

**BOARD OF COMMISSIONERS**  
**JIM GIBBONS**  
GOVERNOR  
**CATHERINE CORTEZ MASTO**  
ATTORNEY GENERAL  
**ROSS MILLER**  
SECRETARY OF STATE

**STATE OF NEVADA**

**HOWARD SKOLNIK**  
DIRECTOR



**DEPARTMENT OF CORRECTIONS**

*A Nevada with no more victims*  
P.O. Box 7011  
Carson City, NV 89702  
(775) 887-3216  
Fax: (775) 887-3138

MINUTES OF THE  
BOARD OF PRISON COMMISSIONERS MEETING  
JANUARY 8, 2008

The Board of Prisons Commissioner's Meeting was called to order by Governor Jim Gibbons at 12:00 p.m. on January 8, 2008 at the State Capitol Building Annex, 2<sup>nd</sup> floor, 101 N. Carson Street, Carson City, Nevada and video conferenced at Grant Sawyer State Office Building, Room 5100, 555 E. Washington Ave., Las Vegas, Nevada..

PRESENT:            PRISON BOARD MEMBERS

Jim Gibbons, Governor  
Catherine Cortez Masto, Attorney General  
Ross Miller, Secretary of State

A.C.L.U. OF NEVADA  
Lee Rowland, Public Advocate

AFSCME LOCAL 4041

Kevin Ranft, Correctional Officer

ATTORNEY GENERAL'S OFFICE

Janet E. Traut, Senior Deputy Attorney General  
Keith Marcher, Senior Deputy Attorney General  
Randy Munn, Assistant Attorney General  
Christine Guerci-Nyhus, Chief of Bureau of Public Affairs

CORRECTIONS' STAFF

Howard Skolnik, Director

DEPARTMENT OF ADMINISTRATION

Deborah Reed, Budget Analyst

GOVERNOR'S OFFICE

Josh Hicks, Legal Counsel

LEGISLATIVE COUNSEL BUREAU

Tracy Raxter, Senior Program Analyst

LEGISLATURE

David Parks, Assemblyman

PRESS

Geoff Dorman, Nevada Appeal  
Brendan Riley, Associated Press  
Cy Ryan, Associated Press

SECRETARY OF STATE'S OFFICE

Chris Lee, Deputy Secretary for Southern Nevada  
Nicole Lamboley, Chief Deputy Secretary of State

INTERESTED PARTIES

Tonya Brown, Advocate  
Pat Hines, FFIP and Self  
Cheri Smith  
Teresa Werner  
Las Vegas Teleconference:  
Colleen E. Basnett  
Maureen Flansburg  
Donald Hinton, Spartacus Project  
Flo Jones  
Constance Kosuda  
Jim Palombo  
Teri Parker  
Michelle Ranell  
Sharon Samson  
Gregory J. Samson

**Governor:** Good afternoon and the Board of State Prison Commissioners scheduled for Tuesday, January 8, 2008 at 12 p.m. is called to order and let the Secretary reflect that the members of the Board of State Prison Commissioners is here and we have a rather robust agenda today that we'll try to get through as expeditiously as possibly, hopefully, we're able to do that within the time constraints that have been allowed for us. We're looking at the Agenda Item II which is the acceptance and approval of the minutes of November 15, 2007; however, I don't believe the minutes have been distributed among the members. I know that I did not get a copy of the minutes in my briefing book so what I'm going to propose to do is to move to defer the approval of the Minutes of November 15 until the next Board of State Prison Commissioners Meeting.

**Attorney General:** I'll second that.

**Governor:** Moved and seconded, all those in favor signify by saying Aye.

**Secretary of State:** Aye

**Attorney General:** Aye

**Governor:** We'll move on to Agenda Item III which has a considerable amount of information in it before this Board and I'm happy to see that the Director of the Department of Corrections Mr. Howard Skolnik is here with us today and what I'm going to do is start off by asking Mr. Skolnik to give us a brief status report of our prison systems before we go into the Administrative Regulation's portion which has been presented. So, Mr. Skolnik, welcome and the floor is yours.

**Director:** Thank you Governor. Members of the Board, the Department probably should have done this in the last Board meeting but didn't, but the Department has revised its Vision, Mission, Philosophy statements as well as its goals which are and have been posted on our website. Probably the most significant is that the Mission Statement for our Department now is to protect the public by confining convicted felons according to the law while keeping staff and inmates safe. Very simple, very direct, very reflective of what the statutes require of us. Our goals have been modified as well. They are to provide meaningful and adequate staff training and development for retention, promotion, and enhance security. We feel as a Department we have not really done an effective job in terms of training our staff, especially for promotional purposes. People get promoted and then learn what is expected of them in their new job and this resulted in some ways and again our staff reflecting history as opposed to the future. We have asked Todd Rich and the Department of Personnel to work with us and are revisiting our entire staff training and development program over the next couple of years to try and bring that up to modern standards.

Our second goal is to adequately manage the ongoing expansion of the Department. We have a lot of construction underway. We have a lot of recruitment underway. We are, in fact, on schedule with all of our construction at this time. We feel we're doing as good a job as we can in managing the expansion given the fact that we don't have any control over the front door. Evaluate how resources are used and where the best use of them is. When I get into some of the things we're hoping to do in a little bit you'll see that we're talking about some redirection of some of our resources in an effort to better handle the changes we're seeing in our population.

We're in the process of establishing a Department-wide incident command system. We have not had one. Fortunately, we haven't had a lot of need for one either but we're not so sure

that will always be the case so we're trying to develop an incident command center in the northern part of the state at our Central Office here in Carson City and an incident command center in the southern part of the state at Casa Grande which is centrally located near the media, it gives us good resource there. We're moving slowly but surely along those lines. Obviously, funding at some point is going to be an issue for that. There is a lot we can and have done in terms of making sure all the documentation we need is centrally located. That's been accomplished. We have video conferencing capabilities at both locations if we need them so we're proceeding fairly well with that.

Educate stakeholders and customers. I think we're fortunate that the Legislature created the Advisory Commission on the Administration of Justice which has afforded the Department a strong and significant opportunity to present what we're doing, what we intend to do, how we plan on doing it. Justice Hardesty's questions have been very clear and direct and I think that out of that process will become a fairly good education process for us and finally we're working towards improving communication. I have begun holding town hall meetings with our line staff at all of our locations, historically we have not done that and I believe that's having a very positive impact. We do have some staff representation here who can tell me I'm wrong if they want to but I think they won't.

We have 13,000 inmates as our average population to the first six months of this fiscal year. That's 247 inmates in excess of the budgeted population but it's less than the original projection. AB 510 in fact has impacted the Department. The problem is that 510 has not impacted the Department as everybody had hoped completely. We currently have 218 available camp beds and we have 210 available transitional housing beds. Those beds are difficult for us to fill because of the requirements to qualify for them. Our need for medium and close custody beds is not declining and we currently have 181 more people in that category than we have beds for them. We've got them stashed in corners and day rooms until the construction for the pre-engineer buildings is completed. Female beds, we actually only have ten available beds in the system right now for women. We have placed women in Casa Grande. We have placed women at the Southern Nevada Correctional Center which is a male facility because we just don't have the beds in our facilities to meet those needs.

AB 510 had some not so wonderful impact on us given its timing. It literally brought our new computer system to a halt. It requires reprogramming of the entire system and only two weeks to do it. So, we're still struggling with the aftermath of that although we have pretty well got sentence structure and those issues under control. What we intend to do is beginning next month provide every inmate in the system with a statement of both their sentencing and their time credits although we don't know if those that we are giving too many credits to will come to us. The ones we haven't given enough credits to I know will. I think that's going to help us a lot in resolving some of the issues we've got with our good time credits.

Again, our expansion is all on schedule. We're very fortunate in that the new construction at NNCC, the modular unit there, will allow us to change the way we're doing our Capitol Improvement Programs and save a substantial amount of money by housing the inmates all at once and being able to do much more expedient repair of that facility bringing it up to code. We have asked that the transitional center for women that was originally scheduled for the Florence McClure Womens Correctional Center, its a hundred bed facility, be taken off the table. As I indicated, we've got 50 rooms we've designated at Casa Grande and as of yesterday, we only had 30 women that qualified for placement in that facility. I just don't see that as a good expenditure of funds right now. We'll have 75 beds for women when all is said and done and Eagle's Nest is up and I think that would be more than enough for the foreseeable future.

Then the other thing we've asked Public Works to look is the movement of the Nevada T, the new expansion unit that was originally scheduled for Northern Nevada Correctional Center to be relocated it to Warm Springs and Public Works supports our feelings that we could save a lot of money by doing that and probably save some future issues with space and programming at NNCC which is already over it's original intended population.

In terms of long term planning, we're asking Public Works on Prison 8 to relocate it. It was originally scheduled to be up the mountainside, up Cold Creek Road from High Desert and we've asked that that be relocated down below High Desert between High Desert and Indian Springs and the reason for that is we intend to have Prison 9 redesigned as a women's prison, as a prison that is designed as a prison. For those of you who have toured the Florence McClure Facility it's really a jail, it's never been designed appropriately as a prison and by moving the women from there to Prison 9, we can use that facility for both intake in the south which frees up to more bed space at High Desert and also for our geriatrics. Our population is going to age. People serving Life Without sentences are going to get older and older in our system and right now we only have one prison that's flat and that's the Northern Nevada Correctional Center. Ely is flat but we still need those maximum security beds for maximum security so converting the Florence McClure Facility to a geriatric facility which puts it closer to hospitals and medical care makes some sense to us.

That's basically the status of the Department as of today. Is there any questions?

**Governor:** I think first of all thank you for the update on what's happening in our prison systems today. Can you give us just kind of a thumbnail sketch of what we're doing health care wise within our prisons? How that's looking?

**Director:** Well, it's been all over the media and they're right behind me. We're actually doing fairly well. We have Prison 8; we'll have a new RMF Facility, Regional Medical Facility incorporated as part of the construction of that facility which will provide some better control of medical care system-wide. Right now what we've got is one Regional Medical Facility located here in Carson City. We have a fair size infirmary for the current population at High Desert State Prison. Essentially we had no infirmary beds to speak of at Southern Desert or at Nevada State Prison or at Warm Springs. Ely has been an issue. Eastern Nevada has been an issue as far as medical care, finding doctors to work that whole part of the State has been tough and as a consequence we've had difficulty finding a physician to work at the Ely State Prison. I've asked Dr. Bannister, in fact hopefully the weather didn't prohibit him, he should be pulling into Ely about now with one of our other doctors to do an evaluation of the medical status of the inmates in that facility and relocate those that we can't provide adequate or timely care to either to the Regional Medical Facility or to High Desert State Prison. High Desert was scheduled to be converted in part to maximum security. We're going to speed that up so that we can move high risk inmates if we need to closer to medical care and get them out of Ely. But, overall, I believe our care is constitutional. We're going to be looking at internal audits to verify that we're in compliance with national standards. We've begun doing that actually already.

