

BOARD OF COMMISSIONERS
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BRIAN SANDOVAL
ATTORNEY GENERAL
DEAN HELLER
SECRETARY OF STATE

STATE OF NEVADA



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Director

DEPARTMENT OF CORRECTIONS

Leading Nevada Corrections Into the Future

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April 19, 2004

BOARD OF PRISON COMMISSIONERS
Attorney General's Office/Mock Room
March 23, 2004

DATE: March 23, 2004

LOCATION: Attorney General's Office/Mock Room

PRESENT: PRISON BOARD MEMBERS

Governor Kenny C. Guinn
Attorney General Brian Sandoval
Secretary of State Dean Heller

CORRECTIONS STAFF

Director Jackie Crawford
Assistant Director of Operations Glen Whorton
Assistant Director of Support Services Darrel Rexwinkel
Medical Director Ted D'Amico
Personnel Carla Padgett
Administrator/Offender Management Rex Reed
Economist Fritz Schlottman
Warden Don Helling NNCC

ATTORNEY GENERAL'S OFFICE

Deputy Attorney General Dan Wong

DEPARTMENT OF ADMINISTRATION

Budget Analyst Debbie Reed

LEGISLATIVE COUNSEL BUREAU

Mark Krmpotic, Fiscal Analyst
Gary Ghiggeri, Fiscal Analyst

ASSOCIATIONS

State of Nevada Employees Association

Bob Romer

PRESS

Associated Press Cy Ryan
Nevada Appeal Geoff Dornam

INTERESTED PARTIES

Pat Hines
Tayna Brown

Governor Kenny C. Guinn convened the Prison Board Meeting at 9:00 am, March 23, 2004, in the Attorney General's Office/Mock Room, Carson City, Nevada.

GOVERNOR: I bring the Board of Prison Commissioners to order. A meeting of March 23, 2004 at 9:00 am. We have the backup material. We don't want you to think that we have to go through all of this. This is really a reaffirmation of many of the Administrative Regulations that comes forth and we have to do this once a year, so that's the majority of it. I do want to indicate that we'll have a couple of presentations that will not take action but just really for information like on Southern Nevada Women's Correctional Facility, the progress report on the status of the RFP and also the Casa Grande power point presentation, we will have a little later on here. I would like to move forward and go to Table II, which are the minutes from the August 13, 2002 meeting as offered. Are there any corrections or deletions?

DEAN HELLER: Move to approve.

GOVERNOR: Now it's been moved and I'll second it to accept the minutes as set forth in the back of material of Item II. Any further discussions? All in favor say Aye.

ATTORNEY GENERAL SANDOVAL: Aye.

DEAN HELLER: Aye.

GOVERNOR: So ordered. Item III, Director's Overview, Director Jackie Crawford, Jackie.

DIRECTOR CRAWFORD: Thank you Governor and also Attorney General Sandoval for having us here today to give you not only an overview but more importantly to share with you sorted of some of the status of several issues. One the Casa Grande issue, but more importantly also the RFP for the women's prison in which we will be preparing. Accompanying me today are Glen Whorton who will be giving some of the presentation and Glen Whorton is the Assistant Director of Operations and then Darrel Rexwinkel who is our Assistant Director of Fiscal Services. Just briefly and I don't want to belabor a lot of the major accomplishments but over the past but over the past year and a half in light of budget crunches but more importantly trying to make the system work effectively and cost effectively. We've done several things. Part of that we have designated institutions with specific offenders. What we found was that we didn't have money to have a typical program in each institution but what we did we took our resources, consolidated those resources and identified institutions by which those resources would best be deployed and utilized. And in doing that with Lovelock, obviously we have for the long-termed sex offenders and that has been ongoing. It's worked very well. Southern Desert Correctional Center we choose to make that our programming center whereby we have our Therapeutic Community and we have our Going Home Program. Those are the kinds of issues and programs that we have for Southern Desert because it's a softer institution and it can house those who are 36 months from release and sometimes maybe 4 to 5 years but they're non-violent and they're very adaptable to programming. For the Northern Nevada Correctional Center we designated it as our Medical Center for our elderly also and for our aging population and for those that we felt needed that had more problem issues and they needed to have more focus on the mental and medical environment. As we speak today, NNCC functions as that institution. Also, the Nevada State Prison, which use to be our maximum-security prison, that's is no longer true. That's a medium security prison and I would like to say to you all that Warden Budge who has turned that around absolutely 180 degrees. It has what we call a Dog Program where we work with the Humane Society and we prepare dogs and groom them so that they can be adopted. The violence in that institution is almost zero. Overtime is almost zero because of the type of programming that Warden Budge has implemented. If you had not been over there to tour, you should. Many people who toured many years ago and now they're touring today are just amazed at the difference and the transformation that has taken place. If at all, I hope you are able to go over there and tour because you will be amazed. I am very pleased with the changes. Classification - we reviewed through our Governor's Study Committee, and we realized that perhaps some of our people were being over-classified so we reviewed our classification system and looked at opening the window where maybe people who were serving up to 36 months could be eligible for camp or for a minimum-security environment thus reducing the costs of our hard beds and saving those beds for the more violent people and those that probably were more at risk. It's worked very well. We have not had a lot of major incidents and we don't anticipate. The majority inmates want to do their time, they want programming and they want to go home. We believe that we have been very successful in that respective area. High Desert State Prison, I want to leave that until last. Warm Springs Correctional Center in light of the budget cuts we had to begin to look at how we could best reduce some of our costs and we looked at the cost and did an analysis of those and with a minimum-security institution it requires less staffing so we were able to reduce some of our costs and assist the Governor through his mandates. That is also

though flexible enough that if we ever need to go back to a medium security environment and we need to have those additional beds, it is designed and would accommodate that at any time and what it would simply take would be for us to go back to the Governor and to you all and then on to the Legislature staffing to increase if we ever needed it for additional medium security inmates. High Desert I have left to the last. That is our largest prison in the State. It's our newest prison in the State of Nevada. High Desert has the capability of housing up to 2,000 inmates plus. We have our more at risk people but it is a multi-facade institution. It also has to go through the intake process and then they designate through that intake process where we should best be deploying or assigning. High Desert is an institution that has a lethal fence and it is a very tough institution. It's also very large and very difficult to manage. It's something that we have to monitor very closely and make sure that our staffing patterns and also that our staffing compliment is always filled. This is an institution that I think, you know again, we can hold King Kong if we have to. It is a humongous, tough institution and it is something that I believe that as we look at through the entire state as the population toughens up and we will have that capability. The other thing that we have done is that we designated because we had the additional beds for our youthful offender and we really had no place to put them. We did have them at Southern Desert, we outgrew that facility, and we now have what we call Growing Straight. It's a youthful offender facility at High Desert and it is isolated from the major population. They go to school there, they eat there, and they recreate there in that respective area that has been designated. I will share with you all and this Prison Board that number one our population for our youthful offender is increasing very rapidly. We have 625 approximately under the age of 22 and it continues to grow. We are looking at several things. One, should we begin to designate institutions for this younger population so that we can better program them, educate them and manage them. That is something again that we will be presenting at a later date but this is becoming a crisis mode for us. We have managed those kids very well. Gang related, violence, sex and drugs so when they come in for the most part 98 percent to 99 percent of them are in they're for drug related crimes or also they have very, very, serious drug addiction to alcohol and/or drugs. Meth seems to be the drug of choice. They seem to be coming in off of the streets with a serious addiction to meth and I am concerned because a lot of those kids are very young and the brain damage and what it does to their bodies is very serious. So, we may be looking at some medical problems later on with this kind of continuation in particularly that type of a drug addiction.

GOVERNOR: Excuse me Jackie but I have a question. High Desert, when you have those young people that we visited on the outer perimeter there in that isolated area, how long do you think it will be before you need that particular area for the adult inmate programming?

DIRECTOR CRAWFORD: Probably between a year to two years. We'll probably be going to be requiring it for the adult population. Right now our populations become static and I am going to have Glen Whorton share with you, it's just not increasing as one would anticipate with the crime rate out on the streets, I was anticipating that probably we would have our beds filled with the adult offenders but the younger offenders are the ones that are being sentenced.

GOVERNOR: With the schedule of rehabilitation of the Jean prison would you be able to switch those young people into the Jean prison since we closed it and now we are doing some rehabilitation work?

DIRECTOR CRAWFORD: Yes, what we would propose to you Governor and to the Legislature would be those individuals, now there would be some that are very violent, very lethal that we could not put into the youthful offender population but the majority of those young people I think are educable, I think that they can be treated, and I think rehabilitated if you want to use the word, actually, rehabilitated maybe is not a good choice of words for a lot of them coming in. Habilitated might be a better choice of words because a lot of these kids have grown up on the streets, they have not had parental guidance and they dealt into drugs or their parents have been in drugs and/or some of their parents have been incarcerated. One or two of their parents so these kids have raised themselves and they've joined the gangs and as a result of that, some of them are pretty tough. But, once they get into the prison environment, we see a change in them and it's a positive change. Now there is some, like I said, you know Life Without; we would never subject that population to those that we consider very violent because we believe that our whole role in the prison system is to protect people. They may be criminals but inside once they have arrived under our custody, we are obligated to protect them. We do have a lot of young kids coming in and their stature is very small, some of them weigh maybe 80 pounds and might be five feet tall. That's not a candidate you want to put in with some of these tougher people. And those are the kinds of kids that we want to work with and that's what we believe that perhaps maybe the Jean prison may be an answer. If its the only answer, I can't say that it is the panacea but it is what we would have available for you all if you make that decision, if that's a policy that perhaps this body and the Legislature would want to make.

