



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS

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MINUTES

of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

April 14, 2009

The Board of Prisons Commissioners held a public meeting on April 14, 2009, beginning at 2:00 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 Jim Gibbons. The record reflects all members of the Board were present.

Also present were Senior Deputy Attorney General Janet E. Traut, Senior Deputy Attorney General Keith Marcher, Director Howard Skolnik, Chief of Staff Josh Hicks, Chief Deputy Secretary of State Nicole Lamboley, and members of the Press. Members of the public in Carson City and Las Vegas were asked to sign in, and the sign-in sheets are attached [\(Exhibit 1\)](#)

II. Acceptance and Approval of Minutes – January 13, 9009 (action required).

The record reflects the Minutes of the January 13, 2009 were approved and passed unanimously. There were no comments or questions from the commissioners.

III. Report on March 2009 prison population report as prepared by Dr. Austin -Howard Skolnik, Director.

Director Skolnik presented and summarized Dr. Austin's updated prison project report and the Department of Corrections (DOC) count sheet from April 12, 2009. [\(Exhibit 2\)](#) He stated there are significant reductions from the previous projections. Director Skolnik stated there has been an increase in population recently at the Clark County Detention Center and the Department will keep an eye on that.

IV. Presentation on proposed salary cuts to Corrections Officers and the impact on maintaining staffing levels to manage the prison system – Howard Skolnik, Director.

Director Skolnik stated this was extremely difficult to respond to since he did not know what the ultimate reductions were going to be, nor what the percentages were going to be. He stated he would be uncomfortable speaking for the employees as he was not sure what he would do if the cuts were significant.

Secretary of State Miller asked Director Skolnik what discussions he has had with the Legislature regarding the impact the proposed budget cuts. Director Skolnik stated DOC has proposed five different scenarios at the request of the Legislature ranging from no change to the Governor's recommendations with alternatives in between including closing Nevada State Prison (NSP), fast tracking the construction at Warm Springs Correctional Center (WSCC), maintaining Tonopah as an active camp and slowing the implementation of Three Lakes Valley. As far as the impact this will have on DOC's staff, Director Skolnik stated he could not speak on how people will respond to the final budget especially when the Department does not know what the budget is going to be. There were no further questions or comments.

V. Presentation/discussion/possible action on Justice Hardesty's proposed changes in overtime and recommendation for implementation – Howard Skolnik, Director.

Director Skolnik said the Advisory Commission asked the Department to look at overtime costs and staffing patterns and to make a presentation of what the Department might be able to save or change by increasing the staffing. He stated there was an Executive Audit completed a few years ago which recommended the relief factor should be 1.83 and currently the relief factor is 1.6. According to the audit, the Department is actually manning the posts approximately 83 percent of the time taking into account everyone shows up for work. Director Skolnik said the Legislative budgetary process stated there is going to be an anticipated number of vacancies during the course of the biennium which are projected based on the previous biennium. The Legislature takes 80 percent of that projected budget for those positions and revert it. He stated before the year starts the Department loses the possibility of filling 80 percent of those vacancies in addition to having a staffing pattern that is grossly under what it should be. The Department did an analysis and determined it could save approximately two million dollars if we were to staff the institutions more fully. The Department proposed to look at the Northern Nevada Correctional Center (NNCC) being one of the areas hardest hit due to the Regional Medical Center (RMF) which has never been staffed to transport inmates to and from hospitals which incurred a substantial amount of overtime.

Director Skolnik stated by adding ten positions to the staffing at NNCC, without any budgetary increase, the Department could save approximately \$270,000.00 in net overtime costs and have proposed that to the Legislature in hearings. He stated he did not think it has been formally incorporated into any budgets and recommended it should be tried at NNCC over the next biennium and if the numbers hold off look at the entire Department and finally staff the Department adequately.

Attorney General Masto asked Director Skolnik if the proposal has been given to the money committees. Director Skolnik stated that it was given to them in testimony and the information has been provided to them but to his knowledge it has not been incorporated into any of the budgets.

