

**MINUTES OF THE MEETING OF THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS  
AND  
SENATE COMMITTEE ON FINANCE  
SUBCOMMITTEES ON PUBLIC SAFETY, NATURAL RESOURCES, AND  
TRANSPORTATION**

**Eighty-First Session  
March 3, 2021**

The joint meeting of the Assembly Committee on Ways and Means and Senate Committee on Finance Subcommittees on Public Safety, Natural Resources, and Transportation was called to order by Chair Brittney Miller at 8:05 a.m. on Wednesday, March 3, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:**

Assemblywoman Brittney Miller, Chair  
Assemblywoman Daniele Monroe-Moreno, Vice Chair  
Assemblywoman Sarah Peters  
Assemblywoman Robin L. Titus  
Assemblywoman Jill Tolles  
Assemblyman Howard Watts

**SENATE SUBCOMMITTEE MEMBERS PRESENT:**

Senator Moises Denis, Chair  
Senator Chris Brooks  
Senator Pete Goicoechea

**SUBCOMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Brody Leiser, Principal Deputy Fiscal Analyst  
Alex Haartz, Principal Deputy Fiscal Analyst



Assembly Committee on Ways and Means  
Senate Committee on Finance  
Subcommittees on Public Safety, Natural Resources, and Transportation  
March 3, 2021  
Page 2

Mary O'Hair, Committee Manager  
Adam Cates, Committee Secretary  
Bet Torres, Committee Assistant

**OTHERS PRESENT:**

Charles Daniels, Director, Nevada Department of Corrections  
Harold Wickham, Deputy Director of Programs, Nevada Department of Corrections  
Jenna Buonacorsi, Statistician 2, Director's Office, Nevada Department of Corrections  
James Jones, Acting Deputy Director of Support Services and Inspector General, Nevada Department of Corrections  
Dr. Michael Minev, Medical Director, Nevada Department of Corrections  
William Quenga, Deputy Director of Silver State Industries, Nevada Department of Corrections  
Brian Williams, Deputy Director of Operations, Nevada Department of Corrections  
William Gittere, Warden, Ely State Prison, Nevada Department of Corrections  
Christina Leathers, Chief of Human Resources, Nevada Department of Corrections  
Ralph Wagner, Chief Engineer of Plant Operations, Director's Office, Nevada Department of Corrections

**Chair Miller:**

[The meeting was called to order, roll was taken, and meeting protocols were discussed.] Today, we are hearing a few different budgets from the Nevada Department of Corrections. We have Director Charles Daniels and Acting Deputy Director James Jones with us presenting.

**Charles Daniels, Director, Nevada Department of Corrections:**

As of March 1, 2021, the Nevada Department of Corrections (NDOC) has an official population of 10,894. This number excludes pending transfers from local jurisdictions. NDOC has presented the state with budget reductions exceeding the minimum requested. We have also defended our strategies with the Nevada Sentencing Commission, the American Civil Liberties Union, and federal courts. We continue to partner with the Nevada Division of Forestry, Department of Conservation and Natural Resources, to provide firefighting assistance throughout Nevada and California. We do happen to struggle with staffing in rural areas despite retention and recruitment efforts, and we have also developed an agency mission statement, vision, goals, and core values with a focus on the Governor's mission to include public safety, staff safety, and offender safety.

Please allow me to introduce you to my executive team [page 2, [Exhibit C](#)]. From left to right we have our Acting Deputy Director of Support Services, Inspector General James Jones; our Deputy Director of Silver State Industries, William Quenga, who also serves as

our public information officer; Deputy Director of Programs, Harold Wickham, who is up north with me today; Deputy Director of Operations, Brian Williams, who is also here with me; Medical Director, Dr. Michael Minev, who is down in our southern office today; and we have Christina Leathers who serves as Chief of Human Resources. Today, my team and I will be covering our mission and vision, goals, major issues, population trends, capacity and housing, the Governor's recommended budget, medical, and prison industries [page 3]. Then, we will cover budget account (BA) 3710 for the NDOC Director's Office, BA 3751 for the Ely State Prison, and BA 3747 which is for the Ely Conservation Camp [page 4].

Major challenges moving forward are COVID-19 mitigation efforts including inmate and staff vaccinations, health care and Hepatitis C costs, Ely State Prison and Ely Conservation Camp staffing, agency recruitment and retention at our rural locations, agency modernization and implementation of evidence-based programming, and strategic evolution of agency operations that will be more in line with corrections industry standards and best practices [page 5, [Exhibit C](#)]. This includes integration of technology, implementation of a task-centric staffing model as opposed to our current post-centric staffing model, and effective intervention of criminal activity by offenders in our custody such as extortion, human trafficking, narcotic distribution, and other continuing criminal enterprises.

Before you is the exact language in our mission statement [page 6, [Exhibit C](#)]. As opposed to reading it, I will tell you the key points. We firmly believe we are mandated to operate consistently with the Eighth Amendment of the *United States Constitution* which also talks about safe and humane conditions for our inmates. We know that we must prepare our inmates for their eventual reentry back into society. By the time an inmate gets to us, they have gone through the enforcement end of our criminal justice system. They have also gone through the prosecutorial piece as well as the judicial piece; however, once an inmate is with us on the imprisonment side, we go above and beyond in trying to identify what their needs are. If they have any addiction issues or mental health issues, we try to identify the issues that genuinely impact an inmate. Then, we put that inmate on a plan to be able to help him or her move forward with their education, vocational training, or any other type of training that, once they leave our confines, will lead to a high probability, not a likelihood, that they will not recidivate.

We believe that our upcoming programs in the future will help us meet those needs, and we are looking at moving forward with our partnerships with the private sector as well as labor unions and others. We want everyone to understand that it is our goal to be extraordinarily impactful on those people who have been removed from society. When they are returned, we will have done everything we could to ensure that they can reconnect with their families as well as move forward with a life in which they have dignity and self-respect. So, that is where we are in our mission statement. Our goal, of course, is the probability, as opposed to the possibility, of success.

Our vision is very simple, but at the end of the day we are going to hold our staff to be corrections professionals, and we operate under the highest ethical standards [page 7, [Exhibit C](#)]. We are also providing offenders with an incentive for self-improvement and the tools of effective change. This is a collaborative effort from modeling behavior to understanding our laws and how we deal with our inmate and offender population. At the end of the day, it is about ensuring that we treat them with dignity and respect and do not abuse our authority, to make the life for the inmates better, and to continue to move forward with having an impact in our community.

Listed on the next slide are several of our agency's goals [page 8]. I will not read all of them to you, but I will tell you that we are going to continue with our professional development. We are going to spend a lot of time and effort improving our vocational frame and our reentry efforts. We believe that we do this well, but we can do much better. We are changing the landscape, and we want to serve as the model for the United States in corrections in terms of preparing our inmates for their reentry back into society. At this point, I would like to turn over the presentation to Deputy Director Harold Wickham.

**Harold Wickham, Deputy Director of Programs, Nevada Department of Corrections:**

I have the distinct role of supervising our reentry division which works in collaboration with our community partners to return offenders successfully to the community. I also cover the education, substance abuse, mental health, and offender management divisions, and we will be talking about that in future budget presentations. Next, I want to talk about our population trends [page 9, [Exhibit C](#)]. We had two major events in 2019 that dramatically decreased our admissions. Obviously, there was a reduction in the admissions as well as [Assembly Bill 236 of the 80th Session](#) (2019). The big question here seems to be how long will it take for the COVID-19 impact to correct itself? Obviously, we cannot answer that just yet, but we, as well as the JFA Institute, are monitoring it.

You will see on the next slide our male population trends [page 10]. The red line indicates the legislatively approved forecast, and then you can see our actual numbers which show a significant decline in the male population. You can see the difference between that and the Governor's recommended forecast as well. You see the same basic trend in our female population—a large reduction in the amount of admissions [page 11]. To clarify that, you can see that in the male admissions and releases in 2019 we had 755 more releases than admissions [page 12]. Then, in 2020, you can see how that increased to 1,084 more releases than admissions. Our population is obviously trending downward. The next slide shows the female admissions and releases [page 13]. Again, in 2019 there was a significant difference from 2020 where we had 242 more releases than admissions. I will ask our statistician, Jenna Buonacorsi, to cover the next two slides on caseload adjustment, capacity, and housing.

**Jenna Buonacorsi, Statistician 2, Director's Office, Nevada Department of Corrections:** Regarding caseload adjustments [page 14, [Exhibit C](#)], you will see that the legislative approved budget for fiscal year (FY) 2021 shows an 8.3 percent increase when compared to FY 2020. When you look at what the Governor recommends for FY 2022 and FY 2023, you will see that we are actually projecting a decrease. For that 8.3 percent increase, it is important to know that this projection was finalized in 2019 in a pre-COVID-19 world. So far in the first six months of FY 2021, as of December 2020, the NDOC has an average inmate population of 11,309 for the fiscal year. This shows a more accurate representation of where our population is heading by the close of this fiscal year.

In terms of capacity and housing, there were a couple major changes that took place [page 15]. The first is the return of out-of-state inmates from Arizona in November 2020, and the second is the effect of COVID-19, the common theme throughout this projection presentation. It has presented a different scenario than last session. What you see is the projected male population and female population for the Governor's recommendation, phased for June 2023, and broken down by custody level to give you an idea of the projected custody to come. Thank you and I will pass this off to acting Deputy Director Jones.

**James Jones, Acting Deputy Director of Support Services and Inspector General,  
Nevada Department of Corrections:**

The Nevada Department of Corrections (NDOC) is primarily funded by State General Fund appropriations [page 16, [Exhibit C](#)]. As the pie chart indicates, the State General Fund appropriations are roughly 84 percent of the total funding for the Department. The Governor is recommending \$665 million in State General Fund appropriations for the 2021-2023 biennium. The next largest funding source outside the reserves would be the inmate commissary sales which is roughly \$29 million over the 2021-2023 biennium. Additionally, the Governor's recommended budget includes \$5.53 million for room and board charges which is a State General Fund offset for NDOC. The Governor's recommended budget includes funding for 2,946 full-time employees departmentwide.

The activity budget tracks performance measures used to measure the essential functions with which the agency is funded [page 17]. As the pie chart indicates, the largest performance measure for NDOC is related to our medium, close, and maximum security inmates. The performance measure includes maintaining the staff and offender safety within the institutions. The next largest performance measure is medical which comes in at 16 percent.

