

**MINUTES OF THE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/MILITARY/VETERANS' SERVICES
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-sixth Session
March 11, 2011**

The Joint Subcommittee on Public Safety/Military/Veterans' Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair David R. Parks at 7:33 a.m. on Friday, March 11, 2011, in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Sheila Leslie
Senator Dean A. Rhoads

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Kelvin D. Atkinson
Assemblyman David P. Bobzien
Assemblyman Pete Goicoechea
Assemblyman John Hambrick

STAFF MEMBERS PRESENT:

Sarah Coffman, Program Analyst
Rick Combs, Assembly Fiscal Analyst
Mark Krmpotic, Senate Fiscal Analyst
Marian Williams, Committee Secretary

OTHERS PRESENT:

James G. (Greg) Cox, Acting Director, Department of Corrections

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 2

Jeffrey Mohlenkamp, Deputy Director, Support Services, Department of Corrections

E. K. McDaniel, Warden, Ely State Prison, Department of Corrections

Chuck Schardin, Medical Administrator, Department of Corrections

Kim S. Petersen, Education Programs Professional, Department of Corrections

Kent LeFevre, Chief Engineer, Department of Corrections

Don Helling, Deputy Director, Department of Corrections

Wesley Goetz

Gene Columbus, President, Nevada Corrections Association

Candice Madeiros, Cochair, Nevada Correctional Peace Officers Political Action Committee

Ron Bratsch, Corrections North Chapter President, Region I Vice-President, American Federation of State, County and Municipal Employees Local 4041

Robert Baker, State Vice President, Nevada Corrections Association

Timothy Filson, Lieutenant, Nevada Correctional Association Supervisors, Nevada Correctional Peace Officers Political Action Committee

Joseph Lewis, Senior Correctional Officer, Nevada Corrections Association

CHAIR PARKS:

Today, we will be discussing the Department of Corrections' budget.

JAMES "GREG" COX (Director, Department of Corrections):

I would like to start with the proposal to close Nevada State Prison (NSP) and the elimination of positions it will cause. We have passed out a copy of our PowerPoint presentation ([Exhibit C](#)). As you can see on page 2, we have listed the exact positions being eliminated. Page 3 shows the positions that will transfer from NSP to the Warm Springs Correctional Center (WSCC). These positions are needed. Two years ago, we converted WSCC from a minimum to a medium security facility. We have proposed transferring five correctional officers, a correctional sergeant and a maintenance repair specialist II. We believe these positions are necessary due to the population and the maintenance required at that facility. Furthermore, these positions are necessary to complete the mission and operation of this facility. Also on page 3, we have proposed the transfer of eight full-time equivalent (FTE) positions to the Northern Nevada Correctional Center (NNCC). These positions include:

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 3

- Two correctional officers.
- Two senior correctional officers.
- One facility supervisor III.
- One electronics technician III.
- One heating, ventilation and air conditioning (HVAC) specialist II.
- One food service manager III.

We have an aging Department and facilities. The NNCC houses our regional medical facility (RMF), which is an older facility. In the past, we have not had the amount of maintenance staff that I would liked to have had and I believe it is appropriate that we continue as much preventative maintenance as our budget will allow. The staff we are requesting will provide this type of service for a facility that has multiple missions. The staff at NNCC has consistently gone above and beyond their duty in managing the population and taking on a variety of missions. We are requesting the facility supervisor II and the food service manager II because the Stewart Conservation Camp (SCC) has over 300 inmates and we do not have any culinary staff at that location. These positions will help us manage the population and the food service.

SENATOR PARKS:

Are there food service workers at SCC?

MR. COX:

There are no food services workers or culinary workers. Our correctional officers provide that support from NNCC.

On page 4 of [Exhibit C](#), you can see the transfer of nine FTE to Southern Desert Correctional Center (SDCC). I am the former warden of SDCC and I can testify to the issues we have had at that facility. It is our largest programming facility in southern Nevada. We have been building a new culinary facility, education facility, infirmary and chapel over the past two years. We are beginning Phase II of the construction project. We have a special type of population at SDCC. Prisoners from Ely State Prison (ESP) transfer to High Desert State Prison (HDSP) and then move onto SDCC before being released. Both HDSP and SDCC are medium security yards, but these two facilities are very different in their layouts and security operations. In 2002, several positions were eliminated at SDCC because we started the program division. These positions were

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 4

desperately needed at the time and we continue to need them. Currently, SDCC has the worst staff-to-inmate ratio of any of our facilities. This means we have the highest ratio of inmates to staff at our medium security facility. I believe the staff and the Department need these nine FTE positions to maintain the level of safety and security required due to the physical plant, layout and operation of the facility. We have 1 officer for every 204 inmates in each unit. While the staff has done a great job of managing the population, the layout of the facility is very problematic, especially without this additional staff.

Also on page 4, we have asked to transfer three FTE positions to Florence McClure Women's Correctional Center (FMWCC). We have seen an increase in writs for transportation to Casa Grande Transitional Housing (CGTH) in Las Vegas and Jean Conservation Camp (JCC). We have also seen an increase in medical writs, but overall our writs for transfers and releases of inmates has increased. Two correctional officers are currently assigned to these transfers, but transferring female offenders requires more time than transferring male inmates.

Finally on page 4, we have requested the transfer of 59 FTE positions to HDSP, which will allow us to open 2 units and transport more than 600 inmates to that facility. There are nearly 3,000 inmates at HDSP, making it our largest facility, and it will grow to nearly 3,800 if NSP is closed. There are currently two buildings at HDSP that are not being utilized and we will use this staff to open those facilities and house the transfer inmates. Our inmate population at HDSP is what we call "under the gun," meaning that we have the ability to provide support with weapons, if needed. We have cameras at the new units, which we call the Nevada T's, and we also have fencing that allows us to move the population to different parts of the yard in a secure manner. We are requesting the correctional lieutenant and two correctional sergeants because of the increase in population and types of offenders that we have.

On page 5, you will see a list of support staff that we are requesting to transfer at HDSP. When it comes to adding inmates, we must also add the support staff necessary for managing that population. The case workers are a key component in ensuring that we have inmates in the correct units and cells. The electrician II, plumber II, maintenance repair specialist II and food manager cook/supervisor III positions are needed due to the increase in

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 5

population and to maintain the level of maintenance in the facility. High Desert State Prison is our largest facility in both square footage and number of buildings. Although it is a newer facility, we need to maintain it in like-new condition. There have been some electronic issues with our control panels and doors. The plumber is required due to the expansive nature of the facility. The repair specialist is needed to maintain the facility at an operational level befitting the type of population housed at HDSP. We do not want to have cells down and we need to manage HDSP at a high level of efficiency.

CHAIR PARKS:

Let us move onto budget account (B/A) 101-3710 and enhancement unit E-251. This enhancement unit recommends creating an Energy Management Program (EMP) within the Director's Office, including two new positions, in order to maximize the Department's energy efficiency and reduce utility costs. Please give us an overview of this program.

PUBLIC SAFETY

CORRECTIONS

NDOC – Director's Office — Budget Page CORRECTIONS-1 (Volume III)
Budget Account 101-3710

E-251 Economic Working Environment — Page CORRECTIONS-5

JEFFREY MOHLENKAMP (Deputy Director, Support Services, Department of Corrections):

We have requested two positions for the EMP, an energy manager and an heating, ventilation and air conditioning/refrigeration (HVACR) technician position, which would enable the Department to focus resources. On page 9 of [Exhibit C](#), there are additional details about EMP. The program will focus on energy management. We have a utilities budget of over \$24 million for fiscal year (FY) 2011-2012 and FY 2012-2013. In order to ensure we are being energy efficient throughout our facilities, we believe it is proper to dedicate resources in this area. We have some contract funding in our budget that we would like to move in order to provide two direct state positions, one of which would be an energy manager and the other the HVACR technician.

There will be three core missions of EMP. The first mission will be to monitor in real time our energy consumption, which includes electricity, natural gas, water and diesel consumption. We have recently installed several electronic systems that allow us to monitor these things in real time in order for us to identify changes in our overall utilization. We want to identify areas in which we are not being energy efficient. This could be as simple as an institution raising its temperature by two or three degrees. With our new systems, that temperature change will show up immediately as a spike in our energy consumption. We can easily identify whether this spike was a legitimate increase or if we need to make changes. The more quickly we can identify these types of changes, the more quickly we will realize energy savings. Efficient monitoring will lead to efficient energy management.

Secondly, we want to keep abreast of our maintenance as it pertains to energy related items. This includes simple maintenance such as changing filters and belts, lubricating grease traps, etc. We will make sure that these two positions focus specifically on these areas so they do not fall behind.

Finally, we want to find alternative ways of doing business. We are considering new avenues that would allow the State to save money, such as changing the way we do business or looking at alternative technology.

We currently have an energy manager under contract. We are working on several initiatives. One of our first initiatives is converting to cold water washing for our laundry. If we use the correct chemicals and detergents, cold water washing is safe and effective. This change alone should result in significant savings. Another initiative we have in place is changing out our boiler system. Simply tweaking these systems can make a big difference in cost. We have done some boiler efficiency improvements at NNCC and we are expecting to see at least \$25,000 in annual savings. We are looking at demand limiting control systems to reduce peak demand. Many have questioned why our energy bills are so high and whether our energy retrofits are working. Our energy rates have come down, but other aspects of our budget have not. For example, NV Energy charges a demand fee and a facility charge. In Las Vegas, our demand fee more than doubled which has offset our savings in the reduction of our rates. To counter these higher fees, we are planning to limit the amount of load that comes online at any one time which will help us save money.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 7

We believe that focusing on energy management is important and should be supported by the State.

CHAIR PARKS:

Why is the Governor recommending these new positions start at a pay level higher than step I? Will these positions be transferred from another facility?

MR. MOHLENKAMP:

In the case of the energy manager position, we feel it is important to start the position at a higher pay level in order to attract a qualified candidate. The individual who is currently doing our contract work is a candidate, but we would open it to a competitive recruiting process. Whoever our candidate, we need to make sure they have the experience in the field that we are looking for and in order to attract them, the position will need to be higher than a step I.

With regard to the HVACR technician, we would consider the possibility of transferring an individual from another facility. If we put this position at a step I, it would be difficult for a current Departmental employee to transfer into the position. If we do bring in someone new, a step I pay level may be appropriate.

