EUGENE COLUMBUS
President

DONALD COFFIN
Vice-President

NCA
NEVADA CORRECTIONS ASSOCIATION

JAMES KELLY
Secretary

TAMARA BARTEL
Treasurer

NEVADA BOARD OF PRISON COMMISSIONERS

RE: Custody staffing of Nevada's Prisons

Dear Commissioners,

During recent board meetings, there have been officers speaking out about the staffing levels of the Institutions. The Nevada Corrections Association has received many queries regarding this subject from officers and supervisors. The concerns that have been expressed by the vast majority of these individuals is not about staffing of the Department as a whole, but that of staffing each Institution, and more precisely, the staffing of each shift. The concern is that on a shift by shift basis, each time there is a shift change, the dynamics of the Institution change, sometimes in a dramatic way. This is also true of the inmate population and the level of custody and control we may have. For this reason, some of our members have expressed, in a passionate way at times, their concern for their safety, and the safety of all of our colleagues. In an effort to better understand the staffing issues that we face, Director Cox recently contracted the Federal Institute of Corrections to conduct a study of the levels and effectiveness of the staffing for the Department of Corrections. The NCA believes that this is not cost effective and is unnecessary because there was a study conducted in 2006 which was done at a time when staffing circumstances were similar to our current circumstances.

Although the Administration may be concerned about the staffing levels of the Department as a whole, there is still a gap between the Administration's opinion of what a safe staffing level is for each shift, and that of the individuals who are working at the Institutions on a daily basis. Because of this gap, some of our officers have expressed their concerns and their frustrations based on their own safety and that of their colleagues, in somewhat ardent terms. These are individuals who are, in most cases, the primary provider for their family. They have spouses, children and other family members who rely on them, and expect that they will go to work and come home safely, regardless of the potential dangers they may encounter. For this reason, the NCA finds it necessary to address our members concerns, and try to spell out the specific needs that

will help to assure that our officers and co-workers have a much better chance to end the work day as secure as they arrived.

Because our prisons are somewhat a microcosm of a small town, we have many of the problems that any town would have. When it comes to the safety and security of all persons within the fences, it is the custody staff who are the primary defender of this. It is the custody staff who are the police force that is called upon when emergencies are broadcast. In essence, they are the 9-1-1 responders. Just like society, Prisons have many confrontational situations such as; domestic disputes, assaults, fights, weapons use, arguments, rapes, suicides. The list goes on and on. Unlike our counterparts in society who have strong back up, a multitude of weapons at their disposal, top of the line equipment and strong incentives for retention; correctional staff have none of this to speak of. This is where the frustration is rooted. When a distress call is put out, we have only our fellow officers to respond and rely on. This gives us individuals who, like the calling officer, are only part of a group of unarmed officers who rely solely on their numbers and their wits. The number of officers depends on the staffing level of the shift on duty at the time, and the wits that we rely on are the result of years of experience that is handed down throughout the years, and the minimal training that is now available through the Department.

The number of officer for each shift is dependant on a number of variables. There are several different types of leave available to all state employees that are used daily. These different leave types effect our shift staffing, and are unpredictable in most cases. Because of this, there is an absolute need for the supervisors to be able to hire overtime. The overtime issue can never be fully eliminated because of the unpredictable nature of the staffing dynamic. For instance, if we had nine officers on the shift designated as Sick and annual officers, we could have 10 people call off sick for the shift, leaving the shift one position short. This illustrates that there can never be a set amount of additional staff on the permanent schedule to guarantee that the shifts will be invulnerable to falling short of staff. For this reason***, there must be an overtime budget available to cover positions if need be.***

The other aspect of our basic needs when responding to a distress call is wits. Our wits are what we gain through our experiences working in a prison environment every day. We learn from doing and seeing it done. There are years of experience that we draw from, and we are given valuable guidance from those who have been in similar situations many times before. Individuals who have years of experience are probably the most valuable commodity in our setting. For this reason the NCA believes that ***officer retention should be a high priority*** when determining the Departmental budget. We cannot afford to continue with the current "brain drain" which is caused by our low pay and the constant assault on our incentives. There are currently officers and staff who have not received any sort of pay increase for about the last four years, despite the fact that these officers have gained valuable experience in this profession. ***This, we feel, needs to be remedied immediately.*** Law enforcement has always been a profession that is unique because of the core needs of a society. We must be protected by competent individuals willing to take on a job that is considered vital, but is at the same time considered undesirable to many.

