

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY SELECT COMMITTEE ON CORRECTIONS, PAROLE, AND  
PROBATION**

**Seventy-Fourth Session  
March 27, 2007**

The Select Committee on Corrections, Parole, and Probation was called to order by Chair David R. Parks at 3:48 p.m., on Tuesday, March 27, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. 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/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman David R. Parks, Chair  
Assemblyman Bernie Anderson, Vice Chair  
Assemblyman John C. Carpenter  
Assemblyman William Horne  
Assemblywoman Valerie E. Weber

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Kathy McClain (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Harvey Munford, Assembly District No. 6

**STAFF MEMBERS PRESENT:**

Craig V. Hoeffcker, Committee Policy Analyst  
Risa Lang, Legislative Counsel Bureau, Chief Deputy Legislative Counsel,  
Legal Analyst

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Mark Stevens, Legislative Counsel Bureau, Assembly Fiscal Analyst  
Gayle Miles, Committee Secretary  
Olivia Lloyd, Committee Assistant  
Deanna Duncan, Committee Manager

**OTHERS PRESENT:**

John A. Gonska, Chief, Division of Parole and Probation, Department of  
Public Safety  
Chris Giunchigliani, Private Citizen, Las Vegas, Nevada  
Pat Hines, Private Citizen, Yerington, Nevada  
Tonja Brown, Private Citizen, Carson City, Nevada  
Lee Rowland, American Civil Liberties Union of Nevada  
Constance Kosuda, Private Citizen, Las Vegas, Nevada  
Flo Jones, Private Citizen, Las Vegas, Nevada  
Sherry Keithley, Private Citizen, Las Vegas, Nevada  
June Wood, Private Citizen, Las Vegas, Nevada  
Mary Hester, Private Citizen, Las Vegas, Nevada  
Teresa Werner, Private Citizen, Carson City, Nevada  
Cotter Conway, Washoe County Public Defender  
Jason Frierson, Clark County Public Defender's Office,  
Katy O'Leary, Private Citizen, Oakland, California  
Jason McLean, Private Citizen, Reno, Nevada  
Howard Skolnik, Director, Department of Corrections  
Fritz Schlottman, Offender Management Administrator, Department of  
Corrections  
Ed Gibson, Secretary, Nevada Corrections Association

[Roll was called and a quorum was present.]

**Chair Parks:**

Under matters continued from a previous meeting, I would like to get an update from Chief Gonska.

**John A. Gonska, Chief, Division of Parole and Probation:**

I can give you an update for North Las Vegas that has potential ramifications across the State. Initially, North Las Vegas requested that we remove all sex offenders residing in transitional homes in their city. Their request was primarily because the offenders were living in unlicensed facilities and, more importantly, when the public found out that there was a house filled with sex offenders in their neighborhood, they were outraged. I removed them from North Las Vegas for the offenders' own protection. In the meantime, I received a letter from the

City Manager of North Las Vegas requesting that all offenders who reside in a transitional home be removed because they were living in an unlicensed facility. As a result of that, I have had meetings and discussions with the Health Department's Bureau of Licensure and Certification and with the Attorney General's Office. While these discussions were going on, there was some confusion about whether these homes were in violation of Nevada State law. We had a meeting yesterday with the attorneys for some of these transitional homes and with two Deputy Attorney Generals and representatives from the Bureau of Licensure and Certification. As it stands now, the legal opinion is that these transitional homes are not currently in violation of State law. They are in the process of application, so they are given a little bit of time to determine if they can obtain a license or not.

One of the biggest drawbacks, according to the Fire Marshal, is that the homes have to be retrofitted with fire suppression systems. Costs are running from \$20,000 to \$30,000 to retrofit each house, and this is a major obstacle. Further discussions need to take place with the Fire Marshal to get a clarification on that, and also there will have to be further discussions with the North Las Vegas City Attorney and the City Manager.

We will currently allow new offenders released from prison to go into these transitional homes in North Las Vegas pending resolution of this issue. If you have a community, like North Las Vegas, that is up in arms about sex offenders, this could easily spread to other communities. We are reaching a point where no communities want to house any sex offenders. These transitional homes are a controlled environment. If this continues, then the State will have a serious issue that they will have to confront.

**Chair Parks:**

Are there any questions from the Committee?

**Assemblyman Anderson:**

I know your staff is trying to identify sex offenders, but low-income housing is a major issue confronting those offenders, and trying to find good placement where they are not going to be back in the same environment that caused them to be offenders in the first place is a problem. How are we going to achieve that goal if the places that should be available for transitional housing are not because of the retrofit ordinances?

**John Gonska:**

That is a major problem with no easy solution. I wish I could offer you something. We might consider using places like Casa Grande or Restoration House in Reno. There is no magic answer here. It is very problematic, and I am

very nervous about it. If other communities stand up in arms and say they do not want these sex offenders in their communities, what can we do? We would rather have them in a facility where they could be monitored as opposed to being by themselves. The biggest risk situation is when these offenders are by themselves and not being supervised or monitored.

One thing we are doing is cooperating between departments. We have seen tremendous cooperation and communication between our Division, the prisons, and the Parole Board. When people say there is no communication, that is not quite true.

I would like to point out that our staff is sometimes confused with other departments such as the Parole Board.

**Chair Parks:**

Are there further questions from the Committee? I see none. I was going to ask about possible problems in other communities, but you have addressed that. Finding suitable facilities is a problem.

**John Gonska:**

Our biggest problem is our staffing. We cannot do a lot of things because there is a critical staffing shortage. There always seems to be an unfunded mandate for us to do something.

**Chair Parks:**

Thank you. I do not see any other questions. There have been a number of handouts distributed. For those in the audience or viewing this meeting on the Internet, we are taking heed of the emails, faxes, and your letters that are sent to us. Even if we do not specifically put your communications in the record, we are acting on them.

Two of our members (Assemblymen Horne and Anderson) have to leave temporarily to attend another meeting that was called for 4:00 p.m., so we will be operating as a Subcommittee for some time.

We will open the hearing on Assembly Bill 416.

**Assembly Bill 416: Makes various changes to provisions concerning the Department of Corrections. (BDR 16-190)**

**Assemblyman Harvey Munford, Assembly District No. 6:**

As a second-term Assemblyman, I did not have the knowledge of how the Nevada Department of Corrections operated. During my first term, many of my

constituents began to contact me and give me information concerning various correctional facilities. I was surprised to learn about some of the things that were happening. My district represents part of what is old west Las Vegas and is primarily low-income and minority population. It seems that the prison population sometimes mirrors that demographic. I decided to visit some of these facilities. During the interim I visited every facility in the southern part of Nevada, and since this Session began, I have visited three other facilities in the north.

