

ACTION PLAN FOR THE NEVADA DEPARTMENT OF CORRECTIONS

The Corrections Support and Accountability Project

SEPTEMBER 2010

Introduction

The Vera Institute of Justice is excited to begin the technical assistance phase of the Corrections Support and Accountability Project. The project partners us with five jurisdictions—two states and three counties—to help each partner jurisdiction develop meaningful oversight of its prisons or jails specifically tailored to its needs. In the first phase of our project, we investigated the current mechanisms of correctional accountability and transparency already in place. This process included visits to correctional facilities, numerous interviews, and research to determine the most pressing oversight needs of each jurisdiction’s correctional system. We memorialized this work in reports for each of our partner jurisdictions, in which we analyzed the systems of existing oversight and made recommendations for improving and/or augmenting these systems.

NDOC has already made progress toward many of these recommendations. This action plan summarizes the progress that the department has made. Vera confirmed this progress through conducting additional interviews and reviewing documentation. For recommendations that require additional steps to complete, we suggest specific action items that will help the jurisdiction carry them out. These items appear in the main body of the status update, as well as in an appendix at the end of this document, gathering all suggested action items in one place. We believe adopting these recommendations will enable the state to better evaluate the use of resources to support the department, identify inefficiencies, manage risk, measure the success and failures of programs and policies in order to guide future decision-making, build public confidence and public interest in the department, and promote good governance and professionalism.

This action plan should not be considered in isolation: we encourage a full review of the Status Report, submitted previously to our partners, to better understand the context and reasoning behind each of the recommendations. Nevertheless, our hope is that this action plan sets forth a shared vision for the remaining months of Vera’s work with NDOC, which will conclude at the end of December 2010. At that time, Vera will prepare a “final report” that recounts NDOC’s progress up until that point, verified by interviews, review of documentary evidence, and, where necessary, site visits; the report also will provide guidance on how to complete work that remains to be done. We will work with the department to notify stakeholders of this progress, helping convey NDOC’s accomplishments. We look forward to these next several months, and to continuing the communication that has made this partnership a success thus far.

Status Update

Recommendation 1. Conduct more formal and regular audits of both southern and northern facilities.

Almost Complete. The director has worked with NDOC's staff to formalize the schedule of the auditing process. Starting July 1, 2010, each facility will be audited at least once per year by the department's permanent audit staff. These audits will take place in both the northern and southern facilities. The director and staff created a schedule for the 2011 fiscal year (July 2010 through June 2011) that details when each facility will be audited and the estimated costs for conducting the audits. The travel for the audits has been authorized, and the director incorporated all associated costs into the year's budget.

To complete this recommendation, NDOC should update Administrative Regulation 101 to include the requirement that each facility be audited once a year by NDOC audit staff. This AR is due to be revised in October, 2010.

Recommendation 2. Create formal follow-up process for problems identified during internal audits.

Almost Complete. In addition to conducting annual audits of each facility, NDOC committed itself to developing a formal follow-up process to address any issues identified during audits. DOC audit staff developed a schedule for follow-up visits to facilities. These often coincide with initial audits of facilities in the region to cut down on staff time and additional travel costs. At the time of this action plan, audit staff had already conducted several follow-up visits to facilities audited earlier in the year.

To complete this recommendation the NDOC should update Administrative Regulation 101 to formalize the follow-up process. As mentioned above, AR 101 is due to be revised in October, 2010.

Recommendation 3. Improve tracking system for inmate grievances and generate regular reports.

In Progress. NDOC has made steady improvements in tracking inmate grievances since it adopted NOTIS, the system used by the department to track operational data. When problems were identified, such as a gap in recording some responses to grievances, staff worked to resolve the issue. Recently, NDOC was able to negotiate with Syscon, the developers of NOTIS, to receive access to the source codes for the system. This will allow NDOC information technology staff to make modifications to the system when glitches are identified. By allowing internal staff to make repairs, improvements will happen more quickly in the future.