Secretary of State Miller asked Director Skolnik if he had looked into other potential overtime issues for the Department as a whole in terms of whether or not those vacancies could be filled resulting in any cost savings and where it currently stood at the Legislature. Director Skolnik stated the initial look was for the entire Department with the possibility of saving up to a couple of million dollars if all the vacancies were filled. He stated he did not know where it currently stood at the Legislature but thought they wanted the Budget Office to submit this as part of an amended budget, but he wasn't sure where that stood.

Secretary of State Miller moved to accept the Director's recommendation and directed the Department to pursue filling the ten Correctional Officers positions in conjunction with the Legislature. Attorney General seconded the motion. The record reflects the Board supports the recommendation.

VI. Presentation on Department's budget hearings – Howard Skolnik, Director.

Director Skolnik stated the Department submitted the Governor's recommended budget and were asked by the Legislative committees to work with their staff and the Department of Administration on the development of alternative proposals. He stated those proposals were submitted and everything was hinging on the inmate population not growing, which looked promising.

Director Skolnik stated the Southern Nevada Correctional Center (SNCC) has not been leased yet and that would leave a 10 million dollar hole in the Department's budget but it was still being negotiated with one bidder and a state who was interested in buying bed space from the Department. He stated the other concern he had was the Department could not put any money into Capital Improvement at NSP according to the Public Works Board. The Department is required to meet all of the current codes and ADA requirements and if the Legislature does keep NSP open, they will have to fund maintenance for that facility. He could not predict what that cost would be. Director Skolnik stated the maintenance staff at NSP is extraordinary and the facility is in better condition today than it was during the last assessment done 8 or 9 years ago, but again, he could not predict what the costs will be. Director Skolnik stated he would provide the Board with the whole packet of the budget, along with the alternatives, that was presented to the Legislature.

Governor Gibbons asked for a sketch of what the Legislature received. Director Skolnik stated one plan opens Tonopah, closes NSP, opens Phase V at High Desert, does not open Phase I at Three Lakes Valley Correctional Center (TLVCC) but again, keeps Tonopah open, opens Eagles Nest, which is the replacement for the restitution center in Reno; plan 21 opens Tonopah, keeps NSP open, does not open Phase V at High Desert, does not open TLVCC Phase I, opens Eagles Nest; plan 22 opens Tonopah, opens NSP, does not open Phase V, does not open TLVCC, opens Eagles Nest, closes WSCC for remodeling and expansion; plan 24 opens Tonopah and NSP, does not open High Desert, does not open TLVCC and opens Eagles Nest, basically, that one is the Governor's recommendation minus Tonopah. The costs over the recommended budget for the first plan would be 4 million 832 thousand; plan 21-18 million 376 thousand; plan 22-13 million 749 thousand; and plan 24-18 million 376 thousand. There were no other questions or comments.

VII. Discussion/possible action regarding State Administrative Regulations – Howard Skolnik, Director.

Director Skolnik commented that the Department did not submit AR 100. Secretary of State Miller said he submitted AR 100 for review and in essence deals with Sections 6, 7, and 8 and the ability of the Director to issue temporary regulations and changing the language to read that a temporary regulation become effective upon Board approval. He stated he did not see any reason why that should remain in effect since this Board now meets quarterly which would allow the Board to review regulations before being issued as a temporary and people had expressed to him they would like to comment on any concerns they had before issuing a regulation.

Director Skolnik stated the concept of temporary regulations did not get created in 2006 and when he joined the Department in 1987 they had Administrative Directives which were equivalent to a temporary regulation because of the need to respond to court cases, settlement issues, to changes in the statutes and changes in case law. That was subsequently changed to read temporary regulations and there was no expiration on the original regulation that covered that until Director Whorton put the one year expiration date in the regulation in 2006. Director Skolnik stated the Department needs the ability, on occasion, to create temporary regulations for a number of reasons. He stated there was an involved review process that takes place between the time a regulation is needed and the time it comes before the Board and the window was too big to be appropriate. He stated the Board has always had the authority to direct the Director to rescind any temporary regulation they did not agree with which gives the Board a three month window as it is now. This has been exercised a few times before and stated he would be very concerned regarding his ability to manage the Department effectively without this tool in place. The Department has been reviewing temporary regulations with the employee associations before issuing them to make sure there is some input from staff which was started from the last Board meeting when the issue of AR 105 was addressed. This alternative has been very workable and reasonable and continues to give the Department the ability to respond to what it needs to respond to.

