



BRIAN SANDOVAL
Governor

BARBARA K. CEGAVSKE
Secretary of State

JAMES DZURENDA
Director

ADAM LAXALT
Attorney General

**STATE OF NEVADA
BOARD OF PRISON COMMISSIONERS**

MINUTES

The Board of Prison Commissioners held a public meeting on Thursday, March 1st, 2018.

The meeting began at 11:00 am 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 Brian Sandoval.

Attendance: Governor Brian Sandoval; Secretary of State Barbara Cegavske; Attorney General Adam Laxalt

Department Attendees: James Dzurenda - Director; John Borrowman - Deputy Director Support Services; Kim Thomas - Deputy Director Programs; David Tristan - Deputy Director Prison Industries; Harold Wickham - Deputy Director Operations; Sheila Lambert, Policy, Programs and Grant Administrator, Robin Hager, Medical Administrator

Public: Refer to [Item 1 Exhibit](#)

2. Public Comment.

T. Harvey a Correctional Officer C/O at Northern Nevada Correctional Center discussed NDOC staff overtime issues and comments made at the last Interim Finance Committee meeting. He explained how mandatory overtime is implemented and the difficulties it presents to staff. C/O Harvey discussed the State of Nevada Audit Report. He said the department is handling the overtime crisis by running below minimum staffing and rewriting minimum staffing standards to eliminate overtime. He said this forces institutions to operate in an unsafe manner and lists several examples in his attached statement. C/O Harvey discussed the change of staffing at hospitals and believes this is putting the community at large in danger. He went on to discuss ways to improve morale and retention of staff by reverting to 12 hour shifts. He recommends recruiting at places such as local colleges and advertising more using social media and perhaps hiring a professional recruiter. [Item 2 a Exhibit](#)

Amber Fryer a correctional officer at Northern Nevada Correctional Center said that correctional officers have been hidden and have been forgotten. She said vital positions have been cut such as 2nd officers in half of the housing units on any given day. She said fights are becoming more common on the yard due to the stress of lower staffing levels. She discussed other correctional officers across the country who have been recently killed. She said without the towers being staffed there will be no solid way to enforce perimeter security. She implored the Governor to change the staffing back to 12 hour positions from 8 hour ones.

Kristin Blaise Lobato introduced herself and explained that she had recently been exonerated after 16 years of wrongful imprisonment. She said she has a unique perspective on things happening inside the prison that they may not be aware of. She gave the example of not enough feminine products or toilet paper being issued to the inmates. She said although there are many good, decent officers, there are several that take it upon themselves

to change the rules and make people's lives Hell. She said there are not enough programs so something needs to be done with the budget to accommodate these things. [Item 2 b Exhibit](#)

Mercedes Maharis brought up the 1971 Stanford Project and that the template for prisons is incorrect and that's why everyone is suffering. She is requesting a think tank group to restructure everything from grievances to medical care including facilitating electronic medical records. Ms. Maharis is including records that a Mrs. Kollar sent to Senator Segerblom and is passing it on for your investigation. She also discussed problems with the inmate banking system and how money is deducted when it shouldn't be. She said inmate banking should be under federal or state banking regulations and should be audited. Ms. Maharis has included a new graph on inmate deaths from 2016 showing that 42% of the deaths were sex offenders and wants to know why this is the case as it's statistically questionable. She reminded everyone that some are innocent and in prison for the least infraction. She said she hopes and prays this template can be changed. [Item 2 c Exhibit](#)

Rolando Larraz the founder, publisher and Editor In Chief of the Las Vegas Tribune newspaper said this is the 1st time he has used this forum to speak to the Governor. He discussed how Kristin Lobato was incarcerated for 16 years because the court system was insistent in putting her as guilty. He said the least the State of Nevada can do is write an apology letter to this young lady for all that she has endured.

