

NEVADA DEPARTMENT OF CORRECTIONS

OFFICE OF THE DIRECTOR



MAJOR FACILITIES AND CAMPS AND THE BENEFITS OF VIRTUAL ACCESS

NDOC-WP-22-01

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BENEFITS OF VIRTUAL ACCESS TO ALL MAJOR FACILITIES AND CAMPS

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NOTE: Three separate files that are related to this White Paper are also attached.

- 1) Exhibit 6.G.3. *Virtual Access to Courts Cost Savings Analysis*
- 2) Exhibit 6.G.4.a *NEBS210 Budget Summary*
- 3) Exhibit 6.G.4.b *NEBS130 Payroll/Position Summary*

BENEFITS OF VIRTUAL ACCESS TO ALL MAJOR FACILITIES AND CAMPS

PLAN OBJECTIVE

The objective of this plan is to provide efficient offender access to the judicial system by using high-quality secure video conferencing technology throughout the Nevada Department of Corrections (NDOC and Department). Implementation of this plan will provide the courts, justice-involved community, and offenders with secure, convenient, remote access and will reduce the cost and potential risks to the offenders, NDOC, and community associated with in-person transportation.

DESCRIPTION OF PLAN

NDOC plans to establish and implement the utilization of virtual access via video conferencing throughout the Department beginning with medium and maximum-security level institutions. This plan will identify staffing and resources needed for implementation. NDOC will identify all stakeholders, their needs and create specific protocols.

Department staff will determine the best location within each facility for video conferencing, with consideration given to supervision, privacy, and security. Each facility will identify the number of computers on wheels (COWS), needed for this project. Each facility will work with stakeholders to determine schedules, applications, and other relevant information.

Information Technology (IT) Division, will identify the necessary equipment (i.e., computers, monitors, webcams, wireless keyboards with a mouse, ISO bars, COWS, switches, and cabling) needed at each facility.

AGENCY MISSION AND GOALS

Nevada Department of Corrections Mission Statement:

“It is the mission of the Nevada Department of Corrections to protect society by maintaining offenders in safe and humane conditions while preparing them for successful reentry back into society. We operate as one Team, proud of our reputation as leaders in corrections. Our staff will utilize innovative programming that will focus on education, mental health, substance abuse treatment, and vocational training as the cornerstones to an offender’s rehabilitation.”

Nevada Department of Corrections Goals

1. Maintain a safe environment for employees and offenders.
2. Establish an agency strategic planning program.
3. Maintain industry standards and industry best practices.
4. Develop emergency preparedness and special operations division at the Warden level.
5. Hold offenders accountable, while providing evidence-based programming to assist in modifying offender behavior with the prospect of becoming productive citizens.
6. Re-establish or enhance offender family interactions.

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7. Foster outreach and partnerships that promote shared responsibility for community safety.
 8. Ensure effective and efficient health care delivery to support quality health care.
 9. Implement professional development programs and curricula specific to supervisory, mid-level managers, leadership, and executive-level leadership development.

ASSESSMENT

A. Situation:

1. The COVID-19 pandemic continues to create new obstacles for government agencies, businesses, and our community. NDOC is no exception. The Department has faced operational challenges, yet still managed to fulfill the mission: “to protect society by maintaining offenders in safe and humane conditions while preparing them for successful reentry back into society.”

Rather than maintain the status quo, NDOC modified operations in every division to accomplish its operating mission through the use of automated technologies such as Zoom, Teams, BlueJeans, and Polycom platforms.

2. The costs associated with transporting inmates to and from courtroom appearances take time and effort impacting numerous staff. The logistics of the transport is complex when taking into consideration court appearance schedules, routes, known security threats, and high-profile offenders. The security risks involved in the transportation of offenders create a major concern and could have dire consequences to the safety of all involved if security is breached. By providing correctional officers for transportation to courts it reduces the number of staff responsible for providing safety and security to both offenders and non-custody personnel in correctional institutions as offenders must remain in their custody until their return to the facility. Implementation of video conferencing will allow correctional officers more time to perform their assigned duties and provide the necessary custody supervision for the inmate population. In addition, video conferencing would allow NDOC to achieve potential savings to facility budgets including the decrease of overtime expenditures for transportation and guarding offenders in court. The costs associated with transportation, custody supervision, and logistical staff justify the implementation of a quality courtroom video-conferencing system for remote hearings.
3. The increased demand for manpower, security, transportation, and logistics planning has had a significant impact on the Department budget resulting in increased costs to Nevada taxpayers. Allowing offenders access to the courts using a safe and secure video-conferencing system, while keeping them confined within secured facilities and may provide opportunities for the courts to conduct more hearings in a single session and will significantly reduce the need for inmate transportation.

