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Leading Nevada Corrections Into the Future

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April 11, 2003

The Honorable Morse Arberry
Assembly Ways and Means Committee
C/O Nevada Senate
401 South Carson Street
Carson City, Nevada 89701

Dear Assemblyman Arberry:

The Department of Corrections would like to take the opportunity to present information regarding action taken at the Senate Finance Committee meeting on April 9, 2003 when closing six camp budgets. The issue was also taken up at the Assembly Ways and Means Committee meeting on April 11, 2003 during the closing of camp budgets. The comments below relating to LCB staff comments, relate to the Senate Finance meeting. There was some discussion regarding food expenditures and then action was taken to remove the Governor's proposed inflation rate of 1.8% for food from the budget for each of the camps closed. The inflation factor for food was not questioned during our budget hearings and no communication was provided by LCB staff or anyone else that indicated there was a problem with the food inflation decision units. We had been advised by LCB staff that our presence at this closing was not necessary as there were no controversial issues. The elimination of the food inflation factor came as a complete surprise. We would like to present information now and would be more than willing to provide this information as testimony, for the record, at a hearing.

The Department has not received an inflationary increase in prior years but was of the opinion that an inflationary increase was needed to keep pace with rising food costs. The Department provides meals for over 10,000 inmates and that amounts to 11 million meals a year. The Department has done all that is practical to achieve menu and purchasing efficiency and now must absorb inflationary pressure. Food cost is increasing and according to the U. S. Department of Labor, Bureau of Labor Statistics Producer Price Index - Commodities, Finished Consumer Foods, prices have increased on an average annual basis of 1.58 percent over the 9 years ending December 31, 2002. From December 31, 2002 to February 28, 2003 (latest month available), the index increased 2.7 percent. Food is a large component of our inmate facility budgets and amounts to approximately \$17.2 million over the 2003-05 biennium including inflation of

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SUBMITTED BY: Speaker Perkins

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\$742,000. The FY 05 average daily raw food cost for institutions (except Ely State Prison) is \$2.29 including the inflation factor, and for remote camps it is \$2.59. The Department of Agriculture gives us \$2.50 a day to feed stray horses from the Virginia Range. According to the 2000 Corrections Yearbook for Adult Corrections by the Criminal Justice Institute, the average cost for food for the western states was \$4.41. The average excludes Nevada, Hawaii (\$13.00 a day) and Wyoming (included labor in food cost), and the average would now be higher due to inflation.

LCB Fiscal staff indicated after the Senate camp closings that we would perhaps need to sell this issue using an issue other than inflation. This is astounding to us given that a free person in this country has to deal with the issue of rising costs in food, housing, medical, and transportation areas. Our request for a 1.8% inflation rate is more than reasonable given our history of frugal operation. A comparison of the NDOC and the Division of Child and Family Services (DCFS) budgets was drawn during the hearing. It was stated that there was no inflation factor for food in the DCFS budgets. This is an unreasonable comparison as this Department serves almost 11 million meals in a year. DC&FS serves less than 1 million. DCFS has several facilities that provide meals to residents. While it is true that there is no food inflation component in the youth offender facilities, the Federal School Lunch and Breakfast Program reimburse those facilities for a substantial portion of the food cost and their food costs are substantially higher than the daily rate for NDOC. The Southern and Northern Child and Adolescent Services divisions of DCFS serve meals at the Desert Willow facility and other living facilities. Those meals are purchased from the Mental Health and Developmental Services Division (MH/DS) of the Department of Human Resources and they use an independent contractor to prepare the meals using MH/DS facilities. Based on discussions with DCFS staff, in the south the cost is \$3.95 a meal (based on 199 meals a day) and that cost is going to \$4.04 in FY 04 and \$4.13 in FY 05 and those increases are included in the budget. In the north, the current cost is \$5.15 (budget is \$4.79) a meal and included in the budget is a 6% annual increase.

Diet and housing requirements for inmates are set forth in NRS 209.381 and 209.382. Following are provisions included in these statute references:

- Each offender must be provided a healthful diet.
- The state health officer shall periodically examine and shall report to the board semiannually upon the following operations of the Department of Corrections:
 - The nutritional adequacy of the diet of incarcerated offenders taking into account the religious or medical dietary needs of an offender and the adjustment of dietary allowances for age, sex, and the level of activity.
 - The sanitation, healthfulness, cleanliness and safety of its various institutions and facilities (note, this includes culinary operations).

These statutory requirements mean that the Department must conform to standards for inmate diets. We also strive to conform to the American Correctional Association (ACA) standards. The standard ACA principle is that "meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets established governmental health and safety codes. More specific standards follow:

- Dietary allowances, as adjusted for age, sex, and activity, should meet or exceed the recommended dietary allowances published by the National Academy of Sciences.
- A qualified nutritionist or dietician is a person registered or eligible for registration by the American Dietetic Association or who has the documented equivalent.
- Preparation of all meals should take into consideration food flavor, texture, temperature, appearance and palatability.
- Clinical diets should be approved by a qualified nutritionist or dietician.
- Therapeutic diets should be available upon medical authorization. Specific diets should be prepared and served to inmates according to the order of the treating physician or dentist.
- Religious diets should be approved by the chaplain.

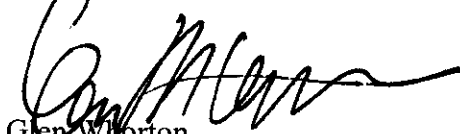
This food issue was misrepresented by the LCB staff as not being a security concern. This is absolutely untrue. Food is a significant security issue. Food is an issue that can unite an entire inmate population against our staff. This will place our staff at risk of retaliation from inmates. The employee groups completely agree with this analysis and will no doubt be in contact with you regarding this problem.

During the hearing, the comments by LCB staff indicated a retaliatory attitude over a question of staffing at ESP. This issue was also misrepresented. NDOC did respond to questions about ESP staffing in the communication dated 3/28/03, which is attached and evident in question 1, under the heading "Ely State Prison". Staff did not like the answer. Frankly, when LCB staff do not like an answer that we provide then we are accused of being uncooperative. NDOC is not going to reduce the posts at ESP. All of these posts are essential. I would challenge the staff to indicate which ones are not essential. As indicated in the response to the question, we are going to absorb the loss of 14 staff from our relief factor. This is the same as we did when we had over 60 vacant positions at ESP. Just because a position is vacant, we do not do away with the post. Currently there are 16 frozen positions, and 3 vacant positions at ESP. According to our personnel staff this is the lowest vacancy rate that we have ever had at this institution. It seems very poor policy to penalize the inmates on such an essential issue as food because of LCB staff's unhappiness over the response of the department regarding ESP positions.

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This Department is not an extravagant organization. We do more for less than any correctional agency in the Western United States. The very fact that the Department is not in the media displaying serious inmate conflict is a testament to that effective management. To reduce such an essential item as the food budget invites the kind of unrest and misconduct that is evident in other agencies. We have an obligation to provide a constitutional level of care for persons who we incarcerate. When our community chooses to incarcerate an individual then, by law, we assume the responsibility for that care. We appeal to you to restore the miniscule 1.8% inflation proposed in the Governor's budget to the camp budgets that have been closed and forego a reduction in the institutional budgets yet to be closed.

Sincerely,



Glen Whorton
Assistant Director of Operations

GW:scc

Cc: Kenny G. Quinn, Governor
Keith Munro, Legal Counsel
Assembly Ways and Means Committee Members
Debbie Reed, Budget Analyst IV
Jackie Crawford, Director
Darrel Rexwinkel, Assistant Director of Support Services

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