

Board of State
Prison Commissioners

BRIAN SANDOVAL
Governor

BARBARA CEGAVSKE
Secretary of State

ADAM PAUL LAXALT
Attorney General



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS



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BRIAN SANDOVAL
Governor

E.K. McDaniel
Interim Director

MINUTES

Of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

JANUARY 14, 2016

The Board of Prison Commissioners held a public meeting on Thursday, January 14, 2016. The meeting began at 9:00 AM at the following locations:

Meeting Location:

Guinn Room
State Capitol Building, 2nd floor
101 N. Carson Street
Carson City, NV

Video Conference:

Grant Sawyer State Office Building
Room 5100
555 East Washington Ave.
Las Vegas, NV

I. Call to Order

The meeting was called to order by Governor Brian Sandoval. Secretary of State Barbara Cegavske and Attorney General Adam Paul Laxalt were present. Also present from the Nevada Department of Corrections were: E.K. McDaniel, Interim Director; Dwight Neven, Acting Deputy Director; Scott Sisco, Deputy Director Support Services; Pamela DelPorto, NV Inspector General; and members of the public, refer to [Attachment 1](#)

II. Public Comment. Governor Sandoval called the meeting to order. Paul Corrado, from Carson City, commented he been a volunteer at jails and state and federal prisons since 1994. He stated that for four weeks last fall there was not enough staff at Warm Springs Correctional Center. He commented that although no fault of the Warden, Warm Springs did not conduct religious services during those four weeks. He said that when Correctional Officer Trainee staff graduate from the training academy, various jails offer them jobs employment for \$50,000 more per year than could NDOC; so they accepted the better paying job offers. Additionally, Mr. Corrado asked that the federal prison reentry initiative to be reviewed in order to reduce the number of people committed to mandatory sentences. He stated "the best way to stop a bullet is with a job." Citing he spent \$5,000 for training and obtained offender workforce development specialist training. He believes he can help reduce recidivism. He stated his belief that removing mandatory sentencing requirements would allow judges to use alternative sentencing methodology. He further discussed that many prisoner's substance abuse began with prescribed painkillers and then, when they couldn't get them anymore, they moved on to

heroin. Mr. Corrado discussed the aging prisoner population and dementia and recommended providing classes in money management for inmates so they can better understand personal-finance. He said he has attended nine parole hearings where he forwarded his notes to the Parole Board. He said, “a volunteer has better credibility than someone from the government in handing these types of things, which is why he made the offer.’

Governor Sandoval stated for the record that he received a letter dated January 11, 2016 from Ned and Sharon Cole regarding inmate number 115014. He also believed that other commissioners received a copy of this letter. [Attachment 2](#)
Additionally, the Secretary of State’s office received an email from Barb Sprouse with information she wanted put on the record. [Attachment 3](#)

III. Acceptance and Approval of Minutes – September 15, 2015 meeting. The motion passed to approve the minutes.

IV. Presentation and Discussion on Hospital Health Inspection Overview pursuant to NRS 209.382 - Dr. Tracey Green, State Health Office, Nevada State Health Division. [Attachment 4](#)
Dr. Tracey Green introduced herself as the Chief Medical Officer for the Department of Health and Human Services. She also introduced Mr. Vincent Valiente an Environmental Health Specialist with the Bureau of Health Care Quality and Compliance. Dr. Green discussed the biannual inspections of Nevada State Correctional Facilities. She presented a summary regarding medical and dental services; nutritional adequacy of the diet of incarcerated offenders taking into account religious and/or medical dietary needs with respect to the National Dietary Guidelines; and the sanitation, healthfulness, cleanliness and safety which includes a focus on food safety practices. Dr. Green’s report provided spreadsheets summarizing critical violations identified during the annual inspections conducted at each facility from 2009 through 2015.

Dr. Green stated that all critical violations are remediated prior to inmates leaving a facility or immediately thereafter so none of the violations listed are currently a violation; and that they have all been corrected. She said that their relationship with the Department of Corrections is quite good and that they are always happy to work with them and correct any violations. Also, Dr. Green said the State Health Office have seen significant improvement in some of the facilities across the state.

She made a point that prisons contracts with a dietitian and the dietitian and prison staff adheres to the national dietary guidelines pertaining to their creation of inmate diets. Additionally there is a large list of specialty diets based on medical and religious requirements and that Mr. Valiente created a nutritional assessment tool. Both Dr. Green and Mr. Valiente review inmate charts and check the records to determine if in fact the foods are being provided and documented and that inmate medical needs are being met based on their nutritional requirements; such as inmates with high blood pressure that need low-sodium diets. Dr. Green went on to further explain that Mr. Valiente and the environmental health staff meet with both staff and inmates to identify what inmates are receiving in regards to their nutritional diets.

Governor Sandoval asked for the percentage of inmates who require special diets, whether for health or religious reasons. Interim Director McDaniel said that he believes it is less than 10% and may be between 3 to 5%. Mr. McDaniel added that the percentage would vary from institution to institution depending on the number of inmates housed there. For example: when he was the Warden at Ely State Prison out of 1,000 inmates they probably had 10 inmates per day on a medical diet and maybe 25 to 30 on a religious diet. Governor Sandoval asked how the special diets were identified for particular inmates. Director McDaniel said that, per regulations, inmates may apply for religious diet. Also, Mr. McDaniel confirmed to Governor Sandoval that kosher diets had been the subject of prior litigation and that the NDOC is in complete compliance with the resolution of that case.

Dr. Green said there were two other mechanisms for the determination of the diet. The physician and/or nurse may make a dietary request or requirement as an order that is given on their chart. Additionally inmates themselves may request additional food or a special diet in the form of a kite or a request to be seen by medical. Governor Sandoval asked if everyone not on special diet are on the same menu every day. Director McDaniel said he believed the menu rotation was on a five-week schedule. He explained that the menu can change depending on several factors such as an “opportunity buy” of food items and where such substitutions are nutritionally approved by the dietitians.

Mr. Valiente discussed the compliance of the religious and common fare menu. He described the kosher kitchens blessed by the Rabbi and is under constant video surveillance so that the Rabbi can view the kitchen and food preparation. Additionally he discussed the nutritional adequacy tool and how the NDOC is in compliance and regularly reviews the food in regards to the storage, the serving and the preparation. Governor Sandoval asked if he tasted the food. He replied, “No, that’s not part of the inspection.” Director McDaniel explained that at every facility, at every meal, a supervisor tastes the food prior to it being served and documents any comments on the taste and quality of what is being served.

Dr. Green explained that they are looking at the delivery and documentation to ensure that inmates are receiving their special diet at meal time. She also discussed how they align an inmate’s level of physical activity to their caloric intake. Inmate’s activity is self-determined as some like to work out while others are sedentary. They are looking at ways of aligning minimum mandatory physical requirements and how the individual’s weight and age and options for physical activity align to that study. There are many determinants to a person’s decision on how much exercise they have. They are trying to do all they can to align with their statutory requirements, but some of those variables have no controlling factor. Mr. Valiente researched other states before he created this tool to see how they accomplish this process. He reached out to other states and left many voice messages, however did not receive many return calls. He can’t speak for other states, but he can speak to this state’s in-depth review that what we have here is a one-of-a-kind. Mr. Valiente indicated he could not find other examples of environmental specialists around the country conducting a similar type of in-depth audit.

V. Update on the of the joint project between the Department of Corrections and the Department of Public Safety, Division of Parole and Probation to provide approved residence for Parolees at the Casa Grande Transitional Housing facility in Las Vegas – DPS Director Jim Wright, Chief Natalie Wood, and Warden Jo Gentry. [Attachment 5](#)

Director Wright thanked Director McDaniel and his staff for their assistance in getting this program started. He said, they had a great partnership with the Department of Health and Human Services (DHHS) and the Department of Employment Training and Rehabilitation (DETR) who have become active participants in this process. Chief Wood said the program began on October 7, 2015 and to-date have had 63 participants. She said the current success rate is 86%. She clarified for Governor Sandoval that this is slightly higher than parolees successfully discharging from parole and are very pleased with these results. She said they are working collaboratively with 14 different Parole and Probation (P&P) programs; DETR and DHHS in particular to assist with some of the mental health issues. There have been some technical IT challenges with the firewall that they are working to resolve. They also stated they would like some additional support with substance abuse counseling citing their resources are stretched thin. Overall the program is going very well. Governor Sandoval asked if there are people who are offered this program and turn it down. Warden Gentry said that she works closely with Lieutenant Cummings from P&P. She agreed that this has been an incredible joint effort between both agencies and wanted to acknowledge the line staff and program staff at Casa Grande. Warden Gentry explained some of the reasons why inmates are not accepted into the program.

Secretary Cegavske asked if the drug counseling is in-house or do you have people coming in from the outside. Chief Wood said they have an in-house substance abuse counselor that goes to Casa Grande and are connecting with local agencies too. They would like to develop their partnership with Health and Human Services to tap into their resources to permanently provide assistance as this program grows. Governor Sandoval asked if any of these individuals are Medicaid eligible to get services. Deputy Director Scott Sisco said that in many cases they are eligible, however when the NDOC qualifies them it is only for 24 hours at a time. They try to get them all the paperwork they need so that they may submit it once they are released. Governor Sandoval commented that this goes back to what Mr. Corrado said earlier in regards to recidivism that we can provide resources, but if we don't continue that when they leave it is likely they are going to be back. Lieutenant Cummings from P&P said they have taken several different approaches to substance abuse and resources and are trying to use the Affordable Care Act as one vehicle to get additional in-house counseling. Additionally they are looking for halfway houses, sober living and 12-step programs etc to address these issues. Secretary Cegavske said she planned on touring Casa Grande and invited the other members to join her.