Because of some of the things I saw on my tour and the volume of mail I received, I heard some horror stories. There were many times that I had direct contact with the inmates, and many of the stories they told me shocked me. It seemed to be a pattern with almost every facility I visited.

One of the highlights of my visits was an opportunity to visit a site with a national figure, the Reverend Jesse Jackson. Our joint visit was two days before Mother's Day, and we were at the Southern Nevada Women's Correctional Center. We both had the opportunity to speak with some of the inmates. The Reverend asked them how many were incarcerated for a violent crime, and there were almost none. He then asked how many of the inmates were mothers and about 80 percent of their hands were raised. How many of you have mothers at home, he asked? Again, about 80 percent raised their hands.

Many of the inmates were incarcerated for nonviolent crimes, and they were mothers. We could not believe there were so many nonviolent women incarcerated. There was serious overcrowding. We felt there must be a way to review their records and check to see if they would be eligible for parole. There should be a way to expedite their release.

Jesse Jackson told me that we should have a hearing, and at this hearing we would bring out into the open some of the grievances and concerns. I would like to share with you some of the results from that hearing and some of the testimonies that were given to me.

[Assemblyman Anderson returned, a quorum was again in place.]

There is a long list of issues that needs to be addressed. There is no preventative medical care or dental care in the prisons. There are also dietary issues. There are no accommodations for the dietary needs of the inmates. Excessive charges were made sometimes for continuing care. With the medical care, inmates' psychoactive medication is confiscated upon entry and inmates reacting to the removal of their medication are treated as disciplinary problems.

There is a need for a citizen review committee for grievances of inmates, and a tracking system to insure that problems are addressed. Inmate grievances are routinely not acknowledged, so they cannot be appealed. There are no checks and balances for the grievance process. There needs to be a follow-up process so that grievances that are filed can be responded to.

Racial discrimination is a large problem for employees within the prisons. Racial minorities are denied promotional opportunities. There is a need for diversity among the employees in the hiring practices and management positions. There is also a lack of diversity on the Parole Board.

There is a lack of programs and professional assistance for inmates that are linguistically different. Paroles are being denied at the last minute, and no reasons are provided. There is great concern about the State building more prisons to house drug offenders rather than spending money on rehabilitation programs. There is concern about drugs in the prison yards. Not all drugs are coming in through visitors. There needs to be a random check of prison guards. It is felt there has been undocumented mistreatment of inmates by prison guards. Inmates should be allowed to submit their grievances to entities outside the prison. Excessive fees are being charged by Nevada bail bondsmen. Fines are imposed on inmates with no due process. Prison Board meetings should be videoconferenced to southern Nevada so inmate families and the public can view the Board's actions, and changes, if necessary, should be made to the Parole Board regulations. The Nevada Department of Corrections (NDOC) has changed the law and reduced by two-thirds the amount of time granted inmates for "good time" and education credits. There is a need for northern Nevada and southern Nevada administration of the NDOC to address differing regional issues. I strongly disapprove of Administrative Regulation 100, the ruling that states "Elected officials must get approval and/or inform prison officials in advance of any planned visitation of a Nevada prison system." This regulation gives too much authority to the administration. An unannounced visit is more likely to reveal true conditions within a prison. This regulation is designed to benefit prison officialdom and provides a means for them to elude and conceal questionable prison policies and behavior toward the inmates.

I am a believer that when someone breaks the law, they should be punished, and they should be made to compensate the victim. However, once their debt has been paid, they should be released expeditiously. Some of these individuals can and should be rehabilitated before their release. Unfortunately, many of the inmates feel they have lost a voice. The inmates should be treated without malice, their incarceration is judgment enough. What I have observed has made a change in my character even at my age. There may be some in the higher

echelons of NDOC who feel they are doing a good job; nevertheless, there is always room for review, growth, and improvement, and if a person is honest, there is no reason to object to change. Let this Legislature weed out the problems, and let us work together on having a Corrections, Parole and Probation system we can be proud of.

**Chair Parks:**

Are there any questions from the Committee?

**Assemblyman Anderson:**

I apologize for missing part of your testimony. The Administrative Regulation (A.R.) that was of concern to you, that is A.R. 100, the information that you requested when you went to the various prisons, did they subsequently provide the information you requested?

**Assemblyman Munford:**

Every time I went to the facilities alone, without any administrators, I was not in any way denied entry to go on my tour. It was after my initial visits that the regulation was put in place. I believe it was later that the Prison Commission met and proposed A.R. 100.

**Assemblyman Anderson:**

Is that the purpose of Section 6 of the bill? It says, "All books and papers kept by, prisons operated by, employees employed by, and prisoners held in the custody of the Department shall at all times, on all legal days, be open to and available for the inspection of the members of the Legislature." Are you looking for 24-hour physical access, such as showing up at 2:00 in the morning? I can understand why you may want to show up at 2:00 a.m.

**Assemblyman Munford:**

It would seem regular working hours would suit our purpose. Are you saying we should designate specific hours?

**Assemblyman Anderson:**

I was trying to see where your comments would fit relative to the bill. Do you feel this Legislature should review the NDOC's Administrative Regulations?

**Assemblyman Munford:**

Is the Prison Commission composed of constitutional officers? Who else is on that Commission?

**Chair Parks:**

I understand it is the Governor, the Attorney General, and the Secretary of State, just the three.

**Assemblyman Munford:**

They are all part of the Executive Branch and we are part of the Legislative Branch. They cannot overrule our branch.

**Assemblyman Anderson:**

The Legislature makes the rules, and administrative regulations are part of rule making. Theirs is the part of enforcement, but we do not want to get involved in the day-to-day handing out of speeding tickets. We do determine the speed on the road and what constitutes a traffic offense.

**Assemblyman Munford:**

We can check them as well as they can check us.

**Assemblyman Anderson:**

We require other administrative agencies to have their regulations approved by the Legislative Commission before they go into effect based upon statutory authority. If you are looking for an oversight function of the Legislative process, it would slow the NDOC down. I am trying to determine what you think our solution should be. Looking over the bill, I am wondering how to solve that particular procedure regarding hours of access, and whose permission we need.

**Assemblyman Munford:**

How long has A.R. 100 been in effect? Was it effective in the beginning of the winter months, like November? Has it always been on the books, or is it new?

**Assemblyman Anderson:**

I could not tell you.

**Chair Parks:**

Did you want to take us through the bill and speak to the specific sections, or do you have other people who may want to speak, or did you just want to entertain questions?

**Assemblyman Munford:**

I would entertain questions. My primary focus on the bill was the Oversight Committee. The Department of Corrections needs some type of outside governing body to prevent mismanagement and abuse of the inmates. It matters how we treat the inmates, and so I am here responding to the people who elected me.