**Governor:** When would you have that completed?

**Director:** Probably by the end of this fiscal year. Budget again is an issue so we'll cut some of that back but we can identify the areas that we think we've got the most problems in is the first place we'll go.

**Governor:** I guess this has been ongoing and in progress for some time.

**Director:** There has been issues with medical care in Ely going back probably to 1989 when the facility was opened. They've tried private contracts in Ely. They've stopped doing that, we've stopped doing that. It's difficult. The staff in Ely won't stay in Ely if they can get out to get medical care and I think that says an awful lot about the medical care that's readily available in that part of the state.

**Governor:** Okay. Are there any other questions on the status of the prison system? We move now into Agenda Item III which is the Approval of the State Administrative Regulations. There is an attachment from the Director's office with your binder today and all of the Administrative Regulations proposed by the Department and Mr. Skolnik, once again, I appreciate your being here. There are a number of changes that I'm sure you'd like to discuss but if you want to go through these, give us a general, then show us the specifics as you could for this.

**Director:** There are some that we would like to take off the table. There have been some questions raised by some of our staff regarding their input into AR 301, 339, 340 and 341 so what we'd like to do is take those off of the agenda for today and afford our associations an opportunity to review them and make input. I'm personally comfortable with those and I'd like that on the record that they were reviewed by the Attorney General's Office for compliance with both the NAC and the statutes as well as providing us what we need in terms of protection and lawsuits while I also understanding the employees concern and since we are trying to improve communications, we'd like to take these off the table for today.

**Governor:** Sure. Can you give us just a little bit of a broad overview look as to what AR 301, 339, 340 and 341 deals with?

**Director:** I can do that. 301 is the regulation that governs shift bidding. We have issued a temporary regulation because of the modification of our shifts as of this month in fact from 12 hours to 8 hours in a number of our institutions so we re-issued this one in October. It still is active as a temporary regulation and we will be back to the Board long before the next bidding situation came up with any revisions that might be necessary.

**Governor:** Okay. AR 339.

**Director:** 339 is the Code of Ethics, Employee Conduct, Prohibitions and Penalties. This is essentially what employees can and can't do and the discipline that's available for them in terms of progressive discipline for certain actions that they made.

**Governor:** Okay. AR 340.

**Director:** 340 has also been issued as a temporary on Complaint Reporting and Investigations. There have been some concerns by some of the staff in the investigation process. We've asked for some opinions from the Attorney General's Office on that informally so since we have essentially a year on the temporary for that one, that doesn't cause us any problems as well and 341 is the adjudication for employees and again it's a temporary AR that was issued in September so it's good until September of next year. We would bring that one back before the

Board prior to then. We have meetings scheduled with the associations in February. I see no reason why we can't get things resolved. We've got a good working relationship with them.

**Governor:** Very good. So, off the table is Administrative Regulation 301, 339, 340, 341.

**Director:** Correct.

**Governor:** Now Mr. Skolnik if you would be so kind as to go back through and discuss the various Administrative Regulations that you're bringing before us and discuss the changes that you are proposing to do.

**Director:** Administrative Regulation 101 is the Internal Audit Process. There really was no internal audit process to be perfectly honest in spite of the fact that there was a regulation. We had a position in Carson City that was responsible for writing regulations and I felt that perhaps policy level decisions should be made at a higher level than a Program Officer so I changed that position. I relocated it through the process to Las Vegas and hired an individual who has prior experience in both the military and the private sector as a safety auditor and other areas of program auditing. These are not financial audits we're talking about. She is the individual that is identified now in this regulation and she has begun the audit process. She has already audited a number of our camps. I wish I could clone her to be perfectly honest. Talk about somebody that needs almost no oversight supervision and just goes out there and does what they're hired to do. This is the revised regulation that officially makes her what she is.

**Attorney General:** Question. Howard just going back to the audit goals, I'm assuming this is related to security but I just wanted to make sure, audit goal number 1.C. Change to identify weaknesses, you're referring to weaknesses in the security of the infrastructure?

**Director:** Yes.

**Attorney General:** So that one and along with 1. B. are infrastructure?

**Director:** Yes.

**Attorney General:** You might want to just specify that.

**Director:** Okay.

**Attorney General:** So that's what the audit is referring to.

**Director:** I can do that. Anything else on 101?

**Secretary of State:** Mr. Skolnik, there is also some questions I think that have arisen that reference the "no notice" audit division under subsection 4.

**Director:** Right.

**Secretary of State:** It was been brought to my attention that there was a settlement agreement in Case Number CV-N-03-0146 that made some changes into the language. I know that these concerns had been brought forth to you and I just want to get your thought on that as well.

**Director:** I have no objections modifying the language in this to indicate that the Director can order a “no notice” audit due to security or operational concerns and making it focus. I think that the Director, whoever the Director is or who will be, should have the right to go into an institution where there are major problems and not warn everybody that he’s or she is going to be there. I’ve frankly had staff tell me that it’s really nice. I don’t call ahead and staff likes that because you get to see what’s really in the institution instead of see it after they’ve taken toothbrushes to the ground. I think that that needs to be part of the audit process. There has got to be at least an available tool. I don’t think it should be used indiscriminately. I think also it’s important to point out that this is not about “gotcha” and the audits we’ve done is not about “gotcha”. There about finding the problems that we have operationally so that we can fix them and we have not done that historically as an agency. Many of the departments around the country have entire divisions that that’s all they do, all year long, over and over again, is audit report verifying and correct and I’ve got a staff of one now to do that which is a start but I think that I still need the authority to be able to call a non-noticed audit when need be.

**Secretary of State:** But in your estimation you wouldn’t have any problems if there would be some provisions with the settlement agreement in there?

**Director:** No, we can do that.

**Secretary of State:** Okay.

**Janet Traut:** Secretary Miller what was that case number again CV-N-01?

**Secretary of State:** CV-N-03-0146, section 10 of the settlement agreement reads “NDOC performs audits periodically to ensure the proper operation of NDOC facilities. In the usual case, audits will not be conducted to create unfair surprise unless circumstances necessitate an audit conducted suspected serious misconduct. Audits shall not be performed as to fair warning and in circumstances creating unfair surprise unless there is probable cause and a serious violation is occurring which warrants action without notice” and I think that is the language that NDOC wardens along with Director Whorton (inaudible)

**Governor:** There may be some conflict with some of the language in there with regard to “audits shall not be conducted without prior notice”.

**Janet Traut:** But then he loses the feasibility

**Governor:** Well, that’s what I’m saying there’s a conflict with what that has with giving the “no notice” effect when there’s security and/or weakness in infrastructure.

**Director:** I really think the Director needs the ability to do a “no notice” audit.



**Governor:** All I'm saying is that I agree what was read from the language. We need to modify it according to the ability for you to do your job to be able to ensure this Board that the policies that we create in security and the safety of the public are being met.

**Secretary of State:** It's, you know if I was going to make my feelings known that I would prefer that we withheld this AR to at least give me an opportunity to review.

**Director:** I can do that because we're not going to do any surprise audits between now and the next meeting.

**Secretary of State:** Okay.

**Governor:** Okay. Before we go much further let me say that my plan is in conjunction because I know there's some people who have driven through the snow to be able to be here to talk about this. We'll go through all the Administrative Regulations then we'll ask for public input at the end of your presentation if we've gone through all of them otherwise we'll be here forever and there are only some people who would want to talk on a few of these and not each and everyone.

**Director:** AR 144 has been revised to come into compliance with the statutes that made the possession of communication devices a felon during the last legislative session.

**Attorney General:** I just have one correction and I talked to Janet about that already. If you look at the second page, approves the actual acknowledgement form, on there it cites NRS 209.417 where it say as the vehicle through which criminal prosecution can occur, that's actually incorrect. It's a new statute you can get that information. They just passed the law at legislative session, you can correct that.

**Director:** We will correct that. AR 258 is our Inmate Fiscal Procedures basically covering the types of deductions that are authorized in the Department. How money is processed through the system by inmates.

**Governor:** Is this a completely new drafting of the inmate fiscal procedure?

**Director:** No, this has been tweaked I believe in part for the restitution. Is this the one with the restitution Janet?

**Janet Traut:** No that's 707.

**Director:** 707. So, this basically is just an update because I believe it was in temporary status but 258 has been around as long as I've been in the Department.

**Governor:** Well, I just wanted to make sure that we've got it on the record any substantive changes that were made to 258 or any of the other regulations for that matter.

**Janet Traut:** I think the only thing that might appear to be substantive in its changes the discussion of interest on inmate trust accounts because I believe it was about three sessions ago this statute on inmate interest was found unconstitutional and it was just this recent legislature

that actually changed that statute and so it appears from this draft that on the current statute it doesn't comply but it is a true statement of the state of the law.

**Director:** AR 311 is the process of our performance evaluations and essentially is what the NAC requires us to do. This was put on the agenda because that was an audit finding in the past.

**Governor:** And what did the audit require you to do?

**Director:** Annual performance evaluations which were not being performed and there was really no club internally to deal with that.

**Attorney General:** Quick question. Going to the applicability section of that that says "this regulation applies to all classified and *unclassified* employees?"

**Janet Traut:** I think the unclassified should come out, yes.

**Attorney General:** Because they are just talking about the performance of the classified, right?

**Janet Traut:** Right and at the base line the statute says classified employees.

**Director:** 319 is work place safety. The previous regulations combined work place violence and work place safety into one reg. We're rewriting those to script them apart and we think that each of those two areas deserves a stand-alone position in the regulations. This is the safety one. We have not completed the work place violence yet.

**Governor:** That will come with the next meeting?

**Director:** It should come with the next meeting.

**Governor:** Alright.

**Director:** 322 is our leave procedure and again I don't believe there are any significant changes in this. 339 has been pulled along with 340 and 341. 350 is our departmental grooming and dress standards. My understanding there were some concerns because we don't address the issue of wallet badges or retirement I.D. in this regulation. That can be handled without a regulation. The Director has the authority to grant retirement I.D.s and to authorized individuals to carry wallet badges if I so want. I haven't made up my mind to be honest on the badge part yet. Retirement I.D.s I think they are a very good idea.

**Governor:** Do you happen to know what the standard practice is in prison systems throughout?

**Director:** It varies. It does vary. I believe retirement I.D.s are pretty universal but carrying wallet badges vary from state to state.

**Attorney General:** What's the concern with that?

**Director:** Just the use of it. We've had staff that have inappropriately used their badges in the past. You know I'm wrestling with do we punish the many for the faults of a few and I haven't

made up my mind yet to be perfectly honest. But I don't think that needs to be part of this regulation.

521 there is something that needs to be changed on page 4 of 7 section 3 where it says the following criteria will disqualify an inmate from minimum custody in the first item listed as having in their current sentence structure a conviction for the crime of violence, that needs to be eliminated or we'll be closing camps all over the place. This is the basic classification system for the Department. This is how you get to your prisons.

**Governor:** Can you go over that one more time, which parts are changing in section 3.

**Director:** Page 4 of 7 it would be section 521.04, paragraph 3 it says the following criteria will disqualify an inmate from minimum custody.

