



STEVE SISOLAK
Governor

BARBARA K. CEGAVSKE
Secretary of State

JAMES DZURENDA
Director

AARON D. FORD
Attorney General

**STATE OF NEVADA
BOARD OF PRISON COMMISSIONERS**

MINUTES

The Board of Prison Commissioners held a public meeting on Wednesday, March 13th, 2019.

The meeting began at 10:00 am at the following locations:

Meeting Location:	Old Assembly Chambers 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 89101
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1. Call to Order

Action: The meeting was called to order by Governor Steve Sisolak who then took roll confirming there was a quorum. He also confirmed that the meeting was posted in compliance with the open meeting law. Governor Sisolak instructed that public comments would be limited to 3 minutes. *Attendance:* Governor Steve Sisolak; Secretary of State Barbara Cegavske; Attorney General Aaron Ford. *Department Attendees:* James Dzurenda - Director; John Borrowman - Deputy Director Support Services; Kim Thomas - Deputy Director Programs; Harold Wickham - Deputy Director Operations; Chris Franklin, Policy, Programs and Grant Administrator; Pamela DelPorto, Inspector General.
Public: Refer to Item 1 Exhibit

2. Public Comment.

Action: Public Comment heard from Carson City resident, Paul Corrado, who provided a handout of his testimony. He discussed that research from the advisory commission on the administration of justice has found that incarceration is not more effective at reducing recidivism than noncustodial sanctions and for certain types of offenders it results in higher rates of future criminal behavior as measured by arrest re-arrests and convictions. He said corrections deter recidivism probably only one 3rd of the time. He has been a volunteer with corrections and jails for proximally 5 years. He requested not to release an inmate without reentry services. He said 95% of inmates will be released so we want to make sure the recidivism rate goes down and that means programming. He said that is the direction Director Dzurenda is taking the department but he needs the help and assistance at commissioner’s level to make this work. He discussed that you can purchase computers for \$100 with Microsoft suite compatible programs and he volunteered to donate \$2,000 to purchase them to help train inmates before they get out. He said some inmates have been in for 10 to 15 years and are getting out to world they don’t understand. *Refer to Item 2 Exhibit*

Secretary of State Cegavske thanked Mr. Corrado for the knowledge and information he has provided over the years at these meetings and for all the work he has done with inmates.

Governor Sisolak welcomed a tour group of students from the hallway and introduced himself, Secretary of State Cegavske, and Attorney General Ford to them and asked if they had any questions or comments. They did not. There were no additional public comments in either Carson City or Las Vegas.

3. Acceptance and Approval of Minutes – May 15th 2018 meeting.
Action: Secretary of State Cegavske moved to approve the Minutes and Governor Sisolak seconded the motion. Acceptance and Approval of Minutes was passed unanimously. **Link to 5/15/18 Minutes will be added**
4. Presentation and Discussion of Report of Chief Medical Officer pursuant to NRS 209.382 – Chief Medical Officer or designee – For Discussion Only. Dr. Ihsan Azzam, Chief Medical Officer in compliance with the Nevada Supreme Court order to set specific standards for dietary sodium. He advised the NDOC to follow the National Dietary Guidelines for Americans 2015-2020. Key recommendations of these guidelines are to have no more than 2,300 mg of dietary sodium a day which is almost equivalent to about 1 teaspoon of salt. The NDOC is gradually moving toward meeting these guidelines. To date the Division of Public and Behavioral Health (DPBH) is complying with the law, and is conducting regular prison inspections including medical, dental service evaluations, nutritional adequacy of inmates' diet and sanitation, healthfulness and cleanliness of the facilities. So far, all correctable violations have been corrected.