Governor Sandoval asked if this was exclusively for male population and would become available to the female population. Chief Wood said she would like to create a firm foundation of success before they branch out to the female population. She said discussions have been taking place between Major Kim Madras and Deputy Director Sheryl Foster in regards to adding

females to the program. She added that the program is a success and that she could see the program expanding to possibly 100 inmates within the next month or two.

Director Wright said he's excited about this project and reaching out bringing resources from all over to get these kinds of programs done. He is very pleased with the numbers of success to date. Governor Sandoval agreed this is good for the inmates and for the Department and this is a win-win situation.

VI. Update regarding the Association of State Correctional Administrators (ASCA) Study on the Nevada Department of Corrections (NDOC) Use of Force Policy, Prison Practices and Staff Training – Interim Director McDaniel. Director McDaniel went over a 12 page status report presentation to the Board of Prison Commissioners. [Attachment 6](#)

Governor Sandoval asked for clarification, recalling there were vacancies, if these positions were in addition to filling the vacancies. Director McDaniel explained that these positions were not vacant filling positions, but to improve the relief factor. The relief factor had not been updated for many years so this brought them up-to-par in order to relieve staff from current posts. Governor Sandoval asked if eliminating the furloughs helped with this and Director McDaniel said that yes it made a difference by making it easier to manage shifts and know who's going to be on duty and not have to furlough them off. Director McDaniel explained they have authorization for the remaining 55 positions that will be hired in 2017. They were allocated with the interim finance committee to be released to the Department upon reporting back to the IFC. Secretary Cegavske asked, when they were given the first 45 positions, was anything done in regards to salary, benefits or are they the same as what an existing officer is receiving. She stated the reason she was asking is because this discussion comes up at meetings as to which agency recruits and hires NDOC's newly trained staff for their agency the fastest. Have they been able to retain the new staff and was there any salary or benefits increase given by legislation? Director McDaniel answered there have been no changes to salary and benefits. Secretary Cegavske asked if they had lowered any of the qualification requirements for correctional officers. Director McDaniel replied, 'No, they follow the POST standards that are set and the qualifications have stayed the same.'

Director McDaniel explained that the second part of the ASCA study recommended that the NDOC hire an additional 399 posts. The NDOC disputes their report that it has the highest prisoner to staffing ratio of any Department of Corrections in the country at nearly twice the national average of 6.27 prisoners to one security staff. He said they were not provided how ASCA came to that conclusion. He said he suspects they only counted correctional officers and not the other staff that are trained to supervise inmates who are not in the correctional officer category such as; food service staff, maintenance staff, caseworkers and most staff except for administrative. Director McDaniel further explained NDOC's actual ratio is 5.08 inmates per trained staff. He said they have a pretty good ratio and that some of the recommendations for new correctional officer posts would increase efficiencies and enhance security. He said those recommendations will be revisited after all the new shift relief factors have been filled. He explained that all Wardens and Associate Wardens have attended the American Correctional

Association weeklong training program on how to develop and determine staffing recommendations based on inmate population the size of the facility and the physical plant. He explained the NDOC plans to conduct its own study and evaluation before the next budget cycle to determine the new ratio and possible additional staffing needs.

Director McDaniel discussed the revision process for Administrative Regulation (AR) 405 Use of Force. He explained that the facilities have written operating procedures to immediately improve the management of this policy. He said AR 405 itself is out for final review and comment by staff before it becomes a temporary AR. He explained they've included less than lethal rubber Stinger rounds as well as clarified wording for understanding by staff. Additionally they have always had a review process for every serious use of force incident and per this study they have added a section specifically outlining the review process to the revised AR. Director McDaniel touched on the increased training process on Use of Force. The Use of Force training will only be conducted by the Warden or Associate Warden at each facility. Secretary Cegavske asked about the range conditions and locations. Director McDaniel said they have ranges at Northern Nevada Correctional Center (NNCC), Southern Desert Correctional Center (SDCC), Ely State Prison (ESP) and Lovelock Correctional Center (LCC). He said the range at NNCC is used by FBI, local law enforcement and the Carson City NDOC sites. He said the auditor talked about the range at Lovelock not having a restroom or classroom at the range. LCC do have plans to make improvements and that the range at LCC is adjacent to the prison facility. He said a particular improvement he would like to see at the ranges would be to have a tower the same height as the perimeter towers around the facility's so that staff that would man the towers could practice various scenarios. They are in the process of creating several training scenarios. Secretary Cegavske inquired about upgrades in regards to lead removal at the ranges. Director McDaniel said that although this study did not include that issue, they have contracts in place to handle this.

Attorney General Laxalt asked if it was Director McDaniel's view that some of the complaints about Lovelock range are not necessarily directed at effectiveness of actual range practice and ability of the officers to be able to shoot. Director McDaniel said the range is adequate for staff to qualify and it is safe and secure. He said the complaints were more about the amenities such as having a restroom on-site. Attorney General Laxalt confirmed that it was a comfort issue and not with shooting. Governor Sandoval said that the National Guard has a new facility at the airport in Reno that is state-of-the-art and recommended exploring NDOC's ability to utilize it as well. Director McDaniel went on to explain that POST requires 24 hours per year training for certification and ACA requires 40 hours per year. Moving forward, NDOC is implementing that all staff, not just correctional officers, will begin receiving 40 hours of in-service training per year. They have added a class in verbal judo that is a de-escalation technique, chemical agents, interpersonal communications skills, inmate supervision, safety security reviews, cultural diversity/lifestyle, social media in law enforcement, and health and wellness for staff and inmate population. The study asked that NDOC include training, certification, and issuance of oleoresin capsicum (aka: OC or pepper spray) for custody staff. This training has been implemented and completed to include in part: crowd management, retention of OC containers, physical and psychological effects and levels of contamination, decontamination

process and medical evaluation. OC has been issued to every correctional officer that works with or is assigned to positions with inmate contact. Director McDaniel went on to discuss ongoing training on collapsible batons that are available to correctional officers depending on their posts. Governor Sandoval asked if training would be provided to all correctional staff. Director McDaniel said they are still reviewing whether or not every staff needs a baton since the OC spray is working to effectively subdue incidents. Next he discussed that handcuffs are available in central work locations where staff can check them out as needed. The report recommended 37mm launchers are issued to all posts covering inmate movements. Director McDaniel explained this weapon is used mainly outdoors and only for very specific applications and specific staff to include emergency, riot and tactical response teams who have had 32 hours of training on the 37mm and 40mm chemical agent launchers. He said that this weapon is not needed in all of the armed posts. Director McDaniel explained that with the use of rubber Stinger rounds and the use of a shotgun, with 7.5 birdshot, has been reduced.

Governor Sandoval asked if all staff have completed the new training. Director McDaniel said that the new 40 hour training will start being implemented in February and all staff will have cycled through this training by the end of this year. He went on to explain that staff who will be utilizing the rubber rounds have gone through intensive training. Governor Sandoval asked for Director McDaniel's interpretation on ASCA's recommendation, "Discontinue the routine deployment (of the 7.5 birdshot)." Director McDaniel said, deploying 7.5 birdshot has never been routine. However, once they implement numbers one through seven, utilizing it will only be a last resort to stop someone from seriously injuring or killing another person. Governor Sandoval asked what other states' last resorts are. Director McDaniel said many states do not use firearms of any kinds inside their facility. There are many states that do but their policy is to only use them as deadly force. He brought up California's policy that basically states if there is an assault taking place and they believe serious injury or death is imminent, they shoot to stop the perpetrator. They use a live round and they do not skip it on the ground. They use batons or pepper spray and, if necessary, go directly to deadly force. Director McDaniel explained that using the intermediate rubber rounds is one more step before having to use lethal force. He said that Corrections are dealing with some very serious people who have the intention of killing the other person when they get into fights. He believes the ways they implement the use of the 7.5 birdshot have saved lives and prevented many people from being seriously injured or killed. Governor Sandoval asked that if Nevada is one of the few states that use this and it saves lives, why more states aren't using it. Director McDaniel said he was asked this question recently and he stated because we are right and everyone else is wrong. He said he believes that this method was developed over 20-30 years ago within the NDOC to handle specific problems that were occurring and they found it very successful. He said they were challenged in court and even the Ninth Circuit which in two separate cases agreed that it was an appropriate method to utilize to prevent inmates from seriously injuring each other. Because of the success that it has had, the Department continues to use it. He said he believed other departments may not use it because of the perception of shooting someone with a live round.

Director McDaniel said he expects AR 405 to be issued as a temporary soon and it will be presented at the next board meeting. Governor Sandoval said that if there is a resource issue such as needing to purchase more batons to let him and the Board know.

VII. Discussion/possible action regarding State Administrative Regulations – Interim Director McDaniel. Governor Sandoval said he remembered from the last meeting discussing AR 100 and AR 339. He asked if sufficient notice was given to everyone including staff. Also, have they had an opportunity to respond and received meaningful notice in regards to these AR's. Director McDaniel said yes and that per AR 100, they actually document staff comments and the subject matter experts responses to staff. Governor Sandoval asked for clarification that all staff input was addressed and there were no additional issues with the temporary AR's before the board for approval. Cynthia Keller, Executive Assistant and the Interim AR Policy Coordinator confirmed that all staff issues have been addressed by subject matter experts. Director McDaniel discussed that after the last board meeting, they updated and clarified wording in AR 100 to include tracking of staff input and responses. Additionally, once the AR executive policy panel has tentatively approved a draft, the AR coordinator will send out all draft AR's for final comment and input from staff. He said this means each AR actually goes out twice for staff review.