GOVERNOR: Well, we really don't have much of a choice; you've got about 600 young people staying with us now.

DIRECTOR CRAWFORD: 625 now and I would venture to say there are probably 500 of them that we could put over at Jean.

GOVERNOR: I would like to see you prepare that and bring it back to us for the budgeting process to take the Legislative body away from the table because I'm assuming you are not going to be able to isolate the numbers that you have in the adult prisons.

DIRECTOR CRAWFORD: It's tough. I do believe and I certainly don't want to commit but I think through education, I think there is more additional monies, correctional monies, that they will be able to obtain for education and vocational training so that would not then be a total burden on just our general fund. I do believe that there are additional federal dollars that perhaps we could pursue if we designate an institution and separate it. But I think my advise to you and I would advise anyone to include the Legislature we do need to act on it, I think within a year or so to...

GOVERNOR: Bring it back to us then.

DIRECTOR CRAWFORD: Okay, very good. I'm trying to bring good news to. The kids that we are managing they've adapted well and they love the school. It's interesting because I thought we would be dragging them in every day but they love school. They've just never been subjected to a small environment where they were able to, you know, have the mentoring that

they receive at our place and that's a shame that you have to go to prison to go to school, but that's what's happening in our community.

GOVERNOR: What is the difference in the kids we saw at Summit View yesterday as opposed to the kids that were in the isolated area of High Desert?

DIRECTOR CRAWFORD: A lot of the kids that we have are graduates that have been at Summit View. I'm not saying Summit View hasn't done its job, I'm just saying that, in fact, I met with one of the juvenile judges yesterday and what they have indicated is often times the length of stay in our juvenile system is short and as a result its not really getting the attention in establishing perhaps some values with these young kids. We're getting those kids. A lot of them been in, and some of them haven't, like I said some of them have grown up on the streets and they have just been passed to whatever family, foster families, but they need help. And, like you say, to bring back a budget and a presentation and I think it's incumbent upon us to review and to do something and try to reach out to this younger population if at all possible. There are some studies, Dr. Joan Petersal, she's from Irvine University, and she indicated that when these first offenders come in, young offenders, anytime they stay over 5 years you lose them. They become so institutionalized that in fact you are not be able to transition them with much success.

GOVERNOR: Thank you.

DIRECTOR CRAWFORD. Okay. Let's see where are we, I'm sorry. Employee Development Training – I'd like to share with you that we believe that our employees are our most valuable resource and many of our employees upon the completion of their POST training and their refresher training have not had the privilege that some of our mid-management to attend classes and so we were able to acquire, and it was through Mia Florence's group, 80 thousand dollar grant and a number of our people who are enrolled in college and it's our mid-management people and we have approximately 40 enrolled in the community college. This is a pilot project and if it was well attended and the success ratio was high I think that we might be able acquire the same type of grant for the northern region but this was for the south and it's worked very well. Also, through the National Institute of Corrections, I'd like to share with you that received close to \$80,000 in grants, not direct grants, but through trainers coming out to do training and one of those training classes was what they call Future Leaders. This was very expensive and on the outside could cost anywhere from \$8,000 to \$10,000 per person if we were to pay for that. So, the National Institute of Corrections has been extremely supportive of the State of Nevada. They like what we are doing. They see the progress being made and they want to make a contribution. So, I feel very good about what's happening with our line staff and also our mid-management. Additionally, the shift bidding when we had our budget crunch, we also had a lot of overtime and so we pulled back and started with the 8 hours again. The morale of our line staff was not good because they enjoyed the 12 hours, they saved a lot of money in gasoline, transportation and also the quality time with their families and so we have reinstition the 12-hour shifts. It's working extremely well and I think it's really been a great morale booster for our staff. In fact, I had an officer last night was telling me he enjoyed it because he found that being away three days at time, he had a life. He came back to his job refreshed and much more positive. You know, everyday, five days a week, 8-hours a day, there's a psychological grind and I use that word grind because that's what it is. I started out as a Correctional Officer and it's

the psychological stress that you go through, always wandering, making sure everything is moving in the right direction, making sure that the system, you know the processes that are being adhered to and when you put a person through that without any breaks, I see them becoming, almost sometimes your staff becomes institutionalized. I say that in a positive way, I mean they're there every day and there's no breaks, so to me the 12-hour shift has so many benefits that I believe it's the only way to go in a correctional environment. Also, our training we expanded from 4 weeks to 8 weeks and I felt that had a tremendous impact. It's a combination, it's classes, instruction and then the practicum is that you go out into the field and you work with a seasoned officer because you can read all types of curriculum and of course the books and not really understand until you go out there and interact with an inmate or interact in the yard and understand what those dynamics are so it's proven to be very successful and I've seen a tremendous difference in our employees. One other thing is our personnel changes. I'm going to try to skip over some of this but we did establish in fact what we call a team to go back to West Virginia for mock riots and that probably doesn't sound to exciting but that's very important to always be prepared. We talk about programs, we talk about a balanced system but you have to know if you don't have a good security system if you're not knowledgeable of those practices and know how to respond to those incidents, then you don't have a good program. We had approximately, I think it was 13 or 14 who went back initially on their own time and the second time Governor through Homeland Security we've gotten a grant to pay for their travel to go back. I think it is important that you all know around the nation there have been some major incidents. We in Nevada, knock on wood because its like tea leaves, you never know today it could be great and tomorrow it may not. We believe we're prepared and we believe that our staff are probably some of the best in the nation when it comes to responding to these types of incidents and I think that's why you don't read about us having major incidents. More importantly, we're under gun and for the bad guys and to give an example without being quoted in the newspaper, I hope, is that with our classification system is the best, because if you look at Arizona, that's why I didn't want to be quoted, is that they had an inmate who has taken a hostage, he has six consecutive Life sentences and he was working in the kitchen. The kitchen would be the worst place in the world that you would want to place a person with six Life sentences. Our classification system does a fantastic job of calling those people out and assigning them accordingly. I can't tell you, I didn't create it, but the people that did it are conservative but it's one of the best in the nation. So I just want you all to know that our people work very hard and I'm very proud of them.

Personnel changes we have had some retirements. We had a retirement Warden Hildreth from the Southern Desert Correctional Center. We hired Greg Cox who has got extensive, extensive correctional background. He is a very good man and very much a professional and he has done a wonderful job. He's been there six weeks but is thoroughly enjoying the job and doing a good job. Dorothy Nash Holmes was made our Administrator for correctional programming and she's done an outstanding job. Rob Rovere is a Management Analyst but he does a lot of work preparing things for me, also with the employee associations, meeting with them, finding out what the issues are and it's been very good. Traci Dory was promoted and Traci is our Victim's Unit Administrator. This is the first ever that we've had in our Department for victims. She is finding out that the job is probably 120 percent demanding but we're doing a lot for victims. To give you an example is that we have an execution, which is coming up. She contacted the victims. They wanted to come back, they wanted closure but it that personal contact with the

victims letting them know that someone cares because they don't understand our systems and they become very intimidated and what we felt with Traci is that she is the kind of human being that reaches out and touches people and works with those victims. I think that's very important. We are very proud of our new Victim's Unit. We think we are doing to do a great job.

I am going to turn this over to Glen because I think it's very important that you know about our staffing information system. Glen Whorton, when we were having a lot of overtime, and I was screaming a lot and trying to fix it. He up with a system and I would like for him to share with you on what we're doing because it has been invaluable and it's something that should have been done probably 15 years ago. One of the things that has never occurred in our Department, we've never had a staffing analysis and looked at overtime and so this all being done and will be presented to you probably at a later Board meeting. Glen I would like for you to give just a brief overview of what is involved.

GLEN WHORTON: Governor and members of the Board, we have implemented an automated information system to support the staffing of the custody positions throughout the Department. It has been implemented and it is in place and operating at the major institutions of the Department. It is not operating at the camps because we don't have the data communications available to implement it there but they are relatively a small organization with about 13 to 15 staff at each location so its not a terribly difficult thing to manage their staff, plus we don't have a lot of resources to support that staff. But at the major institutions we are talking about 75% of the cost of incarceration. It is extremely important that we manage that major resource. We receive daily reports of how the staff are deployed, it documents how they're deployed, it documents the rationale for the movement of staff from their Legislatively approved location if there is an issue that has to be dealt with. It provides a comment on why they were taken out and exactly what they were used for so we can determine that it was done appropriately and that we are not spending state resources unnecessarily and it also provides us with summary data for information to use later in executive decisions for budgets and other staff deployment. As an adjunct to this system, we have developed a reporting system so that incidents and information that needs to be communicated is done through this computer system and it is available to all the managers and administrators on the morning after the incidents occur if there out there, so that everybody has the information at same time and we don't have the communication problems of faxes, telephone calls, letters and those kinds of things. Its much more solid, much more timely and its documented and retained and because it is data it can be looked at individually and selected. We are in the final stages. Friday we are having a meeting with the Attorney General's Office and some of our expert staff on the implementation of a grievance report so that we can have a timely response to inmate grievances and we can have documents on how those grievances are handled. This is extremely important to the Department to reduce our liability in court. The Prison Litigation Reform Act requires the use of the grievance process as a predicate to filing a lawsuit against the State so if we can manage that process and show that it is a substantial process then the State is going to have a reduced liability. I would indicate to you that this system has been designed and written by line staff, not by computer people, but by line staff. It uses industry standard software and it is directly related to the functions that managers have to perform within the institution and in that regard its extremely easy to use and its extremely responsive and meets their actual needs not the needs as perceived by somebody who is not in the business.

