



## MINUTES

Of the meeting of the

### BOARD OF PRISON COMMISSIONERS MEETING

October 15, 2013

**Due to technical difficulties, there is no audio recording of this meeting. Below is a general summary of what was said during this meeting.**

The Board of Prison Commissioners held a public meeting on Tuesday, October 15, 2013 beginning at 9 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. Attorney General Masto and Secretary of State Miller were present.

Also present from the Nevada Department of Corrections were Director James “Greg” Cox, Deputy Director Support Services, Scott Sisco; Deputy Director Programs Sheryl Foster; Deputy Director Operations, E.K. McDaniel; Deputy Director Prison Industries Brian Connett;, and members of the public. Members of the public in Carson City and Las Vegas were asked to sign-in. [Attachment 1](#)

### **II. Public Comment.**

Ed Vogel a reporter for the Las Vegas Review Journal expressed his concern regarding not being able to obtain a copy of the Board of Prison Commissioner meeting (BOP) packet of materials prior to the BOP meeting.

**III. Acceptance and Approval of Minutes** – The minutes from the previous two Board of Prison Commissioner meetings were approved.

#### **IV. Presentation by the Department of the training and certification schedules for Correctional Officers**

Director Greg Cox, discussed expansion of NDOC's training program. He discussed the Field Training Officer program (which will be called the Field Training Monitor in the future FTM program) and NDOC's aggressive approach Pre Service Training (PST) which has been expanded from six weeks to eight weeks for custody staff. The Texas Department of Justice has a management and supervisory training program that the NDOC will be utilizing. NDOC Executive Staff including Wardens will encourage staff to take advantage of additional training programs such as the Certified Public Manager program and other leadership training. This will enhance people's promotional opportunities.

Attorney General Masto asked Keith about the open meeting law and Board of Prison Commissioner packets.

#### **V. Presentation and discussion on Legislation impacting the Department of Corrections and overview of budget FY 14-15**

Deputy Director Scott Sisco said that this is his first Board of Prison Commissioners meeting and he apologized for not getting information to the Commissioners sooner. He handed out a list of the 83 legislative bills that affected Nevada Department of Corrections. [Attachment 2](#)

He gave a brief overview of several bills that impact the Nevada Department of Corrections. He discussed the cuts that the Legislature made to the medical budget in budget closings based on the Affordable Care Act implementation on January 1, 2014. The Governor said it is not a true number due to Medicaid reimbursements. The Governor clarified that it is not a true reduction if you recoup this money. Director Cox said he met with Director Jeff Mohlenkamp. The Governor asked what the CIP projects were Director Cox said cameras to toilets, culinary, shower control panels, water tanks and water production. The Governor asked if he had spoken with the new conservation and energy person yet. Director listed what was looked at and said it is an aggressive plan and approach.

The Governor asked where the tag plant would be built. Director Cox said it would be built outside of Northern Nevada Correctional Center with construction beginning in the year 2014 with 16 to 18 months until completion. Deputy Director Sisco said the NDOC is budgeted for \$2.58 per day for food per inmate but costs are going up and indicated concerns that the Department would be able to stay within its food budget this year. The Governor asked what do we attribute the increase in costs to? Scott Sisco said national costs have gone up due to inflation on food. He discussed "Opportunity" buys. The Department had to cap the opportunity buys with new contracts. There must be a minimum of 20% savings for an individual purchase, and overall non-contract purchases or opportunity buys for the year may not exceed 20% of the total food purchases. The Governor asked if all institutions were on the same menu and Scott Sisco answered yes.

Attorney General Masto asked about the inmate population. Director Cox said there was a significant increase in crime in the Las Vegas Valley. He also discussed jails sentence structures which impact the NDOC. The Governor asked about capacity and the Director explained NDOC has planned for this increase and that reentry services and education are utilized in an effort to reduce recidivism. The Governor mentioned an increase in the population at Carson City jail and wanted to make sure we were prepared for this. The Attorney General stated that although there has been an increase, not all of these people will come to the NDOC.

