

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

**Seventy-Fifth Session  
February 19, 2009**

The Committee on Corrections, Parole, and Probation was called to order by Chairman William C. Horne at 8:11 a.m. on Thursday, February 19, 2009, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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 William C. Horne, Chairman  
Assemblyman Tick Segerblom, Vice Chair  
Assemblyman Bernie Anderson  
Assemblyman John C. Carpenter  
Assemblyman Ty Cobb  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Don Gustavson  
Assemblyman Ruben J. Kihuen  
Assemblyman Mark A. Manendo  
Assemblyman Richard McArthur  
Assemblyman Harry Mortenson  
Assemblyman James Ohrenschall  
Assemblywoman Bonnie Parnell

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John Hambrick (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Allison Combs, Committee Policy Analyst  
Nicolas C. Anthony, Committee Counsel  
Katherine Malzahn-Bass, Committee Manager  
Robert Gonzalez, Committee Secretary  
Nichole Bailey, Committee Assistant

**OTHERS PRESENT:**

Paul V. Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau  
Lee Pierson, Deputy Legislative Auditor, Audit Division, Legislative Counsel Bureau  
Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources  
Robert Hadfield, representing Nevada Association of Counties, Carson City, Nevada  
Matt Leck, Assistant Management Analysis, Southern Nevada Water Authority, Las Vegas, Nevada

**Chairman Horne:**

[Roll called. Reminded everyone present of the Committee rules.]

Today we have Mr. Townsend with an audit report ([Exhibit C](#)) on the Department of Corrections.

**Paul V. Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau:**

Thank you, Mr. Chairman. I have with me on my left Rocky Cooper, Audit Supervisor, and on my right is Lee Pierson, Deputy Legislative Auditor. I want to thank you for the opportunity to present our audit report to the Committee.

This audit was authorized by the Legislative Commission based on a special request by the Subcommittee to Study Sentencing and Pardons, and Parole and Probation. The report was issued in September 2008. Much of the audit focused on programs and functions in place for the 18-month period leading up to December 2007. Obviously, the budget picture has changed greatly since that time; however, I believe that this is a very comprehensive report. I believe

it is a good overview of correctional programs in Nevada, and I think it will be useful for years to come. It will be a valuable resource for you.

**Chairman Horne:**

Excuse me, Mr. Townsend, this report was two years old by the time you had done it. Give us a time frame on this report as well.

**Paul Townsend:**

The audit work was done in 2007 and into 2008. When we went back and looked at medical files, or records related to the programs, we were looking at that 18-month period from July 2006 through December 31, 2007. Thus, we had a fairly large sample from which to work during that time period. The report was issued in September 2008. Nevertheless, some of the issues have been in place for years and will remain in place for years to come. These are things that will be ongoing. The Department did accept all 31 recommendations, so there were quite a few things to work on. They did do a 60-day plan of corrective action; they provided that in December 2008. In that, they indicated they had accepted all 31 recommendations and had developed a plan on how they would implement it. They put in some target dates they felt they could meet. The next step will be that the department administration will do an analysis in June 2009 regarding the status of the implementation of the recommendations. They will see how they are doing at that point. They will provide a report to us, and that will go to the next meeting of the audit subcommittee when we will be in our audit follow-up phase. We will see how they are doing. There is a good possibility that, if not all the recommendations had been implemented at that point in time, the audit subcommittee will continue to monitor it. We will continue to keep an eye on them until the recommendations are implemented or otherwise resolved.

We have some experienced staff working on this audit. Rocky has been with the Audit Division for 19 years. Lee has been doing audits in Nevada for 15 years, mostly with the Audit Division. He did have a stint with the Executive Branch Division of Internal Audits. Prior to that, he had seven years with the Utah Office of the Auditor General. With that, Mr. Chairman, I would like to ask that Lee Pierson be allowed to begin the presentation.

**Lee Pierson, Deputy Legislative Auditor, Audit Division, Legislative Counsel Bureau:**

Good morning, Mr. Chairman and members of the Committee. I would like to share with you some of the findings contained within our audit report entitled *Department of Corrections: Inmate Programs, Grievances, and Access to Health Care* ([Exhibit C](#)).

My presentation this morning will begin on page 13 of our report at Exhibit 3. Our audit addressed three main programs: Correctional Programs, Adult Education, and Health Care. The exhibit shows the expenditures for these three programs from fiscal year 2004 to 2008. Correctional Programs include mental health counseling, cognitive behavioral classes, substance abuse, and other programs to help inmates. The Correctional Programs and Medical figures shown are budgets with the Department of Corrections. The Adult Education part shown is from the state's Adult High School Diploma program, which is part of the State Distributive School Account and is under the control of the Department of Education. Funding is distributed by the Department of Education to the school districts to provide educational classes.

Exhibit 4, on page 13, shows the estimated cost per inmate for fiscal year 2008 by category, including the yearly average cost for health care, education, and programs.

Moving to page 19 of our report, at the bottom of the page we have our four audit objectives. We had objectives to address correctional programs, education, grievances, and inmate access to health care.

Next, on page 20 of our report, under "Correctional Programs," we find that the Department can improve the effectiveness of its correctional programs. At the bottom of the page, under "Assessing and Identifying Inmate Needs," it says, "All new inmates sentenced to prison receive a variety of assessments, evaluations, and interviews shortly after arrival. The Department refers to this process as 'Intake' and it includes identifying medical, dental, mental health, behavioral, educational, and other needs."

