



STEVE SISOLAK
Governor

CHARLES DANIELS
Director

BARBARA K. CEGAVSKE
Secretary of State

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**STATE OF NEVADA
BOARD OF PRISON COMMISSIONERS**

MEETING MINUTES

The Board of Prison Commissioners held a public meeting on Monday, October 25, 2021, beginning at 1 p.m., and was conducted at the following locations. The meeting could also be viewed and heard via YouTube.

Meeting Location:

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

Video Conference Location:

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

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

Action: The meeting was called to order by Governor Steve Sisolak at 1 p.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
William Quenga, Deputy Director Prison Industries & Acting PIO
Lisa Lucas, Acting Deputy Director Support Services
Christina Leathers, Assistant to the Director
Kimberly Smith, Acting Chief Human Resources Officer

Harold Wickham, Deputy Director Programs
Tim Garrett, Acting Deputy Director Operations
Dr. Martin Naughton, Acting Medical Director

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 Las Vegas location. After persons gave public comments in Las Vegas, Governor Sisolak asked if there were public comments from the meeting location in Carson City. 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).

Las Vegas:

- Patricia Adkisson: A-D-K-I-S-S-O-N, my comments today relate to the ongoing visitation restrictions. At the April 20 Board meeting, Director Daniels reported 2,474 active employees, of which 831 were fully vaccinated with another 1,237 having received the first dose of Moderna as of April 16th presumptively receiving the second dose by May 16th, bringing the total number of fully vaccinated to 2,068 out of a possible 2,474. This is a full 84% vaccinated. Likewise, the entire inmate population seeking vaccinations have been vaccinated,

notwithstanding intake and holdouts. Governor, according to your related mandates, we're supposed to be restored to full visitation allowing a hug and a kiss from our family members. The restrictions on visitation must now be removed. It is universally understood that mandates to get a vaccine cannot compel vaccination; however, equally important, it is understood that the unvaccinated, by their own choice, no longer enjoy the same standing. It is these individuals that pose the risk. The small number of unvaccinated inmates can no longer be the excuse to lockdown or quarantine prisons and restrict visits. This is a conflict with your related mandates and appears to implicate a policy decision to exploit the *CARES Act* for related funds.

This is a great concern to the public trust. I strongly encourage this Board to take immediate action as promised to return to normal operations and visits. If any concerns persist related to the minority of unvaccinated inmates, the unvaccinated inmate populations should be combined into exclusive housing units and not be utilized as an excuse just as your own mandate prevents unvaccinated staff from participating in work. Uniformly related to inmates must be observed where this has now been established as their choice. Governor, I must inform you that I did properly apply and received an approved extended visit in advance, and one week prior to my visit I confirmed with the Warden's secretary which I relied on that, even though visitation was suspended at that moment, and was in conflict with my approval, they told me I could still come as the lockdown was only for 2 weekends. Two days before my visit which was this past Wednesday, after I spent the money on airfare home, hotel room, rental cars, and arrangements for a caregiver for my paralyzed mother, I received an email at 5:23 in the morning saying that I canceled my own visit. That record is not accurate. I did not cancel my own visit. So I called the Warden's secretary and she admitted that, no, they just represented it that way, that they canceled my visit. I think it's time Governor, that you pay attention to what's going on with the prisons. I think you need to reopen visits at NNCC. Silver State industries workers can go to work despite the claim that the rest of the prison is locked down for COVID. Why do they get preferential treatment and no other workers are allowed to go [to work]? Workers that do not test positive, is not a uniform application and operation. This has now resulted in financial hardship for me and where did they cancel my visit 48 hours in advance? I am supposed to get 24 to 48 hours in advance before I'm supposed to get on a plane. Please open our prisons for visits.