**Governor:** So it's that whole section?

**Director:** No, just the first bullet "having in their current sentence structure a conviction for the crime of violence."

**Governor:** Oh, I see.

**Director:** To explain, we have folks that are in our system that were 17, 18 years old when they committed their crime that are substantially older than that will be granted parole. We know will be granted parole and ultimately afforded a way to decompress from a higher security facility to a lower security facility before they hit the street. If we leave that in then those folks could never go to a camp, they could never go to a reentry center and I think that is just not good correctional practice.

**Secretary of State:** There's a typo there on "having every attempted to escape or have ever, there's a 3 in there.

**Director:** There sure is. 523 is specific to residential confinement and again is primarily a consequence of the statutory changes in the last legislative session that expanded the definition as to who qualified. This regulation reflects that as does the next one transitional center, 543.

707 is our disciplinary process. It has not been significantly modified from the previous processing and includes the manual that our inmates are given when they come into the system so they know what they can do and what they cannot do.

722 is the inmate legal access. Janet, you want to speak to that one?

**Janet Traut:** Inmate legal access continues to be an area of where the prison is seeing some, although little, change in the controlling case law and so some adjustments have been made. They've done the change in state of the law.

**Governor:** Will this Administrative Regulation be meeting the intent of the law?

**Janet Traut:** It will exceed it.

**Director:** 801 is correctional programs. This essentially reflects the modification at our Deputy Director's level. Previously, we had a Deputy Director of Operations and a Deputy Director of

Programs. During the course of the last legislative session and budget cycle I had asked for and received approval for modification of those two positions to Deputy Director of the Northern Region and Deputy Director of the Southern Region. The reason for that is that they can't point fingers at each other. Everything inside of an institution belongs to somebody now. We were having situations where programs was blaming custody for lack of access and custody was talking about programs being irresponsible in their scheduling. Now they can't do that because they're the same person and this reflects that change. It does not otherwise change programs. We're not eliminating programs to the contrary we are now very supportive of programs and always have been.

803 talks about the credits for programs and helps clarify the definitions as to what does and does not get meritorious good credits and again is in part a response to AB 510 which expanded the credits that were available. Any questions?

**Governor:** Only other than some of the technical corrections that need to be inserted in there. Thank you very much for the overview. Any questions by members of the Board?

**Secretary of State:** No.

**Attorney General:** No.

**Governor:** Okay, what I'd like to do now is turn it to the people in Las Vegas if there is anyone who has a question with regard to any of these Administrative Regulations. Comments make sure that you keep them succinct. Also, if you have a copy, a written copy, of any comments you'd like to make, the Board would be grateful if those were submitted for the record. Feel free to sum up and as I said keep your comments succinct and to the point on which Administrative Regulations you are discussing baring in mind we have at least four that are not before this Board today which is AR 301, AR 339, AR 340 and AR 341 and when you do announce that you wish to speak on this please identify your name and an address for the Board.

**Florence Jones:** I'm Florence Jones from Las Vegas, Nevada. Can you hear me?

**Governor:** Yes Florence we can. Go ahead.

**Florence Jones:** Thank you very much. I submit to you in written form my concern about Administrative Regulations 100, 101 and 105 that were changed July 11<sup>th</sup> of 06. [See Attachment A.](#)

**Governor:** Thank you Florence. Is there anyone else in Las Vegas wishing to comment?

**Constance Kosuda:** Yes. [See Attachment B.](#)

**Governor:** Thank you Ms. Kosuda. I appreciate the fact that you're there and willing to speak what's on your mind. May I also ask that those who wish to speak, we're dealing with these Administrative Regulations rather than a broad spectrum of issues trying to get some various specific in point concepts for a change in what is being proposed. If you could focus your comments on the Administrative Regulations, it will help us greatly in our ability to look at an oversight point of view policies of the Department of Corrections. The next person in Las Vegas.

**Teri Parker:** Yes, my name is Teri Parker and I'm here to represent my son. [See Attachment C.](#)

**Governor:** Thank you very much. The next individual wishing to speak identify yourself.

**Sharon Samson:** Hi my name is Sharon Samson. I'm here in Las Vegas with my husband who was released from NDOC on February 29<sup>th</sup> after 22 years. I'm not sure if what I'm speaking to is an Administrative Regulation or an internal policy procedure but I think it presents a huge problem for parolees. My husband has been looking for a job. A year ago and he has worked consistently throughout his stay in the prison system and was considered to be a valued employee, was told numerous times by the people that he worked for that they wish they could give him a recommendation but they couldn't because of the Department's policies and procedures. We're not asking for a character reference. What we want to do is to give folks to provide to respective employers with a contact where they can verify that my husband went to work everyday, that he was doing his job (inaudible) Once again, you know I believe in people but you are putting out into the streets and saying "here have some (inaudible) something as simple as a job recommendation. I believe that there should be a policy procedure that something needs to be changed. I spoke with Director Skolnik about this, he told me he believed where he sat would be able to give a give a recommendation and when I emailed to ask him to confirm my understanding, he said no. So, that is why you should go on back and I think that free staff should be allowed to give their employees a recommendation, strictly as a job performance, not character references. Thank you.

**Governor:** Thank you very much for your recommendation. Is there anyone else wishing to speak on the Administrative Regulations that are before us?

**Michelle Ravell:** Yes and I would like to speak regarding Administrative Regulation 707. I have a couple of comments on this one. First, under 707.01 department policy, number 6. There is no procedure in here that would inform the inmates of any changes in the difference, if there were, in the disciplinary process and we have someone who's in prison. You find out that they definitely need communication with those in authority. If they're given a booklet when they walk in the door and then anything that changes half the time they have no idea of the changes or you find they find out about it after they've done something that they weren't suppose do. So, I think there needs to be something in here to assist the inmates and it should be communicated to them when they change. Under 707.02, number 1 "all offenses listed below will also include an attempt or conspiracy to commit" so rather than naming one violation every time they commit something they get two. Why isn't this making sense? If the whole idea is to punish them for doing something wrong, then punish them for doing something wrong don't give them two charges. It just doesn't make sense (inaudible).

**Governor:** Madam, may I just interject one quick point on your presentation of this statute. Conspiracy requires more than one individual so if it's an individual committing a crime then that individual by himself cannot be engaged in conspiracy to commit the crime. It requires two people and that's when this portion of this regulation becomes applicable. That's all I wanted to say.

**Janet Traut:** And I can also add that that where the Nevada Criminal Statutes have a statute for a crime and a different statute for an attempt, for instance if you had a major violation 33, if you

attempted to commit the major violation 33 that you would be charged with major violation 33 just generally and so what it's saying is that it includes an attempt charge or a conspiracy to commit that charge. There isn't a 33a, a 33b and a 33c for each of the different actions and so the inmate gets notice that whatever the charge is they've got that or it may be an attempt or a conspiracy. These are not quoted on charges.

**Governor:** Thank you Janet. That's just an explanation, please go ahead.

**Donald Hinton:** Excuse me who was that speaking please?

**Janet Traut:** Janet Traut, Senior Deputy Attorney General and Counsel for the Department of Corrections and I reviewed this regulation.

**Michelle Ravell:** Under, what section is this, under disciplinary offenses under MJ48 "any violation of the rules of the court, contempt of court, submission dah, dah, dah" is it up to the court to impose these sanctions? So, if they go to court and they get in contempt of court and go back to prison and get something else too isn't that double jeopardy? MJ 49 "possession of any kind of confidential prison regulation". What is a confidential prison regulation? I don't understand.

**Governor:** I believe that details or relates to escape procedures.

**Michelle Ravell:** Okay, I believe that needs to be clarified. We do understand what confidential is so if it relates to security, it should say security regulations, but that's not what it says.

**Janet Traut:** There are certain regulations which have not been revised which are still marked confidential. They all have a red confidential stamp on them so the inmates are clearly advised if they have one in their possession that they should not.

**Michelle Ravell:** But they say these are the drafts of Administrative Regulations?

**Janet Traut:** No, they're Administrative Regulations that are currently in effect.

**Michelle Ravell:** So, if they're Administrative Regulations then why don't they have access to them?

**Janet Traut:** Because they are confidential. Because they address safety and security.

**Governor:** Well maybe in order for us to expedite and continue to move along in this discourse instead of answering your questions we'll take those into consideration and we'll look and see where we can from the policy perspective make changes which are substantive, make changes which improve the regulations and rather than debate the definitions of words here at this point in time. Thank you very much for your contribution.

**Did not identify self:** May I complete that sentence. This goes to Director Skolnik. I would like to know that why isn't that the inmate's family, friends, excreta, have to abide and adhere by the ARs? (inaudible) They only have to use these by guidelines and I've heard this several times.

**Director:** They are not guidelines. These are regulations and our staff are required to follow them if they don't then they should be disciplined, if they're not then I should be aware of that so I can deal with it.

**Donald Hinton:** Governor, Commissioners, Donald Hinton from the Spartacus Project. Am I aware that this is not the comment period, this is just relating strictly to the ARs?

**Governor:** That's correct.

**Donald Hinton:** And then we will have a comment period when this meeting comes to an end?

**Governor:** That's correct.

**Donald Hinton:** Thank you I do have some comments.

**Governor:** Anyone else wishing to speak with regard to the Administrative Regulation portion of this hearing?

**Constance Kosuda:** Governor, I just have one comment question, Constance Kosuda again. Our concern and this has been a concern for several years including former administrations is that the Administrative Regulations in our experience are simply not adhered to by the Department of Corrections. That is why we have been asking very emphatically for an oversight committee task force because otherwise it is merely the word of the incarcerated individual against the word of the NDOC employee and that's a losing battle for the incarcerated individual 99% of the time. What we're asking for and for the taxpayer, that's quite correct as Mr. Hinton points out, so we're asking again, I would like to ask that this be taken this under advisement, for the formation of a task force to be set up by this Prison Board functioning as the oversight committee so that these irregularities and other complaints which you hear about all the time from incarcerated individuals can be impartially investigated so that some justice can be served and so that we don't have to take the word, with all due respect, of the Department of Corrections as the final arbiter in every situation that comes up. Thank you very much.

**Governor:** Thank you Constance. Anyone else in Las Vegas with regard to the Administrative Regulations. Hearing none we'll move to the Reno audience up here. Anybody wishing to testify with regard to the Administrative Regulations please come forward.

