



BRIAN SANDOVAL  
Governor

JAMES DZURENDA  
Director

BARBARA K. CEGAVSKE  
Secretary of State

ADAM LAXALT  
Attorney General

STATE OF NEVADA  
BOARD OF PRISON COMMISSIONERS

Board of Prison Commissioners Meeting  
Wednesday, August 30<sup>th</sup>, 2017

MINUTES

The Board of Prison Commissioners held a public meeting on Wednesday, August 30th, 2017.

The meeting began at approximately 9:00 AM at the following locations:

<b>Meeting Location:</b>	Old Assembly Chambers State Capitol Building 2nd floor 101 N. Carson Street Carson City, NV	<b>Video Conference:</b>	Grant Sawyer State Office Building Room 5100 555 East Washington Ave. Las Vegas, NV 89101
--------------------------	---	--------------------------	--

1. Call to Order
2. *Attendance:* Governor Brian Sandoval; Secretary of State Barbara Cegavske. The Governor stated that Attorney General Laxalt was attending via teleconference.  
*Action:* The meeting was called to order by Governor Brian Sandoval.  
*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;  
*Public:* Refer to [Item 2 Exhibit](#)
3. Public Comment. Mercedes Maharis thanked Governor Sandoval for SB 402 regarding solitary confinement. She said she would like to see a time limit on when medical questions are answered. She said she did not know if there was one or not however it was not good to have to wait 2 weeks for a response.
4. Acceptance and Approval of Minutes – May 16th, 2017 meeting.  
*Action:* Secretary of State motioned to approve the Minutes and the Acceptance and Approval of Minutes was passed two – zero with no changes. Attorney General Laxalt abstained from the vote since he was not in attendance at the meeting.
5. NDOC general updates – James Dzurenda, Director – For Discussion Only. Director Dzurenda explained that the administrative regulations under consideration will be updated with today's date upon approval. He went on to discuss that the inmate population has decreased somewhat. Felony sentences from the County have gone down. He explained reentry will help reduce victimization in the community and decrease felony convictions. Director Dzurenda said currently there are 300 inmates in nonconventional beds that were incorporated into rooms that were not originally designed as housing. They ensure that they have adequate water, toilets and showers to be consistent with Supreme Court guidelines. The RFP for out-of-state housing of 200 offenders which was approved through legislation was responded to by CCA in Arizona. He discussed which inmates will be sent out of state; as committed to the Legislature, NDOC will focus on out-of-state residents, gang leaders, inmates who are trying to extort other prisoners, and who are actively recruiting for their gangs. He said this will show there is no tolerance for gangs and victimization.

Director Dzurenda explained that Southern Desert Correctional Center has been moving inmates out of their cell blocks so maintenance and repair could be conducted. The 2<sup>nd</sup> week in December they will be closing unit 8 which houses approximately 200 inmates to completely renovate and repair issues that have been neglected for years. He said he hopes the timing will accommodate when they will move the 200 inmates out of state. He said he expects the building to reopen in 12 to 18 months which will reopen with 400 potential beds.

Director Dzurenda went on to discuss incident rates and how he and staff look at how they could have prevented incidents. He said the incident tracking show staff where the rates are going and can show how safe or non-safe incidents are trending. Two and a half years ago the ASCA report made 10 recommendations for safety improvements. Deputy Director of Operations Harold Wickham discussed in-service training and Range qualification for staff now being 40 hours long in accordance with American Correctional Association guidelines. The less lethal 40 mm launcher systems have been ordered and they are creating a training and qualification plan in accordance with the vendor's recommendations for staff that will use them. All correctional officers have been 100% certified with OC spray and expandable batons and have access to handcuffs for use. Governor Sandoval clarified that the NDOC is now in compliance with the ASCA recommendations.