The major budget initiatives for the Governor's recommended budget are reflected on page 18. The Governor's budget recommends \$236,382 with varying funding sources to replace equipment departmentwide that has exceeded its useful life. The next major initiative is the law library e-filing, which is a court mandate. This recommendation funds two administrative assistants at the Southern Desert Correctional Center and Florence McClure Women's Correctional Center to comply with the court mandate for civil and habeas corpus

e-filing as was previously approved in prior legislative sessions. The budget initiative is funded with inmate welfare funds for \$201,587. Another major budget initiative is the continuation of rural pay for staff at Ely State Prison and Ely Conservation Camp. As a background, the 2019 Legislature approved a 5 percent rural pay increase for all custody positions to include lieutenants, sergeants, senior correctional officers, and correctional officers at Ely State Prison and Ely Conservation Camp. This request continues that funding with approximately \$624,000 in State General Fund appropriations.

Now we are going to discuss some one-shot appropriations [page 18]. The Governor is recommending \$2.2 million in State General Fund appropriations to update the Nevada Offender Tracking Information System (NOTIS). The current system uses hardware and software that will soon be unsupported which could cause a security risk and put our production systems out of compliance. If we choose to stay on unsupported versions of Oracle, we will be required to pay for additional extended support.

The NDOC is a key contributor to the overall criminal justice system of Nevada. The current NOTIS system is utilized by numerous law enforcement and court agencies within Nevada as well as the Department of Public Safety, the Nevada Attorney General's Office, the Nevada Board of Parole Commissioners, the National Crime Information Center, and the Federal Bureau of Investigation. Our existing application has limitations on its functionality based on the technology and various third-party programs utilized by NOTIS that are reaching end-of-life and will no longer be supported.

In FY 2018 and FY 2019, NDOC received money to upgrade our production databases and application servers to Oracle 12. As we were way behind on upgrades to our version and it was going out of support, the move to the next generation of NOTIS safeguards against technological obsolescence, allowing the agency to utilize the most current and up-to-date technology available. The move to Ciscron's NextGen product also serves to protect the state from increased support and operating costs associated with software product end-of-life. NextGen introduces features that optimize and capture offender information and provides mechanisms that greatly enhance the ability of system users to locate and view critical offender details immediately. The NDOC will continue to evaluate the best in NOTIS which is a continuously evolving product and which, on occasion, we are forced to upgrade.

Similar to Microsoft Windows upgrades, there will be security risks due to the inability to upgrade the Oracle Database. The Nevada Board of Parole Commissioners, Nevada Parole and Probation, and approximately 20 interfaces will be vulnerable as well. Upgrading to Ciscron's NextGen product will also allow us to depreciate our current NOTIS web reporting module which is based on outdated HTML packaged page generation using PL/SQL technology. This is currently desupported in its own shape and form. To overcome this, we had to tweak the database projects that supported it while taking the performance hit. Support of the NOTIS web is labor intensive and duplicative for the purposes of allowing the department staff to output data into Excel and perform some data entry outside of NOTIS.

Our system administrator has informed the department that future upgrades to our Oracle Database and application servers may render the NOTIS web inoperable.

The next one-shot is for the Department Offender Sentence Management (OSM) system. The Governor is recommending \$1.4 million to fund OSM reintegration back into NOTIS. The OSM performs the sentence calculations required by *Nevada Revised Statutes* and was built in-house with Java technology that we unfortunately cannot support. The reintegration will allow Ciscon to provide the support. Ciscon is our vendor for the NOTIS system. The OSM is our department's mission critical application. It uses sentence calculation features that automate, to a limited extent, the calculation, adjustment, and important dates associated with an offender's status. The OSM has many limitations. It requires the utilization of both internal and external resources in order to continue to function with the critical sentence calculation process. Current sentence calculations are run once a month every month, and average 20 hours per round.

When NDOC originally purchased the Offender Sentence Management system in 2005, it paid for a license and implemented a module software program that provided sentence calculations and accounting functionality. By implementing the sentence calculation and accounting features within NOTIS, this ensures consistency in the administration of all offender sentences within the state. A real time calculation with offender sentences and accounting associated with these sentences permits effective and timely analysis of offender populations within the state, and supports early proactive identification of offenders' eligibility for parole or suitability for community transition activities such as transfers to less secure facilities and community based housing.

Integrating our current unsupported OSM back into the NOTIS system will provide us 24 hours per day, seven days per week, vendor programming support needed to ensure that our department can continue to calculate offender sentences as per state law. It also allows the ability to make time-sensitive changes to the sentence calculations algorithm based on new legislation and changes to NDOC policies and procedures, as well as generate and update sentence calculations in real time. Furthermore, with OSM tightly embedded within NOTIS, our system can be proactive in driving sentence defendant business processes. For example, when an offender's sentence wait status changes, a trigger can be developed that automatically sends a message to classification personnel identifying that a reclassification is required.

The next one-shot is for surveillance cameras and storage area networks (SANS). This recommendation funds the continuation of critical camera systems departmentwide and replaces SANS departmentwide. The SANS provide data backup services for critical software development. All these items are past their useful life. This would be funded with \$247,012 of State General Fund appropriations. A one-shot would fund culinary equipment at High Desert State Prison. A total of \$102,747 in State General Fund appropriations would be used to replace culinary equipment that is beyond its useful life at



High Desert State Prison. The Governor recommends a General Fund one-shot of \$196,523 to replace medical and dental equipment throughout the Department that has exceeded its useful life. Additionally, the Governor is recommending \$6 million in State General Fund appropriations to fund a Hepatitis C consent decree from FY 2021 to treat inmates for Hepatitis C.

Finally, there is a supplemental appropriation with the Governor recommending \$500,000 in State General Funds to fund a potential shortfall in Category 50 inmate-driven costs stemming from a court ruling related to the NDOC nutritional adequacy for food in the corrections system.

The NDOC uses an inmate-driven rate to capture costs associated with operating supplies, inmate supplies, clothing, inmate labor, and food and bakery items [page 19, [Exhibit C](#)]. As you can see by the chart on the right, the Department is experiencing a 32.74 percent increase overall on average between the 2019 legislatively approved rate which was roughly \$1,310 per inmate. The Governor's recommended rate is \$1,739 per inmate. The primary reason for this is the increase in food costs that we have experienced departmentwide. We have seen approximately a 35 percent rise in food costs in order to implement the menu based on the court ruling. I would like to turn the presentation over to our Medical Director, Dr. Michael Minev.

**Dr. Michael Minev, Medical Director, Nevada Department of Corrections:**

The Nevada Department of Corrections (NDOC) has been proactive and flexible during the COVID-19 pandemic through the implementation of agency specific Center for Disease Control (CDC) and local health authority guidelines [page 20, [Exhibit C](#)]. With the advent of the COVID-19 vaccine, NDOC is currently prioritizing vaccination efforts for all eligible staff members. Given that staff members are constantly interfacing with their communities, they are most likely to spread the COVID-19 virus to other staff and to susceptible offenders. As of February 26, 2021, 32 percent of Ely's total prison staff have been vaccinated for COVID-19 and 62 percent of the offender population at Ely State Prison have agreed to be vaccinated for COVID-19. The close collaboration of the NDOC Prison Industries Division with local health authorities has yielded personal protective equipment for all NDOC staff and inmates. The acquisition of the BinaxNOW rapid COVID-19 test kits has allowed Ely State Prison to more effectively identify infected staff and inmates in a timely manner. Ely State Prison currently tests both staff and inmates for COVID-19 on a weekly basis. We believe testing for COVID-19 has not only reduced the frequency of inmate outbreaks, it has also facilitated a clearance of staff to return to work in a timelier manner.

The NDOC continues to identify and treat inmates infected with Hepatitis C. As of February 18, 2021, Ely State Prison has identified 26 active Hepatitis C infected offenders, eight of which are priority level one inmates who will receive treatment by April 30, 2021. The NDOC Medical Division has partnered with Northern Nevada HOPES clinic and



Renown Health to facilitate the treatment of these inmates. Now, I would like to turn over the presentation to William Quenga, Deputy Director of Prison Industries.

**William Quenga, Deputy Director of Silver State Industries, Nevada Department of Corrections:**

I will be speaking about the Prison Industries Division, our mission, what we do, new industries, growth, how many inmates are working, and challenges [page 21, [Exhibit C](#)]. Our mission in the Prison Industries Division is to reduce government operating costs and provide offenders the skills necessary to successfully reenter society in an American National Standards Institute (ANSI) safe operation of correctional facilities. We want offenders to be released and have a way to support themselves and their families again. We are constantly seeking out ways to connect offenders with emerging employment needs in the community because our strongest investment to prevent recidivism is to help them become self-reliant. Some of the industry skills they learn while in the program can earn them up to \$90,000 in Silicon Valley and in northern and southern Nevada as they reenter society. Prison Industries is a self-sustaining operation. It provides meaningful work and job training which includes certifications for offenders in the production of goods and services with little or no direct cost to the taxpayer. Operations at Northern Nevada Correctional Center include furniture and metal fabrication shops, print bookbinding, embroidery screen printing, mattresses and upholstery, as well as auto refurbishing. Lovelock Correctional Center has a garment and a drapery factory. High Desert State Prison hosts card sorting and hanger sorting. Southern Desert Correctional Center hosts an automobile refurbishing and repair shop.

With the onset of the COVID-19 pandemic, much of the world found itself in a shortage of personal protective items. Silver State Industries (SSI) filled the gap by producing hand sanitizer, face masks, face shields, and gowns. Silver State Industries also welcomed Allwire Incorporated from central California through the California Prison Industry Authority program. They moved their operation to Nevada and the Southern Desert Correctional Center. Allwire Incorporated manufactures cable wire harness assemblies, printed circuit board assemblies, and electromechanical assemblies for high reliability in commercial applications. It employs approximately 25 offenders. With the skills that they learn in that operation, they have a potential to earn anywhere from \$60,000 to \$90,000 annually once they reenter society.

Stewart Conservation Camp is home to the ranch, dairy, and horse training program. In partnership with the Bureau of Land Management, SSI is in the bid process of increasing its wild horse capacity from 2,000 to 4,000 head. We now have approximately 500-600 offenders who are working at SSI at any given time.

**Chair Miller:**

I would like to stop here so that we can start asking questions of the NDOC because I know that members are accumulating a lot of questions right now. The way that our materials and resources are organized, we would like to start at the very beginning if that works for

everyone. I would like to ask one brief question to frame this for us all. How much does the state spend per inmate? What is the average annual cost per inmate?

