

**MINUTES OF THE MEETING OF THE
SENATE COMMITTEE ON FINANCE
AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEES ON PUBLIC SAFETY, NATURAL RESOURCES
AND TRANSPORTATION**

**Eightieth Session
March 6, 2019**

The joint meeting of the Subcommittees on Public Safety, Natural Resources and Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair David R. Parks at 8:08 a.m. on Wednesday, March 6, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Yvanna D. Cancela
Senator Pete Goicoechea

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Dina Neal, Chair
Assemblyman Michael C. Sprinkle, Vice Chair
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Robin L. Titus

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Cindy Jones, Assembly Fiscal Analyst
Kristina Shea, Program Analyst
Desirae Munns, Committee Secretary
Felicia Archer, Committee Secretary

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OTHERS PRESENT:

James Dzurenda, Director, Nevada Department of Corrections
John Borrowman, Deputy Director, Support Services, Nevada Department
of Corrections
Harold Wickham, Deputy Director, Operations, Nevada Department
of Corrections
David Tristan

CHAIR PARKS:

We will begin with the Nevada Department of Corrections (NDOC). We are looking at inmate population, bed capacity, out-of-State inmates, and positions for outside medical guards and transport. We will also see a summary of Capital Improvement Program projects (CIP).

JAMES DZURENDA (Director, Nevada Department of Corrections):
We discussed philosophy at our last meeting and will not cover that this time.

JOHN BORROWMAN (Deputy Director, Support Services, Nevada Department
of Corrections):
Page 7 of the Nevada Department of Corrections Budget Presentation ([Exhibit C](#))
is for the Ely State Prison, budget account (B/A) 101-3751.

PUBLIC SAFETY

CORRECTIONS

NDOC - Ely State Prison — Budget Page CORRECTIONS-34 (Volume III)
Budget Account 101-3751

Ely State Prison is Nevada's maximum security facility. Shown are caseload decision unit M-200, uniform allowance decision unit E-249 and custody salary adjustment decision unit E-375.

M-200 Demographics/Caseload Changes — Page CORRECTIONS-35
E-249 Efficient and Responsive State Government — Page CORRECTIONS-36
E-375 Safe and Livable Communities — Page CORRECTIONS-37

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Decision unit E-375 is a 5 percent augmentation for all custody staff to address vacancies specific to the Ely location only.

Page 8 of [Exhibit C](#) shows the High Desert State Prison (HDSP) B/A 101-3762.

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

The HDSP is Nevada's largest facility in physical size and inmate population. It is the southern intake facility. All inmates in the south go through this facility and are dispersed to other facilities. It houses the southern medical infirmary and is used for overnight stays. Page 8 of [Exhibit C](#) reflects B/A 101-3762 decision units M-200, E-249 and E-350. A building maintenance request for gun rail access would fund replacement of roof hatches in a one-shot budget request for HDSP.

M-200 Demographics/Caseload Changes — Page CORRECTIONS-40
E-249 Efficient and Responsive State Government — Page CORRECTIONS-41
E-350 Safe and Livable Communities — Page CORRECTIONS-42

FY 2019 ONE-SHOT — BUDGET OVERVIEW PAGE – 24

The Northern Nevada Correctional Center (NNCC) is B/A 101-3717 as shown on Page 9 of [Exhibit C](#). All inmates in the north are received at the NNCC intake center and then distributed throughout the system.

NDOC - Northern Nevada Correctional Center — Budget Page CORRECTIONS-44
(Volume III)
Budget Account 101-3717

It has a regional medical facility that includes a hospice unit. It can handle special needs. We have specialty clinics where doctors will see inmates inside the perimeter of the facility, rather than having the Department transport the inmates out to doctors' offices. This facility is unique because we have focused much of our medical and mental health services at NNCC.

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We have a new maintenance services contract in decision unit E-229 to be more proactive on the chiller cooling towers. Some of the 52 positions in the Executive Budget are going to be placed here via decision unit E-350. We have done substantial work here to successfully address Americans with Disabilities Act issues. That project will be completed later this year.

E-229 Efficient and Responsive State Government — Page CORRECTIONS-46
E-350 Safe and Livable Communities — Page CORRECTIONS-47

Page 10 of [Exhibit C](#) shows B/A 101-3738, the Southern Desert Correctional Center (SDCC). This is a general population and medium custody facility. Every facility has the full spectrum of security. If there is an event, we have to be able to use single cells. That is not what is done generally at the location. Page 10 shows decision units M-200, E-249, E-350 and E-353. There is also a one-shot budget request project for sewer grinder repair at SDCC.