Director McDaniel discussed AR 339 employee code of ethics and conduct. He said this AR was drafted by NDOC's subject matter expert, Inspector General Pam Del Porto, as well as a member of the Attorney General's office, Deputy Attorney General Janet Traut, assuring that they were in compliance with all processes. After the last board meeting, this AR was sent out again for staff's second and final review before it would be brought before the board today to be made a final AR. IG Del Porto said that since the last board meeting one staff member contacted her regarding the word loyalty being included in this AR. It was agreed that the word loyalty would be removed from the AR. There were no additional concerns from staff. Janet Traut explained that the revisions to this AR actually began in 2011 due to a statutory change regarding all classified state employees prohibitions and penalties along with the process for discipline. She also discussed progressive discipline in relationship with Chapter 284 – State Personnel System where discipline is included. This AR was compared line by line with both Chapter 284 and chapter 289 – Peace Officers, to make sure the NDOC is compliant with the NRS's. She said they clarified language in AR 339 that had been problematic. Governor Sandoval said he appreciated all the hours of work and attention to detail that it took to get the AR to this point. Secretary Cegavske wanted to make it part of the record that employees sign this pre-service which is well before they actually begin work. She said she recalls this being worked on for the past two sessions and appreciates everyone's hard work. Governor Sandoval took a motion for approval of all of the administrative regulations that were presented under this agenda item and the motion passed.

Before moving to the next agenda item Secretary Cegavske asked the Commissioners for approval for the agenda and packet materials to be put online rather than having Secretary Cegavske's office provide hardcopies to the Commissioners. Governor Sandoval approved that these materials may be provided electronically from this point forward.

VIII. Public Comment. There was public comment from Las Vegas. Ms. Mercedes Maharis said she believed that the word loyalty was important. She also said instead of verbal judo they might change it to verbal civility for de-escalation. She said she would like to see cameras and not chemical sprays throughout the department. She said the special needs sex offender population is in desperate need of their own facility. She said the ratio of deaths among the sex offender population compared to the rest of the inmate population is too large and that something needs to be done about it. Ms. Maharis said she does not know if Stickney versus List is still operational because there is still overcrowding at NNCC. She said she would like to see hog tying not only banned with NDOC but all law enforcement in the state. She said she was very impressed and happy about the progress made with fewer shootings. [Attachment 7](#) There were no additional public comments.

IX. Governor Sandoval motioned for adjournment in the meeting was adjourned at 11:06 AM.

APPROVED THIS DAY, MONTH OF , 2016

GOVERNOR BRIAN SANDOVAL

SECRETARY OF STATE BARBARA K. CEGAVSKE

ATTORNEY GENERAL ADAM PAUL LAXALT

Recorded and transcribed by Cynthia Keller, Executive Assistant, Nevada Department of Corrections

NEVADA DEPARTMENT OF CORRECTIONS
 BOARD OF PRISON COMMISSIONERS MEETING
 JANUARY 14, 2016
 ATTENDANCE ROSTER – CARSON CITY, NV

	NAME (please print)	Organization	Request to Speak	
			Yes	No
1	HAROLD Wickham	NDOC		✓
2	Tracey Green	DHHS	✓	
3	Richard Smuder	NDOC		x
4	Vincent Valiente	DPBH	✓	
5	NATACIE WOOD	PTP	✓	
6	DIRECTOR JAMES WRIGHT	DPS	✓	
7	Chris Ferreri			x
8	Randa Larsen			✓
9	TRAVES ROBERTS			✓
10	Connie S Biber, Chairman	Parole Board		✓
11	Kathy Swain	NDOC		✓
12	BROOKE KEAST	NDOC		✓
13	Alexander Archie	"		✓
14	Holly Webber	ACU - NV		✓
15	Paul G. Corrado	ARCW. J. Reno	✓	
16	Sarah Coffman	LCB		✓
17	Adan Drost	LCB		✓
18	Krista Mattice	SOS		✓
19	Dwayne Deal	NDOC		✓
20	BRETT KANDT	AG - BOARD COUNSEL		

			<u>yes</u>	<u>no</u>
<u>21</u>	David Helgerman	DPS		✓
<u>22</u>	Scott Anderson	SOS		✓
<u>23</u>	Mike Willden	Gov Offr		✓
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**NEVADA DEPARTMENT OF CORRECTIONS
 BOARD OF PRISON COMMISSIONERS MEETING
 JANUARY 14, 2016
 ATTENDANCE ROSTER – LAS VEGAS, NV**

	NAME (please print)	Organization	Request to Speak	
			Yes	No
1	Cynthia Keller	NDOC		✓
2	Brian Connett	NDOC		✓
3	Kent Lofeyne	NDOC		✓
4	Romeo Mayan, MR	USOC		-
5	KENDALL CUMMINGS	NDPS P+P		✓
6	Jo Gentry	NDOC	✓	
7	Teri Withereu	NDOC		✓
8	D.W. New	NDOC		-
9	Pam DeLPorto	NDOC		
10	PATRICK MENDEZ	N/A		✓
11	Barbara Ceganske	SOS		
12	Mercedes J. Harris	CURE, LWV	✓	
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Board of State
Prison Commissioners
Governor Brian Sandoval
Secretary of State Barbara Cegavske
Attorney General Adam Laxalt

January 11, 2016

I am writing to you in a response to news of a letter by The State Of Nevada Department Of Corrections we recently received concerning the release of Hans Seibt #1115014 at Stewart Conservation Camp.

I have talked to many of the victims who have recently sent letters to Traci Dory, Victim Services Unit about the release of this individual. We highly object to this release into the residential program because this man has not suffered enough for the crimes of theft and fraud. He stole from us by a complicated Ponzi scheme. We have been suffering for over 7 years. We all have and are suffering mentally, physically and financially due to his practices. Many have taken out mortgages on their homes because Mr. Seibt convinced them that he would pay high interest and it would financially benefit them. So they lost their homes when his house of cards collapsed. Many victims have become so poor that they have had to go onto assisted living and or subsist on Meals on Wheels.

I am begging you that this man should stay imprisoned for his whole and complete sentence. By letting him out into the community, then he HAS WON. And since he only filed bankruptcy on 2 of his corporations, Clark Nye Development Corporation and HSLV, he has over 8 other corporations that he can make current and sucker more victims into his real estate scheme. He has done this before, and we all feel that he will continue to do this again. The man craves wealth, and certainly it is evident by the expensive Bentley and BMW cars he has owned.

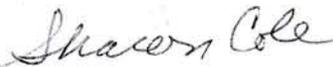
It was everyone's expectation that he spend the 10 years in prison confinement, and not a conservation camp. We all beg you to keep Hans Seibt confined within prison walls and not be allowed to roam into the community in which we live. I will be forwarding this letter to Judge Delaney to let her know what has been done to his sentence of the 10 years.

Sincerely,

Ned Cole



Sharon Cole



From: Jennifer Russell <jarussell@sos.nv.gov>
To: 'Cynthia Keller' <ckeller@doc.nv.gov>, Scott Anderson <scotta@sos.nv.gov>, "Joseph C. Reynolds" <joereynolds@gov.nv.gov>, "Michele A. Smaltz" <MSmaltz@ag.nv.gov>
Date: 1/12/2016 2:53 PM
Subject: PRISON COMMISSOIONER MEETING

Another letter for Prison Commissioner meeting.

From: Barb Sprouse [mailto:dontshootme64@gmail.com]
Sent: Wednesday, December 16, 2015 1:56 AM
To: aginfo@ag.nv.gov; SOS Customer Service; SOS Exec; info info
Subject: MAHE, JASON A (COPY OF LETTER TO GOV. SANDOVAL)

hello i am barbara sprouse (i have written to you in the past regarding my son the one that metro tried to kill march 04 2014) anyways i am contacting you once again in regards to my son.

Now JASON MAHE (who is still in clark county detention center) will to my dismay be going to ndoc any day now.

there are several things I need to address to you and I hope you can pass along my concerns to the proper person or persons to whom this is for as well as to you and several other members of the nevada government.

as you may or may not recall the shooting well to make a long story short here are my concerns: Jason has been on Morphine for the past 22 months daily his body is filled with metal fragments though out alot of his body and he is in constant pain. he leg still swells and drains but due to the all the metal he can not get an mri done to see the cause. he is in a wheelchair now and will be for rest of his life and his arm was NEVER SET its still broken and well he is a mere shadow of the man he was only 22 months ago.

now since his Morphine is a controlled substance and it has to be ordered by a doctor i need to make sure that NDOC has this for him when he arrives AND I HOPE AND PRAY THAT NDOC DOESNT PLAY PETTY GAMES LIKE THEY DID IN CCDC SEVERAL TIMES THE STAFF WOULD PLAY GAMES AND WITH HELD HIS MORPHINE AND HIS THORAZINE and i will tell you now not good. since he has been on the morphine for so long and his body is severally damaged from the trauma and long term neglect from ccdc and naphcare he can not just be taken off it. i have looked on sites and talked to dr woo from umc if jason is not weaned off the morphine HE COULD VERY WELL DIE now i dont think you would want my son to die in the hands of you and your employees.

and his thorazine he has to have in order to function on a daily basis.

i trust you being the governor and all will make sure this matter is handled correctly and he is not made to suffer any more.

