

**MINUTES OF THE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/MILITARY/VETERANS' SERVICES
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-sixth Session
February 22, 2011**

The Joint Subcommittee on Public Safety/Military/Veterans' Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair David R. Parks at 8:00 a.m. on Tuesday, February 22, 2011, in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Sheila Leslie
Senator Dean A. Rhoads

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblywoman Maggie Carlton, Vice Chair
Assemblyman Kelvin D. Atkinson
Assemblyman David P. Bobzien
Assemblyman Pete Goicoechea
Assemblyman John Hambrick

STAFF MEMBERS PRESENT:

Michael J. Chapman, Principal Deputy Fiscal Analyst
Sarah Coffman, Program Analyst
Mark Krmpotic, Senate Fiscal Analyst
Wade Beavers, Committee Secretary

OTHERS PRESENT:

James G. Cox, Acting Director, Department of Corrections

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Jeffrey Mohlenkamp, Deputy Director, Support Services, Department of Corrections
Roy Hookham, Ph.D., Psychologist, Southern Region, Department of Corrections
E.K. McDaniel, Warden, Wells Conservation Camp, Department of Corrections
Brian Connett, Deputy Director, Industrial Programs, Department of Corrections
Gene Columbus, President, Nevada Corrections Association
Kevin R. Ranft, Labor Representative, American Federation of State, Local, County and Municipal Employees, AFL-CIO, Local 4041
Curt Thomas, Correctional Officer, Nevada State Prison, Department of Corrections
Dan Shoup, Senior Correctional Officer, Northern Nevada Correctional Center, Department of Corrections
TeJay Harvey, Correctional Officer, Nevada State Prison, Department of Corrections
Candice Madieros, Cochair, Nevada Correctional Peace Officers Political Action Committee
Wesley Goetz

CHAIR PARKS:

We will open the budget overview hearing for the Nevada Department of Corrections (NDOC).

JAMES G. COX (Acting Director, Department of Corrections):

The Subcommittee has been provided with a copy of the Department's presentation overview ([Exhibit C](#)).

The proposal includes a reduction in the overall budget of approximately \$36.3 million over the biennium. This amounts to a 6.1 percent cut. We had previously received American Recovery and Reinvestment Act of 2009 (ARRA) funding administered from the State Fiscal Stabilization Fund. This funding amounted to about \$72.2 million. These funds were largely replaced in the *Executive Budget* this biennium by money from the General Fund.

We project minimal growth in our inmate caseload.

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Key budget reductions include consolidation of operations through the closure of Nevada State Prison (NSP) and Wells Conservation Camp (WCC). Other significant reductions include the elimination of non-base pay incentives.

A limited amount of replacement equipment and deferred maintenance is funded.

The budget includes a net staff reduction of 114 full-time equivalencies (FTE).

On page 3 of [Exhibit C](#), the Governor's recommended budget for General Fund expenditures over the biennium is broken down by percentage. Seventy-four percent of the funding will be used to cover personnel. Inmate-driven costs, which include food, clothing and hygiene, account for 6 percent of funding. Inmate-driven medical costs, which include funding for the hospitals and pharmacies, account for 7 percent of the budget. The budget will also fund maintenance, utilities, operating costs and other expenses.

JEFFREY MOHLENKAMP (Deputy Director, Support Services, Department of Corrections):

Page 4 contains a description of our funding sources. The Department is heavily funded by the General Fund.

In FY 2009-2010, our budget included ARRA money distributed from the State Fiscal Stabilization Fund. This ameliorated cuts to our budget made in the last biennium. Those ARRA funds have been largely replaced by General Fund dollars in this proposal.

Page 5 contains a chart of NDOC's historical spending trends. Overall spending peaked in FY 2008-2009 and has since come down. In FY 2012-2013, spending is expected to be slightly higher than overall spending levels of 2007.

Page 6 contains a chart showing the different components of an individual prison budget. This example uses the High Desert State Prison (HDSP) budget for FY 2011-2012, which draws most of its funding from budget account (B/A) 101-3762.

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PUBLIC SAFETY

DEPARTMENT OF CORRECTIONS

NDOC – High Desert State Prison — Budget Page CORRECTIONS-39 (Volume III)
Budget Account 101-3762

Overall funding for an individual prison will include money from various budget accounts. Eighty-five percent of overall expenditures for HDSP are personnel-driven. This includes funding for medical staff, which is drawn from B/A 101-3706.

NDOC – Prison Medical Care — Budget Page CORRECTIONS-13 (Volume III)
Budget Account 101-3706

Two pieces of the pie chart are emphasized. These represent inmate-driven costs and inmate-driven medical costs. When you add or subtract an inmate from the population base, these costs go up or down incrementally. Most of the other items included in this chart, including utilities and personnel, are fixed costs. They only go up or down given a dramatic shift in inmate population that would result in the closure or opening up of units. We want to make this distinction understood. We want to address the misconception that adding an inmate to a population adds an additional \$20,000 in costs to the budget, or that removing an inmate will result in \$20,000 in savings. Most of the expenses associated with running a prison are not inmate-driven.

MR. COX:

Page 7 of [Exhibit C](#) contains a chart showing the historical and projected inmate populations. As of February 17, 2011, we had 11,565 male inmates. Our female inmate population on this date was 941. Our total population was 12,506.

According to our contracted research partner, JFA Associates (JFA), projected growth in the male population through the biennium will be minimal. We are currently operating below our projections. Future growth is projected to continue at 0.4 percent or less. These projected trends of minimal growth in prison populations are similar across the Country, as is a trend of decreasing crime rates. In our State, officials in Clark County have indicated that their overall

crime rate is down. We do not project a significant increase in population for the State. We recently received a new population report from JFA which we will analyze and use to update our figures for the Subcommittee.

On page 8 ([Exhibit C](#)), we show the numbers of male close-custody and medium-custody beds throughout the system. I would like to go through this chart in detail to make sure the figures are understandable, as NDOC has historically been criticized for not providing clear statistics. The "base structure" figure refers to our total numbers of beds. The next column shows our male inmate population as of February 10, 2011. We then show the raw count of open beds which is the difference between the total number of beds and the total inmate population.

The fourth column shows the numbers of beds in our facilities that we cannot run due to staffing limitations. There are currently 1,737 beds in this category, with 712 in Southern Nevada Correctional Center (SNCC), 672 at HDSP and 353 at NSP. The fifth column gives the raw number of open beds after accounting for staffing limitations.

The "unusable beds" category refers to extra beds in cells that require single-occupancy. Some inmates cannot be housed with others because they display violent tendencies. We are required to house them alone to prevent safety risks to other inmates and to our staff. "Usable beds" are beds that are vacant or set aside for programming and maintenance needs.

We think it is important to build prisons and correctional facilities that have the flexibility to accommodate any situation that may arise. The NDOC has historically done a good job of managing the number of beds within the system toward this purpose.

The table on page 9 shows the numbers of male minimum-custody beds. This category has a base structure of 2,045 beds, supporting a current population of 1,580 inmates. The raw count of open beds comes to 465 and the number of "usable beds," is 338.

Even in maximum-security facilities such as Ely State Prison (ESP), minimum-custody inmates are needed on-site in order to maintain office areas in

the front of the institution. This is the case at Lovelock Correctional Center (LCC) and at NSP, as well as at other facilities.

Page 10 features a table with numbers for female close- and medium-custody beds throughout the system. There is one women's facility in NDOC that oversees these classifications. This is the Florence McClure Women's Correctional Center (FMWCC) in North Las Vegas. In one year, we saw a 17 percent increase in the number of inmates there, and we built a significant number of beds in response. We currently have 1,208 beds supporting 754 inmates. This leaves a raw open bed count of 454. There are three units of 100 beds each that are unstaffed. There are 103 "usable beds" and 51 "unusable beds."

On page 11 ([Exhibit C](#)), it is noted that most of our female minimum-custody beds are located at Jean Conservation Camp (JCC) in the town of Jean. There are 240 beds at JCC and a total population of 131 inmates. There is a raw count of 109 open beds and 109 "usable beds." This represents a significant amount of "usable" bed space.

We also have female inmates at the Casa Grande Transitional Housing Center in Las Vegas. There are 48 total minimum-custody beds there to serve a population of 37 inmates.

There are currently six minimum-custody beds at FMWCC, which are occupied by inmates who perform front office and perimeter duties at that facility.

MR. MOHLENKAMP:

The inmate population is NDOC's only caseload. The table on page 12 ([Exhibit C](#)) contains numbers from a JFA study done in November of 2010. Last Thursday we received new numbers from JFA, although these numbers are not reflected here or in anything we have discussed so far. We hope to have these numbers revised by the middle of next week.