**Tonja Brown:** I have actually my name is Tonja Brown. I'm an advocate for the innocent, inmates on appeals, and advocate for just inmates in general. I do have some of responses here and I would like to just start off. This is dealing with the ARs on the credits, the grievances, the medical, law library and religious matters so I'll just go ahead and be brief. [See Attachment D.](#)

**Governor:** Thank you. Anyone else wishing to speak on these Administrative Regulations?

**Kevin Ranft:** Officer Kevin Ranft, AFSCME, Local 4041. Director Skolnik just came on with this Department and of course there's been some problems not only at institutions but with the employee side but what I think of Director Skolnik is his willingness to work with us and the inmates. Just to clarify on 707 and 707 is the disciplinary for the inmates. There were postings all over NNCC where I work asking for the input of the inmates. So, this Director has gone way

far above and beyond any other Director and like I say he has been here you know months. You've got to give this guy time to make these changes. He is listening. He's not the fault of past Directors but give him an opportunity, he's hearing you guys so I just want to let you guys know every outset. We have concerns as the employees as well and as of today, you know he's cool. He's pulled some of our stuff today and those were mentioned. We asked him to do that just recently at the table and talked about it and to sit at this table and talking with you guys as well. He's fair and far above any other Director that we've had in the Nevada Department of Corrections so far. So, like I say done the ARs 707, the inmates had a chance to review it and put there input in. Thank you for your time.

**Governor:** Next.

**Donald Hinton:** Governor Gibbons and committee members, Donald Hinton in Las Vegas Spartacus Project. I just would like clarification on the Director Skolnik just coming on. He might just become the Director he's been in this Department for over 10 years in a very responsible position. He is not a novice and we resent that.

**Florence Jones:** Who takes a vote? I'm Florence Jones speaking and I do not know who this person was who just stated information and that I can tell you after 27 years it's absolutely false. We have had better Director's I'm sure.

**Governor:** Florence he did identify himself for the record and this is not into a personal debate. We're here to talk about the Administrative Regulations and hopefully we can continue down that lineage. Next.

**Lee Rowland:** My name is Lee Rowland. I'm the northern coordinator for the ACLU of Nevada. I'm also an attorney who has been working on some medical concerns in the facilities and working very collegially and cooperatively with Director Skolnik so I can certainly testify to that. I will keep my comments to the specific ARs because I know that's what we're dealing with today. On a more general note Governor Gibbons and members of the Board I just want to thank you not only for teleconferencing the meeting but for permitting public comment before you go to approve the ARs. These were things that were not necessarily done in the past. I think they go a long way towards making members of the public feel like they're a part of the process so I thank you for that.

One also a more general comment about the ARs is it would certainly I think would expedite these hearings and make it easier for folks if changes were highlighted in some ways in these changed ARs but as you know three days is a long time to go through 160 pages let along we have to compare them to prior versions to figure out exactly where the tweakings have happened so that's just something we've requested if at all possible. I'm certain at least the public version does not have those changes highlighted. With respect of our concerns on specific ARs, in AR 101 we are only disappointed with the new mission statement because it mentions nothing about programming or corrections. I think that's unfortunate. They are the Department of Corrections still we would like to see some acknowledgement that the goals are rehabilitation and something that is positive for society as a whole and not simply just to fill obligations. We would like to see a higher aim. I realize that we have a tall order right now especially with the budget crunch but nonetheless we think it would be healthy to have a purpose that reflects the public interest in reducing recidivism.



With respect to the audit process the audit check list which is number 5 from our point of view does not contain the areas that are most likely to have constitutional implications. From our point of view that would include the medical system, provision of medical care in particular mental health. The grievance system, the Law Library, and inmate mail services. Those are the four categories that in our point of view generally are most likely to have constitutional implications and I think it would be wise for the state to do internal audits with an eye towards avoiding constitutional litigation problems whether they're frivolous or not. Doing so I think would protect the state to be fiscally responsible and in line with that I was seeing audit rules number 1 there should be an enumeration to comply with state and federal laws.

I realize the environmental and safety standards are in there but I think it should be a little broader to be known that you know we're concerned with being should we follow the law. Others have mentioned independent audit. We of course have calls for that. I don't know that AR 101 is the appropriate place for that, of course, this is an internal regulation. But nonetheless I think that even internally it would behoove the Department to include some these broader areas where there are constitutional implications.

The next AR I would like to comment on is AR 258 which is fiscal services. This is a minor point but one that I think would go a long ways towards dealing with some disgruntled inmates. We receive literally dozens of letters on a monthly basis that the Department of Corrections is stealing from me. They're taking all my money. I work hard and I get nothing back. We know that the Department of Corrections is not stealing. I think including this the conditions of inmate employment fiscal agreement which follows the regulation simply including in that a list of the percentages from AR 258.06 would go a long way towards avoiding those conflicts before they arise. I think they may have a little more information about how their accounts were being deducted we wouldn't hear quite so many complaints along those lines so just a suggestion to include a little more information so inmates kind of understand the deductions that are being made from their accounts.

Then I have several comments on the disciplinary process 707. Like the previous comment, I did note that the Department policy manual is given to somebody only upon entry. We would encourage the Department and the Department may do this as a matter of course but it's not in here to post when changes in this regulation occur so that inmates understand the disciplinary process that they're guided by. Certainly, one really can't expect inmates to be going into the Law Library to check up on updates it would be even difficult for myself to do it and I'm an attorney so I think that simply posting it, again this may occur as a matter of course. So, that's great but we would love to see it inside the Department policy.

The section in number 8 says "all inmates are assumed to have notice of this manual" it would be nice if they actually had notice. Finally, I do, I know we've spoken of this and I don't want to beat a dead horse but I think it is worth visiting again that under the disciplinary charges MJ 48 and MJ 49 which include any violation of the rules of civil procedure or any possession of any confidential regulation. Both of these strike me as a little bizarre. Violations of rules of court could be submitting a brief a day late. It's bizarre to think that someone could get a Class C violation for that when it's not intentional. It may be due to their conditions of confinement so as that regulation from my point of view doesn't necessarily have to do with behavioral issues in the prison. Certainly, someone whose abusing them for profit that's appropriate but violating the rules of civil procedure I can tell you it's not always intentional unfortunately.

With respect to MJ 49 the actual text here is "any prison regulation which is not specifically delineated as accessible to inmates is considered confidential". As I understood Ms. Traut's comments earlier it actually works in the opposite way but if regulations are actually stamped confidential they're not stamped not confidential. This sets the default in precisely the

wrong place and that's a particular problem for groups like the ACLU. We do get hundreds of inmate letters saying "hey, they stole my check. I don't understand why they're taking my money". We cannot then respond to the inmate and say don't worry, don't worry, AR such and such says they can take the 20 percent cause we're concerned we may be violating these regulations by giving them a copy of a regulation that isn't stamped non-confidential so as a matter of course we do that but probably unnecessary is that these are not confidential. So, keeping that system as they dreadfully need as the case the claimant should be changed to change the default because that would reflect the actual practice and that would allow us to share information with the inmates suggesting that that's absolutely appropriate. One final comment and this is not a comment about changing an AR it's more pointing something out.

In AR 707.02 disciplinary offenses under section 4 general violations which is a Class D which is a low infraction. Since the violation listed G5 as self mutilation, one of the things I'd like to mention is this goes to the heart of why we request an audit procedure that includes medical experts or includes at least an audit of medical procedure. I think almost any medical professional would tell you that penalizing someone for self mutilation without any investigation into mental health care or their mental health state is probably not a model policy. So, from our point of view a review of these regulations that prospect to appropriate constitutional standards and medical care would ensure that the Department has standards that are actually promoting their goals and promoting the safety of inmates in the public by treating mental health patients as mental health patients rather than disciplinary cases and unfortunately we do believe we've seen some of that in our regional facilities.

Again, I realize that Director Skolnik has a tall order because maybe those people should be probably be institutionalized and they're thrown into a world with both the mental health care provider and in institutions; however that being the reality we believe in any similar expert review of the policies to make sure that people who are in medical situations in particular in mental health situations are being treated in a manner that complies with the law and constitution. That's the end of my specific comments and to state in general most of my comments fit into one theme which is more access to information.

Obviously, being incarcerated is a very stressful situation for inmates and families. We continue to be receptacle of much of that emotion in terms of "this is happening to me, I don't understand, can they do this, what's going on". Both an independent audit, regular audits that improve all aspects of constitutional care and the posting of regulations, the informing of inmates how their money is going to be spent, I think all of those things that do not implicate security issues it would go a long way to attempt to avoiding those conflicts before they arise because everyone I think feels more comfortable when they have the information in spite of the ones from security issues. We believe there should be open access to that information. Again, thank you so much for the opportunity to speak and inadvertently, I don't know how this happened, at the last meeting of the Board of Prison Commissioners, we did submit a written memorandum that was not included in the record. I'm wondering if it's possible for me to submit that at this time. Many of the regulations are still under consideration. Thank you again for your time. *See [Attachment E](#).*

**Governor:** Thank you. Anyone else wishing to speak with regard to the Administrative Regulations?

**Tosh Dawson:** Good afternoon, my name is Tosh Dawson and first thing I apologize for my inappropriate dress. I was scrapping my driveway when I was told that there was a meeting today so I ran straight over here and actually, I am going to speak about the Administrative

Regulations. Number 521, I would just like to thank you very much for allowing violent offenders to be able to decompress. To be able to make a transition especially those who were incarcerated at a young age, that would include my husband Albert Dawson and on his behalf I sincerely thank you for amending this and understanding that 18 coming from a middle class family is quite different from 18 being raised by the state.

AR 803 meritorious, work and education credits, inmates including my husband some of them are not allowed to work due to their violent sentences. My husband loves to work. He creates things constantly and gives them to other inmates or C/Os and I do not understand why because once upon a time someone escaped who had a violent sentence that other inmates with violent sentences cannot work in Prison Industries at NNCC. I don't understand that. We'd really like to understand why that is. As far as AR 707 the disciplinary process, all I would like to say about that is the disciplinary process is you get a note that says you're being written up and you can appeal it but the appeal process is a lot like in NFL when the referee makes a call and they throw the red flag. The referee is going to review that call but unless he finds something extraordinary that differed that he didn't see originally, nothing changes and what I'm suggesting is perhaps maybe in that disciplinary process when the inmate submits an appeal perhaps someone other than the person who wrote up the violation maybe someone else could sit with him and read his appeal because if you appeal to a warden who has already written you up, it going to take an act of God for that to actually be appealed and for you to actually win it. That someone else could sit in with them and see things that one person can't see. Two sides are always better than one. Thank you very much for allowing me to speak today.

**Governor:** Thank you very much. The next person if they wish to speak on the Administrative Regulations. Back here for a second time?