CHAIR PARKS:

In 2008, you hired NORESKO, LLC to retrofit some of your facilities. Please describe what they accomplished and how these new positions would affect your current contract.

MR. MOHLENKAMP:

The Department has engaged in energy retrofits for several years. We are almost finished with the work defined in the current NORESKO contract. The verification process by our third-party consultant is ongoing and should be completed by early May. This is a two-phase project and it involves most of our institutions. We have installed more efficient lighting, boiler technology and energy control systems; created more efficiency in our heat loop and culinary operations; and implemented several energy control measures.

If we do not create the energy management positions, we will only continue our contract with NORESKO until 2025. This contract is financed through a 15-year

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 8

bank note which means the State will continue to make payments on this energy retrofit for an additional 15 years.

CHAIR PARKS:

The Governor's budget proposes to do most of this work internally. Will we still have to retire that debt?

MR. MOHLENKAMP:

Yes, we will still have the ongoing bank note responsibility until 2025.

CHAIR HOGAN:

The Governor's proposal can only be funded with an offset to contract expenditures if NDOC is able to successfully terminate that portion of its current contract with NORESCO. Has NDOC discussed with NORESCO the possibility of renegotiating its contract terms?

MR. MOHLENKAMP:

We will take funds that are currently in place for contracts and move those funds to other areas which will result in a net savings in the budget. Currently, NORESCO takes approximately 20% of the contract as administrative overhead. We will realize a savings if we do this internally. Over the biennium, the net savings should be approximately \$120,000.

CHAIR PARKS:

Please explain the purpose of the new contract for energy efficiency experts and the cost of \$58,378 in FY 2011-201 and \$96,805 in FY 2012-2013.

MR. MOHLENKAMP:

Professional Services are built into the funding we are requesting. These funds will enable us to bring in experts to assist us in certain areas. Although we feel much of the work can be done internally, we are cognizant of the fact that we do not know everything in the energy world. While there is some reluctance to lose the NORESCO expertise, we believe we can bring in experts on a limited basis to help us with specific energy related matters.

CHAIR PARKS:

The Executive Budget only provides \$500 in each year of the biennium to pay

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 9

for equipment repairs associated with the energy projects. Are additional funds budgeted elsewhere?

MR. MOHLENKAMP:

Our maintenance budget is not adequate. We would rely on the primary budgets of each institution to meet many of the maintenance needs. If we had experienced maintenance costs in excess of those budgets, we would need to look at vendor-financed options. We would not consider another 15-year note, but we would consider something with a one- to three-year turnaround. We would also use the vendor-financing method to obtain more sizable equipment.

CHAIR PARKS:

Has NDOC contacted the Nevada State Office of Energy to see if any federal funds are available to pay for this type of energy-efficiency program?

MR. MOHLENKAMP:

In the past, we have been in extensive, direct contact with the Nevada State Office of Energy for a potential solar project. We intend to move forward with further discussions with that office. The Department would like to be cautious in moving forward on any new energy programs. We have had both successes and failures in the past. We are going to be very careful with our bottom line on any projects going forward.

CHAIR PARKS:

How long does the Department envision EMP continuing?

MR. MOHLENKAMP:

We hope to establish a model for the rest of the State. The direct focus on energy consumption and management has been lacking. In a Department as large as ours and with as many facilities as we manage, energy should be a dedicated focus and an ongoing effort. Our facilities will continue to age and will need to be made more efficient. We have a lot of work to do and many years to do it.

CHAIR PARKS:

Is the biomass facility entirely mothballed? Are there any future plans for the facility?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 10

MR. COX:

The biomass facility is mothballed. We are examining other options, but we have shut it down.

CHAIR PARKS:

The State has ongoing projects where the biomass facility could be put to use.

MR. MOHLENKAMP:

It was not a financial success. With that said, the facility provided support to the Tahoe Basin and was more successful than our bottom line represented. Many believe that it fulfilled a vital function.

CHAIR PARKS:

Let us move on to decision units E-805 and E-920 of B/A 101-3710 which recommends transferring a correctional sergeant from NSP to the Director's Office and then reclassifying the position to a criminal investigator I.

E-805 Classified Position Reclassifications — Page CORRECTIONS-9

E-920 Transfers FTE from NSP to Director's Office — Page CORRECTIONS-10

MR. COX:

We will be requesting a budget amendment to remove this position. Due to cuts in other areas of our Department, it would be inappropriate to increase staff in my office. We will look to be more efficient.

CHAIR HOGAN:

Is it realistic to reclassify a correctional sergeant as a criminal investigator? Would this require extra training? Will you also be removing your request to reclassify this position?

MR. COX:

The criminal investigator I position is a category II peace officer which requires a significant amount of training. We have a significant amount of criminal investigations and administrative investigations in our Department. Criminal investigations are critical to maintaining the overall operation and security of our facilities. We have a large amount of investigations in southern Nevada. At

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 11

some point in the future, when the State is in a better condition to fund additional staff, the Department will return to the Legislature to request this position.

CHAIR PARKS:

Regarding decision unit E-730 which recommends General Fund appropriations for the installation of a security surveillance system at ESP, what will be purchased with the \$300,000? I understand an inmate attacked an employee at ESP. How is Steve Roundy doing?

E-730 Maintenance of Buildings and Grounds — Page CORRECTIONS-8

MR. COX:

I have spoken to Mr. Roundy's wife. He is still in critical condition and is responding well to treatment.

I have toured facilities in 15 different states. I have attended the National School of Corrections and toured maximum security facilities to examine security and safety issues. From that experience, I have learned that these cameras should have been placed in the facility when it was constructed. Our staff does a good job, but cameras are part of running a maximum security prison and they have been for years.

This decision unit will begin the process of installing cameras and get us going in the correct direction. Yes, we will require additional cameras in the future. The cameras we are requesting will not provide all the coverage we need. However, this request is a good start. This mechanism will reduce incidents with inmates. These cameras will also allow us to respond quickly to situations and determine who participated. Cameras are a key management tool in managing inmate populations, especially at the maximum security level.

E. K. MCDANIEL (Acting Deputy Director, Warden, Ely State Prison, Department of Corrections):

We desperately need this video equipment. These cameras have been requested in every budget cycle for the past 18 years. This request has been denied every time.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 12

In the past when we have made requests, we have used an estimated cost provided to us by an outside contractor. For several years now, however, we have been doing as much as possible with our in-house technicians and electricians. We have been very successful in completing these types of projects ourselves in the past and have not needed to hire an outside contractor. My technician at ESP priced out how much it would cost to install the cameras ourselves and we came to the \$300,000 figure. This decision unit would allow us to install a camera in every location in ESP where an inmate exists. We will have video surveillance of every square inch of that institution for 24 hours a day, 7 days a week. We would be able to monitor these cameras in real time. We believe we can install and operate this system for that price and this is something we desperately need.

CHAIR HOGAN:

Will these cameras only cover the inside of ESP, or will they monitor the yards and fences outside the buildings as well?

MR. MCDANIEL:

The cameras will cover every area that an inmate would traverse. This will include internal yards where inmates exercise, the larger open yards, day rooms, control rooms, hallways, culinary facilities, prison industries facilities, laundry rooms, property and mail rooms and gymnasium. The cameras will not monitor activity inside the individual cells and will not be designed for perimeter security. These cameras will not cover our fencing. We have four towers that cover our perimeter and a strong fencing system, so cameras are not needed there at this time and were not included in our request.

ASSEMBLYWOMAN CARLTON:

Would your technician require a license to install these cameras? If he does not have a license to perform a function of which a license is required, even though he is a State employee, he will be violating the law. There is also a liability in having a State worker perform a licensed contractor function.

MR. MCDANIEL:

This employee is a certified technician. He has several licenses in regards to security equipment. He is licensed to install and maintain our fire and smoke alarm systems. We are not aware of any laws in White Pine County that would

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 13

require him to be licensed to install video surveillance equipment. We feel confident that our technician, along with our licensed electrician and our maintenance staff, will be able to install and operate this equipment.

ASSEMBLYWOMAN CARLTON:

Please check with the State Contractor's Board and their licensing classifications to make sure that there are no State laws regarding this installation.

MR. MCDANIEL:

We will check with them.

CHAIR HOGAN:

I would like to discuss decision unit E-714 which recommends replacing four trucks, four passenger cars with a retrofit to accommodate inmate transport and one box van. Are these vehicles in immediate need of replacement or could you hold off on that replacement?

E-714 Equipment Replacement — Page CORRECTIONS-8

MR. COX:

It would be an understatement to say that our vehicles are stretched to capacity. We have gone through the last two biennia without receiving the adequate vehicles and equipment we need to maintain our operations. Our Department stretches across the entire State and we place a tremendous amount of mileage on our vehicles. We transport prisoners from one end of the State to the other. Our vehicle maintenance staff at HDSP tries to maintain these vehicles at a roadworthy level. We keep them as long as we can and maintain them as long as possible. I would not ask for any vehicles that we did not think we needed. I have spoken with our transportation staff and these vehicles are needed. Our operation requires us to maintain a level of safety and security. I know you hear that a lot from us, but breaking down between Carson City and Ely is not an option when you have maximum security felons on board. Breaking down in more rural and remote areas is very problematic. I can revisit this issue, as I know what the State is dealing with, but I believe that we need these vehicles to maintain our operation.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 14

MR. MOHLENKAMP:

Our initial request was for over 20 replacement vehicles, based on vehicle mileage. We narrowed down the request to the nine listed in the decision unit. Although this line item is under the Director's Office budget, this is a statewide request for the entire Department.

CHAIR PARKS:

How many large buses are you operating?

MR. COX:

We currently have two buses for long-haul drives which require moving a significant number of inmates.

We had a tire fire at FMWCC several years ago and needed to move a large number of inmates quickly. We worked with the Las Vegas Metropolitan Police Department and the Clark County Detention Center to establish emergency plans which allowed them to quickly allocate vehicles to us. They provided the buses and drivers we needed because we simply do not have the number of vehicles needed to move our population. Looking at our central transportation operation and the mileage on our buses, we do a good job of utilizing the equipment we have and moving the number of inmates we do on a weekly basis.

ASSEMBLYMAN HAMBRICK:

Your request is reasonable and I understand that there are vehicles in your system that are over 20 years old. Have you considered centralizing the number of take-home vehicles you have assigned? In southern Nevada, there are commuter lots at Centennial Parkway that could be used for busing.