**Assemblywoman Weber:**

Would you go over Section 5 with us regarding the Committee on Prison Oversight? Can you give us the function and/or vision you want for the oversight committee?

**Assemblyman Munford:**

In any situation where you find mistakes or you feel some changes should take place, I would like to see the necessary changes enacted so they do not happen again.

**Assemblywoman Weber:**

I would like to know if you envision that one of the functions of the Oversight Committee is to look at "best practices" in comparison to what operations is currently doing. Do you think they should talk among the members about the improvement part of that through some corrective action plans? This bill does not really state what the committee should be doing.

**Assemblyman Munford:**

That would be the intent.

**Chair Parks:**

I would like to go back to Section 4, dealing with the composition of the Committee on Prison Oversight. It is a 16-member committee with 8 members appointed by the Legislative Commission, and I wonder how that was determined for the selection of members. It appears that no member of the City of Sparks could serve on the oversight committee unless otherwise appointed.

**Assemblyman Munford:**

I think we could change that, by increasing the number.

**Chair Parks:**

You have to be careful when you say increase it by very much. Mr. Anderson will launch into his lecture on Parkinson's law.

Are you locked into this type of a format for representation on this Oversight Committee?

**Assemblyman Munford:**

Not really. I know there is an area where we can work with the Committee. We would like it to be as good of a cross section as possible. I would like it to cover the entire State of Nevada.

**Chair Parks:**

A couple of thoughts come to mind for me, one of which would be a solicitation of interested individuals who would want to serve. Also, it would be good to get as broad a population as possible to serve on this Committee. I guess the other area deals with representation that would mirror, to some extent, the population, demographically, that is in the prisons.

**Assemblyman Munford:**

You are right, we tried to be as diverse as we could to reflect the population of the prisons.

**Chair Parks:**

Are there any further questions from the Committee?

**Assemblyman Anderson:**

I have a suggestion, perhaps to indicate members by county rather than by a particular city. Why a registered voter? That might preclude somebody from the list who might have specific knowledge but may have lost the opportunity to be a registered voter.

**Assemblyman Munford:**

I think you make a very good point. Many of the inmates, once they are released, have to go through a process to regain their civil rights. With that background they would be capable members of the Oversight Committee.

**Chair Parks:**

Did you have specific individuals that you would like to speak on this bill? We have quite a number of individuals who have signed in. One of our former colleagues, County Commissioner Chris Giunchigliani is in Las Vegas.

**Assemblyman Munford:**

I have no one that I brought with me.

**Assemblyman Carpenter:**

I was very interested in Mr. Munford's analysis and all the work that he has done. The bill points out some of the deficiencies.

**Assemblyman Munford:**

Thank you, you have given me support and urged me to continue with this legislation.

**Chair Parks:**

We will go to Las Vegas for some testimony.

**Chris Giunchigliani, Private Citizen, Las Vegas, Nevada:**

I am speaking on my own behalf today, not as a Clark County Commissioner. I was waiting to testify on an elections bill and saw that Assemblyman Munford had brought this piece of legislation forward. I felt that it was important to add a few comments and suggestions.

I commend the Assembly for putting this Committee together. Too often, we forget that in the interim there is a lot that can go wrong in the prison situation. There are a few sections that I would like to comment on. Section 1, subsection 3, regarding the performance audit, those are all necessary. There have been problems in the past of monitoring the store account fund for the offenders and making sure that the monetary balance is there and is being accounted for and spent on what was intended. I would suggest looking at medical care, especially in the women's prison. We have had extreme difficulties with people accessing the correct care. This is true in the men's facilities as well.

A third area that ties directly to parole, which is part of the intent of this bill, is the ability to earn their "good time credits." I do not think we have looked at this issue and the availability of schooling, classes, workshops, and employment opportunities for quite some time, so that we could allow these people to come back into society able to make their way. Several years ago with the women's prison, there were no courses available, so they could not earn the credits and move forward.

In addition to that, on page 5, Section 5, I think it is absolutely key that subsection 2 is there, regarding the availability for the members of the Oversight Committee to be able to access the prisons. I was called late at night about women having to urinate in coffee cans because they were not allowed out of their prison cells. I did a drop-in visit with one of our former staff members from Ways and Means and took my camera. At first I was refused entry by the warden. He finally did allow us access and we did find exactly what I had been told. That was the beginning of trying to move the women's prison south, making sure that there were equitable programming needs for women as well as the male inmates.

Section 7, is an interesting concept. We have talked about making sure that female-to-female, male-to-male contact is done. I think you might want to look at some language that allows for some flexibility under certain circumstances. It is impossible to be that rigid within the system.

In Section 25, regarding the Board determining that a closed meeting is necessary, I think that the Board should come back and cast their votes in public. That might be a way to make sure that the deliberations were still made in a public manner as far as the voting.

Finally, Section 36 on the last page, I assume this is holdover language to allow for any regulations to remain in place pending any changes. I would suggest that if the Department of Corrections, the Director, the Board of Prison Commissioners, or the Board of Parole is found guilty of not holding an open meeting or violation of the open meeting law, that those regulations be set aside and the meeting be reconvened and replaced.

This is one issue that absolutely takes up the majority of our budget, whether it is capital improvement-wise or just human resource-wise. We need to be sure that the wards of the State are properly supervised.

**Chair Parks:**

Are there questions from the Committee? I see none.

**Pat Hines, Private Citizen, Yerington, Nevada:**

I would like to speak about the Oversight Committee. This is a large bill and the size of it is overwhelming. We need to discuss this and come up with something. My feeling is that the Committee is too big. The community notification for adult sex offenders committee has had problems because they could not schedule meetings. I look to the Board of Prison Examiners that could not meet for almost two years because they could not get a scheduling date. What will it be like to try to get 16 people together? I think there needs to be some kind of committee on prison oversight, but it should be an Oversight Committee on Corrections with the hopes that some day we will have two correction committees including Parole and Probation and the Parole Board.

There is something that should be in this legislation regarding sentencing information. If you recall hearing the testimony from Chief Justice Rose, who always thought that a criminal justice system should do two fundamental things: apprehend those who have committed the crime, and assess punishment that fits the crime. He stated that we have done the first part very well. We do not always do the second part well, and it is usually because of the sentence structure the Legislature has enacted. This is usually because of the mandatory minimum sentences or the deadly weapons enhancement and I am so glad that these are included in this particular bill as well as A.B. 61 and A.B. 62.

Maybe we should split this bill and make one part of the bill just on the Department of Corrections and the second part on Pardons, Parole and Probation. This is not an amendment, at this time, just a thought.

