

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

**Seventy-Fifth Session
March 17, 2009**

The Committee on Corrections, Parole, and Probation was called to order by Chairman William C. Horne at 8:11 a.m. on Tuesday, March 17, 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](#)) and the Attendance Roster ([Exhibit B](#)), 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: 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 John Hambrick
Assemblyman Ruben J. Kihuen
Assemblyman Mark A. Manendo
Assemblyman Richard McArthur
Assemblyman Harry Mortenson
Assemblyman James Ohrenschall
Assemblywoman Bonnie Parnell

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman James Settelmeyer, Assembly District No. 39

STAFF MEMBERS PRESENT:

Allison Combs, Committee Policy Analyst
Katherine Malzahn-Bass, Committee Manager
Kyle McAfee, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Constance J. Brooks, Senior Management Analyst, Office of the County Manager, Clark County, Las Vegas, Nevada
Liane Lee, Legislative Officer, Government and Community Affairs, City of Las Vegas, Nevada
Howard Skolnik, Director, Carson City, Department of Corrections
Lee Rowland, Reno, Nevada, representing the American Civil Liberties Union of Nevada, Las Vegas, Nevada

Chairman Horne:

I bring the Committee on Corrections, Parole, and Probation to order. Today, we have two bills on the agenda: Assembly Bill 228 and Assembly Bill 265.

Assembly Bill 265, at the request of the sponsor, has been postponed.

We are going to open the hearing on Assembly Bill 228, Mr. Settelmeyer's bill.

Assembly Bill 228: Revises the provisions relating to the diet of prisoners.
(BDR 16-774)

Assemblyman James Settelmeyer, Assembly District No. 39:

The reason for Assembly Bill 228 came out of one thing: the budget, and the lack of money we are seeing and the need to save funds. Many people have contacted me from the Nevada State Prison trying to find ways to save funds to keep the prison open. In that prison, it comes down to an issue of staffing levels. I did not want to propose the Governor's way of saving money by reducing staff salaries. I wanted to find other options so that their salaries would not have to be reduced. That is how the bill came about.

In 2004, Los Angeles County stopped serving hot breakfast to more than 20,000 inmates housed in county jails. They were able to trim \$1.5 million

from their annual food budget of less than \$23 million. That was reported in the *Los Angeles Times* back in 2004. In discussions with Mr. Richard Kirkland, former Washoe County Sheriff, who was the head of Washoe County jails, he told me he had switched to a cold breakfast for the inmates. In that respect, I framed the bill with the concept of eliminating hot breakfast. In talking to Director Skolnik, Department of Corrections, he indicated that was a problem to him, so we modified the bill to provide for two hot meals a day. That does not prevent a prisoner from having three to five meals a day. The bill provides for a maximum of two hot meals a day. There are some cost savings due to the fact that cold food is cheaper to buy than food that has to be prepared.

Other cost savings come from labor. Director Skolnik found that in the higher security prisons, individuals who were only released to common areas for meals could be left in their cells for that cold meal, and additional staff was not needed to manage the movement of the inmates. They found a secondary savings in that, as well. They also found they had better security ratings after that.

I contacted correction departments throughout the United States to gather information about their rules, protocols, and procedures. I first contacted Alabama; they came in at about \$1.20 a meal. Connecticut came in at about \$3.75 a meal. Interestingly, Connecticut has a requirement that anyone under 18 receives a youth snack between lunch and dinner.

I spoke with the American Correctional Association (ACA) who oversees the accreditation and standards of the prisons in most of the states. Forty-five to forty-eight states are affiliated with the American Correctional Association, in regards to dietary standards, housing requirements or levels. The ACA stated they were okay with the concept of implementing a maximum of two hot meals per day.

I received an interesting letter from Crout and Sida Criminal Justice Consultants. Some time ago, they had made a recommendation to Orange County, California, to switch to only one hot meal a day to save money and also for security reasons. They had indicated that this type of concept passes what is called a community standard test: the desire to ensure that prisoners, once released back into society, will follow a similar routine. Some people in today's culture eat only two hot meals a day. The majority eat only about one hot meal a day.

There are friendly amendments to this bill. When I brought the bill forward, my local county had discussed the concept that the bill would provide them protection under the state laws if they went to two hot meals a day. However, Crout and Sida and Clark County mentioned that some prisons do not have

refrigeration. Due to their lack of refrigeration, going to a situation where they serve only one cold meal may cost them more money. They asked for a friendly amendment, and I am more than happy to do that.

I had a couple of people come to me from Washoe County and Clark County jails. Inmate meals in the State of Nevada currently cost about \$2.17 a day. An adjustment in the cost of a meal by one penny comes to \$47,450 a year. If you save a penny on each meal, the savings would be \$142,350. Some county jails are serving meals for less than \$1, and the state is at \$2.17. That is a pretty good savings to the state. The intent of the bill is to save the state money.