On page 21, in the middle of the page, under "Class Placements Are Not Always Prioritized," it states, "The Department lacks a consistent process for prioritizing which inmates are placed in program classes." Although regulation requires that inmates should be placed in classes based on needs identified through assessments, we found some institutions attempted to place all inmates in at least one class regardless of need, and others placed inmates based on a first-come-first-served basis.

The bottom of page 22, "Correctional Programs' Effectiveness Not Measured" states, "The Department has not developed useful methods and processes to determine program effectiveness." First, the Department has not conducted periodic assessments as required by statute. Statute requires that all assessments or programs be conducted every three years. Conducting these periodic assessments would provide the opportunity to determine if current programs meet objectives and desired outcomes, and to consider

new programs, approaches, and techniques. Secondly, the Department has not tracked the impact that the programs have on recidivism and other factors, such as disciplinary actions. Third, the Department has not established written goals and performance measures for its programs as required by regulation. And fourth, the Department has not developed objective instruments, such as pre and post tests to determine what an inmate learned in the programs taken.

Next, I would like to move to page 33 and talk about program classes. We were asked to compare program classes available in Nevada with those taught in other states. We identified 12 of these program classes. Exhibit 7 on page 34 shows a comparison of Nevada with the states surveyed. The "Totals" column on the right side of the exhibit shows in how many states each class was taught. The exhibit shows that, although some classes, like "anger management" on the first line, were available in most states, other classes were only offered in Nevada. We also asked surveyed states to indicate the level of success, or impact, that classes had on inmates. Exhibit 8, on page 35, compares the level of success for each of the classes on a scale of 1 to 5, with 1 indicating a high level of success and 5 indicating little or no success. The exhibit shows that Nevada and other states rated most classes from a range of very high to a moderate level of success in helping inmates. As seen on the bottom of page 35, Nevada may offer too many classes. Nevada offers 35 different classes, while surveyed states typically offer fewer than 10.

Exhibit 9, on page 36, shows the 35 classes that are available in Nevada. The "Totals" column on the right side of the exhibit shows in how many institutions each class was offered. Although some classes, like Anger Management on the third line down, were taught in all nine institutions in Nevada, many classes are only available in one or two institutions. Some of these classes could possibly be eliminated or consolidated. Additionally, we found that some classes, like Anger Management, Cage your Rage, and Aggression Replacement Therapy, are similar in content and could possibly be reduced to one class.

The next area that I would like to talk about is on the top of page 39. We were asked to address concerns that female inmates do not have the same access, or availability, to classes as males. However, we found that females have a greater access and a wider array of classes available to them. These include classes like Commitment to Change, that is available in all institutions, and several gender-specific classes. The Department also has a higher percentage of substance abuse treatment beds available to females than to males.

Lastly, we found that the women's prison also offers a variety of nonmerit credit classes, or self-help classes, that are generally not available to males.

On the bottom of page 39 begins our 16 recommendations that were made to improve correctional programs. Page 41 begins the section on education programs. We found that, although Nevada provides inmates with educational opportunities similar to other states, more emphasis is needed on vocational programs. Briefly, on page 43, Exhibit 10 identifies the school districts—and a couple of community colleges—that provide the educational classes, and also shows which institution or conservation camp they serve. I should also point out that Clark County School District shows several institutions, but the fourth one down, the Southern Nevada Correctional Center (SNCC) at Jean, was closed last summer due to budget cuts. Near the bottom of the exhibit, Silver Springs Conservation Camp was also closed due to budget cuts.

Moving to page 45, at the bottom of the page, we found that Nevada offers inmates more educational opportunities than most of the states we surveyed. Exhibit 11, on page 46, identifies which states surveyed, including Nevada, offer inmates a high school diploma, a GED, English as a second language, or adult basic education. The exhibit shows that all states offer the GED and adult basic education; however, only seven states, along with Nevada, offer a high school diploma.

Moving to page 47, I would like to talk about two concerns we have with the vocational programs. First, we found that assessments of vocational programs had not been performed as required by statute. Statute, as I mentioned earlier, requires that assessments of education, including vocational programs, be done every three years. Additionally, Department regulations require that vocational programs provide inmates with training and skills to obtain employment and, to the extent possible, reflect community employment needs. However, since the assessments have not been done, it is unclear if current vocational programs provide inmates with opportunities for employment.

In the middle of page 48, we also found the curriculum for vocational programs was not consistent among the districts. The report states, "Carson City and Clark County school districts both offer automotive, computer, and culinary courses which typically include two to three classes in a series to complete the program. However, the curriculum and topics covered in these classes are different between the districts. Therefore, completed work may not be transferable to another district if the inmate is moved."

Moving to page 53, at the bottom of the page, we also looked at the access of education and vocation programs by gender. We found that, although female inmates have comparable access with males to academic programs, women have fewer vocational opportunities. Fewer opportunities exist primarily due to limited funding and space, and instructor expertise. However, during our audit, both the Department of Corrections and school district staff were working to provide new vocational programs to women. Page 54 lists the eight recommendations that we had addressing education and vocational training.

