



STATE OF NEVADA DEPARTMENT OF CORRECTIONS



Northern Administration
P.O. Box 7011, Carson City, NV 89702
Phone: (775) 887-3216 • Fax: (775) 887-3138

Southern Administration
3955 W. Russell Rd., Las Vegas, NV 89118
Phone: (702) 486-9912 - Fax: (702) 486-9961

MINUTES

of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

March 8, 2011

The Board of Prisons Commissioners held a public meeting on March 8, 2011, 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 Sandoval. Present were Secretary Miller and Governor Sandoval. Attorney General Masto was not present but may be calling on one of the agenda items.

Also present Chief Deputy Attorney General Stephen Quinn, Senior Deputy Attorney General Keith Marcher, Acting Director James G. Cox, Jeff Mohlenkamp, Deputy Director Support Services, 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. See [Attachment A](#)

II. Acceptance and Approval of Minutes –July 13, 2010 meeting.

Secretary Miller stated he has read the minutes from the July 13, 2010 meeting. This agenda item was tabled to the next meeting of the Board of Prison Commissioners since Governor Sandoval was not present at the July 13th meeting.

III. Overview and discussion of the Department of Corrections 2012-2013 budget – Greg Cox, Acting Director.

Governor Sandoval stated he will allow public comment after each agenda item and asked the public wanting to provide testimony to please refer to the agenda item.

Acting Director Cox stated the overall budget review for this year's budget of 256 million dollars with a 6.1 percent reduction in our budget totals approximately 36.3 million dollars. The current budget of 2012 budgets nears the 2008 expenditures totaling approximately 260 million. The 2013 projection is back to 2007 level of approximately 240 million. He stated the cost for an inmate is approximately \$22,000 annually. Acting Director Cox stated the Department looked at the Priorities of Government (POG) and the general use of our funding is 91 percent of the Department's General Funds are used to provide the core functions of safety and security. 72 percent of all expenditures are employee pay and benefits. These are the key factors in the Department's budget and the Department is reviewing the closure of facilities pending further discussions. *See [Attachment B](#)*

Jeff Mohlenkamp, Deputy Director Support Services discussed the handout of the slide provided to the Commissioners and other interested attendees. He added that the elimination of non-base pay is for new employees only. *See [Attachment C](#)*

Governor Sandoval asked if the inmate caseload projections took into consideration the legislation that is pending before the Legislature right now that may affect the Department's caseloads.

Mr. Mohlenkamp stated it did not as this was the prior population projections received by JFA Associates a few weeks ago but the Department is looking at revising it as there is legislation pending. He stated there are several bills in legislation pending that would increase the caseload slightly and one that would decrease the caseload rather significantly.

Acting Director Cox added that the specific bill that would reduce the Department's population is AB 136 which would be reducing time off the minimum sentence which could be approximately 300 inmates. The Department is still waiting to get the actual number from JFA to see what the result would be. Additional documentation projects through the year 2021 which shows the growth represented for the male population an average increase of 9 inmates per year or 0.1 percent, per year. He stated the female population is the same issue except it is 1.1 percent, per year through the year 2011. It appears to remain flat based on the forecast regarding the population.

Mr. Mohlenkamp stated in regards to the Anatomy of a Prison Budget on slide 6, there are a lot of the people who have the misconception that whenever we move an inmate from medium security to minimum security or whenever the Department receives an inmate that the cost is saved when an inmate is released which does not work that way. The Department can have staff up in a new facility or take staff away from a facility. This chart shows how the items fit, the 5 percent is medical and the 4 percent is the inmate driven which is for food, clothing and other related items. He stated this is why the closure of Nevada State Prison (NSP) is essential for material savings in the Department's budget.

Governor Sandoval questioned Mr. Mohlenkamp statement regarding the reason why the cost of medical was so high was a result of medical expenses, yet 85 percent of the is the personnel. Mr. Mohlenkamp responded that there is a medical portion of the budget and is part of the 85 percent for staff such as nurses, doctors and other medical professionals.

Acting Director Cox stated in regards to the medical costs, the Department has been testifying recently before the Legislature regarding the budget. The Department is following other state's lead across the union who are currently closing facilities which is the only way, at this point in time, that we can save the money that is needed, the closing of facilities.

Acting Director Cox pointed out the Historical and Projected Population slide (page 7) is not only our state that is seeing a flat population, but it is being experienced all across the country. There is not a clear understanding as to why this has been happening. The prison population usually increases but the Department has not been seeing that. Sheriff Gillespie, representing Clark County, has also experienced the rate of major crime decreasing.

Governor Sandoval asked if JFA was the entity that the Department uses to score these projections with. Acting Director responded yes. Mr. Mohlenkamp stated the Department has been using JFA for a number of years and they work for the Department of Administration. He referred to the Elimination of Non-Essential Food Items, slide 14, and stated the Department is deleting items that we provide, which is costing the state, such as coffee, tea and flavored non-traditional fruit drinks items will be eliminated from the budget. These items can be purchased by inmates in the Canteen. Mr. Mohlenkamp referred to slide 16, Deferred Maintenance Proposed Budget and pointed out that the closure of NSP would revert back into savings a total of \$555,500.