- Faith Adkisson: A-D-K-I-S-S-O-N, I prepared a statement that I would like to read to you. My name is Faith Adkisson. My father is an inmate at NNCC. I want this Board to consider the hardships that I experience related to your visitation restrictions. My mother was 3 months pregnant with me when she was attacked. My father came to our aid saving my life and my mother's. My dad was found guilty of second-degree murder, and I have never had my father at home. I have grown up with only a hug and a kiss at each visit. My father has taught me to respect our officials and to strive for success in my life. My dad's guidance and advice have taught me to stand up for my community and to do the right thing. The visits that we have are never enough but at least we can hold hands and play cards and feel like a real family, even if only for a few hours.

Governor, I know you have daughters and I wonder how you would feel if you were not allowed to hug or kiss your kids or to limit your visits. I will graduate from high school this coming May not only with my diploma but I will also have earned my Associates' Degree as well. I take my responsibility seriously and next year I will be able to vote. Soon, it will be my generation that shapes our government. I hope you will not ignore me until then. Thank you very much.

Carson City:

General Ford: Stated that there did not appear to be anyone for public comment.

Governor Sisolak: Governor closed item number 2 on the agenda and moved on to item number 3.

3. Acceptance and Approval of Minutes – July 27, 2021

Action: A motion to approve the minutes was made; there was no discussion. Motion passed unanimously; minutes approved.

Governor Sisolak: Moved on to item number 4.

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

Good afternoon Governor and General Ford. For the record, my name is Charles Daniels, Director for the Nevada Department of Corrections. Today marks roughly 20 months that NDOC has been immersed in COVID-19 related operations. As a leader, this has been uncharted territory not only for myself but for leaders in corrections around the world. The continued success of the agency's operations is a direct reflection of the commitment and dedication of the Nevada Department of Corrections staff. As of today, NDOC has an offender population of 10,471 and 2,372 active employees. This number excludes pending transfers from local jurisdictions and any new hires.

Before responding to the issues routinely discussed during the Board of Prison Commissioners meetings, I will address what has become a routine onslaught of implied and direct accusations leveled at NDOC. First, the fine men and women of NDOC are deeply committed to public safety, as well as one another. Every staff member employed by NDOC was designated as essential whether they work directly with inmates in a secure facility or outside a secure facility, whether post certified or not. While many employees whether public or privately employed, were able to transition into remote worksites to avoid congregating in high-density environments, my staff reported for duty in spite of having to deal with personal issues such as family member illnesses to include death, childcare, and school attendance challenges, job loss of a partner or significant other, and personal illnesses to name a few. The men and women of the Nevada Department of Corrections are heroes and should be acknowledged as such.

Our agency has a mantra, "no one gets left behind—ever," and that has never been so demonstrated as right now. Although some people speaking today would have you believe otherwise, the Nevada Department of Corrections is committed to the health and safety of employees, offenders, and volunteers. Measures to protect all of the above have been put in place to combat the devastating effects of COVID-19. NDOC stands steadfast with Governor Sisolak's goal of saving lives.

Those measures have come under attack in a report authored by Return Strong. First, we question the validity of an analysis that includes responses from just 28 inmates of the more than 10,000 housed by NDOC. The report lists 10 key findings, most of which deal with quarantines, limited access to public spaces within institutions, and restricting exposure to outside people. While the NDOC has not been perfect in its response to the COVID-19 outbreak, these precautions were in most instances consistent with the response around the globe. We are also not alone in employing a learn as we go approach. This is the first global pandemic of this magnitude in over 100 years. Unfortunately, isolation and restriction have become byproducts of this pandemic.

So let's talk about a few numbers. The NDOC is in its 84th week of the COVID-19 pandemic, 1.6 million face masks have been distributed to staff and inmates. Temperature checks of staff have been taken about 898,616 times. About 199,248 COVID-19 tests have been administered to staff and inmates. Let me repeat that number as there is this claim that somehow, we are not really focused in on safety; 199,248 COVID-19 tests have been administered to staff and inmates.