The existing numbers provide that our inmate population, which averaged 12,529 in FY 2009-1010, will increase to an average of 12,750 in FY 2011-2012, then to 12,792 in FY 2012-2013. When we do billing, we use averages because we need to calculate average costs. The M-200 category in

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each prison budget reflects the changes in inmate caseload from the base year. The totals in these categories are given as 221 for FY 2011-2012 and 263 for FY 2012-2013.

There are two primary reasons for the difference in the FY 2011-2012 and FY 2012-2013 budget recommendations. The first is that JFA population projections are somewhat higher than what we have been experiencing, and we are continuing to catch up to those. The second reason is that we are taking an average for 2010 and jumping to an average for 2012. There is a year of catch-up built into these requests. We can assure the Subcommittee that the new numbers will not reflect a significant spike in projected inmate populations.

On page 13 of [Exhibit C](#), we outline the proposed salary reductions and General Fund biennial savings. There will be a 5 percent reduction in shift differential pay, which will result in savings of \$2,084,164. As positions are vacated, the remote area differential pay for Las Vegas residents will be eliminated, as will the 5 percent rural incentive pay in Lovelock and Ely. We will reclassify "senior correctional officers" to "correctional officers" as those positions become vacant. These measures will result in a total savings of \$3,211,138.

On page 14, we go into the savings associated with the elimination of the nonessential food items being provided to inmates. This idea was brought to our attention by staff at some of our facilities, and will eliminate coffee, sugar-based drinks and other items that provide no nutritional value to the inmates. This measure would result in a savings of \$420,245.

CHAIR PARKS:

Can these items be purchased from on-site stores instead?

MR. COX:

That is correct. They can purchase coffee, soda and other food items that we no longer provide.

CHAIR PARKS:

What types of drinks are still available in the culinary?

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MR. COX:

We still provide water and milk. Similar measures have been taken by corrections facilities in other states as well.

MR. GOICOECHEA:

Do you expect any degree of resistance from the inmates on this issue?

MR. COX:

We consider that possibility when making these decisions. We went through a similar process with the elimination of tobacco products. Inmates seem to be cooperative as long as these products are still available in the store. The younger inmates seem to drink less coffee than the older inmates, so there has already been a shift in the consumption of some of these items. We have not seen any problems so far in the implementation of this plan. Inmates were made aware that we were planning to do this. With the financial situation we are facing, I feel that it is essential that we look at eliminating these types of things from the budget. It represents a significant amount of savings.

MR. MOHLENKAMP:

Pages 15 and 16 ([Exhibit C](#)) provide details on some of the proposed additions to our budget. Page 15 shows distribution of funding for replacement equipment. We can get into more specifics about these items as we go into the various budget accounts. The department has requested \$1,808,723 for replacement equipment. This number is far lower than what NDOC felt was needed. We performed a reduction during the agency request, and then made additional reductions to conform to the Governor's recommended budget. These numbers reflect the most essential expenditures that will allow us to continue to operate at basic capacity. I implore you not to reduce this budget in any sizable manner.

Page 16 ([Exhibit C](#)) describes the distribution of deferred maintenance project funding. The same scenario applies in this situation as applied to the maintenance request. There were many items identified early on that were cut from this budget. What is left has been determined to be essential for continuing operation. A prison facility is complex, and requires a great deal of upkeep. We manage a difficult population in what is essentially a small, contained city. If something breaks down, it must be fixed. We cannot have the inmates go out

and stay somewhere else for the night. It is very important that we be able to maintain our facilities. This is the bare level of funding necessary for us to do that.

ASSEMBLYWOMAN CARLTON:

The previous page discussing deferred maintenance shows an allocation of money for projects at NSP. If the proposal to close the prison is approved, would this amount be applied toward the mothballing of the prison?

MR. MOHLENKAMP:

If the prison closes, these items would be eliminated from the budget. It would become a component of the total savings figures. If you close NSP, we will not need the replacement equipment to operate it and we will not need money for deferred maintenance projects. The costs associated with mothballing the facility are located elsewhere in the budget.

ASSEMBLYWOMAN CARLTON:

The two sets of numbers are confusing. The Subcommittee, along with your office, needs to figure out what the real costs will be for the future. With numbers in various accounts, it becomes difficult to ascertain the total costs for the facilities as well as the impact on personnel.

MR. MOHLENKAMP:

We are prepared to go into greater detail about the cost savings later in the presentation.

ASSEMBLYWOMAN CARLTON:

I would like to see a representation of the total figures, rather than bits and pieces.

CHAIR PARKS:

In looking at NDOC as a whole, it appears that the major issues deal with inmate population, bed capacity, long-range capital projects, incentive and differential pay, department-wide budget reductions and supplemental appropriations. We are aware that we will be receiving revised JFA projections going forward.

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Over the last few years, reductions in female inmate populations have been quite substantial. Do you know of any general reason for that?

MR. COX:

In historical JFA projections for female populations, there were individual years in which we saw significant spikes. In 2006, for example, there was a 9.1 percent increase. We are not currently seeing that kind of growth. We have seen similar trends in discussions with the Clark County Detention Center and their staff as well as with other partners throughout our sizable county jail system. This trend has been occurring throughout the Country. Very few areas are seeing significant increases in female prison populations. In our case, this may be a result of crime rates falling in every category in Clark County except for sexual assault.

There are significant numbers of beds at FMWCC that we would be able to utilize if we did see a spike in inmate numbers. At this point in time, however, we are not projecting an increase in female inmate population.

CHAIR PARKS:

Could you comment on the impact of Assembly Bill (A.B.) No. 510 of the 74th Session on your population counts? I know it took the board of parole commissioners some time to move certain inmates out, but I presume that they are up to speed by this time.

MR. MOHLENKAMP:

Assembly Bill No. 510 of the 74th Session provided an extension of credits to Category C, D, and E felons. For the first time, it attached those credits to the minimum sentence. We saw that the number of inmates who were eligible for parole or early discharge increased. That primarily impacts our minimum-custody population. In the initial presentation we provided, it is shown that from 2008 to 2009, the percentage of inmates classified as minimum custody went from 20 percent to just over 14 percent. We saw a significant reduction in our minimum-security population. This is one of the reasons that we are able to consider the closure of WCC. At the moment, we feel that the effects of A.B. No. 510 of the 74th Session have been fully reflected in the numbers. We project that our minimum-custody population number will stabilize into the future, barring other changes in the law that might impact sentence credits.

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CHAIR PARKS:

Are you aware of any pending legislation that might adversely or positively impact your budget in the years going forward?

MR. COX:

We have noted that the effects of A.B. 136 could possibly decrease our population. We are closely tracking all bills that could potentially impact NDOC. Historically, we try to identify any potential changes in sentence structure or bills imposing mandatory incarceration. The worst case scenario for us would be to see the passage of bills that caused our projections to be off. So far, we have not seen a great number of bills that could cause significant increases in our population.

[Assembly Bill 136](#): Revises provisions governing credits for offenders sentenced for certain crimes. (BDR 16-634)

SENATOR LESLIE:

With the proposed elimination of State support for mental health courts, what kind of impact might you expect to see on population levels, considering the likelihood that the county governments would be unable to support them? In Washoe County, at least half of the people appearing before the mental health court are on parole or probation and are in danger of being sent to prison. Could you also briefly explain the aim of A.B. 136 for the Subcommittee?

MR. MOHLENKAMP:

Assembly Bill 136 provides for the extension of credits to Category B felons, whereas A.B. No. 510 of the 74th Session provided these credits to only Category C, D, and E felons. Category B felons cannot have violent or sexual offenses on their records, which makes them similar to Category C, D, and E felons. If A.B. 136 passes as written, it would have the effect of reducing our population. We are in the process of looking at the types of inmates that would be released over time by provisions of this bill, but we estimate that there would be over 100 and possibly as many as 250 inmates impacted. We would like to note that it takes time for the impacts of legislation like these to be reflected in population statistics.

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In response to your other question, I would say that we have not factored into our budget population the increase in inmates that might occur as a result of the closure of the mental health courts. We believe there would be an impact, but it would be difficult to assess at this stage. It would require knowing how many of those individuals would go to jail and how many would go to prison. To fully assess the impact, we would have to have some stratified diagnoses of the mental afflictions of these individuals in order to calculate resultant variations in our costs.

CHAIR PARKS:

We look forward to having all the figures reevaluated to reflect the JFA projections that were received on February 17, 2011.

