



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, March 7, 2017
MINUTES**

The Board of Prison Commissioners held a public meeting on Tuesday, March 7th, 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.

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

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 stated he created a parole preparation document and offered \$1000.00 to have copies made for inmates. He discussed the medical condition Ulcerative Colitis and that there is a low-cost highly effective treatment and he would like the Medical Department to look into it. He said inmates need to learn skills for laptops. He found some priced at \$95.00 per laptop with Microsoft Office for an additional \$35.00. He suggested removing the workers compensation fees and putting that money towards the laptop computers and training for the inmates. Eliminating the workers compensation fees would also allow for many more volunteers to work in the prison. He said he is in favor of a sentencing commission and wanted to know if their outside people were ever there to represent the Governments inmate clients. ([Item 2 Exhibit](#))

Secretary of State Cegavske thanked Mr. Corrado and told him the Speaker of the Assembly is working on a parole bill that he may be interested in and recommended he look into it.

3. Acceptance and Approval of Minutes – November 15, 2016 meeting.

Action: The Attorney General did not attend the November BOP meeting and abstained from the vote.

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

4. Presentation and Discussion of Report of Chief Medical Officer pursuant to NRS 209.382 - Dr. John DiMuro, Chief Medical Officer (for Discussion Only).

Discussion: Dr. John DiMuro stated he assumed the role of Chief Medical Officer from Dr. Tracy Green in July of 2016 and provided the required reports per statute. He referenced his current report, section 1: new issues. [*\(Item 4 Exhibit\)*](#) Dr. DiMuro discussed correspondence received from two inmates at Lovelock prison, which is a continuation of inmate Robert Stockmeiers' issues with food service menus. Dr. DiMuro has been in discussion with the dietitian who has reviewed all the menu offerings for nutritional content and they are all up to par. He has worked with the Deputy Attorney General and Mr. Vincent Valiente (Environmental Health Specialist, Nevada Department of Health and Human Services Division of Public and Behavioral Health) and Archie Alexander (Compliance Enforcement Supervisor, NDOC) to investigate inmate Stockmeiers' claims of nutritional inadequacy. Dr. DiMuro explained that inmates can choose which diet they eat, and on any given day there are 9, 10 or 11 menus including low sodium, common fare menu, double portion, and sack lunch menus: meaning they are not restricted to a choice they may have made previously. He has already researched and responded to the two inmates. The menus, including the full nutritional breakdown of the food, will be posted in the law libraries so inmates can access this information to make informed decisions about what they choose to eat.

Dr. DiMuro went on to discuss the Vivitrol pilot program for 200 inmate volunteers. He explained Vivitrol is a one-time per month injection for inmates with substance abuse issues. The project is coordinated between Alkermes Pharmaceuticals, Deputy Director Tristan and Sheila Lambert (*Grant and Policy Administrator, NDOC*). The hope is that the Vivitrol program will lower recidivism. The inmates in the program will be Medicaid approved and the 1st injection while they are incarcerated is free. Subsequent injections for the released inmates in the community will be paid for by Medicaid.

Dr. DiMuro also made note that all of the prisons are slated to receive full environmental health inspections and full medical surveys this calendar year.

5. Discussion on NDOC implementation plan to consolidate and centralized the mental health delivery services for the Seriously Mental Ill (SMI) and current status of the transition of inmates going from segregation. - James Dzurenda, Director (for Discussion Only).

Director Dzurenda explained that NDOC never had a formalized mental health delivery system, so they received a technical assistance grant from the National Institute of Corrections (NIC). NIC staff will come to Nevada and help NDOC develop a system. Director Dzurenda said that per NIC, every state seems to have its own criteria for what constitutes SMI. Therefore, he would like to match NDOC's criteria to whatever is being done with the Department of Health and Human Services so they are on the same page as to what is considered seriously mentally ill. He explained that he moved all SMI inmates in segregation from Ely State Prison to Northern Nevada Correctional Center (NNCC) where they are consolidating their mental health staff. They are planning step down units so as inmates get better they can gradually transition into general population. However, some will never get to general population due to the severity of their medical or mental health issues such as traumatic brain injuries, PTSD and cognitive medical conditions such as Alzheimer's or dementia. Correctional staff is being trained along with mental health staff on crisis prevention measures to help de-escalate issues and how to better care for these inmates. He explained that before a disciplinary infraction is issued; the situation will be reviewed by mental health services to determine if the discipline was related to their illness or some form of decompensation of medication or whether the issuance of the disciplinary infraction will exacerbate their mental illness. If this is the case, the infraction will not be issued and the inmate will be assisted as needed. The goal is to socialize as many of mental health inmates with the general population, so that they will be better equipped to reenter the community when the time comes. Director Dzurenda said there will be approximately 300 inmates housed at NNCC under this specialized care. Sheila Lambert explained inmates at Lakes Crossing are