At the outbreak of the pandemic, Silver State Industries produced cloth masks for inmates and staff, face shields, and gowns for medical staff, and hand sanitizer for both inmates and staff. Hand sanitizer was initially distributed to all inmates; however, after an inmate was hospitalized for ingesting it, the sanitizer was delegated to staff to distribute in single doses. Protocols were put in place to sanitize common areas and units. Disinfectant foggers were provided to each institution. Staff have been tested weekly or twice weekly throughout the pandemic. N95 masks have been distributed to all staff and inmates on a weekly basis and are required to be worn. Vaccination clinics are held regularly at each institution.

Important to note, inmates have not been left defenseless. Each inmate has the opportunity to receive the COVID-19 vaccine. Each inmate is provided two N95 masks per week and has access to hand sanitizer. Cleaning supplies are also available for sanitizing purposes. We are one week away from the deadline of the Governor's vaccine mandate and the Human Resources Team continues to provide updates on staff vaccination numbers daily. It should be noted that at the onset of the pandemic, on March 20th of 2020, NDOC reported roughly 128 non-custody vacancies or 12% and 176 custody vacancies at 9%. As of October 22, 2021, NDOC has 203 non-custody vacancies or 20% and 399 custody vacancies or 21%. This represents an increase of 8% for non-custody staff and 11% for custody. These vacancies can be directly attributed to the pay (wages), location, and the size of the applicant pool.

Despite the continued statements of neglect and malfeasance, we are prepared to present AR 258 for review and approval. While previously there was no requirement for public input, the new AR, as set forth by SB 22, will be a collaborative effort between NDOC and the public. Although you were led to believe meritorious credits have been removed during the last 20 months, NDOC has, in fact, granted a total of 671,345 credits to 13,575 individual offenders since the onset of the State of Emergency. Regarding the London survey recently mentioned in the press and via written public comment, NDOC has an offender population of roughly 11,000. This survey only represents 1,000 and/or 9.09% of the total population.

NDOC is required to follow the progressive discipline process and all efforts will be extended to each unvaccinated employee, to comply with the mandate. If you are unable to participate in the Governor's Town Halls, please contact your supervisor. This concludes my overview, and if there are no questions sir, I will turn this over to Dr. Naughton after your approval.

Governor Sisolak: Thanked Director Daniels and asked if General Ford had any questions. General Ford did not and moved on to agenda item number 5.

5. Nevada Department of Corrections Medical Update – Dr. Martin Naughton, Acting Medical Director – (for discussion only)

For the record, my name is Dr. Martin Naughton, I am the Acting Medical Director for the Nevada Department of Corrections. The Nevada Department of Corrections continues to be proactive in mitigating COVID-19 for both staff and offenders by continuing our screening protocols and "when in doubt, keep them out" mantra, as well as contact tracing. Most facilities broadcast information on internal television channels where available and COVID-19 information is posted in housing units, in common areas by medical staff. The weekly Town Hall meetings continue to be held to educate both staff and offenders, and we offer COVID-19 vaccinations at each of our major facilities to staff and offenders.

As of October 25, 2021, NDOC has a total of 820 doses of COVID-19 vaccines at our main pharmacy. Our main pharmacy has the ability to order COVID-19 vaccines every Tuesday from the Nevada State Immunization Program. Our northern facilities acquire COVID-19 vaccines through local health departments and nearby hospitals, mainly Pershing. COVID-19 vaccine requests, via medical emails and staff requests, are collected by the Medical Department

of each institution. Once the number of requests reaches the number of doses in one vial, a clinic is scheduled. In addition, the frequency of vaccination schedules vary month-to-month depending on the number of requests received. These are done to minimize COVID-19 vaccine waste. As of October 20, 2021, 6,500 or 64.74%, out of 10,040 offenders are fully vaccinated with either one dose of Janssen or two doses of Moderna or Pfizer. We now have the approval by the Center for Disease Control and Prevention to administer booster shots, which will be offered to all vaccinated individuals as per recommendations by the Center for Disease Control and Prevention. Despite reports that there were over 5,000 offender deaths (COVID related) at NDOC, according to our records, there have been 49 offender COVID-related deaths since the onset of the pandemic, in comparison with 2,637 across the United States.