These two essential elements are the foundation for a strong and reliable correctional work force. It would be challenging to say the least to find individuals who would work for the pay despite the conditions or to find others who would work in a prison environment despite the low pay. For this reason, we must be willing to find those who are willing to work and train in this profession and pass this knowledge to the future officers.

As always, thank you for your time in considering our concerns, and we would welcome a meeting with you to expand on these ideas.

Sincerely,

Gene Columbus
President
Nevada Corrections Association

Cc: Interim Finance Committee

GC/jk

INTRODUCTION

At the direction of the Executive Branch Audit Committee, we conducted an audit of the Department of Corrections. Our audit addressed the following four questions:

- ✓ What is the Department's role?
- ✓ What services must the Department provide?
- ✓ Is the State the proper level of government to provide these services?
- ✓ If State government is the appropriate level of government, is the Department carrying out its duties efficiently and effectively?

Our audit examined whether the Department should enhance correctional officer staffing.[1]

Agency's Role and Public Purpose

Nevada established the state prison system in 1864, which was named the Department of Corrections in 2001. The Board of Prison Commissioners governs the Department. The Board is composed of the Governor, Secretary of State, and Attorney General. The Department Director oversees the institutions and staff responsible for receiving, retaining, then releasing offenders sentenced to prison.

Prison security is the responsibility of correctional officers who, by statute, must be peace officers.[2] Correctional officers provide safety and security to the public, staff, and offenders by ensuring offenders are supervised and remain in custody until released.

The Department has twenty institutions to house offenders. The institutions include prisons, conservation camps, and restitution centers[3] (institutions). The institutions are staffed with correctional officers as follows: See Exhibit I.

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[1] Our audit focused on staffing for posts manned seven days a week using 8 hour shifts.

[2] Correctional officers must be peace officers in order to enforce the law, such as controlling offenders both inside and outside the institution, and pursuing and returning escaped offenders.

[3] Conservation Camps house minimum custody offenders that are employed to support the Nevada Division of Forestry's fire suppression and conservation efforts. Restitution Centers offer certain offenders within one year of prison release, the opportunity to establish employment, which assists in meeting restitution obligations.

Exhibit I

Number of Correctional Officers by Institution

Nevada State Prison	177
Northern Nevada Correctional Center	210
Ely State Prison	289
High Desert State Prison	301
Southern Nevada Women's Correctional Center	86
Warm Springs Correctional Center	63
Northern Nevada Restitution Center	6
Southern Desert Correctional Center	171
Lovelock Correctional Center	213
Casa Grande	16
Conservation Camps (10)	116
Total	**1648**

The State is the appropriate level of government to receive, retain, and release offenders. The Department provides a single point of contact statewide for courts, law enforcement, local governments, and other states.

The Department houses about 12,000 offenders with a total operating budget of $246 million for fiscal year 2006. The Department employs about 1,648 correctional officers at an estimated cost of $84 million.

Scope and Objective

We use a risk-based approach when selecting agencies for an audit. We focus our resources on operational areas with the most opportunities for improvement. A preliminary survey involves understanding an agency's programs through interviewing staff, observing agency operations, reviewing laws, regulations, policies, procedures, agency records, strategic plans, budgeting and staffing levels, and other information on agency activities.

Our audit scope addressed the Department's correctional officer staffing levels. We reviewed the procedure used to calculate the number of correctional officers needed. We analyzed correctional officer staffing data and discussed the procedure with Department personnel, the Budget and Planning Division, and the Legislative Counsel Bureau.

Our audit focused on the following objective:

- ✓ Should the Department enhance correctional officer staffing?

We performed our audit in accordance with the *Standards for the Professional Practice of Internal Auditing*.