You provided an excellent explanation of bed capacities and long range estimates. Is it true that the closure of NSP, WCC, and the Northern Nevada Restitution Center (NNRC) would eliminate 885 beds throughout the system?

MR. MOHLENKAMP:

The closure of NNRC is not part of our budget submittal.

CHAIR PARKS:

I would like to address the issue of maintaining numbers of beds above emergency capacity. Could you explain the impacts of operating a facility above emergency capacity?

MR. COX:

We look at the density of our population in relation to our operations. When we laid out these charts on pages 8 to 11, we looked at the total number of beds in the base structure versus our total number of unusable beds. Emergency capacity takes into account the number of cells that we need in conjunction with the number of beds that we need to operate safely and securely. I have tried to simplify the numbers as much as possible to explain our operational needs. We need to include the number of lockdown beds, programming beds and infirmary beds in an overall total. I believe that we have an adequate number of beds to operate our facilities in cases where emergency capacity might be reached. Our staff has historically done a good job of managing our capacity needs. Our inmate population has been very compliant with our requests.

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Double-cell occupancy at any level of security can sometimes lead to issues, but we have been successful when we have found it necessary to do that.

CHAIR PARKS:

Please discuss the three 100-bed housing units at FMWCC. Is it true that you are currently only using one of those units?

MR. COX:

We added a 240-bed emergency building at FMWCC prior to the construction of the three 100-bed units. This adds up to a 540-bed addition to that facility. The 300 beds in the newer construction are unstaffed, while we are currently running our substance abuse program and our reentry housing in the 240-bed building. It is more of a dormitory-style building. We are not using any of the 300 beds in the newer buildings.

CHAIR PARKS:

Do you project that those beds might be used in the future?

MR. MOHLENKAMP:

Based on the current JFA population projections, we do not expect to open up those 300 beds. If we did, we would have to request additional staff in order to do so. Those beds are being shown as available for future use in case of an unforeseen spike in inmate population.

CHAIR PARKS:

Please discuss the plans to mothball Silver Springs Conservation Camp (SSCC), WCC, SNCC, and NSP. You estimate an annual cost of approximately \$1.1 million to maintain those facilities in a shut-down state.

MR. MOHLENKAMP:

Initially we had included a certain amount of utility costs in the budget for WCC and NSP for both years of the biennium. At that time, we were using a model that based these figures on a percentage of the prior utility costs. We have subsequently met with the State Public Works Board (SPWB) as recently as two weeks ago. It now appears that if we were to go forward with the plans to close NSP, and possibly WCC as well, we would elect to do a bare-bones mothballing.

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The SPWB advised that we would need to shut down utilities almost entirely at those locations.

The NSP will need to continue running the license plate factory and the book bindery. This is a possibility, as they operate separately from the main boiler system.

The costs you see for utilities at NSP and WCC will almost certainly come down as we continue to work with these numbers.

SENATOR RHOADS:

The numbers you provided the last time you appeared before the Subcommittee do not seem to match the numbers I see now regarding WCC. I understand that it costs approximately \$10,000 a year to keep someone in a conservation camp, while it costs approximately \$22,000 a year to keep the same person in prison. Are you claiming that, out of 23,000 inmates, you could not find 150 that could go to WCC to save the State \$1 million over 10 years?

The mothballing is expected to cost \$100,000 a year. The math you used to conclude that this is a cost-saving measure does not appear correct.

MR. MOHLENKAMP:

I believe that we will be able to bring those mothballing costs down. Much of that utility funding will not be needed. We need to work with SPWB and discuss WCC to make sure that this is the case.

In answering your question on the costs-per-inmate, it is important to note that we have revised these numbers. When you take all costs into account, including administrative and overhead expenses, the cost to have an inmate in a conservation camp comes out to approximately \$14,000 a year. Conversely, a medium-security inmate will cost the State over \$20,000. In our classification process, we are currently moving as many people as possible out to minimum-security facilities. We would have to either change the law or change our classification process in order to fill the camps. The danger in changing our classification process is that we would be placing more dangerous inmates in lower-security settings. A risk analysis would need to be done by the Legislature

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to determine the types of risk that we are willing to accept in moving inmates to conservation camps.

SENATOR RHOADS:

It seems that out of 23,000 prisoners statewide, NDOC would be able to find 150 to work at WCC.

MR. MOHLENKAMP:

We have approximately 13,000 inmates throughout the State. Our Offender Management Division works tirelessly to find ways to move inmates to the lowest level of custody possible. The Nevada Division of Forestry (NDF) is also anxious to see inmates moved to these camps.

MR. COX:

Initially, I was looking at JCC as a potential source of female inmates to be moved. I have also examined all possible sources of male inmates to be reclassified and relocated.

Per our previous discussion, Senator Rhoads, I have asked the National Institute of Corrections (NIC) to look at our female and male classification instruments. I have received an initial report back on the female classification process, and NIC will be scheduling a time to come out and meet with us on that subject. I am now working with them on the male classification instrument report.

I agree that we need to look at our classification process. This will hopefully inspire debate on risk assessment of inmates and their placement within the system. The NIC will provide us with an objective tool to evaluate these kinds of issues. Once the results of the NIC report provide an evaluation of the classification instruments, I will be more than happy to share those findings with you.

ASSEMBLYMAN HOGAN:

As we consider the long-term mothballing of these facilities, has the possibility been discussed that other departments or organizations might make use of them in the future?

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MR. COX:

There has been a great deal of speculation about uses for these facilities. Keeping them in a mothball status may allow for that. We have not gotten into those particular discussions, but I know that they are occurring. I have contacted officials in other states about similar facilities that they were closing. Some have looked at converting them to historic sites. In Pennsylvania, the Eastern State Penitentiary has become a tourist attraction.

I would leave this decision up to others. I have engaged other states searching for ideas only in an effort to drive discussion that might be beneficial for Nevada.

CHAIR PARKS:

Is it correct that the Eagle's Nest facility will not be completed and ready for occupancy for at least another couple of years?

MR. MOHLENKAMP:

Currently, the State has an agreement with the Paiute Tribe to construct a facility called Eagle's Nest. The Tribe wishes to swap pieces of land in order to develop near a Wal-Mart that is already on their property. As this kind of land deal with an Indian tribe would require an act of the U.S. Congress, there have been delays in the project. We are now looking at 2014 as a projected time frame, although it could be completed earlier with more cooperation from the Tribe.

CHAIR PARKS:

Please explain your requirements for your long-term care facility. I see that you are looking at a facility in Northern Nevada Correctional Center (NNCC).

MR. MOHLENKAMP:

We had proposed a Capital Improvement Project (CIP) for the design on what would be a long-term care facility for the elderly. This is in response to the needs of our increasingly aging population. This design was not included, to my knowledge, in the CIP budget. As a result, our plans to go forward with that are on hold. Instead, we have alternative plans. The NNCC manages the vast majority of our aging population. We have, and will continue, to offer programs for them at that location. The main building is adjacent to our regional medical

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facility. NNCC is conducive to managing elderly inmates as they begin to require increased levels of medical care. At the moment, however, we do not have the capital funds necessary to move forward with the long-range project.

CHAIR PARKS:

Is that program still called "True Grit?"

MR. COX:

That is correct. We see a trend in increasing medical costs for an aging population. This is a trend that is consistent across the Country. While we do not have the capital funding for the project at this time, there is a movement to construct facilities similar to this in other states. We do have access to the regional medical facility at NNCC which we use to consolidate and reduce our medical costs.

CHAIR PARKS:

I associate the phrase "long-term care" with people who are bedridden for portions of the day. Are the inmates who would be cared for through these programs debilitated to that degree, or would this program serve anyone over the age of 60?

MR. COX:

The past plan for that long-term care facility involved accommodations for inmates over the age of 60 experiencing any of a variety of health problems.

CHAIR PARKS:

Are you examining the possibility of establishing a corresponding facility in southern Nevada?

MR. COX:

We did develop a plan for a long-term care facility in southern Nevada, but with the flattening of our population growth and the lack of capital funding, we are not proceeding with that project.

We transport our inmates with medical issues to NNCC. This facility has a flat yard and is conducive to that type of care at a lower cost to the taxpayers than at our regional medical facility.

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CHAIR PARKS:

I would say that the only flat yard you have in southern Nevada is at FMWCC.

MR. COX:

I would agree.

ASSEMBLYMAN HAMBRICK:

Have you considered the possibility of relocating inmates or transferring them to Veterans Affairs hospitals? This may help save on the costs associated with an aging prison population.

