

JOE LOMBARDO
Governor

JAMES E DZURENDA
Director



FRANCISCO V. AGUILAR
Secretary of State

AARON D. FORD
Attorney General

STATE OF NEVADA BOARD OF STATE PRISON COMMISSIONERS

MEETING MINUTES

The Board of State Prison Commissioners held a public meeting on Thursday, June 27, 2024, beginning at 1:00pm, and was conducted at the following locations. The meeting could also be viewed and heard via YouTube.

Meeting Location:

Nevada Room
Nevada State Business Center
3300 W Sahara Ave
Las Vegas, NV 89102

Video Conference Location:

Old Assembly Chambers
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

This meeting could also be heard and viewed via YouTube at: https://www.youtube.com/watch?v=YLc_KEBriRo&t=1274s

1. Call to Order/Roll Call of Board Members/Confirm Quorum

Board Members Present:

Governor Joe Lombardo – Las Vegas, NV
Attorney General Aaron D. Ford – Las Vegas, NV
Secretary of State Francisco V. Aguilar – Carson City, NV

Board Members Absent:

None

Nevada Department of Corrections (NDOC) Attendees:

James E. Dzurenda, Director
Brian E. Williams, Sr., Deputy Director of Operations
William Quenga, Deputy Director of Prison Industries
Emily Testwuide, Deputy Director of Programs
Kristina Shea, Deputy Director of Support Services
Adolfo Escutia, Office of the Inspector General
Danyele Madsen, Executive Assistant, Meeting Clerk

- 2. Public Comment (1st Period):** First of two sessions to address the Board of Prison Commissioners regarding items indicated on the agenda (3 minute maximum per speaker). Public comment is transcribed as spoken with minimal edits such as deleting a repeated word. Note: Public comments were also accepted in written form via email until 9 p.m. the day before the meeting as indicated on the publicly posted agenda. All electronic public comment submitted to bopc@doc.nv.gov by the March 13, 2024, submission deadline indicated on the publicly posted agenda was forwarded to members of the Board.

Carson City:

- **Deb Conrad** - Higher education and prison program Director for Western Nevada College offering workforce and academic pathways at Northern Nevada Correctional Center and Stewart Conservation Camp. Offering comment to agenda item 5 in regard to establishing a new administrative code to

define fees charged to incarcerated individuals for the use of electronic devices. Reviewed revised proposed regulation R-097.24 and did not find reference to fees or charges specifically related to utilizing devices for purposes of participating in college in prison programs or other educational opportunities. Respectfully requests no fees be assessed for access to education including per minute used fees and that the regulation include language specifically addressing this. Access to electronic devices will provide opportunities to better serve incarcerated students and likely reach more students. Hopes the financial barriers like fees and other charges for access to education are removed.

- **Randy Santiago** - Father of an incarcerated individual and former correctional officer with the Federal Bureau of Prisons. Voiced concerns with violence and threats against son from other offenders who continue their criminal behaviors while incarcerated. States prisons are mostly reactive, not proactive, and does not want to lose a loved one before changes are made. The Board also received written public comment from Mr. Santiago.

Las Vegas:

- **Jodi Hocking** - Founder and Executive Director of Return Strong representing offenders within NDOC and their families. Recognizing landmark moment in public rulemaking with agenda item 5. It is a testament to the collaboration between several stakeholder groups and the NDOC working to create new NAC language around fiscal processes, something that the agency was supposed to be doing over the past 10 years and it never did. This collaboration works to rectify long standing issues and create a more transparent process for everyone. Return Strong is very dedicated to this process and partners with the Fines & Fees Justice Center who has also been committed to eliminating unjust imposition of custody fees. This has been a groundbreaking situation and hope the future collaboration can move forward to create better systems that are more just and equitable to everybody.

3. Public Hearing – taken out of order, was agenda item 5

Public Hearing pertaining to a NEW Nevada Administrative Code that will establish reasonable deductions from money credited to the Offender Store Fund and Inmate Welfare Fund. The proposed seeks to establish new regulations to defray costs associated with operations of electronic devices and other fees, and reasonable deductions from money credited to the account of an offender.

