

**BOARD OF COMMISSIONERS**  
**JIM GIBBONS**  
GOVERNOR  
**CATHERINE CORTEZ MASTO**  
ATTORNEY GENERAL  
**ROSS MILLER**  
SECRETARY OF STATE

**STATE OF NEVADA**

**HOWARD SKOLNIK**  
DIRECTOR



**DEPARTMENT OF CORRECTIONS**

*A Nevada with no more victims*  
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MINUTES

of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

July 8, 2008

The Board of Prisons Commissioners held a public meeting on July 8, 2008, beginning at 12:00 p.m. at the following locations:

at the State Capitol Building Annex, 2<sup>nd</sup> floor, 101 N. Carson Street, Carson City, Nevada and video conferenced at Grant Sawyer State Office Building, Room 5100, 555 E. Washington Ave., Las Vegas, Nevada.

I. Call to Order.

The meeting was called to order by Governor Gibbons. He noted that the commissioners were present, Attorney General Catherine Cortez Masto and Secretary of State Ross Miller.

Also present were Senior Deputy Attorney General Janet E. Traut and Senior Deputy Attorney General Keith Marcher, Director Howard Skolnik, Legal Counsel Josh Hicks, Deputy Secretary for Southern Nevada Chris Lee, Chief Deputy Secretary Nicole Lamboley and members of the Press. Members of the public were asked to sign in, and the sign-in sheet is attached [Attachment A](#).

II. Acceptance and Approval of Minutes – April 8, 2008. (action required)

The record shows the Minutes of the April 8, 2008 were approved unanimously. There were no comments or questions from the commissioners.

III. Discussion/possible decision regarding Department of Corrections budget reductions – Howard Skolnik.

Howard Skolnik, Director of the Department of Corrections, stated the Department submitted a series of recommended budget reductions to the Budget Office at their request. As a consequence of the Special Session, the Department was targeted with a final reduction of 2.88 percent for the current fiscal year and in order to accomplish that the Silver Springs Conservation Camp (SSCC) and the Southern Nevada Correctional Center (SNCC) were closed effective July 1<sup>st</sup>. The Disruptive Group Facility at the Lovelock Correctional Center (LCC) was closed and the inmates were relocated. The Department froze two positions in the Director's Office and delayed the opening of Phase V at the High Desert State Prison (HDSP) until July 1, 2009. He stated the Department has frozen 26 positions at Ely State Prison (ESP) and changed the shifts to eliminate swing shift differential, which the Director had gotten a lot of complaints about, but the alternative would be for the Department to close a camp. The opening of approximately 300 beds at women's prison was delayed until May 2009. The Indian Springs Conservation Camp (ISCC), Phase I and II staffing was delayed. The closure of Nevada State Prison (NSP) was put aside for the current fiscal year. These reductions comply with the requirements that came out of the Special Session and will know for sure at Interim Finance in September.

Attorney General Masto asked Director Skolnik to clarify the shift differential and if it was only affecting the swing shift staff which would also cause a reduction in their pay. Director Skolnik replied it affected the swing shift only but the alternative would be to close a camp and lose people stating he would prefer to save jobs. This would affect swing shift statewide.

Secretary of State Miller asked how the Department arrived at the shift differential decision. Director Skolnik indicated that the Department took the amounts that the Department had to reduce and what it would take to meet those dollar amounts in order to save jobs. It was either the shift differential or a camp. Four budgets were submitted the final week before the Special Session which gave the Director's Office no time to speak with staff for their input. There is an opportunity to revisit anything the Department has on the table and it's a question of what the Legislature is willing to give up and which camp should be closed.

Governor Gibbons asked the Director if these issues were brought up to the Legislature and if they looked at this alternative. Director Skolnik responded they only approved the closures of the three facilities, so there is time to reconsider.

Secretary of State Miller indicated that the swing differential had been tried before previously and it failed. Director Skolnik stated he was not aware of that.

Governor Gibbons asked the Director what alternatives he could look at if he didn't do the shift differential or a camp shutdown. Director Skolnik replied the Department was out of options at this point and we gave up \$77.5 million worth of Capital Improvements to get the Department through the '08 budget without any layoffs. The Department managed to scale back SNCC and SSCC in a fashion to avoid layoffs. Director Skolnik stated he was out of options and there were no options left.