To complete this recommendation, NDOC should continue its efforts to monitor the operation of NOTIS and use its increased ability to structure the system to improve on any deficiencies in reporting. NDOC should also create regular reports on trends in inmate grievances, both by facility and system-wide. Research and IT staff can work with administrators to identify a staff person in the central office who will be responsible for tracking this data and generating reports. This can be done in conjunction with the efforts made to implement Recommendation 11, which concerns internal performance measures and data sharing (see below, page 6-7). Vera will report on the progress of these efforts in its final report for NDOC.

Recommendation 4. Resolve more inmate grievances at the facility level.

In Progress. NDOC made strides in some divisions to ensure that certain inmate grievances are resolved at the facility level. Primarily, when the Inspector General’s office receives a grievance alleging staff misconduct, they now ask facility wardens to conduct initial investigations into the claims. This process allows the facts to be verified in a timelier manner and relieves some of the backlog for investigations into these claims. The full investigation into staff misconduct claims are ultimately handled by the Inspector General’s office, as they are serious in nature, but allowing the facility managers to take on a preliminary investigatory role will help staff resolve grievances more quickly.

In addition to these steps, NDOC should continue its efforts to implement this recommendation by training staff on the importance of inmate grievances and the ways grievances can be used to diffuse issues before they become systemic problems. These training efforts should encourage staff to resolve grievances before they move up the chain of command.

Recommendation 5. Consider creating a citizens review board for the inmate grievance process.

Under Consideration. Vera conducted research into different options for creating a citizens review board for NDOC’s inmate grievance process. As noted in Vera’s Status Report, there are at least two models of this type of oversight body in other jurisdictions in the country – in Missouri and North Carolina. Vera staff interviewed the leaders of these boards and received ample information and data from these sources. In speaking with Director Skolnik, it is clear that Missouri’s model is the most realistic for the department to adopt. The board in Missouri is relatively inexpensive to run and does not require as much departmental staff time.

To complete this recommendation, Vera will continue reviewing the information from Missouri and working with NDOC administrators to identify what aspects of

Missouri's model can be adopted by NDOC. As necessary, Vera can arrange conversations between NDOC and the Missouri Department of Corrections to help facilitate moving forward on implementation. Vera can also work with NDOC staff to identify those in the community that may be valuable and productive members of the citizens review board. NDOC will need to identify who in the department is most able to handle the responsibilities of overseeing the board and coordinating its efforts.

Recommendation 6. Implement a staff survey.

In Progress. NDOC has not formalized a staff survey process, yet it has taken steps to begin soliciting more information from staff at all levels. Administrators implemented limited staff surveys on discrete issues, such as soliciting ideas about the way the department can save on costs. The director has also made proactive steps to meet with certain groups of staff to obtain a better understanding of the issues they face and their ideas for improving departmental operations. Since receiving Vera's report, NDOC has registered for SurveyMonkey.com, a free online survey and questionnaire tool. At this point NDOC administrators are working out issues as to how to administer the survey – one of the biggest barriers is the limited internet access in facilities. Once this has been resolved, the department plans on initially issuing an open-ended survey to identify the issues on which staff would most like to provide input.

To continue moving forward in accomplishing this goal, the department first needs to resolve the issues identified above regarding which topics to include and issues with internet access. NDOC may also consider holding focus groups to determine what issues are most important to staff. Vera will provide information about developing surveys and examples of staff surveys, as needed. During the initial survey period, NDOC will have to determine which staff members can handle administration of the survey and examine the results. Once the initial survey is complete, NDOC can create a more substantive survey and develop a schedule for periodically administering the survey. After gathering data from all facilities, NDOC will then be able to evaluate and adjust policies as necessary to address issues that surface.

Recommendation 7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.

Under Consideration. In conversations between Vera and the magistrate judge who oversees the Inmate Early Mediation Program, it is clear that the courts believe it would be beneficial for the inmates to have legal representation at their mediations. However, NDOC administrators have some concerns about adopting this regulation. While the department is in favor of any process that enhances the likelihood of resolving complaints before they reach the courts, the department is wary of settling alleged frivolous claims and setting precedents that may expose the department to additional liability.