his lawyer THOMAS GIBSON 775-209-1035 his office if need be i do have his cell and his other laywer is jeff pitegoff 702 405 8100

if there are any questions i am sure they can answer them as well if you require medical records i do think they copies of his jason mahes records.

thank you for your time and yes Richard Suey from ccdc also can answer questions wonderful man helped so much.

again thank you

barb sprouse

STATE OF NEVADA

BRIAN SANDOVAL
Governor

RICHARD WHITLEY, MS
Director



CODY PHINNEY, MS
Administrator

TRACEY D. GREEN, MD
State Health Officer

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE**

December 28, 2015

MEMORANDUM

To: E.K. McDaniel, Director
Nevada Department of Corrections

Through: Dr. Tracey Green, Chief Medical Officer, DPBH
Vincent Valiente, REHS, DPBH

From: Kyle Devine, Bureau Chief, DPBH

Subject: Biannual Prison Commission Meeting Update

The Division of Public and Behavioral Health (DPBH) is required by Nevada Revised Statutes (NRS) 209.382, NRS 444.330 and NRS 446.885 to conduct inspections of State Correctional Facilities. The inspections focus on (a) the medical and dental services based upon the standards for medical facilities as provided in Chapter 449 of NRS; (b) the nutritional adequacy of the diet of incarcerated offenders taking into account the religious or medical dietary needs of an offender and the adjustment of dietary allowances for age, sex, and level of activity; and (c) the sanitation, healthfulness, cleanliness and safety of its various institutions and facilities which includes a focus on the food safety practices within the food service operations.

For 2015 and all subsequent years moving forward, during annual inspections, DPBH will conduct an additional review for compliance to NRS 209.382(b) "the nutritional adequacy of the diet of incarcerated offenders taking into account the religious or medical dietary needs of an offender and the adjustment of dietary allowances for age, sex, and level of activity" with respect to the National Dietary Guidelines.

During each State Correctional Facility inspection, pursuant to NRS 209.382, NRS 444.330, and NRS 446.885, the inspector will utilize a tool to verify if the nutritional adequacy of inmate diets is appropriately demonstrated through the contracted Dietitian recommendations specific to the facility. The tool will consist of onsite observations, document review, and State Correctional Facility staff interviews.

The following spreadsheet summarizes the information obtained through the newly integrated in 2015 "Nutritional Adequacy Tool."

We have also prepared a spreadsheet which summarizes the critical violations identified during the annual dietary inspections conducted at each State Correctional Facility in 2009 through 2015. We have also summarized the deficiencies identified during the most recent medical surveys conducted at each State Correctional Facility. Please see the attached tables in which each “X” signifies a violation or deficiency.

A review of the attached dietary inspection table reveals that for 2015, two of seven facilities were found to have no critical violations, three of seven facilities were cited for one critical violation and two of seven facilities were cited for two critical violations, for a total of seven violations cited in 2015. Overall, the total of critical violations cited in 2015 decreased by five when compared to 2014. Two of seven facilities had repeat critical violations in 2015 when compared with 2014. Presence of rodents and equipment not being sanitized were identified during the two most recent inspections at Northern Nevada Correctional Center. Presence of insects in the Culinary was identified during the two most recent inspections at Lovelock Correctional Center.

A review of the attached medical survey table reveals that one deficiency was cited for one of two facilities surveyed in 2015 (Florence McClure Women’s Correctional Center). The deficiency cited at Florence McClure Women’s Correctional Center was a repeat deficiency cited from the 2007 and 2011 surveys. However, a substantial improvement in the number of deficiencies cited for both Southern Desert Correctional Center and Florence McClure Women’s Correctional Center can be observed when comparing past medical surveys.

Please do not hesitate to contact me at 775-684-1061 should you have any questions regarding the Biannual Prison Commission Meeting Update.

Attachments: Health Officer Expanded Summary of Dietary and Medical Deficiencies (pg. 3 – 4)
Summary of Dietary Violations (pg. 5)
Summary of Medical/Dental Deficiencies (pg. 6)
Summary of Nutritional Adequacy Tool (pg. 7)
Blank Nutritional Adequacy Tool (pg. 8 – 10)
Completed EXAMPLE of the Nutritional Adequacy Tool (pg. 11 – 12)

Health Officer Expanded Summary of Violations Cited in Nevada State Prisons

DIETARY FINDINGS OF CRITICAL VIOLATIONS IN 2015:

Two of seven facilities were cited for 0 critical violations

- Warm Springs Correctional Center
- Florence McClure Correctional Center

Three of seven facilities were cited for 1 critical violation

- Southern Desert Correctional Center
 1. Improper food temperatures
(Improper cooling of potentially hazardous foods was observed in the walk-in refrigerator)
- Lovelock Correctional Center
 1. Presence of insects/rodents
(Flies were observed throughout the culinary and main kitchen including areas designated for food preparation, storage, service, and dining)
- High Desert State Prison
 1. Improperly labeled/stored chemicals
(An unlabeled Styrofoam cup used to dispense dishwashing detergent was observed within the kitchen)

Two of seven facilities were cited for 2 critical violations

- Northern Nevada Correctional Center
 1. Presence of insects/rodents
(Rodent droppings were observed throughout the dry storage room)
 2. Equipment not sanitized
(The Clipper dishmachine was in disrepair at the time of inspection. The wash temperature was recorded at 140 degrees F and the final rinse temperature was recorded at 160 degrees F)
- Ely State Prison
 1. Presence of insects/rodents
(Rodent droppings were observed throughout the dry storage room)
 2. Equipment not sanitized
(Soiled pots and pans were not being properly washed, rinsed and sanitized at the Bakery three compartment sink)

DIETARY FINDINGS OF REPEAT CRITICAL VIOLATIONS IN 2015:

Two of seven facilities had repeat critical violations (cited in 2014 and 2015)

- Northern Nevada Correctional Center had 2 repeat critical violations
 1. Presence of rodents
 2. Equipment not sanitized
- Lovelock Correctional Center had 1 repeat critical violation
 1. Presence of insects (flies)

****All correctable critical violations are addressed by the end of inspection. The NDOC Compliance Enforcement Officer ensures corrective actions are taken by the facility for critical violations which cannot be addressed by the end of each inspection.**

MEDICAL/DENTAL FINDINGS IN 2015:

- Florence McClure Women's Correctional Center
 1. Infection Control/hazardous waste disposal
(The trauma room examination table was torn potentially exposing the underlying foam cushioning material to infectious fluids)

- Southern Desert Correctional Center
 1. No deficiencies cited

DIETARY INSPECTIONS

Critical Violations Identified During Annual Dietary Inspections of State Prisons

	YEAR																																																	
	09'	10'	11'	12'	13'	14'	15'	09'	10'	11'	12'	13'	14'	15'	09'	10'	11'	12'	13'	14'	15'	09'	10'	11'	12'	13'	14'	15'	09'	10'	11'	12'	13'	14'	15'															
Presence of insects/rodents	X						X			X							X							X							X							X												
Handwash sinks not fully operational										X							X							X							X							X												
Dented cans of food			X							X							X							X							X							X												
Improper food temperatures																																																		
Refrigeration at improper temperature																																																		
Improperly labeled/stored chemicals			X	X																																														
Potential for cross-contamination					X																																													
Expired/spoiled food																																																		
Equipment not sanitized							X																																											
Person-in-Charge not knowledgeable																																																		
Sub Total of Violations/Year:	1	0	2	1	1	0	2	0	1	3	1	0	2	0	3	1	2	1	0	0	1	3	1	0	4	2	2	1	3	3	4	1	2	5	2	3	4	1	1	5	3	0*	1	1	1	3	1	0	1	0
Total Violations Cited 09' - 15'	7																																																	

* Re-inspection

MEDICAL SURVEYS

Deficiencies Identified During Medical Surveys Conducted Two Per Year

	Ely			Florence McClure			High Desert			Lovelock			Northern Nevada			Southern Desert			Warm Springs				
	2005	2010	2013	2007	2011	2015	2008	2011	2014	2002	2009	2012	2007	2010	2014	2003	2008	2012	2015	2007	2009	2013	
Infection control/hazardous waste disposal	X			X	X	X	X	X															
Sterilizer testing/maintenance		X			X		X	X			X			X			X	X				X	
Sterilizer training	X	X		X	X		X	X			X			X			X	X					X
Medication (expired/storage/secured)	X	X		X	X		X	X			X			X			X	X					X
Medication administration issues					X																		
Physician orders					X							X											
Emergency supplies unavailable	X				X		X	X			X	X	X	X			X	X					
Medications unsecured				X																			
Inmate TB testing					X							X											X
Staff TB testing	X	X	X	X	X		X	X			X	X	X	X			X	X					
Staff CPR	X			X	X		X						X	X									
Inmate dental care				X													X					X	
Lab staff/lab licensure				X							X		X					X				X	
Lab test (quality control/procedures)	X							X															X
Physical environment																	X						
Inmate consent to treatment											X												
Dental tool accountability											X												X
24 hour nursing coverage																						X	X
Medical Records												X											

