Thank you, Mr. Chairman for the opportunity to speak here today. I have submitted a complete copy of my statement, and will try and minimize my remarks here.

My name is Jim Kelly; I am a Senior Correctional Officer working at NNCC. I am a former 5 year Lieutenant for the Department. How I got to be a Senior Officer has become a story for the Courts.

I have worked on 5 different facilities in the Department, with many different levels of responsibility. I have been neck deep in Inmate murders, Inmate assaults, Inmate deaths, cell extractions, shots fired, weapons being used, staff assaults etc. But the worst thing that I have experienced in the 11 years I have been with the Department is the way the Administrators have shown their hatred for the line staff, over and over again.

Personally, I don't understand it, because if it weren't for the line staff, the Inmates would probably just get up and leave.

But what's worst is that the Administrators promote those who are haters as well.

If they aren't haters when they are promoted, most become haters because they are either afraid of losing their jobs, or they just believe in this philosophy. If you won't stay on the Administration's team, they eliminate you.

I was once a very dedicated Lieutenant for this Department anticipating a 20+ year career. Now it looks like I could be thrown aside any minute. This is a horrifying feeling. I was, and still am, very serious about the safety and security of the public, and my colleagues, despite this dilemma I face everyday:

My other top concern is the morale of the staff.

This issue is just about tied with safety and security for me; however, the Administration, in my opinion, has it dead last on their list of priorities.

The perception of most people is that the Director of this Department is the HEAD of the Department. Even though this is not, legally speaking correct, perception is reality to many people. With the multitude of other duties that you have as members of **many** commissions, and running the State itself, it is

understandable to consider the Director as the head of the Department. With that said, there's an old saying that goes something like, "to keep a fish from rotting, you have to cut off the head".
In my opinion, this is the only solution to effectively resolve the current hatred that most of the STAFF have for this Department.

Let me read to you a portion of the Directors biography from the Departments web site…

> Director Cox is a proponent of additional education and training for staff of all levels.

I have to say, who wouldn't be!!

He may be a proponent, but he sure doesn't provide enough of it.

This is sort of an ironic statement to me, and I think it will be clear as to why I feel this way when I ask some questions of you at the end of my statement.

I don't expect you to answer them, but I hope that you will research them and answer them for yourselves.
I have enclosed with this statement, a copy of my training portfolio which shows that I have earned a Management Certification from P.O.S.T.

The ironic thing about this is that most of the training I have received to earn this certificate is from Departments that I have never worked for!

I have sent all of you correspondence at one time or another. I don't know if you have personally read any of it or not, or had your staff read it, and or throw it away. It doesn't matter now.

I know that I don't have to remind you of this, but I thought this should be shared with the public. These are the Nevada Revised Statutes that most people probably don't know about, concerning our Department.

I will just give the numbers and highlights in this statement, and have the entire law in my submitted statement…

NRS 209.101

This created the Department

1. The Department of Corrections is hereby created.

2. The head of the Department is the Board of State Prison Commissioners.

As I said, for all intents and purposes, the Director is at the top of the chain of command, and therefore is perceived to be the head of the Department.

NRS 209.121

He is responsible to you.

The Director:

(b) Is responsible to the Board.

NRS 209.131

Responsibility for the safety and security of the public, staff and inmates.

The Director shall:

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

No other person is named in any NRS to carry out these responsibilities for the Department.

NRS 209.132

This gives the Director the power to delegate all duties IN HIS NAME.

1. The Director may delegate to a deputy director, manager, warden or employee of the Department the exercise or discharge **in the name of** the Director of any power, duty or function vested in or imposed upon the Director.

2. The official act of **any** such person acting in the name of the Director and by his or her authority shall be deemed an official act of the Director.

EVERYTHING is done as"…an official act of the Director" (Quoting NRS 209.132).

So my questions to you are as follows…

1. Why are we only getting 16 hours of class time when we are REQUIRED BY P.O.S.T. to receive 24 hours?

I know the range time will be counted, but when we shoot twice a year, it takes no more than two hours each time, which still leaves us short for recertification.

2. Why does the Director sign the affidavit every year that says we did indeed receive 24 hours of training, and it's not questioned as to whether it is 100% accurate or not?

3. Why are people being threatened with termination if they hire overtime, when the shift supervisors just want to get to MINIMUM STAFFING LEVELS for all of our safety?

4. Why would there be only ONE officer working on the floor of an acute mental health unit: Or the Extended mental health Care Unit for that matter, and then ordered to conduct tier time?

