

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session  
May 23, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 9:04 a.m. on Thursday, May 23, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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.

**COMMITTEE MEMBERS PRESENT:**

Senator Pat Spearman, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Kelvin Atkinson  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Senator Tick Segerblom, Senatorial District No. 3  
Assemblyman James Ohrenschall, Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Policy Analyst  
Melissa Mundy, Counsel  
Kaci Kerfeld, Committee Secretary

**OTHERS PRESENT:**

Leonard Cardinale, North Las Vegas Police Supervisors Association; We Are Nevada; Clark County Marshal's Association; American Federation of State, County and Municipal Employees  
Danny Thompson, Nevada State AFL-CIO  
Priscilla Maloney, American Federation of State, County and Municipal Employees Local 4041  
Jason Hanski

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Jim Kelly, Nevada Corrections Association  
Ricardo Loisi  
Kelly Quinn  
Ron Dreher, Peace Officers Research Association of Nevada  
Michael Murphy, Clark County Coroner  
Keith Uriarte, Chief of Staff, American Federation of State, County and  
Municipal Employees Local 4041  
Dion Rosado  
John DiBari  
Deborah O'Camb  
Marcella McCarty  
Michael Pescetta  
Scott Coffee, Clark County Public Defender's Office; Nevada Attorneys for  
Criminal Justice  
Nancy Hart, President, Nevada Coalition Against the Death Penalty  
Tim O'Callaghan, Deacon, Bishops of Nevada; Nevada Catholic Conference  
Vanessa Spinazola, American Civil Liberties Union of Nevada  
Marlene Lockard, Nevada Women's Lobby  
Stacey Shinn, Progressive Leadership Alliance of Nevada  
Steve Yeager, Clark County Public Defender's Office

**Chair Spearman:**

I will open the hearing on Senate Concurrent Resolution (S.C.R.) 9.

**SENATE CONCURRENT RESOLUTION 9:** Directs the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at state correctional institutions and facilities. (BDR R-1223)

**Senator Pat Spearman (Senatorial District No. 1):**

Senate Concurrent Resolution 9 proposes to direct the Legislative Commission to appoint a committee to conduct an interim study regarding the working conditions at State correctional institutions and facilities. This is not a tool to impugn employee professionalism, ascribe questionable motives to employees' actions or infer that their motives are nefarious. The Legislature has asked them to do a job, and we have not adequately funded their efforts. This study is an attempt to ascertain whether empirical evidence can support anecdotal information regarding the perilous circumstances under which members of the Department of Corrections work and whether there are unintended consequences of the severe budget cuts to our State employees.

I am bringing this resolution for a couple of reasons—some apparent and some not so obvious. First, the proposed study requires us to take a look at the working conditions in our State correctional facilities. An interim study committee would examine: staffing levels at all facilities; statewide policies and procedures; management practices to protect physical safety and to support the psychological well-being of correctional officers and other employees; and the overall safety, security, effectiveness and efficiency of correctional institutions and facilities.

In December 2011, an incident at one of our State prisons resulted in the death of a correctional officer. Because of continuing issues related to this case, we will not go into the details today. It is sufficient to say that no employee should be placed in a situation where his or her life and well-being are threatened simply because we are not providing adequate staff to ensure safe and secure working conditions.

What are the appropriate staffing levels? To prepare for this proposal, I have done some research to answer that question. The best answer I can find from those who work in this field is that it depends. That is not satisfactory. The process of determining the appropriate staffing levels and management practices depends on a number of factors, including: the types of offender groups of inmates housed in the facility; the age and physical layout of the buildings and grounds, as well as the technology in use; and the supervisory philosophy that provides the basis of the operations. One other important factor determines staffing levels, and this is the budget available to the Department of Corrections and to each institutional director.

This brings me to the impact of budget cuts and how they have impacted our state workers—specifically those who are at correctional facilities. Public employees have borne the brunt of the deep budget cuts that have been imposed because of the downturn in the economy. They have all sacrificed, but some are more visible than others. I think the military adage is appropriate for these circumstances, “All gave some, some gave all.”

If you call the fire department and no one comes, you will be outraged and so will your neighbors. You will go to the city council and demand that something be done. But if a correctional officer calls for backup and no one comes, the public is not aware. This will go unnoticed until something like an assault and/or death of an officer takes place at one of our prisons. We will learn about it in

the news and assume that “they” will take care of it. We, the Legislature, are “they,” and we have fiduciary and defined responsibility to do something on behalf of the men and women working in the Department of Corrections. I humbly submit that it is time that we do something about this situation.

We place State employees into positions where they are expected to maintain control, often without means to defend themselves. Gang violence and inmate mental illnesses are just two examples of daily potential dangers. Some of our buildings are not designed for the overcrowding of the offender groups now housed there. The public may not be aware that those correctional officers behind the wire cannot have weapons. They do have someone in the tower who is armed, but the officers on the ground cannot have weapons.

One source of officer safety is adequate staffing. In order to establish and maintain the security of a correctional facility, we must have enough trained and experienced people who are not overworked. This also includes a management philosophy that makes the best use of personnel. It is my understanding that staff turnover has plagued our correctional institutions in the past. Following pay raises some years ago, the turnover decreased. The 2007 report states that the pay raises authorized by the Legislature in 2001 had greatly decreased the amount of turnover in correctional officers. Since the budget cuts, the burden on personnel has increased and turnover looms as a problem once again.

It is not my goal to chastise the Department of Corrections with S.C.R. 9. Rather, I wish to work with the Department, which had proposed a staffing study late in 2012. The Department sought technical assistance from the National Institute of Corrections (NIC) in the U.S. Department of Justice. However, the NIC apparently no longer provides assistance to conduct studies—that is, NIC personnel who actually visit facilities and evaluate the operations. Instead, the NIC offers a training program in staffing analysis as staff development. With S.C.R. 9, I am proposing that a legislative interim study committee work with the Department of Corrections to evaluate the safety and security in our correctional facilities and make recommendations to the 2015 Legislative Session on budget, personnel, facilities and philosophy.

This is a serious issue. Although my testimony to this point has explicitly named correction officers, the study should also include all of the ancillary staff, including those in the medical profession. As Legislators, we have the responsibility to deal with this, and we must shoulder that responsibility. We

asked for it by seeking office. As intelligent individuals, we must accept that there are those who will commit crimes. Prisons are a fact of life. Too often, however, the response of members of the public is cavalier—sometimes they seem eager to display their biases and ill-informed opinions.

We owe it to ourselves and to our employees to become informed on effective and reasonable operations of these institutions. That is what I am proposing in S.C.R. 9. It is a good idea, and I hope that this Committee will move it forward.