INMATE NUTRITIONAL ADEQUACY TOOL SUMMARY 2015

NUTRITIONAL VERIFICATION FOCUS POINTS	ESP	FMWCC	HDSP	LCC	NINCC	SDCC	W/SCC
Contracted License Diitian oversight for nutritional adequacy of meals served	X	X	X	X	X	X	X
Menu in place to meet the needs of those in the infirmary or on special diets	X	X	X	X	X	X	X
Food & Nutrition Board Institute of Medicine, National Academies standards used to review menus by contracted licensed Diitian	X	X	X	X	X	X	X
Menus followed at the time of inspection	X	X	X	X	X	X	X
Spreadsheets available with portion sizes for preparing and serving meals	X	X	X	X	X	X	X
Pre-measure portion control utensils available and used	X	X	X	X	X	X	X
Religious diets available	X	X	X	X	X	X	X
Internal process available for inmate to request diet	X	X	X	X	X	X	X
Medical oversight for inmates requiring special diets	X	X	X	X	X	X	X
Nutritional assessments for special diets conducted by facility	X	X	X	X	X	X	X
Special diet ordered by physician for condition or ailment	X	X	X	X	X	X	X
Process in place for Medical Staff and Culinary Staff to ensure special diet order was received	X	X	X	X	X	X	X
Facility has a standardized process to ensure inmate has received diet at meal time							
Inmate assessments include level of physical activity							

NUTRITIONAL ADEQUACY TOOL:

Date of Inspection:

Surveyor ID#:

Facility Name:

Observations & Document Review

1. Name and License # of Dietitian:
2. All menus have been reviewed by a licensed Dietitian and specialized menus are in place to meet the needs of those in the infirmary or on special diets (*per NRS 209.382(b) – Yes or No, If not, provide comment*):
3. Standards used for reviewing menus by Dietitian (*Yes or No*):
4. Menus followed by facility at time of inspection (*Yes or No*):
5. Menu spreadsheet with portion sizes provided or other means of documenting/reviewing portion sizes provided– (*Yes or No, If not, provide comment*):
6. Observations made onsite:

Additional observations made onsite:

NUTRITIONAL ADEQUACY TOOL continued.....

Date of Inspection:

Surveyor ID#:

Facility Name:

Inmate File Review:

1. Inmate Name:

a. Special Diet required: (Yes or No) If yes, type of diet:

i. Additional comments/description of diet:

b. Nutritional assessment(s) conducted by facility (Yes or No):

i. Additional comments regarding assessment

2. Inmate Name:

a. Special Diet required: (Yes or No) If yes, type of diet:

i. Additional comments/description of diet:

b. Nutritional assessment(s) conducted by facility (Yes or No):

i. Additional comments regarding assessment

3. Inmate Name:

a. Special Diet required: (Yes or No) If yes, type of diet:

i. Additional comments/description of diet:

b. Nutritional assessment(s) conducted by facility (Yes or No):

i. Additional comments regarding assessment

4. Inmate Name:

- a. **Special Diet required: (Yes or No) If yes, type of diet:**
 - i. **Additional comments/description of diet:**

- b. **Nutritional assessment(s) conducted by facility (Yes or No):**
 - i. **Additional comments regarding assessment**

5. Inmate Name:

- a. **Special Diet required: (Yes or No) If yes, type of diet:**
 - i. **Additional comments/description of diet:**

- b. **Nutritional assessment(s) conducted by facility (Yes or No):**
 - i. **Additional comments regarding assessment**

6. Inmate Name:

- a. **Special Diet required: (Yes or No) If yes, type of diet:**
 - i. **Additional comments/description of diet:**

- b. **Nutritional assessment(s) conducted by facility (Yes or No):**
 - i. **Additional comments regarding assessment**

NUTRITIONAL ADEQUACY TOOL:

Date of Inspection: **EXAMPLE**

Surveyor ID#:

Facility Name:

Observations & Document Review

7. Name and License # of Dietitian: **Mary Agnes Boni, MPH, RDN, LD; State Lic# 32076 DI-0**
8. All menus have been reviewed by a licensed Dietitian and specialized menus are in place to meet the needs of those in the infirmary or on special diets (*per NRS 209.382(b) – Yes or No, If not, provide comment*):
Yes (see attached Dietitian certification letters for all menus' nutritional value)
9. Standards used for reviewing menus by Dietitian (*Yes or No*):
Yes, Dietary Reference Intakes (DRIs) as established by the Food and Nutrition Board Institute of Medicine, National Academies
10. Menus followed by facility at time of inspection (*Yes or No*): **YES**
11. Menu spreadsheet with portion sizes provided or other means of documenting/reviewing portion sizes provided– (*Yes or No, If not, provide comment*): **YES**

12. Observations made onsite:

Facility was inspected on XX/XX/XX. During inspection the certified menus for the general population and special diets were being followed. Inmate meal service for the general population for the last 72 hrs. was consistent with the certified menus for those days. This was verified by the observation of stored inmate meal trays in the walk-in refrigerator for the previous 72 hrs. of meal service. During inspection, Facility was also preparing the general population meal in accordance to the certified menu.

Facility utilizes a few methods to ensure the certified menu is followed. The first method is portion control serving utensils. The serving utensils are used to follow the suggested menu item portion size. Interviews with Culinary officers/staff also revealed a template tray is sent out to all general population locked down housing blocks for Officers to follow during meal service. In addition, changes or modifications to the menu due to product availability are recorded on meal reports.

For inmate special diets, it was revealed during interviews with Culinary officers/staff, a report ("Pre-Breakfast Report") is provided daily to the Culinary which details the specific diet for the corresponding inmate. This was verified by document review.

Additional observations made onsite:

Menus offered at the above facility:

1. Mechanical Soft
2. Pureed
3. 3-4 gm Sodium
4. 1500 Kcal Diabetic
5. 2000 Kcal Diabetic
6. Low Fat/Low Cholesterol
7. Renal/Protein Restricted
8. 2600 Kcal Diabetic
9. Lactose Intolerant
10. "Double Portions" for HIV positive inmates
11. Common Fare/ Religious diet

NUTRITIONAL ADEQUACY TOOL continued.....

Date of Inspection: **EXAMPLE**

Surveyor ID#:

Facility Name:

Inmate File Review:

1. **Inmate Name:** John Doe **DOB:** 7/15/81 **Intake #:** 123456
 - a. **Special Diet required: (Yes or No) If yes, type of diet:** **YES (Low Na/Cholesterol)**
 - i. **Additional comments/description of diet:**
Diet for hypertension disorder and high cholesterol
 - b. **Nutritional assessment(s) conducted by facility (Yes or No):** **Yes**
 - i. **Additional comments regarding assessment**
Assessment conducted by Doctor
Evidence of assessment also seen through bloodwork, urine analysis and inmate physical

2. **Inmate Name:** Jane Doe **DOB:** 7/15/81 **Intake #:** 123456
 - a. **Special Diet required: (Yes or No) If yes, type of diet:** **Yes (2600 Kcal/Low Na)**
 - i. **Additional comments/description of diet:**
Diet was for a diabetes diagnosis and hypertension disorder
 - b. **Nutritional assessment(s) conducted by facility (Yes or No):** **Yes**
 - i. **Additional comments regarding assessment**
Assessment was conducted by the facility Doctor
Evidence of assessment was seen through lab work, inmate physical

3. **Inmate Name:** John Doe **DOB:** 7/15/81 **Intake #:** 123456
 - a. **Special Diet required: (Yes or No) If yes, type of diet:** **Yes (Double Portions)**
 - i. **Additional comments/description of diet:**
Diet was prescribed as a result of weight loss from cancer treatment
 - b. **Nutritional assessment(s) conducted by facility (Yes or No):** **Yes**
 - i. **Additional comments regarding assessment**
Assessments are conducted daily by the facility Doctor
Inmate has a cancer diagnosis
Evidence of bloodwork panels, urine analysis and frequent inmate physicals was observed

Board of State
Prison Commissioners

BRIAN SANDOVAL
Governor

BARBARA CEGAVSKE
Secretary of State

ADAM PAUL LAXALT
Attorney General



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS



Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115
Phone: (702) 668-7200 - Fax: (702) 668-7203

BRIAN SANDOVAL
Governor

E.K. McDaniel
Interim Director

JO GENTRY
Warden

December 29, 2015

Re: Parolee Transitional Housing Program Monthly Status Report

The NDOC/P&P Joint Parolee Transitional Housing Program received the first parolees (twenty-seven) on October 7, 2015 at Casa Grande Transitional Housing (CGTH). Below indicates the status of the parolees:

Total participants accepted to the program since October 7, 2015: (63)

October: (27)

November (14)

December (22)

Current Number of Participates: (43)

Employed (9)

Programming (11)

Pending Social Security Cards or other placement (4)

Failures: (8)

- Returned to the Parole Board for revocation proceedings (2)
 - Under the influence – tested positive for methamphetamine.
 - (1) Use of alcohol, possession of a device to falsify a UA.
- Absconded: (6)
 - (1) Recaptured with new criminal charges of possession to Sell a Controlled Substance.
 - (5) Pending recapture

Community Placement: (18)

Random Drug Testing

- Positives (4)
 - (2) Placed into Westcare Detox
 - (1) Referred to community counseling resources
 - (1) Entered into Hope for Prisoners



Nevada Department of Corrections

ASCA Use of Force Study

Status Report to

The Board of Prison Commissioners

January 14, 2016

E.K. McDaniel

Interim Director



Nevada Department of Corrections

The Nevada Department of Corrections contracted with the Association of State Correctional Administrators (ASCA) to conduct a Use-of-Force Study to:

- **Conduct a review of the NDOC Use of Force Policy, AR 405 entitled “Use of Force Standards”**
- **Conduct a review and assessment of all use of force incidents that have occurred within the last 3 years within the NDOC that involved the discharge of a firearm**
- **Conduct an analysis and provide recommendations of the use of force pre-service training programs delivered to employees of the NDOC.**



