

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

September 15, 2015

The Board of Prison Commissioners held a public meeting on Tuesday, September 15, 2015, beginning at 9:30 AM at the following locations:

Meeting Location:

Laxalt Building
2nd Floor Chambers
401 N. Carson Street
Carson City, NV 89701

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. Present from the Nevada Department of Corrections were, Interim Director, E.K. McDaniel; Deputy Director Support Services, Scott Sisco; Inspector General Pamela DelPorto. Also present were members of the public who were asked to sign-in. [Attachment 1](#)

II. Public Comment. Governor Sandoval called the meeting to order and asked if there was any public comment. There was public comment in Carson City: Debra Jo Melikian stated that she and her daughter-in-law Pahoua Melikian were there to discuss her son John Melikian. She said that Tonja Brown submitted her documents for her at the last Board of Prison Commissioners meeting. She said the computer glitch of 2007 was a very real problem for her son. Her son was denied parole in 2008 due to misinformation that was put on his case. She said he went from no gang association, no disciplinary action and low risk to reoffend; to having a history of drugs and alcohol, and that he was a white supremacist gang member. She said that he was in special education but was not a gang member. She explained that she's written to the Board and to the Department of Corrections Offender Management Division and his probation officer in California asking for an evaluation, risk assessment report. She was told she would have to get a court order for this information. She said her son was convicted in 2003 and Judge Lee Gates told him that if he received a positive psychosexual evaluation and successfully completes five years of probation the State had no opposition that he withdraw his plea and plead guilty to

lesser charges and receive credit for time served. She said he was on probation in Las Vegas but decided to move back to California without permission, which was a bad decision, and they brought him back and he had to do three years in prison because he didn't follow the rules. She said three years turned into 9 ½ years and she couldn't figure out what the problem was. In November 4, 2009 the Inter-State Commission found out that the electronic information system is fully implemented and functional. She wants to know how they came to that with no audits done. She said John is a traffic controller for a construction company and he wears a GPS ankle bracelet, sees a therapist weekly and takes lie detector tests. She said this was added to his record because he didn't follow the rules the first time. She said when they added on that he was a white supremacist to his record, it took him 3 ½ years to get it removed from his record. She said she wrote a letter to the Board of Prison Commissioners in 2009 and received a reply from E. Grave that stated the psych panel certification risk level was in error but had been corrected. She said it wasn't corrected because now he was considered a high risk ex-offender. She explained the circumstances; that a girl and her friend lied to their parents and were out at night and went to his house where he rented a room with other guys. When her son found out she was 14 he called her father. She said he was very upset so he made the call and from there it's been a nightmare. The good that came out of it is he got his GED and he did online classes to get various certificates. She said he's a homeowner and married he worked very hard to turn his life around. She asked that someone listen to her so they can get the ankle monitor off. She said there is nothing in his record that shows he's a problem and if it weren't for the computer glitch adding on to his record, they could get it straightened out. Governor Sandoval clarified that her son is out of the NDOC and living in Fresno California and that her concern is that he's still wearing a bracelet as a result of his conviction. He asked when the last time she corresponded with either this Board or the Department of Corrections. She said December 2014. Governor Sandoval said he will have Interim Director McDaniel locate her correspondence, review it and report to the individual members of the Board on the situation.

Mrs. Melikian thanked Governor Sandoval for his assistance. [Attachment 2](#)

[Addendum1 NDOC Response to added 12/22/15](#)

Tonja Brown discussed the minutes from the previous two BOP meetings and said that she submitted the letters for Mrs. Melikian at the last BOP meeting so the commissioners would have had a chance to review them already. [\(Please see Attachment 2 listed above\)](#) Ms. Brown said she had two issues to discuss. The first was that there is a flaw in the open meeting law. The second was a letter from an inmate that she wanted to read into the record. [Attachment 3](#) Ms. Brown said she previously provided documents regarding a violation of the open meeting law that she filed last September and that in March 2013 she presented documents to show that the audit of the computer glitch was flawed. She asserted that her attachments in the minutes were blocked however no one else's attachments were blocked. This happened a year and a half after the meeting so the Attorney General's office would not accept her violation complaint because it was not within 120 days of the meeting. She said that it's a problem how if anything is wrong with the attachments after the 120 days, the statute of limitations runs out so she can't file a complaint. Ms. Brown also discussed the open meeting law regarding the agenda and the ability to see there are attachments but not the ability to open the attachments to review them. Therefore if there is a problem with the attachments, she can't see it, so she