GOVERNOR: So Glen, this new system now you say you're going from 8 hours up to 12 hours. How does that affect your overtime?

GLEN WHORTON: Actually, our overtime has been affected because we have managed the overtime as opposed to changing from an 8 hour to a 12 hour shift. The 12 hours was a moral issue and it was a fiscal issue for the staff. In a lot of cases we have people who commute to work like at Lovelock and Ely and some of the other places, at Southern Desert and High Desert where they have long commutes, this reduces their costs and their time spent commuting. It has also had a major effect upon childcare costs for staff because they have more time, greater blocks of time at home so they can schedule more easily but in terms of the overtime, it has not had an affect. We had tried this once before, it was implemented without a management information system and this time we have the system in place. They were done simultaneously so we are watching the use of staff for training, use of staff sick leave, use of annual leave, and emergency situations that come up, so essentially, we are actually managing that resource as opposed to just assuming that it's being managed out of the institutions.

GOVERNOR: Am I correct in remembering that you have less staff people this year than you had a year ago?

GLEN WHORTON: Probably about the same Governor.

GOVERNOR: But you had like about 300, the reason the overtime went up I believe, last year or the year before, I can't remember the exact year now, was because it got rather high because you were short like 350.

GLEN WHORTON: We did have some shortages in our staff.

GOVERNOR: Your shortages but then in the budgeting process, the Legislature, we reduced a lot of that.

DIRECTOR CRAWFORD: Well, that's because of some classification issues. Again, we went back to some minimum security and we did reduce some of the staffing but that was in light of the budget issues.

GOVERNOR: I'm just trying to look at where we are when I asked my question and I wanted preface it with staffing. You have been into three-quarters of this year. Do you have a report yet on how you, you do monthly on how your comparing to last year on overtime?

GLEN WHORTON: The Fiscal Division provides us monthly with a report of every category in our budget by institution or facility and we have 68 percent or 62 percent, which is it, I forget. It's 68 percent of our fiscal year has elapsed and all of our institutions are at or under 68 percent on their 01 category which is the staffing. On a couple of the facilities, the camps they are a little bit over and the reason for that is they're such a small staff that there is a very small accumulation of relief factor to manage instances where somebody goes off on sick. We had one staff member who had a very serious family illness out in Elko and spent a lot of time in Reno

and the hospitals and there is just not that enough relief factor like you would have at a major institution that would cover those but because we are generally under, or at or under, we are going to be able to meet our budget this year. We are absolutely convinced of that.

BRIAN SANDOVAL: What percentage of your beds are taken right now? Are you at full capacity or what's your vacancy rate?

GLEN WHORTON: The question is if I understand is what are our population comparisons. We have today 11,037 people in our jurisdictional population. We just went over 11,000. Now that includes everybody that we are responsible for. It includes people who are on escape status, people who are serving sentences in other states. Our in-house population today is 10,673. Now that is 383 inmates less than what was projected by our contractors to be in the Department at the end of this month and we are getting close to the end of the month so you can essentially say we are about 380 inmates under of what we thought we were going to be this month. We are about 250 under our emergency capacity threshold within the Department overall. That is a very generalized statement. It does not take into account the various custody levels, close, medium, minimum, it's a little more complicated than that but it gives you an idea where we are at. We have fewer inmates than we thought we would. Our male population, which is obviously the greatest component of the population, only grew about .7 of a percent over the last 12 months.

BRIAN SANDOVAL: Do you attribute that to the alternative sentencing programs?

GLEN WHORTON: Well, its interesting, we have been discussing this, Rex Reed and I and we have also been in contact with the Parole Board and they have had issues about that, it seems that we are not getting as many people and when you don't get as many people as you are projected, logic will tell you that the people who aren't coming are those low level offenders because robbers and murders don't get probation. So its that low level offender, the people that are subject to that diversion, the people that are targeted that make up that candidate pool for those programs so that would affect our minimum custody population and it could affect the parole grant rates because you get something of a hardening of the population and Rex is looking at the distribution of the population based upon offense groups and also the felony categories. Jim Austin is coming out early this next month and we have asked Dorla Salling if we could ride through on that meeting with the Parole Board and discuss just this issue of what is going on with the population and of course he will be able to give us the national perspective also.

BRIAN SANDOVAL: Certainly, you view this as a very positive statistic.

GLEN WHORTON: Absolutely.

BRIAN SANDOVAL: I think it was in here but remind me again what it cost to incarcerate a person in our system per year.

DARREL REXWINKEL: Its about \$43 for the major institutions a day.

BRIAN SANDOVAL: What is that annualized?

GLEN WHORTON: \$18,000, \$19,000 per year.

DARREL REXWINKEL: The legislative average that was appropriated for FY05 was for the major institutions. \$40.45 a day, and that translates out to \$14,764 a year. That's for the institutions.

BRIAN SANDOVAL: This reminded me of the conversation we had at the Board of Examiners. How many beds do we lease to Wyoming is it or another state, do you recall?

DIRECTOR CRAWFORD: Yes, we can respond to that. Rex how many do we have today?

REX REED: We have about 150 Wyoming and probably another 300 to 350 from Washington as well.

BRIAN SANDOVAL: 300? We lease to them for 60-sum dollars a day do we not?

REX REED: Well, it depends upon the inmate. Wyoming is a little bit different rate than Washington is.

DIRECTOR CRAWFORD: Today, we have netted for the State of Nevada approximately 4 million dollars.

BRIAN SANDOVAL: That's a return profit for 4 million?

DIRECTOR CRAWFORD: Yes.

BRIAN SANDOVAL: This is good news because you can continue to make money for the State, as our prison population stays stacked. Correct? Its just a win-win that less people come into prison so the taxpayers don't have to pay as much, plus we can use those empty beds to lease them to other states at a profit.

DIRECTOR CRAWFORD: Well, in fact, the State of Washington has been so pleased with our management of our inmates, they wanted to send us another 600. We were just not able to accommodate them. You know if we had the money to open up maybe SNCC, maybe we could have done that but we just didn't have the space at this time.

BRIAN SANDOVAL: One final question. What is your greatest challenge right now? How would you characterize that in the prison system?

DIRECTOR CRAWFORD: In the prison system? Right now we have two. The first one would be that we would need to seriously address the young offender. I think that's going to be very important in the years to come and also next year. The other one of course is women offenders and we have got to look perhaps analyzing that program more carefully and doing more for women offenders. Those are the two issues that I believe that are most important to this Department.

BRIAN SANDOVAL: So that will that be your priority going into the next session of the Legislature?

DIRECTOR CRAWFORD: It will be priority as far as inmates are concerned but I will share with you that our staff, we've got to look at salaries. We are in the lowest among the law enforcement as far as the salaries. We had a governor who came in and gave them a salary increase and a step increase but we are still not in parity with the other law enforcement. We will never be in parity with Clark County. Unfortunately, we lose a lot of people to the Clark County area. We also need to bring our people parity within the State government and that's something that is very important to me and also important to our Governor.

GOVERNOR: Didn't I just see in the paper where the marshals, the ones that work in the court system extended to do servicing? They went to \$116,000; they got a 16 percent raise. So we pay someone whose supervising lockup in the prison system and in their case, they're not in the prison system, they haven't been found guilty yet. I think the average was over \$100,000 compared to some of our people that are down in the 40s and the 50s.

DIRECTOR CRAWFORD: Lieutenants and the Sergeants, I mean you know it's pitiful. We lose a lot of people because they just simply can't afford to work for us. You see the people come in with former military degree who say I can't afford to work for you. They would lose money.

DEAN HELLER: What is your turnover rate?

DIRECTOR CRAWFORD: Our turnover rate is relatively low because of the economy and where it has been and it's averaging about 8 percent. It has gone up as high as 15 percent. Again, it is depending on who is recruiting. It is my understanding that Clark County and then of course the City of North Las Vegas, they are buried. Their salaries are very high and we lose a lot of people to them. What's happening right now is they are advocating our people. If you become POST certified, we'll take you without additional training and they do. We do a psychological screening and we do an excellent training program and so once our candidates have completed that, they are ripe then for being recruited and they go.

DEAN HELLER: What is the approximate cost to the state is to train all these individuals?

DIRECTOR CRAWFORD: We spend 3 million a year just for training our staff but it's \$3,000 per person to train them and you know to us that's a lot of money. But when they leave, they're well trained and they go right into the jail environment and their managing the same inmates that they probably would have managed in our prison. But, the salaries are anywhere from 20 to 30 percent higher so I think that's an issue and I'm concerned about it because when we lose good people, who are we going to groom to take these positions. Who are we going to groom to promote. We had one individual that the Warden was sharing with me that he offered a promotion and I think it was to a sergeant and the gentleman indicated to him that he would make more on an entry level as a C/O than he would be if he would stay with us and was promoted as a Sergeant. So the competition is really stiff out there and particularly in Clark

County but all of your surrounding sheriff's offices pay more for their deputies than we do for our C/Os.