**Tonya Brown:** Yes I am but not something I want; just want to touch on something Ms. Dawson said. This is Tonya Brown, advocate for inmates on appeals. On section, AR 22, it says the warden at each institution is responsible to ensure that the inmates have access to

**Attorney General:** I'm sorry, which AR is that?

**Tonya Brown:** 722. The warden at each institution is responsible to ensure that inmates have access to the judicial process by providing for reasonable access to the Law Library, inmate library assistance and legal communities. Okay, I can speak on behalf of Lovelock Correctional Center. I know they haven't changed it unless they just done it recently but for, for, for several months now how it works is this. If you need access to the Law Library you have a law library assistant come and you give them a case they want to look up. They return the case to you the next day and if your doing any kind of legal research one case leads to another case that leads to another case and it could take you twenty days of down the line before you find the case that you're looking for. Well each day that they return a case it takes one day longer. Inmates have appeals, they have 10 days, they have 30 days and those days count and there's a good possibility that inmates will do to their rights to appeal a conviction, a case or whatever because they don't have access to go into the Law Library themselves to do the research that is needed and some of these legal assistance aren't that qualified. You do have inmates who will have gone to school who are paralegals who could the research but some of them being allowed to do that anymore. So, I think that's a major issue and the one thing I did not see here and maybe the Attorney General Masto might answer this it's just that the religious ARs and I had a doctor's appointment at 3:20 so I just going to try to put it here. On the religious matters there has been

lawsuits filed on behalf of the, with the Wicca religion that in Mr. Klein's law in which he's won on every issue and then it when from one prison to the next. Now his last lawsuit was give all NDOC so it deals with all the prisons and it came to my understanding that members of NDOC met with Mr. Klein and asked that he help assist with what the writing of the new ARs for the religion. I don't see it here. Has it been written and

**Director:** It's not done.

**Tonya Brown:** It's not done yet. Do you know when that will be done?

**Janet Traut:** I can speak to that and there's actually a committee of about six or seven NDOC staff. There are two DAGs from the Attorney General's Office, myself and Susan Stewart, who are serving on that committee and what the goal is of that committee is to help the Department of Corrections to comply with the strict scrutiny that's imposed by the Religious Land Use and Institutionalized Person's Act and so we expect that sometime later this spring that there will be a draft regulation and at that point all of the chaplains within the system would be able to do that but it's a long process and so it is something that takes a lot of time and there's a lot of consideration involved in setting the procedures for instance of how an inmate who practices a religion on their own would be evaluated under that strict scrutiny and so the Department is taking it very seriously and asked for assistance of the Attorney General's Office to comply with the statutes and it can't be rushed, it takes time.

**Tonya Brown:** Okay now is it my understanding this, this suit that Mr. Klein filed it is, it's on hold, is it on hold waiting the decision on the ARs?

**Janet Traut:** I don't know what the status of Mr. Klein's lawsuit is. It could be that the court has issued a stay. In several cases we have requested in litigations that stays be issued until the Department is able to come up with a new regulation.

**Tonya Brown:** I, I would have more information but like I said Mr. Klein is in isolation. There's no communication whatsoever and he might be there for another two months because the MRSA staff (inaudible) of his life. Thank you very much.

**Governor:** Next.

**Pat Hines:** As for the ARs on the agenda for today the only one that I want to talk to and some of the others have talked to other things that I don't want the redundancy is AR 722 on inmate legal access and the first thing I would like to say about this because I know there is some of you sitting in this room that don't realize that big change ramifications are legal access in the prison system. The inmates, each individual inmate, is no longer allowed to physically access the Law Library. This must be done now to, or they use to be called library clerks, I think now their called library attendants according to the definitions in this book. I've promised about 18 inmates that I would bring this up at this meeting because this AR needs to be reconsidered and if it's at all possible go back to letting the inmates enter the Law Libraries. I do not know if Director Skolnik would know the rationale what it's about maybe you can explain it to the people in the audience at both places and what you hope to accomplish by doing that.

**Attorney General:** Would you do me a favor and state your name?

**Pat Hines:** I'm sorry, my name is Pat Hines and I'm from Yerington, Nevada and I do have a handout. [See Attachment F](#). Is there any possibility that this can go back to having inmates physically able to go into the Law Library? Have you thought about it Director?

**Director:** I'd like to refer to Janet Traut.

**Jane Traut:** Actually there are times the situation is that inmates at Nevada State Prison, NSP, and Lovelock Correctional Center are the inmates who do not have direct access to the library. Those are because of certain physical plants, considerations, changes were made at Nevada State Prison after an inmate was severely assaulted and killed in that institution and many of their safety and security procedures had to be changed. The room that was being used as a Law Library was no longer able to be used for that institution and there is no physical space in that institution for a physical Law Library. The inmates do not have to request one case or even five cases. The form has been revised. They can request a subject search. All of the libraries have actually been changed over to an electronic product so that there is a closed system within the Law Library through which the inmates are able to do the computerized research. It eliminates the needs for digest because they're able to do subject search and that it's a regularly marketed product through West Law. "Premise" which actually went into government offices, is used.

At Lovelock in late 2006 the populations there were further separated and so now with the general population there are five segregated populations that are different. The yard has been fenced off in different ways and it is physically impossible to get inmates from certain housing units to get physical Law Library access because of the different levels of segregation and so logistically it is impossible to give inmates twice a week physical access to a Law Library and so the correspondence system which was approved in *Keenan v Hall* was put into place in those institutions. The inmates also have the ability if they have a specific grievance if they're looking at a court date which is looming they can file an emergency grievance that goes to the Law Library supervisor. The Law Library supervisor is empowered with giving them extraordinary access. So if they had to in that situation, they could go to the warden and request that an inmate have individual time in the Law Library and that has happened. So, everything is in place for inmates to be able to complete the work that they need to and to get the access to the materials in the Law Library.

There is no call in any case law that says an inmate must physically be in the library and so by providing the access that the Department can, they are complying with the statutes. The Director always refers to me any questions where he is aware of an inmate who has a complaint about the Law Library access. We'll look at those specifically and so there's no move in the Department to unnecessarily keep inmates from access to any information if they're working on that and in terms of their appeals all of the staff in the Law Libraries actually have a draft notice and in that one situation where an inmate needs to file an appeal all they need is the Notice of Appeal, they don't need any supporting case law at that time to preserve their rights and so the prison is willing and able in every respect to provide that the access is there. I will also add that there is a provision in the regulation that states if there's any materials that for some reason the Department of Corrections doesn't have in their Law Libraries the inmate is able to send a request to the Supreme Court Law Library here in Carson City to get materials that aren't available to them so they have full access.

**Pat Hines:** Well, I'm not sure I agree that I understand and agree with everything you said because of the way the inmates are coming back saying that number one the library clerk is turned out of the units quite often. They don't get see everybody who needs to be seen, that's

one thing and that the resource books, there use to be booklets of what was available in the Law Library and those have not been revised in several years at NNCC and Lovelock where mainly complaint is, a few from NSP and this automated resource is the inmate suppose to know that this inmate access, this automated resource system. They can't go into the library to use it so that automated resource system is only readily acceptable to the library attendants. Is this correct?

**Janet Traut:** The Law Library assistants are the ones who have two different functions. They actually will go into the housing units and in some circumstances and are able to discuss what they need with the Law Library assistant. Then there are other Law Library assistants who will actually do the legal research and actually I'm in the process of working with the William S. Boyd School of Law in Las Vegas at UNLV. They have some law students who would like to come in and so I'm actively working with the professors there in providing that additional access. And so in any circumstance where an inmate isn't able to get what they need, the procedures are in place for them to file their grievance and get that resolved.

**Pat Hines:** And nowhere in this AR 722 as there was in the older ones are there any time constraints, time limits put on these Law Libraries. They probably can come in on a Monday, someone has an appeal, and they may not get that material for two weeks from that law clerk.

**Janet Traut:** No, they're getting 24 hours turn around, 48 hours in exceptional circumstances.

**Pat Hines:** Well, I'm going to pass that information on and we'll see how many complaints we get on that. There's one place in here on page 3, under 5, it says segregated inmates should provide necessary assistance for protective access and that of course would be by the library assistant. This word should, it's in here, why don't are we using must or may or something like that. Should is so vague it doesn't give anybody any sense of responsibility. There's no timing affect and I think maybe perhaps it would be good to get a lot of letters from the inmates in regard to this. Up where it says when reference materials number three on the same page contained on the approved publication list are unavailable and you talked about the Supreme Court Law Library, I would think in this you could put a timeframe to say "please allow to 10 days to 3 weeks to this to transpire.

There's nothing in here about an emergency grievance to get to the Law Library to get permission, it is not in there. I don't know how you expect the inmate to know this stuff. I have the name of one inmate at Indian Springs who just lost a case because he didn't get his information in on time, he got an extension and when it got to the district court or whatever it was, he had asked for a certain AR and when he got the AR it had been revised and the institution had never been notified that it was revised. So, if the inmate losing that case was not his fault because he was given the wrong AR by the institution. Some place in here there are several references to AR 750. 750 is not on the Internet, has not been on the Internet for over two years. [See Attachment F](#) for further comments.

**Attorney General:** Ms. Hines, excuse me. If it's alright with you this is in writing and you've submitting it. As a Board member what I will do is ask the Department of Corrections to take a look at these and figure out should be implemented in the web so that we have them in the record now and you don't need to go through all of it word by word and we'll make sure that they take a look at it and implement the ones that are reasonable that they can do to address your comments.

**Pat Hines:** The thing is my recommendation today is that this AR not be passed today as it is originally written and would it be possible to meet with Director Skolnik and maybe hold this AR over for the next meeting?

**Attorney General:** And which AR specifically?

**Pat Hines:** AR 722.

**Attorney General:** Okay we will take that under advisement.

**Pat Hines:** There is another AR that I don't know if you want me to bring it up about that there is two of them that deal with the issue of confidentiality within the prison system that they use and saying..

**Attorney General:** What are the two ARs.

**Pat Hines:** The two ARs are AR 813 and AR 639.

**Attorney General:** So those aren't before us today.

**Pat Hines:** No they were not but there is a concern here because at the June, July 11<sup>th</sup> meeting 2006 there were over one hundred ARs presented for approval and consideration. Only three of those ARs were passed. Those ARs had at that time when they had that meeting every AR and everything to be brought up at that meeting was given an effective date of 9/1/06. It's still, those same ARs, are still temporary ARs. I think it's 104 say ARs should not remain temporary over a year.

**Attorney General:** Because we cannot take action on those items, if it's not here in writing would you put it in writing and send it to Director Skolnik and to the Commission members and we'll make sure that it is addressed as well.

**Pat Hines:** Okay. One other thing I wanted to say on the front of my letter I make some threw out some propositions about looking at the composition and purposes of this Board. I'm just amazed that this has been in our records by the constitution for many, many years that you three people the highest elected people here and you're probably the most busy of all the elected officials. What did you feel on of you three people doing this work? Today has been the best meeting of the Board of Prison Commissioners that I have ever attended and I attended a lot of them throughout the years but do you think that it is time to make some changes? Put other people on the Board? There are things to consider. Do you ever consider it's time for the Department of Prisons to be released from the NRS 233b the Agency Projection Act? Why must everything be so secretive in the Department of Prisons? Gonska from the Probation and Parole made a comment at the last ACAJ meeting that he has no qualms about giving the PSI report. Why is everything so controversial? Why can't medical records be seen by inmates at least once a year? The entire AR 813 on the psych panel that also came out this last legislative session, it was one of those that was in that interim period of temporary. The psych panel the inmates cannot even know the results of their psycho-sexual test and staff and these things are allowed and make statements about the inmate up for consideration. Yet they never know and be told they cannot know what was said yet that information can be used by the psych panel to give risk

level and see whether the Parole Board should release them or not and the inmate does not have the chance to refute anything that's said because he doesn't know the information and a suggestion here and it should be put in the AR is that if your going to allow 15 people ask victims for one inmate with one charge to come and testify then you need to initiate some swearing in for things like the Parole Board and psych panel I think in the reports because the inmate has no due process and I would say 60% of the time when an inmate has and there is a victim present at any of these appearances, the inmate is denied because the victims influenced has been readily felt by the decision makers. Would it possible to put these ARs under the legislative commission's regulations subcommittee as other agencies are? If it's not under the Agency Protection Act I think that would be (inaudible).