Governor Gibbons stated it looked like this is requiring the Board to take two consecutive meetings. One that states the Board may deem a regulation in effect temporarily until the next Board meeting which could in essence put it twelve to fifteen months down the road. He asked Mr. Miller if that was his intension.

Secretary of State Miller stated this Board meets quarterly and does not foresee that happening. His concern was the ability to put temporary regulations in place which really puts the cart before the horse. There are individuals who come to these meetings who have comments or concerns about the affect those regulations would have. He stated that was why it was important to bring them to the public forum first so the Board can review the policies and have the authority to either reject them and if there are concerns and the Department sees a need to go forward, the Board can put it in place as a temporary regulation and then re-review it at the next Board meeting after having an opportunity to review their questions or concerns.

Governor Gibbons stated he tends to disagree noting that it does just the opposite by taking away the flexibility of the Director and by doing so requires the Board to enact a temporary regulation making it effective upon Board approval on circumstances that are time essential. He stated the Board can always rescind a regulation at any meeting.

Attorney General Masto asked Director Skolnik if his concern to do a temporary regulation was litigation with a court saying that a procedure was unconstitutional or illegal and the Director having the ability correct that so the state is not in liability. Director Skolnik stated it was and that the Board receives all copies of temporary regulations when they are issued. If there are issues with any regulation, the Board can direct to have them pulled citing AR 323 that was issued and then pulled in order to train all of the managers on how to enforce this regulation. Attorney General Masto agreed with Director Skolnik that there is a need to issue temporary regulations. She stated the Department needs to automatically put all temporary regulations that were issued on the Board's next agenda.

Director Skolnik indicated that there were a number of Administrative Regulations (ARs) that are in various stages of process which includes a review process internally and through the Attorney General's Office (AGs). There is only one individual responsible at the AGs to review these, along with their other duties, and consequently the ARs do not get processed through in a timely fashion. Attorney General Masto stated she did not have any problems bringing the regulations directly to the Board before they are reviewed by her office as they make the ultimate decision. In reference to AR 100, she stated she would take out the 12 months. Director Skolnik said he would redraft it and bring it back to the next Board meeting. It was deferred until the July meeting.

AR 105, Development of Institutional Operational Procedures, was presented to the Board. Director Skolnik stated this AR was deferred at the last meeting due to concerns of one of the employee associations in terms of a complaint and they have had a series of meetings regarding their concerns. Their concerns were addressed and the association approves the current language of this AR. It was decided to take the ARs in block rather than individual approval.

Director Skolnik stated at the last meeting AR 302, Administration/Employee Organization Meetings, the employee organizations had asked to increase the number of representatives to eight but added he thought four from the organization is a workable number. There were no comments or questions.

Director Skolnik stated AR 303, Affirmative Action Plan, was rescinded as recommended by the Department of Personnel Department. It was decided that this regulation was no longer needed as regulations were already established in the NAC, statues and other regulations. There were no comments or questions.

Director Skolnik presented AR 305, Sexual Harassment Prevention, stating it updates some terminology to bring it into consistency with the Department's current information system including who is overseeing EEO complaints, but has essentially not changed. It was ten years old and was time to update this regulation. There were no comments or questions.