NDOC - Southern Desert Correctional Center — Budget Page CORRECTIONS-51
(Volume III)
Budget Account 101-3738

M-200 Demographics/Caseload Changes — Page CORRECTIONS-52
E-249 Efficient and Responsive State Government — Page CORRECTIONS-53
E-350 Safe and Livable Communities — Page CORRECTIONS-54
E-353 Safe and Livable Communities — Page CORRECTIONS-54

FY 2019 ONE-SHOT — BUDGET OVERVIEW PAGE – 24

Decision unit E-355 on page 10 is shown in error and does not exist. Please disregard.

Decision unit E-353 accounts for the return of 100 of the 200 out-of-State inmates. It will be discussed in depth later in this presentation. Not all 100 will go to SDCC. This is strictly for the accounting impact to the Department. Those returning inmates will be distributed where they are most appropriately housed. They are placed in this account because there are plans to renovate Housing Unit 8 in fiscal year (FY) 2018-2019. Plumbing, sewer and

electrical systems have been problems. Discussions examined whether to raze the building or extend its life.

The commitment on record was that this building would last five years with the approved renovations. Materials are warranted for 20 years, not 5 years. Improvements made are good quality. The building should be back in use at the end of this fiscal year and ready for occupancy in FY 2019-2020. Now that the improvements are done, we ask ourselves if the building can last longer than planned. The discussion is worthwhile.

Page 11 of [Exhibit C](#) shows B/A 101-3761, the Florence McClure Women's Correctional Center (FMWCC), Nevada's only institution and intake facility for women. We do receive some women at NNCC, and we make an incredible effort to transport them to FMWCC the same day or the next day. We do not want women housed at a facility for men. They are isolated when placed there. Page 11 of [Exhibit C](#) shows decision unit M-200, E-249 and E-350.

NDOC - Florence McClure Womens Correctional Center — Budget Page
CORRECTIONS-67 (Volume III)
Budget Account 101-3761

M-200 Demographics/Caseload Changes — Page CORRECTIONS-68
E-249 Efficient and Responsive State Government — Page CORRECTIONS-69
E-350 Safe and Livable Communities — Page CORRECTIONS-70

The minimum-custody Three Lakes Valley Conservation Camp (TLVCC) budget is B/A 101-3275 as shown on Page 12 of [Exhibit C](#). It includes decision units M-200 and E-249. This facility is close to SDCC.

NDOC - Three Lakes Valley Conservation Camp — Budget Page
CORRECTIONS-88 (Volume III)
Budget Account 101-3725

M-200 Demographics/Caseload Changes — Page CORRECTIONS-89
E-249 Efficient and Responsive State Government — Page CORRECTIONS-90

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The Ely Conservation Camp is B/A 101-3747. This is a minimum custody conservation camp. It includes decision unit M-200, E-249 and E-375 as shown on page 13 of [Exhibit C](#).

NDOC - Ely Conservation Camp — Budget Page CORRECTIONS-100 (Volume III)
Budget Account 101-3747

M-200 Demographics/Caseload Changes — Page CORRECTIONS-101
E-249 Efficient and Responsive State Government — Page CORRECTIONS-102
E-375 Safe and Livable Communities — Page CORRECTIONS-102

This is the second location where the Executive Budget recommends the 5 percent salary adjustment.

We acknowledge there are policy questions associated with these budgets. We will get into those discussions.

HAROLD WICKHAM (Deputy Director, Operations, Nevada Department of Corrections):

Page 14 of [Exhibit C](#) shows the culmination of 23 CIP projects in FY 2018-2019 for \$62.8 million. The Executive Budget proposes 19 CIPs for \$67 million.

The NDOC requested a 24-month delay in the proposal to build 2 housing units at a cost of \$109 million at SDCC, based on the Director's guidance and our current mission. If we continue what we are doing with evidenced-based programming and focus on reentry efforts, we may not need these. We are trying to be fiscally responsible and hold off until we have more data.

The CIP funding does not provide for the required custody escort expense. That happens when contractors have to come in and out of the facilities. We have to escort them to and from the gate. We sometimes have to provide guards.