One last question, I think it's the last one, what is the effective date reflect, the reflective date on the website as they are now. I would say 90% of them say the effective date was 9/1/06. Somebody just went through there and just put that effective date on every series of the ARs. There may be ten that aren't that way at this time but was does the effective date mean? Is that the date that the Director approves the AR or is that the date that this Board approves it and it looks to me like you're following a little bit of the procedure by the legislative audit subcommittee in that you're not making the effective date until 30 days after this meeting. I'm not really sure which date is the effective date. Does it mean the Director's approval or does it mean this Board's approval so you might want to clarify that.

I must bring up although it's already been brought up the feelings of the general public of some of the DOC staff as well as staff of other agencies that reports of outside audits. A personal opinion is they're a waste of time and money. That's all they do is pat themselves on the back and if there's any problem you never know about the problem and maybe it's rectified but at least it's sure covered up but I would like to recommend outside audits if you want to consider anything that should be done immediately on the inmate welfare fund and the offender store fund. These entities are readily making entities and where are they, where do they get the money, is the money generated? On the backs of taxpayers like me. This funding that comes from phone calls initiated by the inmates, mandatory interest on mandatory saving's account, and visiting in vending machines. Those are the three big money sources. This money that is generated here is suppose to go for specific things. I would like to see an audit so that families and inmates know that the money went to where it was suppose to and by the way one of the biggest things it's suppose to go to the Law Library. When I look at this new AR format all I see is deletion of the who, what, why, when, where and how. You can't follow a procedure in these because it goes from one thing to another and all this stuff on legal access to include mail and what was the other thing that I was suppose to include. The other thing is the Parole Board hearings, I just fail to find why that should be included under legal access so I think that gives you enough. Thank you.

**Governor:** Thank you Ms. Hines. Is there any other person wishing to testify on the Administrative Regulations? Hearing none we will

**Jim Palombo:** Are we here?

**Governor:** You don't have to get that close we can pick your voice up.

**Jim Palombo:** Alright, my name is Jim Palombo I'm here in Las Vegas and I'm a professor and criminologist and I'll explain a little bit more when I need to at public comment, but this issue of inmate welfare fund it just occur to me that this was a simply a leisure import primarily



because my experiences in working with the California Department of Corrections about 20 years ago we discovered that ten items were listed in the Governor's budget or the Director's budget and there was roughly 22 million dollars in that fund that had be accumulated over the course of about 20 years and I'm curious as to that as to particularly because that money is supposedly earmarked for programs and educational processes starting at the inmate population and so I think that's an important aspect to look into and to find out how much is there and how it's being used and see if some of it can (inaudible) for the welfare of the inmate population. That's it.

**Governor:** Thank you.

**Florence Jones:** Excuse me Governor Gibbons, Miss Florence Jones, may I speak one more moment. I apologize for being so unprepared today because the notice was late (inaudible). I would like to say what Jim Palombo just spoke to is AR 258 and one I would like to go back to is AR 803 that again the Department of Corrections is changing the verbiage to merit credits than days. [See Attachment A.](#)

**Attorney General:** Excuse me where on 803 are you referring that needs to be change or addressed. What specifically the language in there.

**Florence Jones:** That they're changing it to a merit credit and the amount of days given out previously that I've got documentation on is that (inaudible).

**Attorney General:** So for my edification your concern is that on 803.01 the title is meritorious credit award and you're saying it should not be meritorious?

**Florence Jones:** I'm saying it shouldn't be credit awards it should be days. They should not be reducing what the inmates earn but should be a day, a 24 hour day, for a credit that is earned especially for education. (Inaudible) I'm not positive what they are doing at this moment I mean quite honestly some of those (inaudible) I'm too sure that offender management should show up and deny this but this appears to be one more attempt to justify the fact that these do not have to follow the legislative mandate of giving inmates a day credit specifically like 30 days for accomplishing a high school or college degrees. They reduced that. What is that that they are reducing it to now? Possibly Director Skolnik could speak to that. I'm questioning that 803 be approved by this commission without having the exact language of the legislature proves that this meeting for approve for a day and that the prisons use exactly what the legislature said that they use instead of making up their own rules which I am here to tell you they do. Thank you so much for giving me this opportunity again.

**Governor:** Thank you Ms. Jones. Ladies and gentlemen we have exceeded the time that this meeting was allocated for this room by an exceptional amount and we still have part of the agenda to go through. So, as a result of the discussions we've had already with regard to ARs by the time we get to the public comment we're going to have limit the number of minutes that people can testify to in order to make this meeting meet we have to yield up this room so let me go back to the agenda. Are there any other persons, north or south, wishing to testify on the Administrative Regulations that are before us? Okay. We will now move to consider approval with those technical corrections which have been addressed at this point in time. Is there a motion?

**Attorney General:** Governor, with respect to 707 can we pull that out of this particular one. I have concerns about that and would want you to defer that to address some of the issues that we've heard today.

**Governor:** I think it's you know a request of the member of the Board if the Board wishes to pull that I have no problem with that.

**Attorney General:** I would ask Howard if that's going to cause a problem at all.

**Director:** No.

**Governor:** We still have those others 301, 339, 340 and 341. With that we will remove from consideration AR 707.

**Secretary of State:** I will also request the same for AR 101 to show that the discussion we had about the audits. The Director is going to go back and see what language would be included with respect to the settlement agreement.

**Governor:** Is that okay to remove 101 for the audit language that's in there as well?

**Director:** Yes.

**Governor:** Alright. Okay. Anything else? Is there a motion?

**Florence Jones:** Excuse me we have Assemblyman David Parks who'd like to speak on the AB 510. Yes, I'm sorry. Florence Jones speaking and David Parks was trying to get up to the mike.

**David Parks:** For the record Assemblyman David Parks. I wonder if we might also ask to pull AR 803 along with 707 and the other four ARs for your next meeting.

**Governor:** And your rationale for 803 assemblyman.

**David Parks:** It appears that there seems to be some inconsistency with Assembly Bill 510.

**Governor:** Let me direct that to the Deputy Attorney General here for the Commission to answer whether or not there's any

**Donald Hinton:** Excuse me whose speaking please?

**Governor:** Well it happens to be the Governor.

**Donald Hinton:** Oh, didn't recognize you. Sorry bout that.

**Governor:** And I don't recognize you in the back either.

**Donald Hinton:** I'll introduce myself. I'm Donald Hinton, Spartacus Project.

**Governor:** If I may turn it over to Janet.

**Janet Traut:** Actually Assemblyman Parks I'm not aware that there is any place that this isn't consistent with AB 510 and so if there is I think that this is one we can make a technical correction on because I believe that the education credits were adjusted and that otherwise the 20 credits of good time credit, this is meritorious credit this is not good time or statutory credit and so the 20 days aren't there. These are the credits that are discretionary to the Director.

**Governor:** Mr. Parks, is that your consideration?

**David Parks:** Thank you Governor. Frankly here tonight I'm just a little bit confused but we'd certainly like to ask that it be reconsidered at a subsequent meeting if that meets your pleasure. Thank you.

**Governor:** The Attorney General has a motion.

**Attorney General:** With respect to those ARs that were withdrawn already 301, 339, 340 and 341, I would move for the approval of the existing ARs except for those additional ones that have been deferred to the next meeting which are AR 101 and AR 707 but I would then move for the approval of the remaining ARs.

**Secretary of State:** I'll second that.

**Governor:** It's been moved and seconded. All those in favor of the motion signify by saying Aye.

**Attorney General:** Aye.

**Secretary of State:** Aye.

**Governor:** Let the record reflect the motion is unanimous. We move now to Agenda Item IV Discussion on and Approval of the Budget Reduction Recommendations, Mr. Skolnik.

**Director:** Well, I'm comfortable in saying that the budget reduction recommendations that have been made up to this point will not result in the elimination of any staff. It may require some relocation of either inmates and/or staff in order for us to accomplish it. There should be no significant impact on programs and beyond that I'm not really comfortable in putting forth any other information in a public meeting given the previous court case.

**Attorney General:** Alright, on that same vein Howard can, with respect to the budget cut recommendations can we also ensure that our officer's safety wouldn't be jeopardized?

**Director:** Absolutely.

**Attorney General:** And also ensure that it would not impact the medical that is provided to the inmates.

**Director:** Yes, medical has not been touched. It has not even been temporarily frozen and officer safety is always number one.

**Secretary of State:** I have some comments as how this was recently unfolded. [See Attachment G.](#)

**Governor:** Let me say I fully understand. I was under the impression, however, that the role of this Board is set out by the Attorney General's Opinion and it states very clearly that as reflected by provisions of NRS 209, the Board provides guidance, just guidance, to the Director when it deems necessary rather than involving itself in the day to day administration of the NDOP activities to an extent to which the Board chooses to meet to request information from the Director and to provide direction is a matter which the legislature has left to the discretion of the Governor and the other members of the Board. The Board acts as a check on the management of the NDOP. To ensure the members of the Board receive regularly, reports from the Director and have a reasonable opportunity to provide guidance to him or her, it is recommended that the Director give periodic reports to the state's prison system and that the Board meet regularly scheduled meetings as part or as a part of regular scheduled Board of Examiners meetings at least twice a year for this purpose. You know I think that pretty well states what the role of this Board is. It is the policy board rather than a day to day administrative board of what the Director chooses. The conclusions are that the provisions of Chapter 209 of the NRS have been interrupted by the court's decision and by application of the rules of statutory construction the Director of the NDOP is responsible for day to day operations of the NDOP subject to the oversight of the Board. The Board under its authority to adopt regulations for carrying on the business of the Board and the Department may delegate these functions to the extent of its statutory authority and if you go back even further that statutory authority says that the Board is not required by statute to play any role in the development of the NDOP budget. However, the Board has authority to review and set policies regulating or rather relating to the NDOP budget matters and empowered to regulate the number of officers and employees of NDOP. With that it says that the day to day operation in this is the Chief Administrative and Fiscal Officer of the Department is the Director so relying heavily on the Attorney General's Opinion and the fact that if I turn it over to Director Skolnik I believe he attempted to contact the Secretary of State more than once to bring you specifically those very cuts to talk to you in person and let me say Director Skolnik how many times did you attempt to make contact with the Secretary of State?

**Director:** I indicated on two occasions that I would provide him with what we proposed and I could provide the first time generally, the second time specifically but that I could provide it to him as a member of the Board and not to members of his staff.