AR 342, Employee Representation Witness Compensation, is a new regulation. Director Skolnik stated there was significant discussion at the Board's last meeting and he then referred it to the Board. He said the associations' concerns at the last meeting talked about emergencies and the fact that the Department has a substantial number of vacancies. Their concern was staff would not be able to be let go to attend a hearing because there were no staff available. Director Skolnik stated he wanted to make sure this was worded correctly for everybody. Senior Deputy Attorney Janet Traut stated she has looked at this regulation and the drafting had been completed by former Senior Deputy Attorney General Teri Thienhaus who is now the Director of the State Personnel. She referenced NAC 284.662 regarding grievances of employees, which states "if the assistant is a state employee he may only assist on his own time". After review, Senior DAG Traut stated the constitutional law is clear wherein someone is facing a loss of liberty then they are entitled to counsel. Personnel hearings are not necessarily the types of hearings where it has been found that counsel is not required and is not the same kind of adversarial proceeding you would see in a courtroom and would have no constitutional impact. There were no other comments or questions.

AR 406, Use of Chemical Agents, speaks of how, when and where such agents can be used. Director Skolnik stated it is essential to the operations of an institution citing the recent staff assaults which occurred during the past week and the need on how to respond in that type of situation. There were no questions or comments.

Director Skolnik stated AR 460, Security at Community Hospitals, ensures staff is safe when escorting an inmate to the hospital. There were no questions or comments. AR 483 on pest control was removed from the agenda for further revision and was not considered at this time.

Governor Gibbons asked the Board if they wanted to make a blanket exception for the removal of ARs 100, 342 and 483 to be brought back at a later time. It was moved and approved by Governor Gibbons and Attorney General Mastro to defer ARs 100, 342 and 483. Secretary of State Miller voted against including AR 342 because he had concerns with the statement "the actions of the employee cannot cause undue hardship to the operation of the department such as unfunded overtime". He stated it would prohibit people's ability to bring witnesses on their behalf and preferred to set it aside to have additional language in order to satisfy the people it could affect. Governor Gibbons asked if it was the Board's will to have a separate vote on AR 342. Attorney General Mastro asked Director Skolnik to give him a situation as to why it was important to keep that revision in, referencing 342.02, 1. D. under Witness Compensation.

Director Skolnik said his only problem was when multiple representatives were requested at the last minute and they could not accommodate except for overtime. Attorney General Masto asked if there was a way he could accept the Secretary of State's concerns and be more specific with the language when talking about multiple employees. Secretary of State Miller stated by adding more language i.e. the action of the employee was going to cause any hardship, the Department would make accommodations to extend the hearing to a different day to lessen the burden or something along those lines.

Senior Deputy Director Janet Traut stated the issue with the Department would be if the DOC always had the ability to reschedule the hearings this would end up being an undue expense since the EMC control their own calendar and more than likely have already issued subpoenas for their witnesses. She stated if the Department was holding their own hearings they would have the ability to do that. Attorney General Masto agreed to defer AR 342 so the Department can work on that section. The record reflects ARs 100, 342 and 483 to be deferred to the next Board meeting. The record reflects ARs 105, 302, 303, 305, 406 and 460 were approved unanimously by the Board. There were no further comments or questions.

VII. Public Comment.

Tosh Dawson commented on the Institutional Operational Procedures. She stated when inmates arrive at NNNC they are given their rules and regulations but when they are transferred to another institution they have to learn the rules of that institution. When they make a mistake they are going to be put into segregation and punished for not knowing an Operational Procedure that may have been different at that institution. She stated it should be limited only to situations where there are legal or constitutional violations because it can easily be misused against inmates. Regarding the Use of Chemicals, Ms. Werner stated the pepper spray used is a very strong form and has been documented in 600 cases, 26 resulted in death. Ms. Werner commented on AR 483, Pest Control, 483.02 2.B., and stated it should add inmates should also be looked at should they develop a reaction to a pesticide, not just staff. She stated that at every Board meeting the number one concern is public safety and questions the method used to promote public safety. The implementation and removal of policies and procedures so capriciously hinder the inmates who don't know what they are until they commit an infraction. Mrs. Dawson stated she had read that sanctions imposed on inmates in administrative and disciplinary segregation that are over 10 days cause irreparable brain damage to function correctly and these people will not be able to function properly when they are put back into society.