**Charles Daniels:**

We can get you a figure. Can we get that to you momentarily?

**Chair Miller:**

Absolutely. We will move on to the next question.

**Assemblyman Watts:**

Thank you for the overview to this plan. It is a lot of information. I know you discussed the inmate population, and I was wondering if you could provide some additional detail on the factors that have gone into declining inmate numbers in both the male and female populations for the biennium.

**Charles Daniels:**

Right now, there has been a confluence of many issues that have contributed greatly to the reduction in our inmate population. Since we started mitigating COVID-19 procedures and implemented them, the state was impacted greatly. For instance, we do not receive as many individuals from the local county jails as we used to, nor are there as many trials. Many individuals who would have normally been prosecuted were in turn given tickets, and their issues will be addressed a bit later. With fewer inmates going into the system, with fewer prosecutions, and all the other things that have impacted the state, for instance the hotels and a lot of places to eat being closed down, there have not been that many individuals involved in the criminal justice system from a prosecutorial end or an enforcement end. Therefore, of course, the judiciary does not have as much to do, although the work is extraordinarily important. We do recognize once the circumstances change, provided there are no additional issues related to changes in law, we anticipate there will be an increase to what we would consider to be normal. We believe that the numbers will increase, and we also believe that will be a steady increase moving forward. Right now, we cannot tell you all the reasons why because we are in new territory as it relates to COVID-19. We do realize that at some point in time the tide will be turned, and our inmate population will increase accordingly.

**Assemblyman Watts:**

The Chair asked a bit about the inmate-based cost, but what have the fiscal impacts been as a result of the declining population in comparison to what was legislatively approved?

**James Jones:**

I will need to take a moment to confirm with some staff, but I am sure we can get something for you.

Assembly Committee on Ways and Means  
Senate Committee on Finance  
Subcommittees on Public Safety, Natural Resources, and Transportation  
March 3, 2021  
Page 11

**Assemblyman Watts:**

It would be great if you can send that to Subcommittee staff so we can get it to all of the members.

**Senator Denis:**

I want to follow up on the fiscal impact, but I also want to talk about the fiscal impact of transferring inmates from Ely to Pioche and what that impact has been on the current fiscal year.

**James Jones:**

If you can give me a moment, I can probably get something here for you in the next few minutes.

**Senator Denis:**

While you are working on that, maybe you can answer this: what is the timeline to reopen Ely Conservation Camp? What are the tasks and other things that need to happen for that camp to be able to be open?

**James Jones:**

Staffing levels are so low at Ely State Prison that the camp was closed on July 8.

**Senator Denis:**

I am talking about the Ely Conservation Camp.

**James Jones:**

Yes, the staff from the conservation camp were moved over to the Ely State Prison to help staff there. I can refer this to Warden William Gittere or I can semi-answer your questions. When the staffing numbers are able to go up at Ely State Prison where they can safely staff our maximum security state prison, then we can put staff back over at Ely Conservation Camp and get it back open.

**Senator Denis:**

That is what I was looking for. Can you discuss a little bit about your intent to reclassify Ely State Prison and High Desert State Prison?

**Brian Williams, Deputy Director of Operations, Nevada Department of Corrections:**

Over the past year, NDOC has been challenged to identify and review best practices for our Department. All factors such as public, staff, and offender safety have been taken into consideration while also adhering to the offenders' constitutional rights. Over the last several years, starting in December 2017, we had a total of 53 vacancies. In July 2018, the number of vacancies increased to 73, and in January 2019, we had a total of 83 vacancies. As we stand today, Ely State Prison has authorized 289 total uniformed staff. Ely State Prison currently has available to them 160 assigned positions that are filled. They have 62 vacant

positions, and they have another 63 reassigned and unavailable for their use at this time. These 63 positions have been reassigned to other facilities throughout the state to help with their staffing shortages. This gives Ely State Prison 125 custody positions below their total authorized staffing. That is part of the reclassification that we are looking at. I would also ask that you all be understanding to the sensitive and confidential nature of this proposal as we move forward as it deals with staffing and the movement of inmates. Ely State Prison's current staffing is 289 for a maximum security prison. We are looking to reduce it to 223 staff for a medium custody facility. High Desert State Prison has a total of 516 for a medium security prison. Their staffing will increase to 582 for a maximum security prison.

**Senator Denis:**

What would the budget implications be of doing that?

**Brian Williams:**

I would defer that to Warden William Gittere.

**Senator Denis:**

In your response, please note any capital improvements that may be necessary. I am wondering about that whole process.

**William Gittere, Warden, Ely State Prison, Nevada Department of Corrections:**

To speak to your question, Senator, essentially by changing our mission or our classification from maximum to medium, we reduce the number of custody staff that are required to safely execute that mission down to where we can sustain it. For instance, with the medium mission, our total authorized staffing would be 223, but our standard staffing required to do the mission for sustained operations would come down to approximately 160. I have 160 officers on my roster right now, so instead of incurring \$2.4 million per year in unfunded overtime to staff us at a maximum capacity standard, we would nearly zero out our overtime for vacancies if we flipped and became a medium security prison.

**Senator Denis:**

Okay, so what about the opposite? At High Desert State Prison you are going the other way, right? What is the impact on High Desert State Prison?

**William Gittere:**

That would be correct.

**Brian Williams:**

Currently, High Desert State Prison is a medium security facility and it is also our intake facility. Being our intake facility, over 70 percent of our inmates come from the Clark County area to High Desert State Prison. You are talking about maximum security inmates and death row inmates who are already coming through High Desert State Prison. It is also unique in that it is also designed with electric security fence around the facility, so we are

better able to accommodate a higher custody level at High Desert State Prison. We do not foresee any major cost increases with this reclassification of High Desert State Prison from Ely State Prison.

**Senator Denis:**

What about the overtime and the vacancies? Is that going to change?

**Brian Williams:**

We are hoping that by being able to recruit in the southern Nevada and Las Vegas areas that we will be able to increase our staffing to help with the overtime that you are currently seeing at High Desert State Prison. But also, with High Desert State Prison, a lot of the overtime you are currently seeing is due to hospital coverage and transportation that we have to do that we are not legislatively mandated for.

**Assemblywoman Titus:**

I want to go back to the prison population question that was asked by Assemblyman Watts. With the numbers that you projected, about 10,000 versus 12,000 inmates right now, the reasons for that, and there are a multitude of reasons, we appreciate you answering that. But perhaps when you do get us some numbers, you could provide us a comparison of where we are per population compared to other states. I think that would be a good thing to see. Right now, we have about 10,000 inmates, and we have about 3 million people in our state. Is that a national average? Where do we fall in comparison to what other states are doing, and how many individuals do they have in prison? If you are prepared to give us those figures on a national level now, that would be great. If not, a follow-up would be good.

**Charles Daniels:**

We will be happy to gather that information for you, and we will follow up as soon as possible.

**Assemblywoman Titus:**

You mentioned that the prison population number included the inmates that we had sent out of state to Arizona who had been brought back to our state per legislation that we passed last session. There were arguments made in the past that sending those inmates out-of-state was for their own security; maybe they had a particular health reason, and maybe they belonged to a certain gang or group that they needed to be separated from. I am wondering if you have any statistics on those inmates. Specifically, have there been any increasing attacks or threats on their lives? Have there been any negative consequences to bringing those inmates back to the state that you know of?

**Harold Wickham:**

The consequences we have seen from bringing them back have been no more than any other inmate population, but it has been relatively new since we brought them back. Currently, there is no significant uptick from that population versus any other population. We were

very cognizant of bringing them back. We took our time and provided the appropriate spaces based on offender management's expertise on where we should house the offenders. And so far, we are having a pretty good success with it.

**Assemblywoman Titus:**

Thank you for that. Obviously, they are our responsibility, and we certainly want to make sure that we keep them safe. Since we went through all these budgets, one of the comments that you made is that seven or eight Hepatitis C inmates in Ely State Prison would qualify for treatment starting April 2021, which I think is a good thing. You mentioned it was going to be through the Northern Nevada HOPES clinic. I did not see it anywhere else in the presentation or anything that we have, so I am just wondering if you could give us an overview? I am sure you are not prepared to do that today, but maybe send out to all members something about the number of individuals you have identified in that category to be treated, potential cost of that, and access to care as we have had discussions in the past from health care and diagnostic aspects. We know that we are responsible for our inmates, and I want to make sure we are doing everything we can for them based on Supreme Court decisions, et cetera. I would like a follow-up at some point when you have more data, and I know you are not prepared to do that today. I look forward to more information.

**Chair Miller:**

We will have in-depth information on that topic in a few weeks when the NDOC appears before the Subcommittees again. Thank you for that question because I think it prepares the Subcommittees for some information that we will be looking forward to receiving.

**Charles Daniels:**

I will follow up on several questions that we needed to gather the information for. I am prepared to provide that information as it relates to the cost. Would that be permissible?

**Chair Miller:**

Yes. After Senator Goicoechea gets his questions in, we are eager to hear your responses.

**Senator Goicoechea:**

I am very interested in the fact that we are still looking at reclassifying Ely State Prison and High Desert State Prison. I think it is critical to make it work. As our numbers reflect, the maximum security prison in Ely is just over 50 percent of capacity. We know that is staff-driven just because we cannot put the staff in place. The subsequent impact of that is the fact that the Ely Conservation Camp is closed. We have a lot of resource work that has been contracted for. Clearly, it will be paid for in many cases by the federal government if it is wildland fire interface or fuel reduction. I know they did a lot of these projects a year ago and that fuel load is still on the ground and has never been picked up or cleaned up. I realize the Nevada Division of Forestry (NDF) technically contracts for it, but it is critical now with camps in Pioche, Wells and Carlin trying to pick up the slack because of this huge void created by the closure of the Ely Conservation Camp. A lot of the work is not getting done,

so I would like to know what we are looking at, as far as how long it will be, before we know whether we are going to reclassify those two prisons. Otherwise, I am afraid that if we do not reclassify it, I do not know if the ability to staff the Ely Conservation Camp can happen.

**Harold Wickham:**

Yesterday I reached out to NDF's Kacey KC, Nevada State Forester and Fire Warden. We had a very good conversation about getting these camps back in business. We are looking at making some significant policy changes as COVID-19 starts to wane, and as our offenders start to get vaccinated. We are looking at changing some policy that will make it a lot easier for the NDF to bring crews out. I cannot speak for NDF on their ability to provide the crews based on their staffing, but there are some logistics we still need to work out.