The next area that I would like to discuss is on page 55. This is the inmate grievance process. The Department has established a grievance process as a means to resolve inmate problems and concerns. The process includes three tiers: an informal, first level, and second level. If the inmate disagrees with the Department's response to the grievance, the inmate may appeal to the next level. We found that grievances were not always addressed within Department time frames. Exhibit 13, on page 56, shows the number of grievances we reviewed for each of the three grievance levels, and the number and percent of grievances that were not addressed by the Department within the 25 day required time frame. The exhibit shows that the time frames were not always met; however, we found that Nevada's time frames may be too stringent. Exhibit 14, on page 57, compares the time frames for addressing grievances in Nevada with five other states. The exhibit shows that Nevada's time frames are generally shorter than other states'.

On page 58, at the top of the page, we were asked to look at the feasibility of creating a Citizens Advisory Committee to monitor grievances. We identified two states, Missouri and North Carolina, with a grievance oversight committee. The committees in both states, appointed by the governor, are not paid but may receive payment for travel expenses. Missouri's committee is advisory and members make nonbinding recommendations to the Department's director. North Carolina's committee has paid staff who assist with resolving grievances that have been appealed to the final level. On page 60, in the middle of the page, we found, based on our review and discussions with the officials in these two states, it is feasible to create a citizens oversight committee. However, several factors, including responsibilities, costs, and benefits should be considered. On page 61, we have three recommendations to address improving the grievance process.

The final area that we looked at was access to health care, which begins on page 61. The Department has established a system to ensure all inmates have access to health care. Exhibit 15, on page 63, shows the various processes available to inmates to request health care. The blue line shows access options for general population inmates, the red line for inmates who are segregated or restricted to their cells or housing units, and the black line shows access steps for both populations. The exhibit shows that, generally, the inmates have three ways to access care: The inmate can fill out a Department approved form called a "kite," make a verbal request for care to correction staff, and some inmates may be able to attend a periodic sick call, which is held at the infirmary. An inmate's medical symptoms are evaluated, or triaged, by nursing staff and the inmate is either treated by nursing staff or referred to a provider clinic to see a physician. The inmate's case may also be referred to the Department's Utilization Review Panel to determine if treatment is needed in the community. The panel consists of the Department's medical director and several Department physicians, and typically meets once a week. The Department also has processes to handle medical emergencies and to provide care to inmates with special needs, such as cancer or diabetes. In the middle of page 67, we found that the Department provides inmates with access to health care that is comparable to states surveyed and to standards established by national correctional health care organizations.

On page 68, we did find some areas where improvements can be made, and these include: ensuring that vital equipment is available, copayment information is clearly communicated to inmates, the process of inmate requests for health care are adequately documented, and emergency response times are accurately recorded. On page 72, we made four recommendations to improve access to health care.

The report's appendices begin on page 73 and address a variety of topics, including program classes, substance abuse, and vocational programs.

That concludes my presentation.

**Chairman Horne:**

Thank you very much, Mr. Pierson. We do have questions. Mr. Ohrenschall.

**Assemblyman Ohrenschall:**

Thank you, Mr. Chairman. Mr. Pierson, I have a quick question regarding program availability. I have had constituents tell me that family members who are incarcerated do not have programs available to them that other prisoners do, depending on how close they are to release. They claim that there is sort of

a preferential treatment if your release date or potential parole date is a lot closer, versus if you have a lot of consecutive terms and your realistic parole date is not coming up soon. Did you find that in your audit?

**Lee Pierson:**

We did not find that was generally happening. It may be the case, in some institutions, where they are attempting to put inmates in classes based on the inmate's identified need. Part of that might be considering how soon the inmate is going to be released. What they may be trying to do is put inmates who are closer to release in those classes so that they can get the benefits of the classes before they are released.

**Assemblywoman Parnell:**

I think the issue of recidivism concerns me the most when I look at this. Some of us have supported education and vocational programs in our prisons, and the money spent on those in hopes that these people will not have to return to our prison system at a cost of about \$20,000 per inmate. I find it quite troubling that this information is not recorded and tracked. Since this audit report, are you aware of a new system to track this? What is now happening with a number of people who take class A or B, and the likelihood of them returning? Is there any way they can even track this?

**Lee Pierson:**

We have recommended they begin tracking this, and the Department has accepted the recommendation, so they have plans to do this. Another thing that occurred in the middle of our audit is the Department went to a new computer system. The old system they had was DOS-based and was developed in the 1980s. It did not have the capabilities of the new system. Discussions I had with correction officials during our audit indicated that they intended, with the new system, to be able to track inmates, the classes they are taking, and those kinds of things. I think that is something they are working on. I am not exactly certain where they are with it, but they have the capability of doing that now, where they did not before.

**Assemblywoman Parnell:**

I see in your charts the states with which we have compared ourselves. Arizona is not listed. From what I have read, Arizona has a model program in place across the state with their educational and vocational classes, which is now saving the state millions of dollars. Did you do any research into comparing Nevada's programs with those of Arizona?

**Lee Pierson:**

We did not select Arizona as one of the states we surveyed. We attempted to survey most Western states and a variety of other states that we had been told had good programs. We did not survey Arizona; that was simply an oversight on my part.

**Assemblyman Carpenter:**

We get a lot of comments about the lack of health care. I really do not see that in your report, other than the dental situation in a couple of institutions. We heard a lot about Ely State Prison. Maybe that was corrected after you had finished your report.

**Lee Pierson:**

We are aware that there has been criticism of medical care within the prison system, primarily at Ely. We have looked at some of those criticisms. They typically tend to focus on treatment and the type of treatment. We were specifically asked to look at access to care, so our review looked at what is in place for the inmate to get to see a nurse or doctor. We did not look at how they are treated after they see a nurse or a doctor. That is beyond the scope of this audit report.

