

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

**Seventy-Ninth Session  
June 2, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 8:41 a.m. on Friday, June 2, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman James Ohrenschall, Chairman  
Assemblyman Steve Yeager, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblywoman Lesley E. Cohen  
Assemblyman Ozzie Fumo  
Assemblyman Ira Hansen  
Assemblywoman Sandra Jauregui  
Assemblywoman Lisa Krasner  
Assemblywoman Brittney Miller  
Assemblyman Keith Pickard  
Assemblyman Tyrone Thompson  
Assemblywoman Jill Tolles  
Assemblyman Justin Watkins  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Aaron D. Ford, Senate District No. 11



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Janet Jones, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

James E. Dzurenda, Director, Department of Corrections  
Michael Flores, Director of Communications and Government Affairs, College of Southern Nevada  
Gail Tuzzolo, representing International Union of Operating Engineers Local 3; Laborers International Union Local 872; and International Brotherhood of Electrical Workers Local 1245 and Local 396  
Archie Walden, Director of Training and Apprenticeship, Laborers International Union Local 872:  
Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education  
Peter Guzman, President and Chief Executive Officer, Latin Chamber of Commerce Nevada  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Susan Adamek, Ph.D., Member, Institutional Advisory Council, College of Southern Nevada  
Craig Von Collenberg, Director, Apprenticeship Studies and Safety Programs, College of Southern Nevada  
Nancy E. Brune, Ph.D., Chair, Institutional Advisory Council, College of Southern Nevada  
James McCoy, Associate Vice President, Academic Affairs, College of Southern Nevada  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Scott A. Edwards, President, Las Vegas Peace Officers Association; and President, Southern Nevada Conference of Police and Sheriffs  
Michael Sean Giurlani, President, Nevada State Law Enforcement Officers' Association  
Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada  
Don Soderberg, Director, Department of Employment, Training and Rehabilitation

**Chairman Ohrenschall:**

[Roll was called. Committee protocol and rules were explained.] We will begin with our work session.

**Senate Bill 402 (2nd Reprint): Restricts the use of certain disciplinary action on persons in confinement. (BDR 16-1087)**

**Diane C. Thornton, Committee Policy Analyst:**

Senate Bill 402 (2nd Reprint) revises provisions concerning when solitary confinement may be used on an offender who is held in a state, local, or regional facility, including private facilities. The bill requires hearings for those who may be subject to solitary confinement and prohibits the use of solitary confinement strictly due to a person's mental illness or impairment. The use of solitary confinement must be limited to the shortest time possible to address the issue at hand, and an offender may petition the warden of the facility for early release from solitary confinement. Finally, an offender may request to be placed in solitary confinement for his or her safety. There are no amendments to this measure.

**Chairman Ohrenschall:**

I will take a motion to do pass Senate Bill 402 (2nd Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS  
SENATE BILL 402 (2ND REPRINT).

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER VOTED NO.  
ASSEMBLYMEN ELLIOT T. ANDERSON AND TOLLES WERE  
ABSENT FOR THE VOTE.)

I will give the floor statement to Assemblywoman Miller. I will now open the hearing on Senate Bill 306 (2nd Reprint).

**Senate Bill 306 (2nd Reprint): Revises provisions relating to offenders. (BDR 16-298)**

**Senator Aaron D. Ford, Senate District No. 11:**

Senate Bill 306 (2nd Reprint) represents a small piece of my larger goal this session of implementing broad and meaningful criminal justice reform. I say small, but for those who would directly benefit from the provisions of this bill, it could be life changing.

I would like to run through the provisions of the bill as amended in the Senate.

Section 1 of the bill removes current statutory provisions governing agreements between certain offenders and the Department of Corrections (NDOC) that allow for the use of telecommunications devices under some circumstances and instead allows the Director of the Department of Corrections with the approval of the Board of State Prison Commissioners to adopt regulations governing the use of these devices for education and training. The telecommunications piece, I want to acknowledge at the outset, is at the request and behest of the Director of the Department of Corrections. When initially introduced, this bill did not have provisions related to telecommunications devices; it was only about education.

Director Dzurenda requested that we include this to help facilitate the education and rehabilitation of soon-to-be-released offenders. He will be testifying and answering your questions from Las Vegas. It was amended twice in the Senate; the most recent was a couple of days ago before we voted on the floor to address some concerns Senator Gansert had related to the telecommunications devices. It was amended to her satisfaction and passed out of our house 21-0. I am highlighting that now because there has been much communication about the appropriateness of prisoners and soon-to-be ex-offenders using telecommunications devices. This bill is an education bill that has a limited use for those types of devices.

Section 1.5 of the original bill has been deleted and a new section 1.7 has been added, which allows NDOC to develop a pilot program. It allows NDOC to develop a pilot program authorizing eligible offenders to use telecommunications devices for reentry programs, such as education, vocational training, or substance abuse programs, and direct correctional services, which include Internet internal grievances and requests for medical and mental health assistance. It is important to point out again that these devices utilized in this program will not have direct Internet access. Again, they will not have direct Internet access. Any communications made by the offender will be subject to monitoring, security, and other limitations set forth in the *Nevada Revised Statutes*. The telecommunications pilot program will sunset on June 30, 2019.

In section 2, the Legislature finds and declares that it is in the interest of this state to enhance educational and vocational programs for offenders who will soon be released. It also expresses the Legislature's belief that resources should be devoted up front to these programs in order to reduce recidivism and ultimately to save the state money.

Section 3 directs the Board of State Prison Commissioners, in consultation with the College of Southern Nevada, to create and administer an educational pilot program. The crux of this bill is in section 3. It allows the College of Southern Nevada and the Board of State Prison Commissioners to create and administer an educational pilot program that will select 50 men and 50 women and will help them successfully complete a high school equivalency exam, take college and career readiness courses or get vocational training, and receive counseling on how to successfully reenter society. This section also requires that the pilot program set the conditions under which a person will be chosen to participate and provides that the program will collaborate with the Department of Employment, Training and Rehabilitation (DETR), and other local agencies and nonprofits to accomplish its goals.