Secretary of State Miller asked Director Skolnik what process he took to evaluate the options. Director Skolnik responded staff met for 12 to 14 hours a day, they looked at numbers but ultimately it was his responsibility to run the Department and it was his decision. He then asked the Director what documentation he had and Director Skolnik stated the Department has a 10 year plan which identifies when things come on board with different levels of capacity identified. The Department gets projections from JFA twice a year. The budget and staffing were reviewed. When asked what additional documentation was available other than the one page that was submitted to the Board in order to make an informed decision, Director Skolnik stated he would provide the Board any documentation the Department had. The Department has now matched the budget numbers as of July 1<sup>st</sup>. The Director stated the passage of SB4 and the Special Session will further reduce the population

Secretary of State Miller asked what plan the Department has if NSP were to shut down. Director Skolnik stated the plan was to faze those inmates gradually into the opening of HDSP and move staff to all the vacant positions in the State but the Department would still face approximately 110 layoffs. The Board was provided with a list of Capital Improvement Projects identified by State Public Works Board (SPWB) and documentation on NSP's Building Report showing there is a tremendous amount of work that needs to be done to maintain that prison. If the current projections hold, the Department will be able to absorb those inmates. The delaying of Phase V at HDSP will not impact us at this time if the projection numbers hold. The Director stated he thought the Department could save the upper yard with the newer units at that facility and could possibly move the fence line, making that a part of WSCC. The SPWB was fairly confident that the fence line could be relocated and moved after some infrastructure development. He stated the only two prisons that are operating the way they were designed are ESP and LCC.

Secretary of State Miller asked if the Department does have to close NSP were there plans to build a facility in Northern Nevada or if perhaps the Department could relocate Prison 8 to the Carson City area. Director Skolnik replied there were none and it would cost tens of millions of dollars to change that process at this point in time and would delay the project by three years. He did not recommend relocating Prison 8. Secretary of State Miller asked the Director if he had documentation backing this up and Director Skolnik replied the Department had talked to SPWB concerning this. This would involve a total reengineering of that facility and he stated that the inmates that will fill that facility will come out of Clark County, not Northern Nevada. Secretary of State Miller commented the closing of NSP would result in many layoffs. Director Skolnik stated it would result in some layoffs but there will be some people that will want to retire, some to relocate, some to seek opportunities with another agency and some forced into layoffs. He stated the first discussion for the closure of NSP was over eight years ago and that the physical plant is not conducive to running the facility with today's staffing patterns and correctional approach. Having Prison 8 as part of the complex centrally developed at the Indian Springs Facility allows the Department to move staff to back each other up, it allows for a single medical facility and a lot of things we will need that will make it easier to manage the Department. He stated he understood the concerns of the local community but to remember that when NSP opened, there was no Las Vegas, there was no Southern Nevada. Secretary of State Miller asked what process the Department underwent to arrive at that decision. Director Skolnik responded that the Board was provided with a 104 page document as to why the Department made that decision.

When Secretary of State Miller asked about shifting the resources of Prison 9 Director Skolnik stated that it was scheduled to be a female facility and it was the Legislators that wanted it in Clark County. He then asked the Director if he had looked at any budgetary savings to consolidate top administrative positions. Director Skolnik responded the Department has eliminated some positions and stated that the Department is ranked 51<sup>st</sup> out of 51 U.S. jurisdictions in our administrative staff and inmate ratio. Secretary of State Miller asked if there was any documentation and Director Skolnik replied he could contact the American Correctional Association for that information or he could provide him with that information.

Secretary of State Miller stated that the Legislative Session appropriated approximately 300 million in new prison construction and 33 million in temporary pod construction and asked Director Skolnik if some of that was reduced. Director Skolnik stated about 75½ million was reduced. Secretary of State Miller asked Director Skolnik how the Department reconciled the need for substantial construction, the money that was allocated, and the fact that we are now closing prisons. Director Skolnik stated there have been laws passed that changed the dynamics of the institutions. He stated he did not believe that we will continue to see a flat or reduced population due to the economy and there is already some increase in the Clark County Detention Center (CCDC) as a result in an increase in felony bookings but if we don't build and they come, there will be a serious safety problem for staff. He stated the Department could always rent out the beds until we needed them and generate revenue. Secretary of State Miller requested a 5/10 plan be provided to him and Director Skolnik responded he would provide him with a presentation.