GOVERNOR: Well, on the average to move to other law enforcement agencies and there is a balance in there if you put them together it's roughly, if your making \$50,000 in this state law enforcement and then you move to a number of places at least in Southern California and I would assume Washoe, but in one or two of the cases that I've looked at, you can get automatically a \$7,500 increase by merely transferring laterally and taking the same salary because you get 100 percent of your retirement pay versus 50 percent, but generally speaking on the \$50,000 bracket there's somewhere between \$5,000 and \$7,500 difference in those salary schedules so your looking at more like \$12,00 to \$15,000 increase and it's difficult to encourage people not to leave to governments of particular areas.

DIRECTOR CRAWFORD: You know they have to feed their families but at the same time I think that we need to invest in our people.

DEAN HELLER: Are we just a feeder system then?

DIRECTOR CRAWFORD: Yes we are, we're defeating it. We really are. You know we have these large bubbles of people who are retiring and we have no one to promote within who have those skills because they have gone to better paying jobs. So if you don't induce that person in a line-level and then try to entertain them you know through a salary that is livable, you know, you lose, and somewhere along the way, someday when all these folks are gone, we're not going to have anyone to promote.

GOVERNOR: Is the figure roughly up to 4 years ago or 3, I can't remember now but I think it was 4 years ago when we were able to close Jean. The projections were that maybe we could leave it closed for 7 years and save about 6 million dollars. Is that figure been holding roughly true and I know you have a work camp out there it might be a little less because that was completely closed.

DIRECTOR CRAWFORD: It's completely closed now we have 25 people who are working on it, you know, inmates. Overall, I would say that you're probably within the market but again you know we opened up High Desert and we then transferred those individuals.

GOVERNOR: But we were still going to open High Desert even if we hadn't of closed Jean that was the issue if you remember that.

DIRECTOR CRAWFORD: Yes, so overall I think you've saved some money and then again you may not have to build again for a while. You know the 42 million dollars to build a unit is a lot of money. Prisons are expensive. If we're going to operate them, we're going to have to be responsible and pay for them. I think our people who dedicate their lives and dedicate themselves to our Department should be compensated and the Governor has done everything he can to help but we need to continue to forge ahead.

GOVERNOR: I want to thank you too for coming up with the 32 million dollars out of the second phase of High Desert to go into a mental health facility. We'll get a mental health facility and I want to thank you.

DIRECTOR CRAWFORD: One way or the other, we hope so. You know that will also help us. Believe it or not people coming off of the streets they have no place else so they sentence them to us. We have the largest Mental Health Facility in the entire state Governor setting right over there at NNCC.

REX REED: Mr. Governor, members of the Board, I would like to enter a correction in the record. When I said 350 Washington inmates that's actually the total of Wyoming and Washington together. It is about 130 Wyoming inmates and for the record 220 Washington inmates approximately.

GOVERNOR: But the dollars stay the same still some 4 million and something.

DIRECTOR CRAWFORD: Yes we feel very good about that. I would like to just mention one other thing and then we're going to go on if it's alright with you all to talk about Casa Grande. I would like to mention to you is some major construction projects that we have going on. We have been busy this year and as the Governor knows I keep running into him going back and forth you know to Las Vegas and here but we have had four major construction projects going on. We saved a lot of money by using inmate labor in the renovation of Building 17 we are going to finally have an admin building that will be ours that we'll have ample space and it's over at Stewart Complex and through contractors and also inmate labor we were able to renovate the facility and we'll be having an open house and be inviting you all. We are proud of it because it's nice space and it will be new and clean but we've done that with almost half of what it would have cost us had we had not had inmate labor. We have been able to use those inmates. They've gotten good time and they've been paid. Its been a win-win for both of us and also through that we've had licensed contractors and a lot of our inmates have left with jobs. It has been very helpful to both sides, both the Department and also the inmate population and the State of Nevada because we saved money. Additionally, at High Desert we are finally getting a gymnasium and a recreation center and also a new industry building. We well have more inmates employed and putting more inmates to work. But, we have been managing High Desert without any kind of recreational facility now for almost 4 years. That was difficult. What happened was we utilized some of the dinning room space to put in some weight equipment just so we had something for the inmates to do. That will be in December of this year, in fact, the completion date, so I'm very pleased with the progress that we're making on that finally so it's been very good. Then also we've Southern Nevada Correctional Center and we were awarded, I think it's the Cashman Award, we weren't awarded, let me please correct that. We were one of the five finalists for the Cashman Award of Good Government. I felt very honored and very pleased that we would even be recognized. We were able to save 7 million dollars by using inmate labor on the Jean facility and we utilizing licensed contractors to supervise them. The majority of the inmates who were working there were hired by those contractors when they were ready to leave because they were so good. For those of you who saw Jean before it was renovated which was in serious disrepair. I think Governor if you remember and then today, you would not recognize it. It's like a brand new institution. We renovated the facility and you

know today it would probably be worth 37million dollars. So we are very pleased with what we've accomplished. I would like to talk to you a little bit about the Casa Grande. In May Board, we will be coming before you with, we hope, all of the final stages and also with property and that will be in May. There will be a team coming to present and we are very pleased with the accomplishments. We hope that if all goes well that we will be able to open this facility and have an open house in February 2005. So it will be moving very quickly. It is designed to house 400 inmates who will have a parole in hand or they will have been paroled and maybe experienced a technical violation but have a job and some of those individuals will be able to go back, instead of into a hard bed, back into the Casa Grande particularly if they meet the criteria and a lot of them do. I don't mind sharing with you that approximately 300 to 350 inmates have technical violations that go back into hard beds year into our prison population and that's not a good nor wise use of our money or resources. I would like to just briefly go over that and Fritz if you would like to kind of go over that for the Committee please, just quickly.

ITEM III: Power Point Presentation by Fritz Schlottman on Casa Grande. (Inaudible)

DARREL REXWINKEL: Excuse me Fritz, I think the total costs versus the General Fund what we're looking at here that the inmates are scheduled to go to work within 30-days of arriving at Casa Grande. No later than 30-days and so we have been paying \$14 a day in rent and so that money comes in to help offset the total costs of operations at Casa Grande and so that reduces the total cost from the General Fund in perspective down to what is in the middle bar there. Then what Fritz was going to go on to explain was if you get the General Fund less the lease payment. In all of our other institutions, they are all funded through a CIP project so there is no lease or debt service payment in our budgets. Inmates do work in the institutions but the amount of revenue you might say that goes into their room and board payment is very small compared to what we are looking at with Casa Grande. They will pay \$14 per day.

DIRECTOR CRAWFORD: Additionally, let me add to this. This is also going to house the Parole Board. There will be people from P&P and will also be a regional office for the Department of Corrections. It's going to be a one-stop shop. If an inmate is brought back, the Parole Board can see him that day and so we felt that by combining all of those offices under one roof and one site that would be more economical.

BRIAN SANDOVAL: You've got the parole officers as well so they can check in.

DIRECTOR CRAWFORD: Yes and the Parole Board and right now all the people pay rent, very expensive rent you know in Las Vegas so they would prefer to move there and pay rent for this floor plan as opposed to where they're at. The inmates would be housed four to a room. You see two bunks and then around the corner there are two more so there are four to a room and then also the restrooms and showers and all that kind are in a centralized quarter so it saved a lot of money in the design. I May we will be coming with a team like I said to present to you to give you a total overview along with property and everything as to where it will be located.

BRIAN SANDOVAL: So are you in the process of seeking local approvals from the local governments.

DIRECTOR CRAWFORD: Yes and also seeking property. We felt that that was a better time to come back. Right now we're just not able to verify any of the others that I just mentioned to you but we will in May.

BRIAN SANDOVAL: So you will be making this same presentation to the local government.

DIRECTOR CRAWFORD: Yes, some of that has been done. All right we would like to go on and what we would like to present because of the time frame here is that I would like to have Darrel Rexwinkel go through the timelines and the events for the RFP that we have out on the women's prison. As you are aware, CCA, the company that we've been contracting with submitted to us a notice that they were no longer wanting to be involved in the existing contract and would end it effective October so as a result of that we have sent out another RFP. I would like for Mr. Rexwinkel share with you kind of a chronology of events and what the timelines are.

