



BRIAN SANDOVAL
Governor

JAMES DZURENDA
Director

BARBARA K. CEGAVSKE
Secretary of State

ADAM LAXALT
Attorney General

**STATE OF NEVADA
BOARD OF PRISON COMMISSIONERS**

**Board of Prison Commissioners Meeting
Tuesday, May 16, 2017**

MINUTES

The Board of Prison Commissioners held a public meeting on Tuesday, May 16th, 2017.

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

Meeting Location:	Old Assembly Chambers State Capitol Building 2nd floor 101 N. Carson Street Carson City, NV	Video Conference:	Grant Sawyer State Office Building Room 5100 555 East Washington Ave. Las Vegas, NV 89101
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1. Call to Order

Action: The meeting was called to order by Governor Brian Sandoval. The Governor stated that Attorney General Laxalt would not be in attendance.

Attendance: Governor Brian Sandoval; Secretary of State Barbara Cegavske;

Department Attendees: James Dzurenda - Director; Quentin Byrne - Deputy Director;
John Borrowman - Deputy Director Support Services; David Tristan - Deputy Director Programs;
Brian Connett - Deputy Director Prison Industries.

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

2. Public Comment.

Paul G. Corrado asked the Board to appoint an intern to do a report on what jobs recently released ex-felons can and cannot do per statutes. Felons are disqualified from certain jobs. Mr. Corrado asked who the Board's customers are. Is it the people of the state of Nevada who will be victimized if we do not do a good job with reentry or is it the people who are incarcerated? He wanted to know how the inmates could provide feedback to the Board. He would like to know who he could get feedback from on this issue. Governor Sandoval said this issue is topical and legislature is considering felons ability to work in certain professions. He said it is part of one of his pieces of legislation in regards to workforce investment. There is also legislation regarding information that employers request during the hiring process in regards to felons. ([Item 2a Exhibit](#))

Mercedes Maharis said she had a letter to submit to the Governor. She said the prior VERA Institute report recommendations had not been fulfilled regarding solitary confinement. She said she is concerned it may take five years for the implementation of recommendations of the new VERA report. Ms. Maharis said solitary confinement does not work and is damaging to the body and mind. She said it is too big of a risk to wait for the final report. Ms. Maharis discussed amendment 402. She suggests a committee for disciplinary hearings including a mental health staff, a caseworker and an officer who is unfamiliar with the prisoner. She said there should be more than one person making the decision of how long an inmate should serve solitary confinement. ([Item 2b Exhibit](#))

Philip Lyons said he is a former inmate until 2 years ago. He said he has a proposed amendment to 402. He discussed that in administrative segregation you lose your level status which then you may lose your job and your programming as well. He said then you have to start over. Mr. Lyons said NDOC officers should have to sign that the charges against the inmate are true. He said the hearing officers need to be better trained. He went on to discuss the level system stating that it is not working and is used as a disciplinary tool. He said a person should not lose level status due to being transferred, they should keep the level status they obtained. He also explained that when new inmates come into the system they are started at the lowest level and he believes that is backwards and they should start at level one.

William Clarke said he is a former correctional officer and he worked with Mercedes Maharis on an inmate death list. He stated that the NDOC keeps the list a secret. He said there is a pattern in the death list that they construe as medical indifference. (*Item 2c Exhibit*) Please note the inmate death list is available to the public on the NDOC website and has been since approximately 2007. Click on ABOUT and Inmate Mortality Statistics are listed under statistics: <http://doc.nv.gov/About/Statistics/Home/>.

3. Acceptance and Approval of Minutes – March 7th, 2017 meeting. For Possible Action.

Action: Secretary of State motioned to approve the Minutes and the Acceptance and Approval of Minutes was passed unanimously with no changes.

