Patrick Mendez:

In regards to section 6—Employee Housing Agreements—of today's agenda; in the minutes for the meeting of October 15, 2013 on page 4, paragraph 3, in the third sentence, Mr. McDaniel is attributed as placing strict rules for Employee Housing Agreements, which included no ~~guns~~ FIREARMS.

I would like the board to consider AR 425.01.1 HANDLING AND STORAGE OF PERSONAL WEAPONS, which states "[t]he Department will allow all Department Peace Officers to secure personal weapons in their vehicles while on duty."

I ask the board to include similar language in any resulting Administrative Regulation that addresses Employee Housing Agreements because it is fairly obvious that if the Department allows firearms in vehicles, then I believe the same considerations can be made for RV's with the same type of conditions under AR 425.01.1. Furthermore, an officer, who goes into town for groceries, etc., would be unable to carry a firearm off-duty (NRS 202.350.4a) because they would have nowhere to store it while at work.

Finally, when entering prison grounds, there are signs that indicate vehicles are subject to search. By virtue of the peace officer entering into a housing agreement, does the officer voluntarily waive Fourth Amendment rights to searches and seizures? If so, are there going to be random, unannounced searches of the officer's RV to ensure compliance with the provisions Mr. McDaniel has indicated?

Center has changed since then. The Attorney General's office is reviewing the agreement to see if we still have to follow it. The Director brought up the ASCA staffing study. Director Cox said our Department has changed significantly since then so there will be a third party review of our staffing. Deputy Director McDaniel said the Stickney agreement is from 1982, when we had only three facilities. Northern Nevada Correctional Center was overcrowded at that time; there were food issues, physical plant issues, inclusions in cells. A small part of the Stickney agreement talks about staff. The entire situation has changed since then. Secretary of State Miller said we are due for a refresher. This was in reference to the staffing study. The Attorney General asked Director Cox questions and expressed concerns about the ASCA study and agreed that it was overdue. AG Masto said that her staff would review the Mickel and Stickney court decisions in reference to the results of the ASCA Staffing Study and see what needs to be updated or vacated as a result of the changes since the court rulings were put into place. ***Attachment 4***

VIII. Discussion on Inmate Vocational Training and related Contracts for Program Providers

Deputy Director for Support Services Scott Sisco discussed the inmate vocational training contract. He explained it was a two-year program that provided additional programs and classes. Three vendors bid on this contract. Two did not qualify and the last one had a car accident and we could not reach him. The Governor said we are not providing that training? Director Cox said no. Scott Sisco discussed the FCC ruling regarding inmate store sales and inmate phone calls. In Nevada, the money goes back to the Inmate Welfare Fund. The new FCC ruling would create a big cut in this funding. Director Cox explained we always use these funds appropriately other states use it for structural issues. The FCC not taking states like us into consideration. This will be a significant loss to our Department and we will need to find money to cover the loss.

IX. Discussion/possible action on NRS 209.181 related to Employee Housing Agreements

Director Cox discussed rural housing. He said it is difficult for staff to obtain housing and some people have not accepted jobs in rural areas due to the lack of affordable housing. The Nevada Revised Statute allows RVs on state property. [1]

Deputy Director McDaniel said that Humboldt Conservation Camp and Carlin Conservation Camp are our biggest problems we average four Correctional Officers short, which causes overtime. We would like to build RV spaces. Staff would bring their own RV. They would be charged pro-rated costs to cover water and power.

The Governor asked Deputy Director McDaniel to define temporary. Deputy Director McDaniel said up to two years or so until the staff found housing. There would be strict rules, no alcohol, no firearms, no gas. The RVs would be from 150 to 200 yards from the NDF camp, not inside the fence line of the facility. Director Cox explained that both he and Deputy Director McDaniel have lived on state grounds in past positions with other departments of corrections. Now, most states have stopped building housing for their staff. Other state agencies have done RVs. The Governor asked about costs to staff. Deputy Director McDaniel said just electricity costs. The Governor asked about the savings amount from overtime. Director said we will come back and report the success. The Attorney General asked how many RVs. Deputy Director McDaniel said two at each camp. The Attorney General said these people will be saving money and want to stay in the RV.