This public hearing was noticed on May 23, 2024. In addition to the Public Hearing being noticed on May 23, 2024, a Public Workshop was noticed on May 14, 2024. The Workshop was held pursuant to that notice on May 29, 2024. The Public Hearing is based upon the proposed language provided to the Legislative Counsel Bureau (LCB) as discussed at the workshop.

Director Dzurenda placed into record the agreed upon changes to the proposed administrative code based on feedback received from the public during the public workshop. The new proposed regulation is attached to these minutes as Exhibit A. There was no additional public comment on agenda item 5.

Action: The Board discussed and voted for the proposed NAC be approved. The motion passed; NAC verbiage was approved for final submission to the LCB.

4. Acceptance and Approval of Minutes – March 14, 2024 – taken out of order, was agenda item 3

There were no questions on minutes of the prior meeting held March 14, 2024. A motion to approve the minutes was made and passed; minutes unanimously approved.

5. Director's Comments & Departmental Updates, – James E. Dzurenda, Director, Nevada Department of Corrections– taken out of order, was agenda item 4

Director James Dzurenda discussed vacancy factors within the Department and how it impacts safety. The hiring process has been revamped and the academy that all custody staff must pass is occurring more frequently. Vacancy rate has dropped from 36% to 24% and it continues to decrease. This in turn lessens the staffing crisis and allows offender programs such as visiting to continue according to schedule barring any emergent situations. Offender population continues to increase. As of the date of this meeting there were 10,453 offenders in the institutions, putting a strain on higher security facilities. There are fewer offenders qualified for minimum security facilities which may bring up concerns in the future regarding downsizing minimum security camps and facilities. Air conditioning concerns during the summer months due to the strain on the units. Policy has been put into place to ensure the facilities are heat tested to be below heat index standards including cells. If the heat does go up, offenders will be moved elsewhere to cool down or until the units can be fixed. The facilities are working to replace the compressors as soon as possible and bringing in portable fans and swamp coolers until the repairs are complete. The Department continues to work as transparently as possible, working with vested parties and interest groups, and families of offenders to make sure the agency runs the best it can for everyone's standard, whether it's the offender, families, the agency or the public.

6. Administrative Regulations presented to the Board of Prison Commissioners for discussion and possible action. These are Administrative Regulations NOT subject to the 233B process.

- AR 360 – Correctional Employee/Officer Basic Training Program
Clarified role of Employee Development Administrator and Academy Commanders as well as indicating where Correctional Officer Trainees may be assigned.
- AR 362 – Weapons Training and Qualifications
This AR was removed from consideration due to communication from the Fraternal Order of Police (Union) with concerns of possible CBA conflicts that may be related to negotiations for the new contract.
- AR 407 – Use of Handcuffs and Restraints
Merged AR 455 Use of Handcuffs and Restraints on Pregnant Inmates into this AR prohibiting use of certain restraints on pregnant offenders and during delivery unless there is a serious and immediate threat of harm.
- AR 615 – Level of Continuity of Care
Added National Commission on Correctional Health Care Standards as a reference item.

Action: There was a motion for ARs 360, 407, and 615 to be approved made and seconded. Motion passed unanimously; regulations approved.

7. **Public Comment (2nd Period):** Second of two sessions to address the Board of Prison Commissioners. Comments are not limited to agenda items (3 minute maximum per speaker). Public comment is transcribed as spoken with minimal edits such as deleting a repeated word. Note: public comments were also accepted in written form via email until 9 p.m. the day before the meeting as indicated on the publicly posted agenda.

Carson City:

- **Randy Santiago** - Father of an incarcerated individual and former correctional officer with the Federal Bureau of Prisons. Asked if the institutions were ACA accredited and if not, why. SOS advised that in public comment the Board and NDOC cannot answer questions, but he can raise the issue.