Page 16 of [Exhibit C](#) shows the continuing CIP projects. New security fencing at TLVCC will allow the Department to house more people as we take on

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United States Immigration and Customs Enforcement (ICE) detainees. They would not normally be put in a minimum security situation. We do not know what their charges are. The classroom project at HDSP would house simulators for the vocational education program. It creates jobs for offenders when they get out. In the legal project category the project is to upgrade electrical and cable boxes at HDSP. The boxes are not secure and can be dangerous.

Project No. 19-C13 — Heavy Equipment Simulator Classrooms
Project No. 19-M02 — Electrical Outlet and Cable Upgrades

Maintenance issues are shown on page 17 of [Exhibit C](#). We can get a longer life out of the building at SDCC with the planned repairs to make the best of what we have. Page 18 of [Exhibit C](#) discusses deferred maintenance projects.

MR. DZURENDA:

Page 19 of [Exhibit C](#) shows NDOC population numbers. The JFA Institute is a company hired to do trending forecasts. If we do things better in our prison system, the inmate population numbers will go down. We must work with our communities as a team with law enforcement, substance abuse counselors and mental health providers. I know what we can do to reduce our inmate population.

The chart shows we spiked in January 2017, and our population started coming down. That drop is not a coincidence. When I first came into the Department, we worked with only two community providers in Las Vegas and one in Reno. That will not lead to success. Today we have about 48 community providers. We will double that. We have expanded our job network services. We connected with Hope for Prisoners which has a multimillion grant in Las Vegas to expand job training for offenders being released into the community. They have many job connections within the city. We need sustainable jobs.

We have gone away from traditional fast food and convenience store jobs. Those services are high in demand for jobs, but we are turning them away because they are not jobs that will sustain a family. We are looking at making these inmates get career jobs. We did not have evidenced-based programs when

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I came to Nevada. The programs in place did not show they had done anything to make inmates a success in the community. Today we have more than 40 evidence-based programs.

National studies on evidence-based programs prove 51 percent or more of offenders who participate in those programs are successful in staying out of prison. That is what we want. We are still way below what the JFA Institute report projects for the male inmate population. They continuously adjust their trend downward based on what we are doing. They look at three-year periods before they can show success in what we are doing. In another 18 months, you will see this go down even more.

We are not going to need the new housing units if this continues. We have heard this in the Judiciary Committees too regarding sentencing structures and other legislation. The only exception is NDOC's female population. We have not seen a large dip there. Our studies show 72 percent of the female offenders in our facilities are in for nonviolent offenses. Once we get communities onboard and services out there, we will see opportunities for parole and probation and for courts to put offenders into programs that will make them successful in the community rather than send them to prison. That is not what we were designed for. Of the 72 percent, 2/3 have never been arrested for a violent crime. We have to address this in our communities.

This money should be invested in school systems, as they have done in other states, even as early as preschool. When we start special education services sooner, we may prevent offenders from coming into the prison system. We must reinvest. The inmate prison population figures will go down.

ASSEMBLYWOMAN NEAL:

What is the demographic of the nonviolent female population?

MR. DZURENDA:

I do not have the specific data for that. The majority of our offenders come from Las Vegas, but that information is not specific to the population we are discussing. We can provide information on the female offenders.

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SENATOR GOICOECHEA:

Will you treat out-of-State inmates as medium security offenders? I thought those were the worst cases, and that is why we sent them out.

MR. DZURENDA:

We will not treat them as medium security offenders. They will go to a medium security facility for intake only. You cannot take a group of offenders who need to be separated and put them into a single place. We would take Housing Unit 8 at SDCC to bring out-of-State inmates back to Nevada for intake, temporarily for two weeks or so, for assessment. Some have to be separated based on gang affiliation, geographics or mental health.

SENATOR CANCELA:

Population forecasts spike up again. Why is that?

MR. DZURENDA:

Certain times of the year experience the highest increase in the number of jail intakes and sentences handed down. Judges are off around the holidays and fewer sentences are given. More come in during the summer. The average overall is the same and unrelated to long-term trends.

Regarding the 200 out-of-State offenders, we have the capacity to take back the first 100 in July 2019. The second half is more complicated.

We have space in Ely State Prison's Unit 3, but we have almost 80 correctional officer vacancies there. Staff are severely burning out. The vacancy rate is increasing more now than ever due to necessary overtime. I have asked for a 5 percent increase in salary. The transfer rate out is astronomical. We deny transfers, and they end up quitting. I have to find a way to stop that. If I bring the out-of-State offenders to Ely, that will get worse.

