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MINUTES

Of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

October 15, 2012

The Board of Prison Commissioners held a public meeting on October 15, 2012 beginning at 10 AM at the following locations:

Meeting Location:

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

Video Conference:

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

I. Call to Order.

The meeting was called to order by Governor Sandoval. Present was Secretary of State Miller and Attorney General Masto participated telephonically.

Also present Deputy Director Support Services, Deborah Reed, Deputy Director Programs Sheryl Foster, Deputy Director Operations, E.K. McDaniel, Chairman of the Nevada Board of Parole Commissioners, Connie Bisbee, Deputy Attorney General Kara Krause, and members of the Press. Members of the public in Carson City and Las Vegas were asked to sign-in. *See [Attachment 1](#)*

II. Public Comment.

James Kelly speaking on his own behalf first read the NDOC Code of Ethics. He discussed:

- Overtime issues and minimum staffing
- Being charged with terminating offences for not taking mandatory overtime
- Said that 1 officer watches 2 units at NNCC
- Stated that NCA submitted a proposal that would alleviate the forced overtime issue
- State of Washington Correctional officer that was strangled due to understaffing
- Said that the Department, Director and Deputy Directors have been forewarned.

Michael Gavin of NCA discussed:

- He submitted two grievances regarding two incidents due to short staffing issues
- Unarmed staff is out numbered 100 to 1 while inmates have access to tools that they could use as weapons
- Also stated that 1 officer has to watch 2 units at once
- There are incidents that happen in visiting because there is only 1 officer monitoring it

III. Acceptance and Approval of Minutes – May 17, 2012 meeting. The date needed to be changed on the first page of the minutes. Motion passed to approve the minutes with the date corrected.

IV. Presentation & Discussion on Programming & Inmate Education Programs – Deputy Director Programs Sheryl Foster and Kim Petersen Education Professional. [Attachment 2](#)
Director Cox and Deputy Director Foster answered questions regarding the Boot Camp program located at the NDOC Three Lakes Valley facility in Indian Springs NV. Explained that the Book Camp program is not a youthful offender program. NDOC is designing a transitional program to follow the Boot Camp program to assist inmates with their conversion back into society. Discussed having a personalized roadmap of education and programming for each inmate to participate in while incarcerated. The higher the education level achieved the lower the recidivism rate for released inmates. Explained that there are over 600 volunteers involved various inmate programs. Plans for implementation of a new substance abuse program to be held at Casa Grande Transitional Housing in Las Vegas NV. This will be accomplished utilizing current NDOC staff.

V. Presentation & Discussion on Current & Future of NSP facilities & staffing- Director Cox discussed that there has been a tremendous amount of interest in the NSP property. He has met with and had discussions with Legislative staff; Senator Settelmeyer, Assemblyman Livermore, Assemblyman Grady, and Mayor Crowell of Carson City. Many members of the community, including former Director of the NDOC, Glen Whorton are involved with developing the property to add to the economy of Carson City and the State of Nevada.

Director Cox also discussed eventually relocating the tag plant and the execution chamber that are both currently housed at NSP. The capital improvement program (CIP) to move the execution chamber to Ely State Prison is expected to take approximately 12 - 14 months and the CIP to move the tag plant to Northern Nevada Correctional Center is approximately 16 – 18 months.

VI. Discussion/possible action regarding State Administrative Regulations (AR's) - Director Cox pulled AR 316 and focused on the remaining AR's. He explained that AR 100 has been put in place to improve on the updating of AR's and to include input from all NDOC staff. Director Cox described step by step how the new process will work. Director Cox went on to answer the Commissioners questions regarding AR's as they came up. The AR's offered for approval are listed on [Attachment 3](#)

Keith Uriate, Chief of Staff AFSCME Local 4041 brought up concerns regarding AR 100. AFSCME Local 4041 sent a letter and attachments to each Commissioner on September 25, 2012. [Attachment 4](#)
Mr. Uriarte brought a written statement regarding the additional concerns he discussed. [Attachment 5](#)

Motion to approve the AR's presented passed.