Governor Sandoval asked about the annual cost of inmates compared to the rest of the country. Director Cox said we are one of the lowest costs in the Western states. The Governor asked if we still leased beds to other states. Director said currently we are not but we do have inmates on interstate compacts.

Secretary of State Miller asked about CIP's regarding the death penalty.

The Attorney General asked about backup capital improvements. Director Cox said he will provide information on them [Attachment 3](#)

## **VI. Update and overview on Prison Rape Elimination Act (PREA) implementation and compliance** – Inspector general Pamela Del Porto discussed highlights and accomplishments:

- Intra and Inter state cooperation between law enforcement and contracting agencies for background checks for pre-employment verification, and reporting and investigation into allegations related to custodial sexual misconduct; 115.63 and 115.17
- Preliminary approval for grant funded assistance for staff of NDOC to obtain certification as PREA auditors;
- Management tools in place for reporting of PREA allegations and/or information via newly implemented link to the Inspector General's Office information on the Department's website;
- Identification and handling of PREA related grievances in place and being addressed within the 90 day due date;
- PREA Intake Screening in testing phase;
- Management processes in place for handling of the Youthful inmates;
- On going communications with identified PREA coordinators across the country for best practices.

She also discussed custodial sexual misconduct and the PREA intake survey. She explained there are management tools in place and our website has a link to the Inspector General's office regarding PREA and other issues. Nevada is one of the states that took a very proactive stance on implementing PREA. Director Cox said we are working with three or four of our border states on how we can audit each other. Grant funding is available for additional training for rural counties. The Governor asked us to summarize where we need to be. Director Cox said NDOC is moving forward and we feel good that we are ahead of the game and we are trying to assist smaller jails etc... The Governor asked if we can move to agreements with other states without government assistance and Director Cox said yes. The Governor asked about funding and Director Cox said it is mostly Grant funding and NDOC has applied for several grants. Pam Del Porto mentioned the PREA Resource Center \$5,000 grant. The Governor said to apply; the worst they can do is say no. The Attorney General offered to assist the NDOC with applying for the Grants.

## **VII. Discussion of the Department of Corrections compliance with the Federal Court decisions in the Mickel and Stickney cases and any existing permanent court injunctions**

Director Cox explained the Mickel court decision was the fifth pick to Nevada State Prison which has closed. We are looking at all consent decrees with the Attorney General's office. The Governor mentioned the order dated 1980. Director said we are looking at all from the 60s and 70s on through the present. The Stickney agreement is from 1982 however Northern Nevada Correctional

Center has changed since then. The Attorney General's office is reviewing the agreement to see if we still have to follow it. The Director brought up the ASCA staffing study. Director Cox said our Department has changed significantly since then so there will be a third party review of our staffing. Deputy Director McDaniel said the Stickney agreement is from 1982, when we had only three facilities. Northern Nevada Correctional Center was overcrowded at that time; there were food issues, physical plant issues, inclusions in cells. A small part of the Stickney agreement talks about staff. The entire situation has changed since then. Secretary of State Miller said we are due for a refresher. This was in reference to the staffing study. The Attorney General asked Director Cox questions and expressed concerns about the ASCA study and agreed that it was overdue. AG Masto said that her staff would review the Mickel and Stickney court decisions in reference to the results of the ASCA Staffing Study and see what needs to be updated or vacated as a result of the changes since the court rulings were put into place. [Attachment 4](#)

### **VIII. Discussion on Inmate Vocational Training and related Contracts for Program Providers**

Deputy Director for Support Services Scott Sisco discussed the inmate vocational training contract. He explained it was a two-year program that provided additional programs and classes. Three vendors bid on this contract. Two did not qualify and the last one had a car accident and we could not reach him. The Governor said we are not providing that training? Director Cox said no. Scott Sisco discussed the FCC ruling regarding inmate store sales and inmate phone calls. In Nevada, the money goes back to the Inmate Welfare Fund. The new FCC ruling would create a big cut in this funding. Director Cox explained we always use these funds appropriately other states use it for structural issues. The FCC not taking states like us into consideration. This will be a significant loss to our Department and we will need to find money to cover the loss.

