



STEVE SISOLAK
Governor

CHARLES DANIELS
Director

BARBARA K. CEGAVSKE
Secretary of State

AARON D. FORD
Attorney General

**STATE OF NEVADA
BOARD OF PRISON COMMISSIONERS**

DRAFT MEETING MINUTES

The Board of Prison Commissioners held a public meeting on Thursday, April 28, 2022, beginning at 10:05 a.m., and was conducted at the following locations. The meeting could also be viewed and heard via YouTube.

Meeting Location:

Grant Sawyer Building
555 E. Washington Avenue
Suite 5100
Las Vegas, NV 89101

Video Conference Location:

Old Assembly Chambers
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

1. Call to Order/Roll Call of Board Members/Confirm Quorum

Action: The meeting was called to order by Governor Steve Sisolak at 10:05 a.m. Governor asked for the clerk to take roll. The clerk took roll and a quorum was confirmed.

Board Members Present:

Governor Steve Sisolak
Attorney General Aaron Ford

Nevada Department of Corrections (NDOC) Attendees:

Charles Daniels, Director
Brian E. Williams, Sr., Deputy Director Programs
William Gittere, Deputy Director Operations
Lisa Lucas, Deputy Director Support Services
William Quenga, Deputy Director Prison Industries & Acting PIO

Kimberly Smith, Chief Human Resources Officer
Dr. Michael Minev, Medical Director
LaShawn Smith, Acting Assistant to the Director
James Kendall Jones, Inspector General
Christopher Franklin, Management Analyst IV

The Governor moved on to item number 2, the first session for public comment to address the Board of Prison Commissioners on agenda items (3 minutes). Governor Sisolak asked if anyone had public comments and began with individuals at the Carson City location. There were no public comments in Carson City, Governor Sisolak asked if there were public comments from the meeting location in Las Vegas. Note: public comments were also accepted in written form via email until 9 p.m. the day before the meeting.

2. Public Comment: (1st Period) Only items on the agenda (3 minutes).

Carson City:

Deputy Director Quenga: Stated there were no public comments in Carson City.

Las Vegas:

- For the record, my name is Patricia Adkisson, and my comments and objections relate to each regulation under consideration. Number 1, NRS 233B must be applied to all regulations prior to inclusion into the Nevada

Register of Administrative Regulations. The Governor's Finance Office Division of Internal Audits conducted a recent audit of the Department report number 2205. This audit included a review of the Nevada Register of Administrative Regulations. For the record, the audit determined that NDOC has not submitted any Regulation at any given time to begin the public rule making process. The point of relevance is that executive branch agencies cannot bring a regulation into existence with the force and effect of the law by way of merely (*unintelligible*) regulations are closed with only the appearance of validity by utilizing stated effective date with the Director's signature. This amounts to nothing more than a major trick or scheme. Submission into the public record in a Nevada Register of Administrative Regulations in this way implicates fraud and de facto.

Number 2, failure to follow 233B right results in regulations that contradict or conflict with the statute they are intended to implement. The need of corrections to AR 521 does contradict and conflict with the enabling statute 209.481. Today's version of AR 252.1 needs to be retitled as corrected AR 521 for today's purpose. Please remember that this Board is not exempt from 233B and is charged with the duty to approve the Department regulations.

Number 3, Offender Management Division memorandum issued a directive that contradicts and conflicts with the corrected AR 521. AR 521 has now been corrected in order to comply with the enabling statute 209.481 to allow offenders that do not have a conviction of violence within the immediately preceding 12 months to participate in minimum custody. AR 521 now establishes eligibility for the 4 years of the offenders' PED. However, the directive issued by OMD Chief Kirk Widmar, dated April 21, 2022, directs the exclusion work or preclusion of offenders based upon active murder, attempted murder, and voluntary manslaughter. For the record, I object to the directive in the OMD memorandum on the grounds it stands in conflict with the enabling statute 209.481.

Governor Sisolak: Governor closed agenda item number 2 and asked for any written public comments. Governor stated that he received a file of written comments and when opened, the letters were all the same.

NDOC Executive Assistant: NDOC Executive Assistant stated that yes, 27 emails were submitted from Return Strong, in which, they copied and pasted the same script and changed the name.

3. Acceptance and Approval of Minutes – January 24, 2022

Action: A motion to approve the minutes was made. Motion passed; minutes approved.