I want to get one fiscal year with the 5 percent increase in place to see if that has an impact. It may not help with recruiting, but it may help in retention. We have 24 officers in Ely who do not live within a 6-hour drive of Ely. They live in California or Utah. We use a new 12-hour schedule. Six to eight officers share one hotel room and rotate their schedules so they can be on longer and home longer. That helps us keep staff. It should not be like that.

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Another reason to keep the second 100 offenders out-of-State is to use the location as a tool for changing behavior. We have some inmates within the NDOC institutions who refuse to go to evidence-based programs because they are being extorted and threatened by gangs at the programs. Inmates in gangs even use religious ceremonies to congregate and recruit. I need to stop that. We want it safer for inmates who want to change their behavior and get back into society sooner. We want them to be more successful.

Inmates do not like the out-of-State location. It is all about losing their power. When inmates do not go to programs they stay in prison longer. Programs allow them to get time off their sentences at the end. I need a safe environment. It takes 17 correction officers to run a unit in Ely. They would all be on overtime.

ASSEMBLYWOMAN NEAL:

What programming is going on at the private prison? Do inmates refuse programs?

MR. DZURENDA:

Inmates are not refusing in the private prison. They are refusing in Nevada prisons because of intimidation. The programs offered at the out-of-State prison in Phoenix are the same as those offered in Nevada. I did not want it better down there, because that could create violence in Nevada to get sent there. They offer school and anger management.

ASSEMBLYWOMAN NEAL:

I had heard there was no programming in Arizona. I want to see this prison. I am still processing the use of the private prison as a behavior modification tool. This is different than the information I am hearing.

MR. DZURENDA:

What you may hear is that someone who gets into trouble in Phoenix will get no programs. That is the same in Nevada prisons. If bad behavior continues, no programs are offered to the offender. The majority in Phoenix do not cooperate, and as a result do not qualify for the programs. The contract with the private prison says the company must provide the same services we offer in

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Nevada. If inmates misbehave and go to segregation in Arizona, they will not get programs.

ASSEMBLYWOMAN NEAL:

Does the private prison do medical screening?

MR. DZURENDA:

They get faster medical services in Phoenix than in Nevada because they have a bigger medical system down there. They must be provided necessary medical services anywhere they go. In Phoenix, they do not have a medical review board that could slow a process. In Nevada, there is a medical utilization review board of doctors who determine necessity.

ASSEMBLYMAN SPRINKLE:

Do you have any information to show we have seen a decrease in gang activity or violence within Nevada prisons as a result of sending the 200 out?

MR. DZURENDA:

Yes, but many factors contributed to the drop in gang violence. I cannot say it was just the move to Phoenix. I provide a report every quarter to the Nevada Board of Prisons regarding violence rates. They are going down. I cannot correlate it to Phoenix, but that is a part of it. We consolidated mental health services, improved programs, offered evidence-based programs and changed segregation.

ASSEMBLYMAN SPRINKLE:

Please understand we need data.

MR. DZURENDA:

I understand.

ASSEMBLYWOMAN MONROE-MORENO:

We were first going to send people who did not have ties to Nevada. We wanted to keep in place the Interstate Compact, because some people cannot be in the State where the crime happened. We also were going to send gang members. We were not sending people who had medical complaints.

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I have had letters from inmate family members who say some of those people we were not supposed to send did go out-of-State.

MR. DZURENDA:

I have each person assessed. If there is one in question, I would look into the case and show you a history of what resulted in someone going to Phoenix. We have also sent people there who are awaiting surgery. We bring them back as soon as the surgery is scheduled. If surgery is not scheduled within six months, they may go to Phoenix. We send them back and forth based on their needs.

ASSEMBLYWOMAN MONROE-MORENO:

What does it cost the State to transfer those inmates back and forth? It would be a better plan to send someone who will be there for the long term.

MR. DZURENDA:

We could get the exact number for one trip. It is the cost of gas in the bus and the two to three officers who go there. It is a one-day trip. We try not to use overtime. The cost is minimal.

ASSEMBLYWOMAN MONROE-MORENO:

If there are better programs in Phoenix, are you looking at how to provide comparable programs in Nevada?

MR. DZURENDA:

Yes. We must do better.