Mercedes Maharis presented her comments for the record. [See Exhibit 3.](#)

Peggy Maze Johnson representing the people of Nevada (broadly), family and friends of prisoners in the prison system, supporter Board member of the Spartacus Project and the incoming Chair of the Criminal Justice Committee of the League of Women Voters. Ms. Johnson stated she was a member of the Board of the State Counsel of Greater Seattle 30 years ago and was asked to lobby for a bill to create an ombudsman position for the Department of Corrections but was not successful. She expressed her concerns on the way prisoners were medically treated. Ms. Johnson said she worked for AFSCME and the C/Os have called for Director Skolnik's resignation which she concurs with. She presented her testimony for the record. [See Exhibit 4.](#)

Constance Caddell provided the Board these following suggestions: banning of tobacco in the prisons will not work stating prohibition didn't work either; there should be a better diet and to implement beans because inmates' health is being destroyed and taxpayers must pay for their health care; ask grocery stores to donate products that have not past their expiration date; the formula that computes time served should be looked at because even Einstein wouldn't know what to do with it; if the DOC can't provide a porta-potty for visitors ask for a donation because she now has to carry a 3 lb. coffee can in her car; and look at felony guidelines as they are ignored and not being followed.

Carol Corbeth stated she had a grandson at HDSP in the Youth Offender Program and at the end of January the Caseworkers should be carrying a caseload of 150 inmates but were carrying 323 inmates. Her grandson got into trouble and received 15 days in segregation on January 15th and let out January 31st. He was a Level 1 YOP but today still sits as Level 3. Ms. Corbeth stated HDSP is understaffed, her grandson has yet to be re-evaluated and his money is still frozen. She did speak to Inmate Services who informed her they will automatically return the money after 60 days. Also, he turned in his size 9 tennis shoes because they were falling apart and were replaced with a size 16½ tennis shoes which he did not accept. He eventually got a pair after his books were unfrozen. Ms. Corbeth reiterated that there just isn't enough staff at HDSP. She also stated visiting was cut back to a half a day, one day a week and had to wait 1½ hours before getting in to see her grandson.

Michelle LoCilero stated she was here for her son Christopher (inaudible) who was sentence in 1999 for 2 years. He was placed into protective custody in Jean after witnessing his roommate being beat to death. While at Jean he caught a staph infection in the infirmary and two weeks later had heart surgery. She stated he died a month later because of the inadequate medical attention he received.

Gene Columbus, President of the Nevada Correctional Association, stated any potential salary decrease in pay will significantly impact protection. He stated you don't read about the major incidents in the prisons but the risks are there and that's because staff is there who know how to take care of business. He would like to retain that staff. They do not want to see a mass exit prior to July 1st.

Michael Scaccia submitted his testimony for the record. [See Exhibit 5.](#)

Teresa Werner expressed her concern about the budget and the burden it places on the Parole Board. Ms. Werner presented her testimony for the record. She also stated she thought prisoners with good behavior should be re-evaluated every 10 years because after that they are institutionalized and are no good for society. [See Exhibit 6.](#)

Pearl West submitted her testimony for the record. [See Exhibit 7.](#)

C. Randy Walker urged the Board to hire more prison guards and medical staff. He stated he had spent many years in the Nevada State Prison years ago and noted most of the guards are humane individuals having to do a very difficult job dealing with very difficult people. More guards mean a safer place for staff and inmates. Mr. Walker stated he thought inhumane treatment stems primarily from work overload and indicated some inmates have to be controlled forcibly.

Mr. Walker also stated that he had been transferred from one institution to another many times and the first thing an inmate is given is a set of rules to follow for that institution.

J.E. Holmgren expressed her concerns for the prison coming into Pahrump run by Corrections Corporation of America. She stated if the prison required services from the Fire Department that would not be available to the people in Pahrump in an emergency. Ms. Holmgren stated she would like to have that prison have its own fire and medical department and not impose on Pahrump's Fire Department that services their community.