**Senator Settlemeyer:**

Is there a way to get the information you are seeking without having to do an interim study, since there are a limited number of studies available? On page 2, beginning on line 26 it says that the committee will be composed of three members of the Senate and three members of the Assembly to conduct the study with members selected by the Legislative Commission. Would those committee members be the individuals already on the Legislative Commission, or could they be members outside of the Legislative Commission? People who are subject matter experts may not be on the Commission.

**Senator Spearman:**

My intent is for the Commission to do what it does in every other study—look for people who have expertise in the area. Everyone on the committee will not have the expertise, but it is my hope that the Commission will look for people who do have expertise in the area. People may not have expertise, but they bring an unbiased lens to the table.

**Senator Settlemeyer:**

When we do these type of studies, we try to make sure that all viewpoints are respected. I suggest making sure that minority and majority viewpoints are allowed. The way this reads, the majority party could impart the viewpoint of all six members of the majority party. It would be wise to ensure a wide view.

**Senator Spearman:**

We have a template to ensure that all voices are heard, not just from majority political parties, but also those who represent minority parties. As representatives of the people of Nevada, leadership—whether it be Democrats or Republicans—understands the importance of making that happen. In its professionalism and desire to make sure we have a comprehensive study, I trust the Commission's judgment.

**Senator Manendo:**

I do not recall having a study similar to this done during my tenure. I did a surprise visit to one of the prisons, and it was interesting to see the hierarchy getting nervous that a lawmaker was coming unannounced. I was with members of the American Federation of State, County and Municipal Employees (AFSCME) who were concerned about staffing ratios and security. It was interesting to find out and troubling to hear that there were radios with dead batteries. One shift would have to go without radios because officers would have to put batteries on the charger. One shift, usually the night shift, would not have radios. The batteries would have to be on the charger for the morning and the afternoon shifts. The officers actually put me in one of the cells and locked the door, and I was able to get out of the cell. I am not that big and I was able to lift the door up and slide it off. It was an actual cell that someone was using. Officers removed an inmate to put me in just to give me an example of the danger, even when some of the offenders are supposedly locked behind bars. That was troubling. Over the years we have worked to remedy some of the problems. Sadly, it seems like the State—whether it be corrections or otherwise—is a training ground for local government because of money. The officers and staff are all professionals, and they should be treated as such.

**Senator Spearman:**

My interest in this subject was heightened when I had the opportunity to talk with people who work in our correctional facilities—both correctional officers and people in the ancillary staff. Management personnel are doing the best they can do with what we have given them. However, that best is not good enough. You hear people say to lock them up and throw away the key, but my question is: what about the people who we expect to guard them when they are locked up? We expect people to make sure that the bad guys are in prison and stay there. We have not given the facilities the tools, specifically the funding, that they need.

Every state worker has been expected to take furloughs. Do you know what that does to a staffing problem already in place at correctional facilities? The staff literally works for peanuts. Some people say state workers do not deserve any more because they do not work hard. All of us in the Legislature can attest to the professionalism and the hard work of each state worker who has served us during this Legislative Session. There are those in every profession and every type of job who are doing it just for the paycheck. Those people, when talking about state workers, are few and far between.

The point you brought up about the correctional officers being able to get better pay with the cities and counties is true. Once they are trained, many times they are recruited by the municipalities. Those who stay deserve our support in every way we can give it to them. It is obvious that they are not there for the money, nor are they there for praise. We do a pitiful job of providing both.

**Leonard Cardinale (North Las Vegas Police Supervisors Association; We Are Nevada; Clark County Marshal's Association; American Federation of State, County and Municipal Employees):**

We are in support of S.C.R. 9. This study needs to be done, not only for the State, but for the rest of the local government, Las Vegas, Clark County Detention Center and in the north. I do not have expertise in corrections, but I do represent sergeants and lieutenants in the correction facilities who inform me that they are severely understaffed.

**Danny Thompson (Nevada State AFL-CIO):**

During my career, I have had the opportunity to visit every prison in the State of Nevada. I recently visited the maximum security prison in Ely. Every Legislator should have to see those places. If you are a prison guard, you are locked up with the most dangerous people in the State, specifically in Ely. I could count numerous examples of guards who were beaten—and beaten to the point of disability. If you are in that situation, especially if you do not have a radio because the radio is all you have ... The prisons are not a place where a set of bars separates you from the inmates. You are in there with them all day. If they decide they want to do something, you are the target. In an understaffing situation, you are just a target.

It is appropriate for the State to take a look at the impact of understaffing on the prisons, specifically because one of the ways we have had to deal with our budget problems has been furlough days. It is one thing to furlough someone at the Department of Motor Vehicles (DMV) because the line just gets longer, but it is another thing to furlough a corrections officer when the other corrections officers are depending on that person to help them if there is an incident. We could tell you of incidents that have occurred all day long. When people act up and have to be removed from their cells and you are understaffed, people get hurt. It is time we take a look at that, not just the prison system individually, but the impact that furloughs have had on situations like that.

An example is the Nevada Occupational Safety and Health Association (OSHA) inspectors. The Nevada OSHA is an enterprise fund, so the money it makes funds the operation. It would not make sense to furlough the inspectors who are making the money to run the system. Corrections officers are the worst people to be required to take furloughs. It needs to be a nonpartisan approach. There has to be a solution. We should not furlough certain agencies. We support this study and hope to find a solution.

**Senator Manendo:**

You mentioned the DMV and how the lines just get longer, but in our correctional facilities, it could cost people their lives. There is a difference between a 5-minute extra wait and somebody's life or being disabled for the rest of one's life.

**Senator Cegavske:**

I have also been on tours of the prisons. You do not fully understand this until you tour the prisons. It is important to go back to taking field trips. The media would occasionally give us a bad time over the years, but it is important for Legislators to know what they are voting on, who is there and what is actually going on. It is important for us to see the different facilities, from schools to prisons, and interesting to see what appears on TV and then see real life and what happens not only with the inmates, but also with the employees.

**Senator Manendo:**

It is important that we do tours and hands-on things on our own time. We had an issue earlier in the Session about changing the way we run business in the Legislature. Maybe we could use some of that time when staff is catching up—taking two or three days off—and go back to the old days where we collectively took field trips. That way we would have a whole committee or group of us going, and we can share our thoughts and learn together.

**Priscilla Maloney (American Federation of State, County and Municipal Employees Local 4041):**

When I first started with AFSCME in March 2011, the Legislature was discussing the closure of the Nevada State Prison. With the Department's help, I was able to tour Lovelock, Northern Nevada and Warm Springs Correctional Centers. Our organizer in Las Vegas has been working with correctional officers in the south. We have men and women who live this reality and try to make do with the little bit they can.