To assist in accomplishing this recommendation, Vera will initiate a dialogue with the courts and magistrate judge to discuss the realities of these concerns and how and whether to begin moving forward on this recommendation. NDOC will be involved with these conversations as much as possible. Vera will also work with the courts to identify opportunities to recruit additional pro bono attorneys to sustain the program.

Recommendation 8. Keep more investigations at the facility level.

In Progress. As noted in Vera’s status report, NDOC has worked to move more investigations to the facility level. Specifically, NDOC revised Administrative Regulation 340 to reflect its commitment to ensuring investigations of lower-level offenses are handled at the facility level. NDOC administrators worked with the unions and top-level staff to develop a system that balances concerns about consistency amongst facilities and the large backlog that plagued the IG’s office for some time. While the Board has not yet approved the updated AR, the Inspector General’s office is returning certain investigations to be completed at individual facilities. At present, facility staff handle all Level 1 and 2 offense investigations and some Level 3 and 4 investigations. Whether the IG’s office allows the facility to investigate these higher-level offenses depends on a myriad of factors, including the history of the employee, staff members involved, and whether there were witnesses. Level 5 offense investigations are always handled by the IG’s office. The IG’s office ensures that whenever facility staff handle an investigation, they follow guidelines that lay out interviewing protocol and provide specific forms and are overseen by the IG’s office.

To complete this recommendation, the Inspector General’s office should update its administrative investigation manual to reflect these changes. This manual should be provided to all facilities to act as the mandatory guidelines that facility staff must follow during any investigation. NDOC administrators should also continue to seek Board approval for AR 340. As these new policies are carried out, the department must monitor investigations and sanctions to ensure that those handled at the facility level are consistent across facilities. If inconsistencies are identified, NDOC should reevaluate the policy, perhaps bringing more investigations back to the IG’s office.

Recommendation 9. Provide additional training on NOTIS for staff at all levels.

In Progress. As noted above, the department developed a relationship with the developer of NOTIS and negotiated access to particular elements of the system. During this process, Syscon agreed to provide additional training to NDOC staff, which will include pre-service and in-service training modules. Additionally, the department has an extensive manual, available to all internal staff, that provides training on many aspects of NOTIS.

One concern among administrators is that not all internal staff are familiar this manual or do not use it in their daily activities.

NDOC should continue working with Syscon to develop a schedule for training on NOTIS, giving preference to those employees who use NOTIS on a regular basis or have job functions that require a more in-depth knowledge of the system. NDOC should also make better use of existing resources, such as the manual mentioned above. To ensure that the manual is as useful as possible, NDOC administrators should develop a way to make more employees aware of it and the information it contains. This can be done through a department-wide memo or at the facility level.

Recommendation 10. Train select staff to run reports in NOTIS.

In Progress. Along the same lines as the above recommendation, NDOC administrators have recognized a need to allow certain staff the authority and ability to run reports in NOTIS that are relevant to their job functions. The hope among administrators is that once they receive the source codes to the system they will be able to develop the capability for staff to run unique reports.

Once the department has the appropriate source codes, Vera suggests NDOC begin to identify which staff members would benefit from being able to independently run reports in NOTIS. This may require surveying certain staff, mainly those at a managerial level, to determine staff needs and the extent of the training program. Once that is complete, IT staff should work with administrators to develop a schedule of training sessions during which staff that have similar needs can develop skills to independently run reports.

Recommendation 11. Set internal performance measures and formalize internal data sharing.

In Progress. The state legislature's budgetary process requires all agency administrators, including NDOC's, to provide performance measure-based information when submitting annual budgets. This has helped the department begin to identify areas in which it needs to set goals and track progress in achieving those goals. While this is a step forward in achieving implementation of this recommendation, the department can take additional steps to benefit fully from tracking performance measures.