can't bring it up at the Board meeting and would have to wait until the next Board meeting to bring up the issue. However, that may be past the 120 day statute of limitations. She stated that documents presented to any Board have to be up for public viewing in 30 days so people can review them. That way they can object to the passing of the minutes if there is a problem. Ms. Brown then brought up the computer glitch stating that false information is contained in inmate files that gets removed and then down the line, reappears. That's why some of the documents presented to the Parole Board to the Pardons Board have inaccuracies. She said the March 2013 audit was incomplete and inaccurate. She said that the information was blocked from anyone seeing it and that's why she filed the open meeting law violation complaint. She said there are other documents she's presented that were deemed public documents by the court that Board has never posted and this is detrimental to the State of Nevada.

Ms Brown then read a letter into the record from inmate Joe Carpino. "To whom it may concern, I am sending this letter to you the Board of Prison Commissioners to inform you of the current actions of the medical Department of the Nevada Department of Corrections. My name is Joseph Carpino number 25424 and I was sent here to the Regional Medical Facility at the Northern Nevada Correctional Center on 6/11/15 by Doctor David Hipkin at Lovelock Correctional Center for a consultation for a hip replacement surgery. I was seen by Doctor Karen Gedney on 6/22/15 and scheduled to see Doctor Walls an orthopedic surgeon, and I did see him on 7/6/15, I was also seen on 7/8/15 by Doctor Long, another orthopedic surgeon. I was told by Doctor Long that he was putting me in for the hip replacement surgery and that surgery would be done at the Carson Tahoe Hospital or at Renown Medical.

On 8/3/15 I was called for a doctor's appointment at the RMF to see Doctor Gedney. At this time I was told my surgery was approved and that I was going to be transferred to High Desert State Prison for the surgery. At this time I refuse to be transferred to HDSP for the surgery but I agreed to have the surgery done at CTH or Renown. The reason for my refusal is as follows: #1. At the medical unit at HDSP the inmates are not permitted to have any property and only get a shower every three days and locked in their rooms. #2. There is no staff doctor at HDSP. #3. The 9+ hour ride from NNCC to HDSP would cause me a great deal of pain/suffering. That is not necessary when you consider the fact that I was sent to NNCC which is the Northern Nevada Regional Medical Facility to have my surgery done.

The reason that I was given for the attempted transfer was that CTH will not accept inmates because the state don't pay their bills and that Renown will not accept inmates that have to stay more than 24 hours due to the state's insurance.

I am a ward of the state and as such the state is responsible for my medical treatment and it should be provided without any further unnecessary infliction of pain or suffering (Estelle v. Gamble) and to be transferred to HDSP for the surgery because both pain and suffering not to mention the risk of an infection or other complications that could occur due to the conditions at the HDSP medical unit. I am at the Northern Nevada Regional Medical Facility and should have my surgery done at a local hospital. Wasn't that the reason the RMF was built so that inmate could be treated locally. This is the type of situation that the public and the state always complains of, a situation that causes lawsuits that cost the state money and embarrassment when it could have been

avoided by doing the right thing in the first place and pay the medical bills owed to the hospitals and provide the proper medical care to all inmates. What's going to happen when the bills come due in the southern region, how are the inmates going to get medical treatment then?"

Ms. Brown then said that Joe Carpino has a flat yard restriction but high desert does not have a flat yard restriction. That would be NNCC or Lovelock.

The next person to speak was Michelle Kozlowski. She explained that she is a person with a head injury and she has the co-occurring disorder of excessive crying so she asked everyone to bear with her. She said her husband Stephen Kozlowski #1060010 exacerbated his alcohol abuse disorder and is severely disabled. He had a DUI and needs and wants treatment but there is no treatment in place. She said Doctor Gedney told her husband she would put for him to have a compassionate release to go to a rehab facility. She said her son and her went to the scene and became involved and were arrested three weeks later. She said district Attorney Steve Barker laughed with colleagues and law enforcement persons because she had three car accidents the year before. She has had to put her higher education on hold since 2009. She said she wants her husband to receive the treatment he needs so that he doesn't come back. Governor Sandoval asked where her husband was located. She said that he's at NDOC but not at the RMF. He's medium custody and only receives medication twice a day. Governor Sandoval asked if her concern was that he's not getting the adequate treatment that he needs for his conditions. Mrs. Kozlowski said that he is not in the correct unit he should be. He needs treatment for the alcohol abuse disorder. Said he also has a problem with heat and cold. She also stated that he needs to be with a better roommate because the one he had was not taking his meds and it was affecting her husband. She also said that her husband was charged for a Doctor appointment that was set by staff but he won't go to the doctor because he needs the money for food for the caloric intake for his medication. Governor Sandoval asked Interim Director McDaniel to review the situation and get back to Mrs. Kozlowski.