**Jason Hanski:**

I work at Lovelock Correctional Center and have been a State employee corrections officer for 15 years. Instead of speaking to the entire 15 years, I will speak of last night. I work in a tower, taking a break from the ground after 15 years of working lockdown and being with the inmates. My job in Tower 1 is to call around and do health and welfare checks on the staff every hour after 10 p.m. We are supposed to start with a roster of somewhere in the ballpark of 40 officers. Last night, we were at 25 officers. Each unit has 176 inmates because we have an overflow activity room with an extra 10 bunks that are open-barracks style. There was not a single floor officer to cover any of those. You have one search and escort officer, which is the ground person who walks around and does all the duties. If there are unruly inmates, he has to go hook them up and bring them up front. That one officer had to count five units each count last night. That one officer is responsible for counting five times, with 176 inmates in each.

There is a zero response factor at times, and it is very scary. I look at my coworkers, and we all look scared sometimes. If an incident occurs and you have a lack of staff, it is going to be a problem for the inmates, the general public and a problem all around. The staff and the inmates will be the ones who first deal with it. Our job is to protect the inmates' lives, staff lives and the general public. Two nights prior to that, we had to do a run to Carlin Conservation Camp and pick up inmates who had been in fights there. If we had to go there for the third night in a row, there would not have been the staff available without calling people in and waiting for a few hours, even if the staff were available to do the run. It is bad enough that I am an employee topped-out at my pay grade. I have seen a \$17,000 per year pay cut over the last 4 years. It is bad enough going to work barely making it with these wages and then being put into a dangerous situation like this. I ask for your support so that we can see proper staffing. We were below minimum staffing last night.

**Senator Cegavske:**

Can you tell me what the staffing ratios are and where we have been?

**Mr. Hanski:**

On night shift, there are supposed to be 27 staff members.

**Senator Cegavske:**

This is for Lovelock Correctional Center, correct?

**Mr. Hanski:**

Correct, and this is on night shift. Day shift has more staff because there is more activity.

**Senator Cegavske:**

Do you know the number for day shifts?

**Mr. Hanski:**

No, I do not have the daytime numbers. I know more staff exists because more is going on that requires increased staffing. Positions in laundry and prison industries and things like that are open.

**Senator Cegavske:**

Is that because the prisoners come out of their cells and work, exercise, eat or have other activities?

**Mr. Hanski:**

Yes. They are out on night shift as well. When we are running that short-staffed, many times they will just not have certain activities for the night to free up officers. Sometimes our infirmary is open, which takes another officer, and sometimes it is closed, depending on the status of the inmates.

**Senator Cegavske:**

What type of training do you have to have for this job?

**Mr. Hanski:**

We go through a normal Peace Officers' Standards and Training (POST) class, which is for a category III peace officer, that is around 8 weeks, plus or minus a few weeks, depending on how short-staffed we are. Right now, we have about 30 vacancies in the Lovelock Correctional Center. We have an annual refresher course of around 24 hours, which is the bare minimum required by POST.

**Senator Cegavske:**

What does the 24-hour training consist of?

**Mr. Hanski:**

It is a combination of classroom and defensive tactics, about 8 hours. A lot of it is classroom material that is dictated by POST.

**Senator Cegavske:**

Is that paid for by the State?

**Mr. Hanski:**

Yes. We actually do it on shift. We usually will wait until around 10 p.m. and do three 8-hour trainings during night shift. That way we can free up a few more staff members because the inmates are locked down.

**Senator Cegavske:**

Is this training for recertification?

**Mr. Hanski:**

Yes.

**Senator Cegavske:**

Do you have to do 8 weeks every year?

**Mr. Hanski:**

Yes.

**Senator Cegavske:**

Is the 8-week course you have to take to become an officer paid for by the State as well?

**Mr. Hanski:**

Yes, you are supposed to go through that training before being allowed on your own. That includes weapons training and the whole works. I have heard of correctional officer trainees or assistants in Ely who are not fully trained. It is scary when staff has not been fully trained in positions where they should be fully certified.

**Senator Cegavske:**

Are there many military people who come to work in corrections? Do veterans come work there?

**Mr. Hanski:**

I believe so. I was in the Navy for 2 years and then came back and worked in the aircraft industry for a short time. I then applied for the Department of Corrections and came to work here in 1998.

**Jim Kelly (Nevada Corrections Association):**

We support this resolution. The administrators and supervisors do not have the support they need to ensure that the line staff has the proper support and tools to carry out our mission. The Nevada Corrections Association (NCA) has identified areas which we believe must be studied by an outside committee such as the one being considered today. The proper training of line staff is vital. Budget concerns have outweighed the need for a professionally trained staff to maintain safety and security for our colleagues and the citizens of Nevada. We have a situation where the POST training is backed up so badly that we have been hiring nonpeace officers with only 5 days of training and putting them on the yard. They have been placed in critical posts that are mandated to have peace officers.

The recent incident in Ely was a case where things went wrong on the floor and people were severely injured. This is a critical area where we need to have more POST training classes so we can get the peace officers badged, sworn in and put in the institutions. The administration has almost completely cut off our communications, sending new policies down to those of us who are bound to adhere to them. The communication is inadequate. We used to have an Administrative Regulation Committee where staff members who are on the line and work the units, towers, and posts would interact with administration to work through what we need in regulations as things change on the yards. We have no communication there at all. We were at the point where the administration would send down requests and solicit comments and requested changes, and the suggestions would be reviewed. We do not have that, and we need it back. Those of us who work on the line know best what we need, and we need to be able to offer input.

The disciplinary guidelines are vague at best. They leave us not knowing what to expect when we do go under investigation and the charges tend to pile on when they are not clear. We need to have those studied and have a committee there also. With the passage of this resolution, we believe we can begin to once again work as one for the citizens of Nevada. The NCA urges passage of this resolution as soon as possible to restore our confidence in the vital and all-important department to help protect those who protect Nevada.

I have been with the Department of Corrections for 12 years and worked in 5 different major institutions in the State. I have held the position of forensic specialist, senior correction officer, sergeant and lieutenant. I have seen the

institutions, and the problems overall seem to be the same. A study is long overdue and we urge the passage. I have submitted prepared testimony in support ([Exhibit C](#)), a statement to the Committee ([Exhibit D](#)), a statement about custody staffing of Nevada's prisons ([Exhibit E](#)), remarks to the Nevada Board of Prison Commissioners ([Exhibit F](#)), a statement regarding the incident on February 25 in Ely State Prison ([Exhibit G](#)), a statement regarding hostile work environments and related allegations ([Exhibit H](#)) and a review and analysis of the Federal Register Volume 77 No. 119 as it pertains to 28 CFR Part 115 ([Exhibit I](#)).

**Senator Cegavske:**

This is the second time I have heard a reference to an Ely incident. I understand something happened that is under investigation. Did that prompt this bill?