As far as Ely Conservation Camp being closed, we are going to have to either take the offenders from Pioche or find a way to use minimums out of Ely State Prison. That is a project we are currently working on. I talked to Director Daniels about it yesterday. We are also easing some of the restrictions for the Carlin Conservation Camp so we can get those community trustees back out to work, but, again, it is going to take some coordination to make sure that we are COVID-19 compliant.

More than anything, we want to make sure that if we send the offenders out to work that they are safe and that the community is safe as well in regard to COVID-19. That has been our big hold up, but I can assure you we have the fire stoked to get these offenders back out to work as quickly as possible. As far as a date, I cannot give a solid date, sir, but I can tell you it will be in the very near future that we get these guys out. When I say that, I am talking the next couple weeks to a month depending on COVID-19 things.

**Brian Williams, Deputy Director of Operations, Nevada Department of Corrections:**

I just want to clarify, I spoke to Kasey KC as well after she spoke to Deputy Director Wickham, and I did send a memo out to her as well as my wardens authorizing the use of the camp inmates with specific protocol for when they are in the public. I also discussed that with our Medical Director, so that should have started yesterday, probably today, but I know it will be in effect on Monday as far as those crews going back out to do their NDF fire crew and mitigation work in different areas throughout the state. That has been approved, that is out, and everybody has been made aware.

**Charles Daniels:**

In addition to what both the deputy directors stated, I just want to state publicly that we have a very good working relationship with the Nevada Division of Forestry. We have also had a very difficult time with the spread of COVID-19 within our camp populations. We have always availed our inmates to go out and fight fires, and we know that there have been some concerns as to what we do now if we have fires. Our crews have still responded to the fires, and they will continue to respond. Some of the community trustee work had to be shut down somewhat due to COVID-19 mitigation efforts, but we are working with our partners.



Getting back to Senator Goicoechea's comment, as we have spoken in the past as well, our goal is to open the camp as soon as possible at Ely, but right now our staffing is so critically low that we have to ensure we have enough resources to man the higher security level inmates. Our staff have an expectation that we have enough staff there to support them in the event we have some challenging situations.

**Senator Goicoechea:**

I appreciate that, and I assure you that it is about the safety both for the inmates as well as our officers working there, but it is also a revenue site. Again, I believe most of these contracts, especially if it is resource work outside of fire, do help pay some of the bills. I know it is beneficial for all of us, including the inmates, to have the ability to go out and work, especially if you are in an honor camp or in a minimum security facility. We are all trying to get through this together and it has been a very trying time.

**Chair Miller:**

Director Daniels, would you like to give the responses that you were able to gather?

**Charles Daniels, Director, Nevada Department of Corrections:**

The first set of numbers I am going to provide you are the inmate costs. The reason that we had to go gather information is there is no one number. It is based on the security level. Obviously, the higher the security level, the more it costs to keep someone safe and to be able to monitor them in a manner necessary and consistent with their security level. As it relates to our institutions, our overall operating costs are \$51.19 per day. But when you break it down, there is \$30.25 for our remote camps. For our nonremote camps, it is \$22.11. For our transitional housing, it is \$37.58. So, the overall costs are roughly \$47.49. I will also share with you that if we were to determine what our cost per inmate was, in 2019 that cost came out to \$15,480 per year. In 2020, it was \$19,926. There are projections that continue to go higher, but those projections were based on data that was gathered prior to COVID-19. Although the numbers may change in terms of percentage, they will not be too far off from where they are now later on in the balance.

**Chair Miller:**

Was there some more about the fiscal impacts or are you still gathering that information?

**Charles Daniels:**

I do believe Acting Deputy Director Jones is researching that information, and I am not sure if he will be able to have it retrieved during this meeting. However, in the event he does not, we will certainly get that back to you as soon as possible.

**Chair Miller:**

Can you also submit to us in writing what you just explained—the prices per day breakdown?

**Charles Daniels:**

Yes. I think there is a side note that everyone should be aware of as it relates to daily cost per inmate. There are a couple of caveats. Our daily operations costs of incarceration are authorized with each fiscal year budget as approved by the Nevada Legislature in each legislative session; however, they do not include medical, administrative, or programming costs. If you were to average those in, it would be higher. I want to ensure everyone is aware. We can submit that footnote so you understand this is not the entire picture. Some of the things that we do, services we provide, are actually unfunded, and we just work with it the best we can.

**Assemblywoman Tolles:**

In your presentation, you mentioned that mental health and substance use were under Deputy Director Wickham's purview. I am wondering is that also in collaboration with Dr. Minev, the Medical Director, or is that separate?

**Harold Wickham:**

The medical side is definitely not under the Programs Division. That is a separate budget. Mental health and substance abuse fall under the Programs Division. We will have a budget hearing coming up in the near future on those.

**Assemblywoman Tolles:**

I will leave it for that. I wanted to make sure I heard you correctly, so I had that clear in my mind. My one-shot appropriation question is about the food costs according to the court mandate, \$500,000 [page 18, [Exhibit C](#)]. I know of particular interest to some of our inmates is not only the quality, nutrition and so forth, but also the availability of kosher food. I am wondering if that is included in that.

**James Jones, Acting Deputy Director of Support Services and Inspector General,  
Nevada Department of Corrections:**

The \$500,000 is to cover an offset of overspending for this fiscal year due to the Supreme Court ruling to update our nutritional menu. As far as the kosher meals, I am being told they are included.

**Assemblywoman Tolles:**

Yes, they are included?

**William Quenga, Deputy Director of Silver State Industries, Nevada Department of  
Corrections:**

Yes, the kosher meals are included.

**Assemblywoman Peters:**

My questions are related to the task-centric staffing model. Can you talk about the impact on the budget should there be a shift from a post-centric model to a task-centric model, and what that would look like?

**Charles Daniels, Director, Nevada Department of Corrections:**

The differences in the two types are a difference in our ability to accomplish all the tasks that are required of a corrections agency to further public safety, staff safety, and inmate safety. Having said that, we do not have an operational plan for that. That has not been approved, so therefore, I need you to be aware that that is not something we are putting into effect today or tomorrow. It is just something that we know we need to evolve in. I will be careful in my responses because it has not been approved.

The actual value in the task-centric model is that many of the things that are currently required of a corrections agency we either do not do or we do sporadically, and typically only in emergency situations. Corrections has changed exponentially since the late 1980s, and for whatever reason, we have not kept up. We want our staff to be able to do more. I do not anticipate an increase in cost although I cannot make that statement because I have not done all of the research. But I will tell you this—we would be able to get much more bang for the buck, and we will know exactly what we need to do. We can measure what we do, and we can ensure that anything and everything that we are responsible for, to include continuing criminal enterprises and such, that we have the amount of staff with the right training to assist us in interdicting those problems.

One of the things where we are somewhat remiss is in dealing with the criminal element within our prison system that is having an impact on the citizens. You will primarily see that through various forms of extortion. We know that there are better ways to do it, but we do not have the staffing to accomplish it. But if we post individuals, assigned staff that are at work, to multiple tasks, we can still do what we need to do as a collective. Right now, I do not have any data in terms of numbers. I feel very comfortable in saying that although I do not have those numbers there will not be a huge change upward or downward. It is just that we are able to utilize our staff much more effectively, as needed.

**Assemblywoman Peters:**

Thank you for the clarification. That does answer some of my questions around where you are within that transition and planning. I did want to ask though, and I know you said you want to be careful about how you talk about this since it is not approved yet, but where are you in the planning process for that move from post-centric staffing to task-centric? Do you expect it to be something that is approved and finalized within the next biennium?

**Charles Daniels:**

The answer is unknown because I cannot determine when this will come up and/or we do not have concurrence yet from the Office of the Governor. As you know, we work for the

Executive Branch. I am very cautious about speaking in terms of time, only because we do not know. But I will tell you we have looked at it, and we have even created sample rosters. We also created how we would bid them, and how a staff member here right now is assigned to one post, one area for eight, ten, or twelve hours and goes home.

Using a task-centric model, the benefits would be that at certain parts of the day you would assist with shaking down cells, doing cell searches, and at other parts of the day you may be asked to do some escorting, or will be training. We will utilize field training officers and will have actual lesson plans on each topic. We can go in and follow the training of all of our staff. We have a responsibility for professional development and ensuring we are getting the best bang for the buck from the individuals who sign on and work for us. They also want to know that we care about them, and we will avail them to many opportunities and experiences.

Typically under the current model, if someone else has a post for a year and you cannot get one through seniority, you will never get the type of experience that you may seek to further your own professional development. This is a win-win for everyone, but there is a large piece of this that has to deal with our ability to deal with offenders who are still violating the law. If you want to look at things such as human trafficking or distribution of narcotics, it does not matter whether an inmate is incarcerated or out on the streets; they can still do it if we do not, in fact, interdict it. There are many I could bring up, and I certainly do not want to give up our methods, but I will tell you we must do a better job. I believe that the citizens expect us to do a better job, and every time we find out that one of our inmates has extorted somebody's grandmother or has threatened someone, we have to do a better job. I think we are focused on it, but once again, we need to present this properly, and let those folks that will vet how much it will cost ask the tough questions.

We certainly want to be able to answer those tough questions. I am looking forward to that process. I arrived in December 2019. We started talking about COVID-19 the last week of February. By May we were in full-fledged protocol mitigation, so a lot of the things that would normally have been inside of our strategic plan we did not get to because the rest of the state was also having to deal with the same struggles. I will also tell you we had issues with staffing like every other organization. Our staff could not go home. They could not take all their leave. We have to staff up 24/7. So, we did the best that we could, but now, looking forward, this is something that I look forward to; having discussions about this with the people who I need to explain the processes to. I look forward to that, and hopefully we will be successful, and I will have numbers and dates for you moving forward.

**Assemblywoman Peters:**

My third question had to do with the determination of staffing levels for each institution and facility under that new task-centric plan. It sounds like we do not even have estimates at this point, but I will ask that you follow up with staff on just where the status of that is and to ensure we have the basic background information to move forward with the budget.

**Senator Brooks:**

My question is about your temporarily reassigned positions, similar to Assemblywoman Peters' questions. How does the Department utilize the authority to temporarily reassign a position's duty location from the budget in which the position is funded?

**Charles Daniels:**

I will allow our Chief of Human Resources, Christina Leathers, to respond to that question.