Dr. Azzam said that yesterday morning he learned the judge ordered him to ensure that the guidelines of no more than 2,300 mg of sodium per day are implemented in the prison. Future inspections conducted by the DPBH will evaluate inmates' nutrition based upon these guidelines. Governor Sisolak asked if the nutritionist was at the meeting, however she was not present. He asked how realistic 2,300 mg are considering one small bag of crackers has 200 mg of sodium. Dr. Azzam said that he believes it is extremely difficult and costly as low fat and low sodium foods are relatively expensive. Governor Sisolak said that one bag of potato chips can have 2,000 g of sodium and anyone could easily eat that. Linda Anderson of the Attorney General's office confirmed that this is a state lawsuit from an inmate at NDOC that has been going on for about 9 years and is only directed at the Chief Medical Officer requiring him to adopt a standard and report back to this board. The Department of Corrections is not before the court. She said it is not related only to sodium, but also to levels of fat and cholesterol in a healthy diet. The court was clear that the Chief Medical Officer was required to have standards that needed to be applied. Chief Medical Officer said they will be reviewing inmates' diets according to the national guidelines and then will let the board know where the Department of Corrections falls. And, certainly the board can take whatever actions they may feel appropriate.

Attorney General Ford asked if the finding was based on some constitutional analysis or something else. AG Anderson said the Supreme Court is using a statutory interpretation of NRS 209.382. Attorney General Ford asked if the Legislature decides to clarify this statute and address this issue in a way that makes it more reasonable and more attainable then they should do that. AG Anderson confirmed since this is just in statute this may be a statute that needs to be reviewed by the Legislature. Attorney General Ford mentioned that he is a healthy eater but would not be able to meet these guidelines and he wants to approach the Legislature for consideration of revising the language. He asked Dr. Azzam for a suggestion of what would be an appropriate substitute for these dietary sodium guidelines in prisons. Dr. Azzam said it probably should be left to the specific needs of each individual inmate. For example, athletes sweat more and may need more sodium. There is no one-size-fits-all; people should do what they choose to do. Before suggesting these guidelines Dr. Azzam consulted with the National Council for State and Territorial Epidemiologists, and the National Association for State Health Officials. They advised going with the National Dietary Guidelines for Americans as it recommends a relatively "higher" level of 2,300 mg dietary sodium per day. **Refer to Item 4 Exhibit**

5. Prison Industries update – per NRS 209.459 Employment of Offenders: Report on potential impacts of new program of employment with Ink2Work, LLC for discussion and approval. – William Quenga, Deputy Director PI – For Possible action. Deputy Director Quenga requested approval to move forward with the contract for prison industries to start working with Ink2Work. He explained they are a company out of Virginia looking to employ 5

people at 1st and then 10 and eventually up to 25 people. They expect to hire any of these inmates when they get out prison. Then they will get them HP certifications and be able to service and troubleshoot HP machines and the average salary is from \$40-\$50,000 per year.

Secretary of State Cegavske thanked Director and Deputy Director Quenga for the work they are doing. She commends them for the thought process that they have to have a skill when they come out just as a high school student would need one or they're not going to be able to get a job. She said she's very excited about this and all the other programs and community partners NDOC is working with. She said she appreciates it looks forward to more updates in the future.

Attorney General Ford wanted confirmation on the number of people this company expects to employ. He discussed convict leasing said he wanted to ensure that the training of these individuals are getting will actually enable them to get a job in society utilizing these particular skills when they get out. He wanted to know what will be the prospect and demand for these individuals utilizing these skills once they get out. Deputy Director Quenga explained that they will have to learn high quality and skill set to ensure that these products maintain their high quality. Terry Herbert explained that the skills being taught to offenders are far less about rebuilding printer cartridges and far more about getting them transferable skills in statistical process control which work in other industries such as automotive manufacturing. Six Sigma is a technique to avoid and reduce elimination in the manufacturing and other processes. He gave an example that you can buy a Big Mac in New York, London, or Tokyo and it's going to be exactly the same no matter where you get it because McDonald's employs Six Sigma processes to reduce avoidable elimination. Mr. Herbert confirmed that in excess of 50% of people that graduated from the program got jobs utilizing the skills they learned while working for Ink2Work. He said that in fact Virginia has the lowest recidivism rate in the country. Attorney General Ford said that moving forward he wants to ensure that the prison labor being utilized in our state is not reminiscent of old school convict leasing and that when people exit our system they have an opportunity for true employment to sustain themselves outside the prison walls.