5. Why would a dayshift team work with 4 officers UNDER THE MINIMUM STAFFING REQUIREMENTS for 12 hours?

6. Why would a Lieutenant on a major facility not be able to hire overtime to have a control officer? The Lieutenant was the Shift Commander AND the control officer for one night that I know of.

7. Why would the Federal "Stickney" ruling be on the chopping block? Because we put in cameras??? I'm not the sharpest knife in the drawer, but it seems to me that it would take a lot of training to get a camera to jump off of the wall and physically help, and possibly save its partners life.

8. Why does the entire North side of the Warm Springs Correctional Center perimeter fence lack a 24 hour watch on it? The 4 post excuse will be used, but it holds no weight on 24 hour coverage.

9. Why is a Lieutenant demoted 5 grades for leaving a competent sergeant in charge of an Institution for 35 minutes, WITH PLENTY OF STAFF on shift to respond to emergencies?

This by the way happens probably every night on one Institution or another where Sergeants run shifts for the full 8 or 12 hours!

An Institution was actually run with a Senior Officer as the highest ranking officer on the yard AT LEAST one time that I know of!?! Officers at NSP know it has happened several times there.

I know I am causing a lot of controversy with this statement, but I hope I have made my point Mr. Chairman.

There is not nearly enough training; and there is not enough safety, or security for staff and inmates.

I hope this committee can take these questions, find the answers, and see that this Department is becoming a rotting fish. We need to cut off the head, clean out the rot, and keep the best part of the fish thriving.

Look at the Las Vegas Metro Police Dept. to see what I consider to be the best peace officer training section in the State. As you'll see, I have used their training quite a bit.

And by the way, I do fully expect to be punished or retaliated against by the Department for invoking my first amendment rights in this public forum. This is the Departments M.O. The Inspector Generals office of the Department is already conducting a secret investigation on an incident involving myself, outside of the Department. She is calling the judge in the case and trying to get items that have no involvement with

the Department, yet they do nothing on the investigations that I have requested. It appears to me that a secret file is being kept on me by the IG's office.

AR's 121, 321, 332, 339, 340 and 457 all require us to report all incidents that we witness or have knowledge of. I have done my part with the IG's office, and I expect them to do the right thing.

You will no doubt hear that I am, "a disgruntled employee." I don't deny this one bit. Having said that, I would like to leave you with one last quote from our own AR 343 which I have always tried to live by as a supervisor of others…

343.03 FAIRNESS AND CONSISTENCY

1. Employees are more accepting of discipline when it is imposed fairly and consistently.

Please help us make this a reality instead of just rhetoric.

I am also including in the record an e-mail conversation between Ms. Del Porto and myself regarding her lack of enthusiasm in investigating my requests.

Thank you for your time.

James Kelly - Investigations

RETURNED

From: James Kelly
To: Pam Del Porto
Date: 4/12/2012 1:33 AM
Subject: Investigations
Attachments: False statements NRS.doc

Ms. Del Porto,

I am writing to you today in order to remind you that you have 8 requests for investigation that I have sent to you over the course of about 4-5 months. They are as follows:

1. [redacted] for lying in my personnel hearing.
2. [redacted] for lying in my personnel hearing
3. [redacted] for lying in his written statement to the hearing officer.

(These three violations are referred to in the attached NRS.

4. [redacted] for malfeasance with time sheets.
5. [redacted] for threatening to fire staff if they hire overtime.
6. [redacted] for threatening corrective action if someone was sick on specific days.
7. [redacted] running a shift at WSCC grossly under the minimum staffing levels.
8. [redacted] for again running WSCC with staffing under the minimum level.

I would like your assurance that all of these matters are being looked into and/or are in an investigation.

I ask this of you because as you may know, I have an informal mediation on April 19th with the Department. If these incidents are under investigation, I will have no need to bring these issues up when we claim equal protection violations. I would also personally like to know that these serious violations are not being overlooked.

I will be on my RDO's until Sunday, so if you could, please send your response to my work e-mail, and to [redacted]

Thanks.

Jim Kelly

James Kelly
Northern Nevada Correctional Center
Phone: 775-887-9230

People are getting smarter nowadays; they are letting lawyers, instead of their conscience, be their guide.
Will Rogers

NRS284.410 False statement or report; fraud. No person shall make any false statement, certificate, mark, rating or report with regard to any examination, certification or appointment made under any provision of this chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and the rules and regulations.