[1] NRS 209.181 can be found at http://www.leg.state.nv.us/nrs/NRS-209.html#NRS209Sec181

Deputy Director McDaniel said there will be a rental agreement with a maximum of two years. Director Cox said if it works well we may do this at other camps. Deputy Director McDaniel will read the rules. The Governor asked if the agreement was reviewed by the Attorney General's office. Director said not yet. He wanted approval from the board to move forward with this and then he would have AG review. The Governor mentioned that due to the mining in the rural areas housing is scarce and not cheap. The Attorney General moved for a motion to approve this. The Governor stated the motion and the department will provide updates the Secretary of State supports this and would like more backup materials. The Director said he had wanted more input from them before moving forward.

X. Discussion/possible action of the Association of State Correctional Administrators (ASCA) Staffing Study

Director Cox explained that the Nevada Department of Corrections has requested having a staffing study done several times over many years. Among the people who have requested or reviewed this request are Bob Bayer Director from1995 – 2000, Jackie Crawford Director from 2000 - 2005 and Gary Ghiggeri of the Legislative Counsel Bureau. Director Cox said many states are currently looking at this issue and a comprehensive study is needed. Director Cox explained that George and Camille Camp are national experts and there will be additional experts on the study team. The study will take place in all facilities except Pioch Conservation Camp. The Board of Examiners approved this study. We are taking a proactive approach to this however other states do this as a reaction to an incident. The Governor asked if there will be any issues regarding objectivity. Director said no, they are nonpartisan. The Governor asked if $78,000 for the study is enough. Will it be complete? The Director said it is sufficient. The Governor said the staffing issue has come up at every Board of Prison Commissioner meetings and wants a solid study and recommendations. Director Cox said it will not be questioned; this is a very high level team. The Governor asked if the front-line staff will give input Director said yes staff and shift supervisors will have input. The focus will be on custody staff. ***Attachment 5***

The Attorney General asked for an estimate of the timeframe and the start date. Director said it will be an aggressive three to six months but he will give them as much time as they need. They will be starting the first week of November. The Governor asked what other states? The Director said Arizona... and NDOC has sent three staff to them for training. Motion to approve the study approved.

XI. Discussion /possible action on National Register of Historic Places Listing for the Nevada State Prison

Rebecca Lyn Palmer, State Historic Preservation Officer asked for approval of the national register program. She said there is no negative impact for the states, only benefits. Local nonprofits can apply for funds, if leased; there will be rehabilitation tax credits. The Governor said we would need to edit the letter for the Secretary of Interior. The Attorney General brought up AB 356.

Rebecca Palmer and Glenn Wharton will provide a final letter and forward it to the Governor for his signature. The Attorney General recommended that the Governor can sign the final letter and the motion to support the letter was approved. ***Attachment 6***

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
425

HANDLING AND STORAGE OF PERSONAL WEAPONS

Supersedes: AR 425 (Temporary, 06/07/10)
Effective date: 08/13/10

AUTHORITY: NRS 202.350, NRS 212.160

RESPONSIBILITY

All staff are responsible to read and comply with these procedures.

Wardens are responsible to ensure strict enforcement of these procedures.

425.01 PROCEDURE

1. The Department will allow all Department Peace Officers to secure personal weapons in their vehicles while on duty.

   A. In order to secure the weapon in their vehicles while on duty, the Department Peace Officer must provide proof (from a certified outside company) that they have qualified on their personal weapon at least semi-annually. Officers will be given an exemption to this section of the regulation if they own the exact weapon that the Department currently issues for training.

   B. Only revolvers and semi-automatic handguns will be authorized.

   C. Approvals are only good for the institution/facility assigned. If transferred, staff must reapply.

2. The Department will develop an Operational Manual to ensure that safety and security of all institutions/facilities is maintained.

3. Violation of this regulation will be considered a violation of NRS 212.160.

APPLICABILITY

1. This regulation requires an Operational Procedure for all institutions and facilities.

2. This regulation requires an annual audit.

Howard Skolnik, Director

7/20/10
Date