**Christina Leathers, Chief of Human Resources, Nevada Department of Corrections:**

Since joining the agency in December 2016, it has been my understanding that the agency has the authority to reassign the position control numbers (PCN), and we have been doing so under and with the permission of the Governor's Finance Office as well as the Director and Deputy Director of Support Services during that time. As far as the history, I do not know how far back it goes. I know that since I have been the Chief of Human Resources, we have been tracking the data since August 2019. There was a period of time where the Governor's Finance Office advised us to return the borrowed PCNs at the end of the last biennium, which we did, but the direction was that we had the authority to go ahead and reassign them outside of that. I would have to defer the question to someone else on the team.

**Charles Daniels:**

I have no further comment on that particular question.

**Senator Brooks:**

I think you touched on it a little bit there, but it really is about some guidance that was issued. What changes to the Department's policies in regard to those reassignments have been implemented as a result of the findings from the Division of Internal Audit's report that was completed earlier this year? Have there been changes to those policies? Do you plan on making changes to those policies based upon that audit?

**Charles Daniels:**

Currently, we are immersed in COVID-19 emergency protocols, but as time goes on, we looked at all of the recommendations and, as we are able to, we will implement them. When you look at some of the issues regarding staffing in its totality, we have a certain amount of individuals who are authorized legislatively to be assigned to each individual facility or institution; however, due to the shift in the dynamics of our inmate population, we do move staff members around. All of that is seen as temporary, and it is always our goal to ensure that the Legislature knows exactly where those positions are that they approved. Obviously, this is something we need to ensure we avail to them. Some of what you are asking is future-oriented, but if there are recommendations that we can implement, and there is no legal or an immoral reason not to do something, we will implement the new procedures. In terms of timing, right now as with all the other agencies, our timing is skewed. I do not want to offer a particular timeline when I know that, depending on what is going on with COVID-19,

I may need to change that answer. Right now, we are just trying to get through this trying time and are really focusing on vaccinating staff and inmates as we move forward.

**Senator Brooks:**

I will ask about a specific example: the correctional officer positions from the Ely State Prison that were reassigned to the Director's Office. What job duties are those correctional officers performing for the Director's Office right now?

**Christina Leathers:**

The PCNs from Ely State Prison that are temporarily assigned to the Director's Office are supporting our central transportation team, and work in both the north and the south. Those positions are central transportation, budgeted under the Director's budget, so those PCNs are used to help with transferring of inmates.

**Chair Miller:**

Any final questions before we move on to the budget for the Director's Office? [There were none.] We are ready to pick up and continue with budget account 3710 for the Director's Office.

**PUBLIC SAFETY  
DEPARTMENT OF CORRECTIONS  
NDOC - DIRECTOR'S OFFICE (101-3710)  
BUDGET PAGE CORRECTIONS-10**

**James Jones, Acting Deputy Director of Support Services and Inspector General,  
Nevada Department of Corrections:**

We are going to present budget account (BA) 3710 for the Director's Office [page 22, [Exhibit C](#)]. The Director's Office budget oversees the Nevada Department of Correction's operations through the Offender Management Division, central transportation, the Inspector General's Office, information technology, human resources, fiscal services, training, purchasing, plant operations, and compliance investigations. The budget has 190.51 full-time employees which includes 152 noncustody and 39 custody positions. The Governor's recommended budget for the Director's Office in state fiscal year (FY) 2022 is \$29.6 million and in FY 2023 is \$30.0 million. Decision unit E-228 recommends funding to create one new Assistant to the Director. This recommendation is for an unclassified position that reduces the personnel services expenditures by eliminating two vacant classified positions: one personnel officer and one information technology (IT) professional. The Assistant to the Director position will provide the Director's Office with an incumbent position whose work capacity and focus will be to assist in developing, implementing performance initiatives, and providing strategic leadership, direction, guidance, and consultation to multiple departmental operations, divisions, units, and activities. Under the immediate administrative direction of the Director, the Assistant to the Director will serve as a senior advisor and key contributor in fostering a culture within the department that aligns with and supports the mission, vision,

constitutional obligations, and defined priorities of the Department. The budgeted amount for this recommendation in FY 2022 is \$58,887, and in FY 2023 is \$41,354.

Decision unit E-229 recommends funding for a contract to provide a departmentwide staffing study. The primary goal of this project is to provide the Nevada Department of Corrections (NDOC) with a comprehensive, objective review and assessment of the current security staffing in its prisons. This will enable NDOC to perform security operations in the most effective, efficient, and uniform manner by preserving the primary mission to maximize public safety, facility security, and staff safety. Ensuring the staffing levels and posts are consistent with the Department's mission is of paramount concern. The staffing study will be tailored to address the priorities and the policies of the Department, and throughout this project, we would expect the auditors to communicate with designated Department staff to ensure that they are paying close attention to local requirements, institutional culture issues, and the philosophy and mission of the Department. Analysis will be performed with onsite assessments of each facility including conducting interviews with all appropriate staff and department officials; reviewing data, records and procedural manuals; observing operations; and attending meetings, as necessary, to fully support the findings. In conducting these assessments, auditors will maintain close contact with the Department's leadership; particular attention will be given to the optimization, consultant time, and travel expenses for a well-planned logistical strategy. Finally, they will prepare a comprehensive and succinct final report that will be presented in a manner that will allow the Department to quickly identify key planning and recommendations while providing the adequate background information to support them. The Governor's recommended budget in FY 2022 is \$289,000.

Decision unit E-550 is the Governor's recommendation for a departmentwide migration from our current Novell GroupWise software to Microsoft Office 365 [page 23, [Exhibit C](#)]. Fiscal year (FY) 2022 cost is \$1.26 million, and FY 2023 cost is \$1.16 million. This system will align with the Governor's Office directive that enterprise and IT services manage all agency email and will better represent the needs of NDOC and enhance the productivity of corrections staff. It is in the best interest of the Department to migrate the current Novell GroupWise email system onto the state Microsoft Office 365 solution. The directive to consolidate these agency emails was mandated by the Governor and is still a standing mandate. The Department GroupWise email server is Internet-facing and needs constant patching and maintenance to keep on top of exports. Office 365 and the cloud provide its customers with a much higher level of security. For example, Office 365 is patched and managed by Microsoft and is the first to receive security patches before they are released to the public. In addition, Novell software stack, which includes GroupWise, has been bought and sold multiple times through the years and is at risk of becoming a dead product. Implementing Office 365 will better position NDOC for the future and provide a path forward. Office 365 will also allow for a more modern system of collaboration and document management that would allow employees to work remotely more efficiently, better supporting the agency during a pandemic, such as COVID-19. Office 365 Outlook will replace GroupWise desktop client. Outlook is more modern and used by almost everyone



employed by the State of Nevada. It is better supported, and we understand will be much more user friendly. The R & D [research and development] invested in Outlook far exceeds that of GroupWise. It shows in its ability and modern interface providing a higher level of productivity. Smart 21 will require all NDOC staff to have directory accounts with Enterprise Information Technology services. Some of this cost will roll into Office 365.

**Chair Miller:**

We will now ask some questions.

**Assemblywoman Tolles:**

I am particularly interested in decision unit E-229 and the effort to do a little more study on reducing overtime. I know that has been an issue in the past. Particularly in an audit in 2018, it was shown that in 2016 and 2017 there was a 34 percent increase in overtime. Can you give us an update on where we are in more recent years and what we anticipate is going to be the savings as a result of this study?

**Harold Wickham, Deputy Director of Programs, Nevada Department of Corrections:**

I do not have the specific numbers on the cost savings. That is yet to be determined, and we will provide that as soon as possible. But I just want to provide some clarity. This staffing study is an overall broad picture of where the agency needs to be because we have not had a comprehensive staffing study in quite a while. The last one we had was through the Association of State Correctional Administrators (ASCA), which was not that comprehensive and did not go into the necessary detail. As you can tell, with our agency we have some concerns. We cannot staff Ely State Prison, so we have all these vacant positions that we then try to utilize at other facilities as a cost savings measure so that we do not incur so much overtime. We still have to provide transportation and hospital guarding, especially in light of COVID-19. It has been challenging for us to meet all of our transportation needs. We use a lot of the vacant position control numbers (PCN) to cover those positions that seem to arise that are not budgeted for. That goes into overtime. But ultimately, it is about safety and security.

We need this staffing study in such a desperate way because this also goes into our task-centric staffing model—we believe that modern corrections needs to change the way we do things because with a good comprehensive staffing study, if we bring in experts that can help us with this, we think we will find more of those efficiencies. I hope that answers your question to an extent. Again, I do not have those specific numbers, but I think this staffing study is vital for the agency to move forward in modern corrections. It will provide us the necessary data so we will know where we are at and what we need to ask for.

**Assemblywoman Tolles:**

I realize we may not have those projections until after we have this study, but could you provide to the Subcommittee the overtime costs for fiscal years (FY) 2018, 2019, and 2020? I would like to see a comparison of how we did in more recent years with how we were

doing in FY 2016 and FY 2017. You mentioned having transportation supervision to the hospital. It is my understanding that in 2018, former Director James Dzurenda changed that policy and that we no longer need two officers to escort an inmate to the hospital. That was supposed to save \$3.5 million. Did we in fact implement that policy change, and did that lead to savings in overtime?

**Harold Wickham:**

We did, in fact, implement that program; however, it was not for the transportation. It was just for the hospital guarding. Transportation still requires a minimum of two officers, depending on the custody level of the offender. One has to drive, and one has to supervise the offender. As far as the savings numbers, I will have to get with our fiscal unit and get you those specific numbers because I know we have the overtime numbers. I just do not have them readily available, but we will get those to you.

**Chair Miller:**

Thank you. I am also interested in seeing if there was a cost savings there, even if it was just from guarding inmates in medical facilities.

**Assemblyman Watts:**

What are some of the challenges the Department is seeing with the current staffing model, and what exactly prompted the recommendation to do this study?

**Charles Daniels, Director, Nevada Department of Corrections:**

First of all, when I arrived it was just a routine assessment. You look at how you operate fiscally and a part of that, of course, is overtime. But you also look at the types of violence that you have. You just do an assessment of where you are. One of the things that I noticed immediately was that we had these posts, and the staff bid on the posts for a year in many respects. While they are on those posts, they have what we call post order. In terms of looking at matching those posts with a silo of all the things that we must do in a modern corrections agency, we were spartan at best in almost all the categories—the things that would have an impact on the public safety, staff safety, and inmate safety. Part of it is that we did not even have a recognition of what needed to be done, what was available based on new strategies and such within the corrections industry, and new best practices as they relate to industry best practices. As a matter of fact, because we were not accredited with the major correctional industry associates—the American Correctional Association—when I did my initial review of our policies and procedures, I found they were not moored to anything. The reason why we would do X, Y, and Z would normally be because it is the best practice or the industry standard; no different than what a developer would do, or the practice of medicine, or building aircraft. We were not moored to anything, so a lot of things were done just because somebody in the past decided it would be a good idea. It is never helpful in court to say, "Well, we do not even know where this came from or why we are doing it." But I also realized that although we are very limited in staff, we were not maximizing what we could be getting our staff to do while on duty. Many of them were on static posts.