Correctional officer TJ Harvey of Northern Nevada Correctional Center discussed AR 339 Employee Code of Ethics and Conduct. He thanked the Board for listening to his concerns and allowing for a closer look at this AR. He also thanked Inspector General Pam Del Porto for contacting him and discussing this AR, he said she was very gracious and they had a constructive conversation. He said he now has a better understanding of what inspired the changes to the AR however he still feels the vast changes of the AR could usurp the policy for progressive discipline as outlined in NRS 284.383, State Personnel System. The changes to this AR include approximately 36 increases to current disciplinary sanctions including many blanket class violation increases that could result in penalties ranging from written reprimand up to and including dismissal for the same infraction. He said the chart of disciplinary sanctions may have been accidentally omitted from this AR. He said it's difficult to set expectations about the ability to determine what any individual class violations sanction should result in. He believes this could lead to a large variance in disciplinary results throughout the state from one adjudicator to the next. He would also like clarification on temporary AR's and the process for input. He said Director Cox explained the step-by-step process for employee input in creating AR's. He said the problem with AR 100 is 100.01, section 4. B. that the states, "Any input submitted must

relate to the current version of the AR.” He said this resulted in the AR policy coordinator only asking for input on the current AR, not the one being submitted for approval. He said he asked Maxine Blackwell the AR Policy Coordinator for a copy of the AR submitted to the Board in May however she said they had to use the current AR. Mister Harvey said staff should be able to comment on AR drafts before they become a functioning temporary AR. [Attachment 4](#)

Kevin Ranft of AFSCME local 4041 said he represents a lot of correctional officers throughout the state. He said he agreed with Mister Harvey’s testimony on AR 339. He strongly encouraged the Board to continue allow it to be a temporary but not to vote on it today. He said officers need standards and are expected to have a code of ethics and professionalism within the Department. He wants to see a strive to achieve that, but they have no tools in place to do that. Implement a policy in accordance to AR 339 that strives to achieve professionalism, build trust, respect, and camaraderie and as a result you will see an increase in morale in the Department. He wants to work with the Department and move forward with the future and he respects the administration. He wants to make sure they have the support of the Board that policies like AR 339 are done right. He would like to see positive reinforcement and goals to ensure success.

Mercedes Maharis said they are entering a new era of hope and looking forward to a more successful direction than since the late 90s. She said they need power with the management of research and data to go forward in an objective way. She said she’s had reservations with the policies practices and programs that she’s been observing the last few years. She asked the Board to hold on all decisions until they get a new Director so that a new Director won’t feel hamstrung with what is done during this period. She discussed an analysis she prepared for Senator Segerblom for the disabled sex offender population. She said she can’t understand why sex offenders at 1/5 of the population, approximately 2,600 people through the seven-year study are being hammered with one third of the deaths in prison. She requested that the Board take her study, build on it and look to other states that are successful with their sexual offender programs. She said many of them are there on dubious charges and some are innocent. She said she knows one that had negative DNA that spent years in prison but now is coming back because of the recidivism in our state. She said we need a therapeutic community which will also stop the violence that has been escalating through the years. She said this will save hundreds of millions of dollars with just one fifth of the population. She requests they provide more and better food and pay attention to clothing as it has a great deal to do with self-esteem. She stated they need certification to minimum standards in both operations and in health. She asked that they end solitary confinement and please hire more psychiatrists. She thanked them for giving their lives to unravel this enormously complex social problem. [Attachment 5](#)

III. Acceptance and Approval of Minutes – May 19, 2015 and September 16, 2014 meeting.

Governor Sandoval asked Chief Deputy Attorney General Brett Kandt for clarification. Attorney Kandt discussed NRS 241.035 subsection 1 which provides that the minutes of a meeting include any other information which any member of the public body requests to be included or reflected in the minutes so if a member of the public requests it, that alone would not make that information a part of the minutes. However, if a member of this body indicated they would like the information that the member of the public submitted to be included in the record, then

it would be considered a portion of the minutes. Governor Sandoval indicated that he would like it to be considered part of the minutes. He then stated that one of these meetings preceded the election of the other members of this Board therefore his understanding is that he can state for the record that the minutes accurately reflect what happened at the prior meeting. Governor Sandoval wanted to assure that we have all of Ms. Brown's submissions to become part of those minutes. Cynthia Keller Executive Assistant NDOC, stated that she has the submissions. Chief Deputy Attorney General Kandt explained that a member of the public may request that documents be included in the record, but under NRS 241.035(1) a member of the public body must specifically direct that the documents be included in the minutes, that triggers the documents becoming part of the minutes, as supporting material to the minutes. Governor Sandoval asked if when members of the public present documents are they or are they not part of the minutes. Kandt said that at that time they are not part of the minutes, not until a Board member specifically directs that they be included.

