

**Board of State  
Prison Commissioners**

**BRIAN SANDOVAL**  
Governor

**BARBARA CEGAVSKE**  
Secretary of State

**ADAM PAUL LAXALT**  
Attorney General



**STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS**



Northern Administration  
5500 Snyder Avenue, Carson City, NV 89702  
Phone: (775) 887-3285 - Fax: (775) 887-3138

Southern Administration  
3955 W. Russell Road, Las Vegas, NV 89118  
Phone: (702) 486-9938 - Fax: (702) 486-9961

**BRIAN SANDOVAL**  
Governor

**JAMES G. COX**  
Director

**MINUTES**

Of the meeting of the

**BOARD OF PRISON COMMISSIONERS MEETING**

May 19, 2015

The Board of Prison Commissioners held a public meeting on Tuesday, May 19, 2015, beginning at 8 AM at the following locations:

**Meeting Location:**

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

**Video Conference:**

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

**I. Call to Order.**

The meeting was called to order by Governor Brian Sandoval. Secretary of State Barbara Cegavske and Attorney General Adam Paul Laxalt were present. Present from the Nevada Department of Corrections were Director James "Greg" Cox, Deputy Director Support Services, Scott Sisco; Deputy Director Operations, E.K. McDaniel; 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 no public comment in Las Vegas. Public comment in Carson City: He recognized Tonya Brown, and stated that he did receive her letter and asked if her intent was to read the entire letter into the record and requested that she summarize it instead. [Attachment 2](#)

Ms. Brown stated that she would be speaking on behalf of an inmate's mother who could not attend due to illness. Ms. Brown then stated for the record that in 1988 she became an advocate for inmates because her brother was wrongly convicted for a crime he did not commit. She explained she had a wrongful death suit against the Nevada Department of Corrections for her brother's death. She stated that evidence had been found hiding in a Washoe District Attorney's file that would exonerate him. She said that it became part of the settlement agreement made with the State and the wrongful death suit of her brother, Nolan Klein. During the discovery process, she heard that the Attorney General's Office had withheld exculpatory evidence pertaining to the 2005 case Klein versus Helling. Ms. Brown said she brought this information to the Board and it became part of a breach of settlement agreement. She wanted to give the Board an update because of the recent shooting of inmate's Carlos Perez and Alvarolo.

Ms. Brown stated that she has concerns that the NDOC and the Attorney General's Office will not be forthcoming with the evidence. She has seen the State of Nevada pull evidence from plaintiff's cases from the courts; and she believes the courts have issued orders with adverse outcomes because of evidence withheld from them. As an advocate for the inmates and the innocent, she will place this information on the records for those who are considering settling lawsuits rather than take their case to trial. They should be made aware that Nevada's integrity is at question and could breach their settlements agreement with them as they did in her case. Ms. Brown brought several documents to attach to the record. Next, Ms. Brown read a letter from Ms. Deborah Melikian. [Attachment 3](#)

Ms. Brown stated that in the 2012 minutes, her attachments cannot be found. Anything she is trying to do she does not have access to, and this is an ongoing problem. Ms. Brown said that with the current minutes, the Board is about to pass, they intentionally only blocked her documents. Governor Sandoval asked Chief Deputy Attorney Marcher to make sure that her documents were made part of the record and Attorney Marcher assured the Governor that he would do so.

Correctional Officer TeJay Harvey from the Northern Nevada Correctional Center (NNCC) read his comments from the following attachment. [Attachment 4](#) He thanked Governor Sandoval for providing public comments and thanked the Department for commissioning the ASCA staffing study. He read from the ASCA report's findings regarding the design of NNCC highlighted on page 40. "Units four, five and six experience almost constant shutdowns of the second floor officer, and a rover post is used instead between these units; leaving the remaining staffing resources to be used elsewhere. This leaves the A officer as the only officer to supervise the unit. It is impossible to meet the demands included in the post orders in those units with only one officer supervising all of those inmates." He brought up that during a tour, an officer was assaulted in unit five and that fortunately, the officer was able to subdue the inmate and call for backup. He discussed that prison is not a safe environment; but there is no need to compound safety issues with understaffing posts. He expressed his hope that due to the results of the study, additional officers will be available for proper relief in conducting unit tours and operations. Officer Harvey also commented on Administrative Regulation 339, Employee Code of Ethics and Conduct, Corrective or Disciplinary Action, and Prohibitions and Penalties. He stated the changes were extensive and that it seemed in the disciplinary portion of the AR, that class violations of incidents are increasing and the range of discipline is broadened. He gave an example of a class two violation being changed to a broad 2-5 on page 17 of changes to AR 339. He explained that a class 2-5 violation could result anywhere from a reprimand up to a dismissal. Officer Harvey's last point brought up a rumor. The rewriting of AR 301 would take away the rights that officers currently have, to bid for their position. He would like to voice that if the loss of the position bid comes to fruition, it will cause a wave of aftermath including grievances, impacts on institutional operations and loss of senior staff. This change would not be positive for the Department.