**Assemblyman Carpenter:**

Was the situation at Ely corrected before you had finished your audit, or did you look at Ely specifically?

**Lee Pierson:**

There have been several controversies at Ely. There were some problems several years ago. Near the end of our audit, the American Civil Liberties Union (ACLU) hired a doctor to go in and look at several cases. They released a report in January 2008 that was very critical of the treatment of certain inmates at Ely. That took place subsequent to us finishing our work. It was outside of our scope. I do know, last spring, the ACLU filed suit against the Department over those cases. I am not certain where that case is at this point.

**Assemblyman Anderson:**

I want to make sure I am getting the right idea. Ms. Parnell referenced a number from page 13 of your document in regards to the cost of \$20,753 per inmate. In reality, would it not be a higher figure, because there may be other costs associated with incarceration that may not be reflected here? I am referring to clothing, food, and other costs. Perhaps the \$20,753 you cite is limited to those items within the scope of your audit.

**Lee Pierson:**

This reflects an estimated cost per inmate during fiscal year 2008. It would be the average for all inmates. If you have an inmate in a conservation camp, it would be considerably less. If you have an inmate who is in a maximum security facility, the cost would be more. Obviously, there are some inmates who may have severe medical issues that would cost quite a bit of money to treat. There are probably other inmates who are fairly healthy and there would be no cost. What we are reflecting is the average for the 13,000 inmates.

**Assemblyman Anderson:**

So we would reach that number by taking the total number of inmates, dividing them into the budget, and then breaking it down into this limited number of categories that are presented here. To really see the cost per inmate, you would have to look at it on an institution-by-institution basis.

**Lee Pierson:**

Yes, it would vary by institution, but I should point out that the facility cost would include things like housing, clothing, food, and such things. Health care is essentially medical, dental, and those issues. The education number there cannot be found in the Department of Corrections' budget, because that funding comes through the state's Distributive School Account (DSA), and then goes on to the school districts to provide the classes.

**Assemblyman Anderson:**

I, like my colleague from Carson City, am concerned about educational programs. I noted in your presentation that you indicated we offer quite a few programs in Nevada as compared to the other states under consideration. This appears to be detrimental to the effective management of our existing programs, whereas, if we had fewer programs, they could be more effectively managed for optimal results. Obviously, anger management is needed in every institution. But, other than those common core programs, is there a need for a greater variety? With one program following another and then another, wouldn't that allow an inmate to repeat the same course over and over again?

**Lee Pierson:**

Because of the demand, we would not allow an inmate to repeat the same class. Some of the classes offered are in a series, so there are several phases. Our substance abuse courses also have an aftercare portion. After an inmate completes the course, there are weekly meetings for six months to reinforce the things that are taught there. You are correct in that there are a lot of classes. We think there are many similar ones and we could reduce the number. There is information available from the National Correctional Associations and publishers for these classes. Some of the work has a copyright, so it is

somewhat expensive. We felt that, when we look at the number of classes we have, it seems to be a little higher than what we probably needed. It might be a more effective use of resources if we narrowed this down to some key classes.

**Assemblyman Anderson:**

When I look on page 43 of your response, I see that Carson City and Clark County do not have a community college availability program. In Elko County, where Great Basin College is, as well as the Carlin Conservation Camp and the Wells Conservation Camp, the opportunity to use the resources of Great Basin College is readily available. Why are we not making use of the resources that are in the community for higher education?

**Lee Pierson:**

Exhibit 10 on page 43 addresses only high school programs. Typically, the preparation for a General Education Development (GED) certification, a high school diploma, English as a Second Language (ESL), and the adult-based education courses are being provided by the school districts. In the rural areas, out in Elko, Great Basin College has been involved, as it shows at the bottom of the exhibit. They have been providing the GED, adult basic education, and ESL for the two camps, and the school district has been providing the high school diploma program. In Lyon County, Western Nevada College has been providing the GED, and the school district was providing the other programs. What has happened over time is that a couple of the colleges have been involved with providing high school related programs at a couple of our camps. Separate from this, we do have college courses that are available through the colleges. Those are primarily available through the College of Southern Nevada in southern Nevada and through Western Nevada College in the north.

**Assemblyman Anderson:**

In exhibit 14 on page 57, you outline the level of grievances and the time factor involved. It seems to me, as a teacher, if I have a grievance against the school district, or if a student has a problem with the behavior of a teacher or some school regulation, we would like to have a resolution to it as quickly as possible. In the audit reports, it would appear that you see a quick response as a detriment rather than a merit. Do you think the timeline is too short to address grievances? Do you think the longer timeline is to the advantage of the state, if not to the inmate?

**Lee Pierson:**

Obviously, I am sure the inmates would like to have an immediate response. On the average number of days that is shown in that exhibit, on our first- and second-level grievances, our time frames are not too bad in comparison to other states. I should point out these first couple of levels are going to be addressed

by personnel within the prison. The first level of grievance, as for medical, would typically be handled by a shift nurse. The second level might be addressed by the chief nurse in the facility, or by the warden. Third-level grievances are handled by corrections management, located in Carson City or Las Vegas. There will be some time involved in putting together all those materials and then shipping them to the appropriate facility. If there is a request for additional information, that requires more time as well. We felt, particularly on the third level, that maybe we needed to adjust our times a little bit. The first and second levels were not too bad. Some of these can be resolved very quickly. We saw some that were resolved within a few days. Others take a little bit more time. It may involve investigation and other things. The main point we are making is that the department needs to look at these. They may be a little too stringent, given what is required, particularly on the third level.