B. Possible Challenges:

1. Limited bandwidth across the various institutions and camps, especially in the remote locations;
2. Virtual access requires internet access which could increase the risk of a security or data breach placing additional burden on the existing IT infrastructure;
3. Potential for equipment and network failure;
4. Potential for an institutional emergency that may impact the ability to escort an offender to the secure video conference area;
5. Additional staff will be needed at each facility to ensure the following is completed:
 - a) Receive and validate the offender's court orders to appear, law enforcement agencies, and credentials of legal representatives;
 - b) Regularly set up, test, and troubleshoot equipment and accessories;
 - c) Manage space limitations and schedule offender appointments using the offender scheduling system while mitigating conflicts of education, reentry, and work assignment schedules;
 - d) Escort offenders to and from the secure video conference area;
 - e) Search offenders before and after each appointment; and
 - f) Sanitize and secure the video conference area before and after each appointment.

PROPOSED POSSIBLE SOLUTIONS

- A. NDOC's IT Division recommends upgrading its division and facility equipment throughout the Department and adding additional incoming and outgoing bandwidth. The recommended increase in bandwidth is from 100MB to 500MB, at an approximate additional monthly cost of \$763. For the first biennium, the total additional cost will be \$18,312.
- B. Increase the number of staff in the IT Division and at each facility.
- C. Add additional computers, monitors, webcams, wireless keyboards with a mouse, ISO bars, computer carts, switches, and cabling. Locations with no existing electricity or network capability will require the installation of required electrical service, switches, and Cat-6 cabling.

DETAILED BUSINESS PLAN

Governor Sisolak is dedicated to the recovery of the state from the economic impact of the COVID-19 pandemic and he is determined to bring back Nevada stronger than ever. The Department is also committed to the Governor's goal and make a positive impact. To achieve this endeavor, NDOC must be granted the opportunity to take advantage of the American Restoration Act Fund.

Over 26 states have implemented a form of video conferencing (i.e., court, telemed, visitation, education, and vocational courses) in correctional facilities and have experienced significant savings while making a positive impact on the safety and security within their facilities.

The following table lists some of the states that have implemented remote access to their offenders and the results have been very successful.

✓ Arizona	✓ California
✓ Connecticut	✓ Florida
✓ Georgia	✓ Illinois
✓ Kansas	✓ Michigan
✓ Oregon	✓ South Dakota
✓ Texas	✓ Utah
✓ Wisconsin	

The COVID-19 pandemic introduced the Department to the use of virtual meetings. NDOC has experimented with different virtual platforms to conduct essential meetings. The Executive Team and Department staff have continued operating functions throughout the pandemic and successfully held division, staff, vendors, public, government, and open and closed board meetings. Conducting these meetings virtually has proven to be cost-efficient and convenient for all involved by eliminating all costs related to travel while providing successful outcomes. Adaptation to the pandemic and the economic depression by using virtual conferencing has given NDOC time to reflect on its needs and has created an understanding of keeping up-to-date in modern technology.

During the COVID-19 pandemic, court appearances between judges, attorneys, law enforcement agencies, and offenders were challenging. NDOC would like to continue to use and enhance the process by becoming up-to-date with modern technology in all facilities, which allows the courts to improve the administration of justice, recognize significant cost savings, and meet the technology expectations of the criminal justice system and taxpayers.

RECOMMENDATIONS

A. NDOC is proposing the following recommendations and implementation:

1. Fill requested positions.
2. Provide training for all staff involved in the virtual access project (including courts, justice-involved community, and attorneys).
3. Create policies and procedures that will govern video conferencing.
4. Identify secured locations in each facility for video conferencing.
5. Purchase identified equipment (see Section B – 3. Major Purchases).
6. Identify facilities to participate in the implementation of this project.

POSITIVE IMPACT/PATH FORWARD

A. As a measurement of the impact to stakeholders who will be positively affected by the approval and implementation of virtual conferencing, the following is to be considered:

1. Increase in public safety, which will impact the citizens of Nevada, NDOC staff, offenders, and other government agencies.
2. NDOC and taxpayers will experience savings due to a reduction of overtime, vehicle maintenance, and fuel costs.
3. This project will increase technology within the Department and overall communication with other government agencies.
4. Courts will be able to conduct simultaneous hearings.