4. Discussion of Capacity Analysis – James Dzurenda, Director - For Discussion Only.

Director Dzurenda said that NDOC revised the bed capacity analysis that NDOC recently sent to the legislature because there was a misunderstanding regarding what can and cannot be used as a cell on the NDOC Bed Capacity Analysis Report. For example NDOC cannot house a male in a female's cell bed; NDOC cannot house a healthy inmate into a medical cell bed. In the prior Bed Capacity Analysis Reports all beds regardless of the type of inmate that they were designed for or whether they were male or female beds counted as usable beds for all inmates. Areas that were not designed for housing because these areas did not have toilets, showers, or drinking fountains were identified as possible housing options.

Deputy Director Tristan discussed how the NDOC is overcapacity and gave examples of the percentages of inmate overcrowding at several prisons. For example Ely state Prison (ESP) is at 150% capacity as they have had to double cell some of the inmates even though ESP is a Maximum/Close Custody prison. Lovelock Correctional Center (LCC) is at 189% capacity as they have not only double-celled but they have also utilized activity rooms which would normally be used for programming. State Public Works has advised NDOC that NDOC may not have occupancy permits for all the locations where inmates are housed due to overcrowding. He explained that programming space cannot all be used to house inmates as they may lose grant money for the programs that they need the space for. Governor Sandoval asked when this analysis was completed and Deputy Director Tristan said that this particular spreadsheet was completed approximately 2 weeks ago. Director Dzurenda explained that the inmate population increased more than what was projected by JFA. He said the unpredicted increase had happened after the Governor's Budget was sent out several months ago. Director explained that seriously mentally ill inmates were moved out of segregation units at ESP and moved to NNCC consolidating higher custody level Seriously Mentally Ill (SMI) inmates to where clinical staff is available to provide them services. Director Dzurenda said the more treatment oriented veterans unit at Warm Springs is very successful and he's looking for other targeted benefits and programming. Additionally, there is a new veterans unit at HDSP. The Department of Veterans Services provided two positions, one for the North and one for the South, to coordinate services in the prisons and in the community to incarcerated veterans. These positions have been of tremendous assistance to incarcerated veterans in NDOC.

5. Vivitrol – Pilot Kick Off – James Dzurenda, Director - For Discussion Only.

Director Dzurenda said the Vivitrol program began on April 1st. He explained that Vivitrol is a program of 6 months of medicated treatment that curbs addiction. NDOC has asked for inmate 100 volunteers that are Medicaid eligible. They will be tracked, and signed up with Medicaid at no cost to the state. NDOC staff is

working on continuity of care by coordinating with Nevada HOPES and Ridge House for assisted treatment upon release in northern Nevada. They are working with Doctor DiMuro and Stephanie Woodard on continued care in southern Nevada upon release as well. Director Dzurenda said he spoke with other states DOCs such as Pennsylvania and Louisiana, and they said that their recidivism was reduced. Vivitrol is \$1,800 per shot to be administered every 30 days. After 6 months there is a long-term effect so the shot would be given much less frequently. ([Item 5 Exhibit](#))

6. Discussion of VERA Institute of Justice Grant - Safe Alternatives to Segregation Initiative (SAS Initiative). – James Dzurenda, Director - For Discussion Only.

VERA awarded the Department a technical assistant grant to audit, evaluate and analyze segregation policies and procedures, and provide corrective actions and recommendations for future initiatives to ensure compliance with federal regulations and best practices. VERA staff will be evaluating all three shifts without management present to see how well staff is handling current policy improvements. Director Dzurenda said he will receive the final report from VERA this year. NDOC has written new Administrative Regulations (AR's) which are compliant with the Department of Justice's 53 guiding principles. The amount of inmates in segregation will be significantly reduced which will open bed capacity. Governor Sandoval asked if NDOC is following best practices in the United States. Director Dzurenda explained the American Correctional Association (ACA) guiding principles are considered best practices in the United States. He explained that the Department of Justice is more advanced with higher standards and more beneficial for inmates and that is what the NDOC is striving to implement. Sarah Solomon of the VERA Institute explained that the NDOC was selected through a competitive selection process in which five states were chosen to participate. She said this is a six to nine month data assessment process. She explained that the ACA's policy new improved standards and that work in this area is still evolving. Governor Sandoval clarified that Nevada is not trying to meet the minimum ACA standards but is striving to be the best in the country with maximum improvement by following the Department of Justice's principles. It was explained that VERA's evaluation process is done in real time, meaning as recommendations for improvements are put forth, they are implemented as quickly as possible. Secretary of state Cegavske asked what VERA stands for and it was explained that VERA is the name of the founders' mother, not an acronym.

