

This administration has often shown its inability to either correct problems or even recognize them. When they do acknowledge something, Director Cox and his fellow administrators are jeopardizing their employees' safety by claiming that they have an answer for fixing the problem, when in practice they do not.

An example of this is an attack that injured an officer in unit 10 at NNCC. Prior to the attack, employees advised administration through grievances that it was inadequately staffing the unit—i.e. one officer in a unit with 240 inmates. The grievance was disregarded and even mocked by administrators. Thankfully, there was staff outside the unit when the assault occurred. On many occasions, in an effort to save money, the prison is run far below the intuition's ability to safely respond to an emergency situation. I can only imagine what the result of this attack in unit 10 would have been had it been timed for a day like that.

The officer assault is not the only incident that took place after officers complained about poor staffing. At least one inmate-on-inmate assault took place, almost certainly as a direct result of the staffing situation. I am reasonably sure that any savings made by the state by not hiring staff will be null and void when they are forced to pay damages to the injured inmate.

The administration even went so far as to disregard a federal court order. The ruling known as the Stickney Order mandates that specific staffing levels be kept in particular units at NNCC. Staff members on their own time had to follow up on this issue with the court in order to force the administration to do the right thing. If their actions have not already done so, this blatant disregard by the administration could ultimately lead this state into a gross negligent lawsuit.

Please see the attached minutes where Director Cox testified on April, 14, 2011 to legislation, that the board has full control to regulate the number of staff—leaving all of you culpable when the next staff related incident occurs.

Director Cox also point out that arming his staff with safety equipment, not limited to an impact device, would result in it being taken away from that staff member, and used against them. Question: why would a convicted violent offender have a need to take away a weapon from an officer when he has easy access to baseball bats, shovels, rakes, prison made weapons, and saw blades like the ones found throughout the institution, and in regards to IR#709?

Michael P. Gavin

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY
Seventy-Sixth Session**

April 14, 2011

Page 46

Greg Cox, Acting Director, Nevada Department of Corrections:

I would like to indicate that our No. 1 priority is the safety of staff and inmates. With that being said, in regard to A.B. 461, NRS Chapter 209 already provides the level of oversight that is being looked at in regards to the operation of the Department.

The Board of Prison Commissioners, according to NRS 209.101, is the head of the Department. In NRS 209.111, it states, "The Board has full control of all grounds, buildings, labor, and property of the Department." It goes on to say the Board can, "2. Regulate the number of officers and employees of the Department. 3. Prescribe regulations for carrying on the business of the Board and Department." The administrative regulation committee is also composed of representatives from the employee associations. The Director of the Department is responsible to the Board, so I am responsible to the Governor, Secretary of State, and the Attorney General. In NRS 209.131, it states, "The Director shall: 1. Administer the Department under the direction of the Board . . . 5. Ensure that any person employed by the Department whose primary responsibilities are: . . . (b) The security and safety of the staff; and (c) The security and safety of an institution or facility of the Department." Later it goes on to say, "The Director shall: 7. Take proper measures to protect the health and safety of the staff . . ." This is all completed under the Board.

NRS 209.101 Department created; Board of State Prison Commissioners.

1. The Department of Corrections is hereby created.
2. The head of the Department is the Board of State Prison Commissioners.
3. The Governor is the President of the Board. The Secretary of State is the Secretary of the Board.
4. Any two members of the Board constitute a quorum for the transaction of business.
5. The Secretary shall keep full and correct records of all the transactions and proceedings of the Board.

(Added to NRS by 1977, 845; A 2001 Special Session, 192)

NRS 209.111 Powers and duties of Board. The Board has full control of all grounds, buildings, labor, and property of the Department, and shall:

1. Purchase, or cause to be purchased, all commissary supplies, materials and tools necessary for any lawful purpose carried on at any institution or facility of the Department.
2. Regulate the number of officers and employees of the Department.
3. Prescribe regulations for carrying on the business of the Board and the Department.

(Added to NRS by 1977, 845; A 1979, 888; 1983, 719)

NRS 209.116 Board to adopt regulations establishing maximum number of prisoners who may be incarcerated in private facility or institution.

1. To ensure the safety of the residents of the State of Nevada, the Board shall adopt regulations establishing the maximum number of prisoners who may be incarcerated in a private facility or institution. The regulations must be based upon the standards adopted by the American Correctional Association or its successor organization.

2. As used in this section, "prisoner" has the meaning ascribed to it in NRS 212.1895.

(Added to NRS by 2009, 2820)

NRS 209.121 Director of Department: Appointment; qualifications; salary; other employment prohibited.

1. The Chief Administrative and Fiscal Officer of the Department is the Director.
 2. The Director:
 - (a) Shall be appointed by the Governor.
 - (b) Is responsible to the Board.
 - (c) Shall be selected with special reference to his or her training, experience and aptitude in the field of corrections.
 - (d) Is entitled to receive an annual salary in an amount fixed by law.
 - (e) Shall not engage in any other gainful employment or occupation.
- (Added to NRS by 1977, 846)

NRS 209.131 Director of Department: Duties. The Director shall:

1. Administer the Department under the direction of the Board.
 2. Supervise the administration of all institutions and facilities of the Department.
 3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.
 4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.
 5. Ensure that any person employed by the Department whose primary responsibilities are:
 - (a) The supervision, custody, security, discipline, safety and transportation of an offender;
 - (b) The security and safety of the staff; and
 - (c) The security and safety of an institution or facility of the Department,→ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.
 6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.
 7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.
 8. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.
 9. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.
- (Added to NRS by 1977, 846; A 1983, 719; 2001, 574)