VII. Board Member Comments. The Attorney General asked about the relief factor for staff. Director Cox explained that the kind of funding for a relief factor that Mr. Uriarte was talking about was never approved by Legislature. Although several previous Directors have brought this up, this funding has never been received. The NDOC currently has the fewest vacancies it has had in years. With the closure of NSP, staff was moved from there into vacancies at other facilities. Since then the NDOC has had academies all over the State. NDOC Human Resource staff; working in conjunction with the Department of Administration Division of Resource Management have effectively cut down on the hiring process timeline. Vacancies are filled as quickly and efficiently as possible. Director Cox stated that the focus of the NDOC Administration is the safety and security of staff and prison facilities. Since there is no relief factor keeping vacancies to a minimum is crucial. This is also why minimum staffing ratios are in place.

The Attorney General asked Director Cox about Mr. Kelly's comments regarding officers walking among inmates while unarmed and outnumbered. Director Cox explained that this is common and is done throughout prisons around the country. He stated that there are armed people working in gunposts, in control rooms, in towers. He said, "We have the ability to manage the inmate population with those resources." He stated that having armed officers walking among inmates is much more dangerous and no department of corrections does that. Having weapons where inmates could possibly take them away from the officer would potentially get someone killed. Weapons are kept in limited, secure and controlled areas inmates don't have the ability to gain access. Director said that he specifically reviewed the situation that happened in Washington that Mr. Kelly referenced. He spoke with the Director of the Washington DOC and discussed what regulations and procedures were in place and what needed to be changed. Director Cox also did this with the Director of the State of Colorado DOC regarding the incident where a Sergeant was recently killed there. The NDOC is always looking at ways to increase safety and security of staff and inmates.

Governor Sandoval brought up additional discussion on relief factors. Director Cox explained usually relief factors run at 1.82 to 1.85 but the NDOC runs at 1.60. The compilation of why the relief is needed is to cover annual leave, sick leave, military leave, training, Director discussed the number of vacancies at various facilities and that they currently have an average of 8%. Director will contact the National Institute of Corrections to come to Nevada and do an analysis. This will not cost the State.

VIII. Public Comment. James Bloomfield of Nevada Correctional Association discussed minimum staffing and would like to see a comparison of NDOC minimum staffing patterns to them in other states.

Glen Whorton who is the Vice Chairman of the Nevada State Prison (NSP) Preservation Society spoke. He discussed some of the history of NSP; cultural, historic, archeological, paleontological. He believes preserving and developing aspects of the facility and grounds can become a public and an economic benefit to Nevada. Several other states have turned former prison facilities into tourist attractions, historic sites, museums, and educational areas among other things. The NSP Preservation Society already has a great deal of support from Assemblymen and Legislators as well as various other departments within State Government.

Michael Gavin discussed short staffing and that he has seen a confidential OP that cuts half the staff. He stated there are nine units and he has been there when four of the units were only staffed with one officer. He discussed the gun coverage and that birdshot is not effective.

Education – for 24 years he taught civics class. He

Believes that the museum will become a tremendous asset to the town. He read an article that said that prisons turned into museums are the number one tourist attraction in the United States.

Dane Claussen ACLU said that he was happy to hear about the programs available for the inmates and references to what is and is not done in Nevada and other states. He stated that in the beginning of this year it was brought to the ACLU's attention that prisoners with HIV or AIDS are prohibited from having work assignments in the infirmary or food service areas. He met with Director Cox earlier this year and discussed this issue and subsequently presented a letter from their attorneys stating that Nevada is only one of three, four or five states with this prohibition and it is not legally defensible. He believes that it is time for the NDOC to revise their policy accordingly.

IX. Adjournment. The chair asked for any additional public comment and there was none and the meeting was adjourned.

APPROVED THIS 17th DAY, MONTH OF December 2012

GOVERNOR BRIAN SANDOVAL

ATTORNEY CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

Recorded and transcribed by Cynthia Keller, Executive Assistant, Nevada Department of Corrections