3. Acceptance and Approval of Minutes – August 30th, 2017 meeting. For Possible Action. Attorney General Laxalt moved to approve the Minutes and Secretary of State Cegavske seconded the motion. Acceptance and Approval of Minutes was passed unanimously with no changes. [Exhibit 3 – Minutes Draft & exhibits 8-30-17 BOP mtg](#)
4. Presentation and Discussion of Report of Chief Medical Officer pursuant to NRS 209.382 – Chief Medical Officer or designee – For Discussion Only. Ross Armstrong Deputy Administrator for Regulatory and Planning for the Division of Public and Behavioral Health testified on behalf of the acting Chief Medical Officer, Doctor Ravin. He explained the division conducts dietary and sanitation inspections of each NDOC facility each year and visit two prisons per year for full-blown medical surveys. Descriptions of what the surveys include our attached. He noted that any critical violations are corrected on-site, either before the Bureau of Health Care Quality and Compliance leaves or shortly thereafter. He noted that the presence of insects or rodents is the number 1 item most often cited, followed by improperly labeled or stored chemicals, and equipment not sanitized. The heading of equipment not sanitized, is generally an equipment breakdown, not a staff or inmate issue of not sanitizing something. In reviewing historical trends of medical surveys, the highest citations tend to be: medication expiration, storage, and securing them, emergency supplies being unavailable and staff TB testing not being done in the proper time frame. He went on to explain that they have implemented an inmate nutritional adequacy tool. He said on page 7 the X's on the pages are good things, not bad things and through the inspections they have confirmed that all the facilities are following guidelines to ensure the nutritional adequacy for individuals. [Item 4 a Exhibit](#)

Governor Sandoval asked for a better sense on how serious these citations are and what are the follow-ups? Mr. Armstrong stated they catch them before there is a critical issue. He said they find the same issues in the public and in the facilities on a regular basis. They found no more to be concerned about than what they find in the general public when they do their environmental inspections. He said he appreciated the seriousness and cooperation taken by NDOC staff. He said one item was fixed before they even left the culinary area. He explained they have an after action meeting. He clarified that the inspectors are always looking hard and will find something and as long as you don't keep finding the same issues over and over again that they are assured that it's taken care of. The Governor said he would be interested to see the follow-up. Mr. Armstrong explained inspections and follow-ups are done throughout the year. The culinary sanitary inspections are unannounced and the medical inspections are usually scheduled ahead of time. The Attorney General brought up page 3 and asked to compare to the past inspections; he wanted to know if this was a routine number of citations or spike. Mr. Armstrong said there were a total of 13 critical violations in 2017 and he will provide historical data for the future. [Item 4 b Exhibit](#)

Secretary of State Cegavske asked about medical and dental findings being addressed. Mr. Armstrong said he was not sure about the Ely and NNCC dental chair upholstery being repaired however all the rest were fixed. He said he will highlight what is fixed on the information they provide in the future. Director Dzurenda added that the new dental chairs were ordered immediately; however, he was not sure if they came in yet. He also explained that NDOC has contracted exterminators that monitor the kinds of insects and rodents that come out depending on the season. He said they also go to facilities monthly using traps and sprays and will also go to a facility immediately when called. Director Dzurenda explained that each facility meets with the inspectors immediately after an inspection and work together to create an action plan to assure all issues are addressed.

5. Telemedicine update and information on the kiosk system for medical requests – Robin Hager, Medical Administrator – For Discussion Only. Ms. Hager said the telemedicine is used for HIV and Hepatitis C and that it works well and the inmates like it. She said the telemedicine's for G.I. issues didn't work well. Governor asked about the efficacy. Ms. Hager said a nurse attends the tele-meds with the inmates as well. She explained the broadband is okay for now however NDOC would like to expand the use of tele-med and would need more broadband to do so. Governor Sandoval said there is an opportunity for savings to the tax payers and increased safety. As he builds the budget for the next session he needs to know about the technology requests for expanding the system. He said this is an opportunity to enhance medical treatment for inmates. Ms. Hager said Renown has 40 specialties for which they could use telemedicine.

Secretary Cegavske said it's disheartening how long legislature has been talking about this technology and that implementing it is well worth it. She asked if NDOC is working with the university system for community colleges in rural areas. Director Dzurenda said he has not reached out to the universities on the broadband issues however he has been working with EITS and other public works organizations that are helping to figure out how to get funding for the next cycle. He said they are conducting video conferences, parole hearings, banking etc. at the same time daily which also uses up broadband. Secretary Cegavske said she believes if they reach out to the community colleges in the rural areas there may be a way for everyone to work together and bring this closer to being done correctly and within a proper timeline. The Governor asked about provision of medical services through the University of Nevada, Reno School of Medicine and project ECHO. Ms. Hager said she and Teresa Wickham, Chief of Nursing, have spoken with UNLV recently about tapping into their resources even to have their nursing students come work with them. They already have a deal in place with University of Nevada Reno for the same thing. Governor Sandoval stated it would benefit them as well as the NDOC and he would like to follow up on this at the next meeting. Governor Sandoval shared that his staff informed him that the Governor's Office Science Innovation and Technology is working with NDOC on solutions to increasing broadband at the rural prisons, including applying for federal grant this year to jumpstart telemedicine efforts.