Governor Sandoval thanked Officer Harvey and encouraged him to stay for the next part of the meeting regarding the budget presentation. The Governor also explained that in regard to AR 301, there is a process that the Department has to follow in regard to giving notice to staff

and giving them an opportunity to comment and provide input on any proposed regulation changes prior to their submission to the Board. Officer Harvey said he was aware of the process but that the concern is that once the Board meeting ends, it becomes a temporary AR and then staff would be under that for a certain amount of time and since they don't have meetings often, that they would be without their post bid. Governor Sandoval pointed out that it was not on this agenda.

Jim Kelly from the Nevada Correctional Association read his comments from the following attachment. [Attachment 5](#) He discussed the recent events at High Desert State Prison. He explained the NCA has seen, too many times, where an officer is involved in questionable conduct, he may unfairly receive all the disciplinary action without investigators looking for the true cause. The NCA takes a broader view to better prepare for when something like this happens again. NCA would like a dialogue with this administration so their concerns about fairness, lack of proper training, minimum staffing levels, harsh prosecutorial investigation techniques by the Inspectors General's Office and officer retaliation may be addressed. He states they need to have a constant dialogue with administrator's, managers and supervisors who will listen and learn about what their concerns are so these officers can make decisions without hesitation or fear. He believes there is an "us versus them" mentality that has grown worse over the past several years. The NCA would like to have regular meetings with Board members and/or the administration to give them an accurate perspective of what officer's face. He stated officers with many years of experience are concerned for the Department safety and all who are under their charge.

**III. Acceptance and Approval of Minutes – September 18, 2014 meeting.** The approval of the minutes was tabled until the next BOP meeting. Governor Sandoval asked Attorney Marcher about approving the minutes since he was the only current Board member present at the last meeting. Attorney Marcher said the Governor could make a statement that he is comfortable that the minutes accurately reflect what occurred then a motion could be made to approve them rather than keep the minutes in draft form permanently. Governor Sandoval wanted to confirm that Ms. Brown's attachments were available before he made a motion to approve the minutes. Attorney Marcher said they could table approval of these minutes until the next meeting and look into it. Secretary Cegavske moved to continue agenda item number three until the next BOP meeting; Attorney General Laxalt seconded the motion.

**IV. Discussion of the Nevada Department of Corrections FY 16-17 Budget Requests – Scott Sisco, Deputy Director.** Deputy Director Sisco provided a budget overview presentation for the Board's review and briefly summarized the information page by page. [Attachment 6](#) During the Legislative session, the NDOC was asked to give an overview of the major challenges facing the Department. One of the challenges brought to the session was that the female population is pushing the available bed limits. Projections show that they will be fine through the next biennium with the current available beds at Florence McClure Women's Correctional Center and Jean Camp. However, if projections are off by too much, they may ultimately have to come back to the IFC for additional funding to open an additional unit that is available. There is an increasing percentage of maximum and medium security inmates and less lower security inmates. He stated that right now, they struggle with filling the camps. During this particular Legislative session, there were 31 bills that had the potential to impact

inmate population. In past sessions, they had seen bills that reduce population of minimum security inmates. Governor Sandoval asked if that was partially a product of alternative sentencing programs and specialty courts. Director Cox said yes. Deputy Sisco said they will be looking over the next biennium to see if they can sustain all nine camps. Governor Sandoval brought up that although it is not a discussion for today, many of the inmates are used for fire crews and given the decrease of the inmate population per camps, it could create an issue down the line in terms of ability to properly staff fire crews. He asked to bookmark this issue for later discussion.