Tonya Brown, advocate for inmates, presented the Board with documentation from numerous inmates who state how horrible conditions are and which they are forced to exist within the prison system and by submitting their statements must not be retaliated in any way as she will be monitoring this. Inmate Armando Sanchez, Ely State Prison (ESP) has had Hepatitis C for over 13 years and wrote he has no medication for his medical condition. Inmate Jose (inaudible) has a complaint for negligence that inmates in the disciplinary segregation unit at ESP are forced to their knees for showers and left with their hands cuffed behind their backs. There are no rubber mats or shower shoes to protect him from bacteria or infection. Gena Sheppard, a volunteer registered nurse, sends books to prisoners all over the country and submitted a statement saying ESP was one of the worst states for approving books and no attempts are being made to help the prisoners. The guards have too much power and discretion and rule out of spite. Inmate Joel Sanchez submitted a medical form for inmate Caruso at ESP because he is going blind and was told he was on the list to see the eye doctor. He submitted an emergency grievance because his vision worsened but was told it was not an emergency. A week later he was taken to the infirmary after he past out while brushing his teeth. Inmate Ronald Williams, ESP, has been under lock and key 23 hours with 1 hour out since November 2005 wrote there are vicious, malicious, and inhumane forces at ESP and it is used to drive people insane and break their will to live. Inmate Damon Dennis in 2007 pushed the button to alert officers that they had skipped his meal but was told they knocked on his cell but he didn't answer, he could have been dead in his cell and nothing would have been done as he was thinking of harming himself. This resulted in civil action. Since 2004, he has witnessed officers spit in inmate's food, use racial slurs, tear up legal papers. He was assaulted by an officer in 2007 and was given false Notice of Charges. Ms. Brown submitted the following to be included for the record. [See Exhibit 8.](#)

Butch Clendenen stated he was a resident of Pahrump and echoed his concern for the safety of the community regarding private prisons. He asked the Governor to meet and address the citizens of Pahrump about these concerns and issues.

Katie O'Leary stated she is a resident of California and wanted to share her concerns she had from writing to prisoners at ESP. She read, in part, a letter from Marritte Funches. [See Exhibit 9.](#) She stated she is a registered nurse and came to speak of the way inmates are treated at ESP. She stated the Warden sets the tone and makes it a horrible place to be every day. Ms. O'Leary started writing to inmates at ESP to give them a sense of the outside world and a letter in the mail to live for. She stated everyone is poor and things cost three times as much, such as a phone call. Inmates are being retaliated against for bringing attention to the poor medical treatment and becoming "whistleblowers". Things she sends them are being sent back to her. She stated Nevada should be the model on how to treat prisoners.

Ms. O'Leary stated everyone is treated with hatred and the situation has become deplorable, things have got to stop and something has to be done.

Paula Nutley stated she had a son at ESP and in 2007 she and several friends wrote letters to the Wardens, Governor, Director and the Inspector General about the conditions at ESP but nothing has changed. Ms. Nutley said they would keep running their mouths until changes are made and said her tenacity will long surpass their tenure in office. She requested the resignation of Warden E.K. McDaniel, Debra Brooks and Adam Endel, Associate Wardens and Mr. Skolnik.

Emma Vital stated she had a letter to read from February 9th from the Medical Department regarding her son Luis Vital #90289 and that they would check her son's vision to see if he needed glasses. Her son was in the infirmary the whole month of March and was seen by a psychiatrist but she hasn't seen any noticeable improvement. Mrs. Vital said she lived in a rural area and it was too far away from her to go see him.

Rosie Brock stated she had a son in Ely and when she went to visit him she couldn't get in because she was an ex-felon. She said she is not a felon and was disabled. Ms. Brock stated she is going to write a letter saying she is not a felon, she is a missionary, and she'll see what the Department has to say about that one because she does want to see her son.