MR. MOHLENKAMP:

What you are referring to is often called a "medical parole." The state of Washington has a good model for programs like that. That is something we will look into for the future. There is some cost shifting that occurs when transferring inmates to hospitals or out of the State because Medicaid picks up half of the expense. Our numbers do not seem significant enough to warrant addressing that possibility at this time. We would only be looking at a handful of inmates who would be eligible for medical parole.

ASSEMBLYWOMAN CARLTON:

How many of the inmates who would be placed in the long-term care facility would be eligible for Medicare?

MR. MOHLENKAMP:

There are a number of criteria a candidate must meet in order to become eligible to receive Medicare. People within the prison system do not meet these requirements. I would, however, like to pursue establishing eligibility for some of our inmates. I believe you have made an excellent point.

ASSEMBLYWOMAN CARLTON:

This is a benefit to which they may be entitled, and it would help the State. I think we should take a look at this and see if there is anything we need to adjust to allow them to become eligible.

CHAIR PARKS:

I agree.

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I would like to talk about the Governor's recommended elimination of incentive and differential pay. He has projected a savings in the budget of approximately \$1.5 million for each year of the biennium through these cuts.

Research shows a \$1 million savings each year through the elimination of swing shift differential pay. Would a revision of the *Nevada Administrative Code* (NAC) be sufficient to enact this or would it require a statutory change?

MR. MOHLENKAMP:

We currently operate most of our prisons on eight-hour shifts. At those locations there are two options. The first would require that we change our shifts to eliminate the number of qualified hours of differential pay. The second would require that we change NAC 284.210 to alter the hours during which shift differential pay applies.

Shift differential applies to certain hours of the day. Employees must work a certain number of hours within a certain time frame in order to qualify. We could change our shifts in the eight-hour institutions, but it would create shifts that people would not want to work, so I would prefer to have an NAC change. The Department of Administration will be proposing an NAC change. At our institutions that operate on two 12-hour shifts, one shift would qualify for 12 hours of differential pay. We are looking to reduce those numbers. In our institutions that operate on eight-hour shifts, we could change the shifts so there would be only one shift, graveyard, which would qualify for shift differential. When we eliminate those qualified hours, we see the realization of those savings.

CHAIR PARKS:

Please talk about the proposed elimination of remote area differential (RAD) pay.

MR. COX:

The RAD pay is the \$7.50 a day that our employees receive to drive back and forth between our remote southern Nevada correctional facilities and their homes in the Las Vegas area. This differential would be eliminated for our new hires, but would be continued for our current staff.

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CHAIR PARKS:

Do you feel that this could have an adverse impact on your recruitment efforts or on the morale of your workforce?

MR. COX:

We do not advertise these pay differentials or their proposed elimination when we recruit employees. I have looked at some of these reductions and I believe that once the fiscal difficulties facing the State are overcome, we should come back to these incentives and reinstate them in order to improve our ability to retain and recruit quality staff.

Currently, I agree with the practicality of these eliminations. We have been able to recruit because of the condition of the economy, and I do not foresee adverse impacts of these cuts on our employment efforts at this time.

CHAIR PARKS:

Can you address any problems of losing senior-level staff to other corrections facilities?

MR. COX:

I do not see that as a factor at this time. I do believe that in the future we will see a significant problem in employing and retaining staff as the economy improves. We will be competing with corrections employers in Clark County and elsewhere, and I would ask that we look at reinstating benefits such as the shift differential pay and the RAD Pay at a later date when we are in a better financial position.

CHAIR PARKS:

Have you lost staff to the Corrections Corporation of America (CCA) facility in Pahrump?

MR. COX:

We lost five or six employees to CCA. This does not represent a significant number. These were mostly employees who already lived in Pahrump and sought to cut down on their commutes.

CHAIR PARKS:

Can you explain the proposed elimination of the rural employment differential pay? Is this a similar situation to what you see in the other incentive cuts?

MR. COX:

Yes. The rural employment differential pay is the 5 percent pay increase given to employees at LCC and ESP. In looking at this incentive, we have determined that it does not historically affect recruiting capabilities at ESP. Hiring in Ely is typically dependent on the local mining economy. It has, however, had a positive effect on hiring at LCC. This is another incentive that we would request to be reinstated in the future.

CHAIR PARKS:

I know that in the earlier years of operation, it was very difficult to hire for those locations.

I know that, because of travel times to some of these locations, there is a lot of interest in scheduling four ten-hour shifts a week for correctional officers. Could you comment on the possible implementation of this policy at any of your institutions?

MR. COX:

We currently have 12-hour shifts at LCC and ESP. My employees have indicated to me that they would like to have 12-hour shifts at every facility. I have not closed the door to that possibility, particularly in light of the proposed cuts to pay incentives, but it would require a change in NAC 284.210 to ensure that we meet our budget reductions. Deputy Director Mohlenkamp described the 12-hour shift proposal that we hope to see appear in a bill at some point.

At ESP we have nine shifts. We have combinations of 12-hour, 10-hour and 8-hour shifts. At 9 p.m., the facilities shut down. We have fewer programs and offer less movement outside the cell for inmates at night. We need efficiency in our staff scheduling to ensure that we have the personnel on hand during our busier hours of operation. The LCC and ESP have this flexibility, and I would ask that the Subcommittee give me the ability to provide variations in shifts throughout the system in order to make our operations more efficient and effective.

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CHAIR PARKS:

The proposed budget allows for some position reclassifications. With the reclassification of senior correctional officers to correctional officers, what problems will you see in encouraging staff to work less desirable shifts?

MR. COX:

We have looked at the senior correctional officer positions and determined that they are not supervisory positions. They do not perform tasks outside of the normal duties of correctional officers. Initially, this promotion was offered as a tool to recruit and retain qualified workers.

We are considering doing away with this classification upgrade for new hires. Over time, we intend to replace all senior correctional officer positions with correctional officers to realize a savings of \$106,275 over the biennium. This would be a beneficial move towards improving our budget situation and I do not see that it has an impact on the operation of our facilities.

MR. MOHLENKAMP:

There has been some precedent for this in other State agencies. At the Gaming Control Board years ago, we were able to save money by eliminating an upgraded classification.

CHAIR PARKS:

I would like to cover some other issues related to supplemental appropriations in our future meetings.

I would like to move now to the budget for NSP, B/A 101-3718.

NDOC – Nevada State Prison — Budget Page CORRECTIONS-56 (Volume III)
Budget Account 101-3718

I know we have had a discussion on some of the major issues that affect the closure of this facility. Could you give the Subcommittee an overall sense of the additional costs that this facility incurs while operational?

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MR. COX:

On page 23 ([Exhibit C](#)), we provide staffing figures for NSP. We have 209 total staff currently assigned there. The positions are broken down on that page. The cost to operate NSP for the biennium, should it remain open, would be approximately \$34.5 million. Closure of NSP would result in a savings of about \$16.1 million.

We have analyzed the deferred maintenance costs, the CIPs and the priority projects at that facility. The backlog of improvement projects will result in significant maintenance costs associated with the upkeep of an older prison.

Our efforts would be better served if we used newer buildings, where improvements in design have made them more efficient. Newer facilities also offer better opportunities for observing inmates. At HDSP we have 672 beds in fairly new buildings that are more effective than any of the housing units at NSP. These were constructed at great expense to the tax payers.

While the closure of NSP would be one of the more difficult decisions NDOC has ever had to make, I believe it is the right one. It will allow us to operate more effectively and efficiently.

Many other states are closing outmoded facilities due to issues of efficiency. As Deputy Director Mohlenkamp alluded, there is no way to reduce our expenses in a significant way at this point without closing a major facility. I have not seen another state cut their corrections budget effectively without facility closures. Incremental closure of separate facilities is not a viable alternative.

I maintain, however, that NSP is a safe and secure facility. Our staff does a remarkable job of carrying out our operations. I would like to note that this closure will have a definite impact on the lives of my employees and their families here in Carson City.

CHAIR PARKS:

What will happen to the 209 positions at that facility?

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MR. MOHLENKAMP:

Of the 209 assigned positions, 193 reside within B/A 101-3718. The other positions come from other budget accounts, but perform most of their work at NSP.

We are looking at retaining 97 positions and eliminating 112. On page 26 (Exhibit C), the redistribution of the 97 retained positions is broken down.

On page 25 we show comparative operating costs for the various institutions. This chart takes data from 2008, 2009 and 2010. The majority of the inmate population at NSP would be moved to HDSP, which currently operates at a cost of \$14,061 per inmate. This should be compared to NSP's operating cost of \$23,615 per inmate. Some units are less expensive to operate than others. This discrepancy forms the bulk of our savings estimate.