Staff, both vaccinated and unvaccinated, continue to be tested weekly at the start of each workweek with the BinaxNOW test as results are available in 15 minutes and are required to wait the 15 minutes before they leave so we know the results. Due to the current rise in numbers in our Northern Nevada facilities, staff in this region are currently tested twice a week at the beginning and end of their workweek. Visitation has necessarily been restricted with the spike but we plan to resume visitation with some restrictions. Those restrictions would be a positive BinaxNOW test, N95 masks for all participants, social distancing, and no physical contact. There were reports that at Warm Springs, there were 500 positive inmates in the last few weeks, the truth is from October 1st through the 22nd, there were 24 inmates in total. Offenders are tested at Intake when transported from facility to facility, and when transported to the community and back to the facility on a weekly basis. Additionally, COVID-19 tests are administered as needed, i.e., post-exposure and symptomatic offenders.

The Nevada Department of Corrections has also reinstated an N95 mask requirement for all staff to reduce the risk of transmission of the virus. Currently, we have a total of 1,099,095 masks, and 500,000 N95 masks will be distributed starting next week.

Currently, medical identified 69 vacant positions throughout NDOC and are utilizing 17 agency staff (nurses, phlebotomists, certified nurse assistants, and physicians) to cover these vacancies. The total overtime paid to our staff for the Fiscal Year 2020, was \$673,978.87, and \$1,807,868.93 for Fiscal Year 2021. The total temporary staff expenditures for the year 2000 and 2021, is \$5,068,591.90.

NDOC continues to identify and treat offenders infected with the Hepatitis C virus. As of October 20, 2021, 345 offenders are receiving hepatitis treatment, and 203 offenders have completed their treatment. We continue to be on schedule to complete the treatment of all hepatitis-positive offenders by October 29, unless they are medical contraindications. We have 833 offenders who refused testing, which was 8.43% of the total positives, and 103 or 13.99% refused treatment.

Lastly, I would like to thank all of our medical staff who are presently working and fulfilling all the medical services including COVID-19 related tasks, vaccination clinics, maintaining the safety and security of our population. This continued preservation and dedication, and can-do attitude despite being understaffed is recognized and fully appreciated. Thank you, this completes my update.

Governor Sisolak: Asked if there were questions; there were none. Moved on to item number 6.

Director Daniels: Thanked Governor Sisolak and moved on to item number 6.

6. Nevada Department of Corrections Operations Update – Tim Garrett, Acting Deputy Director Operations – (for discussion only)

Good afternoon Governor and General Ford, for the record, my name is Tim Garrett, Warden at Lovelock Correctional Center, and Acting Deputy Director Operations.

On behalf of Deputy Director Brian Williams, I would like to provide the following operational updates. Despite the many challenges this pandemic has presented, NDOC has been able to approve and implement 16 core programs for merit credits, 13 optional programs for merit credits, 34 vocational programs, and 5 educational programs. While we are slowly returning to volunteer-led programming, it's notable that substance abuse disorder programming has continued throughout the pandemic. Additionally, we took the opportunity to revamp our volunteer and education training to include National Institute of Corrections pre-course work. These revised trainings are only hosted by our Associate Wardens and above.

I would like to touch on a couple of different topics, one of them being the vaccination mandate. The Wardens at each facility continue to meet with staff on a daily basis to gauge the temperament of their employees and then in an attempt to anticipate the level of involvement in the rumored work stoppages. Wardens continue to provide guidance as it relates to the COVID vaccine mandate and the benefits of being vaccinated. All staff are actively encouraged to report any unusual occurrences that may threaten the safety and security of the facility and or Department. NDOC feels aptly prepared to handle any anticipated work stoppage as a result of potential employee protests. All Wardens understand their responsibility to ensure public safety, staff safety, and inmate safety as we attempt to mitigate the spread of COVID. As such, leadership will make the necessary decisions that keep safety at the forefront and in the best interest of all under our care.