Lee Rowland, ACLU of Nevada, stated she presented testimony to the Board on AR 610 which deals on how HIV positive inmates are treated within the system and AR 810 which deals with religious rights of prisoners. She agreed with Director Skolnik that it is critical to have temporary regulations in place. AR 610 was not passed and now there is an older regulation in its place which makes the DOC legally vulnerable. HIV inmates informed ACLU that the current version prohibits HIV inmates from being placed in work release and conditional release. She urged the Board to reconsider passing AR 610. She urged the Board to put both of these regulations on the next Board meeting's agenda. Senior DAG Janet Traut stated AR 610 was presented at the last Board and was passed with the changes made complying with Nevada Law and meets the constitutional requirements. Ms. Rowland asked to restrict her comments to AR 810. Ms. Rowland submitted her letter she sent to the Board in April which addresses AR 810 for the record. [See Exhibit 10.](#)

Ralph Kenmore stated he was just released from NDOC after 11 years and 10 months and is now on mandatory parole. He has concerns for himself and other inmates who are incarcerated and he fears retaliation. The caseworkers he would file grievances with for time calculations and documentation would not provide him with this information and he had to go to the Nevada Supreme Court to get documentation and his credits. He stated the DOC did not give him the time or work credits he deserved which would have shortened his time. He said some officers work with the inmates, others think they have the "power" and caseworkers should be trained better in their job performances. Mr. Kenmore stated he was not trained in any re-entry programs before he was released back into society and cannot find a job. [See Exhibit 11.](#)

Kevin Ranft, AFSCME Local 4041, stated on May 1st the Economic Forum will be released and later announcing cuts for correctional employees throughout the State of Nevada. This will cause a security and safety issue if we receive those cuts. He stated for the record that his organization opposes any cuts especially with the step increases and the proposed 6 percent cut. Mr. Ranft stated taking those cuts, along with benefit cuts, we are looking at a 20 percent cut and if the spouse is also working for the state, it is a 40 percent cut. He stated the Department is already 25 percent down and these cuts are working in the wrong direction. There will be a large mass exodus with people looking for other employment or going to other states. AFSCME adamantly supports keeping open NSP, WSCC, TCC, and postponing the opening of Phase V at HDSP and thanks the Legislature and subcommittee's recommendation for putting it forth. Mr. Ranft, Dennis Mallory and Director Skolnik met to discuss AR 105 and basically if there is a legality concern they will bring it to the Director's attention to resolve it. He stated in AR 302 there is a concern as there is a 2002 settlement agreement which calls for no more than eight representatives but at the Meet and Confer meetings usually only three representatives attend. He thanked the Board for pulling AR 342 and said they will be working on multiple concerns with the Director. Mr. Ranft stated they would like to look at NRS 289 which states "employee has a right to representation of their choosing" as there are concerns. In response to the public comments from Las Vegas regarding private prisons, Mr. Ranft said AFSCME Local 4041 adamantly opposes any private prisons in the state and presented a BDR (AB 502) to the Legislature to put forth no private prisons or put regulations so strict they will not want to come to Nevada.

Donald Hinton, Spartacus Project, submitted his letter for the record. [See Exhibit 12.](#)

Flo Jones wanted to address what Emma Vital concern was as she was emotional and there is a language barrier. Her son Luis was in the infirmary for the month of March and has been in prison for three years. He was seen by a psychiatrist but Mrs. Vital did not know what the diagnosis was. She asked Director Skolnik to please look into this for her. On another issue, she wanted to know where the water is coming from for HDSP. They are building water troughs to catch water and what looks like a concrete swimming pool and she is concerned if the Prison Commissioners know what is going on. She asked a couple of the guards if they knew what was going on and they replied they were concerned also. Ms. Jones said the inmates are not on water rationing now but there are two units that just came on line and two more in the future. She would just like to know what is going on with the water situation. She stated they are down to a half of a day for visiting per week which is too restricting. Ms. Jones said they can only take 50 visitors for about 1,000 inmates and it is a proven fact that inmates do better in prison when they can have visits.