Chief Justice Rose also felt that the enhancements that double the sentences have certainly made for longer sentences. I have supplied you with a list of 181 inmates that have been in prison almost 20 years ([Exhibit C](#)). One of the suggestions for the overcrowding condition would be to evaluate inmates who have been in the system for over 15 years to see if they are still a risk to society or could be put into the community with supervision.

There is a concern, and I am sure you have thought of it also, this bill will not be effective unless it is retroactive on the 1-10 years versus doubling the sentence. I hope you will consider this.

The Kennedy Commission recommended the elimination of mandatory minimum sentences. Most states add some additional time, but Nevada is the only one that doubles the enhancement sentence.

The only way that some inmates with lengthy sentences have of getting any kind of relief is through the Pardons Board. Chief Justice Rose admitted the fact that the Pardons Board sees no more than 20 cases a year, and maybe four or 5 of those are put in by the Director of the Department of Corrections.

Chief Justice Rose said, "You, the Legislature have shown us for 25 years that you can be tough on crime. Now is the time to show us that you can also be smart on crime and especially about sentencing."

I would also like to discuss the part of the bill that deals with repaying the costs of various things. On page 6, line 44, it states the Board shall establish by regulation, criteria for reasonable deductions from money credited to the account of an offender. That money comes mostly from the families of the inmates. I would like to speak about two of these deductions. Regarding deductions for calls charged to the Department, the Department has an arrangement whereby they receive a 52 percent return on the cost of the telephone calls. The friends and family of the inmates pay for these phone calls. The second deduction that is wrong is on page 8, subsection 4, which states "Repay any cost to the State of Nevada or any agency or political subdivision thereof that is incurred in defending the State against an action filed by an offender in federal court alleging a violation of his civil rights which is determined by the court to be frivolous."

In the budget discussions there was talk only of building more prisons, not rehabilitating the inmates. If you were to look at the budget, under the inmate welfare fund and the offender's store fund, you will see that there are allocations from those places that take out money to go to the Attorney General's office for this purpose, to pay for the litigation that the inmates feel they have to file, because the grievance system is so bad.

Regarding the grievance system, the Board of Prison Examiners is supposed to approve the regulations. At the June 2006 meeting we were given a new format for these administrative regulations that takes all of the meat out of the regulations and is trying to put them into operational procedures. The only thing left to litigate is the administrative regulations.

There is a study by the Commission on Safety and Abuse in American Prisons that is a blueprint for changing prisons that state and federal legislatures cannot afford to ignore. There are many prison recommendations that would be beneficial to Nevada. I would like to summarize:

- Prevent violence, reduce crowding; promote productivity and rehabilitation; make force a last resort; use surveillance cameras; support community and family bonds.
- Improve health care, by partnering with community and prison care providers; treat mental illness; screen, test and treat for infectious diseases; end co-payments; and extend Medicaid and Medicare where eligible.
- Limit segregation, by making it a last resort; stop releasing people from segregation to the streets; and protect the mentally ill.
- Change the culture, by promoting a culture of mutual respect; recruit and retain qualified officers; and groom leadership.
- Improve oversight and accountability, demand independent oversight; monitor practice, not just policy; strengthen professional standards; develop meaningful internal complaint systems; encourage visits to facilities; and strive for transparency.

I think we should remove the Department of Corrections from the Administrative Protections Act. We have removed health services, mental health, developmental disabilities, and we need more transparency with the Department of Corrections; however, as long as they have this kind of exemption, we will never have transparency.

**Chair Parks:**

Are there questions from the Committee? I see none. We will take your recommendations and make them a part of the record.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

I would like a clarification on one thing. Section 5, page 5, subsection 3, says the Committee on Prison Oversight may receive testimony from any source, including, without limitation, prisoners and members of their families. How would this be done? Would it be done in person or by phone, teleconference, or written and read into the record?

**Chair Parks:**

At this point, I do not know, perhaps Mr. Munford could address that.

**Assemblyman Munford:**

My vision on this point would be for the Committee to meet at various sites around the State and send out some notification of that meeting. Was that your question?

**Tonja Brown:**

Yes. I wanted to know if family members could attend in person or if they could contact the Oversight Committee and ask to attend.

**Assemblyman Munford:**

Yes, all of those things would be put in place, in time.

**Chair Parks:**

I would think that there would be a large demand for attendance. There would be a security issue. I would presume that it would have to be in some form of a written format, or the other possibility would be through some type of teleconferencing or videoconferencing. It could open the door to a series of very long meetings.

**Tonja Brown:**

I like Section 7. It has come to my attention that a male inmate was taking a shower when a female officer walked in, wanting to speak to him. I think it causes a risk factor.

I would also like to discuss Section 10, subsection 2, which states "the Department shall evaluate each claim filed pursuant to subsection 1 and determine the amount due, if any, if the amount due is \$500 or less." I would like to combine this, if possible, with Section 11, subsection 4 that deals with repaying any cost to the State of Nevada. What if an inmate prevails? Why should the taxpayer be held accountable for the \$500 when it is the staff member who has repeatedly violated inmates' rights?

I have two examples. Dorothy Nash Holmes put in a program called the Senior Structure Living Program at the Northern Nevada Community College for seniors 60 years old and older. The inmate would get meritorious time and work credits for attending this program. There were not enough inmates 60 and older, so the program was opened up to 30- and 40-year olds to participate. They play bingo and do puzzles, and they are getting this credit. Inmate Joseph Carpino, No. 25424, filed a grievance in August 2006 complaining because they took away the handicap law library in order to start the program. Mr. Carpino was transferred to Lovelock in October. He has medical restrictions and has filed lawsuits. Why should the state pay him directly? Why shouldn't the program developers be responsible for the costs?

Another instance has come to my attention. Several inmates were brought up on charges that went to the Disciplinary Board. The Board found no infraction, so they were found guilty of lesser charges. The wardens did not like the outcome, and they have ordered the Disciplinary Board to re-investigate the matter. If they are faced with another discipline action and found guilty, they will be suing for retaliation against the wardens. If the actual staff members were held accountable and had to pay some of the \$500 out of their own money, they would think twice before such retaliatory action.

Mr. Munford also did not mention—but I have seen it time after time with inmates—during the grievance process when they are appealing the determination, the Department of Corrections will impose punishments prior to any resolution.

I would like you to look into these allegations.

**Chair Parks:**

We will go to Las Vegas for some more testimony.