**Assemblyman Anderson:**

We hear from folks that sometimes something happens in the yard or in the prison system, and the responder, in making out his report, uses the same time frame for the event as when the person is checked into the medical facility. Is there any validity to that statement?

**Lee Pierson:**

We did find that to be a problem, and I did not specifically address this in the presentation. On the bottom of page 71, we found that medical emergency response times were not always accurately recorded. If there is an inmate that immediately needs medical care, the medical staff will come down and do a triage on the inmate to determine what treatment needs to be done. What we found on some of these cases was that the time they received that call, and then the time when they get to the inmate, is often listed as the same time. We also found that, after they had finished with the inmate, either by bringing the inmate back to the infirmary or doing whatever they needed to do to resolve the situation, they oftentimes recorded that as the same time. The Department would like to know: When did we get our emergency call? How quickly did we get there? How quickly did we resolve the issue? We found cases in which those times were very clearly identified. In other cases, the staff simply wrote down the same time. Thus, we cannot tell how timely our response is to these situations. One of the recommendations we had was that this discrepancy be addressed through policy and training; it needs to be impressed upon the staff to properly record those times.

**Assemblyman Anderson:**

The 29 percent rate of improper time recording, which stuck out in my mind after having read this a couple of times now, seems to leave the state open to potential liability. If an inmate were in the cell and was a known diabetic, for

example, or we had someone who had a known medical condition of some sort, and we did not respond in a timely fashion, we would clearly be at risk of litigation. It is the state's responsibility, and the inmate is the state's charge. The state would be liable if we did not respond to a medical emergency in a timely fashion. Am I missing the point here?

**Lee Pierson:**

You are correct. If we are accurately recording those times, and it clearly shows the time when we received the emergency call, when we got to the inmate, and when it was resolved, that would be some additional information the state would have to say that we are responding in a timely manner. If the times are all the same, or there is no time indicated, we would not have the records to support our claims of timely responses.

**Assemblywoman Dondero Loop:**

I noticed that, with education on page 13, the cost is \$554 per inmate. Are those line-item budgets that are listed there, and are they always used specifically like that? Can the education budget be pushed over to correctional programs? Can health care be pushed to administration? Or are those specifically left in those line-item places?

**Lee Pierson:**

No, they are separate. Correctional programs and medical are separate budget accounts. Correctional programs is budget account 3711, and medical is budget account 3706. The adult education numbers shown come out of the state's Distributive School Account, category 78, which is adult high school programs. Those adult high school programs are used statewide. They are not only for inmates, but there are people in the community who, for whatever reason, did not graduate and are going back to complete their high school diploma or their GED. The Department of Education allocates about 35 percent of the total funds for adult education programs to corrections. Sixty-five percent stays within the community.

**Assemblywoman Dondero Loop:**

If I understand what you are saying, if an inmate so chooses not to go to school, or they already have a high school diploma, and that money is not used, is it just pushed back into that same fund and factored out to other inmates in that area?

**Lee Pierson:**

In 2007, there was about \$7.7 million that went to correctional education. Those funds were distributed to the four school districts that have prisons: Clark, Carson City, Pershing, and White Pine. They are all given a certain

amount of that \$7.7 million, based upon inmate population. For example, in Clark County, we currently have three prisons. Of that amount that goes to Clark County, the school district allocates so much to each of those prisons. With that money, they pay for school teachers, counselors, and supplies. In terms of actually providing the services to the inmates, we have our assessment process. When inmates come in, they are given a variety of tests. One of those is a test to determine the inmate's reading and math level so we can determine where we can start them. They find out if inmates have a high school diploma or a GED. Those with a high school diploma do not come into education, for the most part. In some cases, we allow some inmates to take vocational classes, but we primarily target those inmates who do not have a diploma or a GED. Those inmates are placed in classes to prepare to take the GED, or they take regular high school classes they need to graduate with a high school diploma.

**Assemblyman Kihuen:**

Mr. Pierson, thank you for your presentation and your audit report. Regarding the citizen's advisory committee, on page 60, the audit found that it was feasible to have one, but the only downside was the cost. Am I correct? What would be the approximate cost and which would be a better recommendation for Nevada's own advisory board: the Missouri model, or the North Carolina model?

**Lee Pierson:**

Both Missouri and North Carolina have very different ways of doing things. Missouri's model holds that, when a grievance has exhausted all its appeals, the correction staff selects several of these cases each month. Their advisory committee looks at the grievance and then determines whether they agree with what the department did or did not do. If they disagree with the department, they can make recommendations to the director. Then, the director can either accept or reject the recommendation. In North Carolina, there is paid staff that gets involved in handling the final level appeals. Because the role of Missouri's committee is essentially advisory and they do not have staff, it costs about \$16,000 a year. That is mainly for corrections department personnel, travel, and other things. On page 60 in the second paragraph, North Carolina's annual costs are actually \$600,000. That includes, I believe, ten paid staff, along with supporting costs for them.

We were asked to look at the feasibility of whether we should have a committee or not. Our position is that it is feasible, but we are not recommending one way or another. I think that is up to the state to decide whether they want to go this route or not. Obviously, these are the only two

states we could find that even had a committee. Most states do not. Missouri and North Carolina offer very different options.