Governor Sandoval confirmed with Cynthia Keller that they have all of Ms. Brown's documents and subsequently directed that Ms. Brown's documents become part of the record. Governor Sandoval then represented to the Board that having reviewed the minutes of the September 15, 2014 meeting, they accurately reflect what happened at that meeting and stated he would accept a motion for acceptance and approval of the minutes. Attorney General Laxalt moved for an approval of the September 16, 2014 minutes and Secretary of State Cegavske seconded the motion and the motion was passed. Governor Sandoval then discussed the minutes from the May 19, 2015 meeting. Secretary Cegavske moved for approval of the minutes and Attorney General Laxalt seconded the motion and the motion was passed.

IV. Discussion of the joint project between the Nevada Dept. of Corrections and the Department of Public Safety (DPS), Division of Parole and Probation (P&P) to provide approved residence for Parolees at the Casa Grande Transitional Housing facility in Las Vegas.

Director Jim Wright of the Department of Public Safety and Chief of the Parole and Probation Division Natalie Wood spoke about the joint venture between P&P and NDOC. Chief Wood stated there is an issue finding residential housing for parolees transitioning back into communities. Director Wright and Chief Wood toured the available space at Casa Grande and found it could fulfill a transitional program for them. He said the goal live date for this program is October 7th where 25 parolees will be moved into the facility. DPS, P&P will house three staff members there to provide first-hand support to the parolees as they prepare them for their transition and integration back into the community. He thanked their partners at NDOC for making the facility available. He explained that Director Whitley of the Department of Health and Human Services will make resources available to the parolees as well. Governor Sandoval clarified that this program is for individuals who could not get a release plan because they couldn't find residence in the community however now they will be able to take advantage of space available at Casa Grande. Chief Natalie Wood commented that the NDOC graciously gave up a certain amount of bed space that they can utilize for this pilot program. They had been granted parole but for various reasons they were not able to place them in the community due to residential constraints so this will allow them to do that and provide them with resources and oversight from the division supervision wise in order to assist them with their success. The

goal is for an inmate stay for 90 days. Governor Sandoval asked for an example of a parolee taking residence on October 7th, 2015. Chief Wood said the individual would be placed at Casa Grande and meet with their parole officer. Then they are given their terms and conditions of their parole and given a handbook outlining the rules and procedures within the facility. She pointed out that they will be staying at a facility that also houses inmates although they will be on a separate floor. She explained there are different rules and procedures for inmates than for the parolees that have more freedom than someone who is still an inmate. The parolees will meet with a facilitator/counselor who will assist them with their referrals for employment and for mental health counseling if it's needed. They will be driven to areas where they can sign up for benefits if they are eligible. Additionally food and clothing may also be provided if needed. She stated that they will be providing the parolees with their basic needs for right now however they will be looking to expand as needed in the future. She said at the end of their 90 days they will be able to reintegrate back into society and actually sustain themselves because they have employment and benefits. Governor Sandoval asked her to discuss having the officers on the premises. Chief Wood said they have a civilian staff member that will assist with the reentry, providing the services in the community and basically steering them in the right direction. They will have a parole officer which will be the law enforcement supervision oversight that will make sure they are in compliance with the terms and conditions of their release. They will also have a retiree that will assist with the civilian staff member with administrative functions. She explained that Major Kimberly Madras will be meeting with the NDOC to establish firm guidelines and that the handbook is in place and they are finalizing the memo of understanding with the NDOC. Governor Sandoval put this into perspective stating that this is a big deal, unprecedented and will be very beneficial to the individual parolees. Chief Wood said they are actively exploring the concept of a day reporting center which would be an intermediate sanction for both probationers and parolees and is a much larger project. She believes this will assist the NDOC in the backlog of inmates that have qualified for parole but have not been able to be supervised in the community due to not finding a residence. It will also assist P&P because they will have a one-stop shop with a parole officer to work with the community with the oversight of the sanctions so if the person is no-compliant it will be easy and efficient to be able to turn the person back over to the custody of NDOC after they've had their due process hearings. Governor Sandoval said he thought there would be less likelihood of recidivism because of the services that will be provided and Chief Wood agreed. He asked Chief Wood where she thinks this program is heading in the future. She said she would like to eventually see all the available beds filled. Regarding the day reporting the goal would be to use Casa Grande or a facility as an intermediate sanction for both probationers and parolees with technical violations that are not egregious enough to be revoked by court or the Parole Board. The person could be placed on house arrest with intensive supervision to assist with reintegration back into society. She believes this concept will save the counties money and will allow P&P to concentrate on community supervision and re-entry.