[Item 5 Exhibit](#)

6. General update – James Dzurenda, Director – For Discussion Only. Director Dzurenda discussed changing the policy on how many correctional officers need to be present with inmates at the hospital. He said they did extensive research before changing the policy and now follow the same policy as the sheriffs and local police in Nevada as well as adding the extra roaming officer inside the hospital. He said this policy is also the same as used in Connecticut and New York. He pointed out that if the Warden sees a risk of only having one officer on a particular inmate they can use two correctional officers.

Director Dzurenda described how incident data is collected and reported. He also discussed moving PCN's from Ely State Prison and Lovelock Correctional Center where they can't fill them to the larger facilities that need them. Director Dzurenda explained that NDOC has eliminated 45 non-evidence-based programs. They have increased well over 45 evidence-based programs which impacts inmates releasing. He said they have reconnected with and created more joint reentry ventures with community wraparound services which reduces crime in the community. They have teamed up with Health and Human Services, local support groups like Hope For Prisoners and other advocate groups. Only activities were reduced, not programs. Director Dzurenda said he meets with Metro regularly to discuss trends, and to see what they can do to help reduce crimes in those areas by how were placing offenders back into the community, where they're going, and what services we are connecting them with. Director Dzurenda was told that felony arrests have been reduced by 20% since last June

however there has been an increase in violent crimes. This should help lower NDOC's intake numbers however the inmates they are receiving are more violent so are a higher level of security. Director Dzurenda went on to discuss birth certificates stating since January 1st 1,500 inmates have asked for help getting their birth certificates. Having birth certificates helps with DMV, jobs, and obtaining housing etc. when they release from prison. He said staff has met with the Director of Juvenile Services, the new Chief of Las Vegas Metro and the Consulate representatives from Mexico and Puerto Rico. The State of Nevada has been identified as the leading state by the Department of Justice for the 2nd Chance Reentry Grant as being the most progressive in changing behaviors, addictions, and reentry, than the other systems in the United States. NDOC is actually the forerunner to be able to do the training for other states on how to accomplish what we are doing. Those are the big impacts that reduce our population, which help reduce staff over time and increase safety for everyone.

Governor Sandoval thanked Correctional Officers Harvey and Fryer for speaking and said he has a great appreciation for staff. He said Nevada will not ever compromise the safety of staff but we have to figure things out and find a balance as the budget is \$20 million in the hole. Governor Sandoval said in his mind in terms of fixing this, everything is on the table. He stressed that no decision will be made to the detriment of a correctional officer. He wanted to assure on the record that there is always an analysis done 1st before implementing how something would affect the officers on the front line. Deputy Director Wickham apologized for the apparent miscommunication on the balancing act between our fiscal resources and the necessity to provide safety and security for the inmates, staff and community. He pointed out that the wardens have been empowered to monitor what is safe and what is not for the correctional officers and staff. He said he provided a great deal of discretion to the wardens and trusts their decisions. They've reduced recreational and yard time down to 50% in some cases and can do that temporarily but not long-term. The new Hospital staffing policy shows a reduction of overtime. Deputy Director Wickham told officers Harvey and Fryer he would be happy to speak with them about their issues and concerns. [Item 6 Exhibit](#)