DARREL REXWINKEL: Thank you Director, I think on the Power Point that Fritz has is the timeline but there's also in your book under Tab 5. I don't know if you would like to go over a little bit about what's happening and how we got here but CCA, our women's facility, was approved I think it was in 1995 Nevada Statutes in the session laws for that year to construct a facility for women in Southern Nevada using a lease purchase or financing basically. That resulted in a contract with Corrections Corporations of America and it was approved in October 1996 by the Board of Examiners for the construction of lease purchase and management of the facility. That contract provides for \$40.03 a day that was the beginning per diem with an annual 3 percent inflationary increase and that 3 percent was to include their operations, medical and everything. I think we can all kind of see the beginning of this thing because we know what medical inflation has been dealing over the years and so they were given a 3 percent contractual increase. And by the way, the contract went through June 30, 2015 so it was a long-term contract at 3 percent a year. Southern Nevada Women's Correctional Facility (SNWCF) opened in September 1997 operated by CCA. In the beginning of 2000 I think the Director started, I was hired by Bob Bayer actually but I actually started after Director Crawford was on board. Probably about the first thing that happened with both of us, we were dealing with CCA on a continual and regular basis with their woes over their loss of money operating the facility. From 2000 and 2003 we have had several meetings with CCA with a lot of discussions regarding financial issues. In October 2001, the State purchased SNWCF to include the equipment from CCA. The reason was the interest rates were very low, the contract did provide that we could purchase the facility and they would continue operating it and so the management agreement continued in place in accordance with IRS requirements to contract provides for a 3-year automatic renewal with a right for non-renewal. Because it was done with tax exempt financing, we can't have a long term contract with a private vendor to operate a public facility without having the 3 year renewals in there. So the structure was automatic renewals unless someone gave notice that they weren't going to renew. They had to give that notice 90 days prior to October 1, 2004. In 2003 during the Legislative session, we did conduct an RP process for the operations and medical services at SNWCF to determine if another contractor could provide services at no additional cost. We did provide that information to the Governor's Office and to the Legislature. We estimated our cost to operate it, without some startup costs we were estimating about 1.7 million dollars more to operate the facility from October 1, 2003 to June 30, 2004. Like I said that excluded the startup costs and it was more for the private contractors to

operate it and a lot of additional costs for privates was in the medical area and operations we were somewhat close but then medical, they were a lot higher. In December 2003, NDOC in cooperation with CCA submitted a work program to assume the provision of medical services of SNWCF. The work program was presented at the January 2004 IFC meeting and action was deferred pending review by a subcommittee. Shortly thereafter, I guess at least a month thereafter, CCA provided notice of non-renewal effective October 1, 2004 so they gave us notice well in advance of 90 days, several months in advance. We immediately proceeded to update the RFP that we had issued about a year earlier and that RFP was scheduled for release on March 19th, we actually got it released through State Purchasing yesterday afternoon. There is a mandatory site visit to April 1st and proposals are due May 4th and then we'll have those evaluated within 10 days or so from that point providing us sufficient time to go forward to maybe the Board of Examiners or the Prison Board or at least through the IFC to explain what our cost would be to operate because we plan to submit work programs for the June 16th IFC and then we'd have the costs from the privates and the reason we are on that kind of a timetable is because it is going to take anyone a couple of months to ramp up and assume operations. We asked CCA if they would give a two-month extension and operate it on a month-to-month but they have not responded back yet. I suspect that if they did it would probably be at a higher cost but we haven't discussed that with them but we're preparing for someone to take it over October 1st and if it is ourselves, we need positions and only the IFC can give us the positions so we are looking at the June 16th meeting because that would probably be the last one they have before September unless we have a special IFC.

BRIAN SANDOVAL: Thank you. Question what if you don't get a response from on the RFP what would be the plan then?

DARREL REXWINKEL: When we did the RFP process a little over a year ago, we did have two substantial proposals for medical services and we had one substantial proposal for operations. Last time around CCA still had a valid contract and they have given notice and I suspect there may be more interest in time because CCA has actually given notice of non-renewal so I think the vendor communities should know or should understand that something is going to happen come October 1st.

DEAN HELLER: Is there a threshold where it is not cost effective for the State to accept an RFP if they come in with this extraordinary high bids?

DARREL REXWINKEL: What my thought might be is that we will do our work programs and our proposals so to speak and we'll have our analysis of what its going to take and what we would like to have to operate SNWCF if we're to do it. We will also have the results of the proposals and then we can stack them up side-by-side and say "here is what the State can do and here is what the vendor community can do, which would you like?" There is a time frame we have to comply with because if we are to do it we need to hire staff and get them trained. If an outside vendor takes it over they need to hire and train staff and be in a position to take over October 1st. It is something that has to be decided well before August.

GOVERNOR: I need some clarification. How can you hire staff to take over a program that hasn't been approved in the budget? Does IFC, they can't make that decision? All the time they

tell us they can't establish a position they don't have. Gary, the IFC can you establish a position to start running this program before the next Legislature session if you don't have it in the budget?

GARY GHIGGERI: Only if the Board of Examiners approves and requests the funding.

GOVERNOR: Anything that we bring over there that we request you could approve. Like the time we needed more people for DMV you said we couldn't. They said we couldn't establish a position that hasn't already been established. You can move people from position to position but you could not establish a position is what we work under all the time.

GARY GHIGGERI: No. The Interim Finance Committee can establish positions with allocations out of the contingency fund and can also redirect existing resources to establish positions. They reserved new positions from the Attorney General's Office this year out of the contingency fund. (Inaudible)

GOVERNOR: But it has to come out of the contingency fund?

GARY GHIGGERI: Comes out of the contingency fund or existing resources.

DARREL REXWINKEL: Governor if I may, we do have an appropriation out to make payment so to speak to operate SNWCF through June 30th. There's probably sufficient funding to pay for interim operations at a higher rate until the Legislature comes back into session and then the Legislature instead of using the contingency fund if one would so desire, the Legislature can come to session and appropriate more money. The Legislature could. We would have money to fund it to that point in time with the current funding.

GOVERNOR: The point I'm driving to I just want to make sure we're clear. You have a lot of different people you have to go to for this, the Board of Examiners has to approve which is the three of us so that's why you're coming to us as opposed back to the prison, the same membership and then it goes over to IFC and then if they don't approve it, I want to make sure there's an alternative program so that we get in on October 1st and this group pulls out which they told us they're going to and they have been threatening the last two years that I've been listening to this every time we turn around they're going to leave, they don't want to do it anymore. They want more money so if that's the case and CCA and they pull out we have to have at a time at some point to pull the trigger so that we're moving ahead in case, cause they're gone. They've already notified us of that on October 1st and we get there, you can't start up on September 1st and get there can you for October 1st?

DARREL REXWINKEL: We need 60 days at least I would think.

GOVERNOR: Well then, we need a plan that would allow us to get there because if they pull out what are we going to do if we can't take it over is my concern.

DARREL REXWINKEL: That's why we need to go to the June 16th IFC and just before that come to the June Board of Examiner's meeting. The unfortunate part I think is that if we don't get the proposals back in and get them evaluated it would be very tough to negotiate a contract

with a vendor prior to the June Board of Examiner's meeting because it takes quite a while to negotiate these contracts because of all the different scenarios that go on, you know, the Attorney General and his office are going to be fighting with their attorneys over maybe some legal provisions and all that so maybe that we come to the Prison Board or Board of Examiners in June with the analysis and all that and get the approvals and then go to the IFC and let them make the decision and if it's the private vendor they would negotiate the final contract and get it back to the July Board of Examiner's meeting for approval or if it is approved for us to operate it, then the IFC would have to establish positions and a reallocation of the money that has already been appropriated so that we can operate it.

GOVERNOR: What happens to us if either one of the Board of Examiners or if the IFC didn't approve it like they didn't approve it this last time when we went to them to take over the Health Care Program. That's the big issue with CCA is the Health Program, right?

DIRECTOR CRAWFORD: Well it's a combination, but the health issue..

GOVERNOR: The financial aspect is the one where they say can't afford it because we take them out and we move them back and all that stuff but I'm looking at some point if action is not taken then what alternative do we have on October 1st. If the Interim Finance Committee doesn't take action and says, "no, you can't do this or you can't take over", where are we then if these other people are leaving on October 1st?

DIRECTOR CRAWFORD: Governor first of all I would have to share with you, we have, I know what you're alluding to was the juvenile facility, they had the flexibility to shut down. We can't, there is no place to put them.

GOVERNOR: Well, they shut it down, we can't. That's the point, I've had one experience and I don't want another one. I'll tell you what I'm thinking I'm going to ask the Attorney General because he is at least our counsel. I think when we go there we are going to assume that we are going to get some action and that we will be either able to move in a logical sequence of the RFP and select somebody and if we can't we are going to be running simultaneously with the plan that says the State will take it over and if it doesn't get approval then I want to know what my rights are under emergency powers, as a Governor in the State of Nevada in relationship to the safety, health and welfare of the people of Nevada, because we're going to end up in a prison system where we can't move one way or the other. So I think that has to be your third element.

DIRECTOR CRAWFORD: So what I'm hearing you say Governor is also that you have to declare a State of Emergency. You can't close down an adult prison.

GOVERNOR: Yes, you can't close it down. And so we had that happen to us on Summit and we put people out and I don't know right now the way it is that we could ever in a timely fashion put the population that we have in this facility out in the rest of the country because there is a tremendous shortage plus the cost would astronomical so I'm going to make sure that a part of that other element that you work with the Attorney General's Office just to make sure that we know that we have the ability to solve our problem on October 1st.

DIRECTOR CRAWFORD: Governor, one of the things I would really like to mention to the Prison Board in reference to this, there are 150 staff at CCA and it's a logical move and recruit and keep the best of the best and be there and hire them. So in case of an emergency because we already have funding available, if we had to move in at that point and you do declare, there are staff there, there are monies available to pay that staff, maybe not State wages but at least there are staff there who number one want their job and number two a State of Emergency.

GOVERNOR: Well, if we can do what Mr. Ghiggeri said we can do under that process, you know, he can explain it to me or do we still have to get somebody to vote and approve it. I'm just worried if we don't we have to have a fallback position, because we can't make CCA stay there, they've notified us in good faith and we're trying to get an RFP out so that we could have it awarded and people will look at it and we'd hope it would be reasonable, because the RFP is going to have to match up to some point in our budget or the Interim Finance Committee is going to look at it and say well we're also going to have to pay for this out of contingency funds. If an existing private company can't go there with all the staff that is experienced, we can expect we are going to get a bid for what's in our budget to pay those individuals

DIRECTOR CRAWFORD: I concur with that but in a State of Emergency, what I'm saying if they were to pull up stakes, I guess I would need to know at what point we could move in administratively and assume that role. That's why you and I will know exactly what's happening.