ASSEMBLYWOMAN MONROE-MORENO:

Do you have demographics relating to those who have been sent out-of-State?

MR. DZURENDA:

I can provide you that information.

CHAIR PARKS:

Please explain why all 200 out-of-State inmates cannot be returned once Housing Unit 8 at SDCC reopens in July?

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MR. DZURENDA:

They can. The second 1/2 of the 200 are the most difficult. They cannot stay there because they must be placed in maximum security in Ely.

CHAIR PARKS:

We understand you provided new population estimates on February 20, 2019. Our staff will work with you to review the data.

MR. DZURENDA:

The data is reflected on page 20 of [Exhibit C](#). We will work with staff to get all the updates.

CHAIR PARKS:

What role is the Nevada Board of Parole Commissioners taking in the reduction of discretionary parolees and how that impacts your population count?

MR. DZURENDA:

The Board will begin using our Nevada Risk Assessment System (NRAS). The NRAS was purchased from the University of Cincinnati. Risk assessments will be based on objective classifications. We will now have parole staff in our facilities helping with parole release plans. Last Session we got approval to have parole liaisons working with inmates in facilities. Doing so will speed up release plans. I do not know what the Parole Board is doing internally.

I am hopeful the Nevada Division of Parole and Probation (P&P) day reporting centers and other P&P initiatives will have a positive effect and a bigger role.

MR. BORROWMAN:

We are looking at every facet we can to be productive with P&P and the community to reintegrate the inmates into society. We are trying to make the transition about jobs and the continuity of care too. They must stay inside the prison until we have somewhere for them to go. We need those community partnerships.

SENATOR GOICOECHEA:

You are running over emergency capacity at Lovelock Correctional Center (LCC) and at HDSP at medium security levels. We have some honor camps at Pioche

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and Wells that are well below capacity. I realize there is a difference between medium and honor camp security levels. Could we use those places? Rural areas ask if the honor camps will be phased out.

MR. DZURENDA:

The CIP project at TLVCC will help. I have 200 open beds in the minimum security facilities that cannot be filled because we have 300 or 400 inmates that are on ICE detainers, and I cannot put them out there. We have minimum security inmates I cannot put in medium security. We will eventually be able to move people around. We have inmates on overflow status in LCC who are staying in dayroom areas. They are not taken away from evidence-based programs. Those inmates qualify for reduced sentences for volunteering to go in there. It reduces violence because those inmates want to be there. It is cheaper, because I do not need extra staff to oversee them.

SENATOR GOICOECHEA:

Honor camp crews are typically compensated sometimes up to \$1,000 per crew if they are working for a municipality. How is that money reflected in your budget?

MR. BORROWMAN:

When they are used, the person or agency benefitting from the work pays for the inmate's wages and for the conservation camp supervision. When they are not on that kind of assignment, those are General Fund obligations. The inmates earn a wage.

SENATOR GOICOECHEA:

Use of those crews is huge in fire season.

They agreed to provide one crew a week in Carlin. I am told that is not being done. Would you look at the Memorandum of Understanding and honor it?

MR. DZURENDA:

We had discussions to provide services from Lovelock, even if the facility were to close. We can still provide the fire crew services.

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SENATOR GOICOECHEA:

The municipality is being billed for those crews. That was not the agreement.

MR. WICKHAM:

Sometimes we do not have enough staff nearby. The Nevada Division of Forestry uses crews there too. I will personally make sure the crews are being sent out even if we have to send them from Humboldt or Wells Conservation Camps. We will make sure that happens.

SENATOR GOICOECHEA:

Do not stretch your budget for it, but please honor what we agreed upon.

ASSEMBLYWOMAN JAUREGUI:

Please explain the emergency overflow beds and nontraditional housing day rooms. Is that less secure than traditional housing?

MR. DZURENDA:

Day rooms are large rooms that were designated for programs. Officers stationed in the units have observation of the cells and the day room. We took the tables out of the day room and put in up to eight beds. They can volunteer. It is quieter. It costs no more in staffing.

ASSEMBLYWOMAN JAUREGUI:

Is security the same?

MR. DZURENDA:

Yes. We have prison rape elimination audits that evaluate the security to make sure it is the same. That is a federal mandate.

ASSEMBLYWOMAN JAUREGUI:

Over the last five years we have incarcerated more women for nonviolent crimes, year-over-year. How do you address those trends? Why have we not implemented the same programming for women as men?