**Mr. Kelly:**

I am not sure that prompted the bill. At the time it happened, the NCA was having our biannual meeting and it came to our attention then. We got details from staff members who were there and some of our representatives in Ely. We drafted a letter, [Exhibit G](#), that details what happened. This also included a nonpeace officer working on the floor of a dangerous unit. Ely is a maximum security prison. This would have been a position where a seasoned officer was needed. The circumstances are under investigation, so I cannot speculate as to how it happened, but there were severe injuries ... the other officer was also a correctional officer trainee. A correctional officer trainee 7 months along in training with a nonpeace officer were on the floor by themselves.

**Senator Cegavske:**

We should not speculate on this short of a complete investigation.

**Mr. Kelly:**

I am not speculating. The fact is that these two individuals were working the floor and the inmate had at them.

**Senator Cegavske:**

I am sure there are records throughout the years of incidents when you are dealing with inmates.

**Mr. Kelly:**

This happens to seasoned officers also. We need the refresher training, the classes and interaction with other officers, and the physical practice of applying restraints and escorting—it needs to be more than just written tests and reading. We do on-the-job training on our own if we are working a post with new trainees. For our own safety, we make sure they can back us up and know what they are doing. On-the-job training and our required certificates are vital.

**Ms. Maloney:**

Our members sat down at our annual convention on March 21. We invited various Legislators to come, and Senator Spearman was gracious enough to sit down for hours with our corrections officers. They were thrilled to have someone with a military background listen to their concerns because they are the subject matter experts of how these institutions do work and should work. This resolution is not in response to any pending or possible litigation. It was more of a global conversation during our convention with some of our correctional officers.

**Ricardo Loisi:**

I am a correctional officer and I support S.C.R. 9. Last year, I was involved in an incident where a correctional officer died in my arms. This correctional officer was Officer Tracy Hardin. He died in my arms when he was attacked by an inmate. The direct cause of that incident was due to the broken ankle that the inmate caused him. I am here to inform you that our prison system is in jeopardy. We are extremely understaffed. Due to budget cuts, it is hard to get employees to stay. The training division in southern Nevada changed the program from 8 weeks to 6 weeks in order to get prison staff quicker. That is causing a lack of experience and training on the yard, putting lives in jeopardy.

Last week, during my 12-hour shifts for 4 days straight, from 5 a.m. to 5 p.m., I worked in a unit where just another floor officer and I supervised 336 inmates. That is 168 inmates for each of us to supervise. If something were to go terribly wrong, we only hope and pray that we can prevail. It is not a matter of if, but when, something is going to go wrong. Due to the working conditions, stress and our benefits being slowly decreased and eliminated, there is no way we can properly staff our prisons anymore.

**Senator Settlemeyer:**

You spoke of Officer Hardin. I am somewhat familiar with what occurred there, and I am sorry to hear that 27 days later he died in your arms. Can you give me details as to the incident, pertaining to the injury? What occurred 27 days prior to the blood clot? Was it a staffing issue? Was he alone with this person?

**Mr. Loisi:**

Officer Hardin was attacked on December 23, 2011. It happened in a Level 4 general population unit where the worst inmates are housed next to being in a lockdown. It is out in the open. Officer Hardin and a correctional officer trainee were the only two floor officers on the floor that day. When I responded to the incident—a 10-33, which means an officer is being attacked by an inmate—I was one of the first responding officers on the scene. When I arrived on scene, Hardin had a bloody nose, he was limping, and he had bruises and scratches. There were only two floor officers when there were supposed to be three or more. The prison system continues to run at normal operations. Twenty-seven days later is when the blood clot broke free while Officer Hardin was still at work, and he passed away of a fatal heart attack.

**Senator Settlemeyer:**

I understand that 27 days later he had the fatal heart attack driving away from the facility. Do you think the trainee did anything wrong that night?

**Mr. Loisi:**

He did nothing wrong. He had only been on the yard for 3 weeks at that time. He did everything he was supposed to do. Unfortunately, due to minimum staffing, you can do only so much. Officer Hardin was attacked in his office where he was supposed to be. He was talking to an inmate about disciplinary issues in a private setting, not in front of other inmates. That is common practice: to give respect for a person, you pull him aside and talk about disciplinary issues. The correctional officer trainee was on the other pod doing his job.

**Kelly Quinn:**

I will read prepared testimony in favor of S.C.R. 9 ([Exhibit J](#)).

**Ron Dreher (Peace Officers Research Association of Nevada):**

We believe that S.C.R. 9 would bring to light, expose, learn and bring out all of the issues you have heard today. I worked in the jail at the

Reno Police Department, and I was involved with the consolidation of the Reno Police Department jail with Washoe County. I have worked with many of the Washoe County deputies who have been involved in situations; however, not as bad as what you have heard today because Washoe County has adequate staffing. When everything turns to heck in a hurry, we call out the troops who come and do the job. You have heard the stories about Officer Hardin who died as a result of his injuries. Law enforcement can go through a series of many months where nothing happens, and all of a sudden you have to react in an instant. When you look at the staffing levels, you have to react to a situation in an instant. This study is going to expose that. It is only a study during the interim. The past several sessions we brought legislation in an effort to get minimum staffing for the individuals in the correctional institutions in our State. We proceeded and progressed a little bit, though not near enough, as you have heard. Correctional officers have to deal with rookies who only have a 6-week training period. This is not comforting when guarding the con artists in our prison systems who know how to take us out. It is important that this Committee, the Legislature and the people involved in the study bring the experts forward to hear stories. This will enable officers to have the necessary tools, staffing and training they need to do their jobs.

**Senator Cegavske:**

I keep hearing about this incident. I do not know of any evidence that this had anything to do with staffing. I do not know all of it, but I do know that the investigation is not completed. It is disingenuous to be talking about that incident when we do not have the results and we do not know if it was a staffing issue. We do not have all of the facts, and I do not think it is appropriate to have that used.

**Mr. Dreher:**

I am not sure what incident you are referring to, unless you are referring to Correctional Officer Hardin's incident. I know what you know, that he succumbed to a heart attack after being involved in a situation. I do not know whether that is still under investigation. The coroner from Clark County is here to talk about that. The purpose of my testimony is to show this Committee, as you have heard from the individuals' experiences, what they are going through each day as a result of cuts. The biggest thing is training. We need to have appropriate training in law enforcement to put the right people on the street at the right times to protect them. We have an officer safety concern. Six weeks of training does not cut it. A veteran officer off the street takes well over a year



to be brought up to par. We are pushing people through, getting them trained in 6 weeks and putting them on the floor in situations where they are in combat. The crooks inside the prisons who train as to how to take us out are their competition. I have been through a lot of trainings about what these individuals do to train against us. A 6-week training course to get a POST category III certification is not sufficient.

There are staffing problems. Unfortunately, staff is under the gun and using the shortened training as a tool to protect these other officers, but it is not enough time. Management is operating with what it has to deal with at the time, but it is not enough. I asked Frank Adams, our historian for the Law Enforcement Officers Memorial, how many correctional officers have deceased over the past few years. He said we have lost five correctional officers. That is a lot—that is too many. You will see that with this study. Senator Settlemeyer said he wanted both sides to participate, and I encourage that.