**Chairman Horne:**

Are there any other questions for Mr. Pierson? I would like a little more information on the women's program, particularly the vocational programs. You said they typically had fewer vocational program options. Do you know what measures, if any, were taken to address the disparity in the women's program?

**Lee Pierson:**

When we were completing our audit in late 2007, I had discussions with the school district staff and with the associate wardens at the women's prison. We discussed this issue, and they both acknowledged that yes, this is a problem. We need to do something about it. One of the problems at that time in the women's prison was that it was very overcrowded and they did not have the space. Subsequent to that, there has been additional bed space added. I am not certain, at this point, if they have the additional space that they need. However, at that time, I know they were working on a couple of different possible classes. I have not spoken with the school district or the prisons in about a year, so I am not certain what they have done since that time.

**Chairman Horne:**

Regarding women's access to health care, did you see a great disparity between women's and men's access?

**Lee Pierson:**

No, we did not. We visited all nine institutions, and we went through the processes they had in place. We looked at lists of inmates who saw a nurse, physician, or requested care. I do not recall anything significant that was different between the prisons. I am not aware of anything where women are being treated differently than men in terms of access.

**Chairman Horne:**

The same system is set up in the women's prison?

**Lee Pierson:**

Yes, it would be a similar system. The exhibit on page 63 demonstrates that a similar system exists at all the prisons.

**Assemblywoman Parnell:**

I am looking on page 54 where you list the recommendations for vocational programs. I work closely with the Department of Education and their career, technical, and vocational departments. They already have fulfilled

recommendations 18 and 19. There is a statewide curriculum for vocational education. There is already a recognized certificate for any vocational programs. Could you check with someone in the Department of Corrections? They ought to be working closely with the Department of Education, because everything is already in place. It has already been created, so it is just important to note.

**Chairman Horne:**

Thank you, Ms. Parnell. Committee members should also note that there is no one in here from the Department of Corrections. They are next door in Ways and Means. We will have an opportunity to bring them back and ask them to address our concerns. We can find out, with more specificity, exactly what they have done to implement these 31 recommendations. The audit report mentions that Nevada may be offering too many classes. It makes me wonder about what bang we are getting for our buck. There was a question by Mr. Anderson about the possibility of merging certain classes. Did you see a high potential cost savings in doing this? Are we spending a lot of money on these superfluous classes that Nevada offers?

**Lee Pierson:**

The Department does not have a lot of money for the programs. There would be some cost savings if we reduced the number of classes. I do not know if it would be a significant sum, but given the funding they do have, anything would help. If we could find ways to streamline some things, it would not only save money, but it would be a lot easier to keep track of what we are providing. One of the problems we found with these certified classes is that we had difficulty in getting the materials for the classes that were being taught. For a couple of classes, we never received the materials. We have approved classes being made available in certain places, but we were having difficulty in even finding the curriculum and what exactly was being taught. Part of the problem here is that we have so many classes that perhaps we have lost control over them, to a certain degree. That was a big driving part. If we had a smaller number of classes, it would be easier to manage. It would certainly be a lot easier to evaluate how well these classes work.

**Chairman Horne:**

I see no other questions. Thank you, Mr. Pierson. Mr. Townsend?

**Paul Townsend:**

Mr. Chairman, I just wanted to point out that we will be going through the audit follow-up process with the Department of Corrections. The Department will be attending future audit subcommittee meetings. I will report on the progress to

the Legislative Commission. I will provide this Committee with an update as well.

**Chairman Horne:**

I appreciate that. Thank you very much. We have one bill to hear. I am going to open the hearing on Assembly Bill 78.

**Assembly Bill 78:** Requires the State Forester Firewarden to establish and carry out a program for operating conservation camps. (BDR 16-358)

**Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources:**

Good morning, Mr. Chairman, members of the Committee.

[Read from prepared text ([Exhibit D](#)).]

**Assemblyman Carpenter:**

There is no question in my mind that, had conservation camps in rural Nevada not existed, many things that we depend upon in rural Nevada would not happen. There is a lot of talent in the personnel that comprise these camps. They are able to do a wide range of projects, from erecting buildings to building fences, and especially in fighting wildfires. For example, a couple of years ago, we were inundated with those fires. The camps provided a valuable service, and I cannot say enough for the work they do. In a slow season, they are out there cleaning up the highways and helping to clean up the communities. In other instances, they help the elderly with shoveling snow. I cannot say enough about them. We do not want to lose them.

**Assemblywoman Parnell:**

I would certainly agree with my colleague. I know this is not the budget committee, but in this case it is a little bit hard to look at this bill and not consider what some of the recommendations might be. How would the passage of this bill be affected by what may happen with the proposed budget cuts? The conservation camps are so entwined in our communities that I think this issue needs to be on the table.

**Pete Anderson:**

We face many challenges in our budget situation right now. My hope is that, through this legislation, we establish the camp program in statute. Whether we have one, ten, or twenty someday in the future, I think the intent today is to get the program established in statute.

**Assemblywoman Parnell:**

To follow up, I think that those of us who live up in the northern part of the state, in particular, have appreciated what these camps have meant to the community, especially the Elko/Ely/northeast area, when we had the terrible wildfires a few years ago, and also what we had in Carson City. We recognize the importance of the fire safety councils that you have worked on and helped create, along with the conservation camps, and how they have come together to save a lot of personal property and lives. I am certainly supportive of this bill and think we need to do everything we can this session to protect these great groups of people and all your hard work to continue to be able to be there to help in times of need.