Director Dzurenda discussed mental health saying they hired a new Director of Mental Health. He said they are waiting for a NIC grant for a mental health delivery system. The Vera Institute has been auditing segregation procedures and rates of discipline and will provide their 1<sup>st</sup> formal audit results by the end of the year. Director Dzurenda said they are looking at mental health inmates discipline in regards to various factors such as medicine, Alzheimer's, whether they are diabetic, etc. which will be taken into account to see if discipline will be administered or not.

Governor Sandoval asked how has the 6% salary increase impacted employees and correctional officers. Director Dzurenda said it has played a huge role in morale. However, it is still hard to recruit new officers as the competition for these people is pretty stiff. He said Metro is hiring hundreds at top salaries and with less percent coming out for their pensions so their take-home pay is a lot more. He explained when you have a county jail a local jail and a prison near each other, all 3 staff are doing the exact same things every day and when you compare benefits and salary, people will go to the agencies that have better take-home pay and benefits. Director Dzurenda said that for the staff we do have, the morale has picked up with the pay increase, they know that people understand that they have a difficult job and they're not forgotten about. He said this was a huge plus for retention.

6. Update on Second Chance Act Statewide Adult Recidivism Reduction Strategic Plan Implementation – Director Dzurenda said Dave Tristan, Deputy Director Programs will speak on the subject but he wanted the Board to know that he has hired a new Deputy Director of Programs and David Tristan will become the Deputy Director of Prison Industries. Deputy Director David Tristan said the department is doing an excellent job of meeting the requirements of this grant and have received positive feedback from the Bureau of Justice and State Council of Governments. He said they are working with partner agencies, both private and public, and working on education as it relates to improving a person's ability to be able to go back into the community. He explained they are going to start literacy testing on all new inmates. It will be a self-administered test. They are working with The College of Southern Nevada on a variety of projects. They received simulators from Clark County for heavy equipment training. They are working on obtaining tablets for inmate's education. The tablets will not have Internet access. NRAS has been incorporated into NOTIS and is in the testing phase. They hired a Quality Assurance Manager, Dr. Whitney Lewis and NDOC has developed numerous audit instruments that are also in the testing phase. He said they are working on wraparound community services. Via the UNLV and UNR's research unit units, they will be able to tell which programs work and which don't work. He said this project is off to a tremendous start. Governor Sandoval said he believes these improvements will make a difference in people's lives and make the community safer as we move forward and allow inmates being released to be more prepared to come back into society.

Secretary of State Cegavske said she is very proud of these achievements. Deputy Director Tristan thanked the staff, instructors, psychologists and correctional officers for their amazing effort. He said that the Bureau of Justice said NDOC accomplished in one year what other agencies were not able to accomplish in 3 years. Sheila Lambert said this would not have been possible for them to accomplish without the Board of Prison Commissioners, the legislature and other folks giving NDOC the support and resources they needed. She said that this was truly a team effort that includes Governor Sandoval, Secretary of State Cegavske, Attorney General Laxalt and their entire team and staff who have regularly helped circumvent hurdles as they moved forward with this project. She said they are very grateful for the leadership that is continually demonstrated. Governor Sandoval said that the NDOC is on the front lines and do it every day and he truly appreciates it as this is not easy work. He said this is work that we can be proud of and it has started to receive national attention. Governor Sandoval said this has become a national model for other states.