Staffing costs are another important indicator, as these comprise 85 percent of a prison's budget. In FY 2008-2009, NSP had approximately 4.73 inmates for every staff member. In comparison, LCC had an inmate-to-staff ratio of 7.57:1 and Southern Desert Correctional Center (SDCC) had a ratio of 11:1. The ability of smaller staff numbers to manage larger inmate populations is a reflection of efficiency in prison design.

CHAIR PARKS:

Are those figures represented in the paper copy of your presentation?

MR. MOHLENKAMP:

They are not in the paper handout but they can be found on our Website.

CHAIR PARKS:

From time to time, I receive questions about cost-per-inmate ratios throughout NDOC. It would be helpful to have statistics breaking down the costs at different levels of security classification. Could you provide these numbers to my staff at a later date?

MR. MOHLENKAMP:

I would be happy to do that.

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CHAIR PARKS:

I have some questions about the 97 NSP positions that would be retained and moved to other institutions as shown on page 26 of [Exhibit C](#).

What process have you used to reassign these positions? Do you have correctional officers who have agreed to relocate to these other facilities?

MR. COX:

From initial conversations with the staff members who were eligible to transfer, we had 21 people who were interested in moving. This would mean transferring to Las Vegas, ESP, or LCC. If the decision were made to close the prison, I would expect an increase in the numbers of people willing to relocate as the date for closure drew near.

We have general employment vacancy rates of 14 employees per month in the Las Vegas area. We have 7 to 8 vacancies per month in the Carson City area and 3 to 4 at LCC. If staff maintained their homes and families here they might be able to return at a later time.

SENATOR LESLIE:

Two prison psychologists are being laid off under this plan. The last time I was at NSP, I saw that they had a special unit for the mentally ill. I was told that this was where the most difficult inmates were sent to receive treatment. Is that unit still operated at NSP? I would like to know what your plans are for treating the mentally ill, particularly in light of the potential elimination of the mental health court system.

MR. MOHLENKAMP:

The budget proposes the elimination of two psychologist positions at NSP. We have psychologists based at the regional medical facility near NNCC. We also have a major mental health unit located at HDSP. Based on our current populations, we believe that we have the staffing necessary to manage that population. If the mental health court is eliminated, and we receive an influx of inmates requiring mental health care, our projection may change.

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SENATOR LESLIE:

Are you saying that the reduced staffing will be adequate because you currently have fewer mentally ill inmates at NSP than you did before? Why are these positions not being transferred?

ROY HOOKHAM, PH.D. (Psychologist, Southern Region, Department of Corrections):

We are seeing historically normal percentages of people coming into the prison who are mentally ill, between 15 and 20 percent. Over the last three years, I have been hiring people into positions that allow them to provide greater variety in programming and more intense programming for these patients. At HDSP, which is an intake facility, the current staff will be able to take up the caseload left by the elimination of positions at NSP, even in case of a spike in the numbers of people requiring treatment. Current staffing ratios seem to be sufficient for us to continue to provide treatment for the inmates who will be coming in, even without the transfer of those positions from NSP.

SENATOR LESLIE:

Please provide a written description of the number of people being treated in the specialized unit at NSP. I would like to know where those inmates would be transferred under the new plan and what kind of treatment they would be receiving at the new locations.

DR. HOOKHAM:

I would be happy to provide those numbers.

CHAIR PARKS:

On page 27 of [Exhibit C](#), you cite a reduction in the number of lockdown beds in Carson City as a potential problem stemming from NSP's closure. How severe is this problem and how would you address it?

MR. COX:

The facility at HDSP is designed to be a close or maximum custody prison. It can handle different classifications of inmates without major problems. I do not see the reduction in lockdown beds in Carson City as a significant issue. There is the possibility of increasing our number of lockdown beds at LCC and using those.

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This arrangement would allow us the use of more efficient facilities and improved direct supervision of inmates.

MR. MOHLENKAMP:

We did some extended research into this issue. Following the closure of NSP, Carson City would still have over 500 beds in lockdown units. Currently, we are only running 40 lockdown beds at NSP. At any given time we have less than 100 inmates in Carson City from outside the area who are brought here for medical care or for court appearances. We believe that the overall need will continue to be manageable within Carson City following closure. As Mr. Cox indicated, we always have LCC's ample facilities available if necessary.

CHAIR PARKS:

I would like to discuss your numbers projecting changes in bed capacity in relation to the decline in inmate population over the past three years. What factors have changed to warrant additional custody staff at Warm Springs Correctional Center (WSCC), NNCC, Three Lakes Valley Conservation Camp (TLVCC), and FMWCC?

MR. MOHLENKAMP:

At WSCC, we are adding some correctional staff, a maintenance position and two nursing positions. The nursing positions are critical in order to maintain 24-hour care. Currently, WSCC relies on NSP for after-hours medical care, and, with that closure, would have to provide for its own around-the-clock medical staff.

The maintenance position is necessary to provide some level of maintenance to the NSP facility following closure. The correctional officer positions would be used to provide perimeter patrol of the north fence line, which, prior to this, has been covered by officers in the nearby towers at NSP.

MR. COX:

You will note the SDCC has the highest inmate-to-staff ratio of any of our facilities. Some years ago, when we were converting positions, we converted 19 positions at SDCC to the program division, and lost that staffing. Two units of 240 beds have been added to the medium-custody facility there, and other improvement projects are under way.

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The SDCC has the lowest level of staffing of any of our facilities, and we would like to add people there in order to help maintain safety and security. We also need people to run the new units. I would like to return to the adequate level of staffing that existed before the 19 positions were converted to the program division.

At FMWCC, we have had issues with the community hospital revolving around our ability to provide medical services to the female population. Pregnancy, medical writs, court writs and lengths of stay have been issues. The staffing additions there would allow us to be more efficient, reduce overtime and provide improved medical services.

The TLVCC is a newer, different model of facility. It is designed to provide for more inmates that we currently have housed there. It accommodates the multiple functions of both a boot camp and a conservation camp. Those inmates do a significant amount of community work in the Las Vegas area. We would like additional staff to maintain our community service mission. We are going to examine ways to improve efficiency at TLVCC, but at this time I am asking for those positions.

CHAIR PARKS:

If we were to mothball NSP, what kind of costs would we incur if we needed to reopen one of its newer housing units?

MR. MOHLENKAMP:

Administrators at SPWB were quite candid with us on this subject. They are adamant that if you close NSP for more than a few years, it is unlikely that you would be able to open up old or new units for prison use. Within two years, this may be an available option, but we do not foresee a need for this within the next few years.

I would urge you to consider that, if you authorize this closure, NSP will not be reopened in any capacity.

SENATOR RHOADS:

Your figures indicate that it will cost \$100,000 a year to maintain WCC. In these circumstances, why would we not just tear the facility down?

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MR. MOHLENKAMP:

I believe that we need to revise that figure for the cost of maintenance. The facility at SSCC has been kept in a mothball state for far less than that. I would be happy to work with your staff to come up with a better estimate for these expenses.

I do not know the community in Wells well enough to speculate whether or not people will be able to find another use for that facility. Before we tear it down, I think it would be appropriate to determine if someone else could find another use for it.

We have been approached by several parties concerning use of the facility at SSCC. Most recently, Lyon County wanted to use it as a venue for children's programs. The problem, in that case, arose because the deed restriction at that facility requires that it be used as a women's facility.

I would, however, encourage those making these decisions to consider alternative uses for these closed facilities before tearing them down.

MR. COX:

I agree that there may be potential uses for these buildings in the future. Officials from other states facing similar situations have made arrangements with the National Guard to use their old facilities. It would make sense to me to leave our options open for as long as we can.

CHAIR PARKS:

How would you rate the quality of the facilities at WCC compared to others within NDOC?

E.K. MCDANIEL (Warden, Wells Conservation Camp, Department of Corrections):
I have been the warden at WCC for about 15 years. The facility was built in the early 1980s along with several other conservation camps throughout the State.

CHAIR PARKS:

Are there any particular physical problems with the infrastructure at WCC?

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MR. MCDANIEL:

No. The institution is clean, functional and is operating well. We have recently done some renovations there.

MR. COX:

This facility was targeted for closure by NDF. They chose it as the best cut to help them meet their budget targets, and we concurred with that decision. We have met with them and discussed how we could provide for the conservation needs in that part of the State.

CHAIR PARKS:

Please discuss your potential plans for the license plate factory and the book bindery at NSP. I am aware that the book bindery has already outgrown its space there and will most likely need to be relocated.