The Division of Internal Audits expresses appreciation to the Director and Department staff for their cooperation and assistance throughout the audit.

Contributors to this report included:

Paula Ward
Executive Branch Auditor IV

Bill Prowse
Executive Branch Auditor III

Department of Corrections
Response and Implementation Plan

We provided draft copies of this report to Department officials for their review and comments. The Department's comments have been considered in the preparation of this report and are included in Appendix A. In its response, the Department accepted the one recommendation. Further, Appendix B includes a timetable to implement our report's one recommendation.

NRS 353A.090 specifies within six months after the Executive Branch Audit Committee releases the final audit report, the Chief of the Division of Internal Audits shall evaluate the steps the Agency has taken to implement the recommendation, and shall determine whether the steps are achieving the desired result. The Chief shall report the six month follow-up results to the Committee and Agency officials.

The following report contains our findings, conclusions, and recommendation.

Should the Department Enhance Correctional Officer Staffing?

The Department of Corrections should evaluate if its correctional officer staffing level is appropriate. When determining the proper staffing level, the Department should consider time officers are away from their posts, and the methods to compensate for it, including personnel costs and security concerns.

Correctional officers man posts to secure institutions. Posts are locations, such as secured gun towers, which are placed in strategic locations within an institution. Towers allow correctional officers to oversee large areas of the prison at one time. Posts can also be located within housing units with cells where offenders sleep. Each post may have one or more positions per shift. Officers man these positions unarmed (except in gun towers) and must physically control offenders or call for assistance if offenders become aggressive.

The Department establishes posts and positions during the initial design of the institution. When establishing posts and positions, the Department takes into account building architecture and type of inmates to be housed in the institution. Based upon this analysis, the Department submits the posts and positions to the Budget Division and the Legislature for approval.

Most posts must be manned twenty-four hours a day, seven days a week; however, this exceeds the time officers are available due to:

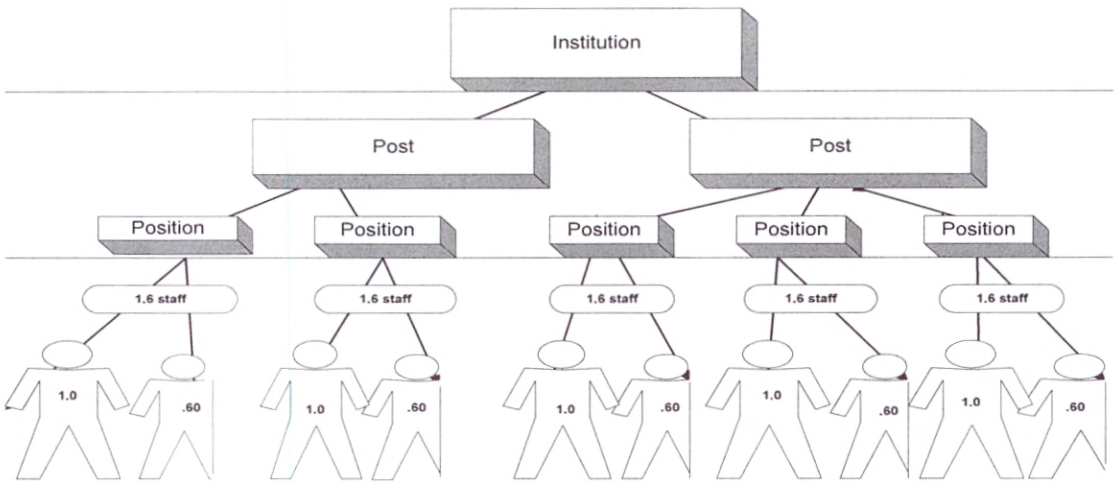
- ✓ Regular days off – 2 days each week,
- ✓ Annual leave,
- ✓ Sick leave, and
- ✓ Training.

To cover officers' time away from their posts, Nevada adopted a "relief factor" in the late 1970's. The relief factor provides coverage when officers are not available to man their positions. Nevada's relief factor consists of 1.0 full time correctional officer position, plus an additional 0.6 full time officer for relief. The Department multiplies the 1.6 relief factor by the number of approved positions to determine how many officers it needs to provide coverage.