MR. DZURENDA:

The issue is intake. I cannot control what we are getting from the courts. We must do a better job for women. The majority of female offenders are on

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psychotropic medication. Communities do not have the services to manage that appropriately. We have to figure that out in the community. It must become the responsibility of the sheriffs, the communities and the jails to make sure they have options for female offenders to keep them out. It is a disheartening tale to tell.

MR. WICKHAM:

I teach operational management of women's correctional centers for the National Institute of Corrections. This is a nationwide problem. We incarcerate women at a dramatic rate. We are not gender responsive. We have a program in cosmetology now that results in a State license. Not one of the inmates who graduated from the program has returned to prison.

ASSEMBLYWOMAN JAUREGUI:

For the same nonviolent crimes, are we incarcerating more women than men?

MR. WICKHAM:

It appears we are incarcerating more women than men for the same crimes.

ASSEMBLYWOMAN JAUREGUI:

Are you projecting an increase in prison population?

MR. DZURENDA:

The Department is not projecting an increase. The increase is projected by the JFA Institute report. We disagree based on NDOC and P&P initiatives.

ASSEMBLYMAN KRAMER:

We talked last Session about helping released inmates get photo identification (IDs) they need when they leave incarceration. I understand some objected because they could not prove who they are or where they are from. That increased the amount of time some people served. How successful have we been in getting the IDs?

MR. DZURENDA:

Assembly Bill (A.B.) 10 is in the Assembly Judiciary Committee now.

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ASSEMBLY BILL 10: Revises provisions governing the duties of the Director of the Department of Corrections when an offender is released from prison. (BDR 16-204)

The bill proposes a possible solution for those who cannot get IDs. We have processed more than 7,000 birth certificate applications since we started in January 2018. We have worked with the county sheriffs and juvenile systems to increase the numbers. This should not just be a problem of NDOC. Those other agencies should be working on this to get a positive identification as soon as someone is arrested. Yes, some inmates could have been released earlier if they had proper ID. They cannot get jobs or community services without the ID. I will meet with the Assembly Judiciary Committee Chair today on language that will help.

ASSEMBLYWOMAN TITUS:

Regarding page 16 of [Exhibit C](#), I see a plumbing project at LCC. I am familiar with replacement of anything that holds water, as I too live in an alkali area. Have you thought of working with the geothermal plant neighbors you have out there for something renewable before spending so much on this?

Project No. 19-M10 — Underground Piping and Boiler Replacement LCC

MR. BORROWMAN:

We have a progressive division in Nevada Department of Administration's State Public Works Division (SPWD). We are at the limit of addressing the nitrates at Humboldt and Wells Conservation Camps. We would need a major project to install a different way to handle water to filter nitrates. They have worked with other environmental agencies and groups to explore cost-effective solutions. At LCC, we recognize the challenges and are looking at alternatives.

ASSEMBLYMAN SPRINKLE:

You spoke of ICE detainees. The documentation you gave to staff does not agree with what I have heard today. On the record just now you said you have 300 to 400 ICE detainees. My notes say you recently reported only 50 to 60 detainees. Conflicting information and explanations on detainees has been a recurring problem even before this Session. I want to know which number is correct. Why do we keep getting differing information?

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MR. DZURENDA:

We can give you updated numbers. I moved 140 detainees who had ICE detainers in from the camps. That was 1 1/2 years ago. We will get a number for results as of a certain date.

ASSEMBLYMAN SPRINKLE:

The information my staff is receiving is completely different from what you are telling me. Why?

MR. DZURENDA:

I am not sure.

ASSEMBLYMAN SPRINKLE:

That is unacceptable. We have a job to do here. We need accurate information.

MR. DZURENDA:

We must give an accurate update as of this month, an exact day and exact number.

CHAIR PARKS:

Could you explain why the Department transferred vacant positions from Ely to other institutions, closed down Ely Unit 3 and what resulted?

MR. WICKHAM:

Positions were temporarily transferred from Ely to LCC because the positions remained vacant at Ely due to the inability to recruit. We moved them to where we can fill them for needed hospital guarding and transportation. We expect all those positions to be returned to their original locations before the end of this fiscal year.

CHAIR PARKS:

Please explain why the Department plans to house inmates in beds over emergency capacity for long-term use when these beds are intended for short-term use.