Finally, sections 4, 5, and 6 provide respectively for a \$300,000 appropriation from the State General Fund to the Nevada System of Higher Education to carry out the program; that any money left over when the program ends will revert to the State General Fund; and that the program will run as a pilot.

In closing, I believe this is the right thing to do for offenders who are trying to make their lives better. It is the right thing to do for the communities and families to which these people will return, no matter what we do. In addition, it is the right thing to do for our state, which will see improved outcomes, lower recidivism, and less money spent on locking people up. I hope you will support S.B. 306 (R2).

**Assemblyman Pickard:**

As I understand it, these are for inmates who are already scheduled for release. They are either in transitional housing or about to be. My understanding is that this is not for the population in the prisons; this is for people in transitional housing or about to be released?

**James E. Dzurenda, Director, Department of Corrections:**

It will be for other inmates as well. You have to understand that when you are talking about telecommunications devices, they cannot communicate with the worldwide Internet or with someone inside the prison. If I have an electronic device at home, I could communicate directly with another tablet or individual; that is not the case with these. It has to go through a closed system, and we authorize where that closed system sends the messages. It is the same way we have been dealing with telephones for the last 30 years. If the inmate picks up the telephone, he cannot call anyone he wants. It goes to a private branch exchange (PBX) room, we then download where that phone call is going to be transmitted to, and this is the exact same thing.

When you are talking about transitional centers, I know you are thinking security, but I have been working 32 years in the largest jail systems in the world and I know security very well. California, Oregon, Washington, and Colorado are now implementing these tablets to all inmates. Those systems are closed. If we do not want the inmate to communicate with anyone, then he does not communicate with anyone, even if he has a tablet. It is a closed system and not Internet accessed. I wanted to make that clear so you are not thinking as if you are at home and can communicate with anyone you want. These inmates cannot do that. It is just for educational purposes. I hope that is clear.

**Assemblyman Pickard:**

That does help because as I was looking through section 3 where it is talking about the Board of Education and vocational programs and the College of Southern Nevada, I thought we were talking about a person who is on the outside. Thank you for that clarification.

**Assemblywoman Krasner:**

I have some concerns about this bill on several levels. You said it would be used inside the prisons for inmates. I am concerned about the safety of the officers if the inmates are able to hotwire these devices, coordinate activities and talk to each other, maybe plan an overthrow of the guards or the prison. They may be able to contact the outside world if they are ever able to get a hotspot or somebody has Wi-Fi and maybe they can put a hit out

on the witness who put them behind bars or run a drug deal. What is monitoring? Does it mean in a separate room where there is a guard watching them one on one or maybe two prisoners to one guard? Is this monitoring by just walking by? I hear there are maybe two hundred prisoners to one guard in these correctional facilities, and it is hard to get guards to take these jobs. Thank you, if you could comment on those issues.

**Senator Ford:**

I am going to answer your questions and then turn it over to Mr. Dzurenda who just testified to his 32 years of experience working in the world's largest prisons and who knows security. In my view, your concerns are unfounded and probably hyperbolic in this instance because, as Mr. Dzurenda just said, this is a closed system. He has worked in these prisons for 32 years, and I would venture to bet he would not ask me to put something in a bill that would endanger the safety of his employees. I am probably speaking for him too much in that regard, but I wanted to say again, this was a request from the Department of Corrections. This is not me forcing something on them. They asked to be able to utilize this so that they can help rehabilitate soon-to-be ex-offenders so they can return to society and succeed. With that, I am going to request that Mr. Dzurenda speak for himself in that regard.

**James Dzurenda:**

First of all, the Federal Bureau of Prisons has been using these devices now for over 15 years. The inmates were always allowed to have email access to schoolteachers who are not working in the facilities; they had email access to whomever the Bureau of Prisons allowed them to have. It is actually safer because the communications that the inmates were having through mail, we could not monitor. When monitoring in a closed system, you can target anything you want. We could put in 5,000 hit words for tracking; we could put in gang names, certain words that we know are words inmates use for hits, or extortion words. Those are constantly being tracked and picked up by the system and notifying us what communications are being done by an inmate. What they say and do is being recorded all the time. It is a permanent recording. The Bureau of Prisons has been doing this for years. The other states that are doing this kind of program have not had one incident yet where an inmate has had access to anything other than what we are trying to do. If there was one, I would be concerned about it, but there has not been one yet.

We do it exactly as we do phones now; we have one staff member who is targeting specific individuals who have high notoriety, like a gang leader. They monitor them for information. The tablets will do the same as the phones do. We could target anything we want. If we think they are sending misinformation to a schoolteacher who is teaching them, we could hit words going to that schoolteacher. We cannot do that now with the mail. It is actually a more secure system than using mail or what they call "kite" communication.

This is not new to the jails or prisons around the country; they are already doing this. All the directors and commissioners from all the prisons meet every six months and these issues are discussed. We are actually meeting next week in Alaska. We go over all the issues that come up with safety and security around telecommunications devices, visiting, and gang information, and there has not been one incident that any type of telecommunications device was used for criminal activity because we have control over that. We actually monitor it and take action on it because if there is any, it is all recorded. I hope this helps.

**Assemblywoman Krasner:**

I asked in the second part of my question, What is monitoring? Is it one guard to 150 inmates, and a week after the prison break, we go back and say, Go look there; it was right there, and we missed it? Or is it one prisoner and one guard in a monitored situation in a closed room where they are constantly being overseen? Officer safety is a big issue. I know you said they are doing this in Colorado—that is one state. I am wondering if there is a long-standing, proven record, if the majority of the states were doing this. There is just a danger to public safety I see. I am wondering if you could comment on officer safety. In addition, if there is a prison break, these people are going to be out in the community with our families. Thank you.