To continue moving forward on this recommendation, NDOC should first identify the appropriate staff to be involved in this process. This should include higher-level administrators and departmental research staff, but may also include external parties such as the Board or legislators. These individuals should come together to begin figuring out what measures can be counted and set goals. Once these measures and goals are set, NDOC will need to identify internal staff who will be responsible for tracking and reporting the data points. Organizations like the Association of State Correctional Administrators provide resources about performance-based measures. Vera can work

with NDOC to supply the right information and coordinate discussions with other jurisdictions or experts on the topic. Administrators should also consider different models for data sharing, consulting with Vera as necessary, and develop a schedule of internal meetings to formally share the information.

Recommendation 12. Provide more information to Board of State Prison Commission members and in a timely manner.

Complete. For the past few Board meetings, NDOC has provided Board members with more information about the items on the meeting agenda. Specifically, NDOC puts together a detailed summary of the changes being made to each Administrative Regulation that is before the Board for approval. To compile this information, NDOC staff compare the old regulation with the updated draft and include every difference between the two versions. This makes it easier for the Board members and their staff to quickly identify the questions or concerns they may have about any changes. The document is sent to the Board at least 15 days before the meeting. By implementing this process, NDOC has completed the work needed to implement this recommendation.

Recommendation 13. Clarify the role of the Board.

Under Consideration. NDOC administrators believe the fact that the Board follows up on few, if any, issues raised by citizens at public meetings is rather clear to all attendees. However, there does seem to be some frustration among advocates with the way the Board handles their concerns.

To begin implementation of this recommendation, NDOC administrators can work with the Board members to develop language to explicitly state, prior to the public comment portion of the meeting, that it is outside the Board's capacity to investigate or follow up on any concerns raised by the public. If other recommendations are implemented (see Recommendation 14, below) the Board can refer concerned citizens to other channels to lodge their complaints.

Recommendation 14. Develop system for following up on concerns received at public meetings.

In Progress. At the national meeting for the Corrections Support and Accountability Project, NDOC staff met an inmate advocate who has developed a robust, collaborative relationship with the corrections director in another of Vera's partner jurisdictions. NDOC staff admired this relationship, and, following that meeting, Director Skolnik reached out to particular inmate advocates in Nevada in an effort to develop a more formal and positive relationship between NDOC and the advocate community. The director has met with several advocates to begin discussing the possibility of formalizing

their relationship and develop another channel through which the public and inmates can express their concerns to the department. These individuals worked with the advocate from Vera's partner jurisdiction in preparation for a meeting with NDOC. At the first formal meeting, which took place on August 31, 2010, the group identified several areas where the department can begin improvements immediately, including making some changes to the department's website. The advocates also indicated they will be working to reestablish a CURE chapter in Nevada, hopefully by January 2011.

To complete this recommendation, NDOC should continue its efforts in establishing relationships with the inmate advocates in Nevada. It also needs to determine the best individual to be the liaison between the department and individuals at public meetings. Because of the developing relationship between the department and the advocate community, it may be beneficial to request one of the advocates take on this role. The department should arrange for this individual to attend all meetings where public comment is received and make the public aware of his or her presence and purpose. NDOC must also work to develop an internal process for handling the concerns and complaints received by the liaison. Vera will provide assistance as necessary.

Recommendation 15. Create an ombudsman to handle complaints by inmates, staff and the public.

Under Consideration. The director and his staff have been receptive to creating other avenues through which the department can build bridges with inmates, staff and the public. One example of this is the current effort to develop more solid relationships with inmate advocates in the state (see above, Recommendation 15). However, at this time there are concerns about whether creating an additional state employee position is financially feasible.

If NDOC decides to pursue this recommendation, either now or in the future, the department will need to decide whether this new function should be housed internal to the department or whether it will be housed in another government agency. This may involve consulting with internal staff, external stakeholders and government officials to determine what is best, considering, for example, the degree of independence desired and how that will affect the public's view of the office's legitimacy. If it should be housed externally, the department needs to identify the appropriate state agency to house the ombudsman and will need to gain support from the key staff in that agency. Another consideration for the department and stakeholders is the extent of the ombudsman's jurisdiction and whether it will focus only on the department or will extend to other state government functions, such as parole and probation. A final issue will be identifying funding for the new ombudsman's office. NDOC can work with Vera to identify potential grant opportunities or try to find funding from the state. NDOC may also consider the possibility of a volunteer ombudsman, but that should only be a temporary solution while the state is under such stringent budget constraints.