Governor Sisolak: Moved on to item number 4.

4. Director Daniels – Comments & Update - *Charles Daniels, Director, Nevada Department of Corrections – (for discussion only)*

Good morning Governor Sisolak and General Ford. For the record, my name is Charles Daniels, Director of Nevada Department of Corrections. The Nevada Department of Corrections remains committed to the health and safety of its employees, offenders, and volunteers. We continue to be diligent in providing selfless service to its citizens of Nevada. As our state continues to transition into its new normal, in-person public meetings have resumed not only for the Board of Prison Commissioners, but for other State Agencies, to include, but not limited to the Nevada Board of Parole Commissioners, the Public Utilities Commission of Nevada, and the Nevada State Board of Medical Examiners Regulation Workshop. The Board of Prison Commissioners meeting announcements are posted in accordance with NRS 241.

As we transition from the temporary policy changes enacted to keep all Nevadans, including the offenders in our custody, safe to the extent possible from contracting the COVID-19 virus, restrictions that affected essential areas such as visitation, programs, religious services, and inmate work assignments are being ramped up to pre-COVID levels. These efforts are strategically planned by NDOC's medical and correctional professionals who rely heavily on recommendations from the Center for Disease Control (CDC), the Southern Nevada Health District, and in compliance with mandates established by the Governor's office.

Mental illness is a health crisis that affects people around the world. We have well-trained medical and mental health professionals to screen for mental illness and to provide adequate treatment for offenders who suffer from mental illness and other health related concerns. Approximately 20% of NDOC's offenders had or currently have a mental health concern. We actively follow those offenders to ensure compliance with treatment plans to ensure they remain stable.

In closing, I have the following Subject Matter Experts available: Medical, Correctional Operations, Correctional Programs, Human Resources, Fiscal, Prison Industries, as well as the Inspector General to address questions and concerns related to agenda items.

This concludes my overview and if there are any questions or comments, Governor Sisolak if you don't mind I can go straight to Dr. Minev if that's okay with you.

Governor Sisolak: Asked if there were questions; there were none. Moved on to item number 5.

5. Nevada Department of Corrections Medical & Administration Update – Dr. Michael Minev, Medical Director (for discussion only)

Good morning Governor, for the record my name is Dr. Michael Minev. I'm Medical Director for the Nevada Department of Corrections. As a result of the steady decline in infection rate, a memorandum was sent out on March 22, 2022, to all NDOC staff that the Nevada Department of Corrections will no longer require interval COVID-19 testing of offenders, staff, and visitors. In addition, proof of vaccination for COVID-19 will no longer be required for entrance into our facilities.

Screening protocols for COVID-19 will continue at all NDOC facilities as follows:

- Staff and visitors with flu-like symptoms, will not be allowed to enter any facilities
- Hand sanitizers, gloves, and additional personal protective equipment will be available upon request
- COVID-19 testing will continue for intake offenders and in select circumstances

We continue to offer COVID-19 vaccinations and are prepared to implement protocols, techniques, and procedures in accordance with CDC guidelines to mitigate the spread of any emerging COVID-19 virus variants at all of our facilities.

A major initiative for the next budget cycle is to request an electronic health record system, automated prescription dispensing devices, and additional providers and staff to ensure we deliver robust medical care that exceeds community standards for our incarcerated population.

Lastly, I would like to thank all the providers and staff for their dedication and hard work throughout the COVID-19 pandemic. Despite losing a significant number of staff in the last year and facing serious deficiencies in resources, our medical professionals remain dedicated to providing offenders with exceptional medical care.

Governor Sisolak that concludes my portion of the briefing. I'm available for questions.

6. Nevada Department of Corrections Operations Update – William “Bill” Gittere, Deputy Director Operations – (for discussion only)

Good morning Governor, General Ford, for the record, my name is Bill Gittere, Deputy Director of Operations for NDOC.

Since our last meeting, we have been able to sufficiently maintain the operational safety, security, and inmate services at our institutions and facilities across the state. However, the differences in the staffing levels between our Northern and rural regions compared to the Southern region have had a significant impact on those capabilities. In the Southern region, vacancies are a growing concern but we are able to support normal operations with inmate services and programming by leveraging overtime without causing too much distress. In the Northern region, however, operations continue to be heavily dependent upon modified activities and high levels of both voluntary and mandatory overtime to the point of a growing safety and security concerns. On a scale of measured stress indicators, all four of our Department’s Northern institutions rank one through four on our most stressed list.