Chairman Horne:

Did you ever get a breakdown from the Department of Corrections on exactly what the possible savings may be by eliminating hot breakfast from their menu?

Assemblyman Settelmeyer:

No, Mr. Skolnik did not provide me with that information. He was going to look into it. In his initial findings, he said it would save the Department some money, but he was not sure how much it would save them.

Chairman Horne:

One of the things I noted was the security issue and the savings in labor costs from inmates being served cold meals in their cells. One of the problems is that not all inmates are high-risk inmates. In facilities that have high-risk inmates, some of whom spend 23 hours a day in their cells, that would not necessarily be a problem, but the majority of other inmates who do not have those restrictions would be subjected to spending more hours in their cells. I do not know if that is fair to them. One of the things that is important to the morale at the facilities, and the safety of the inmates and the guards, is using incentives as tools to ensure compliance to the rules from the inmates. The more those tools are taken away from facilities, the fewer resources the guards have to manage a safe environment. Say, for instance, if you take away an inmate's yard privileges, that is one less thing the guards can take away to punish that inmate for not complying. Having inmates in their cells for longer periods of time concerns me.

I also tried to find out how much in savings this would bring to the state. The removal of these products from prison menus, particularly breakfast products, will affect Nevada companies; they are purchased through Nevada companies. Many of the products may be bought outside the state from places such as Arizona, California, or Utah, but our facilities buy them from Nevada companies. This would have an impact on our economy. If we reduced the demand for,

say, eggs, I think that is going to have an impact on Nevada businesses. I certainly do not want to do that, and that is just one small example.

Assemblyman Settelmeyer:

I agree with you on the security issue. That is why I am amenable to an amendment for the lower-tier offenders who should not be subject to the same type of restrictions or rules that apply to the higher-tier offenders. Therefore, I am willing to allow an amendment that exempts counties. Generally, the individuals who are in state custody are of a higher tier than those in local jails. I am more than agreeable to that amendment after reading the report from Crout and Sida indicating that. The counties that are currently serving two hot meals a day have not had any written complaints (kites) from the inmates. I agree with Crout and Sida that food should never be used in such a way as to get compliance from an inmate. I do not think it is acceptable to achieve a result by withholding hot food, or any kind of food, from somebody. I look at this in terms of trying to save some funds.

I understand your concern about Nevada companies. I have not researched how much food is being purchased by the State of Nevada or other departments from Nevada companies. I believe we have one prison that is currently raising poultry to produce their own eggs. I think it is in Elko. One of the prisons used to have eggs. The local one down here has a dairy farm, but it is not doing that well. I will try to find more information on that for you.

Assemblyman Carpenter:

How much does it cost us now to feed the prisoners and, if you saved one penny on an inmate's meal, how much would that be?

Assemblyman Settelmeyer:

A reduction in the cost of one meal by one cent will give a savings of \$47,450. If you saved a penny on each meal that day, you would be up to \$142,350. The State of Nevada currently is at a cost of \$2.17 a day while some of the counties are below \$1.

Constance J. Brooks, Senior Management Analyst, Office of the County Manager, Clark County Las Vegas, Nevada:

I am in opposition to this bill. We have offered an amendment that would make this legislation permissive rather than mandatory for local jail facilities. While we understand that the intent of this bill is to provide cost savings, we have conducted a fiscal analysis that has found the provision of cold meals does, in fact, cost more than hot meals. This is an average of approximately 4 cents more per meal. This increase would cost Clark County approximately \$43,000 a year. At the Clark County Detention Center, in collaboration with

ARAMARK Correctional Services, our current menu provides three hot meals a day. This approach has proven to be most cost-effective for Clark County. Clark County's hot meal menu provides taxpayer savings because many of the foods provided in cold meals have higher associated costs, provide fewer calories and nutrients, and require more logistics to prepare and deliver. If cold meals are served in a sack or other disposable containers, there is an additional cost for waste disposal. Simply put, hot meals are more cost-effective. Cost containment measures have already been put in place to create menus that manage costs with an eye toward maintaining appropriate nutritional content required for the inmates' good health.

As you stated, Mr. Chairman, quality food service within a correctional facility is a key ingredient to an inmate's satisfaction, which then contributes to better inmate behavior. This, in turn, positively impacts correctional staff morale and reduces staff turnover. In conclusion, a requirement to serve no more than two hot meals a day at the Clark County Detention Center will require additional taxpayer dollars to accommodate the necessary menu reengineering, additional food costs, and logistics. We ask that you consider our amendment and allow application of the bill to be permissive rather than mandatory for local government jail facilities.

