

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

STATE OF NEVADA

HOWARD SKOLNIK
DIRECTOR



DRAFT

DEPARTMENT OF CORRECTIONS

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MINUTES

of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

April 8, 2008

The Board of Prisons Commissioners held a public meeting on April 8, 2008, beginning at 12:15 p.m. at the following locations:

at the State Capitol Building Annex, 2nd 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.

I. Call to Order.

The meeting was called to order by Governor Gibbons. He noted that the commissioners were present, Attorney General Catherine Cortez Masto and Secretary of State Ross Miller.

Also present were Senior Deputy Attorney Generals Janet E. Traut and Keith Marcher, Director Howard Skolnik, Legal Counsel Josh Hicks, Deputy Secretary for Southern Nevada Chris Lee and Chief Deputy Secretary Nicole Lamboley. Members of the public were asked to sign in, and the sign in sheet is attached ([see Exhibit A](#)).

II. Acceptance and Approval of Minutes – January 8, 2008 and January 23, 2008. (action required)

The minutes of the January 8, 2008 and January 23, 2008 were approved unanimously. There were no comments or questions from the commissioners.

III. Discussion/decision of SB 471's impact on the Department of Corrections. (no action required)

Director Skolnik stated that SB 471 had a pretty significant, unintended consequence in the way it was presented. The Department was initially under the impression that it had to provide for all registration for the sex offenders but have since been advised we are not required to do that. However, if we don't, all of the counties would have to come into the institutions and do the registration prior to release. Director Skolnik stated that what he was going to do was to take an informational to IFC to request three machines for palm scan and four staff. This equipment would be at Northern Nevada Correctional Center (NNCC), High Desert State Prison (HDSP) and Florence McClure Womens Correctional Center (FMWCC). He said he spoke with Clark County Detention Center and they indicated they would help in any way they could. Director Skolnik stated he just wanted the Board to be aware of this as it does need to be addressed before July 1st.

Governor Gibbons questioned if registration of sex offenders included DNA and Director Skolnik stated the Department would be required to take DNA prior to release but are not required to process, just to supply the specimen. Prior to this bill, the offenders had 72 hours in which to register with local law enforcement, now they register before they are released but the bill did not change who they had to register with and it still states they have to register with law enforcement. The Department is not required to do this but with the interest of efficiency, cost savings and making sure it does happen, the most reasonable way to do that was for the Department to do it. The Governor asked what the total cost for this project would be and Director Skolnik stated it would be essentially the cost of the staff's time in doing this which will take about 45 minutes per inmate.

Governor Gibbons asked Director Skolnik if he wanted the Board to do anything. The Director stated he just wanted the Board to be aware of what he was doing and if they wanted him to do something differently to tell him. Commissioner Miller commented that he thought this was worthwhile and to continue the discussions with the counties.

IV. Discussion/decision regarding State Administrative Regulations. (action required)

The Director briefed the Board members on the Administrative Regulations (ARs) presented before them for approval and stated he talked with Dennis Mallory with AFSCME and they were in agreement with the ARs. A majority were just a format change. There was one change to be made in AR 101.2 that the word staff be changed to staffing. There were also minor corrections to ARs 321 and 457. These regulations had been previously reviewed and approved by the Attorney General's Office. All ARs were passed unanimously by the Board.

V. Discussion of American Civil Liberties Union lawsuit regarding medical services. (no action required)

Attorney General Masto asked Director Skolnik if he had reached out to ACLU to try to move forward and talk with them about positions as decided at the last Prison Board Meeting. The Director stated he did try by sending them an email and the following day they filed a lawsuit. Director Skolnik stated he had contacted the State Medical Society and asked how they might be able to help us in putting together a group of physicians that would come in and do an overall evaluation of our process in the Department and he had not received a response due to what was occurring in Las Vegas at the time.

Director Skolnik stated the Legislature had asked an audit to be done regarding inmate access to medical care. He had met with the auditors yesterday, April 7th, and although their audit not completed yet, their initial response was they would probably indicate that the access to medical care for inmates is equal to or superior to almost every other Department of Corrections that they had evaluated in the country. We provide our inmates with constitutional care or better than that.

Attorney General Masto asked what damages the ACLU was seeking with their lawsuit. Senior Deputy Attorney General, Counsel for the Board and the Department of Corrections, Janet Traut, responded that she was the DAG assigned to this case and that primarily they are seeking injunctive relief which they are trying to systemic claims they made of inadequacies in the system which appeared to be looking at medical directives, although there was no direct claim in the complaint at this point that addressed that. They are primarily looking at mandatory relief and what we had seen in the Consent Decree, specifically numbers of physicians, staffing levels and medical regulations. They have stated in the press and elsewhere that they are not seeking monetary relief, but attorney fees will be an issue on possible litigation. Ms. Traut stated they stipulated with ACLU to enlarge the time from 20 days to answer to 45 days. Of interest was all of the inmates' medical concerns provided to the press are not the plaintiffs in this case. The Department is undergoing review of their medical records at this time.

