

MINUTES OF MEETING -ASSEMBLY COMMITTEE ON JUDICIARY, SPECIAL SESSION, February 24, 1968.

MR. WHITE: There is a full committee here. For the record I failed to get a stenographer here for our earlier meeting today when we passed and accepted the committee report on the situation at the Nevada State Prison. Because of the time element the reporter was getting copies made for the committee and was not available at that time. The purpose of this meeting is the result of Miss Dungan's objection in not having been consulted on the report and Mr. Close has suggested that she be given this opportunity to get into the record what she desires in order that we can avoid any floor fight over the matter.

MR. HILBRECHT: Can we have the record show the change of wording in the report we adopted as follows: on page two, line two the term "gross charge of physical brutality" shall read, "widespread charge of physical brutality". I move that this change be made.

This motion was moved and seconded by the committee.

MR. WHITE: This change will be read on the floor and made a matter of record so that it will not be necessary to make any further reproductions of the report so amended.

MR. TORVINEN: I for one resent being called back in here. Miss Dungan is Chairman of the Committee on State Institutions and she has every opportunity to make her own investigation and write her own report. I feel it is improper to be called back so that she can air her individual rights or complaints.

MISS DUNCAN: If you remember, in the hearing with Warden Hocker, as recorded in the minutes, on page 8, it reads:

"MISS DUNCAN: Do you know a Mr. Valentine?

MR. HOCKER: Yes.

MISS DUNCAN: When you fired him did you point arms at him?

MR. HOCKER: I didn't fire him. He resigned.

MISS DUNCAN: When you allowed him to resign did you use arms?

MR. WHITE: Miss Dungan, your questions are irrelevant.

MISS DUNCAN: Did you threaten him with a gun if he were to come within one mile of the institution?

MR. HOCKER: No.

MR. KEAN: Would you mind if everyone knows why he was fired?

MISS DUNCAN: There was a good reason for him to be fired, but he was allowed to resign.

MR. WHITE: In my discussion here with Warden Hocker he was not prefabricating or misrepresenting the facts.

MISS DUNCAN: The information was brought over by the Personnel Department.

(The complete personnel file on Mr. Valentine is appended to this record because a verbatim record of Miss Dungan's comments were beyond the capability of this stenographer to obtain in full. However, Miss Dungan referred specifically to

that part of the record which indicated that a gun threat had been made against Mr. Valentine by Warden Hocker and that Warden Hocker in the hearing had denied any such threat. Miss Dungan indicated that such a denial on the part of Warden Hocker casts grave doubts as to the credibility of his statements to the committee. The official record from the Personnel Department is therefore a part of this meetings records.)

Mr. Hilbrecht stated that the report of Warden Hocker to the Governor's office was signed by him and is a matter of record. Mr. Lowman stated that Mr. Valentine's record would cast doubt on the credibility of his statements and that there was a wide variance between the statement of a man with his record and that of a man with Warden Hocker's record. Mr. Swackhammer stated that in making it clear to a person who is being fired that his presence is no longer appreciated would be firm. Mr. Swackhammer stated that he did not feel there was any credibility gap to be gathered from the record. Mr. Torvinen stated that this entire matter was beyond the realm of the ordinary legislative function, that it had been arrived at as the result of a hasty, cursory investigation of the prison and inasmuch as it was not a full scale investigation that the matter lacked the complete details required for judgment.

Miss Dungan stated that a man in Warden Hocker's high position as an employee of the state had by his evidence in the hearing cast definite doubts as to his credibility and that this fact should be made a matter of record.

MR. TORVINEN: I feel that any further discussion of this matter would serve no purpose and moved for adjournment.

The meeting was adjourned.

MEMORANDUM

Date: November 2, 1967
For: Governor Laxalt
From: Bob Robertson *BR*
Subject: Harry A. Valentine Termination - Prison

In light of everything below I feel this case should be closed with no further action taken.

ISSUE: Reported threat by warden to "blow hole" in subject above who was terminated for carrying contraband into Nevada State Prison.