BRIAN CONNETT (Deputy Director, Prison Industries, Department of Corrections):
You are correct. In the short term, we would need to continue to operate both of those facilities at NSP following the closure. In the long term, we would look at moving both of those operations.

CHAIR PARKS:

I understand that the license plate press was not sold at auction. Was this at the request of the Department of Motor Vehicles (DMV)?

MR. CONNETT:

That is correct.

CHAIR PARKS:

Has the DMV informed you of any long-range plan to continue using the press?

MR. CONNETT:

At this time, we have had no communication with them regarding the use of that press. It was used to make embossed plates, and, as we understand, only a small percentage of the plates they continue to produce require embossing.

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CHAIR PARKS:

Our new "State Senator" license plates came embossed. I was not a proponent of the flat printing on plates.

I will now close the hearing on NSP and open the hearing for WCC, B/A 101-3739.

NDOC – Wells Conservation Camp — Budget Page CORRECTIONS-143 (Volume III)
Budget Account 101-3739

MR. COX:

We have met with NDF and we have looked at the operational impact to Elko County and to the community in Wells. We have looked at our staff there and determined that we will be able to transfer every position to other institutions throughout the State. The General Fund savings resulting from closure will come to \$2,074,952 over the biennium.

MR. MOHLENKAMP:

This decision was made collectively. This measure is projected to save NDF approximately \$800,000 as well. We identified excess capacity that had been made available through the impacts of A.B. No. 510 of the 74th Session, and we are confident that we can handle the inmate population there with space at other institutions.

WCC was an ideal target, in part, because Carlin Conservation Camp (CCC) is very close by. As a result, fire abatement issues can largely be taken care of in that region. We have promised NDF that we will keep the population at CCC as close to the 150-man capacity as possible in order to fill out their 8 work crews. They are confident that, with additional transportation, they will be able to meet the needs of the Elko region with the available labor at CCC.

We had planned to maintain WCC in a mothball status. As I mentioned before, I believe the numbers regarding the yearly expense after closure should be revised.

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MR. COX:

The CCC currently has an inmate population utilizing 109 of 150 available beds. I am confident that we can fill out those last beds and maintain adequate coverage on NDF fire crews.

CHAIR PARKS:

Do you anticipate any particular security measures that would be necessary to protect the facility from vandalism?

MR. MOHLENKAMP:

We have put approximately \$10,000 into that budget as part of the mothballing to hire security. We will probably hire someone from the local area. Their duties will require that they periodically inspect the facilities to check the locks and windows.

MR. COX:

The SPWB has a very intensive guideline for decommissioning public buildings. We have consulted those in assessing what we will have to do to maintain safety and security.

ASSEMBLYMAN HAMBRICK:

Have you given any thought to consulting private industry organizations to find alternative uses for the facilities? There is a group in Minden called Rite of Passage that is looking for a facility in southern Nevada, although they might be able to use additional space elsewhere. They run a good program. I would suggest contacting them.

MR. COX:

I would be interested in having their contact information. I have not spoken with them.

CHAIR PARKS:

I would encourage everyone to pass along ideas for alternative uses for these facilities.

Do you foresee any additional negative impacts of closing this camp?

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MR. COX:

I do not. I believe that the transfer of inmates to CCC will alleviate the potential problems we might have had with continuing NDF operations.

CHAIR PARKS:

I am closing the budget on WCC and moving on to the budget for Prison Industry, B/A 525-3719.

NDOC – Prison Industry — Budget Page CORRECTIONS-204 (Volume III)
Budget Account 525-3719

MR. CONNETT:

The mission of Prison Industry in this State is to reduce government operating costs, provide inmates with skills that will help them reenter society, and to enhance the safe-operating functions of our correctional facilities.

We have many different types of industries throughout the system, including metal fabrication and auto restoration. We also produce garments, wood furniture, mattresses, license plates, print materials and drapery and perform card sorting and returns processing.

These operations are scattered throughout SDCC, HDSP, ESP, LCC, NNRC, NSP, FMWCC and WSCC. Our staff consists of 21 filled positions overseeing the work of approximately 500 inmates.

On page 39 of [Exhibit C](#), we note that the severe economic conditions over the past 2 years have had several effects on Prison Industry. We have had to close a number of operations that had been partnering with private industry. This included our work with Artistic Glass, Shelby Auto, Thompson Equipment and Impact Design Embroidery. In our other industries, our revenue has declined due to the fact that much of our revenue relies on sales to tax-entities whose budgets were cut. Overall, we have lost approximately 150 inmate worker positions, and around \$948,000 in funding.

We run a dairy and ranch operation at NNCC. We have a dairy herd and a laboratory that tests the milk and cream products that we produce. A lot of that milk is sold back to NDOC. We board approximately 1,000 horses for the Bureau

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of Land Management (BLM), with whom we have a very good relationship. That number of horses fluctuates with BLM's funding levels.

We are currently working with BLM to develop a new breeding program in which we will attempt to help sterilize wild horses on the range.

We have a hay operation at NNCC. Because of the wildly fluctuating price of hay, it helps to have access to our own supply to help feed the horses, as, in the past, feeding a large herd has been very expensive.

We have composting and organic vegetable operations. The organic industries are operated by a private sector individual.

SENATOR RHOADS:
How long do you keep these horses?

MR. CONNETT:
This depends on how long BLM directs us to keep these horses. The herd is entirely a function of their operation. In the past we have held between 500 and 750 horses for them. Because of their change in operations, we have been able to increase our herd size, but they have recently been taking horses from the Western states and moving them to long term facilities in the eastern U.S.

SENATOR RHOADS:
Are these adoptable horses?

MR. CONNETT:
We have a program at the ranch where we have inmate trainers who pull about 25 horses out of the herd each quarter and train them. These horses are then auctioned off to the public at the prison facility, generating income for the training program.

CHAIR PARKS:
Why are your room and board expenditures projected to decrease while your number of inmate workers is projected to increase?

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MR. CONNETT:

Our projections were optimistic in hoping that we would be coming out of economic recession soon. Our worker population was expected to increase at a greater pace than it has. We anticipate that approximately \$1,000 will be needed for room and board costs for each worker. We should have about 525 inmates rather than 600, which would bring us in line with room and board costs and victims' payments that we show in our projections.

CHAIR PARKS:

I will now close the hearing on B/A 525-3719. Are there any further comments from NDOC representatives before moving on to public comment?

MR. COX:

I would like to comment on the closure of NSP. I know that this is a difficult decision to make, but if the prison is to be closed by the recommended date of October 31, 2011, it would be important for us to know sooner rather than later. This would greatly improve our ability to control the impact to the employees and reduce layoffs. According to our numbers, every month that the decision is delayed, we will be paying \$700,000 to keep NSP open. We will be certain to provide the Subcommittee with the numbers you have requested to help aid in this process.

My goal in this situation is to make zero layoffs. The sooner a decision is made, the better I can implement our plan and schedule.

CHAIR PARKS:

Are you saying that the NSP's incremental expense over other alternatives is \$700,000 a month of additional operating costs?

MR. MOHLENKAMP:

That is a rough estimate. If a decision is delayed beyond mid-April, our targeted closure date would slip back, and we would not reach our targeted savings.

CHAIR PARKS:

I will now open the hearing up to public testimony.

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GENE COLUMBUS (President, Nevada Corrections Association):

On page 27 of [Exhibit C](#), the administrators list their concerns about a potential spike in inmate population following the closure of NSP.

The NDOC is basing many of its claims on statistics, which can be manipulated. The Nevada Corrections Association would like to emphasize the real consequences of the closure of NSP. The loss of another medium security institution would greatly impact the State's flexibility in moving inmates around. I would ask the Subcommittee to take extra consideration on these actions.

KEVIN R. RANFT (Labor Representative, American Federation of State, Local, County and Municipal Employees, AFL-CIO, Local 4041):

I am here to represent the correctional employees throughout the State. We have multiple concerns about the closure of NSP.

We are concerned with the breakdown of the housing plan. Senator Horsford requested that this housing plan be released before discussion of NSP could begin. While I respect Mr. Cox's emphasis on simplification, I would like to see the figures on a unit-by-unit basis. There is a difference between a "hard" bed and a "soft" bed. Various institutions have what we call "soft" beds, which means that they house inmates in places that were not designed for that purpose. These include gyms, activity rooms, or cafeterias. While the Department would like to describe these as usable beds, we want to take a look at the possibility that the system is still overcrowded.