Deputy Sisco brought up high staff turnover in rural areas. The Commissioners, last year, approved putting RV spots into rural camps and they are looking at putting additional RV spots in Ely where they are struggling with filling positions. Secretary Cegavske asked if Ely was the only place difficult to staff due to lack of available housing and is that why it is so difficult to get employees hired in Ely. Director Cox said Ely is their most difficult to staff facility due to housing issues. Also, mining is a big factor; when it's busy, they have difficulty keeping staff at the facility. He does not believe Nevada is facing anything different than facilities around the country deal with, in staffing their rural areas. Deputy Sisco discussed the State Criminal Alien Assistance Grant (SCAAP); a Federal Grant that provides compensation to the state for the incarcerated aliens. The year 2009 it was approximately 3.4 million; however, it has dropped to 1.3 million. Inmates in NDOC institutions with holds on them total about 988. It costs about \$19,000 a year to house each of them, which costs the state approximately \$18 million per year. Director Cox said he has contacted the Nevada Congressional Delegation and talked with them about these issues, and they are working closely together on this issue. Deputy Sisco said the next issue he wanted to bring up was the bandwidth difficulties the institutions deal with and that they are working with EITS to try to increase that where they can. Historically, the Legislature struggles with giving money for this to NDOC. Most of NDOC's institutions do not have T-1 or fiber lines; they use radio waves. Working with EITS they have gotten most of the problems taken care of at High Desert and Lovelock. Ely is the biggest problem and they actually had the system go down for 6-8 weeks. There is no immediate fix for it in that area. Governor Sandoval stated he believed the entire town and community suffered from those issues. Director Cox confirmed that. He pointed out that other than Ely, they are better off than when the session started and he appreciates the assistance they received from EITS. Director Cox discussed utilizing telemedicine even more in the future. He explained that the Department has been utilizing tele-med for some time in Las Vegas for mental health, utilizing psychiatrists and videoconferencing with Ely inmates, as another mechanism for providing services. Governor Sandoval asked to bookmark this issue to put it on the agenda and discuss it at future meetings. He said that it is quite an accomplishment allowing for higher levels of care for inmates to access to a variety of doctors. Deputy Sisco then discussed that unfortunately, the bill for inmate public information requests had failed during the session. Inmates sometimes make massive public information requests in order to keep staff busy. Sometimes the public requests come to and ultimately through the Governor's office, the Attorney General's Office, or the Legislature. Often times, the inmate's make massive public information requests for documents, in quantities that far exceed what is allowable for an inmate in his property. Still, staff has to do their best to respond to all inquiries. Director Cox pointed out that in the budget, a Program Officer (POI) and an Administrative Assistant (AAI) were added for NDOC to assist with this issue. Governor Sandoval brought to his attention that Deputy Sisco passed over the aging

infrastructure and rising maintenance costs issue. Deputy Sisco explained there were a substantial amount of CIP requests and deferred maintenance requests included in the Governor's recommended budget. He reminded everyone that as the buildings age, they become harder and more expensive to maintain. SNCC is mothballed and being kept in the best shape possible in preparation of a possible future reopening. It has approximately 712 beds and costs approximately \$200,000 a year to monitor and maintain. Building a new institution would cost in excess of a hundred million dollars. Director Cox stated that Nevada has had the fastest-growing inmate population in the United States for the past 18 years. Having SNCC available is an asset and money-saving option for the tax payers as it would cost approximately \$10 million to open it for use, versus \$280 million plus to build a new facility. Secretary Cegavske asked if this facility in Jean, Nevada could be used as a minimum level facility or possibly a camp and Director Cox said yes. Governor Sandoval asked if some of the current facility designs are becoming obsolete in terms of the most contemporary corrections designs. He stated that is something that needs to be considered as well. Director Cox agreed.