Another area that I would like to talk about real quick is the staffing challenges we currently face, especially, in our northern facilities and institutions due to the continued staffing challenges in our rural areas, which includes Ely State Prison, Lovelock Correctional Center, the conservation camps associated with such as Humboldt, Ely, Wells, and Carling Camp. NDOC has been forced to utilize staff from many other facilities which has resulted in an unanticipated increase in overtime. Additionally, NDOC has relied upon many untraditional methods to use resources in an attempt to provide support by utilizing non-facility specific staff from Central Transportation, from our Training Division, from our Employee Development Division, as well as Executive Team members going to many of our rural camps to perform shifts.

The Southern-based facilities have also been used to provide assistance and relief. The continued use of overtime has resulted in staff burnout, safety and security concerns, and essential operating tasks not being completed. NDOC continues to address recruiting and retention; however, we continue to struggle with identifying qualified applicants, which Acting Chief Smith will address in her update under agenda item number 7. This completes my operations update and I welcome any questions or comments.

Governor Sisolak: Asked if there were any questions; there were none. Governor moved on to item number 7.

7. Nevada Department of Corrections Human Resources – Kimberly Smith, Acting Chief Human Resource Officer – (for discussion only)

Good afternoon Governor and General Ford, my name is Kimberly Smith, Acting Chief Human Resources Officer at NDOC. In efforts to maintain best practices for NDOC's employee recruitment and retention endeavors, note that we are growing and mentoring from within through both in-house and professionally accredited programming for professional development opportunities to reach, attract, and retain the very best service from our current employee

pool by driving learning and professional growth through perfecting and enhancing skill sets. The intent is to promote an employee call to action.

We are attending local (and when budget allows) out-of-state job fairs. We are connecting with the local colleges and universities to the North and South so that NDOC is seen and can promote the benefits of joining our team. Moreover, we are making our presence known on social media by making efforts of updating our Facebook and LinkedIn pages for job posting opportunities and updates.

Lastly, we are revisiting the Critical Hire Rehire/Labor Shortage Program, we are reaching out to the Retired Police Officers Association and pulling an internal NDOC report of upcoming retirees. In addition, we are looking to contracting staff as initiatives to grow and stabilize staffing within NDOC. With 611 current vacancies as of October 22nd, our remaining staff have stepped up to take on the 23,680 hours per week of duties and workload that those positions would normally cover.

According to the COVID-19 Prison Project, in the United States, 57.4% of the population are fully vaccinated in California, 60.8% of their residents are fully vaccinated, and in Nevada, 52.5% of our residents are fully vaccinated. With that, through the vaccine mandate for staff, I can report that roughly 64% are either partially or fully vaccinated, and of that 54.05% are fully vaccinated, which represents the 2,372 filled positions. Again through the vaccine mandate for staff, I can report that we're at 54.05% fully vaccinated, which represents 23.72%. Additionally, NDOC has created an Exemption Committee to handle the receipt of religious and medical exemptions. The tracking and monitoring of this report are done as exemptions are received with weekly meetings scheduled for deliberation and discussion. As of today, our total vaccination exemption requests are at 285. Our medical vaccination exemption requests are at 26. Our religious vaccination exemption requests are at 227, and our medical-religious vaccination exemption requests are at 29. We have three rescinded vaccination exemption requests all of which are religious. We have three requests not specified as employees have not identified, to date, the type of exemption they are seeking. We have approved vaccination exemption requests, there are two medical and to date, we have one religious exemption request that has been approved by the committee and seven pending approvals as their documents need to be verified.