Nevada Department of Corrections

ASCA Recommendations from the Study

- 1. Continue implementation of the 2014 Staffing Needs Study recommendations**
- 2. Revise AR 405 to establish clear policy guidance for staff to follow**
- 3. Use the Informational Bulletin process in the revision of AR 405 in order to expedite implementation**
- 4. Augment the NDOC training budget to improve range conditions, increase CER annual in-service training to the ACA standard of 40 hours per year, and enable quarterly qualification for all staff assigned to armed positions**
- 5. Train and certify all custody staff in the use of OC and require issuance of OC to all custody staff who may be in direct contact with inmates**
- 6. Require issuance of either PR-24 batons or ASP collapsible batons to all uniformed staff.**
- 7. Issue handcuffs to all custody staff**
- 8. Ensure all staff assigned to armed posts are qualified in the use of the 37mm launcher and assign that launcher and appropriate projectiles to all posts covering inmate movements.**
- 9. Establish a formal Executive Use of Force Review process at each institution.**
- 10. Discontinue the routine deployment of the 12-gauge shotgun with 7-1/2 bird shot on armed posts once recommendations 1 through 7 have been fully implemented.**



Nevada Department of Corrections

Status of Recommendation Implementation

1. Continue implementation of the 2014 Staffing Needs Study recommendations

Status: The Governor included in his Executive Budget submitted to the 2015 Legislature the Shift Relief Factor update which was the highest priority of the Staffing Study. That request included 100 new Correctional Officers. The Legislature approved the first 45 new Officers to be hired in FY 2016 with hiring phased into two phases. The first phase of 22 scheduled for hire October 1st, have all been hired, trained, and are now on the job. The second phase of 23 have been hired as of January 4th, and are scheduled for the first available academy. Authorization for the remaining 55 to be hired in FY 2017, was allocated to the Interim Finance Committee to be released to the NDOC upon reporting to them in or near June of 2016.

The second part of the ASCA Staffing Needs Study recommended an additional 399 new posts. The Department disputes statements made in the report that the Department has the highest prisoner to staffing ratio of any state department of corrections in the country, and nearly twice the national average of 6.27 prisoners to one security staff member. In analyzing all staff that deal with, interacts with, and are specifically trained to supervise inmates, the actual NDOC inmate to staff ratio is 5.08 inmates per trained staff member.

The Department agrees that some of the recommended new correctional posts would increase efficiencies and enhance security, but feels that those recommendations need to be revisited after all the new Shift Relief Factor positions have been filled. The Department will continue to evaluate the need for additional staff.



Nevada Department of Corrections

ASCA Recommendations from the Study

2. Revise AR 405 to establish clear policy guidance for staff to follow

Status: Administrative regulation 405 Use of Force has undergone a detailed revision. Having been reviewed by the Executive Staff and implemented as a temporary AR, the current version has been submitted to NDOC personnel for final comments with a deadline of 1/18/2016. Once additional input has been received and discussed, the temporary may be further revised prior to the next Board meeting.

Revisions include:

- **Inclusion of less lethal rubber Stinger round,**
- **Specific authorization for:**
 - * **use of force**
 - * **use of less than lethal force**
 - * **use of deadly force,**
- **Executive review of all uses of force,**
- **Mandated officer involved shooting investigations for all discharges of a firearm, excluding blank rounds, and**
- **Specific reporting process.**



Nevada Department of Corrections

ASCA Recommendations from the Study

3. Use the Informational Bulletin process in the revision of AR 405 in order to expedite implementation

Status: AR Revision Procedure is dictated by Administrative Regulation and is approved by the Board of Prison Commissioners. The Regulation can be approved in a timely manner by utilizing our current procedures.

4. Augment the NDOC training budget to improve range conditions, increase CER annual in-service training to the ACA standard of 40 hours per year, and enable quarterly qualification for all staff assigned to armed positions

Status: In-service training has been increased to comply with, or exceed, ACA standards for all Correctional Personnel from 24 hours to 40 hours beginning February 2016. Courses added or augmented include:

- use of force training has been increased to 4 hours for all department staff
- defensive tactics / self-defense
- verbal judo (de-escalation techniques)
- chemical agents
- ethics
- suicide prevention
- inter-personal communications
- inmate supervision
- safety and security reviews
- inmate cultural diversity and lifestyles
- social media and law enforcement
- health and wellness



Nevada Department of Corrections

ASCA Recommendations from the Study

- 5. Train and certify all custody staff in the use of OC and require issuance of OC to all custody staff who may be in direct contact with inmates***

Status: Chemical agent training for staff usage has been implemented. Training has been completed at all institutions and facilities. Training provided was four hours of instruction and included in part:

- crowd management,
- retention of OC containers,
- physical and psychological effects,
- levels of contamination,
- decontamination, and
- medical evaluations.

Note: Staff that have inmate contact in appropriate locations (most direct inmate contact areas) are now issued OC and are currently carrying OC spray.

- 6. Require issuance of either PR-24 batons or ASP collapsible batons to all uniformed staff.***

Status: PR-24 baton training has been and is continuing to be conducted in all training academies. The batons are available for issuance if needed within institutions. Expandable baton training is currently being conducted for specialized areas as identified as being needed. The issuance of PR-24 batons or expanded batons to all uniformed staff will be evaluated for the need and use of all uniformed staff that would have direct contact with inmates. The cost of the batons will be studied and considered for inclusion in the NDOC agency budget request.



Nevada Department of Corrections

ASCA Recommendations from the Study

7. Issue handcuffs to all custody staff

Status: All appropriate custody staff have been and will continue to be issued handcuffs and additional restraint devices as needed. The availability of handcuffs has always been a procedure within the NDOC in appropriate locations.

8. Ensure all staff assigned to armed posts are qualified in the use of the 37mm launcher and assign that launcher and appropriate projectiles to all posts covering inmate movements.

Status: The use of the 37mm launcher is a weapon that is mainly used outdoors and only for very specific applications such as, moving a crowd in a riot situation. It deploys several types of chemical agents that are either barricade piercing or muzzle dispersing. This report did not describe any incidents that could have been resolved with the use of the 37mm launcher.

In July 2015, NDOC conducted training specific to the use of 37 mm or 40 mm chemical agent launchers. Training was 32 hours in length and targeted staff included emergency, riot, and tactical response staff.

Training included:

- use of force considerations,
- munition applications, and
- legal implications.



Nevada Department of Corrections

ASCA Recommendations from the Study

9. Establish a formal Executive Use of Force Review process at each institution.

Status: The NDOC currently has a use of force review process in place which reviews all incidents that occur. That procedure has now been included in AR 405 that requires a detailed review of all uses of force. The reviewing and determining of the actions of staff following all incidents has always been and will continue to be imperative to NDOC.

The NDOC conducts the following after-incident review processes:

- **Less lethal force will result in a Use of Force Review panel convening within five (5) business days from the use of force. The review panel will be comprised of staff not directly involved in the incident and will include a minimum of an Associate Warden and an institutional command member at a level of authority of a Correctional Lieutenant or above from the institution involved, and**
- **Any use of deadly force or less lethal force causing serious bodily harm will result in convening a Serious Incident review panel within fifteen (15) days from the use of force. The review panel will be comprised of staff not directly involved in the incident and will include at a minimum a Warden and/or Associate Warden from an institution not involved in the use of force, an Investigator or Supervisory Investigator from the Inspector General's Office and an institutional command staff at a level of authority of a Correctional Lieutenant or above from an institution not involved in the use of force.**