**James Dzurenda:**

As I said, the Federal Bureau of Prisons has been doing this for over 15 years, and they have not had one security breach yet. We have stationary cameras throughout the facilities, and we have telephones that we monitor. We usually have one or two staff members who monitor the entire facility, and they randomly target individuals. They cannot monitor every single one, but the computer system monitors every single one, and that is why we enter all those hit words into them. If some hit word comes up and it is accidental, we will know about it because we go back to that recorded device and listen to everything that happened on it or read everything that happened on it because a hit word came up. However, it is only one or two individuals for an entire facility on one shift and they randomly monitor, which is the same way we do with cameras and telephones.

You mentioned breakouts. They are not going to do it through this, and they can do it through the mail and other devices that we do not have access to. If they know we are recording it and know we can use it against them, they will not do it because we also have hard copies of it. There has not been anyone, nationally, that has had even one incident of breach of security or safety on the staff.

**Senator Ford:**

If the Director of the Department of Corrections cannot persuade you that this is not a safety issue, then it is unlikely that I will be able to do so. However, I will say this: the Director has been adamant that he needs this tool in order to be able to do what his job is, which is to oversee and help people rehabilitate themselves. He has asked for this, and I have on several

occasions gotten close to saying, This has watered down my bill too much because my bill is about education, not about telecommunications devices. However, I am aligned with the Director on this and I have fought for him to ensure that he gets the tools he needs to do his job. He is not going to put himself or his officer in danger, so your family members will not be in danger because of what he is asking to be done.

We have Mr. Flores with the College of Southern Nevada here to talk about how they will work with the prisons with these telecommunications devices. They will ensure that when these inmates are released into our communities that they have an education and vocational skills that allow them to get jobs and take care of themselves and their families. That is an important part of rehabilitation.

**Chairman Ohrenschall:**

I do have more questions from the Committee, but I think it might be helpful if Mr. Flores could discuss the educational aspects first. Many of the young people are interning or actually doing online classes, and that is a vital component in the twenty-first century. I think for offenders who want to continue their education that it would be helpful. Places that are advertising for employees are not using paper applications much anymore; they usually state for you to go to a website to apply. Therefore, those skills could be helpful to the offenders.

**Michael Flores, Director of Communications and Government Affairs, College of Southern Nevada:**

I want to thank Senator Ford and Senator Gansert for working with us in strengthening this bill. We have been working with Director Dzurenda on this for some time now. We took a tour of Southern Desert Correctional Center and we saw all the great things happening there. There is a lot of education happening there. We also saw a strong automotive department there. Unfortunately, when many of the inmates are leaving, they do not have the credentials to go out into the real world and say, I am certified to do these jobs. Through our partnership, we can help address some of those issues and help these inmates as they are released into our community. The College of Southern Nevada has been doing prison education for some time. We had to stop our program in 2008 due to lack of funding. Currently, we are having graduation ceremonies at the facilities.

As Director Dzurenda said, these prison education programs are happening throughout the country. We are actually behind on the technology part of it. We are seeing that other states are using tablets as incentives. They do an hour or two of homework, then they may get an hour or two of movie time. This is done on a very secure network. When students log onto our website, they can only interact with their professors. We have a two-tiered approach with the program. It will be an apprenticeship or academic program. The inmates can choose which track they want to do.

We have been working closely with our partners in labor. We have good relationships with the trades. Last year we started a partnership with Hope for Prisoners, and we are actually in the Clark County Detention Center right now serving as the primary training provider for

Hope for Prisoners. We are training them in different areas so that once they get out, they are trained in these specific areas and there is a job waiting for them. John Palmer, who runs that program, could not be here today. We have seen successes in this pilot program that the Las Vegas Metropolitan Police Department took a chance on. We have seen nothing but success.

**Assemblyman Wheeler:**

My question was on the other part of the bill. I like the education part. When you answered Assemblyman Pickard's question, I took it to mean that they were not on the Internet, but when I look at section 1, subsection 3 of the bill it says, ". . . to use a telecommunications device: To access a network, including, without limitation, the Internet. . . ." and then defines for the purposes they would be allowed to do that. What I am assuming and what I need an answer on here, is that you are saying that they can access the Internet; however, it is so tightly monitored by a computer program more than anything else, that there is no way they can do anything nefarious on the Internet, is that correct?

**James Dzurenda:**

The tablets will not have Internet access that takes them to webpages or websites. It is a closed system; our system connects only to the College of Southern Nevada. It comes from the inmate right to our closed system; our system has Internet capability to go directly to the College of Southern Nevada only. Twenty-five years ago in Connecticut, we had a system set up for the inmates that had Internet access to our system, to labor relations, so the inmate could find jobs prior to their release. It does not allow the inmate to go to any other web pages.

**Senator Ford:**

Assemblyman Wheeler, I think the portion of the bill you are looking at is section 1, subsection 3, which is current law. It is very constrained. It says that the Director with the approval of the Board may adopt regulations authorizing an offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to statute, or a specific program of education or vocational training to use a device for specific purposes. The purposes are to access the network, including, without limitation, the Internet, for the purpose of obtaining educational or vocational training as approved by the Department; searching for and applying for employment; or performing essential job functions. Therefore, it is already limited in the statute itself. I believe much of that language is current law.

**Brad Wilkinson, Committee Counsel:**

What Senator Ford says is correct. It is in existing law. The only change being made is instead of the Department entering into an agreement with an offender, you have the Director with the approval of the Board of Prison Commissioners adopting regulations. The provisions of the existing law are not changed.

**Senator Ford:**

I may be wrong, but I think we passed this part into statute last session. I think that is important to note.

**Assemblyman Wheeler:**

When I originally read the bill, I saw it was transitional housing and did not have a problem with it. The answers to the questions are confusing me. I guess I need to get my 12-year-old grandson in here to tell me how he accesses anything on the Internet he wants with all the parental blocks I have on my computer.