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MR. DZURENDA:

This is a financial decision. Having inmates on overflow status does not cost any money. It is cheaper to keep them in units where I already have staff. Inmates seem to like the overflow areas. They can still participate in evidence-based programs and be without violence. If I cannot fill up the minimum security beds, I cannot just put those inmates in higher-level security.

CHAIR PARKS:

If the Department can return 100 out-of-State inmates, how would that affect the Department's current challenges to bed capacity?

MR. DZURENDA:

The Department could bring the first 100 back without opening up Ely Unit 3. Many can be managed with Housing Unit 8 coming onboard in SDCC. I could move populations around. The first 100 could be absorbed.

ASSEMBLYWOMAN NEAL:

Can you explain the post charts you submitted?

MR. DZURENDA:

Post charts identify the legislatively approved posts needed to operate the institution. These charts reflect the number of posts needed during the day, swing and night shifts based on 8-hour shifts. We have approval in the Executive Budget for 52 positions for hospital guarding and hospital transport. They will not address the post chart issues we have. The current post charts have housing in Nevada that are not posted. For instance, the LCC has a housing unit with 20 inmates in it. According to the post chart, no officers are assigned to work there. We cannot have inmates run their own housing units. We must staff them with officers. That whole unit is run 24 hours a day with correction officers on overtime. That must be addressed in the next post chart reviews.

Before I changed the policy on hospital guards, we had two officers per inmate. It is not unusual to have 20 to 30 inmates at a time in an outside hospital. The means 40 to 60 officers on a shift watching inmates on overtime. The 52 positions will begin to address that.

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ASSEMBLYWOMAN NEAL:

The charts were submitted on Saturday and were incorrect. When will they be fixed?

MR. DZURENDA:

What I submitted is correct.

ASSEMBLYWOMAN NEAL:

They did not include the new positions in the post chart budget.

MR. DZURENDA:

That is still under discussion with the Legislative Counsel Bureau, the Governor's Office and the Governor's Office of Finance. We are still negotiating. I made a recommendation following an audit. It is still under review.

CHAIR PARKS:

How do you determine the number of correctional officer and senior correctional officer positions you need for medical transportation and guarding?

DAVID TRISTAN:

I am the retired deputy director at NDOC.

CHAIR PARKS:

Are you a current employee or under contract with NDOC?

MR. TRISTAN:

No.

CHAIR PARKS:

It is the policy of the Subcommittee that only employees are requested to respond to our questions in this meeting. Can someone else respond?

MR. WICKHAM:

It will take a minimum of 52 positions to do the runs we are doing now. Page 26 of [Exhibit C](#) shows staffing ratios. We are grossly under the ratios. Each institution has a minimum staff for medical transportation, but it is not enough to meet demand.

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CHAIR PARKS:

Please provide more detail to Subcommittee staff as to the methodology used in the transport positions request.

ASSEMBLYWOMAN NEAL:

We need to understand the actual methodology. We need data submitted to staff.

MR. WICKHAM:

We use a comparison of the number of transportation runs we have. We left that page out in the interest of time. I do not have the specific numbers with me. I will get them to you.

ASSEMBLYMAN SPRINKLE:

It is not just simply about runs. We need data on the required security, how long someone is at the hospital, the requirements for overtime and more. We use that information to determine the appropriate full-time equivalent positions. The number of runs does not tell us enough. Please provide the data so we can make an informed decision.

How did you come up with a 3 to 2 ratio for use when inmates are in a hospital?

MR. WICKHAM:

I will get you the information. We used the 3 to 2 ratio in the past. We are looking at change. We looked at Clark County. They have one officer per inmate and then have patrols that come to the hospital that include one officer for four inmates.

ASSEMBLYMAN SPRINKLE:

Is that based on data from other facilities? You said the 3 to 2 ratio has been around for a long time, but my notes indicate it is recent. The information conflicts.

MR. DZURENDA:

We provided the change to this procedure and the written procedure in January 2018. It is two officers per inmate for the first one. If a second inmate

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is added at the same location, there will be three officers for two inmates. For a third inmate in the same hospital, there will be four officers for three inmates. If there are four inmates in the same hospital, there will be five officers for four inmates. The procedure was changed in January 2018.

CHAIR PARKS:

Please explain the organization of the Central Transportation Division. How much of that involves medical transport?

MR. WICKHAM:

I do not have those numbers with me. The primary job of NDOC's Central Transportation Division is to make runs moving inmates from one institution to the next as needs change. The institutions are primarily responsible for making the hospital runs.