[69:351:1953]

NRS284.415 Receipt or payment of consideration for appointment or promotion. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

[70:351:1953]

NRS284.420 Obstruction of right to examination, eligibility, certification or appointment; furnishing special or secret information. An employee of the Division, examiner, or other person shall not defeat, deceive or obstruct any person in his or her right to examination, eligibility, certification or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

[71:351:1953]—(NRS A 1963, 1050; 1983, 639)

NRS284.425 Member of subversive organization ineligible for appointment or employment in public service.

Any person who has been or rema 1.ins a member of any subversive organization, as defined by the Attorney General of the United States, composed of two or more members, which directly or indirectly advocates, advises, teaches or practices the duty, necessity or propriety of controlling, conducting, seizing or overthrowing the Government of the United States, the government of this state, or the government of any political subdivision thereof, by force or violence, shall be ineligible for appointment to or employment in a position in the public service; and if the person is an officer or employee of the State, the person shall forfeit the person's office or position.

This chapter shall not be construed to prohibit the 2. existence of an organization of state employees, or to prohibit any state officer or employee from becoming a member of such an organization.

[72:351:1953]

NRS284.430 Penalties.

Any person who willfully violates any provision of

1. this chapter or any provision of the rules and regulations prescribed hereunder shall be guilty of a misdemeanor.

Any person who is convicted of a misdemeanor under

2. this chapter shall, for a period of 5 years, be ineligible for appointment to or employment in a position in the public service, and if the person is an officer or employee of the State, the person shall forfeit the person's office or position.

[73:351:1953]—(NRS A 1967, 552)

Subj: **Fwd: Complaints**
Date: **4/18/2012 1:41:02 P.M. Pacific Daylight Time**
From: nvbadlt@gmail.com
To: imjimbokel@aol.com
-------- Forwarded message --------
From: "Pam Del Porto" <pdelporto@doc.nv.gov>
Date: Apr 13, 2012 4:26 PM
Subject: Complaints
To: <nvbadlt@gmail.com>

Good afternoon.
This is in response to an e mail our office received from James Kelly questioning whether or not the complaints he has made to our office about various matters and/or staff are under investigation. Rest assured the Inspector's General's office takes every complaint serious. As to whether or not they are being investigated, that information is confidential as it deals with possible employee administrative action.

Should you have any questions, please don't hesitate to contact me.

Thank you.

Pamela Del Porto
Inspector General
Nevada Department of Corrections
5500 Snyder Ave., Bldg 17
Carson City, NV 89701
775-887-3395
pdelporto@doc.nv.gov

James Kelly - Investigations

From: James Kelly
To: Pam Del Porto
Date: 4/17/2012 7:49 PM
Subject: Investigations
CC: Greg Cox

Ms. Del Porto,

I appreciate you responding to my e-mail, and I would surely expect your office to take all requests seriously. However, I did not ask if you were taking my requests, "seriously". I asked if you were looking into them, or investigating them. I have done a number of investigations for this Department and others. I am well aware of the sensitive nature of investigations, but as you know, not all requests are even looked at; even the ones that are, "taken seriously". The requests and evidence I turned in to your office, I believe warrant more than "taking them serious".

I have to let you know that if this is the only response I receive from your office regarding my requests, I will look at your non response to my questions as silent contempt for my concerns about the safety and well being of this Department, and will be presenting this letter, along with your response to the judge at my mediation.

If you would like to clarify anything that you have sent to me, I will again give you my address.

[redacted]

I do hope to hear from you soon.

Thank you

Jim Kelly

James Kelly
Northern Nevada Correctional Center
Phone: 775-887-9230

People are getting smarter nowadays; they are letting lawyers, instead of their conscience, be their guide.
Will Rogers

(3)

[redacted]

James Kelly - Re: Investigations

From: Pam Del Porto
To: James Kelly
Date: 4/18/2012 9:02 AM
Subject: Re: Investigations
CC: JTraut@ag.nv.gov

Good morning.
Please be advised that there is nothing in NRS that allows for or authorizes the disclosure of information by our office concerning reviews, investigations and allegations except as otherwise prescribed by the law.

Thank you.

Thank you.

