



STEVE SISOLAK  
Governor

CHARLES DANIELS  
Director

BARBARA K. CEGAVSKE  
Secretary of State

AARON D. FORD  
Attorney General

**STATE OF NEVADA  
BOARD OF PRISON COMMISSIONERS**

**MEETING MINUTES**

The Board of Prison Commissioners held a public meeting on Monday, January 24, 2022, beginning at 10 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 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  
Secretary of State Barbara Cegavske  
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  
William Quenga, Deputy Director Prison Industries &  
Acting PIO

Lisa Lucas, Deputy Director Support Services  
Dr. Martin Naughton, Acting Medical Director  
Christina Leathers, Assistant to the Director  
Kimberly Smith, Acting Chief Human Resources  
Officer

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:**

- Good morning. My name is Barbel Warren, B-A-R-B-E-L-W-A-R-R-E-N. I'm here with Return Strong Families United for Justice of the Incarcerated. I will direct my comments to the Deputy Director of Operations. And in item number 7, as it pertains towards Operations. My son was scheduled to be released into the custody of P&P last Thursday, January 20th. Two days prior to his release on January 18th he was transported from one facility to another. Several days prior to being transported, he had mentioned to me that he and numerous

others were feeling very sick. No COVID testing was provided before the transport. Upon arriving at the other facility he tested positive and so did the other three that he traveled with. This is the second time he has tested positive within your care and I blame the Nevada Department of Corrections due to negligence that he has it again. He is now quarantined at Southern Desert Correctional Center. His story is not unique. Many versions of the same story have been reported to Return Strong since the start of the pandemic. The insanity is that in nearly 2 years apparently nothing has been learned on how to better operate the prison during a pandemic. You are still transferring people between facilities during an outbreak and combining people who have tested negative for COVID on trains [bus] with people who are being moved from a symptomatic facility, who were ill, and put them on a train and dumped them yet into a third facility [sic]. If people are required to quarantine, the simple solution is to do testing prior to transfers. We understand the need for quarantining people who are sick and who would be going to a community setting but this is not always the case. My son is coming home to his own home he would be able to quarantine for himself when they were moved [sic]. They left their belongings behind because they were leaving for good. They have no clothes now, no food, their books are frozen, and now they're quarantined for 10 days when the recommendation by the CDC is 5 days. In addition, it is a nightmare trying to get clear, truthful information. When I call P&P they said it is in the NDOCs policy that they won't release him. When I call NDOC they say its P&P. The entire process is a disgrace and everyone, not just Director Daniels, should be mortified. Yes, Director Daniels is in charge of prisons but Governor Sisolak, Madam Secretary, and Attorney General Ford, you are the eyes and ears of the Department of Nevada Corrections to hold them accountable and we expect that. Thank you.

- Good morning my name is Faith Adkisson, A-D-K-I-S-S-O-N. My comments today relate to agenda item number 10 Prison Industries. It is the public belief and understanding that Prison Industries and Silver State Industries are statutorily separated. Silver State Industries is wholly funded with taxpayer dollars and intended to provide vocational and rehabilitative programming for as many inmates as possible. In contrast, Prison Industries is funded and operated by private contractors with Department oversight where the contractor's investment in the inmates' training provides for a more permanent position for the inmate. It is my understanding only one Prison Industries contractor operates in our prisons. It is known as a playing card correlating contractor. We support an effort to increase private contractor or Prison Industries operations. Also, this Board should limit the number of years an inmate may fill a position with Silver State Industries. This would be done in order to provide equity and access to taxpayer-funded programs for as many inmates as possible. Rehabilitation through programs is tied to success upon release. It also promotes a healthy prison atmosphere. Regulations preventing participation in vocational and rehabilitative programs only serves to undermine the public's interest. This is especially true when considering camp and transitional housing. All inmates with a parole date will likely be released and should be afforded equitable access to camp and transitional housing. Lastly, related to the agenda item number 12, Inspector General, regulations that are adopted without consideration of 233B provisions are the approximate cause of most of these problems including camp participation. The public record is clear, these violations have been reported. The public has an interest in being informed as to what action the IG's office has taken. Please provide a public report. Thank you.
- Hello, my name is Sonya Williams W-I-L-L-I-A-M-S. I am now an activist with Return Strong after my loved one, Eric Newman died at High Desert State Prison a little over a month ago. I would like to discuss the horrific medical care and compassionate release process that we have experienced. I want to be clear that while I am starting his story in June of 2021, it began 2 years prior, unfortunately, I don't have time to tell you the whole story in 3 minutes or less and no one really cares to hear it so this is what I'm forced to do. First, Eric was diagnosed with stage four colon cancer by an emergency room doctor at Sunrise Hospital in late June. In early July, I began my endless email campaign on the hunt for someone to inquire with as to the compassionate release process. Rhonda Larson directed me to review the Administration Regulations for the process but I still did not get any direction as to the application or a point of contact or was given any assistance, period. "So