Ms. Traut stated that several inmates have contacted the Department and have asked that the Director "call off" the ACLU, that they were being harassed and being asked to give their medical records to provide support to the lawsuit. By May 15th the Attorney General's Office should be providing an appropriate answer. The case is assigned to federal court.

Director Skolnik wanted to go on record, even though it was not on the agenda, to express his appreciation to the fiscal staff and the Department, to Andrew Clinger and the Governor regarding the budget reductions they have had to deal with. The staff has been amazing in their commitment in accomplishing everything that they needed to do without jeopardizing the safety and security of the institutions without hurting anybody's employment.

Hearing no further comments or questions, the Governor moved to agenda item VI.

VI. Public Comment.

The Governor asked the public to submit written comments they may have and to please limit their speaking to five minutes.

Donald Hinton: Mr. Hinton, from Spartacus in Las Vegas, stated two people had not yet made it to the meeting; Flo Jones ([see Exhibit B](#)) and Michelle Ravel ([see Exhibit C](#)). He stated he did not have time to read the whole packet for today's meeting and there was a lot of concern over what he had heard today. He stated he had a concern about one of the prisoners who was dying and his mother was in Las Vegas and that she was having a hard time with one of the Wardens up north and could not visit with her son. The Governor asked Mr. Hinton to refer that person to Director Skolnik. Mr. Hinton referred to another inmate's death and was asked to submit the information to the Board. Mr. Hinton stated he would.

Pat Hines: Ms. Hines thanked the Board for putting the exhibits in the minutes. She wanted it for the record that she did not think that any of the members had read any of the suggestions that were in there and understood why if they did not have time to read them. She stated that is why there should be an ombudsman or an oversight committee to bring these things to the Board. Ms. Hines had made a hasty list of titles, of suggestions to use, that needed to be looked at; the PSIs, senseless lawsuits, budget savings, prison population reduction proposal, a reentry proposal, ideas for medical, much on the Parole Board, the Probation and Parole, the justice courts sentencing, the fact that the Pardons Board is in limbo right now and hasn't been hearing, issues on public education and prevention. She stated they don't hear very much about that but there has been public comment on all of these. Ms. Hines stated if the Board was still going to be the oversight committee she had a concern about two statements Mr. Skolnik made at the January 23rd's meeting. One was his recommendation to the Board that everything could be taken care of in a meeting every six months and she disagrees because she doesn't think anybody can oversee and make recommendations to make a system better by seeing it for three hours every six months and she thought he said quarterly if we felt we needed it. Ms. Hines stated if there was not going to be an oversight committee she would appreciate it if the Board picked up the slack.

Ms. Hines stated the other thing that disappointed her was that Mr. Skolnik had met with the employee's associations, which was why some of the ARs were held back at one point in time. She stated the inmates and their families would like that same kind of input to the ARs. They went by so fast today she did not have time to turn to her copies fast enough. Ms. Hines was going to personally put her suggestions on ARs in writing and recommend families do this also. She suggested all of the time frames that relate to a time frame for the staff have been taken out and should be put back into the ARs. If an inmate puts in a lawsuit and he doesn't get all of his materials until the deadline has past, it wasn't his fault. She past out copies to the Board regarding the phone system ([see Exhibit D](#)). She stated she wanted to bring to the Board's attention, from a page of the contract, that there was false advertising that the phone system would be cheaper and quoted rates. Ms. Hines believes that the phone costs are more now with the new contract.

Michelle Ravell: Ms. Ravell stated she will send her comments on AR 707. She stated there were some serious violations of the Nevada Revised Statutes (NRS) and could not see how the Board could approve a regulation when it does not meet the criteria of the law. All of the issues she had raised in the past meeting were not changed within the AR. Ms. Ravell stated she would appreciate it if someone would look into the issues raised in the two documents submitted to give her an understanding why it is they don't have to meet the requirements of the NRS.

Governor Gibbons stated he would have the Deputy Attorney General look at her statement to determine if there is a conflict between the AR and the statute and get back to you.

Allen Sweet: Mr. Sweet, founder of the Prison I Am Workshop Tour, wanted to introduce himself and his program to the State of Nevada, which is an anti-meth program. They provide treatment programs to some of the inmates to get off of the drugs, cocaine and alcohol. Mr. Sweet stated his program was in existence now and they were applying for federal funding and operate on donations that they receive. Papers were submitted to the Director ([see Exhibit E](#)).

Director Skolnik stated he did receive a description of the program and were looking at it as to whether or not it coincides with what the Department was currently doing.

Other comments for the record submitted by Natalie Smith ([see Exhibit F](#)) and Teresa Werner ([see Exhibit G](#)).

VII. Adjournment.

On motion by Governor Gibbons and approved by unanimous vote, the meeting was adjourned.

The next Board of Prison Commissioners' Meeting is scheduled for July 8, 2008.

APPROVED THIS DAY _____, MONTH OF _____ 2008

BY:

GOVERNOR JIM GIBBONS

ATTORNEY GENERAL CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

Recorded and Transcribed by Susan Cochran
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