Las Vegas:

- **Leslie Turner** - Local organizer with concerns surrounding the air conditioning. Is receiving lots of calls from High Desert State Prison. The same thing happened last summer, and it is alarming that the problem is here again. Would like transparency around what the plan is to correct as the offenders are getting agitated. Although it is said the temperature is 85 degrees it feels like it is over 100. Water is coming out of the faucets hot forcing offenders to take extremely hot showers. The Department needs to let the public know what the plan is to mitigate as there is conflicting information coming out. Also concerned for the Correctional Officers working there.
 - **Tina Turentine** - Loved one of an incarcerated person with concerns surrounding the air conditioning. Does not believe the temperature is 85 degrees. Offenders are having anxiety attacks due to the heat. Has been emailing the Warden and Director for help and information. The offenders are suffering when businesses would be shut down for these reasons. Offenders are being disrespected by staff who are suffering as well. This is alarming and inhumane.
 - **Jodi Hocking** - Concerns surrounding the air conditioning. States something that would be helpful would be to find a method of accountability like other states who have volunteer investigators from stakeholder groups to go in and be a part of the temperature checks as there is distrust of what is being said on the ground and from Administration. Provide transparency by being able to verify.
8. **Adjournment:** A motion to adjourn the meeting was made and passed; meeting adjourned at 1:37pm..

APPROVED THIS DAY, MONTH OF , IN THE YEAR

GOVERNOR JOE LOMBARDO

SECRETARY OF STATE FRANCISCO V. AGUILAR

ATTORNEY GENERAL AARON D. FORD

Minutes prepared by D. Madsen, Executive Assistant, Nevada Department of Corrections

EXHIBIT A

LCB File No. R097-24

**ADOPTED REGULATION OF THE
BOARD OF STATE PRISON COMMISSIONERS**

LCB File No. R097-24

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 209.111 and 209.131; § 2, NRS 209.111, 209.131 and 209.235; § 3, NRS 209.111, 209.131, 209.221 and 209.235; § 4, NRS 209.111, 209.131 and NRS 209.241; § 5, NRS 209.111, 209.131, 209.246, 209.247 and 209.2473.

A REGULATION relating to offenders; providing maximum markups for certain types of products available for purchase in the commissary of a facility or institution of the Department of Corrections; prescribing fees and charges for certain telecommunications and financial services; prescribing the amount of certain charges to the individual account of an offender in the Prisoners' Personal Property Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of State Prison Commissioners to: (1) purchase, or cause to be purchased, all commissary supplies, materials and tools necessary for any lawful purpose carried on at any institution or facility of the Department of Corrections; and (2) prescribe regulations for carrying on the business of the Board and the Department. (NRS 209.111) Existing law requires the Director of the Department, with the approval of the Board, to adopt regulations to be instituted in each institution or facility which govern the operation of a commissary in the institution or facility. Existing law prohibits the Director, in adopting such regulations, from adopting regulations which authorize the markup of the price of a personal hygiene product sold at the commissary. (NRS 209.235) **Section 1** of this regulation: (1) prohibits the Department from charging or authorizing a vendor to charge a markup on the price of a personal hygiene product; and (2) prescribes the maximum markups that the Department may charge or authorize a vendor to impose on certain types of products which are available for purchase at the commissary.

Existing law: (1) requires the Director, with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes; and (2) authorizes the Director, with the approval of the Board, to adopt regulations to authorize an offender to use an authorized telecommunications device for any purpose other than those set forth in existing law. (NRS 209.417) Existing law also authorizes the Director, with the approval of the Board, to establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits to defray the costs relating to the operation and maintenance of the equipment. (NRS 209.221) Existing law requires the Director, with the approval of the Board, to establish by regulation criteria for a reasonable deduction from money credited to the account of an offender

to repay the costs incurred by the Department on behalf of the offender for telephone calls charged to the Department. (NRS 209.246) **Section 3** of this regulation establishes the fees that will be charged to an offender related to telephone calls and his or her use of an authorized telecommunications device. **Section 3** also authorizes any vendor which provides telecommunications services for offenders to bill an offender for certain taxes and fees, in addition to the charges set forth in **section 3**.