being prepared to be adjudicated through the system and the ones at NDOC have already been adjudicated with a guilty verdict. She also shared that the Department of Health and Human Services has offered Dr. Neighbors, the former administrator of the Lakes, to be a consultant for NDOC as we move forward expanding our mental health unit at NNCC. Deputy Director Tristan explained that approximately 17% of male inmates are on psychotropic medications and 30% of female inmates. Deputy Tristan said through this legislative budget process NDOC is asking for a Director of Mental Health Services and in the meantime has appointed an interim one to help coordinate NDOC's mental health efforts. He said they moved the psychiatrist from Warm Springs Correctional Center to NNCC and have hired several part-time psychiatrists. One at High Desert State Prison (HDSP) and one at Florence McClure Women's Correctional Center (FMWCC) work 20 hours per week plus they use telemedicine videoconferencing to Ely State Prison (ESP) and Lovelock Correctional Center (LCC) in addition to traveling to these rural prisons as needed.

Director Dzurenda discussed expanding available programs geared towards inmates on mental health status, which will allow them to get meritorious credits, which will assist them in their parole efforts. These inmates are provided with 30 days worth of medication upon discharge and are signed up for Medicaid, if eligible, so that they can continue to receive services, medications and appropriate resources upon their discharge from NDOC.

6. Discussion on NDOC's inmate disciplinary regulations specific to segregation for all inmates, and segregation time for SMI. - James Dzurenda, Director (For Discussion Only) attachments:

Director Dzurenda explained there are American Correctional Association (ACA) nationally set standards and best practices on discipline and segregation and he believes it is important to maintain their standards. He said the Department of Justice (DOJ) also created 53 guiding principles, which are stricter than the ACA standards. His goal is to get the NDOC as close to the DOJ 53 guiding principles as possible. Director Dzurenda said the Vera Institute will be coming to Nevada to assist the NDOC in updating their policies and procedures and creating performance measures. Following these principles should help make offenders better when they get out of prison, not worse. They help correct behavior, not induce bad behavior. If an inmate poses a threat to staff, fellow inmates or themselves, then they will be removed from general population and the underlying issues causing their behavior will be addressed. If it's an anger problem the inmate will be provided with anger management programs to help them get past it.

Director Dzurenda discussed the open forums he held at each facility to educate staff about the reasons why NDOC is making these changes; how important they are for the community and public safety; and what would happen if they don't make changes to segregation or mental health. Each forum was approximately 3 to 4 hours long and he has received very positive feedback from staff.

7. 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 128 - Outside Financial Audits/Reviews
- AR 139 - National Crime Information Center (NCIC)
- AR 144 - Mobile Devices
- AR 210 - Purchasing, Receiving, and Payment
- AR 212 - Contracts
- AR 269 - Food Services
- AR 346 - Nepotism/Fraternization
- AR 365 - Respirable Crystalline Silica
- AR 420 - Inmate Death or Serious Injury Procedure
- AR 423 - Institution/Facility Entrance Scanning Procedure
- AR 543 - Transition Center
- AR 707 - Inmate Disciplinary Process

AR 740 - Inmate Grievance Procedure
AR 801 - Correctional Programs/Classes/Activities

Several AR's were pulled out for discussion.

AR 144 - Mobile Devices; was updated to distinguish between an issued and a non-issued mobile device and regarding physical security and data security requirements including federal regulations.

AR 543 – Transition Center; expands classification so additional inmates can be sent to transition housing to free up beds in the facilities. Program services for alcohol and drug addictions are more successful when conducted in the community so these services will be brought to the transitional housing for a continuum of care when the inmate discharges. Sex offenders and inmates with violent felonies are excluded from this program. This language will be added to the AR and will be brought back to the next meeting. Director Dzurenda explained that inmates who have been granted parole but have nowhere to go can come to transitional housing and work with staff to find the housing they need to get out.