**Lee Rowland, American Civil Liberties Union of Nevada:**

I want to thank Assemblyman Munford for bringing this legislation. There are a number of provisions in the bill that have been proposed in separate bills, for instance, A.B. 61, A.B. 62, and A.B. 63. They are all excellent bills. I think the fact that we are seeing repetition indicates that these are responsive to real issues and real solutions for the Department of Corrections. It sounds like Mr. Munford is open to suggestions about these bills. I hope when they head into conference, people look at the trends in these bills and see how similar they are and how oversight is needed not only over the Department of Corrections but also Parole and Probation.

As many of you know, the American Civil Liberties Union (ACLU) of Nevada interviewed about 130 women at the Southern Nevada Woman's Correctional Center (SNWCC), Smiley Road. We did that in response to a number of inmate complaints. Similar to Mr. Munford, our office seems to be a clearing house for written communications from inmates. After the centralization of the prison pharmacy system in the Fall of 2005, our inmate mail reached a fever pitch regarding medical, mental health, and dental care primarily revolving around availability of prescriptions as well as other issues pertinent to that care. As a result of those letters, we decided to conduct the interviews which we had spoken about on a number of occasions. Assemblyman Munford's hearing was held the following Fall to address some of these issues.

We have recently returned to the prison to speak to some of the women about their progress since those first interviews. Over one-third of the women we talked to are no longer at that facility, rather they are now at the Jean Camp or some have been paroled. This represents a fairly remarkable parole rate in terms of the women we spoke to. Of the women still incarcerated, the majority said that they were retaliated against for speaking with us. Their cells were tossed, meaning that their papers were gone through, many were confiscated, and much of the mail sent to our office in reply to those interviews was never received by our office. In spite of our communications with the mail center at SNWCC who claimed that all policies were being followed, it is unheard of not to receive 70 percent of the communications that you are told have been sent to you.

In addition, the state of the grievance process is even further degraded than it was when I testified before Assemblyman Munford's committee the first time. Right now, grievances are being given to them on single sheets of paper that are photocopies that do not have the triplicate forms. Inmates are not getting copies of their grievances. Furthermore, when they turn in their grievances, they are held for five to seven days, which bypasses the statutory period for inmates to appeal those grievances. That means that the Nevada Department of Corrections (NDOC) has institutionalized ways of unconstitutionally denying inmates access to the grievance procedure. That goes beyond an administrative regulation problem. That is the problem of constitutional dimensions. Unfortunately, that is an issue that we are seriously looking at in addition to the medical issues. I would like to emphasize how crucial it is that a Committee on Prison Oversight be formed and include people who are outside the prison system.

There are clear patterns, and it is very difficult for prisoners or their families to be taken seriously because their motives are always being questioned. When you see the same concerns come up 50 or 100 times, these are clearly issues

that deserve serious public airing, and rarely are prisoners entitled to that kind of public airing. I think that a committee that is charged with the task of looking for that type of pattern and looking at the institution systematically, is a perfect place to find those issues and bring them to light before the Legislature.

I cannot stress enough how important the Committee of Prison Oversight would be. I think it would be good not only for prisoners, their constitutional rights, their medical care, but also for purposes of fiscal responsibility and for avoiding civil lawsuits.

As far as specific suggestions with respect to the bill, I want to support Section 2 on page 2. Performance reviews were not done for NDOC employees for about five years. The average employees have not had performance reviews in two years, and when you are dealing with so many inmates, the lack of peer review is inappropriate when combined with a lack of training. That is a volatile combination that can produce staff that is inappropriate for positions of public trust.

On page 3, Section 3, regarding the performance audit, I agree with what Commissioner Giunchigliani said about an audit of the medical department being included. A recent financial audit accidentally uncovered that thousands of medications had gone missing from the pharmacies. That audit was simply financial. It had no reporting on the medical or human costs of those losses; it simply looked at the financial costs. The audit uncovered a problem that spreads like tendrils throughout the entire system. That was never followed up on because there is no institutional source for dealing with those issues.

I have already mentioned how important I believe Section 4 is in creating the Committee on Prison Oversight. Unfortunately, our experience shows that the lack of oversight allows an environment where prisoners are repeatedly and systematically retaliated against with little or no oversight from the outside, in part because prison staff seems to understand that there is no oversight. As long as Assemblyman Munford is open to exploring the composition of the committee, I agree that a county-based system is the way to go. For a committee this big, you have an opportunity to make sure that it is a meaningful committee that includes people with specific knowledge that will help the prison population. I see the need to have a member with medical knowledge, and I would suggest someone who has mental health knowledge, someone who is either a civil rights or prison advocate and perhaps someone who is experienced in drug counseling. Those are all huge issues that affect the way prisons are run. Without some assurances that the committee will be composed of people from all facets of the system, you make it more likely that it will be a committee

that is captive to the prison system or simply reiterating internal audits. To make it independent, you need to have some critics as part of that Committee.

The Committee should also be charged with looking at best practices and comparing them to the current state of NDOC. James Austin who is an independent consultant hired by the State of Nevada, looked at our system in light of "best practices" and found us very lacking in certain respects. Clearly, if this Committee is able to take expertise like his and apply it to the real issues of NDOC, the State could benefit morally in terms of having lower recidivism rates and in terms of fiscal responsibility.

I am also in support of Section 6 which allows open access by Legislators. I think this is crucial. The horrifying story about prisoners urinating in coffee cans would not have been possible without spontaneous access to that facility. It is not an accident that employees were terminated the day after Harvey Munford took his tour, and if you are getting a reaction like that, it is cause for deep concern.

Finally, I would like to address the last substantive issue in the bill which is the authority to prescribe regulations. Since it has not been explicitly stated, I would like to say for the record, that in July the Board of Prison Commissioners proposed a new administrative regulation that would give the Director authority to create regulations on his own, without immediate approval from the Board, and then they would be in effect until the Board approved them at some later date, up to twelve months. That July meeting was not teleconferenced to Las Vegas in spite of the fact that many advocates called and requested that it be teleconferenced. In addition, 400 pages of material were given to the public two days before that meeting to review. Whether or not that is a technical violation of the open meeting law, it certainly was an intentional exclusion of people who are advocating for prison change. Probably the most major change to the Administrative Regulation system came out of that meeting. There was, understandably, a huge degree of frustration down here in Las Vegas that people had been blacked out from attending a meeting at which such a crucial change took place in the administrative regulations.

That is the end of my substantive comments except for the fact that I think James Austin has given us pieces of a road map to guide the State in terms of redefining NDOC and getting rid of some of the low risk offenders. I think the rest of Assemblyman Munford's bill addresses those issues, reducing the weapons provisions and requiring early release for low-risk offenders. In conclusion, I am proud to be in support of this bill. I think there are small ways in which it could be improved, but not at the risk of holding it up. I want to encourage Assemblyman Munford and this Committee to fight for this bill.