Mr. Herbert additionally commented that they will be training offenders to work as break fix repair technicians for printers that they are launching a new technology for next year that incorporates new designs. They have partnered with a company called Depot International who is Hewlett Packard's number one training provider worldwide. We can bring them into the facility to train inmates before they are released so that they can be trained and certified upon release as an HP technician. They can also do this for Canon and Xerox and that counts for over 80 % of the print market. They also work with Business Technology Alliance, a training organization that places people in employment and they are forecasting a skills shortage for these technicians for the foreseeable future. Attorney General Ford thanked Mr. Herbert and said his feels more at ease about this now.

Governor Sisolak asked how long inmates are usually involved in this program before they are released. Mr. Herbert explained they like to have a mix of inmates. They like to have cohort of inmates with longer sentences who will stay employed and train and mentor for a long time. Then they like to have inmates with a relatively short sentence left who can be in the program for a year or 2. Governor Sisolak said anything you can do to train inmates to give them a better opportunity when they're released really helps them and society. He said he would like an update on this in the next 2 years regarding inmates who are released from the program and what jobs they have obtained.

Motion to approve moving forward on a contract with Ink2Work was passed unanimously. ***Refer to Item 5 Exhibit***

6. General overview of NDOC, update re: population, composition of inmates, hospital admissions, accomplishments, progress in obtaining offenders ID's – James Dzurenda, Director – For Discussion Only. Director Dzurenda discussed that all the evidence-based programs and work training has already played an

effect in the last 2 years on the prison population and long-term effects. There are 2 prison population projections: 1 is done by the Department of corrections and the other is done by a company called JFA and Associates. JFA is the national company that was hired by Nevada about 6 or 7 years ago to over trends, projections and where Nevada was going with male and female populations in the future.

Director Dzurenda said since he has been here, the inmate population projections and trends have been in contrast to JFA's numbers. He said he knows from experience that you can change projections any time you want based upon what you do in the prison system and the community. He said that was his goal when he started looking at the JFA projection rates. Per JFA, in 10 years Nevada would need a new 1,500 bed prison and also a hundred additional beds in current prisons to even meet the minimum capacity needed at that time. These were put on capital improvement projects at the last Legislature to prepare for this. Since then he has asked for these CIP's to be removed and is working on a reduction in the prison population. Going back to January of last year we just started seeing the reduction in our prison population; especially the male population has dramatically decreased. He takes this as evidence that what he's been doing is successful. Community partnerships have grown from 3 to 45 and evidence-based programs from 0 to over 40. All non-evidence-based programs were removed from the curriculum. Only evidence-based were added, except for those that had no evidence-based programming such as sex offenders predator programming, for those best practices programming has been added to their curriculum.

The female population has decreased but not significantly enough to make an impact. NDOC has received grants through the Criminal Justice Institute to study nonviolent offenders. They determine that over 74% of the females are imprisoned for nonviolent crimes. We are now working with community partners to be able to find ways to prevent them from being arrested or incarcerated by providing services that will help with factors such as opiate addictions. During the last legislation they change some laws to allow women inmates to get licenses for things such as cosmetology and hairdressing. This program is a 100% success rate because not one of the female offenders who went through cosmetology and beautician school and received a license has returned to prison.

Currently 23% of the prison population is probation violators coming in with no new arrests and 17% are parole violators with no new arrests, they are considered technical violations. That is a reduction from 2 years ago because of the incentives that Parole and Probation has put into place in the community such as the day reporting centers play a significant role. National statistics show that it is more dangerous holding offenders until the end of their sentence and releasing them with no structure and supervision. P and P is keeping more offenders in the community to fix their problems instead of returning them to prison.