**Assemblyman Elliot T. Anderson:**

Mr. Dzurenda, could you talk about the pressure on the correctional system in terms of space limitations? I know the overlying concern for the Department of Corrections currently is space. We have talked about how this program might reduce recidivism and get rid of the need for prison bed space.

**James Dzurenda:**

Prior to my arrival, there were few tools the inmates were given to succeed once they were released into the community. I have stressed this many times: 88 percent of our inmates are going home within the next 16 years. That will be 12,000 inmates who, if they are never arrested again and if we do not provide tools in the correction system—such as education, apprentice tools, learning trades, and programs—those inmates are not going to have any tools when they go back into the community to be able to be successful for anything. That is why our recidivism rate is getting worse, because we are not giving the right tools to those offenders.

I am sorry for using the word recidivism; we really should not in this state because 28 percent of our offenders are not from Nevada. If you take those offenders out of the equation, our recidivism rate is very high.

I have to start thinking of a way to rehabilitate offenders by giving them tools and training, and teaching them on best practice programs that actually are known to change behavior. You will find more success in the community, which means there will be fewer victims out there. It means our communities will be less victimized if I can get the tools to those offenders before they go home. They are going home and to all of our communities—it is not just specific to Las Vegas. Without these educational programs, they will not be able to get the jobs that DETR has to offer. If we provide housing and no job or access to a job, that offender will not succeed because they will not be able to afford to pay for the housing.

With tablets, I can do one program with a thousand inmates. Right now, we are doing one program with twelve inmates because we do not have rooms large enough for more inmates. We need to expand those programs to get the inmates more successful, off drugs, or find them jobs before they are released by giving them tools to accomplish this. We cannot do that currently. When you are looking at one instructor in a room with twelve inmates out of 2,000 inmates in that prison, you are not going to reach out to many

of them. This is a way we could do mass programming, mass education, mass job training, and give them better tools so that we can reduce the victimization of our families in the community.

**Assemblyman Elliot T. Anderson:**

We are in an interesting time because of the budgets we are addressing. I was reading some of the budget bills when they came out. It is obvious when you look at those bills that a huge amount of the money we spend is on corrections. This bill proposes to appropriate a small sum of about \$300,000. Can you talk about what that amount would get you in the correctional context, and how much would it pay for with traditional programming? I think there is a big argument to be made in terms of spending this money on tools like this to prevent the imposition and need to spend it in the traditional way.

**James Dzurenda:**

If you spend no money on programs, we will be spending more than the \$300,000 because we are going to have more inmates incarcerated. We will get those same inmates back and pay more in the future on them. A minimum of \$300,000 is going to get many inmates programmed, educated, trained, and give them tools to reduce our population. If we reduce our population by 50, it is a lot more than \$300,000 to house them; it is closer to a million dollars. If we could reduce one housing unit, we are saving seven days of three-day post shifts, and reducing medical and mental health programs. Programs like this, at a minimum of \$300,000, are going to be saving a lot more down the road. We could do nothing, but I will guarantee you we will spend more than \$300,000 and watch the prison population get higher and put more victims in the community. I know it is going to be a long-term benefit.

**Michael Flores:**

From our calculations, if these 100 inmates were not to reconvict, we will save the state over \$10 million over 10 years, which I think is a good investment.

**Assemblyman Elliot T. Anderson:**

Senator Ford, I want to compliment you for getting this bill out with a vote of 21 to zero. That is impressive considering the political dynamics in this session. That vote alone speaks volumes; it is an impressive effort.

**Assemblyman Thompson:**

I think what Mr. Dzurenda and Mr. Flores said nailed it. It was well said as to what we need to do for reentry. We have to have this tool. The days are over where people are getting paper applications. People have to be familiar with a computer, and even those basics can be contained in-house. This is a great bill and continues to add on to the reentry efforts for our state.

**Assemblywoman Miller:**

I strongly support reentry efforts for all of the reasons mentioned. To clarify, what we are talking about is more of an Intranet than an Internet. Working in the school system, I know that Assemblyman Wheeler mentioned children at home and the parental blocks, but we have to understand the abilities for industries to block are much stronger than what families have at home. Working in a school district, I cannot log into social media. There are many words, even as a teacher, when you are trying to look up things for educational purposes, that are blocked because it may have certain words that could be used multiple ways. I do trust that this is going to be a strong, secure system.

I know there is a perception that every single inmate is the same, and we know that is not the case. They would not be on the same plan or be allowed the same privileges. In section 1.7, subsection 2 it describes an offender who is authorized to use a telecommunications device and is determined by the Department to be eligible and meets the minimum criteria to be eligible for programs of reentry based on the Nevada Risk Assessment Services instrument. Could you define what that inmate looks like, what the situation and scenario look like?

**James Dzurenda:**

These are inmates who are going to be going home shortly, which could be in two years. These are lower-risk inmates; they are not going to be our death row inmates or disciplinary problem inmates. These tablets will actually control behavior and make it safer for our staff as well, because it is going to be an incentive for the inmate. If the inmate knows if he misbehaves he can lose his tablet, I guarantee he will think twice about misbehaving. These tools are also going to be for safety and security. This is a reentry piece for inmates who are going home shortly. This will be best practice and educational programs that will be built onto these tablets for those who are selected and qualified based on how much time they have left in their sentence. That is why it is a pilot so we can see how far we can expand the program.

**Assemblywoman Tolles:**

Is it across the board for anyone who is getting ready to reenter the community? Do they have to be involved in certain work programs already to earn these classes?