MR. COX:

We will look at that suggestion. We will consider anything that will help us gain efficiencies in the system.

CHAIR PARKS:

Let us move on to B/A 101-3706 which relates to Prison Medical Care. I would like to begin with decision unit M-101 and discuss inmate-driven medical expenses. My notes show that the Department has experienced a 55.7 percent

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 15

increase in inmate-driven medical costs from FY 2005-2006 to FY 2009-2010 which equates to an average annual growth rate of approximately 13.9 percent for the past four years. Please explain this increase in cost.

NDOC – Prison Medical Care — Budget Page CORRECTIONS-13 (Volume III)
Budget Account 101-3706

M-101 Agency Specific Inflation — Page CORRECTIONS-15

MR. MOHLENKAMP:

The reality is that the medical costs in our Department are very volatile. Our population is small which means that putting a handful of people on dialysis or having a small number of inmates in extended hospital care can drive up costs quickly. Our costs are incident driven. The observation that our medical costs have risen is entirely accurate. There are several factors that cause this cost increase. First, our cost per bed per day for hospitalization has increased. Secondly, our number of hospital days have also increased. Some of this can be attributed to an increase in the number of inmate-on-inmate incidents, as well as self-inflicted incidents. The majority of our costs are related to general increases in overall medical care. Our doctors are doing a fine job in identifying inmates and the care that they need. Finally, we have an aging population with an increased average age. The number of inmates over the age of 65 have increased significantly and they require considerably more care than the younger population.

CHUCK SCHARDIN (Medical Administrator, Department of Corrections):

Our hospital costs have risen because our cases have become increasingly serious. We have had more cases exceeding \$100,000 than in the past. On page 12 of [Exhibit C](#), you can see our base medical costs have remained relatively flat, with a slight increase in FY 2009-2010. However, this graph also shows you the dramatic increase in cases costing over \$100,000, with only 7 in FY 2007-2008 and 19 in FY 2008-2009.

MR. COX:

Also on page 12 of [Exhibit C](#), you see we have had a slight increase in cases costing between \$50,000 and \$100,000 in FY 2009-2010. Along with our aging population, we have had many inmate altercations which have resulted in

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 16

broken jaws. These cases resulted in significant costs due to the type and level of care required. We constantly look to reduce medical costs, but it is part of doing business. We do not like having altercations in which inmates need medical care, but it is part of the business of corrections. We do a good job of managing these cases and if you look at these numbers, you will see that Nevada is in the bottom third of all 50 states when it comes to medical expenses for inmate care. We are not an expensive medical operation as far as corrections are concerned. Looking at our operation in relation to other states, we are extremely efficient and fairly effective in providing a level of medical care to our inmate population.

MR. SCHARDIN:

Our inmate population has remained fairly flat over the last several years, but if you look at the population broken down by demographics, particularly age, you can see that the population is aging. The number of younger inmates is remaining flat, our middle-aged population is declining and the number of senior inmates is increasing. Inmates in the third group tend to have more serious medical issues.

CHAIR PARKS:

How many of the 17 cases in which medical expenses exceeded \$100,000 were part of the senior population?

MR. MOHLENKAMP:

We do not have that data today, but will provide it to your Staff. However, the average annual medical cost for an inmate over 60 is approximately \$4,400. Inmates between the ages of 45 and 60 only average \$2,000 a year in medical expenses, and medical costs for inmates under 30 average less than \$1,000 a year. There is a significant increase in the cost per inmate as they age.

CHAIR PARKS:

Has the Department determined the instances in which inmates may qualify for Medicare?

MR. MOHLENKAMP:

We have looked into Medicare and have found some promising information. We discussed this with Health Care Financing and Policy Office and the Division of

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 17

Welfare. We have also reviewed what other states have done and it appears that we might be able to have Medicare and Medicaid pay for inmates who are over the age of 65, are blind or disabled and for pregnant inmates who are hospitalized more than 24 hours. We are determining whether this could be covered under the current Medicare plan. We do not have the dollars yet, but our line of inquiry looks promising.

CHAIR HOGAN:

Would you need to change your current contracts if you received Medicare funding? Would the facilities in both the north and the south need to agree to receive Medicare level funding for treating your inmates?

MR. MOHLENKAMP:

We are not certain, but we are looking into it. We are currently seeking a bid for a preferred provider contract. We are highlighting this possibility in our bidding process so they will be aware of it should we select them for a contract. Ideally, our providers would bill directly to Medicare and Medicaid. If they did not get paid, we would pay the remainder of the bill.

CHAIR PARKS:

We have seen an increase in close-custody inmates in Nevada. Do close-custody inmates incur higher medical costs than medium and low security inmates?

MR. MOHLENKAMP:

The number of inmates in medium and close custody has increased, while the number of individuals in minimum custody has decreased. We call this "a hardening of the population." This demographic change will continue to occur, especially with the passage of Assembly Bill (A.B.) 136.

[ASSEMBLY BILL 136](#): Revises provisions governing credits for offenders sentenced for certain crimes. (BDR 16-634)

We have yet to determine if this hardening of our population has led to more inmate-on-inmate altercations, and thus, higher medical costs. It is fair to make that connection, but I cannot say that there is a direct correlation.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 18

MR. COX:

We have seen an increase in the security threat group population. There are always issues in managing, controlling and separating this type of population. Despite this, our care and service is fairly efficient. I have examined other operations across the country with similar population mixes, and our classification instrument provides us with a good measure of safety and security for placing and classifying inmates into beds. With the passage of A.B. 136, we will see a decrease in our minimum security population. Historically throughout the Country, there has been a decrease in the number of minimum security individuals in an attempt to decrease the cost of corrections. At least 44 states have reduced their corrections budgets, and only Michigan has seen a significant increase in its budget over the past two years. Only six states have not experienced a reduction in their overall corrections budgets this year. Nationwide, states are seeking ways to become more efficient and accountable to better utilize resources. Our Department has done a fairly good job of improving.

CHAIR PARKS:

If NSP is closed and the Department has fewer options for operating medium and close-custody inmates among its remaining facilities, does the Department anticipate an increase in the number of injuries resulting from inmate-to-inmate altercations?

MR. COX:

Moving these inmates to HDSP will allow us to keep the inmates safer and more secure than they were at NSP. In addition, inmates are kept "under the gun" at HDSP, so this provides a higher level of security for the inmates in our operation. We are fortunate to have new buildings available to relocate inmate populations. Many other states do not have this option. Furthermore, these new units have cameras and other security functions that allow us to control movement in and out of cells, cell block wings and the buildings.

CHAIR PARKS:

Why are inmates requiring longer hospital stays?

MR. SCHARDIN:

Inmates are requiring longer hospital stays because of the severity of the

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 19

medical incidents. We have the capability of providing post-surgical and hospital care at our major institutions where we have medical inpatient, skilled nursing facilities. If our inmates were regular members of the community, they would have even longer hospital stays because they would not have access to our inpatient facilities.

CHAIR PARKS:

While the Department has an RMF in northern Nevada, there is not one in southern Nevada. If we move more inmates to southern Nevada, will there be an increase in medical costs due to the lack of a RMF?

MR. COX:

We have built and expanded a medical facility at SDCC which provides several more beds in order to accommodate sick inmates. We have a robust infirmary at HDSP. Chronically and severely ill inmates are sent to the RMF in northern Nevada. This helps us to reduce our costs and provide a better level of care and service. We are constantly monitoring the length of hospital stays for our inmates and looking to bring them back to our facilities as soon as possible. We are also cognizant of the safety and security issues posed by having our inmates in community hospitals.

MR. MOHLENKAMP:

We have seen a slight reduction in our average bed days per stay during FY 2010-2011, despite the overall increase in this trend. It is important to note that these statistics fluctuate. We were at approximately 4.98 days per stay in FY 2009-2010 and we are currently at only 4.61 days per stay in FY 2010-2011.

CHAIR PARKS:

You renewed your contract with Physician's Managed Care in June 2010 and your contract with the Beech Street PPO network is up for renewal in June 2011. Does the Department plan to submit a request for proposal (RFP) when the Beech Street contract expires?

MR. SCHARDIN:

Both contracts will expire on June 30, 2011, and we will submit RFPs for both contracts in order to evaluate new PPO networks. In the past, we have taken a

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 20

sample of different rates available in different networks to determine our contract. This year we will use the entire FY 2009-2010 claims experience and have bidding providers reprice all the claims for that sample year. We hope this will help us save some money when choosing a new contract.

CHAIR PARKS:

The Governor recommends that outside medical expenditure projections for the 2011-2013 biennium use a four-year average. Since the factors driving increases in inmate medical expenses appear to be ongoing, does the Department believe that this average is appropriate? Will you need a supplemental appropriation from the Interim Finance Committee (IFC) during the biennium?

MR. MOHLENKAMP:

The four-year average has been used historically to calculate outside medical expenditures. While we do not completely agree with how this average was calculated, the results should be adequate for our Department's purposes. The Department believes that the third-party administrative dollars projected are low, but we also believe that our prescription drug costs will come in lower than expected. Although this will be cutting things close, we realize the Department should try to operate within these numbers. We are looking at the potential of billing Medicare and Medicaid to offset costs, in addition to the new PPO contract, which could bring in some price reductions. We support the numbers in the budget and will work hard to make them work.

ASSEMBLYWOMAN CARLTON:

Will the RFP for the PPO be restricted to certain types of provider networks or will it be open?

MR. SCHARDIN:

The RFP will be open to all PPO networks.

ASSEMBLYWOMAN CARLTON:

Have you considered partnering with a federally qualified health center?

MR. SCHARDIN:

The federally qualified health centers do not have the breadth of specialists that

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 21

we receive from the PPO, but we can look into that option. We have never considered working with a federally qualified health center.

ASSEMBLYWOMAN CARLTON:

I would like to discuss this option with you in more detail.

CHAIR PARKS:

I would also like to discuss decision unit E-225 which deals with the new stale claims category. The Governor recommends including stale claims of about \$1.5 million incurred during FY 2009-2010 in the four year average used to determine outside medical expenses in the 2011-2013 biennium. How does the Department plan to meet the provisions of *Nevada Revised Statutes* (NRS) 353.097 with the implementation of this new category?