**Senator Cegavske:**

Is the training 8 weeks or 6?

**Senator Spearman:**

I do not think anyone here who testified about the incident or the incidents still under investigation testified to the investigation. Corrections Officer Loisi said the night that Officer Hardin was attacked, it was Officer Hardin and a correctional officer trainee on the pod. That is an inadequate staffing level.

**Senator Cegavske:**

Is it a 6- or 8-week training? The other thing talked about was that this is a stepping-stone for the officers. I had a business for 13 years. We trained people, and they would get another job. I did not have a problem with that because that is our world now. People have anywhere from six or more careers in their lifetime. What is your turnover rate?

**Mr. Dreher:**

I do not know the numbers from today. In 2001, the Highway Patrol testified that it cost \$80,000 to train one person back then. We had a lot of discussion on the Department of Corrections being the training ground for the rest of local government and using that as a stepping-stone to get to another area. Officers are talking about category III training, which gives the basic level of POST certification. If they want to then advance, they have to go back to

a different academy. But doing this is providing really good training for officers and law enforcement who then go to the other areas in the State that have better wages and benefits and no furloughs. If it is 8 weeks of training instead of 6, 8 weeks is still insufficient. You can see where these individuals may have more of a desire to go to one of the other areas that pays more. You also have the career-minded individuals that we seek out.

Retention is what I argue for when I negotiate with counties. Recruitment is a management problem, retention is something to work for. Law enforcement is different from other fields. Having to worry every night about somebody taking you out and knowing that you have nobody to back you up is a crucial thing. I went through this a couple years ago in Washoe County where management planned to change the way the system operated in the jail. The Sheriff did an awesome job listening to his staff who said if that system was implemented, it would put the correctional officers and deputy sheriffs at that jail in jeopardy. We stopped it because it was an officer-safety issue.

**Senator Cegavske:**

Please get me the numbers of retention.

**Michael Murphy (Clark County Coroner):**

I am here to provide factual information in reference to the cause and manner of death of a corrections officer. Cause of death is the medical reason why someone ceases life, and manner of death is the method by which that person died. I am not here representing Clark County—I am putting on my normal hat as the coroner for Clark County. I have been honored to serve in that position for 11 years. I am not a medical doctor. I am the Chief Executive Officer of the organization. We have five forensic pathologists who perform those duties to determine cause of death and it is my responsibility to determine manner of death.

The autopsy report provided ([Exhibit K](#)) supplies the following information: in reference to case number 12-00647, autopsy of Tracy Hardin who was a corrections officer at High Desert State Prison. A cascading process of events occurred with this corrections officer. It is listed as an inmate confrontation with a corrections officer and an inmate. He was attacked by an inmate on December 12, 2011, at High Desert Prison. That information was provided to us by the inspector general of the prison. The incident resulted in a fracture of Hardin's right fibula. A cast was placed on the right leg, ankle and foot. As

a result of prolonged immobilization of the right lower extremity, the officer developed a deep venous thrombosis, an acute pulmonary thromboembolism. The histology, or microscopic study of the break itself, was done on the particular break to determine if the break at the time was listed in the initial injury report; we confirmed it was during that time frame. He also suffered multiple blunt force trauma to the face, nose and lip. Those injuries were medically treated and resolved prior to the autopsy itself.

It is the opinion of our office in factual medical legal terms that the death of this 50-year-old male, Tracy Hardin, is due to acute pulmonary thromboembolism due to deep venous thrombosis due to immobilization due to an ankle injury, a fracture of the fibula. That is the cause of death. The manner of death, of which there are five: natural, accident, suicide, undetermined and homicide, was listed as a homicide, which is defined as an interaction between two humans in which a death occurs. It is also of note that Dr. Gary Telgenhoff provided me with this information: The corrections officer died as a delayed result of a physical altercation with an inmate, an ankle was fractured during that encounter. Medical treatment was sought, the area was immobilized and a splint was cast. The prolonged immobilization of the lower extremity provided for a blood clot formation in the lower extremity.

A common cause of death known to physicians is pulmonary thromboembolism, in which a clot from anywhere in the body breaks loose, travels through the venous system through the heart and lodges in the pulmonary vascular arterial system. This is typically a rapid death with a brief period of shortness of breath. In this particular instance, our investigation indicated that Mr. Hardin had left work and started to drive away from the prison. There was a point where he turned around and began to drive across the desert. The van he was in crashed in the desert and the air bag deployed. He came out of the van, was at one point up, went down, came up and went down again. He was complaining of shortness of breath, which is typical of this type of an injury. His fellow officers attempted CPR and life rescue measures, and they were unsuccessful. He died as a result of that incident.

**Keith Uriarte (Chief of Staff, American Federation of State, County and Municipal Employees Local 4041):**

This resolution offers the opportunity to bring to light what has been plaguing the corrections system for some time. I have been before the State Board of Prison Commissioners numerous times in the past year with regard to specific

issues dealing with staffing and workplace safety. Last week, the Department and AFSCME, along with the assistance of the Attorney General, reached an agreement on an issue regarding AR 319, a workplace safety regulation that is literally the foundation by which the prison system functions. Shortly after the Legislative Session, we will hold meetings in each of the institutions regarding the staffing levels and other matters. With this interim study and the meetings taking place at the individual institutions, the true facts will be raised and resolutions will be identified. Perhaps with the interim study, the Legislature will find the funding to help identify the safety issues at hand.

**Dion Rosado:**

I am a 21-year retired Marine. In 2006, I joined Nevada State Prison and was stationed at High Desert State Prison. My goal in 2006 was to make this my second career. I am a career-minded individual. Officer Hardin went through the academy with me, so he was a personal friend. This is not as much about Officer Hardin as it is about the safety of the institution. In 2011, I was attacked by four inmates on the yard coming back from a program. As we got to the doorway, the four inmates turned around and attacked me. I was able to fight the individuals off and I had a radio to communicate that an officer was down. Shots from the tower were fired and all of the inmates laid down. Fortunately, my radio battery was charged and the officer in the tower was paying attention to the yard. I was able to escape with a minor knock upside the head from an 18-year-old inmate. The next day I resumed to work as if nothing ever happened. I was never called in for counseling or to see if there were additional injuries. There was a lack of staff, so I was sent back to work. In 2012, I decided that with two combat tours under my belt I did not want to die working in the prison system. As a retired Marine, I have so much pride, and I also have pride for the officers who I served with inside the walls of this institution. These people come to work every day to do a job. I am proud to say that I was there with them. I turned in my badge in December to walk away from it. A \$600 paycheck, furlough cuts, and everything that took place made me decide to end my career in December of last year. Please pass this measure.