For example, Stewart Conservation Camp is currently overcrowded. The following numbers may be slightly inaccurate, but I believe it was originally designed to hold 240 inmates. Within the last few years, 120 "soft" beds were placed in the middle of the dormitories. I consider this overcrowding as well as a fire hazard. We would ask that the numbers of usable beds presented by NDOC be broken down on a unit-by-unit basis. We would like to begin a conversation on "soft" versus "hard" beds.

There will be a major complication in the classification of inmates throughout the State. We ask that the various degrees of inmate classification be better addressed in this plan. The State of Nevada already has the lowest inmate-to-staff ratio in the Nation. This closure will put us even further behind.

I would also express my concern on the cuts to incentive pay. The RAD pay cut would cause a reduction in rural staffing, where many individuals would be asked to drive long distances without compensatory pay. The 5 percent incentive is a tool that allows these officers to get to places like LCC from their homes in Reno. We believe that this reduction will cause animosity among officers in a system that already provides for inequality in the workplace, as was previously pointed out by Assemblywoman Carlton.

We continue to see cut after cut after cut. This is placing the burden of the deficit on the backs of State employees. With the cut to shift differential pay, we see another problem. If we were to add up cuts that are being made to public employee benefits, we would see 5 percent from the Governor's Office, 10 percent from NDOC, 5 percent from the Public Employees' Benefit Program and 3 percent from police and fire in the Public Employees' Retirement Savings Program. In light of all these cuts, it seems unnecessary to single out one single shift. Giving these employees another 5 percent cut would be wrong. There is no equality in balancing the deficit on the back of one individual. The cuts need to be across the board for every citizen in Nevada and every business in Nevada.

We are also concerned with the proposed outsourcing of mental health staff. Something similar to this was done with medical staff at ESP. Problems arose, and eventually the American Civil Liberties Union (ACLU) filed lawsuits against the medical facility there. In that case, the privatization of medical care was not a success, and they have returned to institutional medical staffing. We do not support the privatization and outsourcing of mental health staff, and we urge the Subcommittee not to go forward with this plan.

CURT THOMAS (Correctional Officer, Nevada State Prison, Department of Corrections):

An outline of my testimony has been provided to the Subcommittee ([Exhibit D](#)).

I have been a correctional officer at NSP for almost 14 years. I understand the need for cuts around the State during the budget crisis we are facing. I urge you, however, to question the logic of closing NSP. I feel that the expected savings for the State are greatly overstated. The figures you have been given over the past few years have been continually changing, as have the reasons for closing the prison. It seems that NDOC is pushing for a quick approval for this

closure. I would ask the Subcommittee to take time to look over all the facts and figures very carefully before deciding. The cost-per-inmate estimates at NSP have been artificially inflated over the past few years by the unnecessary closure of three housing units.

If the closure of the prison is found to be a mistake down the road, it will be too late to reconsider. If, as some have calculated, NDOC reaches maximum capacity, we will be placed in the awkward position of having to release inmates early. We must ask ourselves if this is a gamble we are willing to take.

The NSP does have 40 lockdown beds, in addition to another efficient, relatively new unit that has been recently closed. The 40 lockdown beds become the housing for death row inmates and staff-assaultive inmates when they come to Carson City. These prisoners do not go to NNCC, they go to NSP, because that is where we have the most secure beds.

Harm to the local community must be considered. The layoffs that could be incurred will undoubtedly cause housing foreclosures, loss of local business revenue and an increase in the numbers of people needing to draw unemployment. It seems that the economy of southern Nevada will benefit from the transfer of inmates and benefit from the arrival of the very few staff who are willing to go there, but at the expense of the Carson City area. I can assure the Subcommittee that there are very few staff members at NSP willing to transfer south. People have roots here.

Over the past few years, there has been a major push by NDOC to close NSP but approval has never been given. If it was unwise to close the prison then, what has changed to make it a logical decision now?

I would like to have more discussion about the difficulties of relocating the license plate factory and the book bindery. There are no facilities prepared to receive those operations. If NSP closes, but those industries remain operational, there will be certain costs and dangers associated with the daily transportation of medium security prisoners to that location for work. There will also be a cost to supervise the workers during the day and to man the perimeter towers, unless NDOC proposes to leave the perimeter unsecure, which would allow for a prime escape opportunity.

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If the closure goes forward, thought needs to be given to the fate of the facility. It may seem like a logical solution to turn it into a museum, but given the current state of affairs, that seems unlikely. Even the Railroad Museum in Carson City has been facing closure due to lack of operating funds. The NSP will most likely be left to rot. It will become an eyesore and a sad reminder of the past.

The benefits of closing the prison may not outweigh the negative effects. I ask that the Subcommittee closely consider all the facts before making a decision that could have numerous long-term detrimental effects that cannot be undone.

DAN SHOUP (Senior Correctional Officer, Northern Nevada Correctional Center, Department of Corrections):

I am not here representing the American Federation of State, Local, County and Municipal Employees, the Nevada Corrections Association or NDOC, other than that I am a representative of the prison line staff. I have been a Nevada resident for 14 years, and have been working in Corrections for almost 19 years. I came here because I wanted to live and work here.

Over the years, I have seen that NDOC is a good department. I am not a disgruntled employee but I am rather saddened by some of the things that are happening. I understand that with the current budget crisis the way it is, we all have to take cuts. Like Mr. Ranft discusses, however, I think it is a shame that our department should carry such a heavy burden. Our cuts are not overwhelming in any one place, but are rather incremental. They are a constant annoyance and they do affect morale among correctional employees. I was told once that it is hard to judge morale, but it is not. When you hear the complaints and the negativity that comes from the staff, it is not hard to judge exactly where the staff stands.

I am representative in that I am no more dedicated than any of the other corrections employees in this room. We took an oath, we are dedicated to our jobs, and we understand that if it comes to having to take cuts, we will continue to maintain safety and security for the people of Nevada, the Department, and the facility. We perform our duties not only for these reasons, but for each other.

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About three months ago, I crushed my hand in a door at work. I could have gone home, but because we were short staffed, I returned to finish my shift after getting out of the hospital. I am currently in a modified position and I am not supposed to be performing certain duties, but I continue to come to work and do my job every day. I asked to be released from modified status and returned to my regular position because we are short of staffing.

I am not a police hero or a special person. I am a working citizen, a State employee and a taxpayer. This kind of job is not popular. It is not the kind of thing that people line up to come and do. We face many inherent dangers. Things have been thrown at me. Officers have been assaulted. Staff assaults are becoming more frequent as we overcrowd these facilities, and they will continue to become more frequent. Common sense dictates that when you pack a significant number of people with mental problems or anger problems into a small space, you will encounter more complex problems that will result in people being injured or killed.

Just like any of my fellow officers in this room, I know that if it becomes necessary in my career to give up my life, it will be for my fellow employees. This is not for anything more noble than the fact that we share the same fate when we walk into that institution.

It is nice to be able to make predictions based on statistical projections. Common sense tells me that when economic times get difficult, crime rates go up rather than down. More and more inmates will be coming into the system. We can make any number of projections, but if we look back, it could be said that this was how the State got into this predicament in the first place. We made projections about the income we were expecting, but when it fell short, we were left with a problem on our hands.

I am not asking for anything more than for the Subcommittee to remember that we do a job that no one else wants to do. We do it because it is who we are.

TEJAY HARVEY (Correctional Officer Nevada State Prison, Department of Corrections):

An outline of my testimony has been provided to the Subcommittee ([Exhibit E](#)).

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My name is TeJay Harvey and I have worked for NDOC for two years. The NSP remains a strong institution because it is a safe and efficient prison. The safety of NSP has been discussed on prior occasions, but the issue today seems to stem from financial problems.

It is being proposed that NDOC has ample bed space to house offenders and that, because of costly and necessary improvements, NSP is no longer needed. I must respectfully disagree with this reasoning.

I want to raise my concern with the claim that NDOC has ample bed space available. It is being reported that there are 1,000 empty beds throughout the system, but according to FY 2008-2009 statistics, we had exceeded our emergency threshold capacity at that time. Even with the additional 672 beds at HDSP, the closure of NSP would result in exceeding the 2009 capacity limits. The NSP closure plan aims to place transferred inmates from NSP at other institutions in northern Nevada. Officers at these institutions have told me that they are all near capacity. The LCC has recently had some of its ten-man bunk rooms closed by the fire marshal due to overcrowding. This leads me to believe that there is a discrepancy in the number of empty beds being reported. This may be a result of problems in the way beds are tracked within the system. The NSP reports 940 beds at the facility when, at maximum capacity, the number would be closer to 840. The discrepancy could also be a result of including emergency housing options such as locating beds in a gymnasium or double-bunking in Ely. Neither of these should be considered as options.