Director Dzurenda explained that the younger population of inmates coming into prison are coming in sicker. They need more medical and mental health services that we may not have had 2 or 3 years ago and I've had to increase. Overall hospital stays have increased dramatically which is concerning. Additionally, more inmates are leaving prison with medical and mental health needs. Director Dzurenda discussed the success of the Sexual Assault Kit Initiative (SAKI) grant that the Attorney General's office obtained and initiated in Nevada. This initiative links an inmates DNA with their current NDOC ID card. He said that they are currently working on legislation that will help in getting ID cards for inmates that have no proof of identity. Such as inmates born outside the country or ones that have no birth certificates and those that have never been finger printed prior to arrest. NDOC staff has processed 7000 inmates' birth certificate applications in the past year. However they are still releasing about 45% of the inmate population to the community with no identification at all. Currently there is a bill that is going through legislature to try and allow some sort of prison release identification just so they can get a job, mental health services, get their psychotropic medications and whatever they need when they leave prison. Director Dzurenda explained that although the ID card they leave the NDOC with is not official, their DNA will be linked to it so if they get arrested again it wouldn't matter if provide an alias or false ID. Their prior name and DNA is linked in the system.

Director Dzurenda went on to discuss reentry partnerships and the Second Chance \$3 million grant which concentrates on nonviolent offenders to get them the services they need in the community which will keep communities safer and lead to more success for the offenders. He said when he began working at NDOC they had partnerships with only 2 halfway houses in the state. Halfway houses are a big factor in keeping inmates successful in reentry. This has increased over 50% and the goal is to increase this by 200% by when the Second Chance reentry grant comes to a close.

Director Dzurenda explained how they have transferred their seriously mentally ill inmates all to one location in Carson City where the majority of their mental health services are so they can be near mental health care providers and appropriate housing alternatives. He went on to discuss one of the obstacles NDOC has is the lack of electronic medical records. They are struggling with broadband issues across the state which will not allow loading of electronic health records that we can share with community partners. Information such as the fact that our number 1 formulary psychotropic medicine, Prozac, makes 45% of our offenders become more violent. Hospitals and Treatment providers in the community need to know this so that they don't start someone off with a medication that may have such an effect on them.

Almost 100% of NDOC staff has trained in core basics crisis intervention verbal training. These communication skills help keep confrontations from escalating. This training also helps them to recognize mental health issues and act appropriately to avoid use of force.

Director Dzurenda went on to discuss educational and vocational training programs which help offenders prepare for getting jobs when they're released. There are apprenticeships programs in place that help inmates get hired immediately upon release. This makes a long-term impact on keeping them from coming back to prison. Teaching services they know will be more necessary in the future, more needed in the community which will have more sustainability of jobs in the future. With all the building going on in Nevada, there's a greater need for people with heavy equipment training, HVAC certifications, pipefitters, plumbers, sheet metal workers etc. NDOC works closely with Nevada Building Trade Unions, the Clark County School District, which helps with training and certification, and the Department of Employment Training and Rehabilitation (DETR).

Secretary of State Cegavske said that she and Senator Segerblom helped work on the inmate ID issue for the past few years. She said she was amazed to find the lack of records there are on people that come into the prison system. Some people had up to 20 different IDs. She wanted to commend Director Dzurenda on the improvements to mental health services. She brought up the issue of cell phones being snuck into the prisons. Director Dzurenda said this is always a huge concern and the biggest concern is the deficit of broadband. He explained that across the country prisons are having more issues with drones dropping cell phones on rooftops to get hotspots for inmates that have smuggled in phones. Currently only 3 facilities have cell phone coverage but when they do get the broadband it will be of big concern. He said they are working with a company called Securus which has cell phone detection services built into their five-year contract which will enable them to trace the phones. They will be able to identify exactly where the signal is coming out of and will be able to immediately react to it. Director Dzurenda believes 20 cell phones were recovered from within the facilities in 2018. Recovered phones are sent out for analysis to determine what they were utilized for and to determine if they could file for criminal action.