FACTS: 1. Subject was terminated on spot, July 29, 1967;
2. According to Hocker's memo (October 24), in presence of two witnesses, subject did admit knowingly violating rules; "couldn't see any harm in it".
3. Hocker admits threat to Valentine (His memo of October 24).
4. Essential comments in Personnel Division "Routine Exit Interview" have been repudiated by Barrett (his memo November 2) and by Wittenberg (Exhibit # 2).

DISCUSSION: I supported Hocker on all points except his threat to Valentine.

Hocker volunteered that this definitely was bad and that such a situation will not occur again.

RECOMMENDATION: I feel that there is nothing more to be done with this matter; with your permission I'll close the file on this specific situation.

RR:em

*Bob - o.k.
P.*

November 2, 1967

42

Governor Laxalt

Bob Robertson

Harry A. Valentine Termination - Prison

In light of everything below I feel this case should be closed with no further action taken.

ISSUE: Reported threat by warden to "blow hole" in subject above who was terminated for carrying contraband into Nevada State Prison.

FACTS:

1. Subject was terminated on spot, July 29, 1967;
2. According to Hocker's memo (October 24), in presence of two witnesses, subject did admit knowingly violating rules; "couldn't see any harm in it".
3. Hocker admits threat to Valentine (His memo of October 24).
4. Essential comments in Personnel Division "Routine Exit Interview" have been repudiated by Barrett (his memo November 2) and by Wittenberg (Exhibit # 2).

DISCUSSION: I supported Hocker on all points except his threat to Valentine.

Hocker volunteered that this definitely was bad and that such a situation will not occur again.

RECOMMENDATION: I feel that there is nothing more to be done with this matter; with your permission I'll close the file on this specific situation.

RR:em



3

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
CARSON CITY, NEVADA 89701

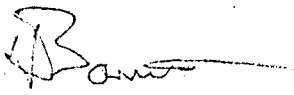
PAUL LAXALT
Governor

43

BUDGET DIVISION PERSONNEL DIVISION PURCHASING DIVISION DATA PROCESSING DIVISION BUILDINGS & GROUNDS DIVISION

November 2, 1967

MEMORANDUM

TO: Bob Robertson
FROM: Howard E. Barrett 
SUBJECT: VALENTINE EXIT INTERVIEW

Exit Interview Procedure:

Upon termination, exit interview forms are supplied to certain ex-employees. This is used to determine if the employee is reemployable. Prior to establishing the exit interview procedure, we found that a fired employee would be hired by another agency without consideration as to why the employee was fired in the first instance.

Exit interviews also provide insight into turnover problems, salary problems, supervision problems, and other personnel problems. A similiar procedure is used by most hiring jurisdictions.

Re-employability is determined by Jim Wittenberg after Fred Bartlett makes a recommendation.

Valentine's Exit Interview:

Mr. Valentine was not sent a exit interview form due to the nature of the separation and the Warden's statement on the termination form.

Jim Wittenberg gave instructions for the interview after a discussion with you. The discussion with you involved personnel problems at the Prison. Jim indicates that he told you of the alleged Valentine incident and indicated that we did not have a exit interview from Valentine. Jim indicates he got the feeling from you that he was to obtain the interview. Valentine was contacted by telegram since he does not have a telephone.

Valentine came for the interview. Jim Wittenberg was on business in Las Vegas. I instructed Fred Bartlett to have Valentine put the interview in writing and sign. He indicated that Valentine would not do so because of his fear for Warden Hocker. I then instructed Fred to have Valentine re-recall the incident to both Fred and George Murphy. Fred and George then, at my request, reduced the interview to a statement that they signed.

4
Bob Robertson
November 2, 1967
Page 2

44

The statement was given to me. I hesitated passing the statement on to you because I did not want to give the impression to anyone that we were investigating the Warden's actions. However, I did not feel that I could responsibly hold the information at this level and therefore passed it on to you.

Valentine's Re-employability:

Fred Bartlett indicated in the statement that in his opinion Valentine was reemployable. This was based upon Valentine's previous employment record, 23 years with one employer, and 9 years with another; his statement that he had not had any orientation as to the rules about supplying goods to prisoners, and that Valentine's apparent sincere belief that he had not knowingly done anything wrong.