Nevada Department of Corrections

ASCA Recommendations from the Study

10. Discontinue the routine deployment of the 12-gauge shotgun with 7-1/2 bird shot on armed posts.

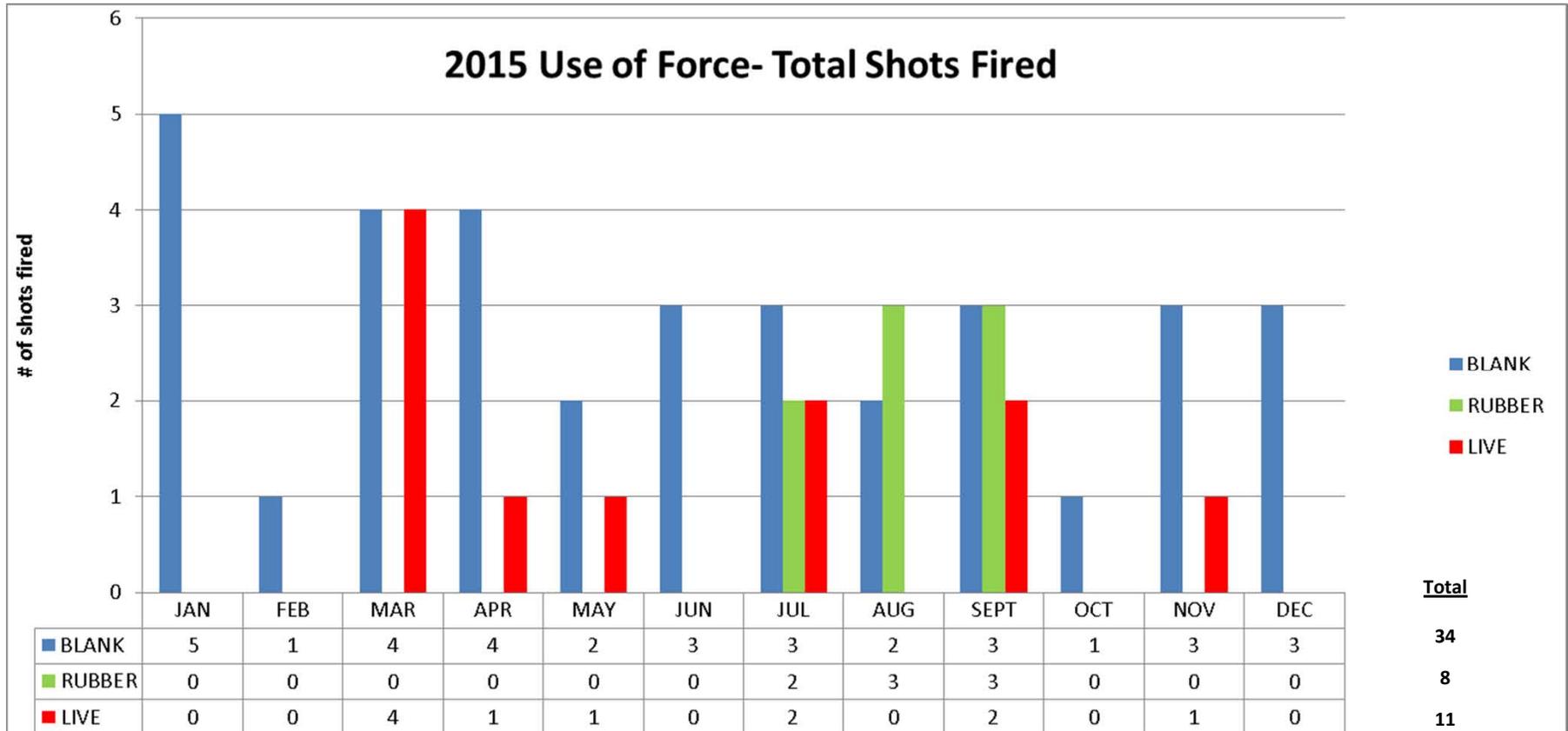
Status: With the revised AR 405 now implemented as a temporary AR, enhanced training has been provided, and additional use of force tools have been made available to improve the officers ability to stop inmates who are assaulting each other, the need to utilize the shotgun with 7.5 birdshot has been reduced as show in in the following chart:

In July 2015 the NDOC directed HDSP to implement and test the effectiveness of rubber stinger rounds in use of force incidents. After favorable reviews, the remainder of the NDOC began the process of procuring and training of custody personnel on the use of rubber rounds in October 2015. At this time, the training has been completed and the rubber rounds are in use throughout the NDOC.

The chart on the following page details the results, which is the overall decrease in use of live rounds since July of 2015.



Nevada Department of Corrections



Total # of Incidents	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
		5	1	4	4	2	3	3	2	3	1	3	3



Nevada Department of Corrections

Questions?



We invite you to tour our many facilities as soon as your schedule permits!

14 Jan 2016

TO: NV State Board of Prison Commissioners

FROM: Mercedes Maharis MA MS MA

Honorable Commissioners:

3 items of concern today:

1) Unfortunately, research reveals too little reduction of our NDOC disabled sex offender population 2015 deaths. (See encl. graph). Though they remain a small portion of our NV prisoners, their deaths comprised nearly 1/3, 30% of our total NDOC prison deaths.

A therapeutic community for this special needs population needs to be a top priority in NDOC organization, in my opinion, 1) to reduce deaths and 2) to reduce our high recidivism.

2015 data reveals 2 sex offender suicides. Could these deaths have been prevented inside a therapeutic community? I think so.

2) RE: federal case *Stickney v List*, July 1981, about Northern Nevada Correctional Center... is this still being honored? (See enclosed.)

3) Hog tying... please ban, prohibit this dangerous restraint method in our institutions, and throughout law enforcement in our beautiful state==as an unreasonable use of force that can cause death. "MEMPHIS, Tenn. — An independent autopsy shows a Tennessee man died in Mississippi police custody because he was hog-tied for an extended period..." Source: Associated Press 18 Nov 2015.

Thank you for all you do.

Mercedes Maharis MA MS MA
1910 W Oakey Blvd
Las Vegas, NV 89102
Lifetime Member CURE, Washington, DC
Past Director NV CURE
NV League of Women Voters Member

Encl. (1) graph: NV Sex Offender Deaths and Total NV Prison Deaths 2007 - 2015

(1) RE: *Stickney v List*, July 1981, 3 pages.

Stickney v. List, 519 F. Supp. 617 (D. Nev. 1981)

U.S. District Court for the District of Nevada - 519 F. Supp. 617 (D. Nev. 1981)
July 28, 1981

519 F. Supp. 617 (1981)

Robert L. STICKNEY, Albert Robert, Individually and on behalf of all other persons similarly situated at the Northern Nevada Correctional Center, and the Inmate Advisory Committee of the Northern Nevada Correctional Center, Plaintiff,

v.

Robert LIST, Individually and in his official capacity as president of the Board of State Prison Commissioners; Richard Bryan, Individually and in his official capacity as member of the Board of State Prison Commissioners; William Swackhamer, Individually and in his official capacity as secretary of the Board of State Prison Commissioners; Charles L. Wolff, Jr., Individually and in his official capacity as Director of the Department of Prisons; William Lattin, Individually and in his official capacity as Superintendent of Northern Nevada Correctional Center; Elmer Davis, Individually and in his official capacity as Captain of Northern Nevada Correctional Center; and Does I through X, Individually and in their official capacities as Agents and Employees of the named Defendants, Defendants.

No. CIV-R-79-11-ECR.

United States District Court, D. Nevada.

July 28, 1981.

*618 Robert L. Stickney, Inmate Counsel Substitute, in pro. per.

Richard H. Bryan by Ernest Adler, Deputy Atty. Gen., Criminal Division, Carson City, Nev., for defendants.

EDWARD C. REED, Jr., District Judge.

This case involves conditions of confinement at the Northern Nevada Correctional Center (NNCC) located at Stewart, *619 Nevada. The Court, pursuant to its authority under Rule 706 of the Federal Rules of Evidence, appoints Jerry Enomoto, past Director of the California Department of Corrections, as an expert witness, to prepare a written report including his findings, to testify in this action, and to otherwise act herein in accordance with said rule. A hearing was held herein on April 20, 1981, at which time the parties agreed to the appointment of Mr. Enomoto. Mr. Enomoto's report shall consider, but will not be limited to, a determination of whether or not said institution has met its obligation under the Eighth Amendment to the Constitution to furnish sentenced prisoners with adequate food, clothing, shelter, sanitation, medical care and physical safety. See *Bell v. Wolfish*, 441 U.S. 520, 529, 99 S. Ct. 1861, 1868, 60 L. Ed. 2d 447 (1979) (n.11), citing *Wolfish v. Levi*, 573 F.2d 118, 125 (2nd Cir. 1978), both cases cited with approval in *Wright v. Rushen*, 642 F.2d 1129, 1130 (1981).

In his analysis, Mr. Enomoto should be aware that the Ninth Circuit had rejected the "totality of circumstances" approach used by the district court in *Wright. Id.* The Ninth Circuit stated that in order to conduct a proper analysis of the adequacy of prison quarters, food, medical care, etc., a court must determine whether each condition is compatible with "the evolving standards of decency that mark the progress of a maturing society." *Wright, supra* at 1133 citing *Trop v. Dulles*, 356 U.S. 86, 101, 78 S. Ct. 590, 598, 2 L. Ed. 2d 630 (1958).

While the Ninth Circuit, in *Wright*, rejected the "totality of circumstances" approach, it noted that each condition of confinement does not exist in isolation and as a consequence a "... court must consider the effect of each condition in the context of the prison environment, especially when the ill-effects of particular conditions are exacerbated by other related conditions." *Wright, supra* at 1133. Furthermore, any analysis must consider the cost to determine if it would be unnecessarily expensive and whether or not it would impair prison security. *Id.*

As further guidance Mr. Enomoto should be aware that "... the Constitution does not mandate comfortable prisons ... persons convicted of serious crimes cannot be free of discomfort." *Rhodes v. Chapman*, ___ U.S. ___, 101 S. Ct. 2392, 69 L. Ed. 2d 59 (1981) (Supreme Court held double celling not cruel and unusual punishment). The high Court stated that the Eighth Amendment prohibits punishments, "... although not physically barbarous, [which] involve the unnecessary and wanton infliction of pain ..." *Id.* at ___, 101 S. Ct. at 2398 citing *Gregg v. Georgia*, 428 U.S. 153, 171-173, 96 S. Ct. 2909, 2924-25, 49 L. Ed. 2d 859 (1976); "... or [are] grossly disproportionate to the severity of the crime." *Rhodes, supra* ___ U.S. at ___, 101 S. Ct. at 2398 quoting *Coker v. Georgia*, 433 U.S. 584, 592, 97 S. Ct. 2861, 2866, 53 L. Ed. 2d 982 (1977) (plurality opinion); or "... [which are] totally without penalogical justification." *Rhodes, supra* ___ U.S. at ___, 101 S. Ct. at 2398 quoting *Gregg, supra* 428 U.S. at 183, 96 S. Ct. at 2929; *Estelle v. Gamble*, 429 U.S. 97, 103, 97 S. Ct. 285, 290, 50 L. Ed. 2d 251 (1976). The proper standard to be applied according to the high Court, is "the minimal measure of life's necessities" or whether or not there has been "unquestioned and serious deprivations of human needs" *Rhodes, supra* ___ U.S. at ___, 101 S. Ct. at 2399.