Recommendation 16. Make certain reports and evaluations available to the public.

Almost Complete. As noted in Vera’s status report, NDOC has published certain information on its website for some time, including its monthly population reports (dating back to 2006), annual statistical abstracts for each fiscal year (dating back to the 2005 fiscal year) and population projections. The department also recently posted new reports and information on its website, including the report it provided to the Board regarding its plan to close the Nevada State Prison and Vera’s Status Report. It has also posted its legislatively approved budget on the homepage of its website.

NDOC has made marked progress in implementing this recommendation. To fully achieve this goal, NDOC will need to continue the process of publishing these types of resources and reports on its website. To aid in the consistency of doing so, NDOC should nominate a staff person or division to be responsible for continuing this work and maintaining the website.

Recommendation 17. Develop a publicly available data dashboard.

Under Consideration. As mentioned above, NDOC does a commendable job of posting thorough information regarding its population on its website on a consistent basis. These reports provide data on population by facility, projected populations, admissions and releases, and inmate days by facility. While this information is helpful, a great deal of the other data the department collects may be of interest to the public. As discussed in other sections of this report, NDOC is working with Syscon to gain greater control over the functioning of its data system, specifically gaining access to source codes. This will help in the development of the dashboard.

To accomplish this goal, NDOC should determine not only what the public wants, but also identify the information that the department believe the citizens of Nevada should know about internal operations. Some data that may be of interest are cost per inmate per day, average lengths of stay, percentage of incarcerated youth, and information on critical incidents. Once the department develops performance measures for internal purposes, sharing aggregate data about the inmate population and departmental operations will be less burdensome and costly. It may also be beneficial to hold focus groups to determine what is of interest to the public. Once the appropriate data points are selected, NDOC will need to designate a research or IT staff person to ensure the information is posted in an interactive and clear way.

Recommendation 18. Create a dedicated Public Information Officer position.

Under Consideration. NDOC administrators have identified a need for someone to handle, full time, the responsibilities of communicating with the public and media. While

the current staff handling these tasks are knowledgeable, they have other duties that take up the majority of their time.

Once again, the biggest challenge for NDOC in its efforts to hire a PIO is funding. To begin working towards this recommendation, even if in the future, NDOC must develop a job description and begin a hiring process. Alternatively, the department can appoint someone from within to take on these duties on a full time basis.

Conclusion

Nevada Department of Corrections Director Howard Skolnik and his staff have been committed partners in Vera's Corrections Support and Accountability Project, and we commend them for their efforts to improve the accountability and transparency of prison operations. The steps they have already taken to pursue many of our recommendations are encouraging, and we are enthusiastic about continuing the conversation about implementation. We believe these recommendations will provide numerous benefits—improved public confidence, an opportunity to proactively identify problems, an ability to manage risk, capacity to measure successes and challenges, methods for evaluating the use of resources and making the case for more resources, and promotion of good governance and professionalism. The Vera Institute of Justice is ready and willing to help our partners explore promising models and work with NDOC, state officials, citizens and community organizations to develop appropriate solutions for Nevada. Vera staff are available to provide guidance and technical assistance to implement these recommendations through December 2010.

Appendix A

Action Items

Recommendation 1. Conduct more formal and regular audits of both southern and northern facilities.

- NDOC to update Administrative Regulation 101 and seek Board approval.

Recommendation 2. Create formal follow-up process for problems identified during internal audits.

- NDOC to update Administrative Regulation 101 and seek Board approval.

Recommendation 3. Improve tracking system for inmate grievances and generate regular reports.

- NDOC to monitor progress on resolving issues with tracking of inmate grievances in NOTIS and continue collaboration efforts with Syscon to develop solutions.
- NDOC to identify a staff person to monitor grievance trends and generate reports on a regular basis.
- NDOC to incorporate reporting on grievances to internal data sharing efforts (see Recommendation 11).

Recommendation 4. Resolve more inmate grievances at the facility level.