In a normal case, Fred's recommendations for re-employability would have been reviewed by Jim Wittenberg. Both Jim and I feel that regardless of Valentine's previous record and apparent sincerity, the terminating authority must be contacted before a determination is made on re-employability. Fred should have checked the Warden's termination statement on file in Personnel before making the recommendation for re-employability.

Valentine's records and his card for future reemployment contained a notation by Jim Wittenberg made on August 2, 1967 indicating that Valentine was and is not reemployable.

HEB:ym

TO

Bob Robertson
Governor's Office

Memo

47

FROM

Warden Carl Hocker
Nevada State Prison

DATE October 24, 1967

SUBJECT

Harry Valentine
Cook II

On July 29, 1967, a druggist in Carson City called me at my home and stated that Harry Valentine, Cook II at this institution, had been buying nasal inhalers containing amphetamine, a dangerous drug, in large quantities.

I called the institution where I contacted William Killingbeck, Deputy Warden, and ascertained that Mr. Valentine was then on duty at Minimum Security Facility. I summoned Mr. Valentine to my office where I advised him that I was in possession of the aforementioned information and asked him if he had been furnishing inmates with these inhalers. He answered that he had. I asked him if he had been issued a rule book. He replied in the affirmative. I asked him if he had read the rule book. He replied in the affirmative. I asked him if he had specifically read rule #4115, trading or bartering with an inmate. He answered in the affirmative. I asked him if he had read rule #4128 which forbids the bringing of intoxicants or drugs on prison grounds. He answered that he had. In view of his affirmative answers I asked Mr. Valentine why he had willfully and deliberately violated the rules and regulations. His verbatim answer was "I couldn't see any harm in it." I then asked Mr. Valentine the identity of the inmate to whom he had delivered the inhalers and he did identify the inmate.

At this point I stated to Mr. Valentine that since I had no physical evidence I could not cause him to be arrested, booked, and charged with a felony but that I could not allow him to continue his employment at the institution and offered him the opportunity to resign rather than be dismissed. Mr. Valentine elected to resign and his resignation was accepted albeit with prejudice. It is to be noted at this point that at each entrance to the two major segments of the institution there is a large sign permanently displayed which clearly states that it is a felony to introduce, among other things, inhalers such as has been described. Therefore I submit that Mr. Valentine acted with full knowledge of the consequences.

With reference to point #2 I did at this point place an unloaded revolver on top of my desk which I had brought to the institution after it having been given to me by the former Deputy Warden for the purpose of placing it in the armory. I instructed the incumbent Deputy to place it in the armory. At this point I did say to Mr. Valentine that any attempt to interfere with the affairs of the institution illegally or attempt to introduce contraband into the institution might result in his getting a hole in him that he wouldn't know anything about.

I cannot accurately recall whether or not Mr. Petersen was in the office or not. This I will ask the Deputy Warden to state. I do submit that this interview took place on the 29th of July; that this was not a routine exit interview since it took place on the 17th of October coincidentally two days after H. D. Petersen was rejected during probation.

INSTRUCTIONS

NO CARBON PAPER REQUIRED

Complete all five copies and forward to the Nevada State Personnel Division. Employee and Department copy will be returned to you.

**NEVADA STATE PERSONNEL DIVISION
PERSONNEL AND PAYROLL ACTION
Notice of Appointment, Miscellaneous Changes,
and Separation**