7. Presentation and Discussion of Report of Chief Medical Officer pursuant to NRS 209.382-Dr. John DiMuro, Chief Medical Officer or his designee. For Discussion Only. ([Item 7 Exhibit](#)) Doctor DiMuro was not present. Governor Sandoval said he reviewed the report. Director Dzurenda confirmed that the dietary breakdown of inmate menus is posted at each facility for inmates review.

8. Administrative Regulations – James Dzurenda, Director. For Possible Action.

Director Dzurenda provided an overview of changes to the administrative regulations, with a focus of improving safety for both staff and inmates. Administrative Regulations considered:

- AR 105 Development of Institutional Operational Procedures
- AR 115 Departmental Tobacco Product Prohibition
- AR 316 Employee Transfers
- AR 337 Staff Requirements for Home Address and Personal Telephone Number
- AR 404 Emergency Situations
- AR 432 Transportation of Inmates for Medical Treatment
- AR 450 Preventing, Apprehending and Reporting of Escapes
- AR 502 Youthful Offender Classification
- AR 543 Transition Centers
- AR 552 Intra-Departmental Transfers
- AR 606 Use of Inmate Workers in Health Care
- AR 617 Inmate Sick Call
- AR 621 Infectious Diseases

AR 707 Inmate Disciplinary Process
AR 733 Disciplinary Segregation
AR 752 Vehicle Operation by Inmates
AR 830 Recreational Activities
AR 853 Workplace Health Requirements
AR 854 Prison Industrial Programs

AR's 707, AR 733, AR 752 were pulled out for discussion. The rest of the AR's had technical changes made to be consistent with the law. All were reviewed by NDOC staff and the Attorney General's office. Director Dzurenda explained that AR's 707 and 733 added additional tours to segregation areas. Governor Sandoval asked for clarification of what safe keepers are. Director Dzurenda explained these are inmates that the city jail system could not manage so they send them to the NDOC. There is a difference between safe keepers and interstate compacts. Grant and Policy Administrator Sheila Lambert said that she is working on a glossary for the AR's.

AR 707 Inmate Disciplinary Process - it was clarified that on a single incident an inmate can only be charged with one charge; the most serious one. (This is as opposed to stacking several different Notice of Charges (NOC) for just one incident.)

AR 733 Disciplinary Segregation - Director Dzurenda explained that they are tracking data points to see what disciplines are working and what are not. He said the former system was not compliant with ACA standards; however, the new system is.

AR 752 Vehicle Operation By Inmates - Director Dzurenda explained the vehicles in question are forklifts, gators, and lawnmowers at the facilities. He also explained that this updated AR allows inmates working minimum-security in the community to utilize these types of vehicles. This AR also allows the use of training on heavy equipment. All inmates must be OSHA certified before they may use the equipment.

Action: The Board approved all of the regulations. [NDOC Administrative Regulations](#)

9. Public Comment

Mercedes Maharis said she is asking for all prisoners wrongly placed in segregation to be reviewed; and asked Governor Sandoval to spend 3 hours in a segregation unit.

10. Adjournment

APPROVED THIS 30th DAY, MONTH OF August, 2017

GOVERNOR BRIAN SANDOVAL

SECRETARY OF STATE BARBARA K. CEGAVSKE

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