**Chairman Horne:**

Mr. Anderson, this bill will authorize you to enter into contracts or agreements with private parties, et cetera, in the performance of the projects you have. You are currently doing that already, and you are trying to get it into statute?

**Pete Anderson:**

Yes, Mr. Chairman. We do have an operating agreement with the Department of Corrections now. The fact that we are now handling millions of dollars in revenue annually, and our mission has expanded to beyond just wildland fires, I feel it is important that we codify this camp program in statute to meet those obligations as we go forward with our other statutory requirements in *Nevada Revised Statutes* (NRS) Chapters 472 and 473. They are our workforce.

**Assemblywoman Dondero Loop:**

I wanted to say thank you for your hard work. I see it firsthand, and I appreciate the fact that you work with all 17 counties.

**Assemblyman Manendo:**

You mentioned that the program generates increased revenue for the state budget. I certainly understand how you save us money, but how do you generate money?

**Pete Anderson:**

As part of our budget account 4198, we have revenue targets. Those have increased over the years from virtually zero to now close to \$3 million annually. We have met those targets through billable projects. We have both billable and non-billable projects out there. When our crews fight fires on federal land, we bill the Bureau of Land Management (BLM) for our services and time. We see a lot of increasing project activity with the economic stimulus package coming and with the national fire plan over the course of the last three years.

As Assemblywoman Parnell mentioned, the work we have done in fuels management is, to a large extent, revenue-generating work.

**Assemblyman Manendo:**

I guess I did not know what was saving us money, and what was generating money. With so much federal land in Nevada, we should be billing the federal government a lot of money. How do you determine the cost of your service? Is there a certain rate? If you protect 20 acres, do you bill the federal government \$100 an acre?

**Pete Anderson:**

We have established billing rates for every one of our staff, even myself in some cases, if I go out on a fire call. Everyone has a billing rate, and all of our equipment has a billing rate. If we activate a Sonoma kitchen, for example, that becomes part of the camp that feeds firefighters; all of that is billable cost.

**Assemblyman Manendo:**

Can we increase our rates to the federal government?

**Pete Anderson:**

We review our rates annually and we do increase our rates accordingly.

**Assemblyman Anderson:**

Here along the northern front, we depend upon your department to help out, not only here in Carson City, but also farther north and down as far as Mammoth. With the loss of the Silver Springs camp, do you think that is going to adversely affect your ability to respond in a timely fashion with the kind of materials and crews that would help deter greater cost to the state? Because the longer the fire goes, the more difficult it is to put out; therefore, the close proximity of the fire crew to the actual fire is a great advantage. That is the reason these camps are located in remote areas, is it not?

**Pete Anderson:**

That is correct. The objective is to catch these fires when they are small and put them out before they do get large and uncontrollable. We were fortunate in the case of Silver Springs. Our staff and crew supervisors all moved to the Stewart camp, and the Department of Corrections was able to increase the number of available male inmates at Stewart. In essence, we did not lose any crews, though the challenge of keeping those crews fully staffed continues.

**Assemblyman Anderson:**

I guess I am disturbed by the loss of the Silver Springs facility. I want to make the point that Silver Springs had a cook crew among its firefighting crews. That was a support to other kinds of crews that might be brought in from out of the area when there was a major event going on. They acted as backup for National Guard troops and other people. Are you able to provide support for a large operation out of the Stewart facilities, as well, with a female crew? It is my understanding they are one of the finest in the nation.

**Pete Anderson:**

Yes, honestly and frankly, our women crews are probably our best crews. They have attention to detail and quality across the board that many of the male crews do not. They are excellent firefighters as well as capable of running kitchens and other such facilities for us. We still have our kitchens; they are just in different locations. We moved the Sonoma kitchen that was at Silver Springs to Stewart. There have been some management challenges. There certainly is a change in how we operate by having everyone at one camp. There are some hurdles.

**Assemblyman Anderson:**

So the need for this particular piece of legislation is, in part, because of what happened in Silver Springs? You feel this might solidify these camps so that we recognize their importance in state statute? Is that a fair summary?

**Pete Anderson:**

My goal of getting the camp program into statute has been on my docket for many years. It is something that, for 50 years, we have never had. The fact that Silver Springs is temporarily moth-balled really did not influence my goal to get the camp program, as a whole, into statute. I do hope that, at some point in the future, Silver Springs would reopen.

**Chairman Horne:**

Are there any further questions for Mr. Anderson? I see none. Thank you. Anyone here wish to testify in favor of Assembly Bill 78?

**Robert Hadfield, representing Nevada Association of Counties, Carson City, Nevada:**

For the past 32 years, I have held a number of positions in this state: Lyon County Manager, Douglas County Manager, and 20 years as the head of the Nevada Association of Counties. For the last 22 years, I have been an elected member of the Minden Town Board. In all of those capacities, I have been very closely involved with the honor camps throughout our state, and I can attest to the value of those camps and the good works they do in our

communities, as well as protecting all of our lands. These honor camp crews are the most cost-efficient method to address our prisoner situation. They have good education programs, and they do become part of the fabric of these rural communities. They are not just prisoners; they really become residents of the communities where they do their work. On behalf of the counties that I represent, we think it is appropriate that we finally recognize that these camps do exist within statute. In doing so, we validate the legal agreements that they have with various communities. For example, in the town of Minden, we used the honor camps a couple of months ago to do a project for us. We are proud to have them in our community, but we do pay for these services, and it is appropriate, I think, for the fact that we have these camps. Their budget and their involvement with the communities are growing. It is time to place their existence in the statute. It is only appropriate and it makes a lot of sense. We support the passage of A.B. 78 and urge you to likewise do so.