**John DiBari:**

I am a correctional officer at High Desert State Prison. I am the elected employee representative for the High Desert State Prison Employee Safety Committee. It is dangerous. Considering the nature of the prison industry, you regularly will come across dangerous situations at work. The staffing problems make it far more dangerous than it needs to be. The staffing issues are basically

a trickle-down effect. Since the freeze in our annual step increases, the pay cuts and the furloughs, it created a domino effect. The low pay results in low morale of staff; the low morale results in high turnover and an increase in sick leave usage. The high turnover results in an understaffed, dangerous institution.

Other things also hurt morale. During the time of step increases, cuts and furloughs, inmate workers suddenly got paid. For years they would only receive good-time credit, and now they get paid \$10 per month. Inmate barbers were lucky enough to get a raise from \$10 per month to \$25 per month while we were still getting pay cuts. Many people do not even have hope anymore. A six-year employee who has never received a step increase is making the same amount of pay as someone who has just been hired. Even if the step increases came back and we got our raises back at some point in the future, a group of people with 7 years seniority on a new officer always draws the same amount of pay. Those with seniority are not even being rewarded for the time they have invested.

I will have 9 years in the system in August of this year. I am getting paid like I have been there for 3 years. In April, I received a check for \$847. I am essentially taking home \$10 per hour. The cuts as a total this year will cost around \$15,000, next year \$18,000, and over the lifetime of the cuts and the freezes in annual raises, it is approximately \$66,000. It is hard for a new employee to come in and get a \$700 or \$800 check every week—and people expect that person to keep coming in when he has no hope in sight of ever making any increase in his or her pay. You can see the amount of money you are missing out on throughout your career. Turnover is sky high, and we lose money on training the new correctional officer trainees. New correctional officer trainees receive training and believe things will be different once they actually start working at the prison, and then they leave in under a year. The training is inadequate. I worked with an officer 3 weeks ago who had gone through our training program, worked in the prison for 3 weeks, and the day I worked with him he did not know how to let me in and out of the unit. He had no knowledge of how to work the doors. A lot of the training we get is state- and federally mandated. People are trained and learn about different OSHA requirements, blood-borne pathogens, prison rape elimination training, etc. That is all important information and mandatory, but knowing how to open a door in a prison unit is more important.

It was mentioned earlier that visits to the institutions could be planned. Also discussed earlier was a surprise visit and how shocked the prison administration was. I highly recommend all surprise visits if any future visits are planned. Speak to various officers around the institution. The way it has happened over the years, Legislators have announced that they are coming to visit and so administration is aware. For lack of a better term, the administration puts lipstick on the pig. The administration knows what unit to take Legislators to, and the unit is painted and cleaned meticulously. When Legislators show up, the tour goes to a unit with officers who do not normally work that unit, a perfectly clean unit that looks like it runs perfectly every day. Meanwhile, just across the prison yard, there is chaos because administration is intentionally keeping the inmates away from those units.

It was earlier brought up about not having radios for certain shifts. I have become so accustomed to not having a radio that oftentimes if one is available to me now, I do not even grab it. Last night, I responded to an inmate fight in my unit at 8:30 p.m. I happened to have a radio yesterday, but earlier this week I did not have one. Had it been during the time when I did not have one, I would have had to just try to get someone else's attention to call for help. I was exposed to blood-borne pathogens, but luckily I was able to get help via the radio. Staffing is a problem, but the subsequent pay cuts, furloughs and the attendant low morale over the years are the cause.

**Senator Manendo:**

With the small amount of equipment you are allowed to have in certain areas of the prison, the radio is your lifeline. There is no excuse why our staff and workers should not have radios that are properly maintained and charged to have one in everybody's hands.

**Mr. DiBari:**

I have tried to get hand microphones for High Desert Prison for several years. We clip radios onto a belt in a radio holder, and that is where your radio stays because a lot of the holders secure your radio to your belt. If your hands are busy—for example, if you are fighting with an inmate—you have to stop doing what you are doing to unclip your radio to bring it away from your belt to use it. I have brought this issue up several times in the past several years, and the reason we are told it is not possible to get hand microphones—which basically clip on your radio and provide a microphone at chest level—is a money issue. There is no money in the budget to get us hand microphones.

**Senator Cegavske:**

Mr. Rosado, you talked about services you needed after an incident that happened. You said none were supplied to you. Did you ask to have any services or were none offered to you? If you have an incident, must you go through a requirement to report or a request to management?

**Mr. Rosado:**

I did not ask. Nothing was given or provided to me. After we come back from hostile situations in the military, we are debriefed and counseled and follow-up counseling is also provided. I know this is not one of those situations, but I was attacked by four inmates and the most I saw was a medical staff to make sure my bruises would be okay.

**Senator Cegavske:**

Are you asked to go through a training procedure when an incident occurs?

**Mr. Rosado:**

The Las Vegas Metropolitan Police Department would also get that evaluation.

**Deborah O'Camb:**

I work as a registered nurse at High Desert State Prison. I have a letter from Officer Vince Brooks talking about safety, lack of training and how we are losing officers ([Exhibit L](#)). I came here in August 2012 and have been working at the facility for 10 months. I worked in corrections for 12 years in the State of Washington. I have never worked in a place where I did not have a radio until now. I usually do not have keys to get into anything or a radio. We carry around drugs, needles and insulin, with no radio. When we have a man down, we try to locate the problem. Our minimum staffing is four at night. Fifty percent of the time, we are below minimum staffing. When I provide medication or insulin at night, I have to wait for officers to get to a unit to help me. I do not have enough officers to assist me. As a new nurse at that facility, I was locked on a unit twice, with inmates out on tier because the officer was new. He popped me into a unit where they were all out on tier, I had a basket of drugs, and he did not realize that I did not have an officer with me. These are major safety issues. Our officers face safety issues every day. We do not have enough personnel to do our job safely, to protect ourselves and to protect the inmates.

**Marcella McCarty:**

I also work at High Desert State Prison. During the night shift, there are typically four nurses until about 10 p.m. After 10 p.m., three nurses take care of 4,000 inmates until 6 a.m. If there is a man down or a fight, two nurses have to go out, leaving one nurse alone in the infirmary. It takes approximately 10 to 20 minutes for us to actually find out where the man is down because we do not have radios. Once we find out, we have to get from point A to point B in a big place and assess what is going on and make sure the scene is safe. The officers let us know when to go in, and we basically take whomever is injured back to the medical unit so that the three of us are together and can work on the problem. There are not enough nurses or officers.

Staffing is the big issue. Nurses are also quitting because of the decrease in pay, the furloughs and the lack of staffing. I spoke to a nurse last night who has worked there for many years and put in his resignation because he is tired of working with only two other people at night. If we can get this passed and get more staffing, our pay reinstated, cut the furloughs and boost morale, we would have a good team. There are not enough of us to do what we are supposed to do. We do not have the equipment or the numbers of people to do what we need to do. Any help we could get would be greatly appreciated.

