

Audit Highlights



Highlights of performance audit report on the Department of Corrections issued on March 22, 2022.

Legislative Auditor report # LA22-11.

Background

The Department of Corrections (Department) is responsible for the housing and treatment of inmates sentenced to state correctional institutions. The head of the Department is the Board of State Prison Commissioners (Board). Authority over the operations of the prison system is granted to the Board by the Nevada Constitution.

The Department is administered by a Director under the oversight of the Board. The Director establishes regulations, supervises the Department's institutions and facilities, and must take proper measures to protect the health and safety of the public, staff, and inmates.

The Department's headquarters are located in Carson City with an office in Las Vegas and correctional institutions throughout the State. During fiscal year 2021, inmates were housed at 17 facilities. As of March 31, 2021, the total inmate population was 11,196.

Data on use of force incidents is collected in the Nevada Offender Tracking Information System (NOTIS). Use of force incidents are entered in NOTIS via an incident report. Use of force incidents are categorized by the Department as either spontaneous or planned. Spontaneous use of force involves force used in an immediate situation or in response to a threat or emergency situation to dissuade or quell a course of action by an inmate(s). The majority of use of force incidents are categorized as spontaneous. Planned use of force involves an incident when time and circumstances allow for consultation, planning, and approval from the warden or administrator.

Purpose of Audit

The purpose of the audit was to evaluate the Department's processes over use of force reporting and certain related activities.

Audit Recommendations

This audit report contains 16 recommendations to improve the Department's processes over use of force reporting and certain related activities.

The Department accepted the 16 recommendations.

Recommendation Status

The Department's 60-day plan for corrective action is due on June 15, 2022. In addition, the 6-month report on the status of audit recommendations is due on December 15, 2022.

Use of Force

Department of Corrections

Summary

The Department of Corrections needs to enhance processes over the review and investigation of use of force allegations and incidents. Inmate grievances alleging excessive use of force were not always adequately addressed. In addition, review panels were not always convened to determine if the use of force was appropriate and justified. When convened, review panels were often untimely. Proper review of inmate grievance allegations and investigation of use of force incidents help ensure the Department is complying with requirements to provide a safe and humane environment free of cruel and unusual punishment under the Eighth Amendment.

Prospective officers worked in the Department's facilities without adequate training or supervision prior to completing the Peace Officers' Standards and Training Academy. Additionally, better tracking is needed to ensure refresher and weapons training for certified peace officers is up to date. Further, obsolete weapons should be removed from institutions' armories. Finally, the Department needs to routinely review administrative regulations to ensure changes in legislation are incorporated. Proper training and accurate regulations are necessary to ensure officers only use force in appropriate circumstances, to protect peace officers and inmates, to limit the liability of the Department, and to ensure compliance with state and federal laws.

Use of force data collected by the Department is not accurate, complete, or reliable. Errors in the data cause the Department's statistical reports to understate use of force incidents. Additionally, the Department is not collecting some required data regarding use of force incidents. Relying on inaccurate data may result in management making improper conclusions and taking inappropriate actions.

The Department spent about \$192,000 on a body camera program that has not been implemented. As a result, the Department did not collect and report incident data or develop performance measures, requested by the Legislature, regarding the effectiveness of monitoring equipment. Purchasing equipment that is not used is a waste of state funds.

Key Findings

The Inspector General's (IG) Office did not review most grievances alleging excessive use of force. We found for 13 of 20 (65%) grievances, there was no evidence the IG's Office reviewed the grievance. For all seven grievances reviewed, the IG's Office did not provide a timely response to the inmate of the outcome as required by administrative regulation. (page 5)

Use of Force Review Panels (Panel), convened to review use of force incidents, sometimes did not occur. A Panel was not convened for 9 (36%) of the 25 incidents we tested. Of the 16 completed Panel reviews, 10 (63%) were untimely. Panels are necessary to determine if the use of force was justified and consistent within the policies, procedures, and training of the Department. (page 7)

The Department used prospective officers to work in its facilities without proper supervision or training. Our testing revealed 4 of 20 (20%) prospective officers were assigned to work posts alone. Additionally, six (30%) prospective officers were assigned to work dedicated posts, normally requiring a second certified peace officer. Finally, we identified four incidents where prospective officers participated in use of force incidents. (page 12)

The Department does not have an effective tracking process to ensure its officers are current with their routine training. We reviewed the training files of 104 officers and found no documentation of pregnant inmate restraint training for 9 officers and staff. Additionally, six officers were issued TASERS, one officer fired a blank shotgun round, and two officers used a restraint chair with no evidence their training was up to date. NAC 289.230 prohibits officers from using weapons unless their training is current. (page 14)

We found 212 out of 744 (28%) weapons located in the armories at the institutions were unauthorized or obsolete. Additionally, 171 of these weapons were currently in use. An authorized weapons list is needed to ensure weapon reliability and quality, proper training, and for weapons tracking. (page 15)

The Department uses restraint chairs but has not adopted an administrative regulation governing their use. Additionally, administrative regulations have not been updated for recent Legislative changes related to certain law enforcement practices and peace officer drug testing. (page 17)

The Department spent \$192,000 on 71 body cameras, supporting hardware, and licensing fees but never implemented the program. An additional \$26,500 will be incurred annually for licensing fees unless the program is terminated. (page 21)