The committee has met twice and is due to meet Tuesday, October 26th, and Thursday, October 28th due to the number of requests received. We have not denied any vaccination exemption requests at this time. To date, no one has been disciplined including suspensions, as well as reassignments to other agencies. The disciplinary process is described as follows Governor. On October 25th, today, a report will be run to identify those NDOC employees who have not been fully vaccinated and consequently failed to comply with the mandate via our tracking marking process that we partner with medical and HR staff. The course of progressive discipline will be as follows: on November 2nd, there will be an issuance of a written reprimand for violation of the mandate. On November 9th NDOC will start specificity of charges for suspensions, which could take up to 30 days. On November 16th, NDOC will start the specificity of charges for termination. While as we see this discipline as aggressive, we do not anticipate terminating any employees. Please note, that these timetables are in accordance with NDOC's prohibitions and penalties.

In closing Governor, we appreciate our staff as all of them are immediately deemed essential personnel and while the rest of the world was on total lockdown and some agencies still have not returned to their offices, they came to work in order to retain a sense of normalcy with our facilities by continuing to provide daily services and programs while maintaining the safety and security of our population. Although this is an extremely challenging time for NDOC, it should be noted that our staff is still going above and beyond every single day to make improvements to our divisions, facilities, Department, and state. This concludes my report.

Governor Sisolak: Asked if there were any questions.

General Ford: Asked to have the exemptions numbers repeated.

Acting Chief Smith: As of today, our total vaccination exemption requests are 285; our medical is at 26; our religious exemptions are at 227, and medical religious vaccination requests are 29.

General Ford: So the 285 number includes those last three numbers, is that right?

Acting Chief Smith: Yes, sir, that is correct.

General Ford: Remind me please, how many employees do you have?

Acting Chief Smith: 3,372 employees.

Governor Sisolak: Closed item number 7 and moved on to item number 8, Temporary Administrative Regulation 258, Inmate Fiscal Procedures.

8. Temporary Administrative Regulation 258 “Inmate Fiscal Procedures for Inmate Banking” – Lisa Lucas, Acting Deputy Director Support Services – (for discussion and possible action)

Good afternoon Governor and General Ford. I am Lisa Lucas, acting Deputy Director of Support Services. The most recent version of AR 258 has been reviewed by Nevada’s Department of Corrections, Secretary of State’s Office, and the Attorney General’s Office. All revisions have been compiled, effective October 15, 2021, for final review and approval by the Board of Prison Commissioners today.

The last two versions of this AR have been temporary due to the changes in legislation that largely impacted the inmate deductions. For this reason, and per recent audit findings, it was determined that the fiscal procedures for inmate banking would remain in this Administrative Regulation allowing for approval as an agency and all deduction-specific regulations would be submitted in a separate Administrative Regulation to follow. For Senate Bill 22, this pending Administrative Regulation is being drafted for approval per NRS 233B, the procedure to establish approved inmate deductions as set forth in NRS 209.247 and NRS 209.463, not to exceed 25% of inmate non-payroll deposits and not to exceed 50% of inmate payroll deposits.

Per federal and state regulations the following deductions are prioritized as follows given the applicable cap: Court Filing Fees; Restitution (Victim Specific); Child Support; Capital Improvement; Room & Board; DOC Sanction; Savings; Victim of Crime Fund; Restitution (Non-Victim Specific); and PPF Primary Trust. All July 1, 2021, to July 27, 2021, deductions related to the new SB 22, were not yet in place and were effective July 28, 2021. There were 2,131 deposits, which have been reversed. These reversals were processed in September 2021. Please note, reverse and repost is a four-step process and takes a team of at least three people to complete. It is very involved to ensure the old deposit is reversed correctly and the correct deductions are withheld from the repost. The reversal and repost must be completed on the same day, so the inmate sees the positive effect on his/her account so they have to be performed by transaction and incrementally by line item. Additional reversals discussed that occurred due to inmate charges in Fiscal Year 21, were in response to victim-specific restitution and recent changes to AR 258.