7. Update on out of state beds – James Dzurenda, Director – For Discussion Only. Director Dzurenda said there are 197 inmates that are housed in Eloy, Arizona. Approximately 28 inmates were brought back from Arizona because they didn't fit the criteria properly. He said they are conducting video visitation. He's been told the inmates like the food better in Arizona as they have a contract with Hawaii and receive food there geared towards the Hawaiian inmate population. He said other than that they have the same access for everything else; medical, dental, parole board and grievances. Also they have a counselor from the State of Nevada working with them. Director Dzurenda said moving the inmates out of state has allowed the reconditioning of Southern Desert Correctional Center. Also ADA issues are being worked on at Northern Nevada Correctional Center. Governor Sandoval asked about the 2nd Chance Act. Director Dzurenda explained that the inmates in Arizona inmates are offered the same services they would receive in Nevada. He said there were a few fights in the beginning but this leveled out. Secretary Cegavske thanked Director for keeping them informed and asked if the inmate numbers have grown or stayed the same. Director Dzurenda said there staying at about 197 inmates in Arizona. Director Dzurenda said they have minimum beds available and are working on classifications to try and get more inmates to these minimum beds. [Item 7 Exhibit](#)
8. Regulatory Audits update – James Dzurenda, Director – For Discussion Only. Sheila Lambert discussed that a segregation audit as per AR 707 was completed and all facilities are compliant now. She discussed the AR 740 Grievance audit and said all staff has been audited. There was a southern Nevada contraband audit. The Governor asked if the grievance numbers are improving. Ms. Lambert said yes and also that the Deputy Directors are being audited again in June. Director Dzurenda pointed out that NDOC is working with the Las Vegas Supreme Court to develop a better grievance system for the future. [Item 8 Exhibit](#)
9. Administrative Regulations – James Dzurenda, Director – For Possible Action. (See Item 9 Exhibits) Director Dzurenda explained that all administrative regulations are sent out to staff twice for review before and AR is made temporary. Sheila Lambert reminded everyone that all AR's are vetted through the Attorney General's office as well. Director Dzurenda reported that he seeks the opinions of Nevada Correctional Association (NCA) and ASCME on the administrative regulations. NCA wanted to make AR 430 consistent to what the local police departments are doing; therefore, AR 430 was pulled to be worked on further and submitted at a future

meeting. Director Dzurenda briefly discussed the administrative regulations. Chief Deputy Secretary of State Scott Anderson suggested that in AR 223 Inmate Organizational Fundraisers, 1, C; the clause “and have an active State of Nevada business license” be struck. Secretary of State Cegavske motioned to approve AR 223 with the recommended change and the remaining administrative regulations and Attorney General Laxalt seconded the motion. Motion passed 3 to 0. [NDOC AR’s](#)

10. Prison Industries update – per NRS 209.459 Employment of offenders: Report on potential impacts of new program; program for employment in services and manufacturing; submission of contract related to new program for approval – Dave Tristan, Deputy Director – For Possible Action. Deputy Director Tristan said there are 3 new industries they are recommending approval for. Erickson Framing NV, LLC, Terra Firma Organics, Inc., and Sewing Collection Inc. he introduced William Quenga, Marketing Coordinator, Silver State Industries and Diane Dastal, Chief of Financial Services, to make the presentation. Mr. Quenga said one contract is already in progress and the other 2 are still in the negotiation stage. He confirmed they’ve gone through the process of ensuring that they follow NRS 209.461 in obtaining impact studies and that they not displace any Nevada residents or businesses. Mrs. Dastal explained that they have obtained the approval of the Committee on Industrial Programs for the partnerships and that all of the necessary requirements for the new businesses have been satisfied. [Item 10 a Exhibit](#) She said the next step is to obtain this board’s approval before the contracts are submitted to the board of examiners. She gave an overview of each company from the attached impact studies for new industries. [Item 10 b Exhibit](#)

Governor Sandoval confirmed that the Committee on Industrial Programs members had reviewed impact studies. He then confirmed that these businesses would not be displacing workers in the community. Mr. Quenga also assured that the minimum custody inmates working at an industry outside of the facility would be accompanied by a correctional officer at all times and that the cost for this is built into the contract that does not cost the State of Nevada anything. Governor Sandoval complemented staff on finding these employers, jobs and training opportunities for the inmates. Attorney General Laxalt moved to approve and Secretary of State Cegavske seconded the motion. Motion passed 3 to 0.

11. Public Comment. Jojo Myers-Campos, State Broadband Development Manager for the Governor’s Office of Science Innovation and Technology (OSIT) said she is working with NDOC, EITS, and Renown on how they can provide better broadband. She believes they will have a robust telehealth system by 2025 or sooner. She explained that Steven Swabacker, NDOC’s Chief of IT/ISO, created a comprehensive spreadsheet of all facilities and what they’re getting as opposed to what they’re paying and is working with EITS to improve numbers. Ms. Myers-Campos said they are also working with CentryLink and Commnet looking at alternate ways to get increased broadband. She is proposing a pilot program between NDOC, EITS, and Renown.

12. Adjournment. Meeting was adjourned at 1:02 PM.

APPROVED THIS 15th DAY, MONTH OF MAY, 2018

GOVERNOR BRIAN SANDOVAL

SECRETARY OF STATE BARBARA K. CEGAUSKE

ATTORNEY GENERAL ADAM PAUL LAXALT

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