Public Comment:

Gene Columbus, President of Nevada Correctional Association (NCA), stated in regards to JFA Associates, the association had submitted for the record last June a similar report, the PEW Report, which predicted the future growth of Nevada's inmate population and suggested the Commissioner's look at that report.

Tonya Brown, advocate for the inmates, stated she would like to know how much the state and NDOC spent on litigation and civil rights violations, how much did they lose and how much the inmates won. She asked where it was in writing. Mr. Mohlenkamp responded the DOC does have a small amount in Tort Claim Funds in the Department's budget, \$500 each, and the remainder of the fund would be within the Attorney General's Office.

Donald Hinton, Spartacus Projects, which is a prisoner reform group, echoed Ms. Brown's concern stating he would also like a figure from the Attorney General's Office of how much is spent. He also suggested the Department open Jean Prison.

Michelle Kozlowski asked what percentage of the cost for medical is medical staff. Mr. Mohlenkamp responded that the medical budget is approximately 41 million dollars which includes the cost of all medical staff.

IV. Presentation and discussion on prison population projections 2011-2013 – Greg Cox, Acting Director.

Acting Director Cox discussed the JFA Ten Year Prison Population Projections 20-11-2021 and stated, as discussed prior, the population is basically flat. Governor Sandoval asked Mr. Cox if he was familiar with the presentation or study that Mr. Columbus had mentioned as it sounded like it had a different projection. Mr. Mohlenkamp responded that JFA's reports vary as to their accuracy from time to time and the last three times they were within 2 percent of their projections. Patterns from a number of states have also declined. It did peak up a few of years ago but has declined and the projection is flat. Mr. Mohlenkamp stated the Department is required to use JFA's Population Projections for the Department's budgeting purposes. He did not know if this requirement came from the Department of Administration or was a statute but he will look it up and report back to the Governor. There was no public comment on this agenda item.

V. Discussion/possible action on the proposed hiring freeze at Nevada State Prison and Warm Springs Correctional Center – Greg Cox, Acting Director.

Acting Director Cox stated in January the Department asked to implement a hiring freeze and to initiate a phase-out for the closure of NSP to allow staff to transfer to the Carson and Lovelock areas. Critical positions would still be filled. Initially, the Department was looking at 130 layoffs in the Carson area. There is an estimated savings of approximately \$700,000 a month which makes it critical for the Department to get approval for this closure as soon as possible. In the recommended budget, the first phase of cost reductions becomes effective July 1, 2011 with the elimination of 23 positions. Phase 1 continues with the elimination of another 38 positions by August 1, 2011 for a total of 61 positions. The budget calls for the closure date of NSP of October 31, 2011. His intension is to have no layoffs but the Department is looking at 30 to 40 layoffs depending upon if people do not want to transfer to Southern Nevada to the facilities there or to Ely State Prison (ESP). Acting Director Cox stated the critical junction is to have plenty of time to plan ahead to avoid potential layoffs. He added many of his peers across the country are closing prisons due to budget cuts, and the only way the Department can effectively and safely accomplish the reduction in the Department's budget is the closure of a facility to reach the 16.1 million savings over the biennium.

Secretary Miller motioned to approve the hiring freeze for NSP and Warm Springs Correctional Center. Governor Sandoval seconded the motion. The record reflects the motion passed 2 to 0.

There was no public comment on Item V.

- VI. Presentation, discussion and possible action on status and condition of the facilities at Nevada State Prison and the capital improvement needs – Greg Cox, Acting Director and Gus Nunez, State Public Works Board.

Gus Nunez, Manager of the State of Nevada Public Works Board (SPWB) submitted his comments and slide presentation for the record. *See [Attachment D](#)*

Regarding the ADA requirements, Acting Director Cox pointed out inmates who are handicapped or have disabilities are not housed at NSP. He noted there are several options the Department is looking at regarding the Execution Chambers at other institutions. The Department is initially looking at ESP and Acting Director Cox will be going to Ely in a couple of weeks to investigate the possibility of an Execution Chamber there along with SPWB. Another problem the state is facing, along with other states, is a problem finding the drug used for executions, as there is a shortage. There are no pending executions at this time in Nevada.

Acting Director Cox stated the Department does have a vacant facility in Jean, Nevada which is a 700 bed facility and newer than NSP

Governor Sandoval inquired about the cost of housing a prisoner at NSP versus High Desert State Prison (HDSP)? Mr. Mohlenkamp stated data from 2010 show the average cost at HDSP at \$14,016.00 versus NSP at \$23,615.00. He stated NSP has been the most costly medium prison as far back as year 2000 and the staffing ratio is much higher than other institutions.

Secretary Miller asked if the Legislature anticipates any decision on whether or not to close NSP within the next two weeks. Acting Director stated he did testify before the Legislature and reported to them that the longer it takes there is a cost to the state of approximately \$700,000 per month.