E-225 Reduce Duplication of Effort — Page CORRECTIONS-16

MR. MOHLENKAMP:

We have had issues with trying to pay claims from the prior year in the current year. Other State agencies face this problem as well. By establishing a medical stale claim category we will be able to set aside funds for this purpose. The Department of Administration has prepared Bill Draft Request (BDR) 31-1178 that would allow us to pay prior years claims in the current year. We support this new category.

BILL DRAFT REQUEST 31-1178: Revises provisions governing payment of certain claims after close of state's fiscal year. (Later introduced as [Assembly Bill 530](#).)

CHAIR PARKS:

Since the stale claims are accounted for twice in the *Executive Budget*, once in the inmate-driven expenditures and once in this new stale claims category, should the stale claims built into the four-year average for inmate-driven medical expenses be eliminated if the Governor's recommendation to add this new stale claims category is approved?

MR. MOHLENKAMP:

In FY 2009-2010, we included approximately \$1.4 million in stale claims in our

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 22

four-year average. That money went toward third-party administrators, such as hospitals and specialists, including these stale claims that increased the four-year average. While we do not like the mechanism itself, we believe the average got us to an appropriate number. We would be happy to revisit that mechanism as long as it did not reduce our overall number.

CHAIR PARKS:

Staff will work with you on this issue. Will BDR 31-1178 exempt you from going to the Board of Examiners for approval?

MR. MOHLENKAMP:

I have not seen the BDR. From my understanding, it will allow the Department to pay prior year claims in the current fiscal year. I do not know if it would require us to go through the stale claims process or not.

CHAIR PARKS:

I would like to discuss decision unit M-600 which recommends six additional medical positions, including one correctional nurse, three licensed practical nurses, one psychiatric nurse and one administrative assistant. How will the six new positions satisfy the terms and conditions of the settlement agreement?

M-600 Court Orders — Page CORRECTIONS-16

MR. COX:

We reached a settlement agreement between the American Civil Liberties Union (ACLU) and ESP regarding the level of service and care provided to the inmates. I believe we provide a good level of service and care to the inmate population; however, we examined our operation and worked with Dr. Ronald Shansky, a nationally renowned correctional medical expert hired through the office of the Attorney General (AG), who determined that we needed to increase our medical staff by six positions. We are examining how to deliver the required level of care while placing service providers in close proximity to the inmates. Dr. Shansky is still reviewing the settlement and our changes at ESP to create more efficiencies.

MR. MOHLENKAMP:

Under the settlement, we are required to provide timely care. This staffing will

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 23

allow us to provide care in a timely manner. The settlement also provided standards that we must meet which will bring us up to the standards of the National Commission on Correctional Health Care (NCCHC).

CHAIR PARKS:

What are the consequences if these positions are not approved and the Department cannot meet the terms of the settlement agreement?

MR. COX:

We would defer to the AG on that matter. If we fail to obtain approval for these positions, we will be in noncompliance with the settlement agreement. My understanding is that these six positions are required to meet the tenets of that agreement. I would not want this to be a continuing issue. This agreement provides us with some time to review our overall operation and how it compares to the NCCHC standards.

CHAIR PARKS:

Let us move on to decision unit E-606 which recommends the elimination of two correctional nurses and one director of nursing services at NSP. Since HDSP is recommended to house the majority of NSP's existing inmates, would the incumbents in the nine retained medical positions be transferred to that location?

E-606 Staffing and Operating Reductions — Page CORRECTIONS-17

MR. MOHLENKAMP:

Our proposal is to transfer two nursing positions to HDSP, along with the additional inmates they need to support. The other medical positions are being retained and would be reverted to WSCC and our RMF at NNCC. It is the belief of the medical staff that the care needed at NNCC is important and we followed their advice when recommending the transfer of medical staff positions to that facility.

CHAIR PARKS:

Does the Department have staffing ratios to substantiate its need to retain the nine remaining positions currently assigned to NSP?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 24

MR. MOHLENKAMP:

The Department does not have any staffing ratios and we did not gear this request toward a specific ratio. We received recommendations to move the two nurses to southern Nevada and we need two nurses at WSCC to provide 24-hour, 7 day-a-week care. Finally, the medical staff at the RMF advised us that they needed the other staff at that location.

CHAIR PARKS:

Finally, I would like to discuss decision unit E-901 which recommends transferring ten staff psychologist positions and associated revenues and expenditures from the Prison Medical Care account, B/A 101-3706, to the Correctional Programs account, B/A 101-3711. Will these psychologists have the proper licensing to work on correctional programs?

E-901 Trans FTE from Medical to Correctional Programs — Page
CORRECTIONS-20

NDOC – Correctional Programs — Budget Page CORRECTIONS-23 (Volume III)
Budget Account 101-3711

MR. COX:

Our psychologist IV, who is the supervisor, is currently under B/A 101-3711. This decision unit will move the ten staff psychologists in B/A 101-3706 to B/A 101-3711 so that they are all managed under the same B/A as their supervisor. This will provide the level of supervision and accountability required to make our corrections programs more efficient and effective. By moving these psychologists to a different B/A, we will be creating a chain of command with a clearly identified supervisor. We should have done this some time ago and it is an attempt to finally consolidate these employees.

SENATOR LESLIE:

Please discuss the RFP you are working on with the Division of Mental Health and Developmental Services (HHS-MHDS). What is the status of the RFP? Are there any special concerns we should be aware of with regard to private psychologists in a prison environment? Will there be additional security risks?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 25

MR. MOHLENKAMP:

We are working with HHS-MHDS on an RFP, but it has not yet been submitted. I do not intend to submit the RFP unless the Legislature provides us with a letter of intent that would support our returning to IFC with this type of initiative. We understand that the Legislature would need to approve this initiative and, as a result, we need support in order to come back to IFC. If we do not get that support, we will not submit the RFP.

One of the reasons for the RFP is to determine what options are available to us. We have different reasons for submitting this than HHS-MHDS which is responding to audit findings. We are looking at the ability to recruit physicians. Some of the groups examined during our request for information have robust recruiting abilities. Additionally, we are thinking about consistency. This move would help us to establish NCCHC guidelines here in Nevada. Many other states are at NCCHC levels. Finally, we are hopeful that a contractor might be able to assist us in moving toward a better alignment of mental health services. This way, when inmates leave our system and go out into the community, they would have the ability to get more cohesive care.

SENATOR LESLIE:

I do not agree. The only mental health system in our State is the public mental health system. While I agree that more coordination is needed when inmates are released, I have never understood why we cannot do this with our prison and mental health staff. If we have private physicians in the prisons, the problem is just going to get worse because we will have to deal with State confidentiality issues. Yesterday in the meeting of the Senate Committee on Health and Human Services, concerns were raised about privatization, how it would work and whether it had been thought out properly. Until these issues are resolved, you would be wise to wait for a letter of intent.

CHAIR PARKS:

Let us move on to B/A 101-3711 which deals with correctional programs.

NDOC – Correctional Programs — Budget Page CORRECTIONS-23 (Volume III)
Budget Account 101-3711

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 26

KIM S. PETERSEN (Education Programs Professional, Department of Corrections):
In the Programs Division, we have worked expansively with our individual programs to set up some best practices models in order to provide many different opportunities for our inmates. Our mission is to provide opportunities for offenders to successfully reenter the community through education, training, treatment, work and spiritual development.

On page 13 of [Exhibit C](#), you can see icons representing a number of our different programs. They include:

- Green Technology.
- Pups on Parole.
- ServSafe.
- Spiritual Programs.
- High School Diploma/GED, Post-Secondary and College Programs.
- HVACR, an industry based program at HDSP.
- Critical Thinking.
- Automotive.
- Jazz Band.
- Culinary.
- Horticulture.
- Business Accounting.
- Other Programs.

Each program provides inmates with industry recognized certificates so that they are job ready in that specific vocational area.

CHAIR PARKS:

I would like to discuss decision unit E-490, which deals with the change in funding source for reentry programs. During the last biennium, the Agency received two federal grants to support inmate reentry programs: the Going Home Prepared (GHP) grant, which expires December 31, 2011; and the Prison Re-entry Initiative (PRI) grant, which expires June 30, 2011. Please discuss the possibility of additional federal funding.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 27

MR. MOHLENKAMP:

This request is to replace federal dollars with General Fund dollars to fund two program officers who coordinate our northern reentry program, along with some of our major contracts that are engaged in reentry efforts. At this point in time, we are not certain that we will receive additional federal funds. We will not know about these funds until on, or around, June 30, 2011. It is prudent to request the funds. If we receive additional grant funds, we agree to revert the General Funds that are allocated to this decision unit.

We are in the business of reentry. The vast majority of inmates who come to us end up returning to the community. It is imperative that we have the programs, services and staff necessary to accomplish our goal. Without this funding, we will have a void in our northern reentry program.

CHAIR PARKS:

If the recommendation to continue the positions with General Fund support in the biennium is not approved, will the incumbents be laid off? If so, will the Department be responsible for any terminal leave pay or Public Employees' Retirement System of Nevada (PERS) buyouts?

BRADFORD R. GLOVER (Reentry Coordinator, Department of Corrections):

Currently, we are funded through GHP and PRI grants through the Department of Justice. We received between \$450,000 and \$500,000. These funds will expire this year. Our two northern program officer I positions currently provide all of our reentry services in northern Nevada and they are funded through these grants. We have 10 reentry staff statewide and if we lose these two positions in the north, we will not have any type of reentry services in northern Nevada.

Reentry is a buzzword in corrections. Our reentry staff provides vocational and other training for inmates preparing to reenter the community. Truckee Meadows Community College provides vocational training at the Lovelock Correctional Center (LCC). The ADA of Nevada provides training at NSP, WSCC and NNRC. The programs provide the opportunity for inmates to have better lives upon release and hopefully find employment. Our two staff members coordinate this training with the rest of the community. Our mission is to standardize reentry programs statewide, and these two positions have allowed us to do that.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 28

We are in the business of reentry. Our current inmate population is around 12,600 people and we release about 6,000 a year. These numbers alone demonstrate that we need these two positions.

CHAIR PARKS:

Please provide any statistics and data you have regarding these reentry programs and their success.

Do you offer distance learning in your more remote facilities? Do you utilize the State's higher education institutions for online or videoconference classes?