See Exhibit II for an example of the relationship between posts, positions, and officers:

Exhibit II

Example of Relationship Between Posts, Positions, and Officers



Time Away From Posts

Per Department management, for the year ended March 31, 2006, posts were manned only 83 percent of the time at the Department's seven largest institutions.[4] Based on the data provided, shortage of staff for authorized posts occurred for two reasons, vacancies and off-post duties.

- ✓ Vacancies[5] consist of:
  - Hiring – Time it takes to recruit and qualify (physical agility, and psychological, drug, and background tests) an officer for hiring,
  - Pre-service training – Time for required six-week training course provided to new recruits before manning posts, and
  - Instructing – Time correctional officers spend teaching all Department training.

- ✓ Off Post Duties consist of:
  - Military leave – Time officers are on active military duty,
  - Physical exams – Time officers use to go to their required physical exams,

[4] Based on staffing data for twelve months ended March 31, 2006 at Northern Nevada Correctional Center, High Desert State Prison, Ely State Prison, Lovelock Correctional Center, Warm Springs Correctional Center, Southern Desert Correctional Center, and Nevada State Prison.

[5] The time it takes to fill vacancies is approximately three months.

- Range qualification – Time officers use to qualify at the firing range, and
- Security transport – Time officers oversee inmate(s) when at the hospital, in court, or in transit to other institutions.

The current relief factor does not account for vacancies and off-post duties. Exhibit III compares the current relief factor (1.6) to the actual days officers were not available to man their posts in the twelve months ending March 2006.

Exhibit III

Comparison of Relief Factor to Actual Days Used For the Year Ended March 2006

	Current	Year End March 2006
Days in year	**365**	**365**
Less:		
Regular Days Off – 2 days per week	(104)	(104)
Annual leave days	(15)	(15)
Sick leave days	(15)	(15)
Annual training days	(3)	(3)
Less: Vacancies		
Hiring		(19)
Pre-service training		(3)
Instructing		(1)
Less: Off-Post Days		
Military leave		(2.5)
Physical exams		(.2)
Range qualification		(.3)
Security transport		(2)
Total Days not available	(137)	(165)
Days Available	228	200
Current Relief Factor 1.0 + (137 divided by 228)	**1.6**	
Revised Relief Factor 1.0 + (165 divided by 200)		**1.825**

Compensating Methods

The number of officers working on a shift is often insufficient to staff all posts due to vacancies and off-post duties. If there are too few officers to staff posts and the shift supervisor believes institutional security would be compromised, the warden or associate warden of operations will pull officers, shut down a post, or ask officers to work overtime.

- Pull Officers– Up to half of the officers manning a post may be moved to cover another post. Pulls provide the necessary security at higher risk posts at the cost of inadequate personnel at lower risk posts. This may keep costs down, but at the expense of security.
- Shut down posts – A shut down involves removing officers from their assigned post to provide security at a higher priority post. Inmates are removed from or secured at the shut down post. This provides increased security at both the shut down post and where the officer is reassigned. However, this may anger offenders whose movements are limited.
- Authorize overtime – After pulls and shut downs have been used; the warden approves overtime in order to maintain security. The warden represents overtime causes officer fatigue and may decrease their job performance. Overtime provides the necessary coverage, but at the high cost of salaries and officer fatigue.

Evaluate Increasing the Relief Factor

The Department should evaluate increasing the relief factor to address overtime, pulls, shut downs, vacancies, and other off-post duties. In its evaluation the Department should consider:

- ✓ Costs to hire additional staff,
- ✓ Impact on security, and
- ✓ Sufficiency of data used to determine the amount of vacancies and off-post duties.

We surveyed Oklahoma, Oregon, and South Carolina, whose correctional facilities have similar population and organizational structure to Nevada. Correctional staff from these states represent they periodically update their relief factors to ensure facilities have an adequate number of correctional officers to maintain security. These states' relief factors and Nevada's are based on the following days. See Exhibit IV.