GOVERNOR: We're going to have something to look at. I don't want to be looking at a crisis situation. I want to be sure that, I'm going to put the faith in the system that our Legislative Body is going to look at it, the Finance Committee is going to look at it and do what they can do if it happens. But, if it's something that they feel like they can't do, then we have to know what actions we can take.

DARREL REXWINKEL: Governor, I keep talking about the June 16th IFC but there is always the possibility I guess to do an expeditious work programming in a 15 day in a 45 day type work programs. I could see that something could happen after June 16th, like in July.

GOVERNOR: Well we can speed it up to some degree. IFC meets when; they're meeting here on March 31st? April 8th and then they wouldn't meet again until June 16th but isn't there a rule that I can put something on the agenda if they don't call a meeting. So you can speed it up in case and that's another thing to help you along in a crisis situation. We've never used that since I've been here, but you can do that. They don't respond we can call up a special meeting. But, we can look at that because this is critical Jackie.

DIRECTOR CRAWFORD: That has concluded our presentation. We have one other section.

GOVERNOR: Excuse me but the full intent is that you can the RFP the way it's going and it's got to come to the process and come to us then goes to the Interim Finance Committee and the way this is set now if everything move the way it should it should be handled in plenty of time for a new organization to come in, make the transition, switch over and have October 1st the change over.

DARREL REXWINKEL: The only thing I can mention is we probably would not have a negotiated contract prior to that June 16th for the June Board of Examiners meeting because there is not enough time to negotiate a contract before this. Its kind of the chicken and the egg thing because typically what happens is contracts come before the Board of Examiners but I think a decision needs to be made. Is it going to be a private vendor or is it going to be the Department of Corrections.

DIRECTOR CRAWFORD. Well, that is what the decision of this Board.

GOVERNOR: It seems to me the real issue that I've been listening to now for a number of years here how are you going to handle in a contract with another private agency the continuation of trying to have an overall inflationary aspect in a contract that goes up 3 percent when one of the most costly elements of your contract anymore is the hospitalization, medical or the health care in this case and its going to go up to 18, 19, or 20 percent. Are you looking at how you can get that verbiage in there with the Attorney General's people?

DARREL REXWINKEL: Governor, in the two proposals that we received for medical the last time, the two vendors made sure that they took care of their potential medical inflationary increases. I don't think that we are going to find anybody else that buys off at 3 percent a year because so they made provisions for inflationary increases in their contract based on what the prior years inflation has been.

GOVERNOR: We know what that is. If you need anything from us all you need to do is let us know and we'll have a meeting or whatever it takes to move the process along so that we don't hinder you in order to try to meet a very complex schedule involving a number of individuals or companies.

DIRECTOR CRAWFORD: All right, we have one final presentation and it's very brief. Glen Whorton will be identifying what we call our Administrative Regulations. But before we turn it over to Glen I would like to say Governor, and members of this Board, also to Attorney General Brian Sandoval, you have wonderful assistance in helping us with this and we appreciate it because we didn't have to write something then come over and then have it processed and it's in compliance with all of our State's statutes and I think this is the first time in this Department that we have been able to be in compliance with all of the most current statutes. A lot of this is because Attorney General Sandoval's staff who have been there with us and helped us go through the whole process. We are most appreciative and I would like to turn it over to Mr. Whorton but I also would like to say that we have many of the staff who have worked on this night and day. You cannot image the work that has gone into these documents. We are very please to present it to you. We are probably three-fourths completed and there will be one left maybe next year, I'll bring in another wheel barrel full, no, it will be through. We appreciate your support on this and we'll try to make this very brief and then we'll put a conclusion on this.

GLEN WHORTON: As the Director stated, we are about three quarters in the effort to revise the entire policy of the Department of Corrections. I would like to recognize Don Helling, the Warden of the Northern Nevada Correctional Center, who has, Don raise your hand, who has

basically chaired the Committee that has brought this policy forward to you, revised it, and intergraded it to a large degree, the American Correctional Associations Standards into our policy. I would also like to second what the Director said about the assistance of Mr. Sandoval's staff. Julie Slabaugh was a tremendous, tremendous help to the Department and we are very grateful for the assistance of Dan Wong now, and we hope to carry this forward and be completely done with our regulations before the end of the year. When we started, we had 300 outdated regulations. We have made tremendous progress and I'm very proud of this. We have these; essentially the Medical Division under Dr. D'Amico, the Personnel Regulations under Carla Padgett, and the Classification Regulation from Rex Reed are essentially complete. What you're going to find left are Darrel Rexwinkel's business and my business in Operations. We have business and practices that we have to document and revised in our Regulations and we have Operations issues that we still have to address. The most important of the Operations issues are the Use of Force and we are working on that as we speak and the major development there is the integration of the use of the non-lethal alternatives to force that we have been able to develop within the last couple of years that reduce our liability and make us a more humane place for the inmates. I am not sure how you would like to proceed and pass what they have done, if you had any questions on any individual regulations in this packet, we are ready to answer those questions otherwise it would be approval on motion for the entire group.

GOVERNOR: I don't have any questions on individual ones and I didn't read every single one of them but did kind of scan through them. I think the ones that your deleting should be deleted. I only have one question and that question is "Does this interface with everything in the State's packet, in our other booklet through Jeannie Green's Office?" There's no conflict in here. When I have the time to go back and check each one of these against those, but I realize that if they have something that affects all employees that that is included into this, and then if you don't have something that affects all employees such as handling of force, then you have specifically written in here for that?

GLEN WHORTON: Governor, that's a really interesting question and Attorney General Sandoval can correct me if I make a mistake here and that's possible, but my understanding is that the Prison Board is crafted through the constitution and you set the policy for the Nevada Department of Corrections. In that regard, we are separate from the Nevada Administrative Code; however, over time it has been the practice of the Nevada Department of Prisons and now the Nevada Department of Corrections to follow the Nevada Administrative Code. We do that in all of our personnel actions and in our administrative practices relative to purchasing and the management of vehicles and all those kinds of things. We follow the NAC. So essentially where we come into contact with the NAC on those issues, we are consistent. Obviously, the vast majority of this has to do with operations of institutions and the specifics of correctional operations that wouldn't be covered with NAC.

GOVERNOR: You've answered my question. If your looking at the Nevada Revised Statutes that affects all people because actually the three of us sit on the Board of Examiners and we also establish for everybody else it would be rather, I think we should know every instance where we are taking people of like responsibility such as let's say under "sexual harassment" that should be consistent on both sides of this because we are the same Board that approves those.

GLEN WHORTON: Our process in the development of these was very deliberate in the sense that got as much input as we possibly could and we are open to suggestion from employee associations, from offender advocates. In addition, we have a review process now that requires that these be reviewed on an annual basis and updated and at that point if you would like in our process we can specifically identify in each of these regulations where they come into contact with the NAC and reference the NAC in those and highlight it so that it can be seen if that is your desire.

GOVERNOR: No, I'm asking because I reviewed some of these and they are very well explained. In fact, I think probably this, when I read it, it has more clarity to it than some that we read in our other booklet. The one that comes to us, but we're working on that one and they have made a lot of progress on that and I see some of these that are corresponding but then others that are not in the other booklet and that's why I wanted to be sure that I'm asking the right question. So, if your going through them now, no it would be foolish on my part to go through them and then try to take each one of these and analyze. I will let it to the committees and the people who have worked on it and I'm not in this particular profession so I wouldn't know why the necessity of some of these in here but I guess if I were operating in a prison system, I would understand. I didn't have any questions specifically does any of the Commissioners have any questions? I do think it's good though to go through them and take some of them out and you've taken quite a bit of those out and merged some of the others.

BRIAN SANDOVAL: I noticed that part of this is going to be translated into Spanish?

GLEN WHORTON: Yes.

BRIAN SANDOVAL: Has that version been completed yet? I guess will that been done after these are approved.

GLEN WHORTON: No Mr. Attorney General we are going to make a budget request at the next session for three translators and they are going to be stationed with the Inspector General's Office but a lot of their duties will be the translation of our Code of Penal Discipline and Regulations into Spanish. That will be what they do to ensure that they have a full workload and not just simply translating phone calls and doing investigating stuff, they will also be doing that administrative function. We recognize that has to be done and we want that internal resource.

BRIAN SANDOVAL: Well, there's a recent Nevada Supreme Court decision would necessitate that.

DIRECTOR CRAWFORD: Yes

GOVERNOR: You don't have to include us in that budget we have Brian.

DEAN HELLER: Can I ask just one question? I would like to add to your work since we're talking about regulations here, I had a letter that I was going to mail to you Jackie dealing with a bill passed during the last session that's requiring that your agency create an official document that will allow criminals to restore their rights to them to allow them to vote and we're getting

questions and concerns from clerks and registers across the State because people are coming in to be able to register to vote and they are saying “well you have got to get this official document from the prison system and they say but there is no official document created at this point so I need to work with you. I need to give you this letter to begin with. I thought this would be an appropriate time to tell you.

DIRECTOR: Certainly we want to work with you. I think also the Attorney General, it was through P&P and also Parole Board, there were some questions on the law and they thought there needed to be some amendments but I’ll address that in another meeting. It may be just a separate meeting.

DEAN HELLER: That’s fine.