MS. PETERSEN:

We offer long-distance learning programs at LCC and these have been quite successful. Our Western Nevada College (WNC) staff do not have to travel to the institution, but still provide real-time instruction. The inmates watch the classes on a monitor and are able to interact and discuss with the professor in real time. We are considering the expansion of this program through WNC and the College of Southern Nevada (CSN). We also have the Milwaukee Area Technical College which is College of the Air. We are one of five states participating in a North Star Study which is evaluating whether distance learning is successful for inmate populations. We are examining whether inmates are completing their postsecondary, general education courses. The Milwaukee Area program is ongoing at all of our northern facilities and we are comparing those results to our institutions in the south that have in-house CSN instruction. The Milwaukee Area program has been in place for the past three years and will end at the end of this semester. At that time, we will compile statistics on our success and the program will continue to follow the inmates through North Star to see if they continue their educations and find jobs following their release.

CHAIR PARKS:

Going back to the PRI grant, the Governor recommends continuing funding in each year of the biennium for the Urban League, with General Fund appropriations instead of federal grant funds. With the PRI grant expiring in June 2011, the NDOC will no longer be required to collaborate with the Urban League. Will you then put this up for a bid?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 29

MR. MOHLENKAMP:

Currently, Urban League is our provider of service under this grant. We would also provide for competitive bidding and look at providing alternatives to other groups. Urban League has done a good job for us so far and we will continue with them until the term of this agreement is complete. We will examine other options as they become available, but we see no reason to change at this moment unless a better opportunity comes along.

CHAIR PARKS:

Does this go out through a professional services contract or through an RFP?

MR. MOHLENKAMP:

I do not know the specific subgranting process. Any subgrants we do would provide for a competitive opportunity for other groups.

CHAIR HOGAN:

Can the agency provide performance indicators that demonstrate the positive outcome for these programs? Have you surveyed individuals who have not been successful in the reentry programs and found out why they did not work for them?

MR. COX:

We have looked at why some offenders are successful and others are not. There are several states which have data to support these programs, such as Michigan and Kansas, that have one of the best programs in the country. Unfortunately, they have stopped funding the program in Kansas, which is a model that nearly every state admires. Reentry is a function that every state is engaged in and I am very data driven when looking at the process to determine what is successful, what is not and what we need to do. Housing and job placement are critical issues for us, particularly in southern Nevada. We look closely at what we can do to help inmates the first 30 to 60 days after release in order to build bridges into the community. We have been fairly effective at working with community and religious organizations, such as the Religious Alliance of Nevada (RAIN).

Recently, RAIN raised over \$14,000 from parishioners across the State to help pay for IDs for inmates which is often a large stumbling block for reentry.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 30

Examples like this show that we have significant involvement from community partners across the State, who reach out and help us at no cost to the taxpayers.

MR. GLOVER:

Currently, Dr. Debbie Shaffer, a professor at the University of Nevada, Las Vegas, is studying recidivism through our Opportunity for Probation Enforcement in Nevada (OPEN) program. Within this study, she will provide both qualitative and quantitative data which will explain why an individual was not able to obtain certain services.

ASSEMBLYMAN HAMBRICK:

Has any of the money collected through RAIN been spent?

MR. COX:

We have experienced some problems with spending that money for the purposes for which it was raised. The funds came through the Department of Public Safety, so we are looking at how we can get those funds. There were issues regarding how we went about raising the money and that was a failure of ours and the system. We are expediting the process in order to make that money available.

ASSEMBLYMAN HAMBRICK:

There are always issues of failure, but it is how we respond to those issues that dictates success or failure.

CHAIR PARKS:

I am working on expediting this problem and we need to have some type of regulation for this process.

Do you have any data on the impact of these programs on inmates with respect to lower recidivism rates?

MS. PETERSEN:

I am currently working to determine what our recidivism rates are for each program, including our educational courses. We hope to have the report done in August. It will include recidivism and disciplinary rates.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 31

CHAIR PARKS:

Please provide Staff with any data regarding NDOC's collaboration with other State agencies such as the Department of Employment, Training and Rehabilitation (DETR), HHS-MHDS, etc.

We do not need to discuss B/A 101-3751 which deals with Ely State Prison, so let us move on to B/A 101-3762 which deals with High Desert State Prison. The Governor recommends transferring 59 positions from NSP to HDSP. Please explain this transfer and how it will work if the Legislature does not make a decision to close NSP by April.

NDOC – Ely State Prison — Budget Page CORRECTIONS-31 (Volume III)
Budget Account 101-3751

NDOC – High Desert State Prison — Budget Page CORRECTIONS-39
(Volume III)
Budget Account 101-3762

MR. COX:

For every month the decision on shutting down NSP is delayed, it will cost \$700,000. We need to reach a decision soon, not only because of the cost, but also because of the impact on staff and our goal of reducing layoffs. I am concerned with the ability of my staff to keep their jobs here or throughout the State and the Department. There must be a plan and a process that will allow these employees to keep their jobs. We also need a plan for moving inmate populations to various facilities and classifying them correctly. The more time we have, the better the plan of implementing the proposed closure will be. The sooner we know, the better. As you know, \$700,000 is a lot of money and I hope you make this decision as soon as possible. I can significantly reduce layoffs the sooner I know your decision. That is my goal. We want to reduce layoffs as much as possible, and ideally we would not have any layoffs. Realistically, I can work toward this goal the sooner we have a decision. Closing NSP is the correct decision for this Department and it will help us maintain the safety and security of staff and inmates. I understand that there will be an impact on the community, but I would like to limit that as much as possible.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 32

CHAIR PARKS:

According to the Department, only 21 existing staff members at NSP have expressed an interest in relocating to other geographical areas in Nevada. Are all 21 of those individuals part of the 48 positions to staff the two housing units proposed to reopen?

MR. COX:

We initially asked staff if they would be interested in moving to southern Nevada or other parts of the State. We had 21 staff indicate that they were interested in relocating. I believe we will have more staff express interest once the closure of NSP becomes a reality. People do not want to commit to relocating until there is a commitment to close down NSP. The staff at NSP has continually asked when a decision is going to be made. They are not buying houses, they are not buying cars, they are simply waiting for a decision. We are fortunate to have the option of moving inmates to two units at HDSP. This has been a difficult decision for this Department and I know it is a difficult decision for the Legislature as well.

CHAIR PARKS:

We will not be making any final decision until May. One of our concerns is the additional monthly cost of \$700,000 if we delay making this decision. Please provide a breakdown showing how the \$700,000 in monthly costs was calculated.

MR. MOHLENKAMP:

If we are not informed of a decision until mid-May, we will have to push back the positions that were scheduled to end on August 1. It is possible that we would have to push the entire closure back by a month. We will work to see if we can only delay the staff positions, but we are under a tight time limit and we may need to push back other positions as well. We will get that information to your Staff. Should we expect a decision mid-May?

MARK KRMPOTIC (Senate Fiscal Analyst, Fiscal Division, Legislative Counsel Bureau):

Each session, the subcommittees make recommendations to the full committee. This process starts in April and continues into early May. The budgets are heard first, with larger issues coming after that. This process is the same every

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 33

session. Around mid-May, this Subcommittee will be making its recommendations regarding the closure to the full committee. At that time, the full committee will have to vote on the issue. Unless there is a conscious decision to accelerate the issue prior to that time frame, the best case scenario is that you will have a Subcommittee recommendation to the full committee in early to mid-May. Once the full committee has decided, that decision will be a part of the General Appropriations Act which requires the approval of the full Legislature. It will need to be signed by the Governor. This process occurs around the end of May at the end of the Legislative Session.

CHAIR PARKS:

If staff chooses not to relocate to other facilities, you will have to recruit and train new staff. How long will it take to hire and train new staff? How many cadets can go through the Peace Officers' Standards and Training academy at one time? Will additional custody staff be required to oversee the 238 inmates that will be housed above emergency capacity?

MR. COX:

We will provide you and your Staff with that information.

CHAIR PARKS:

In addition, please provide information regarding the Governor's recommendations to eliminate shift and remote area differential pay for new employees and let us know if this will create any difficulties in filling the vacant and transferred positions.

I would like to briefly discuss decision unit E-710 which recommends General Fund appropriations to replace a forklift, pallet jack, bread slicer, Hobart mixer, icemaker, pressure washer and several other small pieces of equipment. If NSP is closed, could any of its existing equipment be transferred among the Department's other facilities?

E-710 Equipment Replacement — Page CORRECTIONS-44

MR. MOHLENKAMP:

We have provided a preliminary assessment to your staff and we will continue to work with them to refine that assessment. We will provide a list of

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 34

equipment which will be available for transfer to other institutions if the request to close NSP is authorized.

CHAIR PARKS:

Will you be submitting a budget amendment to include additional utility costs associated with reopening the two housing units at HDSP?

MR. MOHLENKAMP:

We will be submitting a budget amendment to include these costs as part of the Governor's recommended budget.

CHAIR PARKS:

Let us move on to B/A 101-3717 which deals with NNCC. I would like to start with decision unit E-922 which recommends transferring eight positions from NSP to NNCC, including two correctional officers, two senior correctional officers, three maintenance personnel and one food service manager.

NDOC – Northern Nevada Correctional Center – Budget Page
CORRECTIONS-48 (Volume III)
Budget Account 101-3717

E-922 Transfers FTE from NSP to NNCC — Page CORRECTIONS-54

MR. COX:

The NNCC has the most complex mission of any of our facilities. From the RMF to the extended care unit, it is a mixed bag of functions and is the most difficult facility to run due to those multiple functions and missions. The staff we are requesting will provide us with a level of operation which will enable us to fulfill our multiple missions. The two correctional officers and two senior correctional officers will help raise our staff-to-inmate ratio. We are currently 49th in the Nation with respect to this ratio. We are an efficient staff, but we need those staff to maintain that efficiency. We need these positions to maintain safety and security. The three maintenance personnel will help us maintain this complex facility. It is a complex job to fulfill our different missions, and it is important to have the support staff we need to do it. When we have added additional inmates in the past, we have not added support staff. We have not done a good job in the past and we should have asked for additional support staff when we

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 35

did not. We are asking for that support staff now and it is overdue. This Department is very efficient, but we need these staff.

CHAIR PARKS:

Could NSP also be maintained in a mothball status with just one full-time maintenance worker?

MR. MOHLENKAMP:

We met with the State Public Works Board (SPWB) during the interim and determined that the mothballing of NSP will be complete. Other than Prison Industries, the remainder of the system will be shut down. As a result, only limited maintenance will be required. We believe the one position will be adequate to perform the daily and monthly maintenance. We might need to bring other staff over from NNCC on a periodic basis if we need additional expertise.