Exhibit IV

Days Used to Compute Relief Factor for Nevada and Three Other States' Relief Factors

	Nevada	Oklahoma	Oregon	South Carolina
Regular Days Off	104	104	104	104
Annual Leave	15	11	14	14
Sick Leave	15	11	9	10
Holidays	0[6]	11	0	12
Training	3	14	0	5
Vacancies	0	0	6	16
Off-Post Duties	0	9	18	21
Relief Factor	1.60	1.79	1.75	2.00
Date Last Revised	1978	2003	2000	2005

These states use either vacancies and/or time off-post when calculating their relief factors. Both Oregon and South Carolina include a component to reflect the time officer positions are vacant. Oklahoma, Oregon, and South Carolina consider time for off-post duties in their relief factors.

In the past, the Department used a higher relief factor. In 1996, the Department hired a private contractor to provide security at one of its institutions. The approved contract provided for a relief factor of 1.72 for its correctional officer positions.

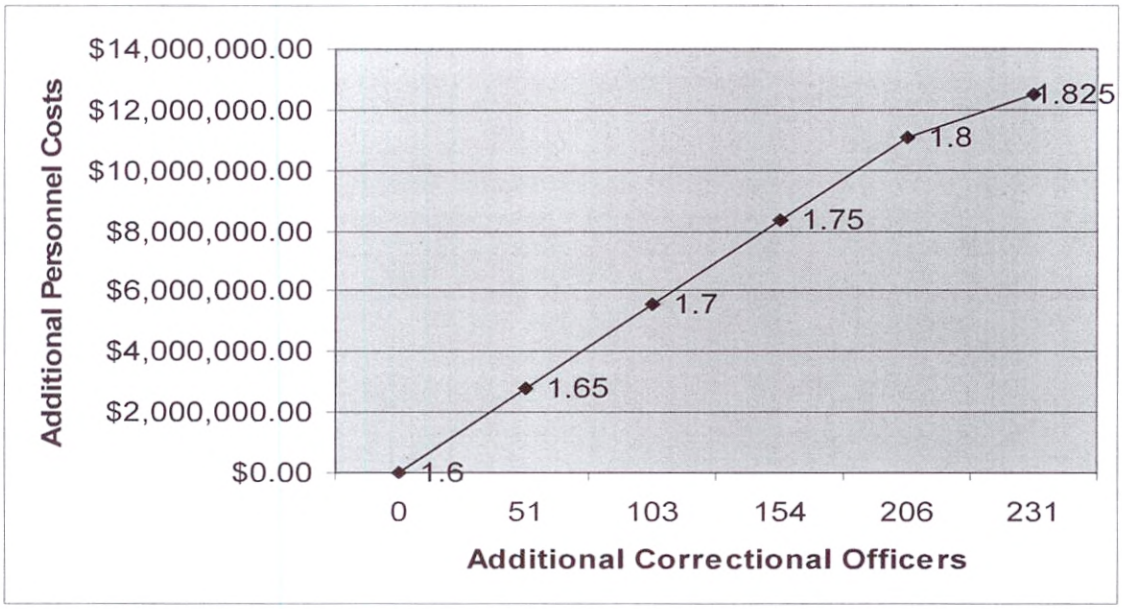
Personnel Costs

If the Department increased the relief factor, both the number of officers and the costs would also increase, as shown in Exhibit V.

[6] Officers work regular shifts during holidays, receiving holiday pay compensation.

Exhibit V

Projected Cost of Increasing Relief Factor



The Department currently spends about $3.5 million in overtime (does not include overtime expended for holidays). Much of this could be avoided if a larger relief factor were used.

Security Concerns

In the last four years, the inmate population has grown by 15 percent while the number of reported crimes within the prison system has increased by 113 percent. Crimes include assault and battery, escapes, and weapons possession. Department management attributes the increase in reported crimes to an improved reporting system, a more violent population, and an outdated relief factor.

Department wardens represented the following incidents may have been prevented or minimized if posts were fully manned as authorized:

- In March 2006, three offenders with gang affiliations attacked an offender from a rival gang who an officer was escorting. Policy requires that two officers escort the gang member, however another officer was unavailable. As a result of the fight, the four offenders and one officer received injuries.