AR 707 – Inmate Disciplinary Process; Director Dzurenda explained that there will be no more stacking of charges on a disciplinary charge. The actual incident will be identified and the inmate will be charged for it. There will be a maximum of up to 180 days of segregation and inmates may be released earlier for good behavior and for participating in programming. Hearing officers may suspend a sanction and dismiss it based on good behavior and programming or lower sanctions to more appropriate charges. This will put NDOC in compliance with ACA standards. Additionally, if an inmate is under mental health care it will be mandatory that a mental health clinician review the disciplinary infraction before it can be served to the inmate. Director Dzurenda explained that the longer someone is in segregation they become un-socialized and bored so their attention becomes more aggressive toward staff as that becomes their entertainment. With less but more meaningful sanctions, where with positive behavior they can get out earlier, they will behave. The Vera Institute will collect data on this over the next 18 months so NDOC will be able to see if what we did was appropriate and effective in producing a better, less violent inmate and greater safety for staff and inmates alike. Director Dzurenda's personal experience in implementing these changes in Connecticut was that incidents of violence went down. Director Dzurenda said he will provide a brief synopsis of data from Vera and NDOC's projects at each of the BOP meetings.

Clark Leslie, Chief Deputy Attorney General, explained the "some evidence" standard has been in play for approximately 20 years from a case that has been vetted and passed constitutional muster many times. Deputy Director Tristan had changed the wording in this AR but, after discussion with staff, he intended to change it back. The wording will be changed back to "some evidence" and the AR will be brought to the next board meeting.

Director Dzurenda discussed AR 740 – Inmate Grievance Procedure. The changes would limit offenders from filing frivolous, multiple of the same issue, or abusive grievances. They've added a section called "partially granted," which is more of a compromise, and that grievance will be submitted to the Inspector General's office for investigation. Previously, inmates did not have to demonstrate any type of loss or harm to file a grievance. Inmates used it almost as a kite system to write in complaints. Now inmates will need to explain the loss or harm in their grievance to move forward in the grievance system. They are encouraged to discuss their issue with a correctional officer or their caseworker to try and resolve it before they start the grievance process. Deputy Director Tristan explained that they changed the filing period from six months after an issue to only one month. This was due to the length of time, as it is almost impossible to investigate their allegations and inmates know this and would intentionally wait to file their grievances.

AR 801 – Correctional Programs/Classes/Activities. NDOC will be able to use meaningful programs vetted by other agencies as evidence-based and best practices in the delivery of programs. If a program is deemed as

ineffective it will go before the program review committee and be reviewed to see if it was being utilized properly. If it was utilized properly but not effective, it would be eliminated from the programs offered. Gov. Sandoval wanted to make sure that the NDOC and the parole board agreed on the appropriateness of specific inmate programming. Parole Chairman Connie Bisbee explained that there are only a few specific programs that have been proven to reduce recidivism: the trust program, any education completed, and any long-term vocational program. These reduce their score on their risk assessments. Chairman Bisbee explained they will not deny parole because an inmate did not take a specific program. The Board can make it a requirement that the inmate get that specific programming once they're back in the community. They review all of an inmate's programming and take it into consideration when making their decision. Director Dzurenda stated there will be a formal compendium at each facility of what programs are offered, and their goals and objectives, which will be provided to the parole board.

Action: With the exception of AR 543 and AR 707 the Board approved the regulations. [NDOC Administrative Regulations](#)

8. **Public Comment:** Holly Wellborn, Policy Director of the ACLU of Nevada commented on agenda items 5 and 6. Ms. Wellborn explained that last month, the ACLU of Nevada issued a report entitled Unlocking Solitary Confinement: Ending Extreme Isolation in Nevada Prisons. She discussed Senate Bill 107 that was passed during the 2013 Nevada legislature and went on to explain ACLU's research on NDOC's use of solitary confinement. Ms. Wellborn stated she was pleased with today's report from the NDOC and that the policies introduced today and the upcoming Vera Institute grant and study that was discussed is very encouraging and will likely help the Department avoid future legal challenges. She said the ACLU hopes to make these changes statutory in the future. ([Item 8 Exhibit](#))

Gov. Sandoval asked that in the future if there are policy issues the ACLU is concerned about that she appear in front of this board to bring them to the boards' attention. Ms. Wellborn stated her predecessor Vanessa Spinazola did submit letters to the commissioners on the use of isolation in the past.

9. **Adjournment** - Governor Sandoval adjourned the meeting at approximately 11:26 AM.

APPROVED THIS 5th DAY, MONTH OF May, 2017

GOVERNOR BRIAN SANDOVAL

SECRETARY OF STATE BARBARA K. CEGAVSKE

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