KENT LEFEVRE (Chief Engineer, Department of Corrections):

It is important to keep these maintenance positions because it is important to keep the wheels of our organization turning. We have had issues in the past of not having enough maintenance staff and we have seen deterioration as a consequence. By keeping these positions, we will be able to address problems more quickly and efficiently than we have in the past.

CHAIR PARKS:

Do you only have one maintenance person at SNCC?

MR. COX:

We have one person at SNCC. We have asked for additional staff in the past, but have not received it. That employee is only at the facility five days a week. No one is there two days a week. This is not a very good utilization of resources, particularly considering the facility at SNCC. At NSP, we must maintain a certain level of maintenance because of the Prison Industries program. We have met with SPWB and have determined the effect of time on those buildings as they age will be significant, due to the reduction of heat,

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 36

cooling and other things. We have a robust decommissioning plan for NSP. We will continue to meet with SPWB to examine how we can best utilize NSP facilities. We want to enhance our preventative maintenance at all our facilities because we do not receive overall funding to maintain our facilities. Our emphasis is on preventative maintenance. We are investigating ways of reducing costs on boiler maintenance, filter changes, water system maintenance and other things. Historically, we have been in the business of putting out fires and not preparing for them. Preventative maintenance is a critical component of keeping our facilities open and we will need this staff to do that. We currently need more staff to take care of our operations.

CHAIR PARKS:

It appears the four correctional officers recommended for transfer would provide additional guard coverage for inmates temporarily housed at outside medical facilities. Please explain the need for this.

MR. COX:

We will be using these officers in our lockdown units and in our RMF. This will enhance our level of supervision and is appropriate for the facility. We will continue to examine our post charts and determine where the most critical need for staff is and the locations where we need additional supervision.

CHAIR PARKS:

Are these four correctional officers needed to convert the custody level of housing unit 7A from a general population to a segregation unit?

MR. COX:

Yes, they will be a part of our lockdown unit.

DON HELLING (Deputy Director, Department of Corrections):

These correctional officers will be used in several ways. First, we are expecting additional transportation requirements from NNCC because many civil inmates from ESP are currently housed at NSP for court and medical treatment. Second, unit 7A at NNCC will be used to house and treat these inmates. This additional staff will be used to secure that facility, as the inmates held there will be high security inmates which require additional officers.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 37

CHAIR PARKS:

Why is an additional food services manager position necessary if NNCC's inmate population is not expected to increase as a result of the proposed closure?

MR. HELLING:

The facility at NNCC is very unique. Many prisoners are on specialized medical diets. The SCC is nearby and houses a significant number of inmates with medical issues that require specialized diets. Additional supervision is needed to ensure that these diets are prepared correctly. Currently, our camps have no food service supervisors or cooks. Instead, correctional officers train inmates to prepare the food. This addition will allow us to have more supervision. Furthermore, we do not have a relief factor for the cooks we do have. When a cook is out sick or on vacation, other staff must work overtime to fill the position.

MR. MOHLENKAMP:

I have been informed by staff that the increase in the combined number of inmates at NNCC and SCC over the years has been significant and there has been no similar increase in food service staff over that same period. This addition will help us catch up to our current population.

CHAIR PARKS:

Let us move on to B/A 101-3738 for Southern Desert Correctional Center (SDCC). I would like to start by discussing decision unit E-924 which recommends transferring nine correctional officer positions from NSP to SDCC. We understand that this facility has been understaffed since FY 2000-2001.

NDOC – Southern Desert Correctional Center — Budget Page CORRECTIONS-71
(Volume III)

Budget Account 101-3738

E-924 Transfers FTE from NSP to SDCC — Page CORRECTIONS-77

MR. COX:

Our staff has been able to accomplish a great deal at SDCC despite receiving additional inmates. In 2003, there were just under 1,300 inmates at SDCC. Currently, there are over 1,800 inmates at that facility. Starting the Program

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 38

Division at this facility was critical for the Department. However, this facility requires a certain level of supervision because of the way we manage our population. Many of the units have 204 inmates and only one correctional officer. These officers do a fantastic job.

We have also been doing a lot of construction in the units at SDCC. We have taken units down to replace HVAC systems, water simplifiers, smoke and fire detectors and other projects, so many of our units have been retrofitted. A lot of our construction requires us to have drivers coming in and out of the site regularly. In the next phase of construction, we will have three different construction sites to expand our culinary and administration buildings. All of this construction requires us to maintain a high level of security.

MR. MOHLENKAMP:

Across our operation, SDCC has the highest ratio of inmates per staff. We believe it is prudent to increase the staffing at this location. Furthermore, when the core is complete, the institution will be able to house a significant number of inmates. Without this staff, however, it will be difficult to do so.

CHAIR HOGAN:

If SDCC was never converted to a programming facility, why were the substance-abuse personnel who were retained for that purpose never transferred back to SDCC as correctional officers?

MR. COX:

It was not wise to move those positions out of the facility in 2003. At the time, we needed to create a Programs Division, which I would have made a Department-wide program. Program staff can definitely help with the operation and security of a facility, but reducing staff in this way was not a good idea. The burden should have been spread across the Department. I would have come to you and asked for the staff instead of removing them from our already existing facilities. Custody staff is the foundation for programs to flourish. You can have the best program in the world, but if inmates do not feel safe leaving their cell to travel from point A to point B, there is no point in having a program. We must secure our foundation, our staff and our security at a level at which programs thrive. Trying to reverse the order is difficult during these financial times. However, this change is necessary.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 39

CHAIR PARKS:

Has the Department conducted a comparison of its 2001 post chart for SDCC to the staffing post chart recommended by the Governor for the next biennium?

MR. MOHLENKAMP:

No, we have not done a comparison. Last May, post charts were prepared to coincide with the preparation of the budget. We have not revisited post charts since then. We have since discovered that there are some inconsistencies between our budget submission and our request. We will clarify the post charts and make sure they are consistent with what our wardens have said they need.

MR. COX:

Staff at SDCC has discussed the possibility of additional positions with me and I believe it is critical that we listen to our staff. The staff preference, and my preference, is to put any additional staff where there are inmates. The Department will listen to staff regarding these position requests and where they are to be placed.

CHAIR PARKS:

You have significant prison industries at this facility and I am concerned that these programs could be cut to the point they are no longer viable.

MR. COX:

I agree. We are engaged in trying to create jobs for our inmates in this operation. It has been extremely difficult due to the economy. We have explored different avenues and have worked with many people in the business community to determine how we can expand our operation and be more efficient. We ask the Legislature to continue to be involved in helping us find new ways to create jobs and run a successful program.

CHAIR PARKS:

On page 22 of [Exhibit C](#), the photo shows two buildings with red roofs. I know many inmates are housed in those buildings, with a limited number of custodial staff. What is the status of those buildings?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 40

MR. COX:

The buildings with the red roofs are the 240-bed facilities constructed during our expansion. Four similar units were built throughout the State. These are dormitory style units and we used a staffing plan to determine who could be placed in those units. My staff has suggested that we need more staff in those buildings, which may be true. We have also looked to see what programs we have in those buildings, which houses both our substance abuse and reentry programs. Because of this, we house our less problematic inmates in those facilities. This does not mean that there are never problems, however. They do need supervision.

We borrowed the design of these buildings from Arizona, but we hardened them. We should not replace prisons with these buildings. The reason these particular facilities have been successful is because of our staff and our inmates overall. We have hardened control in those buildings. Also, the outside structure of the building is brick and mortar, which they did not have in Arizona. In fact, when inmates escaped from prison in Kingman, Arizona, they escaped from buildings very similar to these, but they were not hardened. We have done things to facilitate hardening our buildings, including additional fencing. One of the issues with these buildings, however, continues to be our perimeter fencing. We have asked for funding to straighten out our fence line over time in order to make it more functional. I have never seen another prison with such uneven fencing. We like squares and boxes in corrections. I know now is not the time, but eventually we would like to fix these problems.

CHAIR PARKS:

We do not need to discuss B/A 101-3759, LCC. I would like to discuss B/A 101-3715, SNCC, which is in mothball status. What alternatives if any, have been considered by the Department for the future use of this facility?

NDOC – Lovelock Correctional Center — Budget Page CORRECTIONS-80
(Volume III)

Budget Account 101-3759

NDOC – Southern Nevada Correctional Center — Budget Page
CORRECTIONS-88 (Volume III)

Budget Account 101-3715

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 41

MR. COX:

We have had multiple offers from private firms and even other states. The drawback of this facility is that it has 712 beds. The private firms and other states looking to take over such a facility are looking for locations that have 1,200 to 1,500 beds. There is still some interest from some private corporations looking at the facility, but many of them feel that it does not have enough beds.

CHAIR PARKS:

I would now like to discuss B/A 101-3716, WSCC and decision unit E-921. This decision unit recommends transferring seven positions from NSP to WSCC, including one maintenance repair specialist, five correctional officers and one correctional sergeant.

NDOC – Warm Springs Correctional Center — Budget Page CORRECTIONS-92
(Volume III)
Budget Account 101-3716

E-921 Transfers FTE From NSP to WSCC — Page CORRECTIONS-97

MR. HELLING:

The five correctional officers would be used to establish a perimeter patrol. Currently towers four and five at NSP provide security along the long fence line shared with WSCC. If we close down NSP, that entire fence line will be left unsupervised. The five officers will assist in maintaining the security of that fence. The maintenance repair specialist will assist in keeping NSP mothballed and the book bindery and tag plant operating independently. The correctional sergeant will be used as a property sergeant. Due to the volume and cost involved in managing inmate property, many facilities assign a correctional sergeant to these duties. The correctional sergeant will also assist in providing additional supervisory coverage during uses of sick and annual leave.

CHAIR PARKS:

Can the Department identify any structural changes to WSCC that justify the need for an additional maintenance worker?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 42

MR. HELLING:

The Department is chronically short of sufficient staff to maintain our current facilities in a cost-effective way. I do not believe this would be a full-time position after the tag plant and book bindery are shut down. This position will also help maintain WSCC at a later date.

MR. MOHLENKAMP:

Currently, there are only four maintenance staff at WSCC. This addition would bring that number up to five, which is not unreasonable given the needs of that facility. We hope you support this request.

