenson, M.D., Medical Director, San Francisco Public Health Department, Jail Services

Marti Harkness, Staff Director for Criminal Justice, Office of Program Policy Analysis and Government Accountability (OPPAGA)

Thomasina Hiers, Assistant Secretary/Chief of Staff, Maryland Department of Public Safety and Correctional Services

Brad Kaeter, Hennepin County Criminal Justice Coordinating Committee

James Knoll, M.D., Director of Forensic Psychiatry, SUNY Upstate Medical University

John Larivee, Chief Executive Officer, Community Resources for Justice

Steven Leifman, Associate Administrative Judge, Criminal Division of Miami-Dade County Court

Tom Lincoln, M.D., Director, Hampden County Correctional and Community Health Program

George A. Lombardi, Director, Missouri Department of Corrections

Christy Lopez, Court-appointed Independent Monitor of Oakland Police Department, Independent Assessment and Monitoring, Inc.

Martha Lyman, Director of Research, Hampden County Sheriff's Department

Gary Maynard, Secretary, Maryland Department of Public Safety and Correctional Services

Linda McInnis, Project Manager, Office of Information Technology, Florida Department of Corrections

William McSweeney, Chief, Los Angeles County Sheriff's Department

Jeff Metzner, Forensic Psychiatrist; Consultant in Correctional Medicine

Eleena Mitchell-Sadler, Assistant Ombudsman, Corrections, Iowa Office of Citizens' Aide/Ombudsman

John Moriarty, Inspector General, Texas Department of Criminal Justice

Michael Mushlin, Professor of Law, Pace University Law School

Shirley Pope, Director, Ohio Correctional Institution Inspection Committee

Julie Ruhlin, Attorney, Los Angeles County Office of Independent Review

Margo Schlanger, Professor of Law, University of Michigan; Director, Civil Rights Litigation Clearinghouse

Ronald Shansky, M.D., Consultant in Correctional Medicine

Alexandra Smith, Soros Fellow, Urban Justice Center

Robert Trestman, M.D., Professor, University of Connecticut; Executive Director, Correctional Managed Health Care

Arthur Wallenstein, Director, Montgomery County Department of Correction and Rehabilitation

Kurt Wilson, Executive Director, Corrections Standards Authority, California Department of Corrections and Rehabilitation

Richard Wolf, Executive Director, New York City Board of Correction