Under the old prison model, pre to late 1980s, you had prison guards. You did not have corrections officers. Those individuals were not involved in programming or mental health. They were not involved in any aspect of an inmate's life other than making sure they did not escape. Well, corrections has changed wildly, but our policies and procedures have not. Now, instead of me saying "You are assigned to a post," we are now saying, "You get a certain post and there are twelve things you have to do during the day, and this is the timing." Sometimes, for instance, we need to be able to use seven or eight people to shake down a unit where we found weapons, or we think we may have contraband such as a cell phone. We need more people available, and we can build that in. Also, after a person leaves the academy, there is not a whole lot of training that they have other than onboarding. So, if you do not get a post or no one else is willing to teach you, you miss out on all the things that a modern corrections agency must do to ensure the safety of the staff and inmates, and, of course, keep inmates from going home. Over here, posts are 8, 10, or 12 hours. You count the guys once or twice, take them to the showers if you need to, and that is it.

But in the task-centric model, we can design our day to ensure that we get the maximum bang for the buck. A staff member that has bid on the post knows that he is more than likely going to be doing X amount of things and performing X amount of tasks. It gets them out, they get to learn more, and they get to be around more staff, especially more experienced staff. What it does is it creates a better environment for the professionalism and the growth of each and every one of our staff. Most corrections agencies have a professional development program. We do not have one. As far as I am concerned that is corrections malpractice. We need to do better.

The beautiful thing about our staff is they are really talented, and they do work hard. I am so pleased with the people who serve under me, from my wardens to my executive team to my officers. They are thirsty for information and knowledge, and they are willing to do what they have to do. But we as a leadership body have to provide a mechanism to ensure all the advantages of being a Peace Officer Standards and Training certified law enforcement official and prepare them for the future; that way we are preparing the agency for the future. Right now, there is no way to get there because we are so short on staff. We know there is a better way. Once again, it is not approved, and I will not be getting ahead of my skis, so to speak, on this issue. I firmly believe that I need to get this run through the appropriate people. Once again, all of this would have already been visited if it had not been for COVID-19.

As for my staff here and down south and my men and women out on the front lines, we are open 24/7. Nobody went on vacation and nobody stayed at home unless they were isolated or otherwise could not come in due to quarantine. We have been running 24/7, and we need to provide our staff with better. We need to provide the citizens of the state, the Office of the Governor, and the Legislature with a way of running our prisons that really focuses in on the reentry piece. Those humans that come to us, we had nothing to do with, but we certainly

have everything to do with their reintegration back into society. All of this will assist us in ensuring that we do that. That should be something that is measured when you look at our corrections. How many people recidivate? What are the rates? Where are we missing it? Who is reoffending? What type of training did we provide them? When you put all of that together, we can be more effective and more efficient. But the beginning, the birthplace, of all this is when a new person comes in and they do the routine assessment like any other agency, industry, or business, to see where we are. They take a snapshot, learn what we do, identify a strategic plan, and embark upon a strategic plan after we put it together to be able to reach our goals. That is where we are with that.

**Assemblyman Watts:**

Thank you. There was some helpful historical context provided at the beginning of your response. Has a vendor been selected for this study, and has the department worked with Nevada State Purchasing Division, Department of Administration, on this selection process?

**Harold Wickham:**

A vendor has been identified, but no, we have not selected one. We will have to go through State Purchasing and a request for proposals (RFP) to accomplish that. We talked to a couple vendors just to get cost estimates on what we are looking at, and the average cost was the \$280,000 mark. Also, if I may indulge the Chair to respond to a question asked by Assemblywoman Tolles, we do provide a quarterly report on overtime to the Legislative Counsel Bureau (LCB) and also a letter of intent. It goes into very specific detail on the overtime costs and comparisons as to previous years. I can certainly ask our fiscal unit to send an additional copy to the Subcommittee if you would like.

**Chair Miller:**

Yes, please.

**Assemblywoman Tolles:**

Thank you for that detail and all the work you are doing, especially at a time like this.

**Assemblyman Watts:**

Assuming that this goes through and the study gets approved, what is the anticipated completion date, and how would the recommendations and findings from that study come forward?

**Harold Wickham:**

The completion date would obviously depend on the date we are approved to start, send out the RFP, and get the contracts in. Once all of that is done, we are looking at probably anywhere from three to six months for a finalized report. Once the finalized report is presented from the vendor, we would certainly share that with the Subcommittee as well as the LCB and the Interim Finance Committee as well.

**Chair Miller:**

To go back to this overall discussion, I hear you saying, "We really need this study, we need this study." I am wondering, do we really need this study? Assemblywoman Tolles referenced other studies that have been done, and so many times it feels like we keep studying things, but we have already identified the problems. We already know what the solutions or recommendations are. We have other states that do things well that we can look at and other good practices out there in the industry. With this, we are not even contracted with someone yet. Is this something that is really necessary? Are we going to gather data and information that we do not already know? Are there going to be recommendations and solutions that we do not already have within us? Are there things that we can already do and we are not moving on, or is it that we are trying to use this as the catalyst or the support to make those systemic changes that we know need to be made?

**Charles Daniels:**

Part of the reason that we really want to move forward with this staffing analysis is because of all of the things we are required to do just to stay in compliance with provisions that have been identified in the Eighth Amendment of the *United States Constitution* and the subsequent rulings that have come down further defining it. In our opinion, we do not have enough staff to operate the agency effectively. Some of it has to do with the location of some of our facilities. The reality is if anyone is coming in new and they want to look at our staffing, the first things they are going to want to find out is our mission and what are we required to do. They will look at our statutes, and then at the most effective and efficient way to move forward with all of those. I am in my fourth agency in six years, and I will tell you we do not have enough staff, quite frankly. How would that happen if we have had previous studies? Almost every single one of those will come down to a post-shift relief factor. That takes into consideration how many people you need to run your facility and will also include the time they are out on vacation pay and training. This is my opinion and my assessment of looking at the last report. I am not going to question anyone's integrity, but the data that suggested that our post-shift release factor is appropriate is a mischaracterization at best.

There are certain things for which we need to have an independent group come in. From my understanding, the last group that came in was the Association of State Correctional Administrators (ASCA), but apparently when the report came back, the recommendations were not addressed—I will leave it like that. We want an independent group to come in and assess it so when we move forward and say, "Listen, we need some help on our staffing," that it is not viewed as pure, 100 percent mismanagement. From my understanding, based on a combination of a lot of conversations with the people I deal with, apparently there is a notorious reputation of NDOC mismanagement.

Seven days a week we run many cities. As within any city, you will have crime, you deal with storage, you deal with the infrastructure. But I will tell you right now our staffing is not sufficient, which then forces us to utilize overtime on a regular basis just to get by. There is

a certain level that we have identified that if we go below, we are at an emergency level because we do not have enough staff to effectively respond to an emergent situation. Because of that, we literally do our best to stay in contact with our field leadership. My executive team and I are out and about. We do not have enough staff to do the job. That is just the bottom line. I understand if there are entities, government or not, that want to validate it. Please come on in. I have roughly 35 years in corrections. I worked my way up. I was at the executive level in 2002. This is not just something that I have seen at one organization; this is my fourth. We are woefully understaffed.

Basically, our staff burns itself out just trying to have some semblance of a personal life, and it has nothing to do with their work ethic or malfeasance. It has everything to do with just not having enough humans. You have to have humans to run a corrections agency. That is why we want to revisit it. And I do agree with you that it has been visited in the past, but corrections has also changed. When I first started, there was very little programming. We did not have to deal with inmates too much. In most cases, they were warehouses. Well, we knew that was wrong when I started, and we really improved, meaning corrections in general, in trying to make it better and understand we are not guarding inmates.

We are not prison guards. We are here to ensure that when the inmates come to us, regardless of what they do, they pay their debt. But after paying their debt to society, they are then prepared to stay out. We have now taken on all of those duties whether it be in prison industries or working with schools, colleges, or universities—we have to do all of that now, and we have to be good at it. Now we even specially manage the severely mentally ill (SMI). We have to protect a lot of our inmates in protective custody because we do have predatory inmates. We have to do a lot to keep everyone safe and to keep them from escaping. For the talent and work ethic of my staff and all my agencies, the corrections people that we have, the work in this state is extraordinary.

I understand the veracity of your question. It seems like we keep doing this. Do we not know? Yes, but for us to be able to make a salient argument that we need more staff and why, we need a third party to come in and say, "Hey, this is what is going on." You do what you want with the data, but we need that data to be independent. I want it to be independent so that it is pure in terms of what they come up with, and then we get to respond to how we can address the recommendations. We need to move forward in a great way. There is a lot that we are working on right now as it relates to reentry, but we could do more. We cannot get beyond public safety, staff safety, and inmate safety. That is just paramount. You have to have humans to address those issues. My apologies for giving you way more than you asked.

**Chair Miller:**

I appreciate that, Director, and you do not have to convince me about the staffing ratios. I have visited the prisons here. I will not publicly say how I feel or what I saw, not because I am afraid to say things on the record, but for the safety of our staff. You do not have to

worry about convincing me about the numbers and our staffing ratio. I guess I am just to the point where I am ready for some action. If that is what you feel will support that initiative, then I accept that.

With that, the only suggestion that I would make is that when whoever comes in to do this independent study, please make sure that the actual staff are included in this process, and that they have a voice and a seat at the table. Oftentimes the people who are most impacted, the people who are literally delivering the services, are the last people who are asked. Often the best solutions and recommendations actually come from the people who are directly administering and delivering that service, yet often they are the first ones overlooked. I think that allowing them to be a part of the process would be great. With that, I do not see any further questions on this item, so we can move on with budget account 3751 for Ely State Prison.