Secretary of State Miller expressed the Board's willingness to meet and discuss and explore the budget issues but he has concerns about the process that the Department followed and stated he was only provided a one page reduction plan and he could not make an informed decision. Director Skolnik stated that was the fifth plan made which was prepared a week before the Special Session and apologized for the Department's inability to bring the Secretary and to his staff to bring them into the process but it was a crisis oriented decision process. Secretary of State Miller stated one page isn't enough for the Board to make a decision at this time and they needed to be more informed on the budget issues. He stated he knew the Advisory Commission would take an in-depth look at this and make a decision in the fall. Director Skolnik stated he had met with Justice Hardesty this morning and stated Justice Hardesty would like the Board's approval for the Advisory Commission to take a look at all aspects of the recommendations. Secretary of State Miller stated he thought that would be appropriate and the Commission could come back to the Board to report its findings in order to make an informed decision. Attorney General Masto agreed it would be helpful to the Board to get a report from Dr. Austin and have the Advisory Commission do a full analysis. Secretary of State Miller suggested that at the next Board meeting to have Dr. Austin and Justice Hardesty make a presentation to the Board so they could make an informed decision. Secretary of State Miller then made a motion to take no action on the proposed reduction plans that were submitted and to formally direct the Advisory Commission to take an in-depth look at the budget as a whole and to study the budgetary issues involved and bring the study back to the Board with specific findings and more information as to what the impact of the budget cuts would be. Attorney General Masto seconded the motion. Hearing no questions or comments, the motion was passed unanimously.

## V. Discussion/decision regarding State Administrative Regulations.

Director Skolnik asked that AR 323, Administration of Sick Leave, be removed from the table as there were concerns from the associations and he would meet with them to discuss those concerns before it is finalized. A motion was passed to remove AR 323 from discussion.

Director Skolnik stated AR 269, Food Services, was a temporary regulation that adjusted the wording because of the previous budget cut and there was a different position overseeing the institutional food service management and the language was clarified to reflect that change. Also, there is a technical change to 269.01, 1.C. that should read "Religious diets will be approved in accordance with AR 810 instead of AR 814".

Director Skolnik stated AR 543, Transitional Centers, is a temporary regulation which brought us in compliance with the statutory changes that took place at the last session regarding transitional centers and also following discussions with Parole and Probation to create the Operating Procedures necessary for the Transitional Housing Center to serve as half-way house for inmates.

Director Skolnik stated AR 810, Religious Faith Group Activities and Programs, which was well over a year, probably closer to two, in drafting, which identifies and clarifies religious activities within the Department. There was input from inmates, the clergy and from attorneys. He stated it was a very difficult regulation to draft because of the tremendous amount of litigation in this area and throughout the country. This regulation will help us in responding successfully in litigation.

There was a motion for approval and the record reflects the motion was passed unanimously to approve ARs 269, 543 and 810.

## V. Public Comment

Kevin Ranft, Correctional Officer at NNCC, representing correctional officers and staff, AFSCME Local 4041. In regards to the budget cuts, they would like to sit at the table to come up with some alternatives to the swing shift differentials. They do not want to see the camps close and he thanked Director Skolnik for delaying this decision and they look forward to meeting at the table.

Wendy Webster, 450 N. Nellis Blvd #155, Las Vegas spoke regarding Food Services and the visiting room at NSP and [Attachment B](#) was submitted for the record.

Director Skolnik commented that there was a new vendor contracted for the vending machines that started on July 1<sup>st</sup> and he would check into Ms. Webster's concerns.

Teresa Werner in Carson City. Mrs. Werner stated her husband was an inmate at NSP and she didn't want to see that prison closed however, she agreed that the prison was old with a lot of maintenance problems and safety issues. She also had comments on the food service and the food that is served to inmates is not eatable as the food was rotten. Mrs. Werner stated she believes the quality of the food has a direct impact on the medical problems and said the Medical Department does not properly document problems the inmates have. She also expressed concerns about the vending machines. Mrs. Werner stated she had also heard of food being stolen from a camp by staff members and she requested a personal audit be conducted to make sure that the food was actually going to the inmates. She wanted to see gardens put back into facilities and saw no reason that inmates couldn't grow their own food.

Mrs. Werner commented she agreed with what Dorla Salling, Chairman of the Pardons Board, said when she suggested at the ACAJ meeting that the Pardons Board have panels. She also stressed the importance of programs stating it will ensure those leaving prison do not come back and that starts with the Department of Corrections. She stated her brother has been in and out of prison four or five times and every time he left prison, he was worse, and asked that we please don't cut programs. She submitted papers on budget issues - [Attachment C](#).