EXHIBIT #1

45

TYPE OF ACTION PROPOSED

I APPOINTMENT/STATUS	10 Transfer	27 Higher rate for above 40-hour week	42 Termination of limited, provisional, seasonal, emergency, temporary employment
1 Probationary appointment	11 Reinstatement		43 Layoff
2 Permanent appointment			44 Retirement
3 Provisional to probationary	II CLASSIFICATION/SALARY CHANGES	III LEAVES	45 Disability
4 Provisional appointment	21 Reclassification of position	30 Leave without pay	46 Dismissal during probationary period
5 Emergency appointment	22 Promotion	31 Return from leave without pay	
6 Unclassified appointment	23 Merit salary increase (Attach NPD 12 or 13)	32 Disciplinary suspension	
7 Seasonal appointment	24 Demotion—involuntary	33 Other (explain under "Remarks")	
Not to exceed..... months	25 Demotion—voluntary	IV TERMINATION	V MISCELLANEOUS
8 Temporary appointment	26 Higher rate for limited supervision	*40 Resignation	49 Change of duty station
Not to exceed..... months		41 Dismissal	50 Name or address change
9 Temporary appointment to higher class			51 Other (explain under "Remarks")

Department or agency Nevada State Prison Location of employment (city) Carson City
 Class title Cook II
 Remarks **This employee was terminated as of July 29, 1967. Due to his accrued compensatory time (32 hours) he will be removed from the payroll 8/4/67.

Due to the presence of personal identifying information, the lower half of this document has been masked in order to maintain this record in a confidential manner as required by Nevada Revised Statutes 239B.030 (5). The complete original document is on file with the State Library and Archives.

Research Library
Nevada Legislative Counsel Bureau
March 18, 2010

NEVADA STATE PERSONNEL DIVISION
BACKGROUND DATA -- RECOMMENDATION
Disciplined Employee

NAME: Valentine Harry J STATUS: Prob. DATE 1-3-67
Date exit interview form sent: _____
Date exit interview form returned: _____
POSITION HELD: Cook III DEPARTMENT: State Prison
TYPE OF ACTION:
Dismissal: / Demotion: _____ Suspension: _____
Transfer for good of Service: _____ Other: _____
REASON FOR AGENCY ACTION TAKEN: _____

DOCUMENTS RELATING TO ACTION (attached)
NPD 12-13: _____ NPD 35: X
Correspondence: _____ Other: _____

COMMENTS, Training Supervisor: _____
COMMENTS AND RECOMMENDATION, Vocational Rehabilitation Division: _____

RECOMMENDATION, Training Supervisor: Do not recommend this man for future state employment.

EMPLOYABILITY APPROVAL, Personnel Administrator:
____ May be considered for future State employment without limitation.
____ May be considered for future State employment except in _____ Dept.
____ May be considered for future State employment except in the following Classif. ications:
____ May be considered for future State employment after _____
____ May not be considered for future employment until satisfactory explanation provided concerning separation from State service.
____ May not be considered for future State employment.

Signed: _____
James F. Wittenberg, State Personnel Administrator

Classification Review: _____ Examining Review: _____
COMMENTS: _____
COMMENTS: _____

INTERNAL PROCESSING:

A. RECORDS CENTER:

1. Make notation on post-in card as to Personnel Administrator's approval. Notation in Red ink is to be on right upper corner of card.
2. List titles, and dates, of all examinations for which applications have been made.
3. Make notation on all applications (in class folders, exam folders, and exam file) as to Personnel Administrator's approval.
4. File all applications, exams, eligible cards, and pertinent information in Service Jacket along with this report.

B. CERTIFICATION:

1. Pull all eligible cards and make notation as to Personnel Administrator's approval.
2. Send these eligible cards to Records Center for filing.

October 23, 1967

Warden Carl Hocker, Nevada State Prison

Bob Robertson

Harry A. Valentine - Exit Interview

I am enclosing a Xerox copy of the above interview for your comments on the following points:

1. Please respond in writing to the point I have indicated as No. 1 on the Fred D. Bartlett memorandum;
2. Please respond in writing to the point I have indicated as No. 2 on the Bartlett memorandum;
3. Please have Deputy Warden Killingbeck respond in writing to the point which I have indicated as No. 2 on the Bartlett memorandum.

I would suggest, after you have secured the written materials as requested above, that we get together here in my office at your earliest possible convenience.

RR:ph
Encl.

October 23, 1967

Gene Barrett

Bob Robertson

Harry A. Valentine - Routine Exit Interview

On October 19, 1967 I received from you with a routing slip attached, a routine exit interview conducted by Mr. Bartlett and Mr. Murphy on the above subject, which routine exit interview was directed to the "records."