**PUBLIC SAFETY  
DEPARTMENT OF CORRECTIONS  
NDOC - ELY STATE PRISON (101-3751)  
BUDGET PAGE CORRECTIONS-26**

**James Jones, Acting Deputy Director of Support Services and Inspector General,  
Nevada Department of Corrections:**

Next is budget account (BA) 3751 for the Ely State Prison [page 24, [Exhibit C](#)]. Ely State Prison is Nevada's maximum security facility. It is equipped to house and care for the most unmanageable inmates, including death row, disciplinary, and administrative segregations in its population. The budget has 336 full-time employees which includes 285 custody positions and 51 noncustody. The Governor's recommended budget for the Ely State Prison in fiscal year (FY) 2022 is \$30.8 million. In FY 2023, it is \$31.7 million. With a base population of 918 inmates, and per JFA Institute estimates, this number is expected to decrease by 108 inmates in FY 2022 to 810 and decrease by 67 inmates in FY 2023 to 851. Both figures are based off of the base offender population of 918.

I would like everyone to please note that the decision unit M-200 numbers on the power point [page 24] are correct, however, they should have been put in parentheses to indicate a decrease in funding. Decision unit M-200's adjustment shows the corresponding costs of (-\$219,332) in FY 2022 and (-\$143,756) in FY 2023. In decision unit E-375, the state will continue the 5 percent salary adjustments for custody staff. This applies to all custody positions, lieutenant and below, in order to engage competitively in the local labor market and incentivize custody position recruitment and retention. The Governor's recommended budget is \$297,717 in FY 2022 and \$306,807 in FY 2023.

**Chair Miller:**

Before we go to questions on this budget, I need to backtrack to the last budget, budget account 3710 for the Director's Office, because Senator Denis does have a few questions.



So, we will go back to the previous budget and then come back to Ely State Prison, BA 3751.

**Senator Denis:**

I want to follow up on the Assistant to the Director position. Who is currently performing those duties and how is that going to differ from your Deputy Director positions?

**Charles Daniels, Director, Nevada Department of Corrections:**

Right now, the vast majority of the duties that need to be performed are just not being performed. We are going to have to give you an example of what and why. For example, there is no strategic planning process. I cannot recall an organization that I have worked for that did not have strategic planning where we can look forward into the future and chart a course to be sure we get the training, the expertise, the equipment, and the money. We do not even have appropriate liaisons for our stake holders with the exception of maybe our legal entity. We interface with all of these committees; we deal with all of the county commissioners, all of the mayors, and the people that run these cities. We do not have a mechanism other than asking, "Well, who was the last person to talk to this individual?" As a matter of fact, when I got here everyone just reported directly to me, and I had to keep my own notes. I had to keep up with all of this. We were not effective, and, quite frankly, we still are not.

An organization without strategic planning is an organization literally flying in the dark in a cockpit. We know where we are going now, but there is no formalized structure to make anything work. There is nothing that is efficient. When I arrived, we could not even find minutes to meetings from the past. We did not know who was doing what or who was doing what with whom. In terms of organizational structure and our ability to be able to meet basic needs, for instance a director and executive staff meeting, there was no such thing prior to my arrival. Everyone operated in silos, and I think a lot of what was skewed with the agency was that you had the silos that get taught. We need to be able to have assignments, follow up on those assignments, have meetings, bring in our stake holders, talk to the community, and meet with the various people, but we also need to follow up. We need to look at what we do, assess it, figure out what we have done well, and figure out what we have done poorly. None of that was happening. It was just individual silos of individuals doing what they felt they needed to do because they were hired to be in charge of a division. There was no organizational cohesiveness.

I will be happy to go into some of the individual items we will be introducing, but many of the things were not done. For the ones that were done, it was hit or miss with no rhyme or reason. There are no standards. We do not review ourselves. There are no processes for staff development. There are no processes for anything. Part of this would be that we have a structured organization, we have routine planning, and we have routine meetings so we can all stay abreast and can work as a team for the betterment of government and for the betterment of our staff and inmates. If you would like, I would be happy to elaborate. I am

presuming that you already have a copy of what this position entails. If not, I would be happy to share with you what that person will be doing and why it is necessary.

**Senator Denis:**

I think we have that list. I think what we are looking for is what the difference is between your deputy directors and this new position.

**Charles Daniels:**

This new position will not be at the same level as my deputy directors. They will fall in a level right below that. This person will report directly to me, and we can plan strategically to be a much better agency. There will be one place to go for what assignments are up and what projects we are working on, where we all meet in the minds and make sure that it continues to go. For something so simple as, for instance, a follow-up to this meeting; we indicated that we would follow up and part of this is if somebody remembered to write it down, we might get something to you. But other than that, who monitors getting responses to the Legislature, the Assembly, the Senate, or the LCB? Who is responsible for that? What is our schedule? What reports are due? Who is checking on the quality of those reports? Did anybody check on the quality of those reports? We are letting people know, "Listen, this is due in a week. You said you would have it. You said you would have it into us last Friday. Where is it?" These are the types of problems you have when you do not have an appropriate structure, a command structure model, that allows you to stay on top of things and grow. It makes it much easier to self-assess.

The other thing is, for instance, my executive team and I are out in the field all the time. We have to know what is going on with our staff. I found it touching that Chair Miller mentioned that she knows how tough it is. Well, just yesterday or the day before, we were all working an evening watch at one of our facilities. We know that we do not have enough staff, so we are adding in. At the end of the day, I am sure everyone wants us to operate professionally. I believe I have the most talented people you could ever find because the quantity and quality of work that they must produce is extraordinary. Most people would not last two months doing any of this. But I have to do better as a leader by giving them the appropriate structure so we can move forward and evolve.

**Senator Denis:**

On this staffing study in decision unit E-229, if it is approved, is that study going to look at your management structure?

**Charles Daniels:**

I do not have the actual written document we put out or what we assessed, but as a part of any of them, there should be a management study. I have participated as a team member on many of them, and you cannot just do the piece on the line staff or the field staff. You have to do the whole thing because everything is interrelated, especially when there are limited resources. We need to have the people who come out and assess do a complete job. If they

were to decide that based on the money, they can only do the field positions then, absolutely, I will take that. But we are going to request that we have more because we need an assessment from an impartial group. I want them to be able to communicate with the Legislature and the Governor about where we are and what we are doing. I think it would validate the fact that we have been doing a whole lot with less; that is our business model right now—just work miracles every day and we will be okay. That is what we are asking of our staff.

**Senator Denis:**

The last question has to do with your elimination of an information technology (IT) professional. You have some IT things coming up, especially the new offender tracking system. If you are eliminating that position, which I believe is currently vacant, how are you going to handle all of the technology things that you have coming up?

**Charles Daniels:**

It was very difficult to offer that, but I am new to the state. I was advised by two of my former deputy directors of services, which includes fiscal, that, if I want a new position the current environment is not good. For obvious reasons, I believe that is important. I will give an example. With COVID-19, you have so many unemployed people. I do not want to be a burden to the state, so the recommendation, after conversation with both individuals, was that it is probably not wise to just ask for a position. It would be better if I were to offer something up, and it cannot be something minor. We were initially going to do a 3-for-1 and just look at places where we cannot fill people, but I am willing to take the pain as the agency leader with the rest of the state and be fiscally cooperative, for lack of a better phrase. I want those positions, but the recommendation of the two departed deputy directors was that we should offer something substantial and be able to show on the books that it is not going to cost the agency, so we are offering to just hire one and eliminate the other positions. Our initial request was 3-for-1. We cut it down to 2-for-1, but we gave up more substantial positions. I do not want to give up those positions but turn on the TV—every agency is suffering. I am willing to do my part. In a perfect world, there is no way in the world I would have done that.

**Senator Denis:**

Does that mean you are going to be able to get the technology stuff done or not without that position?

**Charles Daniels:**

The answer is yes.

**Senator Denis:**

You have other staff, and you will be able to do whatever to make sure that happens?

**Charles Daniels:**

We do have the staff. The person that would be most responsible is in this room right now off camera. We made direct eye contact and the nod was yes. I have a clear understanding it will be a miracle as well, but it appears we have been in the miracle business now for the last few years. We are going to give it our best shot.

**Chair Miller:**

Thank you for allowing us to backtrack a budget. Let us go forward with our questions for Ely State Prison.

**Assemblywoman Peters:**

I want to ask about the impact of the 2019 Legislature's decision to increase the 5 percent in rural pay salary adjustments. Are all eligible incumbents in custody positions at Ely State Prison receiving a 5 percent increase for our rural pay salary adjustment as previously approved by the Legislature?

**Christina Leathers, Chief of Human Resources, Nevada Department of Corrections:**

Yes, following the last Legislative session, all lieutenants and below custody positions are receiving the 5 percent. From what I understand historically, the rural pay had previously been allowed but due to budget situations that impacted the state, I believe, in the 2010-2011 time period, that was removed. There still were some employees who were receiving it, but as of today, any new or active current custody positions of lieutenant and below are receiving the plus 5 percent.

**Assemblywoman Peters:**

Additionally, I want to ask what impacts did that 5 percent increase have on the recruitment efforts and the retention of custody staff at the Ely State Prison?

**Charles Daniels:**

There are several people who would like to chime in, but I think right now the best source would be the warden who is serving up there. If I could have Warden Gittere respond?

**Chair Miller:**

Yes, please.

**William Gittere, Warden, Ely State Prison, Nevada Department of Corrections:**

It is difficult to say with certainty how much impact returning the rural pay to those officers that did not have it had on our recruiting efforts since then. I work with the Nevada Department of Corrections (NDOC) because I wanted to move here to White Pine County and eventually retire in this area. I am kind of an unusual person, I guess. I love this rural environment. It is not easy to recruit people to this rural environment. People coming from more urban places have to understand and give up amenities to live here in this particular environment. We are not rural; we are very rural: one grocery store, hardly any Internet,

spotty cell phone service, and no Walmart. If you do not have Amazon Prime, you are not going to survive. And you need to enjoy that. I am a fisherman; I am an outdoor guy. I like to chop my own wood and burn it in my own fireplace. Again, it is a very rural lifestyle. It is an amazing opportunity for people like me here in White Pine County, but for the average person, the vast majority of persons, it is a hardship to come up here. Even though we offer a good job for a good wage, it is just barely competitive with the other industries that are here, and frankly, not competitive anymore when you add in the costs and the benefits package that our employees have to pay for.