CHAIR PARKS:

What efforts are you taking to reduce overtime at major institutions?

MR. WICKHAM:

We have moved vacant position numbers to other facilities to reduce overtime at those facilities. We have reduced the length of the academy from eight weeks to six weeks. We have changed the policy for hospital guarding. We are looking at modified shifts. We do in-service training online now. We are using minimum staffing levels. This is not sustainable for safety and security reasons.

Recruitment and retention are challenged by the benefits package that includes the requirement that employees pay 22 percent of their salaries to the Public Employees' Retirement System (PERS). County agencies pay only 5 percent PERS in some areas.

CHAIR PARKS:

Some new positions are recommended where it appears the cost of overtime has stabilized. Please explain.

MR. WICKHAM:

What we are doing is not sustainable.

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CHAIR PARKS:

Please explain why vacancy rates are continuing to rise at Ely and whether the one-grade pay increase approved in the 79th Session has had an effect on hiring officers in Ely.

MR. BORROWMAN:

The one-grade increase absolutely helped. We leveraged that increase and stabilized employment. We are now seeing turnover. We have a new warden who is trying to improve recruitment and retention. Our proposals will probably not attract more recruits, but may increase retention in Ely.

Lovelock Correctional Center also has chronic vacancy challenges.

ASSEMBLYMAN SPRINKLE:

In 2017, we appropriated \$1.5 million in General Fund dollars for the SDCC for a housing unit. As of two days ago, you had spent \$1.3 million of that money. Moving forward, it looks like that is no longer a priority, and you will be doing a dormitory instead. Why did you spend \$1.3 million if it was not the plan to continue with this project? Why did the priority change?

MR. DZURENDA:

The project money was spent by SPWD for design and engineering of the building we do not need. The dormitories are at NNCC for mental health consolidation. That is a 200-bed dormitory style unit to get services that would get inmates more safely back into the community.

Project No. 17-P06 — Advance Planning: Project for a Housing Unit SDCC
Project No. 19-P03 — Advance Planning: Housing Unit and Core
Expansion NNCC

Money was spent for design and engineering for the other housing unit. That population could go down.

ASSEMBLYMAN SPRINKLE:

Why did you request this only two years ago?

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MR. DZURENDA:

I did not have data on the evidence-based programs at that time. Population for prisons was not going down. We did not have the P&P programs or relationships.

ASSEMBLYMAN SPRINKLE:

These are things you have planned and implemented. Why did you ask for the money if you predicted you would not need it?

MR. DZURENDA:

The building could go forward if needed, and the same plans can be used five or ten years down the road. We did not know how the implementation would proceed. It was a big effort to get support.

CHAIR PARKS:

Ely Unit 3 was closed in March 2018. Why has overtime trended higher?

MR. WICKHAM:

Overtime in Ely is higher because of the vacancy rate. There are 80 vacancies. That housing unit would require 14 to 17 officers at 100 percent overtime.

SENATOR GOICOECHEA:

Your employees in Ely are my constituents. I know this is a problem. We cannot function at a 30 percent vacancy rate. It is unsafe. We must address this. Working overtime gives the employees a higher standard of living. Some make \$100,000 a year. Mines are our competition.

CHAIR PARKS:

Please explain how the Department plans to manage the reopening of Ely Unit 3 with 45 percent of the prison's positions temporarily transferred to other institutions.

MR. DZURENDA:

It will all be done with overtime.

CHAIR PARKS:

I invite Mr. Tristan to speak during public comment.

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MR. TRISTAN:

The Legislatively approved post charts establish by classification and rank the number of administrators, case workers, and custody, maintenance and culinary staff, and every other single position at a prison. I looked at the custody positions and post charts. I found they did not match. Shifts were understaffed. I looked at travel and healthcare. I found numerous operational problems.

I recommended the Department transfer positions to HDSP, FMWCC and NNCC to mitigate the amount of overtime spent.

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CHAIR PARKS:

I must conclude the hearing due to a conflicting 10 a.m. meeting several Subcommittee members must attend. The hearing is adjourned at 10:04 a.m.

RESPECTFULLY SUBMITTED:

Felicia Archer,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblywoman Dina Neal, Chair

DATE: _____

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EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
	C	30	James Dzurenda, Nevada Department of Corrections	Budget Presentation