CHAIR PARKS:

Can you clarify the need for five more correctional officers for WSCC when the Governor only recommends a net increase of four inmates over the biennium as a result of the NSP closure?

MR. HELLING:

There is a very long fence line between NSP and WSCC that is currently monitored by the officers assigned to NSP.

MR. COX:

On page 25 of [Exhibit C](#), you can see this long fence line.

MR. HELLING:

With the closure of NSP, towers four and five will no longer be manned and the fence line will no longer be supervised. Inmates quickly find out which towers are unsupervised. The five additional officers requested would provide perimeter patrol to maintain the integrity of the fence. The other alternative is to retain ten officers at NSP to keep the two towers operational, but we decided five officers would be enough if we keep them on the ground.

ASSEMBLYMAN HAMBRICK:

Would it be possible to move the book bindery and tag plant into WSCC in order to eliminate the need for those extra men?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 43

MR. COX:

We have discussed several options regarding these two industries. I believe the book bindery should remain in the Carson area due to the State agencies that we service. We have had multiple discussions with the Department of Motor Vehicles regarding where we could move the tag plant. I would like to leave the plant in the Carson area, but other options have been discussed. There are facilities in southern Nevada, such as HDSP, which could maintain such a facility. The move will take place at some point in the future. Unfortunately, we have industry vacancies at other facilities because companies have left due to the economy. Moving these facilities will make sense at some point in the future, either to WSCC, NNCC or HDSP, but I would like to maintain the facilities in northern Nevada due to staffing.

CHAIR PARKS:

Please provide Staff with the reasons why WSCC needs another correctional sergeant position.

I would now like to discuss B/A 101-3761, Florence McClure Women's Correctional Center (FMWCC).

NDOC – Florence McClure Women's Correctional Center — Budget Page
CORRECTIONS-100 (Volume III)
Budget Account 101-3761

MR. COX:

We recently added 300 beds and a new 240-bed building to this facility. Although they are not currently occupied, we are seeing a hardening of the female population. We have examined our overall operation and we have seen an increase in writs for transportation. Initially, we planned to build a female transitional housing facility similar to Casa Grande. Instead, we now have females at CGTH and JCC.

Female writs take more time to process and additional expertise is required when moving females from one location to another. This is why we have requested three additional staff in decision unit E-938. This population has hardened over the past five years.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 44

E-938 Transfers FTE From NSP to FMWCC — Page CORRECTIONS-106

CHAIR PARKS:

Please provide us with additional justification for the need of these three additional officers.

I would like to discuss B/A 101-3760 which addresses CGTH. Why are the projected annual revenues per inmate from room, board and transportation charges expected to be less than what they would be if the Department's projected occupancy and employment rates were utilized to calculate the projected revenues?

NDOC – Casa Grande Transitional Housing — Budget Page CORRECTIONS-108
(Volume III)

Budget Account 101-3760

MR. MOHLENKAMP:

The percentage of inmates working at CGTH has declined each year for the past several years. The room and board revenue associated with inmates working has also decreased. This trend has continued into FY 2010-2011, where we are seeing even further declines from FY 2009-2010. We are trying to ride out the economy just like everyone else. We are finding it very difficult to get inmates into work assignments. We are working hard to change that and we continue our reentry records despite this fact. Many inmates are now engaged in educational opportunities instead of working which is where we derive our room and board revenue. We do not see a short-term trend that this will change. We budgeted based on FY 2009-2010 numbers and we believe that we will see a similar trend over the biennium. We are hopeful that these trends will change, just as everyone else hopes the economy will improve. We would like to be able to find more work for more inmates at higher wages. Simply put, we have fewer inmates working and those who are working are receiving lower wages.

MR. GLOVER:

At least 70% of our inmates are released to southern Nevada and a majority of these individuals choose to go to CGTH. During their first 30 days, inmates

participate in a job readiness class which is funded by a grant through DETR. We also have prerelease inmates who take this class. We understand that the need for employment is great and because of that, I am moving one of my own staff to CGTH to do job development. Currently, we have 356 inmates at CGTH, which is fairly high. We have 85 individuals who are employed and we just graduated over 30 individuals from our 120-hour job-readiness class. Upon graduation, these individuals are ready for the job market and are able to obtain employment. We will continue our reentry efforts to ensure that we get as many inmates at CGTH employed as possible.

CHAIR PARKS:

Should room, board and transportation revenues be increased to correspond with the Department's performance indicators which reflects a 71 percent employment rate among the inmates of CGTH? If not, should the Department revise its employment performance indicator?

MR. MOHLENKAMP:

That performance indicator should never have been set at 71 percent which is unachievable. At this time, our employment rate is between 30 to 40 percent. We would like to sustain an employment rate of 45 percent.

CHAIR PARKS:

Is the room and board rate of \$16.53 per day, after their first 14 days of residence at the facility, reasonable?

MR. MOHLENKAMP:

We are looking at revising that figure. We have a draft proposal to change the figure to a percentage. The problem with this figure is that when inmates are unable to find work, they accrue debt. We do not want inmates leaving CGTH owing the Department money. First off, we do a very poor job of collections. Secondly, putting inmates into debt starts them off on the wrong foot. We believe using a percentage of an inmates' wages would be much more equitable. This percentage system will be close to equivalent to our current revenue, but will make it so we do not charge people when they do not have a way to make any wages.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 46

CHAIR PARKS:

Please discuss the OPEN program.

MR. GLOVER:

The OPEN program is similar to A.B. 93 which provides for the establishment of an intermediate sanction unit. This will be a diversionary program. Currently, there are 31 people in the program. What happens is that an offender will appear before Judge Jackie Glass and she will place them in the OPEN program. This means that if offenders do not follow the court mandates, they will be sanctioned to Casa Grande. Currently, these 31 offenders are not housed at Casa Grande. To date, we have had about 9 individuals who have gone to Casa Grande and the length of stay has been approximately 32 days. This program is very exciting because it diverts individuals from coming back into the correctional system. It costs over \$20,000 a year to house an individual in a correctional facility, so we are saving the system money by diverting these individuals.

ASSEMBLY BILL 93: Provides for the establishment of intermediate sanction facilities within the Department of Corrections to provide treatment for alcohol or drug abuse to certain probation violators and offenders. (BDR S-509)

CHAIR PARKS:

Although the Department has cited NRS 209.401 as its authority to operate the OPEN program, it appears the Department may not have the proper authority under this statute. Do we need to amend the statute?

MR. COX:

We have asked the AG to review our authority to place individuals in the OPEN program. We have been given the initial review that we have the authority to place individuals into the program.

CHAIR PARKS:

If we do need to make changes, I believe A.B. 93 would be a good opportunity to do so.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 47

MR. COX:

We have a number of these types of programs including OPEN; Purpose, Respect, Integrity, Determination and Excellence (PRIDE); and the Young Offenders program operating out of CGTH at the moment. We consistently review our operation and we have a number of states looking at CGTH as a model for their operations as well. We have discussed opening an intermediate sanction facility for a number of years and this is an opportune time to do it. Looking to the future, we would like to reduce overall prison costs in our operation.

CHAIR PARKS:

Did the Board of Prison Commissioners approve the implementation of the OPEN program?

MR. COX:

No, it was not approved by the Board of Prison Commissioners. However, the Director and I had multiple discussions about the program. The OPEN program was a good idea and it has merit and value. We should have gone to the Board of Prison Commissioners, which I have discussed with the Governor, the Secretary of State and the AG. I am not speaking for those individuals, but I believe we have the support. We have asked for the AG's opinion to move forward and we do have that.

CHAIR PARKS:

Do your neighbors at CGTH think you are a good neighbor?

MR. COX:

Initially, we had seven different sites under consideration. Before we placed the facility, I walked the neighborhoods and knocked on doors to speak to small business owners. We gained support by inviting our neighbors in, explaining the program and answering their questions. We have become a good neighbor. The offenders regularly do a neighborhood pickup to clean up the neighborhood. The company behind our facility was recently robbed of some building materials. They used the cameras located outside of our facility to find out who

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 48

perpetrated the crime. We are good neighbors and I believe the neighbors appreciate that we are in the neighborhood. The building presents itself well in the neighborhood and no one has had any problems with our inmates. We are good community partners.

ASSEMBLYWOMAN CARLTON:

Are the individuals in the OPEN program probationers who committed a violation and went back before the judge or are they new cases that are being diverted?

MR. COX:

The individuals in the OPEN program are probationers who have committed a violation.

ASSEMBLYWOMAN CARLTON:

Is there a fee to enroll in this program?

MR. COX:

No, there is no fee.

CHAIR PARKS:

I would now like to discuss B/A 101-3724 which addresses the Northern Nevada Restitution Center (NNRC). Please provide us an update of the status of the Eagles Nest Restitution Center.

NDOC – Northern Nevada Restitution Center – Budget Page
CORRECTIONS-115 (Volume III)
Budget Account 101-3724

MR. MOHLENKAMP:

Discussions with the Reno-Sparks Indian Colony and SPWB are ongoing. These discussions have been ongoing for a long time and we do not have a timetable.

MR. COX:

It is our understanding that we need an act of Congress to move forward. I do not know how long that will take. This has been a very long process and we are continuing to work with all parties involved to bring this to fruition.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 49

CHAIR PARKS:

I would also like to discuss B/A 101-3725, Three Lakes Valley Conservation Camp (TLVCC) and decision unit E-926. This decision unit recommends transferring three correctional officers from NSP to TLVCC. Will you be submitting a budget amendment to remove this decision unit?

NDOC – Three Lakes Valley Conservation Camp — Budget Page
CORRECTIONS—136 (Volume III)
Budget Account 101-3725

E-926 Transfer FTE from NSP to TLVCC — Page CORRECTIONS-141

MR. COX:

Yes, we are submitting a budget amendment to remove this decision unit and the request for these positions.

CHAIR PARKS:

We will move on to B/A 101-3754, the Tonopah Conservation Camp (TCC).

NDOC – Tonopah Conservation Camp — Budget Page CORRECTIONS-182
(Volume III)
Budget Account 101-3754

ASSEMBLYWOMAN CARLTON:

In decision unit M-425, the Governor recommends replacing TCC's roof. Please consider the installation of solar panels.

M-425 Deferred Facilities Maintenance — Page CORRECTIONS-184

CHAIR PARKS:

I would like to move on to B/A 240-3708, Offenders' Store Fund. Decision unit E-606 recommends eliminating two retail storekeeper positions.