Governor Sisolak thanked Director Dzurenda and wished him continued success and said anything they can do to help reduce recidivism is definitely something they are all interested in. He said hopefully they can make the same progress on the female population that's been made on the men's. **Refer to Item 6 Exhibit**

7. Reentry update: Comprehensive Adult Student Assessment System (CASAS) – Kim Thomas, Deputy Director Programs – For Discussion Only. (See Item 7 Exhibit) Deputy Director Kim Thomas discussed that the CASAS assessment gives them a better understanding of the literacy level of those coming into NDOC facilities. He said

prior to CASAS testing they relied mostly on inmates self-report from their presentence investigation as to their education level. This information was used to place them in appropriate level programs. However some people would self-report at a 12th grade level but when they got into a classroom they could not perform at that level. They worked to identify an instrument that was compatible with what the school systems were using, so they chose the CASAS system. They started implementing it at the intake facilities in 2018. It would take a new commit 10 to 30 minutes to take the test. It was decided that anyone testing under a 9th grade level would be appropriate for ABE and anyone over a 9th grade level would be put on the high school diploma track. On the attached report you can see that the average female tested at 9th grade level and the males at 8th grade. There are also charts showing more information by gender and age groups. Deputy Director Thomas said another step they would like to take is get new commits to sign a release that would allow NDOC to obtain their high school transcripts. This would identify the true grade they completed and give them a more comprehensive idea of what the educational level was and how they could use it in case planning, reentry planning and overall helping to set them up for success. **Refer to Item 7 Exhibit**

8. Discussion regarding Department of Corrections new, revised, or rescinded Administrative Regulations (AR's) – James Dzurenda, Director – For Possible Action. Director Dzurenda said they recently met with their grants policy advisor and found there are reporting requirements they need to comply with regarding sub-recipient responsibilities. He said these objectives now need to be written into AR 120 so he would like to pull this AR from getting approval at this meeting. He said the AR will be updated and brought forth at the next meeting. Director Dzurenda discussed the additions to AR 245, inmate medical charges, to bring them into compliance with community health and human service guidelines. Currently there are only 17 inmates that do not meet the criteria to qualify for Medicaid in the community. NDOC does not charge for medical services for those that meet Medicaid responsibilities; however, those charges are requested through the inmate welfare funds for shortfalls during the biennial budgets. Governor Sisolak confirmed with Director Dzurenda that only 17 inmates have the resources and can afford to pay their medical charges because they have \$2000 worth of assets. Secretary of State Cegavske motioned to approve AR 245, it was seconded and approved. **Link to the NDOC current AR's will be added**
9. Public Comment: Deputy Director Harold Wickham expressed his appreciation to the board and thanked them for allowing NDOC to do what they are doing. He explained that he had worked 20 years in law enforcement in the military, retired, and worked 5 years for Texas law enforcement and then has worked 15 years for this department, starting as a correctional officer and worked his way up. He said the reason he is saying this is because he brings a lot of history to the Department knowing what they have been doing versus what they are doing now. He thanked Director Dzurenda for the mission he brings to the Department; changing the culture which based on his experience has not always been the best culture for correctional needs. Deputy Wickham said Director Dzurenda has put a mission statement out that hearing many of the governors' speeches; it mirrors the direction you want to bring the state. What he brings as far as reentry, mental health services, community involvement, community safety, education, safety; not just locking up inmates. NDOC has the initiative and a momentum in the direction they are headed and he believes it mirrors what the governor is asking them to do. He thanked the board for their support.

10. Adjournment. Meeting was adjourned at 10:50 AM.

APPROVED THIS DAY, MONTH OF 2019

GOVERNOR STEVE SISOLAK

SECRETARY OF STATE BARBARA K. CEGAVSKE

ATTORNEY GENERAL AARON D. FORD

Transcribed by Cynthia Keller, Executive Assistant, Nevada Department of Corrections