**Chair Parks:**

Thank you Ms. Rowland. Are there any questions from the Committee? I see none.

**Constance Kosuda, Private Citizen, Las Vegas, Nevada:**

Ms. Rowland covered most of my concerns. I do support this bill. I submitted some written comments ([Exhibit D](#)) with suggestions and amendments. I am asking specifically if Section 36 could be stricken in its entirety. I believe the Prison Oversight Committee is essential. I was one of the people who toured the Smiley Road facility initially with Assemblyman Munford, and it was a life-altering event. I could not imagine living like that for more than a day without being in physical pain, and there were women in that facility much older than I.

**Chair Parks:**

Thank you. We have distributed your emailed recommendations.

**Flo Jones, Private Citizen, Las Vegas, Nevada:**

I would just like to take a moment to thank Assemblyman Munford for this great effort for humanity. As I look at the videoconference room in Carson City, I see so many empty chairs. That is very sad to me because I feel that is the situation we are facing. Oh, I see there are many more people than I had thought.

I support Ms. Rowland's comments, and I want to emphasize the importance of the Oversight Committee. I believe as soon as that legislation is passed, many of the problems that we see going on within the prison system, and I speak from personal experience—my sons have been in there for 26 years—I can tell you this is not just made up garbage, this is really happening. The hobby craft room was first going to be taken for rooms for more inmates, but when they began to see about putting bathrooms in there they found it was not possible. Two days ago, the warden said he was still going to take it, but they would use it for storage.

**Chair Parks:**

Thank you.

**Sherry Keithley, Private Citizen, Las Vegas, Nevada:**

I am a teacher here in Las Vegas. I received a letter from an inmate, and I am going to summarize it for you. He states in his letter that he has been in prison for 17 years, and you would think that after that length of time we would have been able to teach him how to write a letter more efficiently. The letter states

he is writing in regard to issues dealing with minimum drug case sentence structure. He is requesting information about any advocate organization or individual willing to help prisoners. He states he had been sentenced under the old "trafficking in a controlled substance" statute to a sentence of 25 years. He has been in prison a long time because of "write-ups." He would like to know if he could get some advice or information. He wrote to the Director of Nevada Corrections about his situation. He would appreciate any assistance.

**Chair Parks:**

Thank you. Are there any questions? I see none.

**June Wood, Private Citizen, Las Vegas, Nevada:**

I appreciate the opportunity to speak. I support this bill.

**Chair Parks:**

Thank you. We appreciate your attendance at this hearing.

**Mary Hester, Private Citizen, Las Vegas, Nevada:**

I just wanted to voice my support for A.B. 416 and address not only the issue of inmate treatment but also the treatment of employees in the Department of Corrections. There needs to be something done with the administrative staff. They change their rules according to how they feel on any particular day. The Administrative Regulations are not followed. They are just there for policy, but they are not practiced.

I was terminated last year in April 2006 after Assemblyman Munford's visit. I was terminated because of my performance and behavior, but I was never called in and talked to about my lacking performance or my behavior, and it was a surprise. As far as personnel practices and policies, they hire who they want to, they do not have to be qualified in certain instances. I believe that Dorothy Nash Holmes is the biggest culprit of all and responsible for a lot of illegal practices. The Department will hire people from up north with fewer credentials than those qualified down here and put them in positions of responsibility. I have witnessed inmate abuse.

We need the Oversight Committee to keep the checks and balances going with the executive staff of the Department of Corrections.

**Chair Parks:**

Thank you. I appreciate your testimony. That concludes everyone who had signed in, in Las Vegas. Are there any others wishing to speak in favor of this bill?

**Teresa Werner, Private Citizen, Carson City, Nevada:**

I support this bill. I have a comment about the enhancement portion of the bill. As an example, there is an individual at the Southern Desert Correctional Center that beat a man badly, nearly killed him, because he was a heterosexual man and had been propositioned by a gay man. He has four sentences that are stacked. If he serves his minimum time he will be in prison 23 years. If he serves his maximum sentence, he will be in prison 70 years. As far as the deadly enhancement, I agree that the judge needs more discretion as to the severity of the crime. An ironic note on that story, the heterosexual man who beat up the gay man, is now very gay since he is in prison. Everyone jokes with him that he has been rehabilitated.

As far as housing, I think a lot can be looked at with people who have served 10, 15, or 20 years with stacked sentences. Anything over 10 years, if there has not been a murder or a heinous crime involved, seems meaningless.

**Chair Parks:**

Thank you. We are looking at the enhancement provisions as well as mandatory minimums and the like.

**Cotter Conway, Washoe County Public Defender:**

We are in support of A.B. 416. We support the imposition of light sentences, for instance 1-10. We have one minor amendment or concern, and we would want to be sure that in those situations where the underlying sentence for the actual crime that the enhancement does not exceed that. In other words, if you received a sentence of 2-5 years, you would not get more than another 2-5 year sentence. Mr. Frierson proposed that same amendment in the Assembly Judiciary Committee on a similar bill.

**Assemblywoman Weber:**

Are you referring to Sections 30 and 31?

**Cotter Conway:**

I believe it starts with Section 26 through Section 34. There are a number of sections dealing with the light sentences.

**Assemblywoman Weber:**

Thank you for clarifying that.

**Jason Frierson, Clark County Public Defender's Office:**

We support this bill and the spirit of the bill. With respect to the enhancement, in the name of being consistent with our position in the other bills that present limitations on the enhance sentence, I think the spirit of all those is not to have

the enhancement exceed the underlying crime. We have seen a case in which the court might be inclined to impose a greater sentence on the enhancement as opposed to the underlying crime. If there is a trial and the jury comes back with the verdict that the court might not be in agreement with, then the court would have the discretion to give a greater sentence for the enhancement. Using the language that is already in the bill, adding language that says not to exceed the term of imprisonment for the crime, would make sure that the enhanced penalty is at the most, the same as the underlying sentence. In some instances it may be less.

**Chair Parks:**

Thank you. Is there anyone else wishing to speak in favor of the bill?

**Katy O'Leary, Private Citizen, Oakland, California:**

I came up here from the Bay Area to support A.B. 416. I knew very little about prisons until I started writing to someone in Ely State Prison last year and started learning a lot of things from him about what prison conditions are like there. I find, from him, that it is very cold in Nevada, and the staff do not give them enough blankets or enough bedding to be comfortable at night. The food is undesirable. It is not fit for human consumption as far as he is concerned. He is very concerned about the medical care even though he is only 28 years old and he does not have any medical concerns. He is concerned because the doctors and nurses are not very good or maybe they are not even there. I am a registered nurse, so I worry about the medical care of any prisoner.