Pamela Del Porto
Inspector General
Nevada Department of Corrections
5500 Snyder Ave., Bldg 17
Carson City, NV 89701
775-887-3395
pdelporto@doc.nv.gov

[redacted]

4

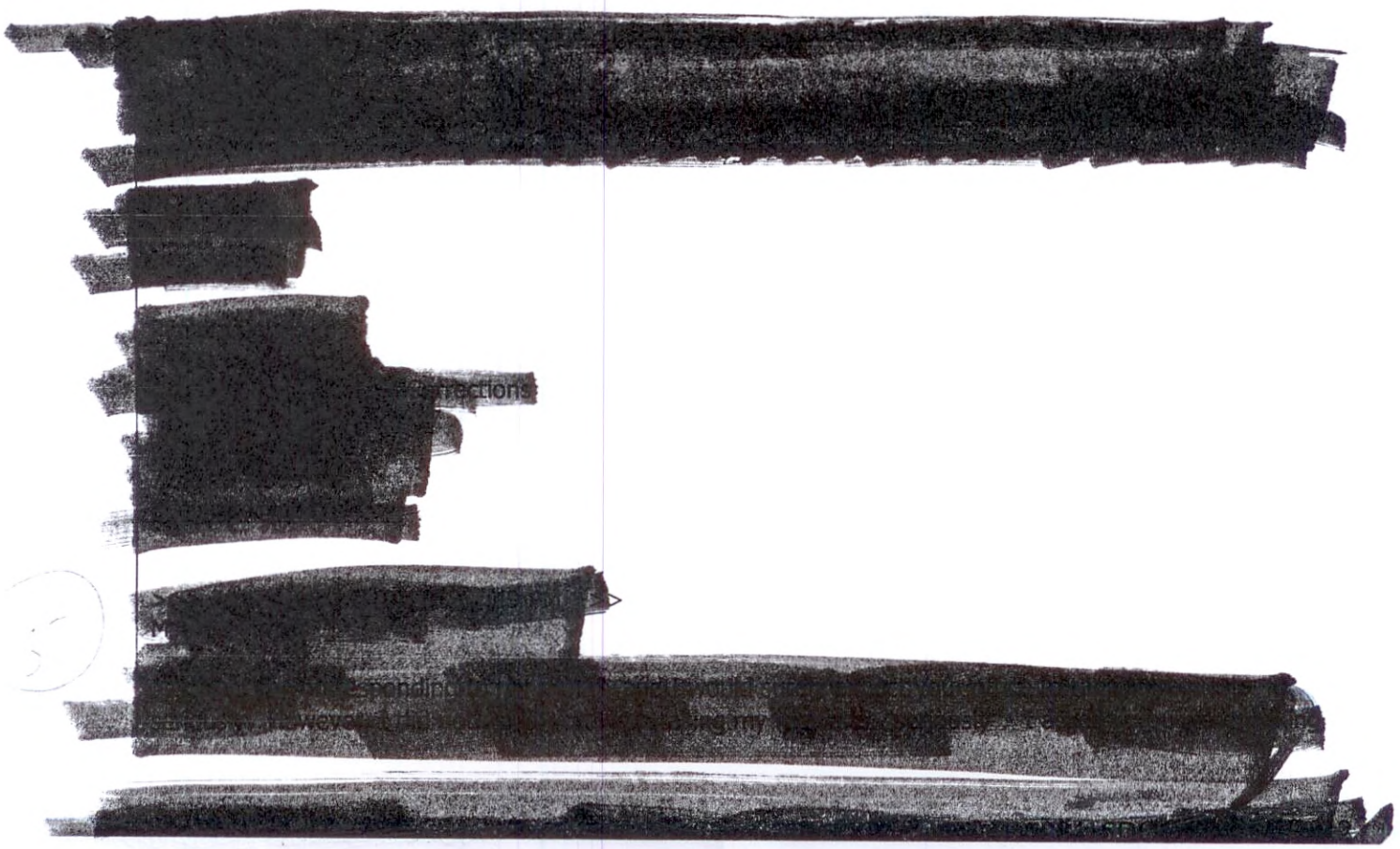
James Kelly - Re: Investigations

From: James Kelly
To: Pam Del Porto
Date: 5/2/2012 12:47 AM
Subject: Re: Investigations

Ms. Del Porto,

Let me see if I understand this. You are not OBLIGATED to let me know anything about an investigation I have requested to be conducted? Is this what you tell the DDO? Or the Director? Or Wardens for that matter? If so, this seems to give you and your office the cloaking device that would allow you to conduct investigation that you want to pursue, and NOT conduct investigations that you may not like without any oversight or accountability. It seems to me that your office is operating similar to a secret policing organization. And forwarding my messages to Janet traut appears to me that she is a conspirator in this endeavor. And yes, I do have information that would confirm this. Unfortunately, I can't talk about it.

Thanks for your reply.

James Kelly
Northern Nevada Correctional Center
Phone: 775-887-9230

People are getting smarter nowadays; they are letting lawyers, instead of their conscience, be their guide.
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