Assemblyman Manendo:

How many inmates do you have in your facilities?

Constance Brooks:

As of January 2009, we have 3,031 inmates.

Assemblyman Manendo:

What is the total cost of the meals?

Constance Brooks:

I do not have that information, but I can get it to you.

Assemblyman Carpenter:

What does the hot meal you are now serving consist of?

Constance Brooks:

The breakfast consists of hot cereal such as oatmeal, cream of wheat, and things of that nature, along with fruit.

Liane Lee, Legislative Officer, Government and Community Affairs, City of Las Vegas, Nevada:

Our detention enforcement department has concerns with this bill. We believe cold meals could potentially cost more for us. For example, our culinary unit is housed outside of our housing unit, which means we would need to transfer the meals. This could be difficult to do, especially in the summertime, if you account for preparing the food, wrapping the food, and trying to keep the food cold. We do not believe this would reduce the cost of labor for us. We have two shifts that consist of 17 inmates and 4 culinary staffers. This is why we support the amendment offered by Clark County; it would allow us the flexibility to serve hot or cold meals.

Assemblyman Manendo:

What are your total number of inmates and total costs?

Liane Lee:

I do not know that. I can find out for you.

Assemblyman Carpenter:

Do you pay the inmates, or are they trustees who help in the kitchen?

Liane Lee:

I am not sure of that. I can find out for you.

I do have a sample of our menu. For Tuesday's breakfast, we serve fresh fruit, oatmeal, a sausage patty, bread, and a packet of margarine. For Wednesday, we serve fresh fruit, cornflakes, scrambled eggs, and milk.

Assemblyman Gustavson:

We have been talking about breakfast meals, but cold meals can also be a lunch, simply a peanut butter and jelly sandwich. I know that many detention facilities provide that as an alternative to hot meals. Do you do this as well?

Liane Lee:

We do that, but I am not sure. For example, for lunch we can serve them a hamburger with fried potatoes, and the next day a tortilla with taco meat and Spanish rice. I am sure they do that. I do not have the answer to that question, but I can get that for you.

Assemblyman Gustavson:

We have all heard about Joe Arpaio in Arizona and his detention facility down there. His inmate meals cost less than a dollar. I am not sure if he has any hot

meals or not, but have you done any research as to the way he runs his facility down there?

Liane Lee:

I have not. I am not familiar with Joe Arpaio.

Chairman Horne:

I do not wish to run any of our facilities like Joe Arpaio does in Arizona.

Howard Skolnik, Director, Carson City, Department of Corrections:

Although somewhat neutral on the bill itself, we want to express some concerns about the potential costs. If we eliminate eggs from the breakfast, we are going to have to find a substitute protein, which will no doubt cost more money in order for us to meet the dietary requirements that are set for our inmates. Additionally, we have gone to sack lunches at three of our facilities, primarily because of crowding conditions and our inability to do programming and serve three hot meals a day. Using our current culinary facilities, we are providing sack lunches at the conclusion of breakfast for the inmates to take with them, opening up the day for programming. We have found that those institutions are going significantly over budget because of the packaging costs of the cold meals. It is a dilemma for us right now because in order to provide the programming, we have no choice but to provide the sack lunches, and the sack lunches have been a budget-buster for us.

For the record, I concur with you about Sheriff Arpaio.

Lee Rowland, Reno, Nevada representing the American Civil Liberties Union of Nevada, Las Vegas, Nevada:

We are opposed to this bill because we oppose setting maximum standards of treatment, by legislative means, for the prison systems. We certainly understand that there are budgetary needs, and there may be ways to reduce the cost of meals in a manner that is constitutional. We are concerned about tying the hands of the prison system with a maximum condition of confinement. We think it is generally appropriate for the Legislature to be setting minimum conditions of confinement or requirements for the system. With respect to setting maximum levels of care and confinement, we think it is best left to the Director's discretion to make sure they are maximizing their resources in a way that is humane and efficient for the system. We do oppose the bill.

I agree with the Director about Sheriff Arpaio. By 2007, Sheriff Arpaio was the subject of about 2,400 lawsuits filed in federal court alone. That does not include Maricopa County. There may be cost savings for them, but

undoubtedly, the State of Arizona is spending more in legal defense bills than it is saving by not serving hot eggs for breakfast.

Chairman Horne:

I am going to close the hearing on Assembly Bill 228 and bring it back to the Committee.

We are adjourned [at 8:42 a.m.].

RESPECTFULLY SUBMITTED:

Kyle McAfee
Committee Secretary

APPROVED BY:

Assemblyman William C. Horne, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Corrections, Parole, and Probation

Date: March 17, 2009

Time of Meeting: 8:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda.
	B		Attendance roster.