### **IX. Discussion/possible action on NRS 209.181 related to Employee Housing Agreements**

Director Cox discussed rural housing. He said it is difficult for staff to obtain housing and some people have not accepted jobs in rural areas due to the lack of affordable housing. The Nevada Revised Statute allows RVs on state property. <sup>1</sup>

Deputy Director McDaniel said that Humboldt Conservation Camp and Carlin Conservation Camp are our biggest problems we average four Correctional Officers short, which causes overtime. We would like to build RV spaces. Staff would bring their own RV. They would be charged pro-rated costs to cover water and power.

The Governor asked Deputy Director McDaniel to define temporary. Deputy Director McDaniel said up to two years or so until the staff found housing. There would be strict rules, no alcohol, no firearms, no gas. The RVs would be from 150 to 200 yards from the NDF camp, not inside the fence line of the facility. Director Cox explained that both he and Deputy Director McDaniel have lived on state grounds in past positions with other departments of corrections. Now, most states have stopped building housing for their staff. Other state agencies have done RVs. The Governor asked about costs to staff. Deputy Director McDaniel said just electricity costs. The Governor asked about the savings amount from overtime. Director said we will come back and report the success. The Attorney General asked how many RVs. Deputy Director McDaniel said two at each camp. The Attorney General said these people will be saving money and want to stay in the RV.

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<sup>1</sup> NRS 209.181 can be found at <http://www.leg.state.nv.us/nrs/NRS-209.html#NRS209Sec181>

Deputy Director McDaniel said there will be a rental agreement with a maximum of two years. Director Cox said if it works well we may do this at other camps. Deputy Director McDaniel will read the rules. The Governor asked if the agreement was reviewed by the Attorney General's office. Director said not yet. He wanted approval from the board to move forward with this and then he would have AG review. The Governor mentioned that due to the mining in the rural areas housing is scarce and not cheap. The Attorney General moved for a motion to approve this. The Governor stated the motion and the department will provide updates the Secretary of State supports this and would like more backup materials. The Director said he had wanted more input from them before moving forward.

#### **X. Discussion/possible action of the Association of State Correctional Administrators (ASCA) Staffing Study**

Director Cox explained that the Nevada Department of Corrections has requested having a staffing study done several times over many years. Among the people who have requested or reviewed this request are Bob Bayer Director from 1995 – 2000, Jackie Crawford Director from 2000 - 2005 and Gary Ghiggeri of the Legislative Counsel Bureau. Director Cox said many states are currently looking at this issue and a comprehensive study is needed. Director Cox explained that George and Camille Camp are national experts and there will be additional experts on the study team. The study will take place in all facilities except Pioch Conservation Camp. The Board of Examiners approved this study. We are taking a proactive approach to this however other states do this as a reaction to an incident. The Governor asked if there will be any issues regarding objectivity. Director said no, they are nonpartisan. The Governor asked if \$78,000 for the study is enough. Will it be complete? The Director said it is sufficient. The Governor said the staffing issue has come up at every Board of Prison Commissioner meetings and wants a solid study and recommendations. Director Cox said it will not be questioned; this is a very high level team. The Governor asked if the front-line staff will give input Director said yes staff and shift supervisors will have input. The focus will be on custody staff. [Attachment 5](#)

The Attorney General asked for an estimate of the timeframe and the start date. Director said it will be an aggressive three to six months but he will give them as much time as they need. They will be starting the first week of November. The Governor asked what other states? The Director said Arizona... and NDOC has sent three staff to them for training. Motion to approve the study approved.

#### **XI. Discussion /possible action on National Register of Historic Places Listing for the Nevada State Prison**

Rebecca Lyn Palmer, State Historic Preservation Officer asked for approval of the national register program. She said there is no negative impact for the states, only benefits. Local nonprofits can apply for funds, if leased; there will be rehabilitation tax credits. The Governor said we would need to edit the letter for the Secretary of Interior. The Attorney General brought up AB 356.