Public Comment:

Jean Columbus, President of the NCA, stated the state is in between a rock and a hard place as far as options go regarding executions. He stated classification issues should be looked into regarding the transferring of inmates from NSP. The inmates read the newspapers and know that the pressure is on staff.

Kevin Ranft, AFSCME Local 4041 representing members of the Department of Corrections (DOC) Correctional Officers and other free staff, have concerns with the closure of NSP. They too are very concerned about classification and needs to be addressed. There is cause for overcrowding concerns for the units, staff and eventually the public as there has been assaults on free staff at ESP and a staff member at NNCC. He stated presently HDSP is not staffed appropriately. Mr. Ranft stated the officers are not willing to transfer down to Southern Nevada as what was projected and Carson City will be affected by all of the layoffs that will occur.

Tonya Brown, advocate for the inmates, stated there are also ADA violations at NNCC and Lovelock. At HDSP the inmates are only allowed to flush every half hour due to the water shortage subjecting the inmates to disease.

Rebecca Gasca, Legislative and Policy Director for ACLU, said the ADA violations at NSP and the access to the Execution Chambers have been brought to their attention and they have been monitoring this for a while. She stated the state and the Legislature have refused to address the entire costs and the fiscal notations of the implementation the death penalty. She noted there are several states that have already abolished the death penalty.

Curt Thomas, Correctional Officer, submitted his comments for the record. *See [Attachment E](#)*

Donald Hinton stated the state spent 25 million of dollars to refurbish the Jean facility. He asked how much of his tax dollars are going to go into refurbishing NSP.

Secretary Miller stated at the last Board of Prison Commissioners' meeting in July action was taken and a motion was passed not to make any decisions on the movement of inmates and staff other than safety issues until action from the Legislature was made.

VII. Discussion /possible action regarding State Administrative Regulations (Attachment 1_ - Greg Cox, Acting Director.

Acting Director Cox noted the few changes in the ARs presented to the Board.

Public Comment:

Donald Hinton, Spartacus Project, stated he would like the Commissioners to form a committee to go through the entire AR system. There are restrictive things in the ARs that are counter productive to visitors and inmates. Some are out of line and out of control.

Rebecca Gasca, ACLU, submitted her statement regarding her comments on some of the ARs that were submitted. *See [Attachment F](#)*

Tonya Brown, advocate for the inmates, presented the order from the court issued for Nolan Klein and read certain sections and stated he did not have proper medical care. She asked if she could meet with the Board that week in order to avoid a class action suit against the Department and at the expense of the taxpayer. *See [Attachment G](#)*. Governor Sandoval suggested to Ms. Brown go through the Attorney General's Office to resolve her issues.

Ronald Bratsch stated he is a member of the AR Committee and attends the meetings. He suggested maybe ACLU can join in on the meeting to discuss their concerns before they are presented to the Board.

Secretary Miller motioned to pass all the ARs with the exception of AR 813, Psychological Review Panel, and Governor Sandoval seconded the motion. The record reflects the motion passed 2-0.

VIII. Board Member Comments.

There were no comments by the Board members.

IX. Public Comment.

Donald Hinton addressed the mail issue. He stated his son sent him a letter February 13th and he didn't receive it until today. He stated he had a letter from another inmate who wears diapers and the quantity was cut from 4-5 diapers a day to one a day and asked the Governor to look into this. He gave him the inmate's name and ID number at HDSP. Mr. Hinton stated that there is mail fraud at LCC and the Department is violating federal regulations. He asked the Governor to please look into this. He submitted his other comments. *See [Attachment H](#)*

Tonya Brown commented that Warm Springs Correctional Center does not have a law library. She stated at LCC it can take days and weeks before the inmates get the paperwork on a case because they do not have access to the law library. This results in inmates having their cases dismissed. At NNCC inmates are having their legal envelopes opened up and read by the prison guards and staff. Ms. Brown stated that SB 201, Ombudsman, should be changed to be under the Governor's Office and Board of Prison Commissioners instead of the AG's Office.

Mercedes Maharis submitted her comments for the record. *See [Attachment I](#)*

Michelle Kozlowski submitted her comments for the record. *See [Attachment J](#)*.

Kim Renee commented on AR 719 regarding inmate visitors, that the code of conduct for the inmate visitors should be reinforced to the visiting guards who should also have a code of conduct. She stated they are treated like dogs and get no respect, especially at HDSP. Ms. Renee stated it is not all of them but would like to be treated with some respect, not like a prisoner.

John Jermyn submitted his comments for the record. *See [Attachment K](#)*.

X. Adjournment.

Governor Sandoval adjourned the meeting at 3:30 p.m. No date was set for the next Board of Prison Commissioner's Meeting.

APPROVED THIS DAY _____ MONTH OF _____

GOVERNOR BRIAN SANDOVAL

ATTORNEY CATHERINE CORTEZ MASTO

| _____
SECRETARY OF STATE ROSS MILLER

RECORDED AND TRANSCRIBED BY SUSAN COCHRAN, EXECUTIVE ASSISTANT, Nevada Department of Corrections