The core areas for Mr. Enomoto's consideration are shelter, sanitation, food, personal safety, adequate clothing, and medical care at NNCC. *Ramos v. Lamm*, 639 F.2d 559 (10th Cir. 1980) cited with approval in *Rhodes, supra*. The concepts of mobility, classification and idleness do not reach constitutional dimension. *Ramos, supra* at 566-67.

More specifically, as to certain conditions Mr. Enomoto's analysis should be made in light of the following:

Prisoner safety An inmate has a right to be incarcerated in a reasonably safe environment. See *Ramos, supra* at 572, citing *Clappier v. Flynn*, 605 F.2d 519 (10th Cir. 1979); *Hite v. Leeke*, 564 F.2d 670, 673 *620 (4th Cir. 1977); *Finney v. Arkansas Board of Corrections*, 505 F.2d 194, 201 (8th Cir. 1974); *Doe v. Lally*, 467 F. Supp. 1339 (D.Maryland 1979). This right includes being reasonably protected from constant threats of violence and sexual assaults from other inmates. *Id.* An inmate need not be assaulted to obtain relief. *Woodhous v. Virginia*, 487 F.2d 889, 890 (4th Cir. 1973).

It is the state's responsibility to protect its prison inmates. While it may be necessary to restrict their freedoms in certain ways to protect them, the state cannot simply force the inmates to choose between relinquishing their constitutional rights and jeopardizing their lives. *Rudolph v. Locke*, 594 F.2d 1076 (5th Cir. 1979). This does not require that prison officials completely obviate prison violence but that it be significantly controlled. More precisely, Mr. Enomoto's analysis should investigate whether or not a deliberate indifference to the legitimate safety needs of the inmates exists at the Northern Nevada Correctional Center. *Ramos, supra* at 573. Such an indifference may be evident from inadequate staffing or inadequate design of the facility causing limited visibility for guards to properly monitor from secure vantage points, inmate movement in the center.

Food The inmates have a right to reasonably adequate food. Their food must be nutritionally adequate, prepared and served under conditions which do not present an immediate danger to the inmate who consumes it. *Ramos, supra* at 570-71; *Estelle v. Gamble, supra*. The mere fact that the food is cold or otherwise cosmetically unappetizing does not mean that it does not meet constitutional standards. See *Wright, supra*.

Shelter An inmate has the right to shelter which does not cause physical degeneration or threaten his mental well being. See *Battle v. Anderson*, 564 F.2d 388 at 403 (10th Cir. 1977).

Medical care There exists a constitutional obligation to provide medical care for those whom it is punishing by incarceration. *Estelle, supra*, 429 U.S. at 103, 97 S. Ct. at 290. This obligation is violated when a deliberate indifference to the serious medical needs of prisoners is exhibited on behalf of prison officials. *Id.* Such indifference is shown when officials have prevented an inmate from receiving recommended or prescribed treatment or when an inmate is denied access to medical personnel capable of evaluating the need for treatment. *See e. g., Todaro v. Ward*, 565 F.2d 48 (2nd Cir. 1977); *Inmates of Allegheny Cty. Jail v. Pierce*, 612 F.2d 754 (3rd Cir. 1979); *Newman v. Alabama*, 349 F. Supp. 278, 284-86 (M.D. Alabama 1972); *Laaman v. Helgemoe*, 437 F. Supp. 269, 312 (D. New Hampshire 1977).

Accidental or inadvertent failure to provide adequate medical care, or negligent diagnosis or treatment of a medical condition do not constitute a medical wrong under the Eighth Amendment. However, proof of repeated examples of negligent acts which indicate a pattern of conduct by prison medical staff, or proof of systemic and gross deficiencies in staffing, facilities, equipment or procedures may be sufficient to show that the inmate population is effectively denied access to adequate medical care. *Id.*

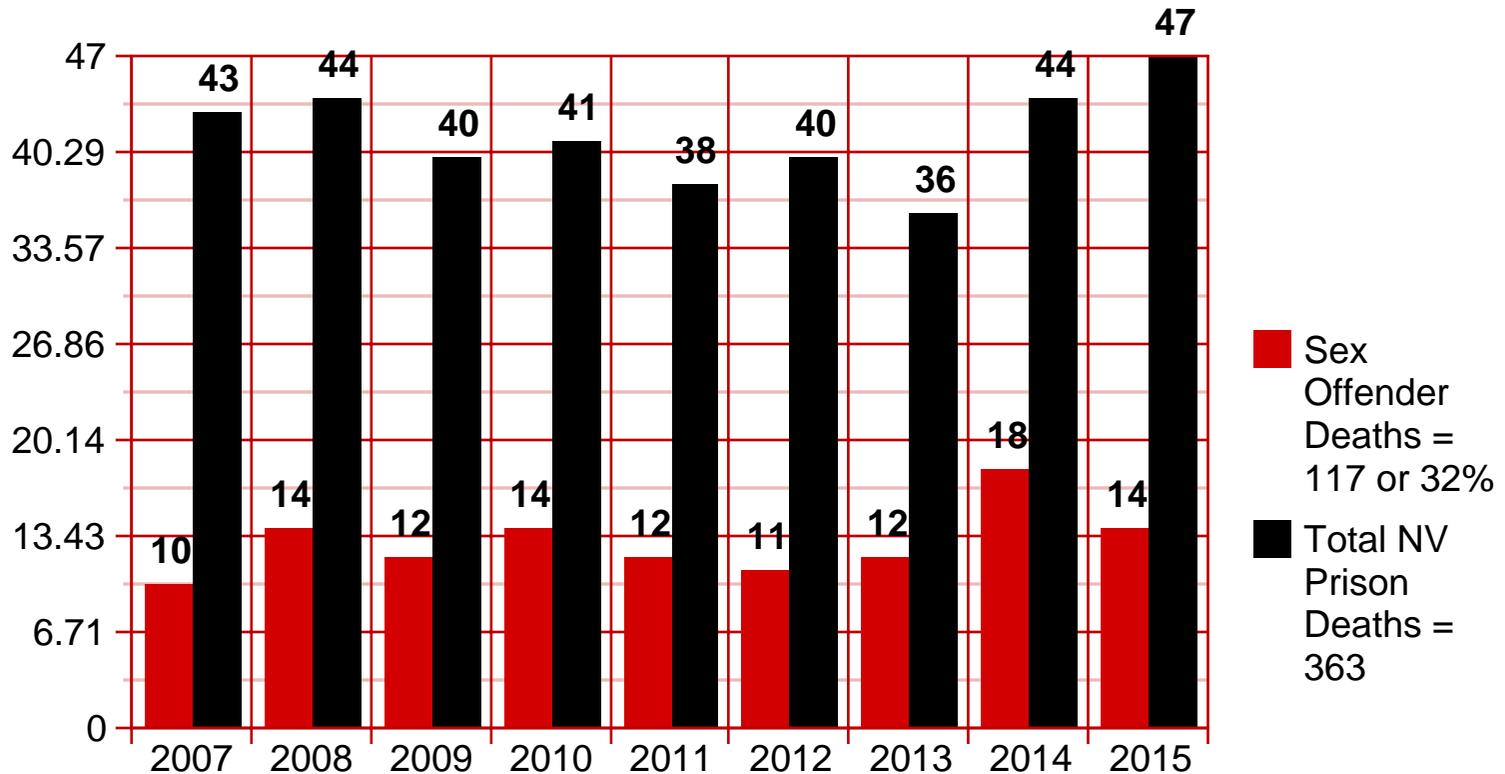
As to the other areas, *e. g.*, sanitation of the facility and clothing of the inmates, Mr. Enomoto may analogize, as appropriate, the above standards as applied to other inmate complaints. His focus, in any event, should be on the "deliberate indifference" of officials and if conditions as they exist are compatible with evolving standards of decency that mark the progress of a maturing society. *Wright v. Rushen, supra* at 1133.

Mr. Enomoto, during any inspection of NNCC which he makes in order to prepare his report, shall be accompanied by Mr. Stickney and by Deputy Attorney General Ernest Adler or his designate.

Upon the completion of Mr. Enomoto's report, containing his findings, he shall cause a copy of the same to be filed with the Court and a copy to be served upon Mr. Stickney and Mr. Adler, as attorney for *621 defendants. Within 90 days (but not sooner than 30 days) after the report is filed and served in this manner, the Clerk of the Court shall set the case for a continuation of the trial. During the period subsequent to the filing and serving of the report, and up until 10 days prior to the date set for the continuation of the trial, plaintiffs and defendants shall be entitled to depose Mr. Enomoto at a date and time convenient to him and to the parties. If Mr. Enomoto and the parties are unable to agree as to such date and time for the taking of his deposition, application in that respect shall be made to the Court. The deposition shall be taken by the usual means or by tape recorder, provided, however, if the deposition is to be taken by tape recorder, then a further motion shall be made to the Court so that the Court may fix the conditions under which the deposition shall be taken in that event. At the continuation of the trial, the testimony of Mr. Enomoto shall be received and the parties shall be permitted to present additional evidence and testimony, relating to the contents of the report to the extent that evidence or testimony pertaining thereto has not heretofore been received.

Mr. Enomoto's fee will be borne equally by the plaintiffs and the defendants.

NV Sex Offender Deaths and Total NV Prison Deaths 2007 - 2015



Sex Offender Deaths: 2007 = 23%; 2008 = 32%; 2009 = 30%; 2010= 34%; 2011 = 32%; 2012 = 28%; 2013 = 33%; 2014 = 41%; 2015=30%

Data Source: NV LCB and NDOC; Disclaimer: Nevada may have more current or accurate information, therefore, we make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in this document.