The 5 percent, I would say, made a difference to a very small minority of our recruits, but those recruits are absolutely essential. It takes ten officers, full-time employees, to staff one housing unit at the bare minimum. If I retained five officers over that period because of that 5 percent increase, then it made all the difference in the world. We sincerely appreciate it. The staff still talk about the 5 percent and they are happy it came back. But the 5 percent should be 15, 20, 25, 30 percent to make a bigger difference, and I wish it could be. We are 125 officers below our authorized allocation right now running at 56 percent—I am running six out of eight units with less than 60 percent of my authorized staff at a maximum security prison, being as careful as I can be to run a safe, humane environment for my inmates. Every day is a trade-off of one or two officers to make that happen. We are totally dependent on overtime to make it safe. Every dollar that we can give our staff to retain them at this point is helpful.

**Assemblywoman Peters:**

I just wanted to clarify and ask that you work with staff on seeing if there are quantitative values to give on whether that 5 percent has effectively increased retention in particular. If we are not collecting that data, we should be in order to acknowledge efficacy of these kinds of decisions.

**Senator Goicoechea:**

I want to clarify that there is a grievance filed on this. I want to make sure that everybody now, going forward, is going to get the 5 percent. Clearly, as indicated, there are a number of people who received the rural pay differential from 2011 who did not receive the 5 percent from the 2019 bill, even though I voted for it, and I thought that was the intent. There are some that did not. So, I want to be sure that we are clear on the record that everybody on staff is getting the 5 percent.

**Christina Leathers:**

I am very much aware of the grievance of the four individuals at Ely State Prison in regard to the 5 percent. Those four individuals actually never stopped receiving the 5 percent rural pay. Their grievance is based on receiving an additional 5 percent in rural pay on top of what they are already receiving. I do believe that they are actively seeking clarity from the Legislature on how that 5 percent is to be applied because the way that NDOC, and specifically Human Resources along with the Division of Human Resource Management,

looked at it was that if you were not already receiving the 5 percent rural pay, you are now entitled to it. For those four individuals with that grievance, they are asking for an additional five percent in addition to the 5 percent that they are already receiving.

**Senator Goicoechea:**

Thank you, but I want to make sure the Subcommittee knows there is an issue there. Just because you got a pay raise in 2011 does not mean you got the one in 2019, or should not have gotten it. I think this is a grievance issue that still ought to be resolved.

**Chair Miller:**

I have a question on that because this whole discussion is a bit confusing for me. Looking at our materials for the Ely Conservation Camp, there seem to be similar issues, so I am going to ask this question referring to both the Ely State Prison and the Ely Conservation Camp. As Senator Goicoechea was asking, I am wondering why, if it was approved in 2019, was it not in the budget for everyone? Or was it in the budget for everyone, but we still had individuals who did not receive it?

**Christina Leathers:**

It is my understanding that the reason why it was asked for in the last legislative session was because it was not budgeted for all employees; however, there were some employees who were receiving it. As explained to me by former Deputy Director of Support Services, John Borrowman, and former administrative services officer 4, Scott Ewart, when this came up in the last session they provided a list of employees who met a criteria of lieutenant and below custody staff who were not receiving it. The amount that was allocated was to be able to have the budget to provide it for those employees to receive it that were not.

**Chair Miller:**

Essentially, that sounds like it should have been handled in 2019 and, going forward, everyone who should have received it, did receive it. But now it seems like the recommendation is to actually true-up the budget to ensure that everyone is receiving it. Between 2019 and now, can you tell us how many people have not received what they were supposed to? How many people are we talking about that need to receive this 5 percent?

**Christina Leathers:**

It is my understanding that all current active employees are receiving the plus five. This recommendation is so that we can continue the plus five into the new biennium.

**Chair Miller:**

So, we do not owe any staff any back pay or anything retroactively? Has everyone been receiving it since 2019?

**Christina Leathers:**

Correct. Any employee who was not receiving it prior to 2019 is now receiving it. Yes.

**Chair Miller:**

Okay, so when you say "now," that can mean March 3, 2021. When did they start receiving it, and do we owe anyone? You can say yes, as of today, but in the past two years, and based on the lawsuit or the complaint that was brought up, do we have staff who did not receive what they are entitled to?

**Christina Leathers:**

In July 2019 when this was passed, all current active Ely State Prison employees, from lieutenant and below, who were not already receiving the plus five were submitted and processed to receive the plus five. Any new employees hired specific to Ely State Prison also received the plus five upon hire. So, again, the employees that are grieving it were receiving the plus five. From their perspective they felt that they would receive an additional plus five. They were already receiving rural pay and they read the approval in 2019 as "I already get it so now I am entitled to another plus five of rural pay." That is the argument: even though I was getting plus five before July 2019, the Legislature approved for me to get a plus five so I should be getting a plus five, plus five.

**Chair Miller:**

Basically, what you are saying is since July 2019, everyone who legitimately should have received the plus five did, and we do not have any employees who did not or that we had to go back and make up for.

**Christina Leathers:**

Yes, that is correct.

**Chair Miller:**

And I am assuming, because my question would also apply to the Ely Conservation Camp, that we are referring to employees of both the Ely State Prison and the Ely Conservation Camp.

**Christina Leathers:**

Yes, both Ely State Prison and Ely Conservation Camp.

**Chair Miller:**

Thank you for that. Any additional questions from members?

**Senator Goicoechea:**

There is just one clarification that I want to make. You have to understand that in July 2019, or whenever that time frame was, that is what those people were earning. They had gotten the 5 percent rural pay differential previously so that is their argument: on June 30th they actually were getting this much money. The legislation gave everybody that was there a 5 percent pay increase. Their argument is, and it is only four people, because of their longevity and their seniority they were there. That was what they were making that day, and they feel

they are entitled to the additional 5 percent. I want to make sure the Subcommittee understands that. It was like everyone gets this 5 percent raise, but you do not because you got a raise last year.

**Chair Miller:**

Any further questions? [There were none]. Let us go on to budget account 3747 for the Ely Conservation Camp.

**PUBLIC SAFETY  
DEPARTMENT OF CORRECTIONS  
NDOC - ELY CONSERVATION CAMP (101-3747)  
BUDGET PAGE CORRECTIONS-88**

**James Jones, Acting Deputy Director of Support Services and Inspector General,  
Nevada Department of Corrections:**

This is budget account (BA) 3747–Ely Conservation Camp [page 25, [Exhibit C](#)]. The Ely Conservation Camp is a minimum custody conservation camp. Among other programs, the offender crews support the Nevada Division of Forestry's program by working on conservation projects and fire suppression activities with 12 member crews. The budget has 13 full-time employees which includes 12 custody positions and one noncustody. On July 8, 2020, the Ely Conservation Camp was temporarily closed due to critical staffing levels at Ely State Prison. The Governor's recommended base budget for the Ely Conservation Camp in fiscal year (FY) 2022 is \$1.62 million and in FY 2023 is \$1.66 million. The base population is 129 per JFA Institute estimates. This number is expected to decrease by 16 offenders in FY 2022 and by 12 offenders in FY 2023. Decision unit M-200 shows the corresponding cost decreases of \$23,000 in each year of the biennium. Decision unit E-375 continues the 5 percent salary adjustment for custody staff. This is applied to all custody positions, lieutenant and below, in order to engage competitively in the local labor market and as an incentive for custody position recruitment and for retention. The Governor's recommended budget for this adjustment is \$9,812 in FY 2022 and \$9,968 in FY 2023.

**Chair Miller:**

We basically combined the two budgets, the Ely Conservation Camp and the Ely State Prison, but I want to check if there are any questions on this one. [There were none]. Seeing that, we can move on to the final presentation.

**Ralph Wagner, Chief Engineer of Plant Operations, Director's Office, Nevada  
Department of Corrections:**

One of my primary responsibilities is to facilitate the development of capital improvement projects (CIP) by interacting with the Nevada Department of Corrections (NDOC) management and Nevada State Public Works Division, as well as their board. Clearly, the State Public Works has an integral role in the CIP process including estimates of costs and



schedule for all proposed CIPs. In addition, the State Public Works Division manages the CIPs. They strive to have these completed in two years, but they have up to four years. Shown on this slide [page 26, [Exhibit C](#)] are the four approved FY 2021 CIPs for Ely State Prison. Ely State Prison opened in 1989, therefore, much of the major equipment and infrastructure is greater than 30 years old and beyond its useful life. Specifically, the CIPs are comprised of replacements of boilers; hot water pipe; heating, ventilation, and air conditioning (HVAC) systems; and door locks and controls. As you can see on the slide, the hot water pipe and HVAC CIPs have been completed. The other two CIPs are scheduled for completion this August.

The next slide [page 27] shows the CIPs at Ely State Prison recommended in the 2021-2023 biennium. Since State Public Works does not schedule recommended CIPs until they receive an approved list, only estimated durations are available along with estimated costs. The underground piping project provides a good example of the CIP process; an interaction between our Department and State Public Works. Last winter, a major leak developed in the hot water loop at Ely State Prison. Space heating in housing units 7, 8, and 12 were lost. Emergency heating expenses were incurred. Inmates were relocated. Subsequently, State Public Works was able to reroute resources from a similar CIP, which is in the prior slide [page 26, [Exhibit C](#)], to help repair the leak so that housing units 7, 8, and 12 could be reopened. Furthermore, State Public Works supported the replacement of the remaining portion of the hot water loop to ensure reliable heat for housing units 1-6, 9, and 10. This is denoted in the last bullet on this slide [page 27] showing \$8.4 million in the 2021-2023 CIP. In summary, NDOC appreciates its ongoing good working relationship with State Public Works. That concludes my presentation.

**Charles Daniels, Director, Nevada Department of Corrections:**

Madam Chair, this ends our portion of responding to questions unless you have something else. We appreciate the time and effort of each of you on the Subcommittee who have a lot of significant responsibilities and duties. I am glad to work along with you.

**Chair Miller:**

Thank you for that. We do not have any additional questions. We know that those final budget recommendations you shared on the slides will be presented in the K-12/Higher Education/CIP Subcommittee, but we thank you just for presenting them as well. Thank you for your presentation today and for your team as well.

Assembly Committee on Ways and Means  
Senate Committee on Finance  
Subcommittees on Public Safety, Natural Resources, and Transportation  
March 3, 2021  
Page 39

With that, we will close the presentation and move on to our next agenda item which is public comment. [There were none.] Without seeing anyone on the line, that concludes our agenda for today. This meeting is adjourned [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

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Adam Cates  
Committee Secretary

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

DATE: \_\_\_\_\_

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Senator Moises Denis, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a power point presentation titled "Nevada Department of Corrections," dated March 3, 2021, and submitted by Charles Daniels, Director, Nevada Department of Corrections.