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5. Courts will experience a positive impact on caseload manageability.
 6. NDOC will see a significant reduction in its court transportation and workload.
 7. Chief Justice Hardesty's vision of expanding access to courts, justice-involved community, and attorneys by video and telephonic means will be fulfilled.

B. Assess financials:

1. Funding sources:
 - a. Fees: None
 - b. Federally Funded: American Restoration Act Fund
 - c. General Fund Support for Start-Up: Yes
2. Capital considerations:
 - a. Capital Equipment: Possible Capital Improvement Projects (CIPs) in the Future – RAW: Each biennium, NDOC develops, ranks, and submits a listing of proposed CIPs to the SPW-Division and SPW-Board. Subsequently, the SPWB submits its CIP recommendations to the Governor and Legislature for their approval. For this biennium, NDOC submitted 174 CIPs valued between one and two billion dollars. From these 174 proposed CIPs, 19 CIPs were approved - totaling ~\$100 M. In summary, ~10% of NDOC's proposed CIPs were approved.
3. Major purchases:
 - a. Lease Agreements: None
 - b. Contractual Services: None
 - c. Equipment: NDOC would purchase the following equipment:
 - Computer on wheels (mobile carts)
 - Desktop computers
 - Switches
 - Cabling
 - Wireless keyboards each with a mouse
 - ISO bars
 - Monitors and webcams

The expense associated with the purchase of each complete system is \$4,191.18 (there will be a total of 72 systems required for a total cost of \$301,764.96).

4. Information technology and telecommunications requirements:
 - a. IT and telecommunications timelines:
 - Once an approval date is given, it will take approximately 2 to 3 months to order and set up equipment at all facilities.
5. Training requirements:
 - a. Basic operational training will be provided depending on application (i.e., Zoom, BlueJeans, or Polycom)

C. Proposal’s impact on existing services provided by the state or other agencies or entities:

1. Implementation of this proposal will allow NDOC, courts, the justice-involved community, and attorneys to enhance communication, reduce travel expenses, and provide a safe and secure environment for appearances and hearings.

D. Assess the proposal’s financial impact on future biennia:

Preliminary projections for future biennia savings as a result of the reduction of overtime and operational costs are based on actuals from the past two biennia, SFY18-19 and SFY20-21 for overtime, and from March of 2019 to March of 2020 for operational costs. Recognizing that the SFY20-21 actuals include the period during which the COVID-19 pandemic caused changes to NDOC Operations.

1. Analysis of Overtime Savings:

- a. Overtime analysis includes overtime for transportation costs coded as follows:

- Reason Code 64 – Medical Transport Not Requiring Hospital Admittance
- Reason Code 63 – Medical Transport Requiring Hospital Admittance
- Reason Code 56 – Transportation Other (Non-Medical)

Facilities are struggling to provide transportation services, due to staffing shortages.

This analysis provides the estimated costs of this project, as well as the savings of this project to demonstrate net costs or net savings depending on if the system can incorporate usage for medical telemed appointments when not in use by the courts. It is important to emphasize that with the implementation of statewide Virtual Access to the courts, additional NDOC facility staff cover vacant positions within the facility, further reducing overtime. This analysis does not include estimates of additional overtime reduction it only reflects anticipated overtime. The benefits of reducing transportation, associated expenses, and overtime cost, justify the need for the implementation of video conferencing.

2. Analysis of Operational Savings:

Operating costs such as fuel and maintenance include routine maintenance, and unanticipated expenses, such as blown tires, cracked windshields, and worn wiper blades. Reduction in costs has been calculated based on known actuals, or estimates. The calculations for operational savings are at 50%, resources such as vehicles would likely be applied elsewhere and not placed entirely out of commission.

3. For fiscal impact analysis including costs and savings with anticipated ongoing net cost or net savings, please see the attached Excel file entitled, “Exhibit 6.G.3. Virtual Access to Courts Cost Savings Analysis.”

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4. In the year 2023, the maximum cost for the proposal will be identified.
 - a. Breakdown of Costs and Savings for SFY22 – 23 Biennium:

SFY 22 (January — June)

- 6 months of costs and savings:
 - Reduction of Court and Medical Transports
Net Savings = (\$575,032)
 - Reduction of Court Transports Only
Net Cost = \$1,005,918

SFY 23 (July — June)

- 12 months of costs and savings:
 - Reduction of Court and Medical Transports
Net Cost = \$1,473,035
 - Reduction of Court Transport Only
Net Savings = (\$124,755)

For detailed costs of new staffing, supplies and equipment services, and other items required, please see attached PDF files entitled, “Exhibit 6.G.4.a, NEBS 210 Report” and “Exhibit 6.G.4.b, NEBS 130 Report.”