Page 4 Population Forecasting – the Department of Corrections through the Department of Administration contracts with JFA, a consultant firm that provides inmate population forecasts for NDOC and Parole and Probation. NDOC's Offender Management Division uses those forecasts to help determine where the projected changes to the inmate population will impact their operations, minimum security, medium security, or maximum security. Director Cox reminded the Board that the inmate population is increasing. The Governor stated he believed we were second in the country for overall citizen population increases. Director Cox said they keep a good relationship with Clark County and Washoe County regarding the inmate population. Governor Sandoval said that they need to keep on top of the population growth in real time. He wants to assure that as we plan into 2017, that we are prepared for these issues. Director Cox said that with the good relationships, NDOC now has with major counties and rural counties and their jail populations, it is much easier to stay on top of this and prepare for the future. Deputy Director Sisco said there were approximately 31 bills that NDOC was tracking in the session that may have an impact on the prison population. Director Cox stated that some bills will add incrementally to the population. During the session, NDOC provided fiscal notes on various bills when it was possible to estimate the financial impact; however, with some bills, we were not able to tell the impact until they were actually implemented. There is no single bill that is expected to add a large number to the inmate population. Deputy Sisco reviewed page 5 and 6 of the presentation and stated that parole violators are approximately 16% of new commits, probation violators are approximately 23% and the rest of the new commits are approximately 54%. He explained that JFA provides three sets of projections, the first as the Department is building its Agency Request budget, the second during the Governor's Recommend Phase of the budget building, and the final while the budget is being reviewed by the Legislature. He explained starting on page 8 the activity budgets, and pointing out on page 9 that 96% of NDOC's core activities relate directly to the safety and security confinement of convicted felons and inmate healthcare services. Director Cox said he believed this information speaks well of the money that has been allocated to the Department through the Governor's budget allocated for the Department. Deputy Sisco reviewed the funding on slide 10 and that the Department is primarily funded through appropriations of the general fund. He discussed slide 11 operating costs, including historical costs per inmate. He explained that while going through the Legislative process, one of the

Legislators expressed particular concerns regarding costs incurred by the Department. However, they were able to have the Legislator tour NNCC to show where the money is spent, and subsequently, that particular Legislator has become an advocate for the Department's budgets. The Legislator had particular questions regarding inmate meals and culinary operations. Ultimately, the Legislator was extremely impressed with the cost-effectiveness of NDOC's costs per inmate. Governor Sandoval clarified that all inmates eat the same meals and that provides more cost-effective purchases and economy of scale. Director Cox confirmed this and that inmate population received nutritious and balanced meals. Deputy Sisco explained that the Legislator has since then been very helpful during the Legislative budget process since he personally toured the facility. Deputy Sisco explained this is why we encourage Legislators to come in to see the prisons so they can have a better understanding of how the money is spent appropriately. He explained that the Legislative Counsel Bureau staff toured our institutions in Las Vegas and by the time they got to High Desert State Prison, there was no other place to take them for lunch so they had an opportunity to eat at the institutions and sample the food provided which was not only good, but sizable portions. He mentioned there are still some inmates, per court orders, on Kosher meals which cost \$15.70 per day; and some on common fare meals which cost \$8.50 a day. Director Cox explained the Common Fare menu is designed for the religious beliefs of the inmate population. This menu was created working with the court system, various religious systems and four inmates with sincerely held beliefs, so that it meets their needs. NDOC has been dealing with this issue for approximately 6 years and the Attorney General's Office has been very effective in helping them with numerous court cases. NDOC's Common Fare menu is one that other states are looking at adopting since they have successfully been vetted through the court system.

Secretary Cegavske asked about funding from slide number 10, saying she remembered during several sessions, there were sweeps looking at the Offender's Store Fund and requested an update on that and the other sources listed. Deputy Sisco stated there was one sweep planned for Prison Industries and he understood that the Budget Division found additional savings elsewhere, and that the planned sweep to Prison Industries was not going to take place after all. Secretary Cegavske asked where the money from the Offender Store Fund went. Deputy Sisco's explained that inmates are provided with the basic needs they require. However, inmates are allowed to purchase additional items such as snack foods and some clothing items from the inmate store. Those funds are utilized to pay for the store operations themselves, and for indigent inmate needs who may not have money for postage, legal supplies, gate money, or possibly for cremation if ultimately needed. Secretary Cegavske thanked Deputy Sisco for all he does. She went on to explain that she has had several tours of NDOC facilities over the years, and is beginning to start touring the facilities again.

Deputy Sisco moved on to slide 12 of the presentation and detailed historical operating costs per inmate from fiscal year eight (FY8). He stated there is not much movement between those years. Director Cox explained that the Governor has increased NDOC's budget for fiscal year 2016. Deputy Sisco discussed prison medical issues and the decreases to the medical budget and that most inmates admitted to the hospital for more than 24 hours are now eligible for Medicaid as a result of the Affordable Care Act. Carson Tahoe Hospital, which is the closest to NDOC's regional medical facility, no longer will take inmates; other than emergency cases. He said they are working with Renown Hospital in Reno on additional tele-medicine to help