Unfortunately, the current challenges sometimes cause disruptions in inmate services which inmates, families, and advocacy groups bring to our attention. As they do so, we investigate and attempt to resolve them as much and as quickly as possible. To that end, we have opened up an informal communication channel with the leadership of the Return Strong advocacy group and appreciate their assistance, in resolving several individual matters so far.

In early February, each Warden identified a retention and recruiting leader to work with our human resource specialists. To date, that partnership has produced modest yet encouraging results that would otherwise not have been realized. In addition, the Department has taken three steps to rebalance workloads across the state to reduce the high overtime burdens at its three most stressed Northern institutions. The Department also plans to take an additional fourth step in May, which should further reduce the overtime burden at its two most stressed institutions to make them safer.

As the COVID threat has diminished, the Department has resumed normal visiting operations and returned to supporting its evidence-based programs to the very best of its staffing capabilities. In the South, that means much the same as pre-pandemic levels. In the North, it means not much more than what we experienced during COVID, as staffing has now taken over as the rate limiting factor.

For the coming quarter, we intend to continue our retention, recruiting, and workload rebalancing efforts. That completes my Operations update and I welcome your questions or comments as I turn it over to our next speaker which will be Deputy Director Brian Williams.

7. Nevada Department of Corrections Programs Update – Brian E. Williams, Sr., Deputy Director Programs – (for discussion only)

Good morning Governor Sisolak, General Ford, and representative of Secretary of State Cegavske’s office. For the record, my name is Brian E. Williams, Sr., Deputy Director of Programs for the Department.

As we strive to restore a sense of normalcy to the Department, the Programs Division continues to work closely with facility administrators in creating program schedules that are conducive to day-to-day operations. With relaxed COVID protocols allowing for an increase in daily operations (i.e., movement, group settings, and community provider’s entrance), we understand that safety and security is optimal. Each Department in the Programs Division have developed post-COVID schedules that will dovetail with the daily and safe operations of our facilities.

During the time of COVID, there were numerous concerns, issues, and complaints from offender’s loved ones. I would like to take this opportunity to say: we heard you. Although I am unable to address all the concerns that have been

presented over this timeframe, I would like to share we have tentatively scheduled a meeting for the second week of May with ACLU and Return Strong to discuss these concerns and work together to resolve. We cannot anticipate what 2022 might look like, however, the Department and programs division will continue to explore new ideas in an attempt to enhance existing services and provide additional services to the offender population while continuing to utilize evidence-based programs and best practices. We are also very cognizant that we may need to alter our trajectory once again should COVID affect operations. But our Department and staff are fully committed to continue the fight and keep our staff, offenders, volunteers, and visitors safe as we work towards normalcy.

That concludes my report sir, if you do not have any questions. I'd like to move to the next and that would be Deputy Director of Fiscal Services, Lisa Lucas.

8. Nevada Department of Corrections Support Services Update – Lisa Lucas, Deputy Director Support Services – (for discussion only)

Good morning, Governor Sisolak and General Ford. For the record, my name is Lisa Lucas, Deputy Director of Support Services for Department of Corrections. NDOC has been working with the Office of Science, Innovation and Technology on an RFP to get fiber to our rural facilities for improving our Telemedicine. Improving our Telemedicine will benefit offenders by allowing improved access, improved health outcomes in cost effective ways with more availability to clinical services. Improved telemedicine will also reduce medical transport costs for NDOC.

Aramark food contract is on the May 10th BOE Agenda and until that time, previous food contracts have been extended and food orders placed for Q4 so we can continue to offer three nutritional meals a day to all offenders. We have two RFP's currently in progress – the Inmate Cable RFP and the Inmate Communications RFP. The evaluation for the Inmate Cable RFP has just been completed but no vendor has been selected yet, and that should occur this week.

The Inmate Communications RFP is currently under committee evaluation. There were 11 vendor applicants, so it has an extended evaluation time to ensure enough time is available to fairly evaluate all submissions.

That completes my update and I welcome any questions or comments.

Governor Sisolak: Moved on to item number 9.