**James Dzurenda:**

For the education portion, that inmate has to have a high school equivalency diploma. Inmates who have specific gang activities and gang leaders will not have access to this program. We are selective through a classification system as to what inmates will be qualifying. It has to be someone we know is going to benefit from this program. We are going to use this as an incentive for them to change their behavior if they want to. They have to prove to us by their behavior that they are an inmate who deserves to have this. You cannot provide it to inmates who do not want it; this also applies to addiction services to an inmate who does not want to kick their habit. It will be offered to those who want to be a success once they return to the communities.

**Assemblywoman Tolles:**

We are looking at the second reprint of the bill, and there currently are no additional amended versions. Could you address what the amendments were in the Senate and what were their concerns?

**Senator Ford:**

We are working from the second reprint and the changes that were made came from Senator Gansert. She asked to shore up the access issues in terms of access to the public.

**Assemblyman Fumo:**

You said it is a privilege, not a right, to have this tablet, but could you explain to the Committee about phone privileges? There are only certain phone numbers they are allowed to dial, and if an inmate dials a number that is not authorized on their list, the phone is disconnected. Even if they do get through to someone who is authorized such as their spouse and they ask them to make a third-party call, my experience is that the call is immediately terminated and their phone privileges are taken away. Is there that kind of safeguard with the tablets as well?

**James Dzurenda:**

There is, but it is different because the telephones go to other locations besides the College of Southern Nevada. The tablets will not be going to the public but only to the College of Southern Nevada. We will not cut them off from the College of Southern Nevada unless we think someone from the college is doing something suspicious with the inmate. The difference between the tablets and the phone is that there is only one line of communication and that is to the college. It will have internal communications, so if there is a teacher in the prison, they will be able to communicate to them. They will lose the tablet if it is found that they do something suspicious and will be charged internally through the disciplinary process.

**Chairman Ohrenschall:**

Not seeing any further questions, do you have any follow-up, Senator Ford? Is there anyone else in support who wishes to testify?

**Gail Tuzzolo, representing International Union of Operating Engineers Local 3; Laborers International Union Local 872; and International Brotherhood of Electrical Workers Local 1245 and Local 396:**

The unions I am representing are in the jobs, education, and training business. In fact, the College of Southern Nevada and Truckee Meadows Community College are great partners with us. Unions are very open to hiring former inmates and bringing them into their apprenticeship programs. There are no road blocks there. That is one reason this bill is terrific because it gives inmates a chance to build their skill sets before they are released. For the last two years, I have been working with a company that does similar training but you have to have a high school diploma. If an inmate has a General Educational Development (GED) from prison, that will not get him into their apprenticeship program. There are so

many inmates without high school diplomas throughout the country. This program is in at least six states. This company goes into the prisons in a similar manner as the College of Southern Nevada and assists the prisoners in receiving their diploma.

While I was listening to the testimony, I texted the person I work with and asked her if she could cite any problems of breaches with the Internet, and she said there were none. We recently made a visit to the jail in Las Vegas and met with the chief of the jail. She said that she thought this kind of training was so critical because what she sees is the same people over and over again. They are back in jail because they do not have a job or high school diploma so there is no way they can fit into the community. I think this bill goes a long way in helping that situation.

**Assemblywoman Cohen:**

How long has labor been involved in working with inmates and former inmates and found the programs to be successful?

**Gail Tuzzolo:**

There is someone in the audience down in Las Vegas who could answer those questions better than I can.

**Archie Walden, Director of Training and Apprenticeship, Laborers International Union Local 872:**

I have been at the training center for the past two years, and I can honestly say that in those two years we have had a strong relationship with the prisons. This bill provides an opportunity for people coming out of prison to provide for themselves and become productive members of our society and community. It keeps them away from the elements that got them incarcerated in the first place. It also fulfills the need for upcoming projects, such as Project Neon, Boulder City bypass, and the new Steve Wynn property Paradise Park. There are several projects going on here in southern Nevada that we will need to hire employees for.

One of the good things of this bill for me as a training director is that it will vet participants unable to fulfill the requirements of these programs either due to noncompliance, unsuitability for the work, or just unwillingness to do the type of work required. They have an idea of what they are getting into from day one because of the educational programs in prison. I have friends and family members who are ex-felons who are doing outstanding and doing things they never thought they would do again with their life because they are felons. The biggest thing is it will keep them from getting in trouble again. It gets them back to being productive members of the community.

Our union has had a strong presence in the prisons working with felons. We work with the Las Vegas Metropolitan Police Department by walking neighborhoods trying to get the word out that things are coming back around and to get involved. We are willing to assist in this program in any way we can. We have tablets that we can donate to the program if required.

This program will be good for Nevada as a whole. The \$300,000 Nevada will spend on this project will be a drop in the bucket as to what Nevada will get back from this program.

**Assemblywoman Tolles:**

Could you speak to the before and after record of accomplishment of having these education programs in correctional facilities in terms of preparing the inmates to reenter the community?

**Gail Tuzzolo:**

On behalf of the unions that are working with this group on the high school education, that is just a huge mountain for an inmate to climb. If an inmate is able to receive their high school diploma while in prison, it opens more doors to them when they are released because they are now in a different place. The unions will be open to bringing them into their apprenticeship programs.

**Archie Walden:**

The educational process of what they gain while they are in the prison system, whether it is a high school diploma or GED, opens the doors to the crafts for them. If you look at any job you apply for, you will be required to have a GED. What these programs offer is once they get their high school diploma or GED, they are looking at themselves as a completely different person. It gives them a level of self-respect. Once they get involved in one of these programs, they are not only offered a career, we offer a college degree through the College of Southern Nevada. I just achieved mine three years ago, which is in applied science of environmental construction. Every program offers a degree similar to that. Someone coming out of prison has an opportunity to walk into a good career and get a college degree. This prevents a whole generation from following the same path as the ex-felon. We want to look at what it does for them moving forward and those they have influence over.

**Assemblywoman Krasner:**

Are there federal programs that are being used for high school diplomas and GEDs?