- NDOC to expand its training for staff on the inmate grievance procedure and develop schedule to train both current and incoming staff.

Recommendation 5. Consider creating a citizens review board for the inmate grievance process.

- Vera to work with NDOC staff to help develop a model for the board by reviewing information and continuing conversations with officials from the Missouri Department of Corrections.
- NDOC to identify staff member to help facilitate and oversee the functioning of the board.
- NDOC to identify members of the community to place on the board, consulting with Vera as needed.

Recommendation 6. Implement a staff survey.

- NDOC to resolve logistical issues around survey distribution.
- NDOC to identify specific topics about which staff input would be helpful and develop survey questions, consulting with Vera as necessary. NDOC may consider holding focus group of staff members prior to finalizing the survey questions.
- Vera to provide examples of staff surveys from other jurisdictions.
- NDOC to pilot survey at one or two facilities and evaluate results.
- NDOC to roll out survey at all facilities once initial survey results are evaluated and develop schedule for routine administration of the survey throughout the department.

Recommendation 7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.

- Vera to consult with magistrate judge regarding logistics of expanding pro bono attorney involvement and the department's concerns with doing so.
- Vera and NDOC to work with courts to recruit pro bono attorneys.

Recommendation 8. Keep more investigations at the facility level.

- NDOC to update administrative investigation manual to reflect recent policy changes and distribute the manual to all facilities.
- NDOC to update Administrative Regulation 340 to reflect policy changes and seek Board Approval.

Recommendation 9. Provide additional training on NOTIS for staff at all levels.

- NDOC to continue work with Syscon to develop training module for staff.
- NDOC to alert all staff to the NOTIS training manual available on the department's intranet.
- NDOC to identify staff members who need additional training and develop schedule for training sessions.
- NDOC to incorporate more specific information about operating NOTIS into new employee training sessions.

Recommendation 10. Train select staff to run reports in NOTIS.

- NDOC to identify those on staff whose job requires a greater understanding of NOTIS and the need to run reports on a regular basis. This can be done by surveying appropriate staff.
- NDOC to develop NOTIS training schedule and administer the trainings.

Recommendation 11. Set internal performance measures and formalize internal data sharing.

- NDOC to convene appropriate staff to develop list of data points to be measured and set internal goals.
- Vera to provide examples of staff surveys and consult with NDOC as needed.
- NDOC to appoint specific staff to track and collect data.
- NDOC to develop system for internal data sharing.

Recommendation 12. Provide more information to Board of State Prison Commission members and in a timely manner.

- No additional steps needed.

Recommendation 13. Clarify the role of the Board.

- NDOC to work with Board members to develop explicit language for public meetings that clarifies the Board's limitations in responding to specific issues raised in the public comment period.

Recommendation 14. Develop system for following up on concerns received at public meetings.

- NDOC to continue formalizing relationship with inmate advocates.
- NDOC to identify liaison for NDOC, determining if this individual should be internal or external to the department.
- NDOC to arrange schedule for liaison to attend public meetings.
- NDOC to develop internal process for handling concerns or complaints received by the liaison.

Recommendation 15. Create an ombudsman to handle complaints by inmates, staff and the public.

- NDOC to determine whether ombudsman's office will be housed internally or externally, consulting with Vera as necessary. If the office is to be housed externally, NDOC must determine which agency is appropriate and gain support from the agency leadership.
- NDOC to work with governmental leaders to determine the extent of the ombudsman's jurisdiction.
- Vera to work with NDOC to identify possible external sources of funding for the position.

Recommendation 16. Make certain reports and evaluations available to the public.

- NDOC to assign staff person to continue to publish reports on its website.

Recommendation 17. Develop a publicly available data dashboard.

- NDOC to determine what information and performances measures to share with the public. To complete this step, NDOC may choose to convene a focus group and consult with Vera as necessary.
- NDOC to designate a staff person to publish the selected performance measures and data on the department's website.

Recommendation 18. Create a dedicated Public Information Officer position.

- NDOC to identify funding for the PIO position.
- NDOC to develop and approve a job description and begin hiring process.