There may be enough beds to push capacity limits of all NDOC institutions and absorb the inmates from NSP, but I would like to remind everyone here of a statement made by former Director of NDOC Howard Skolnik to the Joint Committee on Human Services and Capital Improvements on March 5, 2009.

"An event to consider which indicates why we cannot fill every bed within the NDOC occurred this week. The culinary unit in the women's facility was condemned on Monday when a roof-supporting beam detached from the metal. On Tuesday, we had to make plans to evacuate the entire institution and relocate all inmates and staff. We could not have accomplished this if every facility in the NDOC had been filled to capacity."

While this may seem like a rare situation, emergencies do happen, and violent events, including riots, occur daily in prisons across the country, creating the need for extra bed space. Having adequate bed space is vital to the safety and security of NDOC.

I would also like to address segregation of housing. Recently at WSCC, a fight occurred resulting from a lack of segregated beds. Two inmates, both of whom were supposed to be housed alone, were celled together because there was no other place to put them. The crucial need for segregated beds stems from problems in intake, discipline, administration and the housing of inmates visiting from other institutions. The lack of these kinds of beds in the northern Nevada institutions will further compound the problem with the closure of NSP.

I have concerns with other figures that have been provided by the Department. Since 2009, representatives of SPWB have variably reported that \$30 million, \$43 million, and \$60 million will be the costs of improvements needed to bring NSP up to code and allow it to continue in operation. I am curious as to why NSP needs to be brought up to current code. As long as the facility is not being added to or renovated, it should legally be able to continue operating in its current state. I believe that the Subcommittee should ask for a report detailing exactly what is included in these estimates. The goal should be to continue to operate NSP as it is, without renovating or reopening closed units, or fixing the plumbing in the cell house.

While Unit 3 at NSP operates much like the dorms at NNCC with shared lavatories, it is more secure than the NNCC dorms. Inmates are secured on an inner tier. They are not able to roam around, as the newspapers would have you believe, and they are segregated from the staff. The oldest part of NSP in use today is only 50 years old. I have seen the pipe chases and have escorted inmate plumbers. From my observations, I see no reason to believe that NSP could not be functional as it is for many years to come.

I would like to call into question the numbers estimating the savings that would result from closure. The plan is purported to result in a savings of approximately \$16 million over the biennium. To reach this number, however, the salaries of 112 employees must be eliminated. Director Cox is claiming we may be able to lay off as few as 30 employees. If that is the case, then the

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Department would only see a savings of about \$4 million a year. Would this number include the costs of relocating the license plate factory, prison industries, or the execution chamber? Would this number include the costs of transporting inmates?

The cost to the local community resulting from the closure of NSP is characterized as being minimal, but if 112 officers are forced to relocate to Las Vegas or are laid off, what will happen to their homes here in Carson City? Will this result in more foreclosures? Each officer belongs to a family, and if 112 families move, it could hardly be seen as a minimal loss.

I am conservative, and I believe in cuts, but I also believe that the closure of NSP will not benefit the economy. If anything, it will cost the State by reducing safety in our prisons.

CANDICE MADIEROS (Cochair, Nevada Correctional Peace Officers Political Action Committee):

An outline of my testimony has been provided to the Subcommittee ([Exhibit F](#)).

We are aware that NDOC has been able to provide numbers proving that there are enough "hard" beds in southern Nevada to absorb the current inmate population at NSP. However, we urge the Subcommittee to look further into the other factors that currently determine an inmate's housing situation within the department.

Currently, in northern Nevada, with NSP open, the Department's segregation beds are full. This kind of housing within the prisons is extremely important for the safety and security of our staff, the public, and the inmates themselves. This housing is utilized for offenders after any kind of prison incident barring the completion of an investigation. Some examples of inmates that are housed in segregated beds include possible escape risks, staff-assaultive inmates, victims or aggressors in inmate assaults, drug offenders, security threat groups and various others. The proposed closure of NSP will only escalate the overcrowding and possibly force the misclassification of inmates due to a limited availability of proper beds. This, in turn, ultimately jeopardizes the safety and security of everyone in the facility.

The claim that NSP is "unsafe" has been proven untrue. If this prison is closed, it will never be reopened. When the previous Director for the Department was asked what we would do if there was a need for more bed space after the closure of NSP, he stated that SNCC would need to be reopened. If that is still the Department's stand on this issue, we must take into consideration the many costs that would be associated with reopening a closed facility. Is this a chance that we can afford to take? With our State's economy the way it is, I do not think a scientific study is necessary to tell us that crime rates will be and are going up. I am no expert, but I do watch the news.

The proposed cost savings, as given by the Director, total approximately \$16.1 million for the biennium. These savings are purported to come primarily from the eliminated salaries and benefits of the correctional officers who staff this prison.

With pending legislation proposed to change the layoff procedures, we are wondering how any kind of dollar figure, based primarily on salaries and benefits, could be put on the closure of this prison. Without this legislation, the amount of savings to the Department would be substantially lower. Most of the current employees of NSP will continue to receive their salaries and benefits, but from another NDOC budget.

If the proposed legislation on layoff procedures is passed, the majority of staff at NSP will be laid off. That number of layoffs in northern Nevada will devastate the local economy. The NSP is known to have the most senior staff, thus perhaps saving the Department the estimated \$16.1 million over the biennium, but that number is still contingent on the passage of the new legislation.

Do we have accurate figures from NDOC on what the true cost savings in salaries and benefits will be if the layoffs are implemented? Is the Department still only estimating 30 layoffs?

As a correctional officer, wife of a correctional officer, mother of two and a contributor to the local economy, I would like to thank the Subcommittee for your time and consideration in this matter. In a time when we are all aware of the poor condition of the economy and of the cuts that will have to be made, we urge you to look deep into NDOC's recommendations to ensure that

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Nevada's safety will not be compromised, with the cuts ending up more costly than cost saving.

WESLEY GOETZ:

I was in the prison system as a former inmate. I see a need to reduce recidivism rates. It costs, on average, \$150,000 to the court system to return a person to prison. Inmate programs have not been thoroughly discussed in today's meeting. I would like to see better programs provided to help inmates educate themselves. If we were to divert money from long-term incarceration costs towards paying qualified teachers to work at education facilities in the institution, it would help inmates acquire basic skills. I would suggest using video-conferencing with colleges or schools throughout the State. Prison should be more like a college. There should be more of an emphasis on educating inmates four or five hours a day, five days a week. We want to give offenders the skills they need to get a job right out of prison. I have been out of prison for a year and a half, and have only had a few jobs. It seems like every time you tell someone you are an ex-felon, they do not want to hire you.

In NDOC, 60 percent to 70 percent of inmates have only a fourth-grade education or below. When I first went into prison, we were given a test. I now have a diploma, but I do not have the equivalent of a twelfth-grade education. I have a sixth-grade education, due to social promotion. The Governor discussed social promotion, which has been going on for 50 years. I would like to see more computer-based education within the prison system, because when inmates first get out of prison, it is necessary to apply online to find jobs and to use the Internet to educate themselves. When I first went to prison in 1999, we had computers. In 2003 and 2004, former NDOC Director Jackie Crawford stepped down, and our computers were eliminated. If the State wants to help inmates become educated and find jobs upon release, computers are an important tool. When people are released with no more than \$25, they will be more likely to become recidivating offenders. There is no way to live on \$25.

I have concerns about the psychologists working in the prison system. None of them are licensed in this state or any other. The Department should look into hiring licensed psychologists if they are truly interested in treating mental health. I do not believe that the psychologists in Nevada's prisons are licensed in this State or any other.

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Nevada has the most severe sentencing structures of all the states. The Legislature realized this when developing A.B. No. 510 of the 74th Session. Good-time credits should be applied for all inmates, not just inmates of certain classifications. Money for these programs could be taken from the costs saved by early release of inmates.

CHAIR PARKS:

A statement was received from correctional officer Jon Jermyn, and has been included as [Exhibit G](#). An additional statement was received from correctional officer David Pflieger, and has been included as [Exhibit H](#).

As there is no further comment, this meeting is adjourned at 10:33 a.m.

RESPECTFULLY SUBMITTED:

Wade Beavers,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Joseph M. Hogan, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	James G. Cox	NDOC Presentation Slides
	D	Curt Thomas	Public Testimony
	E	TeJay Harvey	Public Testimony
	F	Candice Madieros	Public Testimony
	G	John Jermyn	Public Submission
	H	David Pflieger	Public Submission