9. Nevada Department of Corrections Prison Industries Update – W. C. "Bill" Quenga, Deputy Director Prison Industries – (for discussion only)

Good morning, Governor. Bill Quenga, Deputy Director of Department of Corrections Industrial Programs. Prison Industries is in communication with Western Nevada College and Nevada Rural Housing Authority to address Affordable Housing in Rural Nevada. Recently, I traveled to Boise, Idaho, to tour Guerdon Manufacturing, which is approximately 250,000 square feet, to see how they build Modular Affordable Housing, and bring that information back to our program to help Nevada's affordable housing.

Prison Industries is looking at starting operations in Carson City to manufacture modular housing in Mesquite, Carlin, Wells, and Ely. Projects have already been completed in Eureka, Nevada. The offenders will get training, skills, and certifications in plumbing, electrical, and construction.

The age group in the construction industry is close to retiring, and there is a lack of future skilled construction workers in this state. In working with Nevada Builders Alliance, these offenders will have the skills to backfill the lack of workforce.

Prison Industries has a strong relationship with Western Nevada College in providing and developing training, education, and job placement of offenders released from the Prison Industries Program.

Western Nevada College (WNC) has successfully obtained a grant and purchased two Lincoln Welding Simulators for the use and training of offenders in Prison Industries. The simulators will provide the offenders welding skills and develop skills in MIG and TIG welding applications before using an actual welding machine.

WNC is also working with Bank of America and Greater Nevada Credit Union to provide training to offenders on financial wellness, financial literacy and better money habits. We are in communication and looking forward to providing this training to better educate our offenders in financial responsibility.

That concludes my presentation. I'm open for any questions, if there are any.

Governor Sisolak: Moved on to item number 10.

10. Nevada Department of Corrections Human Resources Update – Kimberly Smith, Chief Human Resources Officer – (for discussion only)

Good morning Governor Sisolak and General Ford. My name is Kimberly Smith, I'm the Chief Human Resources Officer for the Nevada Department of Corrections.

As of January 12th, 2022, the emergency regulation expired. On February 28th, 2022, an all staff HR memo was sent out informing employees that any Letter of Reprimand (LOR) that was distributed as a result of failing to comply with the mandate was hereby rescinded and was no longer contained in any folder or personnel file.

In efforts to combat our staffing challenges, the NDOC formally extended an open invitation to those who left the agency due to the mandate. We are asking those who left to reconsider coming back to being a part of the team.

Human Resources is working with Recruiting Sergeants at our facilities in the north and in the south by attending local and out-of-state job fairs as the budget allows. We continue to connect with the local colleges and universities in the north and south so that NDOC and its mission are visible.

While budget continues to be a hindrance for NDOC, we are still dedicated to being innovative, inventive, and pioneering as it relates to doing more with less. We have submitted a Budget Concept Request (BCR) in efforts to garner recruitment funds needed and quite frankly, required if we want to make any traction with relevant and deliberate recruitment and retention efforts.

NDOC remains conscientious, forward thinking, accountable, essential, and the Correctional Officers and all staff play a pivotal role within the organization by exerting the incredible responsibility of maintaining the order and safety of NDOC's facilities.

That concludes my portion, sir.

Governor Sisolak: Moved on to item number 11.

11. Office of Inspector General – James "Kendall" Jones, Inspector General – (for discussion only)

Good morning, Governor and Attorney General Ford. My name is James Jones, NDOC Inspector General. I have nothing to add at this time and that concludes our update.

Governor Sisolak: Asked if General Ford had any questions. Moved on to item number 13. Noted we would pull agenda items number 12 and 16.

Administrative Regulations presented to the Board of Prison Commissioners for discussion and possible action.

Action: A motion to approve the Administrative Regulations. Chris Franklin provided a brief synopsis of each AR, per Governor Sisolak's request.

12. Administrative Regulation 339 "Code of Ethics Employee Conduct" Temporary Edition – Exhibits 12a & 12b – Pulled from the agenda for review at a later meeting.

13. Administrative Regulation 502 "Youthful Offender Classification" Temporary Edition – Exhibits 13a & 13b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

14. Administrative Regulation 503 "Conduct of Objective Classification" Temporary Edition – Exhibit 14a & 14b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

15. Administrative Regulation 504 "Initial Classification Process" Temporary Edition – Exhibits 15a & 15b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

16. Administration Regulation 521 "Custody Categories and Criteria" Temporary Edition – Exhibits 16a & 16b – (for discussion and possible action) – Pulled from the agenda for review at a later meeting.