**Matt Leck, Assistant Management Analyst, Southern Nevada Water Authority, Las Vegas, Nevada:**

The Southern Nevada Water Authority supports this bill. We see an opportunity in our projects; not only in the Las Vegas Valley and the Las Vegas Wash, but also in areas for habitat restoration, up in our eastern properties in Spring Valley, or with the properties in the Warm Springs area. We think that this could be a good benefit and a good partnership. We appreciate the opportunity to support this bill.

**Chairman Horne:**

Thank you, Mr. Leck. Are there any questions? There are no questions. Thank you very much. Anyone else wishing to testify in support of A.B. 78? In opposition? Neutral? We tried to get the Department of Corrections in here, but they are still next door. We have been told they have no problems with the bill. I am going to close the hearing on A.B. 78. We will bring it back to Committee.

ASSEMBLYWOMAN PARNELL MOVED TO DO PASS  
ASSEMBLY BILL 78.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN HAMBRICK ABSENT FOR THE VOTE).

Mr. Carpenter, since you are the most senior member here, would you like to handle this on the floor?

**Assemblyman Carpenter:**

Yes, sir, I would.

**Chairman Horne:**

Done. We have some Committee business. We have three possible bill draft requests ([Exhibit E](#)). The first one deals with minors incarcerated for lengthy sentences as adults. This is an attempt to draft legislation to provide that offenders sentenced to life in an adult prison when they were under the age of 16 may be eligible for parole after serving a minimum amount of time in an institution, completing both vocational and educational programs, and being a model inmate. This is also on the theme of what Assembly Bill No. 510 of the 74th Session did in calculating eligibility for parole and reducing prison population. This bill would be to address and look at the issue of those inmates who were incarcerated under the age of 16. Any discussion?

**Assemblyman Gustavson:**

Will this bill be retroactive so that the persons incarcerated before the age of 16 would be eligible for this?

**Chairman Horne:**

Yes. It is to review the cases of all inmates who are currently incarcerated and were incarcerated before their sixteenth birthday.

ASSEMBLYMAN CARPENTER MOVED TO CREATE A BILL DRAFT REQUEST (BDR) REGARDING MINORS INCARCERATED FOR LENGTHY SENTENCES AS ADULTS.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN HAMBRICK ABSENT FOR THE VOTE).

**Chairman Horne:**

The second possible BDR deals with legislation to address concerns raised in the legislative audit. The legislative audit of the Department of Corrections (DOC) found problems with the procedures for providing health care to inmates. One issue is the recordkeeping of time response in emergency situations.

This would draft legislation to require the DOC to promulgate specific standards within its administrative regulations for the completion and submission of emergency reports. This proposed BDR would mandate the DOC to promulgate

a system of keeping medical and dental inventory at each institution. I will entertain a motion.

ASSEMBLYMAN ANDERSON MOVED TO CREATE A BDR REGARDING LEGISLATION TO ADDRESS CONCERNS RAISED IN THE LEGISLATIVE AUDIT.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN HAMBRICK WAS ABSENT FOR THE VOTE).

**Chairman Horne:**

The third and final possible BDR is in regards to the operation of private prisons in Nevada. There are a couple of prisons in the works. They have broken ground on one of them in Nye County, and there is some discussion in Storey County on building a private prison. In Nye County, they are contracting with the federal government. This Committee and this legislative body have some authority to regulate the type of prisons and how these prisons are run. We have no idea even about the category of inmates that will be transported into Nevada and housed here. In my opinion, we should try to look at how they plan to do this, and what parameters, if any, we want to place upon them.

**Assemblywoman Parnell:**

I would move for approval. Just as a point of information; I believe about a year ago, the show *60 Minutes* did a lengthy exposé of the Colorado prisons that were taken over by some of these private corporations and one, in particular, that is looking into Lyon County. If anybody wants some backup information, they can probably look into that program.

ASSEMBLYWOMAN PARNELL MOVED TO CREATE A BDR IN REGARDS TO THE OPERATION OF PRIVATE PRISONS IN NEVADA.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN HAMBRICK WAS ABSENT FOR THE VOTE).

**Chairman Horne:**

These BDRs will be drafted. When they are, we will introduce them and begin our work. Any other questions or business that needs to be brought before the Committee? We are adjourned.

[Meeting adjourned at 9:38 a.m.]

RESPECTFULLY SUBMITTED:

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Robert Gonzalez  
Committee Secretary

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Karyn Werner  
Editing Secretary

APPROVED BY:

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Assemblyman William C. Horne, Chairman

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

**EXHIBITS**

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

**Date:** February 19, 2009

**Time of Meeting:** 8:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda.
	B		Attendance Roster.
	C	Paul V. Townsend, Legislative Auditor, Carson City, Nevada	Audit Report for the Department of Corrections Inmate Programs, Grievances, and Access to Health Care.
<u>A.B. 78</u>	D	Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources	Testimony of Pete Anderson on <u>Assembly Bill 78</u> .
	E	Assemblyman William C. Horne, Chairman	Assembly Committee on Corrections, Parole, and Probation Possible 2009 Bill Draft Requests.