**Gail Tuzzolo:**

It is a private company that works with an arm of the federal government, so there are some federal funds involved. They work with the school system and do the education in the prison. The teacher is not in the prison; they are on the other side of the tablet.

**Assemblywoman Krasner:**

That is for a high school diploma or GED?

**Gail Tuzzolo:**

Correct.

**Assemblywoman Krasner:**

Are prisoners currently allowed to have phones in prison?

**Gail Tuzzolo:**

I do not know the answer to that.

**Chairman Ohrenschall:**

I am sure that is a question that Mr. Dzurenda could answer but as far as I know, telecommunications device are prohibited per *Nevada Revised Statutes* Chapter 209 except for communication between the offender and their child through videoconferencing. I think there are certain phones regulated by the prison facility but not a personal cell phone.

**Assemblywoman Krasner:**

Therefore, they are not allowed, thank you.

**Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education:**

We would like to thank Senator Ford for working with us in the interim and being inclusive, meeting with the Chancellor, the Board of Regents, as well with President Richards and his staff at the College of Southern Nevada. We do view this as very important legislation to our state and will help with our overall attainment goals for education within our state. I also speak to you from a couple of different perspectives: one as a proud daughter of a retired prison warden and, as a social work student in my bachelor's degree program, I was an intern in a reentry program and taught offenders myself. Therefore, I personally understand the value of education and how it changes the trajectory of an offender's life. I do think this is a step forward, and I would be proud as a Nevadan if we were to pass this legislation.

**Peter Guzman, President and Chief Executive Officer, Latin Chamber of Commerce Nevada:**

I want to commend Senator Ford for bringing a courageous bill like this forward and also proving that when you are passionate and you care about a certain bill, you create a coalition, you make phone calls and do what you need to do to get people behind a bill. He has done a great job doing that.

As President of the Chamber, it makes complete sense to train and have people coming out of prison trained in order to be taxpayers instead of tax burdens. It is much cheaper to train them than to house them. Keeping the status quo is not working; we know this. You could probably house them in Manhattan cheaper than prison systems do. From a business standpoint, it makes total sense to do this. We should actually be doing more. It is an investment that will pay off a hundred times over.

From a compassionate standpoint, there is no greater tool than giving a man or woman their confidence and dignity back. That is what this bill does: it gives people their dignity and confidence to go out and create a life for themselves. I see no better investment than doing something like that.

In closing, I would like to say that the Laborers Union Local 872 has tablets that they want to volunteer to give to the pilot program because we all get it that this is a bill that will have a tremendous impact on people. They are coming out regardless, so you are either going to have them come out untrained, and we know what the results of that are—we have statistical data to prove that—or we are going to train them, give them dignity and confidence so they can begin their life and start paying taxes and be part of the community.

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

I want to register my support for this very important visionary legislation. Access to new technology will give the inmates access to necessary technologies that they need to be successful when they exit prison and reacclimate to society.

**Susan Adamek, Ph.D., Member, Institutional Advisory Council, College of Southern Nevada:**

This spring our council voted unanimously to support S.B. 306 (R2) and its creation of a pilot prison education program in which the College of Southern Nevada would provide 100 inmates with career training to prepare them for meaningful job opportunities upon release. Recent research from the Rand Corporation found that postsecondary training and education could dramatically reduce recidivism, which has the added benefit of reducing prison overcrowding. The College of Southern Nevada has an established history of providing postsecondary education to inmates which ended in 2008 when the Great Recession happened and the funding dried up for this type of service. We urge our lawmakers to begin anew and act systematically to prepare a pathway of hope for these men and women. The College of Southern Nevada is the most affordable postsecondary institution in southern Nevada. We think this college is the most cost-efficient institution with a proven track record in this field to get this ball rolling.

**Craig Von Collenberg, Director, Apprentice Studies and Safety Programs, College of Southern Nevada:**

I wanted to address the apprenticeship readiness part of our program. The program is being designed with the local apprenticeship coordinators to meet their specific needs for employees coming into their programs. What we have found is that we can teach people, but without the credentials to prove that, it does not result in employment. What we are designing is a system that provides a stackable credential that people need coming out to get them into the programs. In my former life, I was an instructor at the Sheet Metal Workers Local 88, and what I can tell you from experience is that inmates coming out who get an opportunity actually tend to do better than people we get from the public because they really appreciate the opportunity to prove themselves again to society.

**Nancy E. Brune, Ph.D., Chair, Institutional Advisory Council, College of Southern Nevada:**

This council includes members of the business community, nonprofits, and chambers of commerce. You have already heard from several of our members this morning. As chair, I wanted to confirm and reaffirm that our council fully supports S.B. 306 (R2) and a creation of a pilot prison education program through the College of Southern Nevada.

A 2015 *New York Times* poll found that 34 percent of all nonworking men ages 25 to 54 have criminal records. This percentage is even higher for nonworking women due to the high percentage who seek work in industries such as retail and caregiving which more frequently require background checks. These data points are important because when ex-offenders have no alternative opportunities, many will return to crime. According to data from the Department of Corrections, approximately 30 percent of released Nevada offenders end up back behind bars. As we heard this morning, if you focus on just Nevadans, that number is actually higher, which is one reason Nevada has such a significant problem when it comes to prison overcrowding. There is a robust body of evidence that shows inmates who receive postsecondary training in prison are less likely to reoffend.

From 2002 to 2008, the College of Southern Nevada offered classes through the Department of Corrections, but these services ceased due to budget cuts and the Great Recession. The College of Southern Nevada recently began working with Hope for Prisoners to provide training to Clark County Detention Center inmates through a workforce grant. Senate Bill 306 (2nd Reprint) allows for the renewal of the service with the technology necessary to bring modernized teaching methods and more efficient curriculum delivery processes to these high-security facilities in a way that is safe and in an electronic environment that is controlled. On behalf of the College of Southern Nevada Institutional Advisory Council, we thank you for your consideration of S.B. 306 (R2).