**Senator Spearman:**

As a retired military police officer, I do have some experience. I was stationed at Fort Leavenworth, the military prison, as one of my duty assignments. My heart breaks as I hear the stories of men and women who have been tasked to keep those who have been sentenced inside the prison walls. The irony of it all is that based upon the testimony we have heard, it sounds like the inmates are in control of the building. Anytime you have one correction officer to 168 inmates, that is not only unacceptable but the situation is really nauseating. If we do not pass this legislation, we have done them a disservice. Nurses who are carrying drugs do not have radios. Officers have to take the radio off their belt clip in order to call for help. I remember what it was like when I was in the military. It is difficult when you get caught up in the moment—you cannot get the radio off your belt. That is one reason why most law enforcement agencies went to the chest microphone or the earpiece. We cannot continue to allow these circumstances to exist. People who say they do not have the money to give them radios are obnoxious. It seems counterintuitive that those who would call for law and order and stiffer sentences may be the same ones who tell us we do not have the money. How do we fix it? This study will reveal a number of



other issues. We cannot continue saying we do not have the money to support the men and women tasked to keep criminals in check who the court system has adjudicated and sentenced. It is wrong and abominable. If something else happens to someone inside one of those prisons and we have not done all that we can do, it will be unto us. I have received an email from Stephen C. DeFrees in support of this measure ([Exhibit M](#)) and an anonymous statement from a concerned employee ([Exhibit N](#)).

**Chair Spearman:**

We will now open the hearing on Assembly Bill (A.B.) 444.

**ASSEMBLY BILL 444 (1st Reprint)**: Provides for an audit of the fiscal costs of the death penalty. (BDR S-817)

**Assemblyman James Ohrenschall (Assembly District No. 12):**

Last Session, I was assigned as a member of the Assembly Committee of Legislative Operations and Elections; Senator Segerblom was the Chair of the Committee. Assembly Bill No. 501 of the 76th Session, sponsored by that Committee, directed the Legislative Commission to ask our Audit Division to conduct an audit of the fiscal costs of having the death penalty in Nevada. That audit would neither be pro or con, for or against—it would simply let us know what it costs compared to similar cases where a death penalty is not sought. Assembly Bill No. 501 of the 76th Session was vetoed by Governor Brian Sandoval. In his veto message, he discussed several points. He felt that an audit would not lead to a fair and accurate study, and he was concerned not enough specificity existed as to the methodologies used in the audit. I am now the Chair of the Assembly Committee of Legislative Operations and Elections, and I felt we needed to look at the audit again.

As Legislators, we need solid and reliable information in order to craft sound policy. If we do not have that solid and reliable information, I do not know how we can craft sound policy. Whether you are for or against the death penalty, it is important to find out how much it costs us as representatives and taxpayers. A lot of discussion this Session has been about rebuilding the execution chamber in the maximum security prison in Ely. Assembly Bill 444 tries to address every one of the issues the Governor had with A.B. No. 501 of the 76th Session. In section 1, subsections 3, 4 and 5, the bill discusses the methodologies and auditing standards that will be used. This bill had bipartisan support in the Assembly. It passed 38 to 1 on the Assembly Floor.

**Senator Tick Segerblom (Senatorial District No. 3):**

We worked on this bill last Session. It went to the Governor and we lobbied him hard, but he vetoed it. Those who were here in 2011 know the public mood is vastly different this Session. I am optimistic that with the changes Assemblyman Ohrenschall made, the Governor will look at this anew and sign it.

**Michael Pescetta:**

I am a lawyer, and I practice in the area of death penalty litigation and habeas corpus litigation. I am appearing here on my own behalf, not for my employer. I would like to draw your attention to the handout distributed by Nancy Hart ([Exhibit O](#)). I gathered these statistics. One salient statistic is worthy of consideration. Out of the 151 death sentences imposed in Nevada since the death penalty was reinstituted in 1977, 36.4 percent have been reversed for legal reasons. For other reasons, such as the death of the inmate, suicide and execution, a lot more of these sentences have not been executed. We have had 12 executions since 1977, but only one of them has been an involuntary execution. The other 11 were inmates who had given up their appeals and asked to be executed. In the 36 years this system has been in place, we have expended enormous resources in litigation in order to achieve one involuntary execution. From the point of view of the public, the interested parties and the Legislature, a system that generates a 36 percent error rate is a system flawed enough to reconsider whether it is fiscally responsible.

In Nevada, we have a long list of aggravating factors in NRS 200.033. The extent and the breadth of those aggravating factors—which make a murder eligible for imposition of a death sentence—capture an enormous number of cases. Nevada has one of the highest if not the highest per capita rate of death sentencing of any state in the Country, far exceeding states like Texas and California with numerically enormous death rows but far smaller per capita.

I support this bill because we do not know how much the death penalty costs. We do know it costs more than a noncapital sentence, but the question is how much more. Every state that has conducted a study of the costs of the death penalty—including one conducted in Texas in the early 1990s by *The Dallas Morning News*—found that imposing a death sentence is three times more expensive than a noncapital sentence—even in Texas, which has an aggressive execution rate and a short period of time between imposition of a death sentence and an execution. For the Legislature and all of the interested

parties, it is important to know how much this process costs and how much more it costs to have the death penalty than not. People, including members of the Legislature, can then make rational decisions about how broad the death penalty should be and how it should apply to various offenses. For that reason, I support this study to receive actual, factual information about Nevada.

**Scott Coffee (Clark County Public Defender's Office; Nevada Attorneys for Criminal Justice):**

I have been with the Public Defender's Office for 17 years and on the capital unit for the last 12 years. I have defended approximately 100 murder cases, including numerous capital cases, and I work on the front lines of this situation. I have compiled numbers throughout the years. Clark County has about 70 pending death cases. That is more than Los Angeles County, which has about 33, despite having five times our population. It is more than San Diego County, which has about 10, despite having twice our population. Per capita, we seek death in Clark County more than any other county in the Country, including places like Houston and Miami that are notorious for the death penalty. We even seek the death penalty more than Maricopa County, which has twice our population. That county has about 65 pending cases.

The cost issue is beginning to be addressed because money is tight for everyone. We have heard frightening stories from correctional center personnel this morning. I was not aware of many of those situations. The Legislature has a tough job on its hands deciding where the money should go. The death penalty is the closest thing we have to a black budget operation in the State. It is one of the least efficient places that we spend money. Dr. Terance Miethe, an independent auditor at the University of Nevada, Las Vegas (UNLV), conducted an interim study. He examined death penalty cost and came to the conclusion that in Clark County, the cost for defense attorneys at the trial level was between \$170,000 and \$210,000 more in a capital situation than in a noncapital situation. He estimated the cost of the 70 cases at \$15 million in defense attorney costs, and that number is prior to hiring experts, finding additional witnesses and filing appeals. Of those 70 cases, if our rates stay in place, we can expect around 10 death sentences out of the 70. Of those ten, probably three will be reversed. For seven death sentences, we are talking about spending \$15 million on attorneys doing my job. The numbers are huge when you look at the study. That is also before we get to the appellate court costs. Of the seven people on the road, the odds of any of them being executed are about 10 percent, meaning any one of the entire seven.