NDOC – Offenders' Store Fund — Budget Page CORRECTIONS-189 (Volume III)
Budget Account 240-3708

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 50

E-606 Staffing and Operating Reductions — Page CORRECTIONS-191

MR. MOHLENKAMP:

We are proposing the elimination of these positions as part of the closure of NSP. We will be consolidating and we will be able to use our existing resources to run the stores in other locations. These individuals will be able to transfer to vacant positions in other facilities

CHAIR PARKS:

Will there be terminal leave and PERS payouts?

MR. MOHLENKAMP:

We have to follow the layoff rules as they are written, but our intention would be to transfer these individuals.

CHAIR PARKS:

We will move on to B/A 240-3763, Inmate Welfare Account, and decision unit E-606. Decision unit E-606 recommends the elimination of one administrative assistant assigned to the NSP law library and one athletic and recreation specialist responsible for recreational programs at NSP.

NDOC – Inmate Welfare Account — Budget Page CORRECTIONS-197
(Volume III)

Budget Account 240-3763

E-606 Staffing and Operating Reductions — Page CORRECTIONS-200

MR. MOHLENKAMP:

This is the same situation I just mentioned. We will be consolidating these positions due to the closure at NSP.

CHAIR PARKS:

Given the majority of NSP's inmates will be transferred to HDSP, will the support staff at HDSP be able to absorb the duties of these two positions?

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 51

MR. MOHLENKAMP:

Yes, we believe there is enough support staff. The warden has not requested any additional staff in this area.

CHAIR PARKS:

We will now open the floor to public comment.

WESLEY GOETZ:

I am a former inmate at LCC. I would like to read you a quotation provided to me by the ACLU ([Exhibit D](#)).

Spending on corrections in Nevada is outpacing the State's spending on education and human services. "Our prisons might be worth the current cost if the recidivism rate were not so high, but ... half of the prisoners released this year are expected to be back in prison within three years. If our prison policies are failing half of the time, and we know that there are more humane, effective alternatives, it is time to fundamentally rethink how we treat and rehabilitate our prisoners."

The 2008 audit of the Department of Corrections, Inmate Programs, Grievances and Access to Health Care shows that there were 24 recommendations for prison programs. I would like to know if those recommendations have been fulfilled.

I would like to see our programs be more efficient and have better rehabilitation aspects to them. There are 35 prison programs and I do not think they are reducing recidivism rates. When I first went to LCC in 1999, I attended some of the programs and they were taught by other inmates. Having inmates teach other inmates is like the blind leading the blind. We need more efficient and effective counselors. Harry Reid said that Nevada needs leaders. We could be the leaders in rehabilitation if we were more effective and efficient with the types of people leading these programs.

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 52

I spoke to Mr. Cox on Wednesday about having more higher education programs with videoconferencing. I am glad to hear they are doing that at LCC, because that was not available when I was there. We could also have psychology courses from the University of Nevada, Reno taught in the same manner and maybe some of the students could come up with better counseling and programs that were more effective in regards to recidivism. If half of our inmates are returning to prison, our programs are not working. These programs will be more effective if real professors and teachers are teaching them instead of the inmates themselves.

CHAIR PARKS:

We have asked Ms. Petersen to provide us with more information on the prison programs. We know that using new technology like Skype could be very useful.

GENE COLUMBUS (President, Nevada Corrections Association):

Like any budget, this budget has several earmarks. I would like to suggest that we create an on-call roster of retirees. We have spoken in great detail about the limited staffing the Department has and this could help. Many people have retired recently and some of them may like to come back on a part-time basis.

The Nevada Corrections Association appreciates the cautious approach the Subcommittee has taken in regards to NSP. There are a lot of issues to deal with before we close NSP, particularly with respect to classification issues. You need to make sure you thoroughly review the numbers that are being presented to you. I do not believe that Mr. Cox explained why it is costing \$700,000 a month to keep NSP open. Mr. Cox also stated that the staff at NSP want an answer, but I can tell you for a fact that the answer they want is that you are not going to close NSP.

CANDICE MADEIROS (Cochair, Nevada Correctional Peace Officers Political Action Committee):

I am offended that the Department wants to hire an energy specialist and pay them higher than a step I, especially when officers are seeing cuts. Also, I would like to point out that the boiler room at NSP must be utilized for the book

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 53

bindery to work. Inmates must remain at that facility on a full-time basis. You cannot turn the boiler on and off when you need it. Either there will need to be a new system in place, or inmates will need to be housed there. It has been stated in prior meetings that the boiler room would not need to be utilized and that is incorrect.

RON BRATSCH (Corrections North Chapter President, Region I Vice-President, American Federation of State, County and Municipal Employees Local 4041):

We have a lot of concerns about the budget. First, we think it is a great idea to install the cameras out at ESP. However, our concern is whether the cameras will be used to manage the inmates or to manage the officers, as we have seen them used at LCC. We know that one of our officers at LCC is under investigation for supervising inmates via camera use. We are concerned about staffing via camera and the possible safety concerns. Our other concern with ESP that the post charts in the culinary facility show that there should be three officers there every day and the reports we have received state that only one officer is stationed there. We are concerned about the minimum staffing at the facility. It is great that you have approved these positions, but we are concerned with minimum staffing. We hope you support BDR 16-1123 as it becomes a bill. This BDR will help manage the minimum staffing numbers, which are lower than what the legislatively approved staffing numbers are, and will put the management of those numbers under the Board of State Prison Commissioners rather than the control of the individual wardens.

You already know about the incident at ESP on Monday, but on Tuesday there was another incident at NNCC. A 70-year old nurse was attacked. We were down one officer in that unit when this incident occurred. Being down an officer like that is a major concern and if there had been two officers present, it would have been a fair fight, because they could have defended a 70-year old nurse.

BILL DRAFT REQUEST 16-1123: Revises provisions governing the Board of State Prison Commissioners. (Later introduced as A.B. 461.)

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 54

ROBERT BAKER (State Vice President, Nevada Corrections Association):

I am a senior officer at HDSP and we are currently at minimum staffing. Our facility is safer than SDCC, but it is not as safe as it should be. Minimum staffing means we have one officer in the control room and one floor officer going back and forth between two units, managing roughly 336 inmates. I believe this is unsafe. Adding officers from NSP, should NSP close, would help, but ultimately over time and attrition, we would be right back where we started.

MR. BRATSCH:

We are concerned about minimum staffing at NNCC as well. As I said, [BDR 16-1123](#) will address this concern and help keep the officers safe. We are not working in the best environment at the moment. With staffing the way it is, we are not any safer.

TIMOTHY FILSON (Lieutenant, Nevada Correctional Association Supervisors, Nevada Correctional Peace Officers Political Action Committee):

I work at SDCC which is not an "under the gun" facility. We do not have any weapons and only staff deals with inmates. A majority of the units have just one officer and roughly 200 inmates. We lost 19 of our positions several years ago and we have never caught up to that loss. There are many unfunded positions at SDCC. These positions are not legislatively funded and we use our relief factor to fill these positions, which include hospital officers, perimeter officers and education officers. This cuts into our relief factor. The line staff at SDCC have always accomplished more with less. We all know that prisons are dangerous, but the line staff should not be put into unnecessary jeopardy. We believe that staff safety should not be a line item but should be of the utmost importance. Last year, an officer was assaulted twice in a two-month period. One of the assaults was so severe that his only avenue of retreat was to grab the inmate who was assaulting him and drag him into a cell and close the cell door. That way the assault could continue, but the rest of the inmates could not become involved. Luckily, a case worker came along and provided some assistance. This is a horrifying experience for anyone, let alone a correctional officer. Taking someone who is assaulting you and locking yourself in a cell with that person is horrific.

On page 22 of [Exhibit C](#), you can see an area at the bottom right-hand corner of the image where the shape of the fence is misshapen. In 2007 there was an

escape from that corner of the facility. The razor wire in that area is falling off the fence and it has not been repaired since that escape. We have submitted several Capital Improvement Project requests, but this has not been repaired. It is a shame that the facility has razor wire and fencing that is falling apart. This is a basic security concern, not just for staff, but for the community as a whole. It is our mission to keep prisoners incarcerated. Any early release on the inmates' terms is unacceptable.

The dorm units do work well. However, we have 125 inmates per wing and during a lockdown our only way to deal with them is to ask the inmates nicely to stay in their bunks. As you can imagine, this requires cooperation on the part of the inmates. For the most part, the dorm units are fairly good, but we would like some additional staffing, possibly a floater for the two units. If we have an officer in the facility, we would like to have one officer who is in visual contact with the officer working by himself. Safety and staffing are our No. 1 priority. I would like for everyone to go home safely through the gate house.

MR. BRATSCH:

We recently heard a rumor of a major incident at LCC. I do not know the details of the incident, but I heard that two units went offline and shots were fired in multiple units. To control rumors like this, it is important that line staff be informed of incidents throughout the system. The Board of State Prison Commissioners froze hiring in this area and we feel this is a concern. At NNCC, we are down 14 positions and we have 15 extended-absence positions which puts us at 30 officers short, plus furlough days. We need to have the furloughs lifted at the very least. In 2007, we added units because of overcrowding, but the officers do not feel safe at the current staffing levels. We are supposed to have three officers, but they continue to pull out one of them. This is an ongoing concern.

JOSEPH LEWIS (Senior Correctional Officer, Nevada Corrections Association):

We have two budget cuts of concern. The Rural Area Differential (RAD) is \$7.50 for gas and is paid to lower-level employees. The RAD will currently only cover about one and one-half gallons of gas. With the facilities located where they are, some over 30 miles outside of town, the RAD is necessary and benefits those with lower pay scales. Also, the shift differential is an incentive

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 56

to get people to work odd shifts, like the night shift and swing shifts, and is for employees on the lower pay scales. These two items must remain in place.

CHAIR PARKS:

With no more business before the Subcommittee, we are adjourned at 11:13 a.m.

RESPECTFULLY SUBMITTED:

Marian Williams,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Joseph M. Hogan, Chair

DATE: _____

Joint Subcommittee on Public Safety/Military/Veterans' Services
Senate Committee on Finance
Assembly Committee on Ways and Means
March 11, 2011
Page 57

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Department of Corrections	PowerPoint Slide Show
	D	Wesley Goetz	ACLU Testimony