September 1, 2020, to October 8, 2020, victim-specific restitution was withheld at 80%—there were 2,865 deposits that had to be reversed—reversals occurred in July 2021. March 1, 2021, to April 28, 2021, any court-ordered fines associated with non-victim-specific restitution were withheld in addition to victim-specific restitution. If the inmate owes victim-specific restitution, the courts will not accept payments toward the court-ordered fines associated with

non-victim-specific restitution. There were 3,420 deposits that had to be reversed. Reversals occurred in August 2021.

This concludes my report on AR 258, and I am open to any questions or comments.

Governor Sisolak: Asked if all the deductions announced at the beginning were in that specific order; meaning, the court fees, restitution, and other things listed.

Randall Gilmer: (Chief Deputy Attorney General for the Department of Corrections) Responded that those [deductions] are specifically listed by statute and offered to give the statute numbers to the Governor if he wanted them for the record. The order of the deductions is based upon specific NRS or federal statutes.

Governor Sisolak: Asked why child support was so far down on the list and he felt it should be first on the list.

Randall Gilmer: Stated that he would have to look into that answer, but that is how they are listed specifically based upon statutes and that is how that rating is determined based upon how they are listed and prioritized pursuant to statutory interpretation.

Mr. Gilmer explained to the Board that the next tab or section in the binder for the meeting pertaining to AR 258, was the red-lined version of the AR. The red-lined version is to indicate the changes made from the previous temporary version of AR 258 to the new version of AR 258 and presented at today's meeting to be voted on for approval by the Board members.

General Ford: Asked, just to be clear, is a motion needed to make this a regulation? The Governor answered that yes, that is correct. General Ford made a motion to approve AR 258. The motion was voted on and approved.

Governor Sisolak: Moved on to the next item which was item number 9, the second session for public comment, and asked if anyone in the Las Vegas area had any comments.

9. Public Comment (2nd Period) Comments on any item (3 minutes)

Las Vegas:

- Mercedes Maharis: (Nevada Chaplain and member of the Nevada Silver-haired Legislative Forum, Senate District 3) Stated that she had written a report to you [BOPC members] that is kind of an outline because it is much more extensive and trusts that you [BOPC members] will look into these items and make changes on behalf of the prisoners.

First of all, we support in our office the Return Strong and applaud the Criminal Justice Institute study because we think that there are two sides of the coin, and it is very important for the health of our society to pay attention to all the suffering that is going on. It is tragic, it is unbelievable, and it is [at a] level that I have never seen and I have worked with prisoners since 1997, and we thank you for taking a stand on COVID. It caused tremendous damage to us all as a society, Governor.

Just a few things here I would like to hit on, the verbal abuse and the Use of Force have to stop. We have report after report and the personnel is simply non-compassionate and if they were on the other side, they would beg for compassion.

The IRS stimulus checks, they [personnel] are not passing them out. Yes, they said at the beginning that “oh yes, we pass out IRS stimulus checks,” [but] we get requests from our office [sic] and they [offenders] don’t get them, they can’t get them and we end up mailing them in and we think that that’s wrong.

The distance learning support is in my mind abysmal. It took almost 3½ months to enroll one person in a correspondence course. Just before I got here, I got a phone call, finally, the brass slip payment was signed today and it is going out by Wednesday to the school. Months and months and months go by and the prisoners have nothing to do, no education because of COVID. It's not everybody's fault, it is the disease's fault, but we are all suffering because of it. So I think to make up for all of this, we need to pay for distance learning because we don't have the staff to teach, but we do have prisoners who are eager to learn. I promise you that.

Supplies...(Governor stated that 3 minutes were almost up and to please wrap up comments)...well, all of our concerns are here for you [BOPC members] and I trust that you will take them seriously and thank you for all you have done. Governor Sisolak asked Ms. Maharis if she would like to make that part of the record, and she stated yes. Governor stated that this [comments] will be part of the record.
(Comments above transcribed as heard.)