- In March 2006, a fight broke out between two inmates in the institution's educational facility. The educational facility did not have an assigned

correction officer. An educational staff member had to call for officer assistance. One offender was injured in the fight.

- In August 2005, an offender escaped in a vehicle leaving the institution. One officer was manning the post where two officers were authorized. During the three months before he was recaptured, the offender allegedly committed robbery, auto theft, and kidnapping.

Sufficiency of Data

The Department should ensure last year's vacancies and off-post data is representative of all institutions. To date, staffing data was only available for one year at seven of the twenty institutions. Gathering information from all institutions and for a longer time frame will ensure sufficient data.

Recommendation

1. Evaluate increasing the relief factor

Appendix A

Department of Corrections
Response and Implementation Plan

BOARD OF COMMISSIONERS
KENNY C. GUINN
GOVERNOR
GEORGE J. CHANOS
ATTORNEY GENERAL
DEAN HELLER
SECRETARY OF STATE

STATE OF NEVADA

GLEN WHORTON
DIRECTOR

DEPARTMENT OF CORRECTIONS
Leading Nevada Corrections Into the Future
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September 15, 2006

William Chisel, CPA
Chief
Department of Administration
Division of Internal Audits
3727 Goni Road, Suite 103
Carson City, Nevada 89706

Dear Mr. Chisel:

The Department of Corrections is in receipt of the Audit of the Relief Factor. We are grateful to you for your timely response to our request for an audit and for the effort put forth by your staff. Their questions and investigations stimulated discussions that have helped us all understand this very complex issue.

There are essentially three recommendations embodied in the audit report.

The first recommendation states that the Department should evaluate the cost of increasing the relief factor to the 1.825 persons that was identified by the data. The Department has included a budget request for the next biennium (Decision Unit E251) to implement the 1.82 relief factor. The estimated cost to implement during the next biennium is **$27,540,029 for 264 positions**. We have accepted your recommendation and determined that a relief factor of 1.82 would be used instead of 1.825 for ease of budgeting purposes.

The second recommendation of the report was to evaluate the impact of the increased relief factor on the security of the Department. We believe that the security must be increased with the increased relief factor. At the present time, our legislatively authorized posts are only manned an average of 83% of the time that they are to provide inmate supervision. This is very troubling in that required and authorized activities are

routinely not accomplished. The more obvious affect is that we must make a choice as to which posts we will or will not man and accept the risks that attends the latter circumstance. The increase in the relief factor will significantly reduce this problem and provide adequate resources to man the posts that are already authorized. This is especially important in that the Department is experiencing significant overcrowding and the State is basically burning the corrections candle at both ends; having a small staff supervising an inflated inmate population.

Lastly, it was recommended that the Department review the sufficiency of data to support an increase in the relief. I believe that the obvious quality of this audit is evidence of the sufficiency of our staffing information system. Our automated information system provides standardized reports; retrievable data; and comprehensive documentation of the deployment of staff resources.

Again, we appreciate the work of the auditors and look forward to working with the Division on other issues of concern in the efficient and effective operation of State Government.

Cordially,

Glen Whorton
Director

GW:lb

Attachment: NEBS220 – Budget Highlight

cc: Lori Bagwell, Chief of Fiscal Services

Appendix B

Timetable for Implementing Audit Recommendation

In consultation with the Department of Corrections, the Division of Internal Audits categorized the one recommendation contained within this report as having a period of less than six months to implement. The Department of Correction's target completion date is incorporated from Appendix A.

Recommendation with an anticipated implementation period of less than six months.

Recommendation	Time Frame
1. Evaluate increasing the relief factor. (page 10)	Completed[a]

The Division of Internal Audits shall evaluate the corrective action taken by the Department of Corrections concerning the report recommendation within six months from the issuance of this report. The Division of Internal Audits must report the results of its evaluation to the Committee and the Department of Corrections.

[a] Internal Audits will verify the implementation status of this recommendation during its follow-up process.