Existing law creates the Prisoners' Personal Property Fund as a trust fund. Existing law: (1) authorizes the Director to accept certain money and valuables belonging to an offender at the time of his or her incarceration or received or earned by an offender during the incarceration of the offender; and (2) requires the Director to deposit such money in the Fund. Existing law also requires an offender to deposit all money that the offender receives into his or her individual account in the Fund. (NRS 209.241) **Section 4** of this regulation sets forth: (1) the fees that a person depositing money for use by an offender will be charged; and (2) fees related to the management of the financial accounts of the offender.

Existing law authorizes the Director to deduct not more than 25 percent of money deposited in the individual account of an offender in the Prisoners' Personal Property Fund from any source other than the offender's wages and provides the order of priority for such a deduction to be made. Fourth, in such order, is a deduction made to repay or defray certain costs, including any cost for: (1) state property willfully damaged, destroyed or lost; (2) medical examination, diagnosis or treatment for certain injuries; (3) the search and apprehension of an offender when he or she escapes or attempts to escape; (4) the funeral for an offender; (5) certain costs related to litigation; (6) items related to the offender's work; and (7) the replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the Department. (NRS 209.246, 209.247) **Section 5** of this regulation sets forth the amounts that the Department will charge the individual account of an offender for such expenses.

Section 1. Chapter 209 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *The Department may not charge or authorize a vendor to charge:*

1. Any markup on the price of a personal hygiene product sold in the commissary of an institution or facility; or

2. A markup that exceeds the following percentages for items sold in the commissary of an institution or facility:

<i>Product Type</i>	<i>Maximum Markup</i>
<i>Clothing</i>	<i>35 percent</i>

<i>Product Type</i>	<i>Maximum Markup</i>
<i>Food</i>	<i>35 percent</i>
<i>Religious</i>	<i>10 percent</i>
<i>Vending Machine</i>	<i>35 percent</i>

Sec. 3. 1. *The Department or a vendor authorized by the Department to provide telecommunications services to offenders shall charge an offender \$0.10 per minute for telephone calls.*

2. *The Department or a vendor authorized by the Department to provide telecommunications services to offenders shall charge an offender the following fees related to the use of an authorized telecommunications device pursuant to NRS 209.417:*

(a) Costs relating to the use of services accessible through the authorized telecommunications device and the replacement of accessories for the authorized telecommunications device:

<i>Fee</i>	<i>Charge</i>
<i>Standard usage fees including, without limitation, fees for standard outgoing messages sent by an offender, music and media streaming services and games</i>	<i>\$0.05 per minute</i>

<i>Fee</i>	<i>Charge</i>
<i>Bulk per-minute purchases</i>	<i>\$0.01 per minute</i>
<i>Video visitation services</i>	<i>\$0.25 per minute</i>
<i>Replacement headphones</i>	<i>\$3.99</i>
<i>Replacement charger</i>	<i>\$7.99</i>
<i>External electronic mail to the offender</i>	<i>\$0.20 per written message</i>
<i>Photo message</i>	<i>\$0.20 per photo attached</i>
<i>Video message</i>	<i>\$0.60 per message</i>
<i>Premium movie subscriptions</i>	<i>\$19.99 per subscription</i>

(b) Ancillary service charges:

<i>Fee</i>	<i>Charge</i>
<i>Automated payment fee for credit card, debit card and billing processing</i>	<i>\$3.00 per transaction</i>
<i>Fees for single-call and related services through a live agent</i>	<i>\$5.95 per transaction plus \$0.10 per minute</i>
<i>Fees for single-call and related services through an automated payment system</i>	<i>\$3.00 per transaction plus \$0.10 per minute</i>
<i>Fee for other services through a live agent</i>	<i>\$5.95 per transaction</i>
<i>Paper statement fee</i>	<i>\$2.00 per transaction</i>

<i>Fee</i>	<i>Charge</i>
<i>Third-party financial transaction fee, except for transactions made through an automated payment system</i>	<i>\$5.95 per transaction</i>
<i>Third-party financial transaction fee for transactions made through an automated payment system</i>	<i>\$3.00 per transaction</i>

3. In addition to the fees set forth in this section, any vendor authorized by the Department to provide telecommunications services to offenders may, except where prohibited by federal law, bill an offender for any applicable state, local and federal taxes, fees and surcharges, including, without limitation, excise taxes, sales taxes, municipal surcharges, regulatory surcharges, gross receipts tax and any fees or charges related to the universal service program created pursuant to 47 U.S.C. § 254.