7. Incidents update – James Dzurenda, Director - For Discussion Only. ([Item 7 Exhibit](#)) Director Dzurenda discussed various trends they look for to see where they have to shift resources as needed. He said facilities have plans to concentrate resources on units that have more incidents. Inmates are not safe unless staff is safe. Staff safety plays the 1<sup>st</sup> important role. When they feel safe they control units better. Seeing how to improve staff safety and reduce incidents is also a key to inmate programming. Inmates won't go to programs unless they feel safe. First inmates receive a verbal warning then an immediate use of force. Planned use of force usually is in regards to forced medicines. Changing how staff handles mental health inmates corresponds to a dramatic decrease in planned use of force. By consolidating inmates to a mental health therapeutic environment staff work together as a treatment team. This helps the inmates become healthier. There has been a drastic reduction in planned use of force. They are conducting more training than ever before in these areas and staff are utilizing more tools. Director Dzurenda attributed the reduction not to one specific thing. The immediate use of force has gone down dramatically and is half of what it was in 2016 and the planned use of force is now about a quarter of what it was in 2016. Director Dzurenda said he cannot attribute this to one specific thing. He said it is between the change in policy of the way we treat mental health inmates and the way we classify offenders, crisis intervention training, and being able to recognize an inmate who is decompensating so they can react before it becomes a problem, all these things result in a safer environment. He said the more staff becomes trained in these areas, the better it becomes. He said he is excited to see how this will impact the community in the future. He believes the way they have teamed up with Health and Human Services in the community and Parole doing a better job with their mental health discharges makes a difference. He met with Las Vegas Metro police last week and they said there is a 27% decrease in felony convictions and arrests. He said that is huge because it shows impacts are being made on the community and he expects better success than that in the future.

The Governor asked if recidivism is being tracked for the inmates released in the past 18 months. Director Dzurenda said yes. The 2<sup>nd</sup> Chance Act auditing tool looks at those who are returned to prison with a sentence. 28% of the current population is not from Nevada and are released to other states so they shouldn't be listed as successes. Director Dzurenda said they need a new standard tool that takes out offenders that are not from this country or this state for more accurate reflection.

Secretary of State Cegavske thanked Director Dzurenda and clarified the date of the incident charts that the numbers are taken through the end of July. Secretary of State Cegavske asked about various trends. Director Dzurenda said that there were mass moves of inmates in March so there was a spike and then the amounts went down. He discussed how court sentencing trends also affect NDOC's intake numbers. Secretary of State Cegavske congratulated Director Dzurenda on the improved numbers.

Attorney General Laxalt congratulated Director Dzurenda on the great numbers. Deputy Director Wickham said he sees a huge cultural shift due to the leadership. He said moving the seriously mentally ill inmates out of Ely State Prison also helped.

8. Presentation and Discussion of Report of Chief Medical Officer pursuant to NRS 209.382- Doctor John DiMuro, M.D., Chief Medical Officer or his designee. For Discussion Only. ([Item 8 Exhibit](#)) Doctor DiMuro said there was

only one new issue with a dietary complaint at High Desert State Prison. He said he sent an environmental health specialist to check it out in an unannounced audit and they found it was not a valid complaint. He said he wrote to the inmate who was very happy with their ability to investigate so expeditiously. He explained inmate Stockmeiers appeal has been dismissed. Dr. DiMuro stated that the Florence McClure Women's Correctional Center has been approved for an electronic medical record system. Dr. DiMuro briefly discussed that the Vivitrol program is just getting started and they will have data later in the year. He said they are also considering a pilot program with an implantable product and he will be discussing that with Director Dzurenda. He said that it is very easy working with Director Dzurenda as they remain in constant communication and all issues are addressed very expeditiously. Governor Sandoval asked if the menus are the same at all institutions. Director Dzurenda said yes the meals are all the same but not necessarily scheduled on the same day at each location.

Secretary of State Cegavske said she was excited about the Vivitrol program and how everyone is working so diligently on this reentry initiative