them determine if an inmate needs to be sent to Renown, or if it is an emergency room situation that are still being handled by Carson Tahoe. The tele-medicine has helped provide cost savings. Director Cox said that the Affordable Care Act has been beneficial for many inmates in the system and after they leave the system and it absolutely enhances their medical care. Deputy Sisco went on to explain the preferred provider care contract for inmates is not Medicaid eligible. Director Cox pointed out that he has had multiple meetings with administrators at Carson Tahoe Hospital and has a good long-term relationship with them. He also explained that Renown is looking at increasing tele-medicine to enhance services both for physical and mental health issues. He said this also helps save a lot of money on transportation and subsequent, overtime costs. Deputy Sisco said he expects the Carson Tahoe refusal to take non-emergency inmates to cost the Department approximately \$100,000 a year in additional overtime costs, but that overall the inmates now being eligible for Medicaid will save the Department approximately \$2.5 million per year. Deputy Sisco discussed some of the medical expenses that came up last year that were far beyond usual and therefore, NDOC was unprepared for them. Inmates came in with cancer and catastrophic health issues' requiring more funding than had been budgeted. He explained that the Department had been working with the Division of Health Care Financing and Referral (Medicaid) to come up with a new forecasting tool to assist with forecasting issue in the future. Director Cox stated that Chief of Staff Mike Willden has been extremely helpful to the NDOC working on this process. With his knowledge and experience with DHHS, he is one of the leaders in our state who understands these processes. Deputy Sisco went on to explain that NDOC has a higher percentage, approximately 11.79%, of aging inmates over 55 than prisons in the rest of the country which averages approximately 7.1%. Deputy Sisco moved on to slide 14 reviewing major enhancements and significant maintenance items. He discussed the ASCA Staffing Study and the 100 new positions recommended to update the shift relief factor which has not been updated since 1979. Slide 15 explains the calculation of the shift relief factor. Deputy Sisco explained that the Legislature closed the Department's budgets with all FY16 positions and funding to be held by the Interim Finance Committee for final approval, due to the vacancy rates in certain rural prisons and a couple of camps. Governor Sandoval stated there was wisdom in that decision requiring NDOC to go back to IFC. Director Cox agreed. He stated Governor Sandoval is the first administration from which the NDOC ever received additional staff without opening a new prison.

Secretary Cegavske wanted to know how the furloughs going away will affect the staffing ratio and she asked about various shifts NDOC utilizes. Director Cox explained they have 8 hour, 10 hour and 12 hour shifts and it depends on the facility and its functions as to which are the appropriate shifts. The specific post will determine which shift is most effective. Director Cox also explained that with the elimination of the furloughs, they will get staff members back in their facilities six more days per year (1,700 custody staff; with a total of 2,700 staff) and it will certainly be helpful. Governor Sandoval asked about the additional non-custody positions that were added in this session. Director Cox said these positions range from hospice care, lab technicians, e-filing, PREA, NOTIS tracking system, records manager, social workers, reentry, heat plant specialists, and storekeepers. Deputy Sisco clarified the staffing study did not include the elimination of furloughs, as the current staffing levels had also not included them. Governor Sandoval said that is an important component because we are not netting it out and it's 100 on top of eliminating the furloughs. Director Cox thanked the Governor and this administration for all their assistance and foresight helping NDOC gain

these positions. Deputy Sisco went on to review the Department's Capital Improvement Projects that were included in the Governor's recommended budget. Slide number 17, \$25,864,367. The Governor thanked Deputy Sisco for being thorough.