Secretary Cegavske commented that as a former legislator she has heard discussion of putting together Parole Board and corrections for a long time so she commended them for coming together and making it happen. She said that she has toured the center (Casa Grande) and is grateful that space will be utilized this way. She asked if they will be able to extend the 90 day

stay if a person was not ready to leave. Chief Wood said they will be discussing with NDOC how they can accomplish this. She said they have to find a balance where they are assisting them but not enabling them. Secretary Cegavske said she was pleased to hear that they will also be working with Director Whitley of the Department of Health and Human Services.

Interim Director McDaniel said Warden Gentry who oversees Casa Grande has worked together with P&P to develop the policy and manual. Although they are starting with 25 person pilot program, they have approximately 100 beds that they would like to eventually fill. Governor Sandoval said he will be following this with great interest and believes it will serve the public and the individuals in the best way. He said he appreciates the cooperation between all of the agencies to accomplish this. He would like an update at the next BOP meeting.

V. 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 explained that the NDOC requested the study and contracted with ASCA the American Association of State Correctional Administrators. They were provided with all the data and information required to complete the study. He said they had not yet received the final report. Governor Sandoval stated that he was firm with the expectation that they have a report by today however they do not. He said there were additional questions regarding the ongoing training for staff on the use of force. Governor Sandoval reminded everyone that the report was supposed to be accomplished within 30 to 60 days but it has been 120 days at this point. He said the Board of Examiners approved \$20,000 to pay for the study with the understanding that the report would be completed. However, he found out yesterday that the report was not completed. Governor Sandoval asked George Camp the Co-Executive Director of ASCA for an update. Mister Camp apologized for the delay on ASCA's part and said the final report will be sent on Monday. He said they began the study requesting documents from the department in June and received most of the documents by mid-July. They had a kickoff meeting with Director Cox and Deputy Director McDaniel on June 29th where they reviewed the plan, agreed on the purpose and intent of the study, and set up a schedule to visit three facilities. Lovelock Correctional Center was toured on July 7th and 8th, High Desert State Prison on July 14th and 15th and Ely State Prison on the 28th and 29th of July. Robert Ayers, ASCA's primary consultant on this project, also toured the training facility in Indian Springs. Mister Camp stated that their draft report was submitted to Director Cox on August 9th. He and Mister Ayers met with Director Cox in his Las Vegas office on August 10th and Deputy Director McDaniel participated via speakerphone. Based upon this meeting, they further reviewed and resubmitted the draft to the department on August 28th. They received written comments back on September 2nd and resubmitted the next draft on September 8th. On September 9th they had an additional phone conference with the Director and Deputy Directors and received more feedback. Mister Camp said he submitted the final draft on September 11th. He said he spoke with Director Cox yesterday morning and there were some minor changes and additions that they are working on now and the final report will be submitted on Monday, September 21st. Governor Sandoval clarified that they have had at least a draft since August and given that there is final draft out there, he asked if Mister Camp had any preliminary findings. Mister Camp said they do have findings and recommendations however is

uncomfortable and would defer commenting on them until the final report is presented. He said it would be appropriate at that time to have Mister Ayers with him for the discussion. He said they stand by their findings, conclusions and recommendations however, they may not all be accepted by the Department or the Board however they stand by them. Governor Sandoval inquired about the nature of their request for documents. Mister Camp said among the documents they requested was the number of incidents in which shotguns were fired during 2012 through 2014 in any of the prisons. He stated that was sort of the scope and breadth of the study and they did receive those reports from NDOC. They also requested training materials relevant to the use of firearms and force. Governor Sandoval asked if they conducted interviews of staff and Mister Camp said that yes, Mister Ayers did. He said they spoke with line staff, middle managers, Wardens etc. Governor Sandoval asked if there would be a comparison and contrast with procedures and other states. Mister Camp said not specifically, only in terms of what they believe to be widely accepted practices in other states that use firearms. Governor Sandoval asked if there was a distinction between widely accepted practices and best practices and Mister Camp said for all intents and purposes they are the same.