DON HELLING: We have scheduled to review the new AR addressing that issue.

DEAN HELLER: Good, good. I will have a member of my staff to look at it.

GOVERNOR: Before I ask the question for consideration for a motion is there anybody else that would like to comment on this? Whether it be from the public.

PAT HINES: We can hardly hear you Governor. Are you asking for public comment now?

GOVERNOR: Yes, I did.

PAT HINES: Yes, I believe there are two of us here for public comment.

GOVERNOR: Please identify yourself and step forward.

TANYA BROWN: Hello, hi, yes my name is Tanya Brown and I’m here with Pat Hines for Nevada Cure. I just have some concerns on the AR grievance. They were discussing a tracking log. Now is that going to be like on the NCR paper to where, when it, if inmates concerns are a cover sheet for the tracking logs, basically like the chain of custody, in which when an inmate is written up the grievances shall be placed on NCR paper and everyone would receive a copy. It would be the inmate, the grievance coordinator and a caseworker so that way the inmates themselves would have a record at that time. Also suggested the inmate’s advisory board. These boards need to be impartial and they should consist of two inmates with a minimum of 3 years. One should have legal experience, paralegal preferably, two outside members, cause we would like an impartial board.

GOVERNOR: Are you suggesting that now?

TANYA BROWN: I am suggesting this yes because some of the grievances they just, they just, there’re just not right.

GOVERNOR: What don’t you like about the existing grievance procedure?

TANYA BROWN: Well some of them are OK but there is no way to track what's going on and time frames. Now you talk about some of these inmates discussing, OK you have five days, they have five days and it's a total, is it 25 days from the time the grievance is filed until its resolved? OK, what if it has to go to say the Attorney General's Office for an investigation, what about those time limits? Is there a time limit on that?

GLEN WHORTON: Governor, members of the Board, we do have issues with the time frames on the grievances that is the impetus for developing this system and it allows us to manage that system to hold staff accountable for getting those things done. We do not hold grievances for investigation except if the person who is answering the grievance tries to get information and sometimes that slows the process down. It doesn't go to the Attorney General's Office. We may refer something to the Inspector General's Office but the grievance is acted upon and then the investigation proceeds at its own pace whatever the resources might be. It is true that there have been difficulties with the timing of those and that is specifically why we have implemented this system. That's why we designed it because we feel that same need. If the grievance system is required as a predicate to litigation the grievance system has to be timely and it has to be substantial. It's not good enough that we just step into court and say, "its done." We do it and it is substantial. We have to be able to prove it and that's what this information system is going to do and that's what we haven't had in the past and that's a valid complaint and it's a complaint that we have already acted upon.

TANYA BROWN: OK. Now with the, I don't see anything about a mention of any kind of a punishment and I don't think a punishment should be imposed unless all the matters have been completely resolved. Now there have been instances where inmates have been thrown in the hole prior to the grievance being completed and its gone on appeal all the way to the Supreme Court and the Supreme Court turns around and rules in favor of the inmate but the punishment has already been done.

GLEN WHORTON: Governor, members of the Board, I believe what you are referring to is the appeal of a disciplinary process and that is done now through the grievance process. The disciplinary process is a due process that is mandated by the courts it is approved by the federal courts. They have reviewed it and once they go through what a reasonable person would presume from the evidence that's in front of them, it is not court, it is not beyond a shadow of a doubt, it is a lesser degree of due process and we can act upon that. The courts have told us we can act upon that and frankly we rarely see those things go to court, they just don't. We don't get sued and we don't have judgments and frankly I guess our response in terms of our litigation expenses has gone down extremely over the last couple of years by virtue of our tying to have a fair and equitable system but you don't see those kinds of issues going forward. Generally, we find a lot of litigation over property, over religious issues, over diet issues, those kinds of things, but not very often over disciplinaries.

TANYA BROWN: OK. I just got a couple of more things. I think Nevada needs citizen's oversight committee, which Pat can touch on. Also, there has been some concern about the paralegals in some of the prisons. Some of the law clerks, for example, why aren't they being paid? Now the people in the Prison Industries work and they get a wage but your paralegals get little or no money and yet they do a lot of work for other inmates and not only that they actually

put more work into it. Now I have a concern for the women's prison. I don't know if you are aware of this or not but it's been an ongoing problem for many years at the women's prison. They are not capable of doing a lot of this legal work. In fact, I do know of some that have actually let the statute of limitations run out because they don't know how to do the work. They have no recourse once that happens. Years ago it use to be that Ely State Prison law clerks use to assist the females in showing them how to do it and I think that should be looked in to. I think the women's prison is far behind many of the other institutions as far as the legal aspect of that. Also, there were some concerns about access, High Desert. You would have to put in a request sometimes up to two weeks in order to get into the law library and then you were only given a couple of hours a day, if maybe three days a week. NNCC, NSP, and I believe Ely, their fine. You know you can get in, you don't have that problem but there are other institutions, there are problems with the law library. Now for the religion issues I have some concerns cause I sponsor some Wiccans. There here there have been a lot of problems with this. Here's an agreement, it was in a suit, a federal law suit and this is the agreement that's been signed by members of the prison and right now on some of things that have been agreed upon by the Department of Prisons is being taken away from the Wiccans and I would like to know why they are not conforming with their own agreement and the federal courts. I think an inmate advisory board would be a good thing. A lot of inmates feel as though they are not, when they grieve sometimes they figure why even grieve and go through this process because they are not going to win.

GOVERNOR: Sometimes they do.

TANYA BROWN: Sometimes they do but you know a lot of times they feel its not worth it because its...

GOVERNOR: I don't know you are going to have a hard time convincing me that we're going to have inmates sitting in on a grievance for other inmates.

TANYA BROWN: But not all, I'm just saying it would be, it would consists of say

GOVERNOR: You know they are locked up for a reason and they don't get everything that you and I get out in the society as citizens. Not only that but I'm not there but I would think it would cause a terrible situation in a prison if you had three prisoners who sat on a person's grievance and they rule against them what's going to happen at that point? I mean their not separated like the staff in the prison.

TANYA BROWN: But if they were like a paralegal that just went by what the law says and did it that way, you know, at not so much..

GOVERNOR: I'm not so sure that's a part of these regulations.

TANYA BROWN: OK then if it's not the inmates then how about outside parties, an outside party, somebody whose willing to come in once a month to meetings, listen in, and give an objective opinion on everything.

GOVERNOR: I don't know if that will work but I don't want to think that everything won't work, but I don't know if that's a...

GLEN WHORTON: Governor, the Director has, in fact, she is probably going to want to talk about citizen's advisory committees, that's an issue that's important to her.

GOVERNOR: Let me move back just to make sure. I wanted you to speak specifically about these because I feel it's unfair to come in and approved all these if someone's waiting here and they want to have a public comment after we've taken action so if you want to talk about things that are general then we ought to do that in the next comment period. I'm really asking you to talk specifically about this long list here is what I was doing because it would be unfair for us to vote and then talk about it later on so I think your talking now paralegals and excreta and something general that relates to staffing availability whether it versus a men's prison system versus a women's and I don't think that's part of this here.

TANYA BROWN: OK then we can discuss it another time then or somewhere down the road.

GOVERNOR: Or the staff can get with you and you can make your proposal but these here are specific regulations that they follow and that's what I was trying to do to give you the courtesy of saying...

TANYA BROWN: Well my main concern are some of the grievances you know and the tracking and how that's going to be done you know to where everyone gets a copy. Inmates can go and look and say OK we know where the status of that is and he's done that. I just want to make sure that they are going to get that is that going to be at the same time and the religious part of this. I mean you got the forms coming in and they are not conforming.

GOVERNOR: Well in a citizen's committee any of these issues that you have at least, because we met with Pat Hines, I don't know perhaps three or four years ago, maybe five now, and we talked about it but I think that the citizen's group has been working fairly well and they have input and certainly on these kinds of things you can sit down and bring them up and listen they'll always have to be massaged but you can't get to the point where the persons are going to run the system because I don't think we're going to go for that here and I don't think they can afford to go for that but there are certain areas that you can work on like the phone system we worked on and a lot of other areas certainly job creation and training to this vocational program that we're talking about here today has come a lot from the citizens in the various input that we've had. I think its working it just might not work for every particular item.

DIRECTOR: Just a moment, Governor if I may I'd like to interject just for a second because I hear one of her concerns and I would like to point out which I didn't. We partnered with UNLV Boyd Law School for the law students to go out and train with some of our law clerks at High Desert so that primarily has been addressed and that has just started. Give us a little time to get some of these things going, but we are training law clerks.

TANYA BROWN: I just wanted to make sure because I haven't heard anything and I just want to make sure that the agreement that was signed is followed through and not stuff taken away

from this. I mean if you sign a contract you have a lawsuit you agree to it you should stay with it. They have been working on it but they still take away what they've agreed to and it's like never ending.

GLEN WHORTON: Governor, that's an operational issue that we're open to look at and that's the appropriate place to deal with that because we act under the guidance of our house counsel.

GOVERNOR: Well if you have a specific let somebody know and they'll give you an answer of yes or no but it does need to be clarified.

TANYA BROWN: I have gone through them over the years and nothing seems to get resolved.

GOVERNOR: Thank you. If there is no question specifically to an item in here then I'm going to ask for, are you going to talk in general Pat or are you going to wait?

PAT HINES: No, I'm in general terms.

BRIAN SANDAVOL: I move to approve.