**V. Update regarding use of force incidents within the Nevada Department of Corrections. Discussion and recommendations for the review of and possible changes to policies and/or standards, training, and regulations governing the use of force by the Nevada Department of Corrections – Greg Cox, Director.** Critical issue recommendation for a Use of Force Study via RFI. Director Cox explained there are several protocols they are reviewing in regards to the use of force continuum and recommended initiating a study by outside professionals. Governor Sandoval expressed concerns about the necessity of an RFI and that it would take too long before the study could take place. Director Cox explained that the Department of Administration is committed to working together and moving this forward very quickly. They have advised a turnaround of approximately 2 weeks to be available for contractors to review. He explained they've been working on this already. The study would encompass a comprehensive look at how NDOC performs its use of force from the training to the procedures and regulations and the entire aspect of it. He requests the approval of the Board to move forward. The associated cost for this study is approximately \$20,000. Director Cox said NDOC does have the funds to cover these costs. Governor Sandoval clarified the scope of work including that they would look at the incidents and at the end of the study, there would be recommendations for the NDOC to follow for improvements in the system. He then asked how far back would they look at the incidents and Director Cox said the standard for these studies is to review the prior three years to current. Director Cox pointed out that the NDOC's use of force policy has been through the courts, vetted and approved consistently from the 1980s. However, there's always room for improvement. Director Cox expects the study to be completed in 30 to 60 days. Governor Sandoval asked to place an agenda item for the next Board meeting to discuss the findings of this study. Secretary Cegavske stated that her agency has seven peace officers and they are looking at something similar. She mentioned the state agencies didn't usually participate with each other; however, this is changing and would like to look at combining with other agencies and their training. She has been very happy working with Las Vegas Metro and the court system which have made training available to her peace officers. She would like to see how everyone could engage and work together on training and policies. Director Cox explained that in the past 30 days, NDOC has been working with Metro on security threat group gang training. In the last two weeks, the FBI has conducted hostage negotiation training. Additionally, the NDOC had the National Institute of Corrections conducting training at High Desert State Prison approximately 2 weeks ago. He said the NDOC has very good relationships with stakeholders and assistance with different types of training. He and his Deputy Directors and Chaplains have also received personal training from the National Institute of Corrections which is a federally funded agency so there is no cost to the state. Director Cox explained that 12 years ago when he came to the state, he identified the NIC training. Since that time, then Director Jackie Crawford and the NDOC has been taking advantage of it. They have all kinds of training including public information officer, culinary staff, classification staff, and PREA staff. Director Cox said he would be happy to continue working together with other state agencies. He mentioned that Governor Sandoval placed him on the POST commission; and as a POST Commissioner, he looks specifically for training for correctional as well as detention officer staff as he has the most experience in these areas.



Governor Sandoval explained he would like to get this study done as quickly as possible to assure that officers have all the required training before they are put on post and recommended this is something we should do on a four-year basis. Someone from the outside should come in, review and make sure Nevada is following best practices. He believes the vendor that comes in will make those recommendations. Director Cox explained Post requires six weeks of training for Post certification to become a category three peace officer; however, NDOC trains for eight weeks. Additionally, NDOC has officers utilize weapons training twice a year where most states only do this once per year. Deputy Director McDaniel explained that NDOC is constantly evaluating incidences whenever use of force is used. He explained most of their policy is based on major Ninth Circuit court cases. For example, one case in 1984 Buckner versus State of Nevada and the other case Capri versus Peter Demosso who was a Warden in 1984. He went on to explain that NDOC's use of force continuum is in compliance; however, NDOC is always looking to improve. He said they are currently looking at additional less than lethal continuums to assist in preventing something from happening before it gets out of hand. Deputy McDaniel explained that High Desert State Prison is one of the largest facilities in the country with approximately 3,600 inmates, and the highest number of security threat group inmates. It is an intake facility and there are approximately 80 to 90 inmates coming in each week. New inmates to the system are used to settling their problems by fighting, so that has to be taken into consideration and handled properly. Deputy McDaniel explained that when there is an altercation, the inmates are given a verbal warning several times and if they don't stop then a blank round called a popper is used and if they still don't stop after that, they use the birdshot round and they are trained to aim 10 to 15 feet on the ground in front of the inmates fighting and skip the rounds off the ground and then towards them. The courts have approved this method numerous times. He explained that they are now looking to add rubber rounds which contain approximately 18 rubber round pellets inside of 12gauge round. Las Vegas Metro, Utah and California Department of Corrections, among other states, use them to help quell disturbances. They will be adding the rubber round in between the blank round and the birdshot round as an additional deterrent to stop the escalation of a situation. Director Cox explained that approximately 60% of the time the popper round stops the incident. He said that the inmate population absolutely understands how they utilize their use of force policy. Deputy McDaniel said that they are rewriting the post orders and administrative regulation to include the use of the rubber rounds. There will be additional training for all Correctional Officers on the use of rubber rounds. He expects the use of rubber rounds to be in effect in approximately 30 days.

**VI. Update on the independent Staffing Study conducted by the Association of State Correctional Administrators (ASCA) – Greg Cox, Director.** The Association of State Correctional Administrators Staffing Study was approved by the Governor and the prior Secretary of State and Attorney General. Director Cox explained they are following the recommendations of the study to add the 100 correctional officer relief factor. He reminded everyone that this is the first time in the history of the Department that they are receiving additional staff without opening a prison or opening a new unit. To implement the study effectively, they had to get the relief factor of 100 staff first, which was Legislatively approved in the budget. Once they received that through fiscal year 16 and 17, he would like to have them come back and conduct an updated study to see what is necessary at that time.