Secretary of State Cegavske said that she was thrilled when Director Cox had decided that (this study) was something he wanted done, and to do it. Secretary of State Cegavske said she is anxious to see the final result. She also stated she was pleased to hear who they spoke with and that it was very important that they spoke with all levels of staff. She asked for clarification if they spoke with people only at the three prisons mentioned or at some of the camps as well. Mister Camp said scope of their study was three years of incidents and to look at them in particular at three prisons, and they did not interview people at camps for this study. However, relative to the prior staffing study that was conducted they did speak with staff at the camps as well. The staffing study report is posted on the NDOC website. Mister Camp explained that the three institutions for the Use of Force Study were selected by the Department. (Lovelock Correctional Center, High Desert State Prison and Ely State Prison) Additionally, they were provided with the incidents in all NDOC facilities for review. Governor Sandoval asked if he felt they should have toured more of the facilities. Mister Camp said that although more is always better than less, they believed the findings and conclusions and recommendations would hold true if they had visited additional facilities. Governor Sandoval asked if they studied the post training for the correctional officers. Mister Camp said they reviewed both pre-service and in-service training that was provided to officers, specifically in regard to firearms. Secretary of State Cegavske asked if the officers at all of the prisons have weapons or just the three prisons that were studied. Interim Director McDaniel explained that the medium and maximum security facilities have firearms available for staff use however the camps only have access to them under certain circumstances and they do not use them within their facilities. He said some facilities have gun posts inside the facility and others do not. For those that do not, their firearms would be restricted to towers, gun walks, and gun posts that are on the perimeter or in other specific locations in the facility. Governor Sandoval asked Mister Camp if he interviewed any staff members that were involved in use of force incidents and Mister Camp replied yes.

Governor Sandoval asked Interim Director McDaniel if there was a draft report, why was there a delay in presenting it to this commission. Interim Director McDaniel explained the clarification process they went through and as late as yesterday morning there were still edits and corrections that were needed. He gave the example of clerical errors; numbers that did not add up to 100% they added up to 102% so they had to find where the extra 2% came from and fix it. He said they wanted to make sure they had a good solid report that's accurate, that everyone could understand. He said they have a commitment from the National Institute of Corrections that they would assist NDOC's training division in different types of training programs that would help implement some of the studies recommendations. Governor Sandoval asked if there have been changes to the use of force policy between the last meeting in May and now. Interim Director McDaniel explained that they researched and came up with an additional alternative that included using a rubber, Stinger round as a second alternative. Additionally, they added more verbal warnings to their use of force process. They have purchased the rounds and developed a specialized training program for all officers that would be required to use that type of round. According to the manufacturer you can shoot one of these directly at a person or you can skip round it. He said it looks like a regular shotgun round however it contains 18 small rubber pellets inside that round. He explained that when you skip into the ground in front of the action, it disperses up into the people who are involved. They have changed the operating procedures at each of the facilities that currently utilize this ammunition. As it is rolled out to other facilities the staff there will be trained in its use and their operational procedure will be updated as well. Interim Director McDaniel stated these changes were implemented before they even commissioned the ASCA Use of Force Report. He said that Mister Ayers, who did most of the groundwork on the report, was made aware of this change in policy. Governor Sandoval wanted to make sure that the report was comprehensive and inquired if he intended on implementing all of the recommendations. Interim Director McDaniel said that in the long run yes. Not everything can happen immediately so they will develop a plan of action to accommodate those recommendations. Governor Sandoval asked about the plan on disseminating this report. Interim Director McDaniel said that he did not have a plan because he wasn't sure until yesterday, that he would be doing this, so he has not discussed this with anyone yet. He said he is open to the Boards suggestions on how they should disseminate the report. He is concerned that there is confidential information in it. The use of force policy is not a policy that is publicly accessed to the inmate population and the public. Some of it is, however some of the ways that they operate and conduct their business need to remain confidential. He explained that there are policies that are operational in nature that have to be confidential due to the seriousness or circumstances involving, telling staff how to handle a situation, or the method how to recapture someone, or how they would handle an escape attempt. Governor Sandoval said he understood that making some of these policies or procedures public, then inmates would then know exactly what you're going to do, when you're going to do, and how you're going to do it. He said this was news to him and he wasn't aware of this and this would be a conversation for another day. He said he wanted to make sure that the NDOC is following best practices that are occurring nationally.