**Governor:** And what was the result?

**Director:** I was advised that the meeting was over.

**Governor:** Okay. So this is not a time to argue and I understand your presentation and your report.

**Secretary of State:** (inaudible) and as a member of this Board as exactly what did take place. I received a call from Director Skolnik in which he indicated that he was concerned with sharing the recommendations for the budget cuts. That's part of the deliberated privilege that had been held the recent court case. He indicated that he wanted to come up and talk with me about it but then didn't feel that the Board of Prisons meeting would be an appropriate forum to discuss and agenize the item. He then said depending upon his schedule but he was up here for another

meeting and we set the meeting to take place on January 3<sup>rd</sup> at 4:00. It was at the January 3<sup>rd</sup> meeting at 4:00 that he walked in and said that he would be happy to share with me his idea of what his recommendations would be but that he had been directed by your office to not provide the hard cuts.

**Director:** The hard copy.

**Secretary of State:** The hard copy excuse me, because no matter which way you play with the semantics the bottom line is that I was not presented with the full information in a timely manner to be able to make an informed decision. I wasn't elected to this Board to be a rubber stamp to the recommendations. I don't think that we should be involved in the day to day responsibilities and that I think the Attorney General's Opinion is correct but certainly as head of the Department of Corrections we ought to be looking at significance and when you're talking about a situation where you're providing oversight to a Department that has been routinely involved by the Director and others in a state of crisis and having to make significant cuts I think that we could clearly benefit from having this discussed in a public forum with one that we could hear the interest of all parties that are interested including the legislative commission, the public comment, the concerns of the correctional officers. It is an issue that I think would benefit from hearing their input so that we could make an informed decision as to how we could appropriately recommend to you Governor how the Department of Corrections should move forward with the recommended cuts.

**Governor:** Any other comments? Is there a motion?

**Keith Marcher:** He's already made a motion. Just for the record this is Keith Marcher. I've been assigned by the Attorney General to represent the commission today with regard to procedural issues and the open meeting law and the Secretary has made a motion, three part motion, and it needs to be seconded if you want to discuss it any further.

**Attorney General:** I'll second it.

**Governor:** This issue is moved to be seconded. Any comments or discussions?

**Attorney General:** Yes, let me just ask Ross with respect to your motion for rejecting the recommended budget cuts is that because you have concern you haven't had enough time to review what was provided to the Board confidentially from the Department of Corrections and would you need more time to get through that?

**Secretary of State:** I think it's two part. I think one I have concerns that I haven't had enough time to review the contents that were submitted by Director Skolnik but most importantly I think the reason for the rejection is procedurally because I've been advised by legal counsel that the way this was submitted in essence directly from the Director of the Department of Corrections to the Governor that that procedure would cause the deliberative privilege to attach and so therefore because those cuts have already been submitted to the Governor, the deliberative privilege applies according to the interpretation of the legal counsel and for that reason we would be precluded from discussing it in any open forum. I'd be precluded from shopping the ideas around from the legislative committee to other corrections officers as to what was the recommendation submitted to the Governor and you know that's not an open process. I believe that the process ought to be open and inclusive. That's not what this is. This is clouded of a veil

of secrecy and it's very exclusive as to who can make the decisions so it's not a call to reject the cuts whatsoever on their merits. You know, I've had an opportunity on many occasions to meet with Director Skolnik and I'm very confident that given the appropriate input from all parties that he's going to make the right decision and so this proposal that he submitted may very well be where I think this Board could come down before we recommend cuts that the cuts be recommended together but I don't think that we can do that before we got the concerns until we do that in a public forum including the input of all parties that are interested.

**Governor:** There's a motion before the Committee at this point in time, a three part motion.

**Attorney General:** So, let me ask further questions before I included them. I just want further clarification and I understand Commissioner Miller's concern about this. But let me ask you this because here's my overall concern with this whole process. We are a new Board. It seems to me based on the information I've had in the past with respect to this Board that the past Boards have delegated their authority on certain subjects to the Director of the Department of Corrections and that's their decision and that's their choice and that's fine. However, with respect to this Board this is our only second meeting. We have never had a discussion on what type of authority we do want to delegate. Whether we want to continue that delegation or do we want to take on additional subject matters or like this take on decisions about particular budget cuts. Now, with that said, what you're saying here is that your concern is that with the recommendations that Mr. Skolnik would bring forward with respect with his budget cuts, you want this Board to have specific say in what is being cut and what is not being cut and making those decisions for him instead of delegating that to him, I just want to clarify that. Is that correct?

**Secretary of State:** No, I think that he ought to present a number of options is what the motion is that he would present at the next Board of Prison's meeting a number of options that we could consider and amongst those I would hope would be the recommendation that he's already advanced with the recommendation amongst those options as to which one we want to go forth.

**Attorney General:** But what it sounds like to me is what your saying is that you want him to provide us with recommendations and options and we choose which we would want him to move forward on. So, we are making the decision with respect to the specific budget cuts.

**Governor:** And let me add just my thought here. I believe it would take a new Attorney General Opinion because in the conclusion of the Attorney General Opinion issued by Frankie Sue Del Papa, it's says "as reflected by the provisions of NRS Chapter 209 the Board provides guidance to the Director when it deems necessary rather than involving itself in the day to day administration of the Nevada Department of Prisons activity." I think what we're again is of course interjecting this Board in that day to day activity of the decisions of the Director.

**Attorney General:** And I'm willing to vote on this motion but what I also want to put on the record here is that I understand your concerns and I think they're valid concerns. What I would like to see though is that this subject matter on the authority of our Board to delegate what we want to the Commissioner, I mean to the Director, needs to be on an agenda and talked about by this Board and it would address this specific issue and everything else and I don't think we've had a chance to do that and what from what I'm hearing about the Governor he has legal concerns about what it is specifically we can cut with respect to the budget so I don't know, I'm

willing to vote on your motion but I also have a counter motion and I don't know if you're willing hear so that you can amend your motion or let's go ahead and vote on this.

**Donald Hinton:** Is there a possibility that we could make a public comment here?

**Attorney General:** No and we'd ask, you if you don't mind, to keep quiet during this process. You will have an opportunity during the public comment to make any type of public comment. But, let us, if you don't mind, discuss this particular issue. So what I would suggest if you're so willing to amend the motion. I would suggest that we have another meeting in a relatively short period of time because I know the budget cuts are an issue for you Governor and it's something we want to deal with. Agendize this item, the item would be seeking a legal opinion on specifically the authority of this Board to delve into the budget process and update that '96 opinion and take a look at that and then too, also have an agenda item on specifically based on that opinion and what our authority is. How much authority we want to take on or how much we want to delegate to Mr. Skolnik with respect to a broad number of issues including the budget and I would recommend that we have that meeting as soon as possible. If you want to do it two weeks, one week so we can address this issue before the final budget cuts are made by the Governor if the Governor is so willing as well so that we can have input into this process as a Board.

**Secretary of State:** Okay, yes I think that's having set up I'd be amenable to a least table my motion as so we do have chance to discuss the scope of the Board of Prison Commissioners and be objectionable when we get to the Director as to what issues want to be brought up.

**Keith Marcher:** So procedurally you're willing to withdraw your motion.

**Secretary of State:** I withdraw the motion.

**Keith Marcher:** And a second is okay with that and then your motion is go ahead rescind it?

**Attorney General:** Then I would move that we have another meeting within a short period of time, one week, two weeks and then we could talk about that during the motion but really the issue in putting on the next agenda would be the issue of how much authority this Board wants to delegate to the Director of the Department of Corrections on issues such as the subject of the budget and then to take a look at the existing legal opinion, the '96 opinion that is out there to address the Governor's concerns about the authority this Board does have to be involved in their budget process. So, there would be two issues that we would look at and we would make a recommendation to the Attorney General's Office to take a look at that and then come back and report back to the Board at our meeting.

**Secretary of State:** Okay, I'll second that motion.

**Governor:** There's a motion in the second all those in favor of it signify by saying Aye.

**Secretary of State:** Aye.

**Attorney General:** Aye.

**Governor:** Done. Okay it passes two to one.

**Attorney General:** So then the next issue though of the agenda is for the time of the next meeting. Can I make a motion to ask that we have a meeting on a specific date and time?

**Keith Marcher:** I think you can make a motion that would indicate that you need to have the meeting as soon as possible and let the Board know that it's not, typically you don't have a future agenda for a future meeting agenda on there but you know you'll have to be able to call the meeting so if you would I'd just make the motion to call the meeting as soon as possible with everybody's schedules and then you coordinate that with your staff and obviously post an agenda.

**Attorney General:** Then I would make that motion that we have the meeting as soon as possible and coordinate everybody's schedules.

**Secretary of State:** I'll second that.

**Governor:** Approved and seconded. All those in favor signify by saying Aye.

**Secretary of State:** Aye.

**Attorney General:** Aye.

**Governor:** Are there any other remarks from the other Board of Commissioners. (No) Then we will go to Agenda VI. We'll now take public comment and please understand the time limits that we do have if you want to make remarks, make them succinct and as short as possible. Hopefully, staying in a three minute timeframe or excuse me, five minute timeframe. Is there anyone wishing to make public comments in the south?

**Jim Palombo:** The Secretary of State and the response by the Attorney General I think in context of that discussion and everybody here has been polled but I think that was well issue and that's exactly what I was going to suggest. I think that there is some discussion and sincere discussion relative to getting some input relative to what's happening with corrections. That's not to say and I just left their employ there recently, and given my experiences, I'm trying to bring that all to the table in my discussion tonight (inaudible). I'll say this that I think that there is a sincere interest on the part of many people who are working in that system to get some of these issues out. There is concern about it. There's also a sincere interest from an inmate standpoint of trying to get some sense of what life ought to be as a civilized, socialized human being and I think to hear a viewpoint of the some of the assembly members, the senate members and at that time at Advisory Commission's meetings. I was talking with Assemblyman Parks just before about this and I think (inaudible) if you all state facts and this is my profession in coming to light is you all think back to that very first prevention goal (inaudible) I tried to bring that forward with these issues that we're talking about. Serious issues that are confronting the American landscape being extended to our Americans (inaudible).

**Governor:** Thank you.



**Florence Jones:** Thank you Florence Jones speaking again. I appreciate the opportunity. I would like to reiterate on the oversight task force. The fact that this community according what I saw in the newspaper that this Board oversees the state prison system and I'm glad you're going to check that out (inaudible) regarding the AG's opinion, I concur that this meeting is the oversight committee (inaudible). I would also like to say that in respect to this a possibly that oversight meet, Constance Kosuda spoke further for it and I met with Director Skolnik and he said to us that he would die before he would allow an oversight committee. So, I think that would give the new state leaders however the fact he's not in favor of it. (Inaudible) and the ARs are established for visiting. I happened to be in a meeting with Warden Humphrey at Warm Springs a couple of days ago there for direction to make sure of their terms in overcrowding and she took a call while I was there which I was privileged to overhear her part of the conversation and she assured whoever she was speaking to that everything was being prepared, the bunks have been moved and that it was all set. I could barely understand until I read in the newspaper a couple days later that you had made an actual (inaudible) visitation at the prison to observe the overcrowding. I'm saying that unless you back the rights for the elected officials of this state to go into any prison when they have the time on their schedule instead of going with appointments by Director Skolnik, we will never know what is really going on and the last issue is with regards to money we are wasting on fighting frivolous lawsuits.