Sec. 4. 1. The Department or a vendor authorized by the Department to provide financial services for offenders shall charge a person making a deposit of money for use by an offender the following fees:

(a) For general deposits at a location other than a walk-in retail location:

<i>Deposit amount</i>	<i>Fee for cash payment</i>	<i>Fee for credit or debit card payment</i>
<i>\$0.01 - \$9.99</i>	<i>\$2.50</i>	<i>\$0.90</i>
<i>\$10.00 - \$19.99</i>	<i>\$2.50</i>	<i>\$1.75</i>

<i>Deposit amount</i>	<i>Fee for cash payment</i>	<i>Fee for credit or debit card payment</i>
<i>\$20.00 - \$99.99</i>	<i>\$2.50</i>	<i>\$5.95</i>
<i>\$100.00 - \$199.99</i>	<i>\$2.50</i>	<i>\$6.95</i>
<i>\$200.00 - \$300.00</i>	<i>\$2.50</i>	<i>\$7.95</i>

(b) For deposits at a walk-in retail location:

<i>Deposit amount</i>	<i>Fee for cash payment</i>	<i>Fee for credit or debit card payment</i>
<i>\$0.01 - \$300.00</i>	<i>\$4.95</i>	<i>\$4.95</i>

(c) For deposits for the exclusive use of posting bail:

<i>Deposit amount</i>	<i>Fee for cash payment</i>	<i>Fee for credit or debit card payment</i>
<i>\$0.01 - \$100.00</i>	<i>\$5.00</i>	<i>\$5.00 plus 5 percent of the deposit amount</i>
<i>\$100.01 - \$2,999.99</i>	<i>\$5.00 base amount plus an additional \$5.00 per \$100 deposited</i>	<i>\$5.00 plus 5 percent of the deposit amount</i>

2. Except as otherwise provided in NRS 209.241, which prohibits the Department from charging an offender a fee for the provision of a written monthly statement concerning the

individual account of the offender for the first two requests per year, the Department or a vendor authorized by the Department to provide financial services for offenders shall charge an offender the following fees in connection with the management of the financial accounts of the offender:

<i>Item or Service</i>	<i>Charge</i>
<i>Copy of a check</i>	<i>\$2.00 per check</i>
<i>Statement fees</i>	<i>\$2.00 per statement</i>

Sec. 5. 1. *The Department shall charge the individual account of an offender in the Prisoners' Personal Property Fund for the direct reimbursement of an expense for the following:*

(a) Medical examination, diagnosis or treatment for injuries:

(1) Inflicted by the offender upon himself or herself or other offenders; or

(2) Which occur during voluntary recreational activities.

(b) State property willfully damaged, destroyed or lost by the offender during his or her incarceration, including, without limitation, damage to the building and grounds of the institution or facility.

(c) Damage to mattresses, clothing, towels or bedding.

(d) Costs for the search for and apprehension of the offender during an escape or attempt to escape.

(e) Replacement of a prepaid ticket for bus transportation issued to the offender by the Department.

(f) Birth certificates.

(g) Items related to the offender's work, including, without limitation, clothing and tools.

(h) Legal supplies.

2. The Department shall charge the individual account of an offender in the Prisoners' Personal Property Fund for an item or service identified in this subsection the following amounts:

<i>Item or Service</i>	<i>Charge</i>
<i>Cremation or burial costs</i>	<i>\$950.00</i>
<i>Drug test or toxicology test</i>	<i>\$8.50 per test</i>
<i>Health card</i>	<i>\$35.00</i>
<i>Photocopying of legal documents</i>	<i>\$0.10 per copy</i>
<i>Postage for items relating to litigation</i>	<i>United States Postal Service rate</i>
<i>Replacement of an identification card</i>	<i>\$5.00</i>