What were the circumstances surrounding Mr. Valentine's being interviewed by Mr. Murphy and Mr. Bartlett almost two and one-half months after he had been terminated from his position at the prison?

If it is not common practice to wait two and one-half months before interviewing someone who has been similarly terminated from a position in State Government, under what conditions did Mr. Valentine come before the Personnel Division and was some extraordinary effort expended in securing this "routine exit interview?"

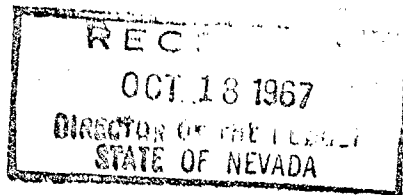
With reference to the second to the last paragraph of the memorandum, the "incident" notwithstanding, are the two employees of the Personnel Division overstepping their proper activities negating the severity of a violation of regulation such as that outlined in paragraph 4 of this memorandum?

Is it common practice in these "routine exit interviews" to submit such information into the files without having the subject of the interview sign the report?

I would appreciate receiving your comments on the above at your earliest convenience.

RR:ph
Enclosure

TO: RECORDS
FROM: FRED D. BARTLETT



OCTOBER 17, 1967

50

This will outline my discussion with Mr. Harry A. Valentine at 2:00 p.m. of this date.

The purpose was a routine exit interview concerning Mr. Valentine's recent separation from the Nevada State Prison.

Present during the interview was Mr. Valentine, George Murphy and myself.

Mr. Valentine indicated to us that he was called into Warden Carl Hocker's office July 29, 1967, and was dismissed from the institution for admitting that he, Mr. Valentine, had brought contraband into an inmate in the form of nasal inhalers. He was further told the inhalers contained a dangerous drug amphetamine.

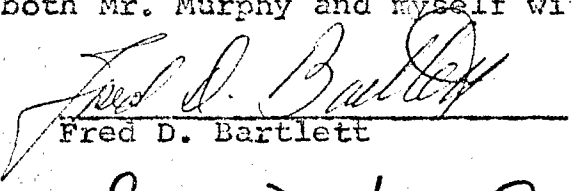
Mr. Valentine states to the best of his knowledge he was unaware that this practice was illegal and further that this policy was not made clear to him.

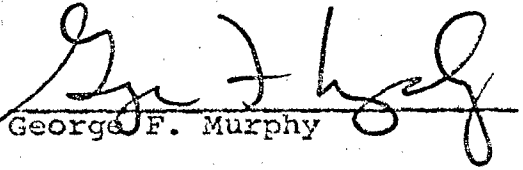
Valentine further stated that in the presence of Assistant Superintendent Allingbeck and Mr. Petersen that Warden Hocker reached into his top desk drawer and lifted a revolver from the drawer and placed it on top of the desk.

Valentine said at this point the Warden said to me, "If you ever come within a mile of this place I'll put a hole in you bigger than you can imagine."

Mr. Valentine was then told by me that in view of this incident and the fact that there were no other flaws on his record that the Personnel Division would assist him in gaining employment elsewhere in State service.

The below signatures confirm that both Mr. Murphy and myself witnessed the conversation.


Fred D. Bartlett


George F. Murphy

This report has been prepared and is being presented to the Assembly because several bills have been considered and are being enacted into law regarding conditions and programs involving the Nevada State prison. This committee toured the Nevada State Prison on February 21, 1968 and make the following observations.

1. The psychiatric treatment of prisoners at the Nevada State Prison is very minimal and it is, therefore, suggested that a psychiatric staff be created for the prison.


2. The physical facilities at the prison have improved through the years and the physical facilities are as good as can be expected with the amount of monies that have been appropriated for new buildings, etc.