VI. Update on the independent Staffing Study conducted by the Association of State Correctional Administrators (ASCA) Interim Director McDaniel explained that this study has

been posted on their website for quite some time. The NDOC was excited that they could use the study during the last legislative session to successfully obtain additional staff for an updated relief factor. Deputy Director Scott Sisco said the study updated their shift relief factor and it also made additional recommendations for new posts. He said he and Director Cox met with the Governor's Chief of Staff, and devised a phased in strategy to implement the updated shift relief factor which was the highest priority of this study. The Legislature approved the positions immediately for 2016 in two hiring periods. The first group will come on board October 1st the second group will come on board January 1 of 2016. The 2017 hiring groups would be July 1st and October 1, 2017. Since they have areas of the state with a higher than 10% vacancy rate, particularly Ely, NDOC will have to go to the Interim Finance Committee (IFC) and show that they've lowered the vacancy rate to get the 2017 positions released. At that time IFC will hopefully approve release of the additional funding for the rest of the new positions. He said the second part of the study recommended new posts. The Department prioritized them into three priorities. They then asked the Wardens to re-look at the prioritization keeping in mind the shift relief factor new positions coming on, to see if they still agree with those priorities.

(Attachment 6)

Governor Sandoval asked what happens with the first group on October 1st. Deputy Director Sisco said they have started the recruitment and hiring process and expect to have them either in an Academy or the familiarization program at their new facility. Interim Director McDaniel explained that they hold academies in four locations, Carson City, southern Nevada, Ely, and Lovelock. New staff goes into the familiarization course, actually working at facility with another officer, and within a few weeks they will attend an Academy at their particular location.

Secretary of State Cegavske asked what the starting salary is and how successful they are when recruiting. She asked if there is still difficulty in Ely with housing as she understood that was a hindrance in hiring for Ely State Prison. Interim Director McDaniel said there is a housing problem in Ely depending on how well the mines are doing at that time. If mining is up, there becomes a housing shortage. NDOC has started an RV Park at Ely State Prison currently with 10 spots. It is being built in-house by their maintenance staff at minimal costs. They've also done this at Carlin Camp and Humboldt Camp. He said they do have a continued recruiting problem in some of the rural areas as well as Ely. He discussed the recruitment efforts and process. Deputy Director Sisco said a correctional officer trainee starts at \$18.63 per hour which makes a gross paycheck of about \$1,490 for a two-week period prior to deductions and insurance. He said they will begin a correctional officer with previous correction experience, whether it is military or an officer from another state as a full Correctional Officer; with a starting salary is \$20.27 per hour which makes a gross paycheck of about \$1,621 per two week prior to deductions. He said when they went to Legislature requesting the increase to the shift relief factor they had approximately 63 vacancies in Ely, and they have it down under 40 now but it fluctuates. He said that they are still struggling with hiring for Ely.

Attorney General Laxalt asked to take the next agenda item out of order because he was under a time constraint and needed to leave soon.

IX. Discussion/possible action regarding State Administrative Regulations – Governor Sandoval referenced Mister Harvey's comments asking if staff only has the opportunity to comment on AR's after its adoption. Interim McDaniel said that is not been their practice. He said that they draft an AR and send it out for everyone's review, and then they receive comments back. The subject matter expert then speaks to the staff about their comments as IG Del Porto spoke with Mister Harvey about his comments. Governor Sandoval said that if there are regulations that will affect staff they should have the ability to comment on them prior to adoption. What he heard earlier today was that opportunity was not available until the AR had been adopted. Interim Director McDaniel said that is not his understanding. He said they are sent out in draft form and staff is given the opportunity to review them and comments are requested. If staff makes comments they are followed up with. It is not until after that point that the Directors office then writes that policy and it is implemented as a temporary AR. Governor Sandoval said given that there is going to be a consideration of a new Director, would it be more prudent to hold off on the approval of these regulations until a new Director is put in place. He asked if they were to continue consideration of these proposed AR's, would that provide a hardship on the Department. Interim Director McDaniel said they can operate under the policy they currently have. Governor Sandoval asked the Board of Commissioners if there was any objection to continue consideration of these AR's until the next meeting. Secretary of State Cegavske said she has no objection and she believed the Department said they would work with Mister Harvey to answer any questions he may have had today. Governor Sandoval wanted to make sure that there is adequate opportunity for staff to provide input on the proposed regulations. He said that was his understanding all along, and if they were not doing that they should be. Interim Director said he believed that is what they've been doing all along as well and he will look into it and if something needs to be corrected, it will be.