**James McCoy, Associate Vice President, Academic Affairs, College of Southern Nevada:**

I stand along with everyone else today in support of this bill. Our online learning environment, we call it our online campus, is hosted in this canvas learning environment and is absolutely controlled and protected to the point where, with every instance of a class, we can control what is populated in that virtual classroom and what is not. Every student who experiences this education will first be experiencing an academic life success course, so we are teaching students how to learn. They are getting critical thinking skills, time management skills, research skills, time priority skills, and test-taking strategies. This is fundamental as they decide what they want to do with their lives and education.

Finally, and most important, as these students wrap up their experience in this education program through our online campus, they will have access to student support services on campus so once they leave the prison facility they have an instant relationship with multiple support people on our campus to help them continue their journey in education.

**Chairman Ohrenschall:**

Do we have any opposition testimony?

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

I am here in opposition based on the rules of committee and hopefully, with clarification from this body or legal counsel, my concerns will be alleviated. Specifically, I am referring to Amendment 1046 which was adopted to this bill on May 31, 2017 and I believe resulted in

this second reprint. In that amendment, section 1.5 is stricken out, and my concern is that it is only stricken from the bill but not from statute. That section refers to the part of statute that makes it illegal to furnish a telecommunications device to a prisoner. I believe it is just striking it from the bill but want to make sure it is not removing it entirely from the *Nevada Revised Statutes* (NRS).

**Brad Wilkinson:**

It is just striking it from the bill, so that section of NRS is not amended at all.

**Chairman Ohrenschall:**

Can we count you in in support now?

**Chuck Callaway:**

Yes.

**Chairman Ohrenschall:**

Is there anyone in the neutral position?

**Scott A. Edwards, President, Las Vegas Peace Officers Association; and President, Southern Nevada Conference of Police and Sheriffs:**

I originally came in under the opposition, but because of the education piece, I am neutral. I have been a corrections officer for over 18 years in Las Vegas. I know how the education piece helps inmates get back out into society. Not all inmates are the same; we have some who get it and you never see them again. Then you have a section that this is just their life; they live with us and we let them out periodically so they can go out into the public.

My concerns are with the officer safety issue. I think some of those issues have been addressed, and I wholeheartedly believe the Director would not put his people in any jeopardy. I also recognize that many things that happen at the lower level do not make it up to the higher level. Therefore, I want to speak on behalf of the officers and their concerns. The iPad gives the inmates another physical weapon that they can use against the officers, so I think that is something that has to be emphasized to staff. There is a concern about the communication with other inmates. I know that there has been some talk about whether it is an Internet or Intranet or how that is going to be communicated. There is also the possibility of an inmate who is not allowed to have one of these devices actually stealing it from another inmate. We deal with that all the time with commissary items. That would have to be something that would have to be monitored along the process.

The Wi-Fi capabilities of the device are a concern. My ten-year-old grandson can unlock most of my electronic devices without even getting a password from me. If an officer or staff member has a cell phone and their cell phone is set up as a hotspot, could that device then pick up off that hotspot? I know many facilities do not allow cell phones, but we in the business know that many things get in that are not supposed to.

The inmates have a lot of time on their hands. Most of my inmates are in for no more than six months, although some are there for years. We have housed federal inmates and immigration in the past. I would tell you, with idle time on their hands, they are very creative in fashioning tools and weapons out of things you would not even think about. One thing that sticks out to me is having the inmates having access to these devices inside their rooms. I think about my own home: at one point when computers became a household item, it was, put the computer wherever. Then we realized that maybe out in the general living area was a better place than the kid's bedroom. Therefore, I have a definite concern about the idle time they have on their hands.

**Chairman Ohrenschall:**

You sound more like opposition than neutral. Senate Bill 306 (R2) applies to Department of Corrections, not to city detention facilities or jails, so it would not apply to anyone in your organization.

**Scott Edwards:**

That is from my understanding.

**Chairman Ohrenschall:**

You did hear from Director Dzurenda that he did not have any safety concerns?

**Assemblyman Elliot T. Anderson:**

Recognizing that the bill does not apply, would you say children are more savvy with technology or do you think inmates would be?

**Scott Edwards:**

In some cases, they are one and the same. The adults we have now were kids just yesterday. They have been dealing with iPhones and iPads for a while and have become very technology savvy. It is often inmates teaching other inmates how to order from commissary or how the system works, so I do not think we could totally exclude the adults at that point.

**Assemblyman Elliot T. Anderson:**

I have heard all of these concerns and I am not saying we should not be concerned, but do you think there are procedures in training? This does not sound like something that cannot be done without preparation. It is just a pilot program, it is 100 inmates, and obviously, the Director can pick those inmates. This would be an opportunity to build those best practices to ensure that those valid concerns do not happen. Am I speaking out of turn here?

**Scott Edwards:**

I believe it is a fair comment. I just wanted to put on the record with everything that there is some room for error and I would caution to keep an eye on that along the way.

**Assemblywoman Tolles:**

Could someone speak to the actual physical device itself? It is my understanding that the devices used in other states are transparent. This ensures that there is not something that has been put inside that is contraband. They are also covered in a very thick plastic with soft edges to mitigate some of the concerns about the physical safety.

**James Dzurenda:**

There are the clear devices that can be used and which we prefer. Most if not all the prisons I have seen around the country outside of Nevada have televisions in their cells. Televisions are a lot bigger and stronger to use as a weapon than a small tablet. Inmates can use anything as a weapon. We have chairs that they have access to all the time. I am not concerned about the safety issue of the device. Hiding things, it could happen, but these devices are the clear devices that we are starting with. I would be more concerned with televisions and mattresses; they hide things in anything. I will do research on it, but I have not seen anything being tampered with in a tablet that is clear.