Another thing that he has been doing is forming a study group to educate himself and other prisoners. I send him a lot of things that he has requested. I feel the education needs should be reformed in all prisons so that the people who are imprisoned can better themselves while they are in prison. He is one person who would do that if he could. The other concern is the expense of everything in prison. He has been writing a lot, so he requested a typewriter and told me it would cost \$300. I told him I was sure I could find a typewriter for free. He sent me the catalog of all the things that he can receive in prison, and they are very expensive items. I am here to be his voice and to say that I am grateful this bill is being presented and maybe passed because it needs to be done all over the country, not just in Nevada.

**Chair Parks:**

Thank you.

**Jason McLean, Private Citizen, Reno, Nevada:**

I am a former correctional officer, and I worked in the Department of Corrections for approximately five years and resigned to finish my schooling. I

want to say that I support this bill, in spirit. Oversight of the Department of Corrections is very much needed. Having the Assemblyman not being able to come to the prisons to actually oversee what is going on with the Department when you are not in session is a problem. When they do come over to see what is going on during the session, it is only to the prisons here in Carson, and they are given advance notification that there will be a visit. Basically, a parade is put on. Things are painted and cleaned, there is full staffing, when you tell the Department that you are going to visit, they make sure that their staffing is appropriate. Unfortunately, the session goes only for 4 months and during the other 20 months other things happen.

I do, however, have an issue with the bill. Section 7 provides for inmate-officer contact, which is only males on males and females on females. This part of the bill is inappropriate at the Department of Corrections. In the medical facility, there are female doctors and male inmates. It is difficult to get enough medical personnel who want to work in a prison. To limit who they can treat, creates problems. When there are females in prison who need to be restrained, male officers would have to come in contact with the female inmate to be sure that she will be restrained properly.

**Chair Parks:**

Thank you. I do not believe there are any others wishing to speak in favor of the bill. We will ask for the opposition to speak next.

**Howard Skolnik, Director, Department of Corrections:**

I have some significant concerns about aspects of A.B. 416. Some of these have been brought up already. The gender issue has been resolved in federal court, and we could not implement that portion of the bill. On the issue of standards, the American Correctional Association has established what are recognized throughout the country as appropriate standards for corrections. The Department of Corrections for the last three sessions has proposed some level of funding to assist us in implementing those standards. The only Division that was ever able to actually pursue accreditation from the American Correctional Association was Prison Industries because it was able to fund it through their self-generated funds. To provide you with some concepts of what it will take to create and implement standards: Prison Industries spent an estimated \$100,000 just within its own Division in terms of meeting the minimal required standards that the American Correctional Association sets in the areas of safety, security, and sanitation. There was a need to purchase a large number of fire cabinets and other items to bring us into total compliance with their standards. The costs to the State of Nevada will be phenomenal if the State pursues accreditation throughout its system, particularly in the older facilities built before those standards were set.

Where this Legislature, or any future Legislature wants to spend that kind of money is not a decision that our Department will make, but I can assure you that we will continue to do everything we can within the limited budget we get to comply with standards as described by the American Correctional Association.

Regarding the issue of oversight, I would strongly urge that this Committee have counsel review whether or not that would be constitutional. The Board of Prison Commissioners is established in the Nevada Constitution and has very clear authority over the Department as established in that Constitution, and I am not certain that the establishment of the Oversight Committee, as defined, would not be a violation of separation of powers. If you are going to pursue that, I would recommend strongly that you pursue it in another fashion.

The removal of all authority from the Director and transferring it to the Board is something that I personally, although off the record, would love to have. It would reduce my days from 14 hours to probably 4 or 5 hours. However, you would now be expecting the Governor, the Attorney General, and the Secretary of State to determine whether or not we can enter, use force in the evening hours when there is an incident in the institution, what process and procedures make sense on a daily basis, because it takes away all daily operating authority from the Director. If that is the will of this Committee, so be it. On a personal level, it would allow me to spend a lot more time with my wife and a lot less time in the office.

The cost of this implementation will be fairly substantial. There are a lot of things that already take place. We just had a series of audits from the Legislature's Audit Division, some of which were in the very areas that were criticized today. In all due respect to Assemblyman Munford, I am personally insulted by the fact that some of these statements have been made today. I have been in this position for only a short time, since February 2007. There are three individuals in this room who have in the past, brought their concerns to my attention, and I believe if you were to ask them, they would indicate that those concerns were addressed to the best of my ability. Assemblyman Munford has brought none of the concerns that were presented today to my attention, nor have most of the other individuals who testified. I find that to be personally offensive, given the allegations made about the operation of the Department of Corrections. We have an incredibly good staff, the vast majority of whom are extremely committed to doing a difficult job without adequate funds, understaffed, and totally unable to determine who comes to us or when they leave. For people to sit here and make allegations about the staff offends me. We do have staff perhaps, on any given day that are not doing what they

are supposed to do. Out of the nearly 3,000 people who work in the Department of Corrections, the chances are that on any given day somebody is doing something inappropriate or stupid. If those things are brought to my attention, I can assure you they will be addressed. I spent this morning in federal court over an issue that took place in Ely. The problem was not created through any kind of intentional behavior, but it was resolved through a discussion with the magistrate and the inmate, who recognized that what had happened to that inmate was a result of ignorance on the part of a staff member and not in terms of any kind of intentional behavior. It was resolved quite well and to everybody's satisfaction. There are a lot of those kinds of things that take place on a regular basis. We have a tremendous amount of oversight, and we have asked for internal audit abilities and been denied that for many sessions. Every time we have requested the ability to set up some group within our own organization to audit whether or not our procedures and policies were being followed, we have had that cut from our budget. We have no control over what you fund for us to do. We do not have control over our programming, you fund those programs or you do not fund those programs. We have stated before this Committee before, and we will do so again, that if we cannot control our institutions we cannot operate our programs.

When we have people sleeping in areas that were not designed for them to be sleeping, it is not because we have removed them from camps. We have 1,000 more inmates than we had one year ago. We have no more staff than we had one year ago. We have no more space than we had one year ago. We are going to be bringing in additional beds without any increase in our infrastructure because the State budget cannot afford to provide those increases. I find that the allegations that were made today are grossly inappropriate. I am not opposed to audits being provided by outside agencies; I think that helps us to determine where our priorities ought to be. However, I do find that the kind of oversight committee that is being outlined in this bill is not productive to our Department.

Additionally, if any member of the Assembly or the Senate were to ever be denied entrance to any of our institutions at any time, day or night, I would like to know about that. I will not permit that type of behavior to happen, and I will appropriately deal with those individuals who deny that kind of entrance. This is the first time I have ever heard of anybody being denied entrance.