While video conferencing is primarily intended for court-related matters, using video conferencing for telemed appointments in place of in-person appointments would benefit the Department by reducing the overtime costs needed for transportation to the hospital and medical appointments.

5. Funding Mechanisms: Funding for this project may be addressed via IFC Contingency Funds; Special Legislative Session; may be offset with federal grant funding, or CIP funding.

E. Performance indicators to measure outcomes and determine the effectiveness of the proposal:

1. Cost Performance: When final expenses are determined, they will not have exceeded the estimated amounts by greater than 10%.
2. Equipment Installation/IT Performance: Purchase and installation of IT equipment is targeted for November and December of 2021. The actual dates may vary depending on final authorization and funding. Installation is anticipated to be completed no later than 2 months after receiving authorization and funding (depending on equipment availability upon order).
 - a. If IFC is the target funding mechanism, the October IFC would coincide with this timeline. The agency deadline for the October IFC is not yet posted but is generally the last week of August.
 - b. If ARPA federal funding is to be submitted, this will need to be coordinated with the Governor’s Finance Office.

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- c. The target date for completion of equipment installation and in place is January 2, 2022.
 3. Human Resources (HR) Performance: Staff will be hired and begin training within 1 month of installation of equipment at each location. NDOC HR will begin the hiring process to coincide with this timeline.
 - a. The target date for NDOC HR to begin the hiring process is November 1, 2021.
 - b. The target date for staff to be hired is January 2, 2022.
 4. Training and Collaboration Performance: Training, integration, and collaboration with the courts will be completed within 1 month of staff being hired. Upon completion, offenders will have virtual access to the courts via video conferencing.
 - a. The target date for offenders to begin using video conferencing is February 1, 2022.
 5. Progress Reporting Performance: No later than 6 months after implementation of Virtual Access to Courts, each facility will provide NDOC Fiscal Services with a report on the following, which will thereafter be provided by NDOC Fiscal Services to identified stakeholders as “Semi-Annual Reports” for the period of July – December (due February 15th) and January – June (due August 15th). The report shall include impact reporting for the following:
 - a. The number of inmates participating (Department and facility totals)
 - b. Type of video conference (purpose, jurisdiction-if applicable)
 - c. Impact on Budget Account/Facility Costs:
 - i. Overtime
 - ii. Operating
 - d. Results of the impact on the safety of staff and inmates related to the reduction of court and medical transportation .
- F. Plan addressing actions to be taken should the performance requirements not be met: If approved, the actions proposed are within the operational scope of the Department. It is unlikely that the performance requirements will not be met and going outside of the projected cost estimates is not anticipated. However, unusual incidents and circumstances could interrupt, delay, or give cause to adjust proposed steps in this plan. Should that occur, the leadership of the agency will assess, adjust, and coordinate plans to positively affect the steps to achieve the goals of this plan as soon as they are practicable. NDOC’s liaison in the Governor’s Finance Office and subsequent chain of command will be informed promptly of these adjustments by the Department. A final report of achieved and measured success will be provided within 10 days of the completion of this project.

TIMELINE IMPLEMENTATION OF PLAN

- December 2021–
January 2022: IFC funding mechanism, either last week of August or posted deadline for agency usually in October. ARPA Federal funding to be coordinated with the Governor’s Finance Office.
- February 2022 –
March 2022: IT equipment purchasing and installation. Targeted months may vary depending on the vendor and needed equipment in stock.
- February 1, 2022: HR to begin hiring process for additional staff (IT and Facility staff).
- April 1, 2022: Completion of equipment installation and hired staff in place.
- May 1, 2022: Virtual Access to courts in place and ready for inmate use.

APPLICABLE LEGAL REFERENCES

Administrative Regulation 143 “Inmate Access to Information Technology”

Dated August 16, 2016

Administrative Regulation 431 “Transportation of Inmates to Court”

Dated August 30, 2017

Administrative Regulation 722 “Inmate Legal Access”

Dated November 16, 2016

NRS 209.417 – Offenders not to have access to telecommunications devices; exception.

Wardens and Managers:

May authorize visits and correspondence between offenders and appropriate friends, relatives, and others under regulations adopted by the Director and approved by the Board.

NRS 209.423 – Visits and correspondence between offenders and others.

NRS 239.0115 Application to court for order allowing inspection or copying of public book or record in legal custody or control of governmental entity for at least 30 years; rebuttable presumption; exceptions.

Support Services OP SS-0057 (Video Conferencing Procedure)