9. Administrative Regulations – James Dzurenda, Director. For Possible Action. Administrative Regulations considered:

- AR 114 Board of Prison Commissioners Meeting
- AR 123 Divisional Reporting
- AR 153 Critical Incident Review
- AR 300 Recruitment and Hiring
- AR 302 Meet and Confer Procedures
- AR 305 Sexual Harassment
- AR 306 Employee Formal Grievance Procedure
- AR 317 Employee Awards and Commendations
- AR 319 Workplace Safety
- AR 321 Workplace Violence
- AR 330 Employee Resignation and Reinstatement/Rehire
- AR 339 Employee Code of Ethics and Conduct
- AR 349 Employee/Applicant Alcohol and Drug Testing
- AR 350 Grooming and Dress Standards
- AR 352 Staff Identification Cards
- AR 357 Summons and Complaint Service of Process
- AR 364 Respiratory Protection Program
- AR 430 Transportation of Inmates
- AR 431 Transportaton of Inmates to Court
- AR 494 Evaluation, Placement, and Treatment of Transgender and/or Intersex Inmates
- AR 545 Serious Illness/Escorted Leave
- AR 610 Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome AIDS
- AR 638 Consent/Refusal of Treatment
- AR 734 Inmate Disciplinary Detention
- AR 740 Inmate Grievance Procedure
- AR 817 Community Re-Entry Program

Governor Sandoval asked the other Board members if they wanted to discuss any particular AR. Attorney General Laxalt commented on AR 114 Board of Prison Commissioners Meeting. He discussed the reference to fees which will be removed and the AR will be resubmitted at the next Board meeting.

AR 305 Sexual Harassment was discussed; NDOC has adopted the Governor's policy and is taking a stronger stance with increased discipline on sexual harassment issues. AR 339 Employee Code of Ethics and Conduct; due to the new NRS, timelines on investigations have been changed. There will be a staffing analysis conducted to assure there is significant staffing coverage to be able to follow the 90 day timeline. Additionally, Director Dzurenda now has to sign off on the start of investigations. AR 494 Evaluation, Placement, and Treatment of

Transgender and/or Intersex Inmates was discussed. This is a national issue that the Department of Justice audits. Director Dzurenda invited the ACLU, public community stakeholders from Las Vegas and Reno, and the Attorney General's office to work on the new standards and has met with staff from the Department of Health and Human Services as well. AR 734 Inmate Disciplinary Detention is constantly being updated. Director Dzurenda said you will see it at the next Board meeting and future Board meetings with additional updates as needed.

Governor Sandoval asked if all staff had the opportunity to comment on the AR's put forth at this meeting and Director Dzurenda said yes and discussed the process.

Action: The Board approved all of the regulations with the exception of AR 114 and with the inclusion of recommended corrections regarding typos or grammatical issues. [NDOC AR's](#)

10. Public Comment. Mercedes Maharis discussed AR 610 Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome AIDS and said the word "should" needs to be changed to "will". She said that placing inmates in administrative segregation is the same as solitary confinement which means AR 402 is not applicable to them and asked the Governor to do something about that. ([Item 10a Exhibit](#)) Sheila Lambert Management Analyst said the policy that was approved as temporary by Director Dzurenda and the backup of the markup are not the same. She Suggested that the Board amend the last motion so that AR 610 can be pulled and the markup version be edited to match the approved temporary version for submission at the next meeting.

Secretary of State Cegavske made a motion to reconsider the action of approval of AR 610. Attorney General Laxalt seconded the motion. Governor Sandoval approved the motion. AR 610 is no longer approved and will be edited and reconsidered at the next Board meeting.

Philip Lyons said he was an inmate with NDOC for 25 years and currently works for attorney Travis Barrick. He discussed the grievance process and the 3 levels. He said inmates are given offensive responses and recommended that the Attorney General's office should either review the last level of grievances or an additional level for the AG's review should be added. He said it would keep some grievances from going to court. Mister Lyons discussed the trends of violence in prison and said that he would like to see staff on inmate assault incident trends be recorded as well. ([Item 10b Exhibit](#))

Secretary of State Cegavske thanked Prison Industries for the 2016 history book they published for the Secretary of State's office.

11. Adjournment was at approximately 12:15 PM

APPROVED THIS 1st DAY, MONTH OF March, 2018

---

GOVERNOR BRIAN SANDOVAL

---

SECRETARY OF STATE BARBARA K. CEGAVSKE

---

ATTORNEY GENERAL ADAM PAUL LAXALT

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