VII. Update on the expansion of the Prisoner E-Filing Project in U.S. District Court for the District of Nevada in Nevada Department of Corrections facilities. Interim Director McDaniel introduced Warden Quentin Byrne of Lovelock correctional Center. Warden Byrne said the E-filing came on line August 12 of this year. Since that time they have had 11 inmates file on 12 cases, 47 filings, 102 pages sent and 108 pages received. The system seems to be working smoothly at this time. Interim Director McDaniel said E-filing is also available at Northern Nevada Correctional Center. He said he is not aware of a plan to expand this to additional institutions at this time; however that is the courts desire. The Federal Courts provide training and equipment and wanted to assure it was working well at the first two facilities before they expand it. He said there are some computer communication/technology issues between the Court and some of the remote facilities. Governor Sandoval said there is a broadband project to provide Internet to all of the schools in the state and perhaps there is an opportunity for the Department to piggyback on that project but he wasn't sure. Interim Director McDaniel said that they are working with the Court to do everything possible and have no objection to putting this at all facilities as it saves time for everyone and is a good process.

Secretary of State Cegavske asked if there was a cost savings with this process. Warden Byrne said they have not seen a cost savings yet and in fact had to spend a little bit of money; though nothing significant that would impact their budget. He explained they have a new staff member coming online January 1st specifically for the E-filing room. He said getting the equipment and creating the safe room incurred some costs. He said the cost savings are seen by the Court and the inmates. Secretary of State Cegavske said anything he finds out about getting into the rural areas and Wi-Fi, to please let her know as the Secretary of State office needs that access as well.

Attorney General Laxalt said his office has seen cost savings and there is overall efficiency of the system that is driving down costs. He also clarified this was a proactive step that they have begun. This is very innovative and has been great for their system all around as well as for the Courts. He explained it was a pure collaborative effort. Governor Sandoval stated this is something Judge Cooke had been working on for many years and he appreciates the collaboration between the Attorney General's office, the Courts and the Department of Corrections.

VIII. Update on Prison Rape Elimination Act (PREA) implementation and compliance – Pam Del Porto, Inspector General, Department of Corrections. Pam Del Porto said they are still pending audit reports from the state of Hawaii and she takes no news as good news. She said the 2016 third round of the first audit cycle will take place at Florence McClure Women's Correctional Center, Ely State Prison, Ely Conservation Camp, Pioche conservation Camp, Wells Conservation Camp and the new Northern Nevada Transitional Housing Center. She said she does not anticipate any issues as they work diligently as a team towards compliance. She said their office continues to assist outside law enforcement agencies in Nevada that are working towards compliance. Their two auditors are going to the City of Las Vegas Detention Center on Monday and they will teach 200 staff members. This will save the City of Las Vegas a substantial amount of money and will give them firsthand knowledge and expertise. She reminded everyone that Legislative and Governor approved amendments to NRS 212 will become effective October 1, 2015. Governor Sandoval praised IG Del Porto as Nevada is ahead of other states in terms of compliance. He said this is something that the Department can be very proud of. IG Del Porto said it's not just the IG's office it is every staff member at every institution and working with the Deputy Directors to get policy and procedures in place. Governor Sandoval thanked the Wardens that were present for all the work that they put into this, to make it work.

X. Public Comment

There was public comment in Carson City: Michelle Kozlowski thanked the Board and said she is confident in her husband's safety. She said there are matters that are still pending that the Supreme Court is of the opinion that they put that case to bed and it is not it's going to go to Federal. She said the NRS that had her criminally arrested doesn't allow for a person with disabilities, and she's at moderate level according to Social Security standards physically, mentally and emotionally. And she has to represent herself as she is on disability and she's going to "go for it" because the County of Douglas continues to evade the fact that they need to be addressed. She said her husband has come to the point where he wants the services he

needs and he inspires her. She said Douglas County will be held accountable one way or another. She said she is confident her husband will be safe while she addresses matters on the outside.

Mercedes Maharis commented that she wanted the Board to know that rural prisons in our nation are dying in this country. She hopes that they consider closing Ely in the future for the many reasons that have been discussed in this and other meetings in the past. She said she made a mistake saying 2000 days but it's over 2000 years that the small population that is presented in her study was given as dumps. She then thanked Governor Sandoval for more than any other Governor taking the reins and she couldn't tell him how much she appreciated it.

XI. Adjournment. The meeting was adjourned at approximately 11:30 AM.

APPROVED THIS 14th DAY, MONTH OF JANUARY, 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