GOVERNOR: Moved

DEAN HELLER: Second

GOVERNOR: All in favor say aye.

BRIAN SANDAVOL: Aye

DEAN HELLER: Aye

GOVERNOR: Thank you

GLEN WHORTON: Governor can I clarify that that motion includes the regulations to be deleted and rescinded.

GOVERNOR: Yes all three of them..

PAT HINES: Have you approved these ARs now? Well, my general suggestions included some things that I think should have been, that you people have the right to say to the Department of Prisons to include or look into and you certainly know how I feel about Director Crawford coming in and her ideas. I think there are some things that need to be changed within the system and one of them that instead of building and programs I think its time to get down and making sure that the grass roots correctional officers are abiding by the ARs. This is the best series of ARs I've ever seen but I did intend to make the recommendation that five of these ARs the approval be withheld until inmates and some of the outside people have a chance to give some input into it and in its input, things like the signature that the grass roots correctional officers are putting on these grievances are illegible. You can't even read them for one thing and the time

factor is terrible. I would like to read you a grievance that I have here and it says “how many grievances do I have to file to get a response on my property claim. What do I have to do to get to small claims court if administration continues to not answer my first level grievance? It has been close to three months since my property came into issue and I have still not received a response to the grievance I filed with the small claims application on 12/10/03. To resubmit my claim in which I did, wait a minute, I’m sorry, I was told by CCS person that the grievance was lost and instructed to resubmit my claim in which I did on 1/24/04 a month later. Per AR 740 NDOC has 25 days to respond and as of this writing 1/27, he has not heard anything, the 25 days has past so that’s why he was inquiring. I have not received a response to that grievance. In fact, a correctional officer informed me that the grievance had been resolved on 2/12/04”. Now this is over six weeks since he put it in. “And that I signed a grievance as resolved which is not true”. Now, its one person’s word against another. “If there is such a thing it is a forgery and thus an illegal act was committed by NDOC.” I hate to see people say by any illegal act by NDOC because I think its correctional officers at the grass roots level that are doing things that the administration doesn’t know about but back to this. “I will file criminal charges on the person or persons involved on this criminal act. Forgery is a felony through the NRS. I have no idea what has happened to my property and I’m trying to go through the proper channels to get my property back.” That’s the frustration of the inmates. They try to go through the proper channels and its not happening. If it happens, it’s six months beyond the deadline for filing a claim.

GOVERNOR: Well Pat let me ask you this because we’ve had some of these discussions before. You have 11,000 inmates and there are grievances filed everyday. You know once in a while we’re going to have one like that but the point is you have a grievance procedure so we just passed the grievance procedure and now your talking about if its not followed or if someone lost something or got misplaced which can happed to all of us then there needs to be somebody and if your going to represent some of these people you can sit down with and then say OK lets find out what happened to it. But, I do believe that the procedure we just passed here is for a grievance procedure and now you reading that is some of the things that he saying and there are two sides to every story. He may be 100 percent right or he may be 100 percent wrong and you know he’s got a disadvantage because he earned that disadvantage by doing whatever he did to get into prison. He’s not identifying his property. We need to go back and have somebody look at that particular item like they do.

PAT HINES: This is a fairly common procedure in the prison system. I am just reading one of several that I have but let me make my point Governor.

GOVERNOR: First of all I’m dealing with a lot of people who aren’t trustworthy in the first place. That’s my opinion. That’s why they’re there, they broke some serious rules to get where they are and now all of sudden it’s somebody else’s fault. But I still think

PAT HINES: It is when property is lost and they don’t get a response on it.

GOVERNOR: I know but how did somebody even know that they had the property in the first place.

PAT HINES: Because there's a property form that's filled out of what property they had.

GOVERNOR: You know how the system works and we need to follow up on something particular, turned it over and they will deal with the individual institution that's working on this. Because you're going to have these things happen no matter what kind of rules that you set. I think the grievance procedure, because I did read that one, I think it's a very good one and I think it supports someone who is an inmate to have some kind of an answer in 25 days. Now if your giving answers to 80 percent of them

PAT HINES: That's only the first level.

GOVERNOR: or 85 or 90 percent of them in 25 days that's great.

PAT HINES: That's the first level Governor, that's only the first level.

GOVERNOR: I know it's the first level but then if you don't get the answer you want you have other processes that they have to decide that's why the Law Library.

PAT HINES: But let me make this point that I would like to make. This is just one example of why we are recommending this oversight committee. These kinds of things should not be brought to you people and they would be very workable if inmates and families and friends, outside advocates had an opportunity to give this kind of information somewhere within the system. The only opportunity we have right now is through public comment at a meeting like this and that's what we want to suggest that there be another remedy for this. Thanks to Director Crawford we have the ARs on the website unfortunately, they're not all on there and that there must be 30 right now that say under revision on the website and here is a parent, I am going to give you this example, AR 719 on visiting has been off the website for about four or five months. So if you are advocates like myself when someone says how do I find out about visiting and you refer them to the website and its not on there that shouldn't be. Our recommendation on that is that whatever AR is current, in effect, approved, I don't know how you want to say that because I can't get clear on approved and effective date myself is that leave that whatever AR is current and in effect on the website until it's either signed by the Director or approved by you all so that these families or inmates have something to go by and I think Mr. Percy, I don't know if he's here or not I never met the man, I have in the last month made two requests to him for copies of ARs that say under revision on the website and he's been kind enough to send them to me. He asked Warden Helling if he could send them which they very kindly did but then I in turn have to turn around and send them to the inmate or the inmate family in Michigan whereas if it was on the website this kind of extra work wouldn't happen and this oversight committee in other states...

DON HELLING: Well 719 is visiting and it's never been on the website. It is under revision and it is an extremely complex one because it deals with inmate's visiting and families and children and a lot of complex issues to address. A lot of those that say under revision are just that they're under the old ARs and those have not been posted you know the old form that have not been formatted, or Use of Force probably says under revision because its never been posted and its under revision. The new ones are posted including the ones we discussed today.

PAT HINES: But there are some that were approved in '92 that are posted on the inmates. There are quite a few that are from '92, '93.

DON HELLING: We still have a ways to go.

PAR HINES: Right. I'm not saying they should do it overnight or anything like that.

DON HELLING: We don't put on the old ones under the old format and the ones that haven't been revised yet. The Table of Contents will show that and usually when you try to pull them up it will say, like 719, under revision because they haven't been approved yet even on a temporary basis.

DIRECTOR CRAWFORD: Governor I would like to meet with Pat and listen to some of these concerns because we're continuously putting out ARs and policy procedures and if there is some issues out there that I'm unaware of then I need to hear those before we come to this Board because that's what you pay me for is to address these issues. So I would like to meet with her today and find out exactly what these are and see if we can't correct them in house. Property has been an issue and some of the inmates do not get their property in a timely manner. I think we've corrected a lot of that but I need to hear it. I need to hear those complaints if they are continuing because then I'm saying is what policies I have in place maybe are not being totally followed, and if they are not, then I will take some corrective action.

GOVERNOR: My point to Pat is she has working with these individuals. They are trying to do everything they can but if someone doesn't get their property back its no different than some of us. My office was burglarized and I had one of my favorite hammers in my desk and I never got it back. The law enforcement agency took it to take fingerprints of it and I never got my hammer back. I didn't even have a grievance procedure, so over here at least we ought to understand that we have a procedure, we are going through it, but out of the thousands that are filed, we are going to have some that you have to sit down and talk about. You can do that. The other things that you brought, you've helped bring about a lot of these input things here, you should get credit for that but its not a place for the three of us to listen to them because we're...

PAT HINES: But, could I ask for your help in something on visiting while we're on that subject.

GOVERNOR: I don't think it's been in the public meeting law. Mr. Attorney General we can't talk...

PAT HINES: You're not aware that the Division of Public Safety is where our background checks for visiting were done. You'll have to help me on this because I'm not up on this but their machinery has been down, or not working, or something and I had eleven complaints in this last month because people can't get their visiting papers through because it's done by NCIC. But, can you help the Department to get this settled or give them some of an alternative out of emergency funds or something so that families are not sitting waiting five, six and eight months to get visiting papers?

GOVERNOR: Is it taking five or six months to get them?

GLEN WHORTON: The NCIC is the National Crime Information Center Network that I'm sure you are all familiar with that is managed in this State by the Department of Safety. They made a software change some weeks ago and what it has done is slowed down ability to remote locations to print out that criminal history so people who apply to us either for jobs as vendors as volunteers or as visitors and we are having that problem across the board. It's my understanding, that this is affecting a lot of clients of NCIC it's some software problem they have and they have not been able to identify and locate what is the problem.

GOVERNOR: I can follow up on that. Sounds like to me it's when you change software or something, I mean it happened to us at DMV, it happen to us at NOMADS, but I'll find out, but it shouldn't be four or five months after that. I'll find out. Thanks Pat. OK those are the people from the public, anybody else from the Board? We have taken all of the action items but items 6, 7, and 8 were in toto. Any further discussion?

DEAN HELLER: Do you wish to adjourn Governor?

GOVERNOR: We stand adjourned, thank you very much, thank you, a job well done, thank you guys, good job.

APPROVED THIS DAY _____ MONTH OF _____ 2005

GOVERNOR KENNY C. GUINN

ATTORNEY GENERAL BRIAN SANDOVAL

SECRETARY OF STATE DEAN HELLER

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