**Michael Sean Giurlani, President, Nevada State Law Enforcement Officers' Association:**

I wanted to make it clear that we support educating inmates who are on their way out to better themselves. I think they need the education and support to better their lives so they do not come back into prison. With that being said, security is a huge issue and it really has not been addressed. If these inmates can smuggle drugs, weapons, and cell phones into the facility, then it is not secure. The monitoring of this program is not described in how that is going to be effective. My concern is for the officers' safety issues regarding this program. Assemblywoman Krasner's issues were valid.

**Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:**

I came into this hearing opposed to this bill, and prior to the meeting I spoke with Senator Ford and found out about the amendment. My history here, we are going way back to 1970 to 1979 when I was a college student at the University of Nevada, Reno (UNR) and my major is corrections, so I have a pretty good past in that area. Hearing the same arguments that we talked about and debated in 1970 to 1979 at UNR continue today. The bill attempts to change that and in that regard, we support this bill. The issue of taking someone out of the prison and keeping them out is what this bill is trying to accomplish. The pilot program we do support. The concerns that Mr. Callaway put on the record have been addressed to us. That is something we support.

You have to be neutral in this because we have to give a pilot project an opportunity to work. The concept behind this, the historical thing of trying to take inmates, giving them tools to make it on the outside so they are not a revolving door that we normally see in my profession, is a good thing. That is why we are neutral on this and we are hoping that it works.

**Don Soderberg, Director, Department of Employment, Training and Rehabilitation:**

As a member of the Governor's cabinet, we are neutral on this bill until we are told otherwise. I wanted to point out to the Committee that you largely deal with criminal justice issues, and from our perspective, as we have testified in other hearings, that we view this as a workforce issue. We see the programs that are outlined in this bill as another opportunity to expand Nevada's skilled workforce. When we see this pilot program, which Assemblyman Anderson described as modest and that was my personal thought, you are dealing with people who are experts in reentry on the Department of Corrections side and dealing with the College of Southern Nevada at the other end. The College of Southern Nevada knows workforce. My educated guess, based on my time in the workforce industry, is that this pilot program will probably be very successful and you will be discussing expanding it in the next session.

**Chairman Ohrenschall:**

Do you find people whom you are trying to help get hired do better with the more Internet skills they have in terms of filling out job applications online?

**Don Soderberg:**

Short answer is yes. If you do not have computer skills, it is hard to find a job. Since the recession, technology has made big leaps, and clearly, the human resource world and hiring world have adapted to that to cut costs. You have to look good on paper because more than likely the person hiring you does not know you personally, which is different from those who have lived in Las Vegas for a number of decades. It used to be if you met someone or knew someone, then you went and asked him or her for a job. That has always changed as to what qualifications look like. You may be very qualified and have a number of skills, but if you do not have a certificate that shows that on paper, it is going to be very hard to prove to someone that you have those skills. It is completely different from a decade ago.

**Assemblywoman Krasner:**

Some people testified that the education programs for high school and GED are in a separate room like a law library with a monitor or a separate building. Is this education component going to be taking place in a separate room like the law library, or are the prisoners going to have their tablets in their cells with them?

**James Dzurenda:**

They will have them in their cells and be able to do homework assignments and research. When you are trying to provide an education program for 13,000 inmates that grows up to 20,000 during the year from intakes and discharges, you cannot educate that many in a room that fits about 12 inmates. This is something that they will have in the cells to be able to do everything from there. They will be able to communicate to our system from their cells.

**Assemblywoman Krasner:**

Mr. Edwards, you had a concern about the inmates hotwiring a device if it was in the cell with them. Even though it is supposed to be blocked from Internet access to the outside world, you said something about how someone might have a Fitbit on his or her arm or some type of Wi-Fi access that could be hacked. Could you explain what that is?

**Chairman Ohrenschall:**

Assemblywoman Krasner, I think that is an excellent question and one that you could take offline with Mr. Dzurenda. This bill does not apply to local jails or detention facilities that Mr. Edwards represents, so I do not think this is really a question he can answer regarding the pilot program.

**Assemblywoman Krasner:**

However, it was something that he brought up.

**Chairman Ohrenschall:**

Mr. Dzurenda, if you want to take a minute on this, otherwise we need to move on due to time.

**James Dzurenda:**

This is not new technology that we are experimenting with. Like I said, ask anyone from Colorado or the Federal Bureau of Prisons who has been doing this for the last 15 years. Ask them if they have ever had one issue. I can make up anything for what if, what if, what if, but history will show you it is not the what if. You already have systems doing this. It is not new. I am not making up new technology and saying let us give it a shot and try this and see how it works. It is already out there. We are just going to do it in our system to see how beneficial it would be for reducing our recidivism rates. That is what the pilot is for, to see how it is going to benefit the community and reduce victims.

**Chairman Ohrenschall:**

Assemblywoman Krasner, I know you have more questions, but I am sorry we are pressed for time, as there is another committee that needs to meet after this. Is there anyone else who is neutral on the measure? I will now close the hearing on S.B. 306 (R2). I will now take a motion to do pass S.B. 306 (R2).

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO DO PASS  
SENATE BILL 306 (2ND REPRINT).

ASSEMBLYMAN FUMO SECONDED THE MOTION.

**Assemblyman Pickard:**

I believe Assemblywoman Tolles wanted to be in on this vote.

**Chairman Ohrenschall:**

I wish she were here; it appears she has stepped out for a moment, but we are pressed for time.

THE MOTION PASSED. (ASSEMBLYMEN KRASNER AND WHEELER  
VOTED NO. ASSEMBLYMEN HANSEN, JAUREGUI, AND TOLLES  
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Thompson. Is there any public comment?  
[There was none.] The meeting is adjourned [at 10:13 a.m.].

RESPECTFULLY SUBMITTED:

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Janet Jones  
Committee Secretary

APPROVED BY:

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Assemblyman James Ohrenschall, Chairman

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for Senate Bill 402 (2nd Reprint), dated June 1, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.