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Date: April 6, 2017
To: Senate Committee on Judiciary
From: James Dzurenda, Director
Subject: SB402 Neutral Testimony

Good afternoon Chairman Segerblom and members of the Senate Judiciary Committee. I am James Dzurenda, Director of the Nevada Department of Corrections (NDOC).

First, I would like to say I appreciate Senator Spearman for meeting with myself and Deputy Director David Tristan regarding treatment of those offenders with mental health issues and Isolation/Segregation. I applaud her for her compassion for humanity and her commitment to reducing victimization in the community upon the releasing of offenders at the completion of their sentences.

As you all have seen when I provided you with a copy of my Department of Correction Strategic Plan for the next two years, Mental Health and Segregation reform are of my highest priorities. Last month, March 2017, the Board of Prisons approved my Department of Corrections Administrative Regulations regarding policies around the Seriously Mentally Ill, Discipline, and Segregation, which is a dramatic change in agency culture and procedures that places the Nevada Department of Corrections in line with the Department of Justice.

I believe it is important for you to know my background. I have over 30 years correctional experience with being Governor appointed as Commissioner to oversee and run all the prisons, jails, and parole for the state of Connecticut. Following my retirement in Connecticut, I was Mayor and Commissioner appointed as First Deputy Commissioner to oversee the operations of Rikers Island, jails, and District Court Houses in each of the 5 boroughs of New York City prior to Governor appointment as Director for the Nevada Department of Corrections. In my tenure, I was assigned by the Association of State Correctional Administrators (ASCA) to assist in their national study on Solitary Confinement developing Restrictive Housing Guiding Principles that are being recommended to prisons and jails around the country

for treatment of offenders with mental health issues and segregation. I also assisted Yale Law School and National ACLU on the development of practices regarding isolation/segregation while in Connecticut.

The Department of Justice recently awarded a grant to the Vera Institute of Justice in New York City to work directly in the Nevada Department of Corrections for the next 18 months. The Vera Institute audits and monitors corrections departments around the country for misuse of solitary confinement. They will be here in Nevada visiting all shifts at our correctional facilities and reviewing our policy and procedures, some that have been mentioned in this Bill, as well as, more. Upon completion, they will be submitting their findings and recommendations to the Department of Justice. The Department of Justice may make recommendations in their final report that could conflict with some of the language in this Bill.

Solitary Confinement is a tool that not only protects staff and other inmates, but in certain circumstances protects that inmate as well.

I want to be clear for the record, that I am a strong supporter of not placing inmates with seriously mental illness (SMI) in solitary confinement and treating all SMI offenders with an Individualized Treatment Plan (ITP) monitored and supported by mental health professionals. Also, note that the Nevada Department of Corrections is working closely with the Nevada ACLU to develop reforms to the Nevada Department of Corrections' Mental Health Delivery and use of Solitary Confinement.

I believe legislatively codifying practices regarding the best policy and procedures surrounding those offenders with mental illness and the use of solitary confinement may be necessary in order to prevent past practices from returning back into Administrative Regulations. However, I suggest that these codification recommendations be considered following the Department of Justice's final report to provide for common interests while minimizing confliction. I believe codifying it once will help save confusion and policy conflictions that may hinder the extensive culture change I am trying to formalize within the Nevada Department of Corrections.