I realize that you're job is to oversee the prison but yet think of having that although they are taking directions from the Attorney General's Office but the Offender Management is holding a group of inmates whose sentences are prior to 1989 under an incorrect sentence structure. We have had three corrected district court orders from three different judges in this waiting game say that the people who were engaging at a sentence prior to 1989 should be under Biffith and get one of our attorney generals actively, actively pursuing in our court wasting our money I believe frivolously to fight those cases.

Now I understand Janet Traut did speak to Justice Hardesty and mentioned that he could not give a hearing on Thursday, but each case is individual analysis (?) and I can tell you they surely are, each one of them has a different family (inaudible) but the case fact and the points of authority are all the same. I would ask that this commission would actually send (inaudible) AG's Office and which I believe according to Bennie McGuinness some years ago it was AG Joe Ward who told them to (inaudible) switch to Bowen and in the case of my own son meant one more Life sentence and fortunately my son has had (inaudible) and for all general purposes I should do like everyone else and get up and walk out but inclusive there are people who are in prison who need to have this corrected. Any sentence prior to '89 with an enhancement must be held under Biffith. We have three different court orders from three different judges and (inaudible)

**Governor:** Now let me interrupt and say that any member of the public wishing to submit written comments can do so to this committee with a period of time that is reasonable, I guess within ten days to be included in the record. Thank you Ms. Jones. We'll go now to you, please identify yourself.

**Teresa Werner:** I'm Teresa Werner for the record and I'm a public citizen as well as an advocate for inmates and I have prepared some papers, I won't go over too many. One thing I did want to point out is I'm so thankful to Director Skolnik for allowing violent people into camps. I totally wholeheartedly agree with that. My issues are all money. *See [Attachment H](#)*. The second thing I would like to point out, the public is upset because all the inmates file frivolous lawsuits and some of them are quite frivolous. However, some of the lawsuits are just filed to have the

NDOP meet prior granted conditions with regards to the ARs in the religious realm, they have won several federal lawsuits but the prison just keeps the ARs under their review constantly saying that they don't have to adhere to them. I know Mr. Baca at NSP says "I don't have to adhere to your lawsuits, I don't have to adhere to the ARs because they are under review so sue me" and I think that's a condition throughout the prison system is just shame. My concern as a public citizen is how much do these lawsuits cost the taxpayers to fight? So, if lawsuits aren't won in federal court, why must an inmate sue and sue and sue again to make the federal defense stick. Those are my two concerns about saving money and again I hope whole hardly recommend these proposals. Thank you.

**Governor:** Thank you Ms. Werner. Any member in Las Vegas of the public wishing to provide testimony in general? Hearing none we'll come back up here again.

**Mrs. Albert Dawson:** Thank you again, my name is Mrs. Albert Dawson and I wrote mine down so that I'll brief. I just wanted to say that in the spirit of AR 521 and it's recognition that even violent offenders incarcerated at the age of 18 are remarkably changed men by the age of 35 or 36. I really would encourage our Governor to participate in our dire need to embrace alternative release plans while concurrently saving money by convening more, rather than fewer Pardons Boards beginning with the year 2008. Thank you.

**Governor:** Anyone else?

**Tonya Brown:** Tonya Brown, advocate. I have a couple of questions one was regarding the Pardons Board. I too got a copy of the memo that was just to the Pardons Board saying Pardons have a problem keeping in 2008. I have a concern, I have a question and that is this, it was signed by Mr. Smith the executive secretary to the Pardons Board. I'm just curious can a state employee hold two positions? Mr. Smith holds the position as the executive secretary of the Pardons Board and another position as an analyst III. Can a state employee hold two positions? If not, one of Mr. Smith positions should be eliminated and that's what I'd like to recommend that one of those positions be eliminated and employees cannot have, hold two positions because if it would not be if Mr. Smith stated he was now the executive secretary of the Pardons Board and yet on the Pardons Board memo sent to the Governor he must be a Pardon Board members, he says he is, so he cheated. I concur with the oversight task force and I would like to submit these papers for the record that I talked about previously and I do appreciate being allowed to speak today. Thank you.

**Governor:** Thank you. Anybody in Las Vegas wishing to testify publicly?

**Teri Parker:** Yes, I would like to request one thing. I have a loved one at NSP. He is in dis seg and that warden up there is Bill Donat only allows visits by appointment only, one day a week, for one hour. I do not feel that this warden believes in family unification. All I know of what I have seen from August. I know that there is other people at Ely who are in the hole who say and they get visits twice a week, High Desert once a week during the hole but this man, this warden, should restructure his visiting practices because he is denying family visitations and I'm concerned and I am tired also of every time something happens within the DOC it affects the inmates so I feel why should the inmate be blinded for the short time he was in the Department of Corrections and it's the continual things. Thank you.

**Governor:** Thank you very much.

**Kevin Ranft:** Correctional Officer, Local 4041 AFSCME former correction's employee union. Earlier you know I never wanted to make it personal but it seemed like my comments weren't taken very lightly and I don't want them to be taken lightly. I think our organization has to move forward, it is very direct and very straight forward with Director Skolnik. Sometimes hard sometimes always emailing him other times you know within a week saying we got this and this but he's been fair and that's basically what I want to say today. He has been fair and those comments I made earlier please don't take them lightly. I heard that some people did take them lightly and we challenge the Director and he challenges us. He asks for resolutions and we bring them to him. He's fair and as an employee union and in the past we filled lawsuits, we've done certain things, this Director has stepped up and done certain things to make changes. Sometimes we don't like them. They went to 12-hour shifts being taken away but you know what, we understood some of the reasons behind it. Ultimately, we could go back to 12-hour shifts but he's fair. Thank you for your time.

**Governor:** Thank you. Any other public comment in Las Vegas?

**Donald Hinton:** Yes, Donald Hinton, Las Vegas Spartacus Project. I'd like to make a comment on Director Skolnik's report that was given here on his mission statement. It was referenced in there it could never be the time for a completion (inaudible) and quite frankly didn't really understand what he was talking about. Everything always seems to be at the Department of Corrections under review, under construction, we're planning on getting something done. There has to be a time limit someday, somewhere where a reasonable date for some of the things that we talk about and then by the way I whole hardly concur with the people down here that asked that a paralegal go into an institution without making an appointment through the Director of prisons so he can clean up whatever he needs to be cleaned up that this gentleman might witness.

The other thing is the human rights and civil rights on ag segregation. This system allows prisoners to be put away somehow for years, years. Well, if I'm saying here and there and saying well maybe we should review this just a little bit and get this guy out of the hole. You're turning him into an animal and that's a fact so we're to see a half dozen come in or over two come in of some sort turning (inaudible). With Ms. Dawson I whole hardly concur that fair play for her problem, suggestions be taken into consideration.

The taking of money by the Department of Corrections under some rules of the NRSs do not address kangaroo courts nor do they address fair play for the confiscation of money sent to that particular inmate by family friends and loved ones. I don't agree with that. I would not willing pay for something else that I didn't happen behind might brought and I think that it's staff and I think it ought to be addressed. If they're going to take money and you can't have a guard write these infractions. I'm here to tell you judge the infractions and you can't have him levy the fine. That's ludicrous that for years it's been going on and it needs to be changed. I'm hopeful that you may hear that. I found Mr. Skolnik's comments on conversations and in agreeing with Judge Hardesty that does not mean to say that's the way I perceive that as he stated.

I'll let Mr. Skolnik address that at a later time, maybe with the mediator Judge Hardesty involved and as far as cutting the budget, please, please, do not cut the food budget. These guys are operating the last time I heard on less that \$1.25 a day. The horse program at Warm Springs they get \$3.50 a day for their horses and as far as anyone touring the prison I think that's says it. There's no way that if you, anyone can tour these prisons without having to clean up and having the (inaudible) you know for the benefit of whoever's touring. Governor when you toured with Mr. Skolnik who did comment to the newspapers that inmates were rats and it was printed in the

newspaper. I'd ask you for an apology, never got to see, never got an answer, nothing but that is not uncommon in the Department of Corrections and the government of this state or any (inaudible) in leading the courts and the seats of the taxpayer and then supports this stuff cannot be a leader to your back or anybody and I think that's wrong and I think it damn well ought to be changed and I'll tell what's even (inaudible) and I think your management stinks. Well, I'll just let go for that I did not mean to compete my folks here but don't think that's all I have to say please and Ross thank you.

**Governor:** Thank you Mr. Hinton. Is there anyone else wishing to testify making public comment to the Board. Hearing none this will end the public comment session.

**Attorney General:** Turning to Agenda V Remarks from the Prison Board.

**Governor:** We addressed it already but that's alright.

**Attorney General:** Remarks from the Board has been approved.

**Governor:** Yes it's approved.

**Attorney General:** Oh I'm sorry I didn't know you called that.

**Donald Hinton:** Governor there actually is one more thing, Donald Hinton, Spartacus Project. I submitted today 11 pages to the committee. I would sincerely hope that they would read those. Some of them are institutional challenges to the public and to the inmates that I have verified by their own receipts and the postal region. The fact (inaudible) they stated there they are totally misinformed because that's the use of the word of the good book of the Department of Corrections being called when you ask them a questions you are always misinformed. Please, take a look at that and you will notice that I no longer will be allowed to be referred as "Miss Informed" and the people that are speaking here have loved ones in prison. Do not allow the Department of Corrections hinder this aggravation on. [See Attachment I.](#)

**Governor:** Thank you Mr. Hinton your record, your articles, your printed articles will be accepted by the Committee. We'll turn now to Agenda V Comments from the Board, the Attorney General.

**Attorney General:** I appreciate that. The only thing I would request is that on the next agenda item we also have for discussion on how often this Board should meet over the course of a year so I know that there is to be an agenda that I would request that that be placed on the agenda. Thank you.

**Governor:** Hearing the end of that we'll move to Agenda Item VII which is adjournment. Is there a motion?

**Attorney General:** Motion to adjourn.

**Secretary of State:** Second.

**Governor:** All those in favor signify by saying Aye.

**Secretary of State:** Aye.

**Attorney General:** Aye.

**Governor:** The Board is adjourned.

Meeting adjourned 2:55 p.m.

APPROVED THIS DAY 7th, MONTH OF APRIL 2008  
BY:

---

GOVERNOR JIM GIBBONS

---

ATTORNEY GENERAL CATHERINE CORTEZ MASTO

---

SECRETARY OF STATE ROSS MILLER

Recorded and Transcribed by Susan Cochran  
Executive Assistant to the Director  
Nevada Department of Corrections