Director Cox said he will continually bring in outside agencies to review our operations and see where improvements can be made.

**VII. Update and approval of plans to expand Prisoner E-Filing Project in U.S. District Court for the District of Nevada in Nevada Department of Corrections facilities– Greg Cox, Director.**

Director Cox thanked the Federal Courts Judge Cooke and the Attorney General staff for assisting in the implementation of the e-filing system at their pilot facilities in northern Nevada. He explained that Judge Cooke actually came to the facilities and worked with and assisted NDOC staff with this undertaking. He said the Attorney General staff continues to assist with this project as well. Few other states have done this and NDOC is phasing this system into all of their facilities. Director Cox said it is an ongoing process and he was very appreciative of the relationships and assistance with the Federal Court system and the Attorney General's Office. Attorney General Laxalt said that Judge Cooke is instrumental in the Ninth Circuit convention coming up the next few months and that it is great that one of our judges is the pioneer of this program and a great testament to our State. Nevada is one of the e-filing models for other states. Director Cox explained more about the Ninth Circuit Summit and agreed that Judge Cooke is a leader and we are lucky to have her in our state looking at correctional and inmate litigation and the cooperation of Nevada agencies have been instrumental in getting this Summit put together. Now there are other corrections entities and Attorney General's Offices throughout the country who would like to attend this Summit which is happening in November of this year in Sacramento, California. Governor Sandoval commented that it's nice to hear that Nevada is a national model for a positive outcome like this Summit.

**VIII. Update on Prison Rape Elimination Act (PREA) implementation and compliance – Pam Del Porto, Inspector General, Department of Corrections.**

Director stated for the record that NDOC is viewed as one of the most effective agencies in the country in implementing not only in their Department but with how they assisted their rural partners, the Sheriff's jails and detention centers. He said as Secretary Cegavske mentioned earlier about sharing training, and explained that NDOC conducted training for Clark County and helped reduce their costs by providing for this training for their staff. Director Cox agreed that this is a very efficient and effective way to reduce costs throughout the state. Nevada is viewed as a state very much ahead of the game in PREA implementation. Inspector General Pamela Del Porto gave a brief history for the new Board members. The PREA process began as Federal law was passed in 2003 to prevent and eliminate prison rape and the final rule was not published until June 2012, which shows you some of the obstacles there has been. The standards became effective in August 2012 and the standard that governs the external audits that are required began in August 2013; however, the final audit compliance tool was not officially released until mid-2014. IG Del Porto said that under the authority of Director Cox, with the assistance of Deputy Director McDaniel, she developed a strategic plan to help the Department reach compliance and obtain grant funding under the Justice Assistance Grant to send three staff members to certified PREA auditor training in January 2014 to help prepare the Department. She described how these certified auditors were then able to work at each facility and create a PREA audit team to work on training and bringing the facility into compliance. IG Del Porto went on to explain that external audits cannot be conducted by one's

own Department and auditors are brought in from out of state prisons and consequently, NDOC sends their auditors to other states to conduct their audits as well. A western states circular auditing agreement allows correctional professionals to conduct the 200 page audit. There is a three-year audit cycle where one third of the facilities have to be audited. She said that all of our prisons audited have been found to be one hundred percent in compliance. She went on to discuss the youthful population (under age 18) must be kept separate, sight and sound, from all other inmates over 18, while maintaining programming and large muscle exercising capabilities. Nevada's youthful offenders are housed at Lovelock State Prison and Nevada is one of the few states in the nation that can do something with this population. Director Cox added that they have assisted other states who were unable to be in compliance with PREA by having their youthful inmates serve their prison terms in Nevada. IG Del Porto went on to explain that it has been a huge accomplishment for Nevada coming into compliance in three months. Governor Sandoval clarified that Nevada was required to come into compliance with the law however; the Department of Justice had not submitted the rules and regulations and policies associated with the law and there was a very narrow window of time for the state to get up to speed and in compliance. He complemented and thanked IG Del Porto and NDOC on this accomplishment. He explained there are other states that have not been able to come into compliance and there are some states who have stated they will not participate. Secretary Cegavske said that is very refreshing to hear that we are good at such things in Nevada and congratulated IG Del Porto on this accomplishment. She requested for the statistics of where we are with any possible cases from the facilities. She asked how many out-of-state inmates NDOC currently houses. Director Cox said that they have expanded their interstate compact past just the Border States and it has been very effective for the safekeeping of certain inmates. Director Cox said it is often a one-for-one cost exchange of inmates between the states and he would get the numbers to the Board of how many inmates NDOC currently has on interstate compact. Governor Sandoval pointed out that at times our cost of incarceration are significantly lower than other states so they like to send their inmates to Nevada.