Rebecca Palmer and Glenn Wharton will provide a final letter and forward it to the Governor for his signature. The Attorney General recommended that the Governor can sign the final letter and the motion to support the letter was approved. [Attachment 6](#)

## **XII. Discussion and update on Silver State Industries/Prison Industries**

Director Cox explained that the Interim Finance Committee meets quarterly with the Prison Industry Committee. They keep stakeholders and the public informed. Deputy Director Connett met with the committee and said they project an increase. They added a board member. Due diligence was discussed. Prison Industries is working with the 150th committee creating items for sale. And they are working with the Attorney General's office on a judgment against Alpine Steel.

The Governor asked if there were any new contracts. Director Cox said no but when we are looking at new contracts we will follow the process. The Governor said he recalls we were losing money but are now in the black and asked how that is possible Brian Connett said through various contracts such as the Bureau of Land Management contract for hay. Variable pricing fluctuates. The Governor asked about our horse capacity and Deputy Director Connett said we currently have approximately 1,500 horses. The Governor asked about desert tortoises and Director Cox said NDOC has them at Florence McClure Women's Correctional Center and outside of Southern Desert Correctional Center (SDCC). He said we can take more tortoises and at SDCC.

The Governor asked about the Nevada 150 and outlet to purchase items. Deputy Director Connett said NDOC has a draft catalog and have brought samples to the committee and the Legislative Museum store will carry items. The Governor asked if we are exploring other outlets. Deputy Director Connett said the Grant Sawyer building and UNLV system. The committee will have events around the state where they will also have items to sell. The Director said we are working with the Lt. Governor.

The Attorney General said SB 478 requires additional information. She would like an ongoing agenda item regarding Prison Industries. She would like the documentation that the Prison Industry Committee receives. Deputy Director Connett assured her that all new programs would come before the Board of Prison Commissioners. He is working on a report to the Legislative Council Bureau an analysis of existing industries.

## **XIII. Discussion/possible action regarding State Administrative Regulations (AR's)**

Several days before the prison Commissioner meeting AR 750 was pulled. Also before the meeting AR854 was pulled. All the rest of the administrative regulations put before the Board of Prison Commissioners were approved. Governor Sandoval said that AR 854 was withdrawn Director Cox said yes it will be scheduled for the December BOP meeting. He has contact with stakeholders Senator Brian and there will be a language change regarding the vetting process. Director Cox said 219 regulations are reviewed on a yearly basis. He said we had a great working relationship with the Attorney General's office for their review of these regulations. Director Cox said the Board of Prison Commissioners will receive approximately 40 to 50 administrative regulations per year. Maxcine Blackwell explained the administrative regulation approval process. There was a motion to approve all of the AR's except for AR 854. The motion was approved. The governor acknowledged everyone's efforts. The Secretary of State Miller said that he appreciated everyone's efforts and hard work that went into the AR's.

## **XIV. Public Comment**

\* Mercedes Maharis said thank you for SB 101. She acknowledged the deaths of three inmates. She discussed mental health reports regarding five-point restraints being used at Ely State Prison and to please cease using them. She asked if Taylor versus Wolf is still being honored. She said

that we needed more sex offender training and programs. And that we should look at joining the American Correctional Association. She said that \$7 million needs to be given back to the Nevada Department of Corrections for training. [Attachment 7](#)

\* On 12/18/13 Mercedes Maharis e-mailed her own notes and recollection of what she said during this public comment section of the meeting, to C. Keller. Ms. Maharis' email has been added to the beginning of Attachment 7. These minutes have already been approved by the Board of State Prison Commissioners so have not been altered – Please see [Attachment 7](#) for Ms. Maharis' email with her corrections.

**XV. Adjournment.**

APPROVED THIS 17th DAY, MONTH OF December 2013

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GOVERNOR BRIAN SANDOVAL

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ATTORNEY CATHERINE CORTEZ MASTO

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SECRETARY OF STATE ROSS MILLER

These minutes are based on notes taken during the BOP meeting by Cynthia Keller, Executive Assistant, Nevada Department of Corrections