3. Numerous complaints were advanced to the committee by members of the Inmate's Committee and others at the prison. Among them were:

- a. The use of the "hole" or isolation ward for disciplinary purposes
- b. Prisoner's mail is not being handled with reasonable privacy
- c. The use of tear gas against inmates
- d. The elimination of gambling
- e. Physical brutality against some of the inmates
- f. Negro population is being segregated and discriminated against regarding employment
- g. Insufficient use of the yards for athletic purposes
- h. Claims made that they were forbidden to obtain musical instruments for security reasons
- i. Legal documents are hard to obtain and correspondence with attorneys is restricted

The committee subsequently met with Warden Hocker on Friday, February 23, 1968 to discuss with him some of the charges listed above and others that have evolved. After this meeting, it was generally felt that some of the charges

were justifiable and some were not. But it is this committee's feeling that the gross charge of physical brutality is not warranted and that the use of tear gas is considered throughout penal institutions to be a humane way of controlling inmates at a prison. This committee further believes that the prime responsibility to be served in a prison is to contain the prisoners. In this regard we find no fault except some of the methods used to contain them. The second responsibility of a prison is to control the prisoners confined, and in this area comes most of the complaints. However, we feel that these are administrative problems and cannot be dictated by the legislature. The third responsibility of a prison is to try to rehabilitate those people that will be paroled and returned to society. It has been suggested that a complete investigation and study be conducted at the prison. However it has been brought to our attention that a survey of the Nevada State Prison was made on November 8, 1964 by Mr. C. J. Scudder, Consultant for Osborne Associates of New York City. This survey was requested by the Board of Prison Commissioners consisting of then Governor Grant Sawyer, Secretary of State, John Koontz, and the Attorney General Harvey Dickerson. This survey made 15 specific recommendations and to date these have not all been complied with. We, therefore, feel that it would not be of significant value to conduct another study to obtain recommendations that have already been made that we have been unable to carry out. We do feel however that this state should adopt a better program for academic and vocational education and that as many rehabilitation programs be initiated as possible. Attached to this report, marked "Exhibit A", is Warden Hocker's admission that there are problems at the prison, and his acknowledgment of the need for improvements and the examples of programs being planned and initiated. It is further hoped that the charges that have been brought will be corrected and that this legislature will again look at the situation at the Nevada State Prison when it convenes in regular session in 1969.


Marvin L. White, Chairman

We acknowledge that there are many improvements needed at the Nevada State Prison. However, we wish to cite a few examples of the changes that have been made.

When I arrived one year ago there were many areas of racial segregation. Separate housing units, few jobs, and little hope existed for the Negroes. As in the outside community changes must be made in an orderly, deliberate manner. At the present time only one tier exists which is composed of all Negroes. This is an honor wing, and I believe that the men there have never indicated they would like to be moved elsewhere. Many jobs that Negroes have never been considered for are now filled by qualified, capable Negro inmates. These include clerical positions, maintenance, culinary, and laundry.

We are aggressively working to provide meaningful, productive jobs for every inmate who wishes one or who will work. All 275 men assigned to Medium Security Prison are engaged in a full-time program of work or training. At Maximum Security Prison we are investigating industrial programs such as upholstery, bookbinding, small appliance repair, etc. We hope to implement jobs which will provide savings to the state government and also will not compete with any Nevada private industry.

Our counseling services have been expanded and improved. We have recently started preparing cumulative case summaries on all new arrivals. This gives us a comprehensive picture of each inmate's background, potentials, and recommends an improvement program that he should follow. This is used by future classification committees to guide assignments.

Many "self-help" programs are offered and have been improved. Group counseling, alcoholics anonymous, gavel (toastmasters) club, and a chapter of the jaycees all contribute to helping an inmate change himself.

Inmates, just as people on the outside (including ourselves), would like to do easy time. We do not believe that this will necessarily work to societies' best interest. To change one's manner of reacting or living is not an easy task

and we are attempting to change these persons into useful, productive citizens.

We have made many changes and will make many more. We need the support of the legislature and the people of Nevada. We are operating a progressive, modern correctional facility and the favorable results of this have been evident in the drastic reduction of escapes, the added responsibilities which have been given the inmates, and the moving away from a paternal dictatorship to a sound, modern administration with the staff in command and special inmates no longer in charge.

54