Valerie Green in Las Vegas requested to speak. She asked how is it that an inmate (referenced #25593, Ricky Foote, brother) who has an impeccable record, has no major write-ups, has completed all programming, passed his GED, has held the same job for ten years, has passed the Psych Panel and is serving two 5 to Life sentences but the Parole Board keeps denying his parole. Ms. Green stated she had made an inquiry to the Parole Board as to why they keep denying his parole and they told her it was none of her business. Ms. Green stated the Parole Board should give a reason why an inmate has been denied when it is requested. She also asked when the Pardons Board applications would be given to the inmates. Governor Gibbons instructed her to call the Pardons Board or to research the website.

Lee Rowland, Northern Coordinator ACLU of Nevada requested to speak. She submitted her written comments for the record – [Attachment D](#). Senior Deputy Attorney General Janet Traut's comments on information requested by Lee Rowland at the meeting – [Attachment E](#).

Pat Hines from Yerington, Nevada, requested to speak and she wanted to make some general comments on the ARs. She stated the Board should come up with some policies and procedures for the inmates and members of the public to have input into the ARs before they are revised. Ms. Hines proposed that the current ARs be kept on the website and not be taken off until the new AR revision is approved and ready to put on and this was a special request by family members and inmates. She stated the DOC will never catch up with ARs by only having two or three presented to the Board every three months. Ms. Hines stated she would like to know who to report to if she has a change she wants to present as she has some changes for AR 507, the segregation policy, citing that an inmate was rolled up at SDCC for no rationale or reason and transported to HDSP and three weeks later still no investigation had been completed. Ms. Hines wanted to know what the rationale was in have over 200 inmates transferred between LCC and NNCC a few weeks ago when the guards said there were not enough correctional officers to handle the shifting of inmates. She also inquired as to the cost of this transportation.

Tosh Dawson, wife of Albert Dawson, PO Box 941, Virginia City, Nevada 89440, requested to speak. She wanted to speak about Agenda Item III. She stated that her husband has suffered some injustices however, there is a point where punishment ends and torture begins. If you give a child time out for a few minutes that is for punishment but when you leave that child there all night, that's torture. Mrs. Dawson stated DOC is looking for a way to cut the budget and a good way to cut the budget is permanent beds for people who have been there for more than a few years and most of them are lifers. She stated the recidivism rate for lifers who are released and who have served 10 to 12 years is less than one percent. This will reduce the budget and ensure the recidivism rate remains low as they are not the type of people who will re-offend. She suggested interviewing people in person for permanent beds as some of these inmates were incarcerated as teenagers and have bettered themselves.

Allen Sweet from the "I AM" Workshop Tour, which is a nonprofit organization that helps teens and adults break their methamphetamine addiction, requested to speak. He thanked the Board for their cooperation in helping him out. He stated his program has medical doctors involved to help them with the program. Mr. Sweet stated they are applying for a 2.5 million dollar federal funding which will benefit the prisons in programming. He also met with the Department of Health and Human Resources, Sheriff Furlong, the Department of Public Safety for their help in supporting the program. He contacted the manager of Gold Dust West in Carson City in hopes to hold the workshop seminars biweekly for the public to attend to help their families break their methamphetamine addiction. Mr. Sweet's goal is to bring DVD productions into the prisons. He stated that doctors are willing to fly up from Las Vegas with staff and bring a three to five day out-patient treatment program to the inmates. He is asking for the State's help in making this happen.

Submitted for the record by Marie Calzada – [Attachment F](#).

Submitted for the record by Gene Columbus – [Attachment G](#).

Submitted for the record by William Clarke – [Attachment H](#).

## VI. Adjournment

Motion to adjourn was approved by unanimous vote. The meeting was adjourned at 1:25 p.m. The next Board of Prison Commissioners' Meeting is scheduled for August 12, 2008.

APPROVED THIS DAY 12th, MONTH OF AUGUST 2008

BY:

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GOVERNOR JIM GIBBONS

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ATTORNEY GENERAL CATHERINE CORTEZ MASTO

Absent

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SECRETARY OF STATE ROSS MILLER

Recorded and Transcribed by Susan Cochran  
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Nevada Department of Corrections