- Patricia Adkisson: My comments relate today to the previous notice that both my husband, Michael Adkisson, and myself have provided to this Board. Significantly, to you Governor. Our actions relate to our civic duty and not because we have sought to exploit a liability for damages stemming from NDOC's unlawful unilateral actions related to many NDOC's Administrative Regulations. Combined with this Board's failure to comply with the *Nevada Administrative Procedures Act*, when it acts on the related approval of administrative regulations; however, Governor, this Board continues to ignore the law related to this matter and has utterly failed to acknowledge the NRS 233B petition submitted.

This Board's unreasonable course of conduct is in direct conflict with the official acknowledgment found in Exhibit 10 submitted at the April 20 Board meeting, which expressly acknowledges that the Director cannot approve any Temporary Administrative Regulations, and further that this Board must comply with the *Nevada Administrative Procedures Act* when approving any regulation. The countermanding claim that Administrative Regulation 100 can be utilized to approve a temporary AR demonstrates the need that you, Governor, must step forward to [sic] in order that the laws are followed. You cannot simply rely upon the status quo in order to proceed. AR 100 is functionally invalid. The Director cannot grant himself power that the legislature expressly forbids. This Board continues to function as a body to simply rubberstamp whatever the sitting Director insists upon. This practice has caused a loss of confidence in each of our elected members with this Board.

Additionally, this Board continues to ignore the requirements set forth by NRS Chapter 241 Government Public Meetings, which mandates the production of the draft minutes within 30 days. This renders any action taken invalid. My request on August 31st to the Public Information Officer continues to go unfilled related to the July 27th meeting. Governor, there isn't even a published phone number to reach out to you or manner enabling the public to report on any improper conduct. NDOC controls all aspects of these meetings and access to our officials. The fox is guarding the henhouse. My husband and I stand ready to elaborate as needed and I would like to know how I can reach out to you [Governor]. We are not trying to create problems, we are trying to bring them to the forefront and there is no way for us to reach out to you.

Governor Sisolak: Stated that Ms. Adkisson can call his office number and gave her that number. Governor asked if there was anyone else wishing to testify in Las Vegas; there was not. Governor asked General Ford if there was anybody in Carson City wishing to comment. General Ford responded yes.

Carson City:

- Harold Wickham: Good afternoon Governor and General Ford, for the record I am Harold Wickham and I am representing myself as a citizen of the great state of Nevada, and I just wanted to take this opportunity to sincerely thank you Governor, and the General for all of your support and your guidance and leadership of our state. I have about a dozen days left before my retirement and I humbly offer my services once I go into retirement. If you need anything from me, all you need to do is ask. It has been my honor and privilege to serve in this agency and for this state; it's been a blast. When I started with this agency, I didn't have two nickels to rub together and was allowed, because of leadership, to excel all the way up to acting Director of the agency. I have a great debt that I owe to this state and this Department and I thank you so much for your leadership and guidance, God Bless.

Governor Sisolak: Responded with thanks to Mr. Wickham and appreciation for all that he has done for the state.

General Ford: Offered his thanks to Mr. Wickham as well and commented that he remembered working with Mr. Wickham when he was in the legislature passing bills to help inmates from the educational perspective and otherwise. Thank you for the work you put in, we appreciate the great service that you have given our state.

Governor Sisolak: Asked if there was anyone else wishing to speak in Carson City; there were none. Governor moved on to the next item, item number 10, adjournment.

10. Adjournment: The meeting was adjourned at 1:48 p.m.

APPROVED THIS 24TH DAY, MONTH OF JANUARY, IN THE YEAR 2022

GOVERNOR STEVE SISOLAK

SECRETARY OF STATE BARBARA K. CEGAVSKE

ATTORNEY GENERAL AARON D. FORD

Transcribed by D. Mantelli, Executive Assistant, Nevada Department of Corrections