These cases are expensive and time-consuming. They are time-consuming for the courts at every level. There is no way to streamline the cases. I have heard people say that we need to find a way to streamline the process and figure out a way to execute people more quickly. You cannot do that; there is a certain due process required, and the federal government would not allow it. Streamlining the process more than we do would not comport with any constitutional standard to which I am aware. If we are to spend this kind of money, we need to know the costs. The Nevada Attorneys for Criminal Justice represents approximately 150 to 200 defense attorneys in the State.

**Senator Settlemeyer:**

You went into detail about how much more it costs to seek a capital punishment case. Why do you think the Clark County District Attorney (DA) is seeking capital punishment cases so often?

**Mr. Coffee:**

The situation has improved somewhat. The filings seeking capital punishment have gone down compared to what they were under the previous DA. I do not know why the DA's Office was filing so often, but the simplest answer is because the office could. So many situations are possible to file for a death sentence that the DA's Office would file in situations that may have been questionable. The DA only gets a death sentence in maybe one of every six filings. Part of it is also because this cost is not borne by the prosecution; it is a cost borne by the defense because we have to do an investigation into someone's entire life history in a capital situation, meaning mitigation. I have had to investigate cases when the capital punishment was sought in Cuba, Korea, El Salvador and Columbia—those are all defense costs. From a state's perspective, the cost differential is not as great as from a prosecution perspective or from that of the District Attorney's Office. It costs Nevada and Clark County a lot of money, but the expense is not necessarily borne by the prosecutor's office.

**Nancy Hart (President, Nevada Coalition Against the Death Penalty):**

I support this bill. We believe a comprehensive, statewide study of the cost of Nevada's death penalty is more than warranted. This is a commonsense bill that looks at the cost of a costly penalty we have in this State. I submitted a summary of cost studies done around the Country to illustrate that, in study after study, it has been shown that the death penalty is more costly ([Exhibit P](#)). The reason we need to do this in Nevada is because we do not know, and we

always want to know what costs our State incurs. We have a staggering number of cases filed and a high death row population. Our costs are likely to be in the same range as what those studies show in the Death Penalty Information Center summary in [Exhibit P](#). This bill is not about the issue of whether to have the death penalty. That decision rests on your shoulders as lawmakers. In order to have the information you need as policy makers for the State, we believe it is necessary for you to have accurate information. The cost of the death penalty should be available to you as a matter of commonsense and practicality. There are no fiscal concerns about this bill. It was almost unanimous in the Assembly, and the media also supports it.

**Tim O'Callaghan (Deacon, Bishops of Nevada; Nevada Catholic Conference):**

It is ironic that it was almost 40 years ago that my father signed into law the death penalty in the State of Nevada. If he were here today, I would still be sitting here. It makes fiscal sense to take a look at the death penalty. I do not think the death penalty is being used in its full capacity in Nevada, and I think it is wasting a great deal of money.

**Vanessa Spinazola (American Civil Liberties Union of Nevada):**

We support [A.B. 444](#). Lawmakers should know the true and full cost of where our taxpayer money goes. We believe that [A.B. 444](#) is a transparent study that will make that possible. We encourage the passage of this bill to take steps toward that transparency.

**Marlene Lockard (Nevada Women's Lobby):**

We also support [A.B. 444](#). For important decisions to be made concerning the State budget, all costs need to be known. So many programs are underfunded in our State. This information is necessary so you can make balanced decisions.

**Stacey Shinn (Progressive Leadership Alliance of Nevada):**

This legislation is crucial. Please study the death penalty and determine the cost. Why is it that more people of color are on death row than are represented in the population? Almost 40 percent of inmates facing execution in Nevada are African American compared to an overall statewide population of approximately 8 percent. This will be considered on our racial equity report card for the 2013 Legislative Session. There is not only the financial aspect of saving money for our State, but this also relates to the cost of lives. The death penalty is supposed to be a deterrent for crime, yet that has not been proven to be true. This minimally addresses the problem of violent crime in our State.

**Chair Spearman:**

Did someone testify that it costs \$15 million per case?

**Mr. Coffee:**

There was a study by Dr. Terance Miethe from the UNLV. The \$15 million cost was to clear the 70 or 80 cases pending in Clark County. That represented only attorney costs, not investigative costs or appellate costs—it was only defense attorney costs at the trial level. Those are only a small percentage of the costs involved in death penalty cases. On a per case basis, he was figuring a couple of hundred thousand dollars to resolve the cases, either by trial or plea, in just attorney costs.

**Ms. Hart:**

One of the entries in the death penalty information summary includes a reference to the study by Professor Miethe, on page 3 of [Exhibit P](#).

**Steve Yeager (Clark County Public Defender's Office):**

Our office supports this measure.

**Assemblyman Ohrenschall:**

I hope you will consider processing this measure. It is meant to be rational, dispassionate, logical information that the 2015 Legislature needs.

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**Chair Spearman:**

This meeting is adjourned at 11:04 a.m.

RESPECTFULLY SUBMITTED:

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Kaci Kerfeld,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	7		Attendance Roster
S.C.R. 9	C	2	Jim Kelly	Prepared Testimony
S.C.R. 9	D	4	Jim Kelly	Prepared Statement
S.C.R. 9	E	3	Nevada Corrections Association	Custody Staffing of Nevada's Prisons
S.C.R. 9	F	2	Jim Kelly	Remarks to the Nevada Board of Prison Commissioners
S.C.R. 9	G	3	Nevada Corrections Association	Staff Assault at Ely State Prison on February 25th 2013
S.C.R. 9	H	2	Nevada Corrections Association	Hostile Work Environment and Related Allegations
S.C.R. 9	I	8	Nevada Corrections Association	Review and Analysis of the Federal Register Volume 77 No. 119 as it Pertains to 28 CFR Part 115
S.C.R. 9	J	1	Kelly Quinn	Prepared Statement
S.C.R. 9	K	1	Michael Murphy	Report of Examination
S.C.R. 9	L	1	Vince Brooks	Prepared Statement
S.C.R. 9	M	1	Senator Pat Spearman	Email Statement from Stephen C. DeFrees
S.C.R. 9	N	1	Senator Pat Spearman	Anonymous Statement by a Concerned Employee
A.B. 444	O	8	Nancy Hart	Death Row Fact Sheet
A.B. 444	P	8	Nancy Hart	Costs of the Death Penalty