#### **IX. Discussion/possible action regarding State Administrative Regulations -**

Governor Sandoval requested to have the Administrative Regulations provided to the Board members sooner so they have more time to review them before the Board meeting. He stated he was going to hold out a couple of regulations and the other Board members may do so as well. For the remaining regulations, he said he would take a motion to approve them in block as there are very minor changes in terms of updating the nomenclature contained therein. He requested holding out on Administrative Regulation (AR) 124 regarding email management and AR 658 in regards to hearing impaired inmates. Attorney General Laxalt wanted to clarify that the two AR's being held out are new regulations and would not be minor technical adjustments and therefore, require further review and discussion. Secretary Cegavske made the motion to approve all of the AR's with the exception of AR 124 and AR 658 and the motion was approved. Director Cox explained that AR 124 is brand-new, so it would not become a temporary AR and not put into effect until approved at the next Board meeting. Governor Sandoval asked Director Cox to explain the process that leads up to bringing the AR's to the Board and how there is outreach to staff for their input. Director Cox explained the step-by-step process ensuring employee input and engagement in the updating and creation of AR's. Maxine Blackwell, the custodian of the AR's, stated she did receive input

from employees on AR 339, 124 and 487 as she recalled and said she can get a list of inputs to the Board members. Governor Sandoval said they will also hold out AR 339 for further review as discussed from Correctional Officer Harvey earlier at the meeting. Director Cox explained the intent of the new AR124 on email management and explained they looked at other states agencies and other Departments around the country to review their policies to assist in creating NDOC's. Director Cox said he is requesting the Board holds final approval on AR 339 so that they may receive further input from staff before the next Board meeting. The current AR 339 will continue to be in effect until an updated version is approved at the next Board meeting. There was further discussion on the changes made on AR 487 and it was decided not to hold it out until the next meeting but to approve it during this meeting. Director Cox discussed AR 658 regarding hearing impaired inmates and explained they worked with the Department of Justice and the Attorney General's Office in regards to this AR and will continue to do so. Utilizing best standards and best practices from the Department of Justice helps to avoid future litigation and ensure compliance with case law. Attorney General Laxalt added that his office has worked extensively with Director Cox on AR 658, and it is an important step in the direction they need to go. He stated he had concerns that approval of this AR would be held up for several months until the next Board meeting and asked if in the interim, there is a process to move forward between meetings; and if not, they should seriously consider approving this AR today. Director Cox explained that AR 658 could be approved today and they would continue to work on it between now and the next Board meeting when it will be brought up to be reapproved with further enhancements. Governor Sandoval accepted a motion to approve all the proposed revisions to the state Administrative Regulations with the exception of AR 124 and AR 339.

**X. Public Comment:** Tonya Brown discussed the bill regarding inmate's requests for public documents SB57 and that she is in opposition to that bill. She stated some inmates have told her that their caseworkers would not give inmate's access to the Board of Prison Commissioners meeting minutes. She would like this to be part of the record. She said she believed that in AB31, they were looking to have the NDOC out from underneath the Board of Prison Commissioners on some of the regulations; however, she wants oversight and the Board to be in control of what Administrative Regulations are, and she wants to be part of the record as well. There were no additional public comments. There were letters sent in from two members of the public requesting that the Board review of their issues.

Gail Hosking [Attachment 7](#)

Mercedes Maharis [Attachment 8](#)

#### **Additional comments on Agenda Item VI.**

Governor Sandoval asked Chief Deputy Attorney Keith Marcher if the Board needed to take any action with regards to approving the Use of Force Study. Attorney Marcher recommended they could entertain a motion to approve the study. Attorney General Laxalt moved to approve and require the Department to conduct a study regarding the use of force and its regulations within the Department, to commence the process by which an outside vendor will be retained to conduct a study and that the entire process be completed within 120 days. Secretary Cegavske seconded the motion and it passed.

**XI. Adjournment.** The meeting was adjourned at 10:24 AM.

APPROVED THIS 15th DAY, MONTH OF SEPTEMBER 2015

---

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