**Fritz Schlottman, Offender Management Administrator, Department of Corrections:**

Section 6, on page 5 raises some concerns. That section gives access to the papers and the records of the Department of Corrections to members of the Legislature. The difficulty would come to us in the form that the files do

contain information from the National Crime Information Center (NCIC) system and information is classified on a federal basis. We would have to determine a mechanism for either declassifying that information or to get Legislators cleared to view that information through the Federal Bureau of Investigation (FBI).

Currently, we have to keep that information in a locked room and that information is not available to the public, in fact, a lot of that information is not available to staff members. I cannot see that information. There are only a very few people in the Department of Corrections who are qualified and have clearance to see that information. We would have to find a way to resolve that conflict.

The sections in the bill that change authority from the Director to the Board create an interesting difficulty in that it creates a legal liability for the Board, rather than having the buffer through the Director. If a lawsuit were to be instituted, an inmate could sue the members of the Board individually or collectively, rather than dealing through the Department of Corrections to the Director. This would unnecessarily tie up your constitutional officers in court on a regular basis and create some serious problems as far as their ability to function in State government. Perhaps the Committee would entertain the thought of looking at those and seeing which of those would be absolutely necessary in order to enact this legislation without perhaps creating a serious conflict with the constitutional officers.

**Chair Parks:**

Are there any questions from the Committee?

**Assemblywoman Weber:**

I would like to ask the Director his opinion of an Oversight Committee in general. I just looked through the Constitution, and Article 5, Section 21 talks about the Board having supervision of the matters connected with the State prisons. There is a movement in the country to have oversight of corrections or have an independent oversight. I am trying to determine if you object to the composition of this Committee versus the concept.

**Howard Skolnik:**

As you know, I have been the Deputy Director for Industrial Programs for nearly 20 years prior to assuming this position. During that entire 20-year period we had a legislatively appointed advisory committee. I found that group to be incredibly helpful to me throughout all those years. They were supportive, they provided guidance, they kept me out of trouble, and they kept our program out of trouble. I think that with the proper composition and as an advisory group,

not an oversight group, such a group might be of great benefit to the Department of Corrections. Does that answer your question?

**Assemblywoman Weber:**

Yes. I suppose it is a matter of what the Oversight Committee would do. Nationwide there does seem to be a movement toward independent audit source, so that things are transparent.

**Howard Skolnik:**

I have no problem with transparency except in a few areas where it will impact the security of our Department. This bill does not define, in any way, exactly what this Oversight Committee will do, or what it will be responsible for or to, or how it will perform those actions. Given the general tenor of much of the testimony today, an Oversight Committee that is not being positively productive in assisting our Department in determining the best way for us to go in the future is just a distraction that our Department does not need. Again, I will restate what I have said earlier; we have a tremendous workload with no more people to do it than we had one year ago. Our people are tired, they have every right to be tired. Tired people do make mistakes. When you continue to put more and more pressure in the tire, eventually the tire will explode, and that is what we have done with our Department.

For years, since 1989 that I am aware of, we have added units to our facilities, without adding anything to the infrastructure. We heard testimony about programs today. We have no program space. The construction of our institutions have limited program space, that space is all being utilized, we are looking at ways to better utilize that space in the future, but we do not have any more than we had when the place was built. We have no more culinary space, the laundries are no larger, and the staffing patterns are not significantly different. The populations have changed, the numbers have increased, but we still continue to function in many ways as if we are a State of 600,000 people and a prison system of 3,000 inmates. That is no longer the case in Nevada.

The final thing I would like to say is that we have heard a lot of testimony today that came second, third, and fourth hand. I would simply say that my experience in Corrections, which spans nearly forty-two years, has made me fully aware that saying it is so, does not make it so. Until we get specifics that I can look into, there is no way that we can correct problems. For people to make broad and sweeping accusations about our Department without giving any specific instances whether they are individuals or representatives of organizations, is to me very wrong. I heard testimony from the ACLU, I have not received any kind of statement from them in any formal basis about problems to date that would tell me that the things we heard testimony on are,

in fact, a problem. We have opened our doors, we have allowed the ACLU in to interview inmates freely and willingly, and I am greatly concerned of the fact that inmates have moved or been released as some kind of problem in our Department. I thought our Department was supposed to help inmates back into the community, not hold them, so the ACLU could interview them.

I apologize if I appear a little bit angry, but I am.

**Chair Parks:**

Thank you. Are there any more questions? I see none.

**Ed Gibson, Secretary, Nevada Corrections Association:**

I am the Secretary for the Nevada Corrections Association and also a correctional officer assigned at the Northern Nevada Correctional Center (NNCC). We had the privilege of having you come through on a tour just recently. My concern is with Section 7. As you may recall, my partner in Unit 5, the Drug Rehabilitation Program, was a female officer, Senior Officer O'Brien. She is a very good officer and I am concerned that Section 7 places her job and the 20 other female officers at NNCC in jeopardy. For your information, there are 93 total female employees at NNCC. I would ask that Section 7 be removed from the bill. I would also request that the whole bill be dropped. There has been much testimony alluding to this happened or that happened, but there does not seem to be too much concern about Attorney General investigation, or the federals stepping in, or the courts stepping in to look at any of these allegations. I think the story about urinating in the coffee cans illustrates, perfectly, that there is no cover up, there is no lack of access and there is really no problem in this regard. My feeling is that much of this is a knee-jerk reaction.

**Chair Parks:**

Are there any questions from the Committee?

**Assemblywoman Weber:**

I am not sure if Mr. Munford is going to have any closing comments, but this has been very educational for me as a Committee member, and I realize by having all the advocates come to testify, that when communication is open, we can solve a lot of problems. I understand that this is on the radar screen, but we do need to be factual about relating information. If we could figure out, systematically, how to fix some of these problems, this Committee would be very supportive of recommendations of any of the bills.

**Assemblyman Harvey Munford:**

I commend Assemblywoman Weber for her patience and her willingness to sit through this testimony. It shows she really is concerned about what is going on. I also commend you, Chairman Parks, for your hard work.

[There being no further business to come before the Committee, the meeting was adjourned at 6:32 p.m.]

RESPECTFULLY SUBMITTED:

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Patricia Blackburn  
Transcribing Secretary

APPROVED BY:

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Assemblyman David R. Parks, Chair

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

**EXHIBITS**

**Committee Name: Committee on Select Committee on Corrections,  
Parole, and Probation**

**Date: March 27, 2007**

**Time of Meeting: 3:45 p.m.**

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
AB 416	C	Pat Hines	Supporting documentation to testimony
AB 416	D	Constance Kosuda	Proposed Amendments