17. Administrative Regulation 658 "Reasonable Accommodation for Offenders with Disabilities" Temporary Edition – Exhibits 17a & 17b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

18. Administration Regulation 707 "Offender Disciplinary Process" Temporary Edition – Exhibits 18a & 18b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

19. Administration Regulation 740 "Offender Grievance Procedure" Temporary Edition – Exhibits 19a & 19b – (for discussion and possible action)

Governor Sisolak: Motion made to approve, passes unanimously.

20. Public Comment (2nd Period) Comments on any item under our jurisdiction (3 minutes)

Carson City:

- Good morning, Governor, this is Holly Welborn, Policy Director for the ACLU of Nevada. I just wanted to make a few comments. I am very grateful for the conversation I had with Deputy Director Williams yesterday. We

spent about an hour on the phone and I'm looking forward to our ongoing, upcoming conversations and for those to happen quarterly. We looked at the offender grievance procedure policy and some of the changes for the exhaustion time periods were welcome changes in the grievance procedure process. Moving forward, we hope that we can work together to help those in your custody better understand how the grievance procedure works and so we have some additional recommendations that we'll make at the upcoming meeting in May to further develop that policy and procedure.

You also should have received some written comment from members of Return Strong and I believe the Progressive Leadership Alliance of Nevada and several other organizations regarding call-in public comment options. One benefit of the COVID-19 pandemic, was that it opened up opportunities for people with loved ones in custody to call-in and participate in meetings at a higher level, at a level that they weren't able to participate in before because they had that ease of access to share with this committee, this commission, their insight on whatever regulations they're facing. Issues that are happening with their loved ones and now that this meeting has moved into in-person comment only, it's inhibiting their ability to participate. The Board of Commissioners is not subject to the Administrative Procedures Act. There's a limited amount of time for the public to digest different proposals and Administrative Regulations and for people to have that opportunity to comment in a meaningful way and one way to resolve that is to allow people to come in for this public comment period so we do encourage you to allow a call-in option. Thank you.

Deputy Director Quenga: Stated there were no additional public comments in Carson City.

Las Vegas:

- Good morning again, my name is Patricia Adkisson, for the record. For the record, I object to the directive in the OMD memorandum on the grounds it stands in conflict with the enabling statute 209.481. Also, I object to the failure to provide this OMD memorandum at this public meeting. Further, I object to the eligibility limitation of 4 years and recommend a period of 6 years. It serves the public interest, as it is less costly to house an offender in camp and a longer transition period and an advantage to the offender's reintegration into society. Simply put, OMD cannot unilaterally impose criteria that is not voted on by this Board and which works to undermine 233B requirements. Continuing, OMD covert conduct like this has been a long-standing problem in Nevada. OMD classifies Security Threat Groups to minimum custody. Convicted sex offenders are also classified to Jean Conservation Camp and in direct violation of the enabling statute 209.481. Offenders entitled to minimum custody are prevented from consideration and participation related to covert OMD practices and policies. Please see my email to Deputy Attorney General Gilmer related to this matter and submitted to this Board.

Lastly, for the record, I've been notified that a Department official considers my Board presentations a personal matter. Implicating his official standing and has cited this as his reasoning to personally prevent my husband, Michael Adkisson, from participation in programs at NNCC. It is not personal. This alarms me greatly. To be clear, my husband and I are working hard to, in a capacity related to our civic duty and to ensure that officials act in conformance with our systems of law. Preventing my husband from programs on this basis should be reviewed. For the record, my husband saved my life and my unborn child's life when I was attacked. He is our hero and he's a good man. Thank you for your consideration.

Governor Sisolak: Asked for any further comments in Southern Nevada, there were none. Governor moved on to item number 21, adjournment.

21. Adjournment: The meeting was adjourned at 10:35 a.m.

APPROVED THIS 30th DAY, MONTH OF AUGUST, IN THE YEAR 2022

GOVERNOR STEVE SISOLAK

SECRETARY OF STATE BARBARA K. CEGAVSKE

ATTORNEY GENERAL AARON D. FORD

Transcribed by T. Smith, Administrative Assistant, Nevada Department of Corrections