Maureen Flansberg wanted to speak on the medical and dental care. She stated her son was no longer incarcerated. While her son was incarcerated at HDSP she asked him to have his teeth taken care of as he is a meth addict. In 2007 while at WSCC, he was told he could have his teeth removed and replaced with dentures. Ms. Flansberg deposited money in his account and her son proceeded to have a couple of teeth removed and was told his dentures would be put in place. He told her the dentist was "older than dirt" in his late eighties or early nineties and shook so badly it scared him and decided not to see him again. In the meantime, he developed an abscessed tooth and it took the dentist 35 minutes to pull it. Her son was left with a gapping wound and no sutures.

Ms. Flansberg said her son expired his sentence in May 2008; he never smiled and could not look for work with his appearance. He still suffers pain in his mouth. She was told that the state paid top money for dentists and wanted to know who had that money because it's not spent on quality health care.

Michelle Ravell expressed her disappointment in the Board and its effectiveness to oversee the Prison Board. She stated she casts her vote as a means of having a voice and reminded the Board that whatever they are doing and whatever actions they take in their job, they are doing so on her behalf. Ms. Ravell stated she recently came across documents relating to the medical abuse going on in the prisons which has been going on for decades. She has a hard time understanding why this has never been looked into. The inmates are afraid to speak up due to retaliation. She said the Board closes its eyes to people who have no voice and wondered why it's so difficult for the Board to work with advocates to solve these problems. Ms. Ravell stated it was imperative to have an ombudsman who they could go to for their complaints.

Ms. Littleford spoke on behalf of an inmate at Ely who wrote to her stating that Warden McDaniel intentionally creates a hostile environment causing violent conflicts. He wrote the correctional officers are allowed to harass and brutalize inmates and inmates' complaints are outright dismissed. The few policies in place are ignored and this inmate has been attacked physically and psychologically for speaking out for the inmates' rights. He also wrote of the inadequate medical care because of lack of attention. Books about civil rights are being held up as gang material. He said Warden McDaniel is sacrificing the inmates' civil rights and their lives. He wrote that ESP needs a new administration who will respect their rights as human beings and citizens of this country. The yard needs to be open, access to the gym, chapel, and law library for all general population inmates. They would also like a full time medical physician to be employed and better training for officers. Ms. Littleford asked that something be done with weapons in the towers as they are left unattended at SDCC.

Carmen Rodriguez submitted documents for the record. [See Exhibit 13.](#)

Ms. Constance Kosuda thanked the Governor for her appointment to the Mental Health Planning Advisory Counsel and she was doing everything she could to prevent children from growing up and going to prison due to untreated mental illness. She became an advocate after visiting the women's prison with Assemblyman Munford. She stated when she testified before the ACR 17 subcommittee hearings, she was accused by several members of the Legislature of lying and was threatened with perjury. With the help of ACLU, they have uncovered the horrific medical abuse in the prison system, which also included jails. She stated the international community is also watching and submitted a letter from the Netherlands [See Exhibit 14.](#) She stated it is a fact that inmates are the only part of the population in this country that are constitutionally required to receive appropriate medical care. Ms. Kosuda concurred with her fellow advocates that Director Skolnik does need to be removed and the Department needs an ombudsman in every prison to look into these abuses and avoid further litigation.

Ms. Natalie Smith Parra submitted her letter for the record. [See Exhibit 15.](#)

Rod Lightsey submitted his letter for the record. [See Exhibit 16.](#)

Kenny Bent submitted a letter for the record. [See Exhibit 17.](#)

James & Louella Davis submitted a letter for the record. [See Exhibit 18.](#)

Phillis Williams submitted documentation for the record. [See Exhibit 19.](#)

IX. Adjournment.

Motion to adjourn was approved by unanimous vote. The meeting adjourned at 5:10 p.m. The next Board of Prison Commissioner's meeting is scheduled for Tuesday, July 14, 2009 at 2:00 p.m.

APPROVED THIS DAY 14th, MONTH OF July, 2009

BY:

GOVERNOR JIM GIBBONS

ATTORNEY GENERAL CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

Recorded and Transcribed by Susan Cochran, Executive Assistant
Nevada Department of Corrections