much for Family Services, huh?" I should note that every single person I spoke with in July directed me to the Medical Director's office or to Eric's case workers. You should know there is no case worker for inmates that are housed in the infirmary and no one ever answers, or calls back, or responds to emails from the Medical Director's office. It was like a vicious circle. It wasn't until I contacted Denise at the Pardons Board, which is who the Governor's office referred me to, that I made any headway. Denise was amazing. She got me a contact name and email addressed to Holly in OMD and poof, I was finally able to submit a compassionate release application on behalf of Eric in mid-July. By August, I still had not heard anything. Holly reassured me the application had been submitted and they were waiting for a second opinion letter from an outside doctor confirming Eric's diagnosis. But Eric was telling me that they had canceled his appointments and they weren't taking him to his appointments. Again, I was on a vicious, endless circle of phone calls trying to get answers on how to get a second opinion letter and NDOC would not take him to his appointments. On August 9<sup>th</sup>, I found Return Strong and on August 13<sup>th</sup> they submitted a second compassionate release request to the NDOC with a second diagnosis letter written by a RN licensed in Nevada who had reviewed his case and confirmed he met the condition for compassion release process policy. Neither Return Strong or I received any confirmation of receipt from NDOC. September and October passes with no word and daily phone calls to the Medical Directors, Administration, OMD, Family Services, Wardens, nothing. Nobody bothered to answer. During this time I am fighting with his oncologist to write another diagnosis letter but he states he's afraid of NDOC and of being sued, so he wouldn't write the letter. With the help and pressure of Return Strong, on behalf of Eric, the doctor finally sent it. On November 9<sup>th</sup>, I received an email from Holly stating that NDOC had approved Eric's application and P&P would be contacted. A month later on December 9<sup>th</sup>, P&P told Eric he had been approved and was to be released on December 15<sup>th</sup>, then the next day on December 10<sup>th</sup> P&P notified us that NDOC failed to notify the County Commissioners and there was now a 45-day hold on Eric's release. Three days later Eric died in High Desert State Prison.

- Good morning. My name is Patricia Adkisson. My comments today relate to agenda item number 12. Over the course of the last 15 months, I've reported improper governmental conduct by the Department related to the abuse of offender class. Related to the abuse of the offender classification system as a result of the Department's improper action. Falsified public records are being generated and relied upon by this. Public, state, and federal authorities. Representations made by the Department related to the category of a felony conviction are then relied upon by the Nevada Board of Parole Commissioners in order to take action related to parole. The resulting records produced designate NRS 193.165 as a felony offense resulting in a conviction of a category F felony. As we all know there is no category F felony in Nevada. The Board of Parole Commissioners issued a letter dated December 14, 2021, to my husband, Michael Atkisson, stating that the NDOC enters a category F felony for the Board's use. Admittedly, when the Department treats NRS 193.165 separate and distinct, there is no conviction available. NDOC is compelled by law to return the inmate to the county jail. No citizen may be imprisoned without a conviction; however, as shocking and impossible as it seems, NDOC officials unilaterally legislate a new category of offense, a category F. The production of a public record along with this admitted practice violates the public trust and too many laws to list. I have submitted proof of this record along with these comments to this Board, available to the public upon request. Governor, the time for the Board to address this is coming to an end. My husband and I have tirelessly worked to provide you the opportunity to take action. Sadly, the Department has done this for years by developing an offender index code and severity table without oversight. There is literally no single person better informed on this issue than Michael Atkisson. We ask this Board to consider these comments to serve dual purposes to include an official complaint. Please direct the Investigator General to make contact with Michael Atkisson back number 84280 at Northern Nevada Correctional Center. For follow-up, please see the attached document showing category F felony. Thank you in advance.
- I'm referring to item number 7. My name is Christy Kovelol, K-o-v-e-l-o-l. I'm here as an activist with Return Strong and to express my concerns and anger regarding the current conditions of prisons across Nevada,

especially, regarding the most basic of humane conditions, so I guess this would fall under Director Daniels or Operation discussions. I'd like to start by reading the mission of NDOC as stated on their website. 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 re-entry back into society. What would you consider safe and humane conditions? What conditions are required by the 8<sup>th</sup> amendment to be cruel and unusual lack of heat in the winter, lack of air conditioning during heat wave, lack of food, going to bed hungry every day, spoiled rotten food. Legally they must receive two hot meals per day and one sack lunch. I'm going to share a letter from a woman at FWMCC. For the record, this was one of dozens of letters that we've received over the last month regarding the abuse and inhumane conditions there. She writes: "Dear Return Strong, we are at FMWCC and we went on quarantine. Well ever since we went on quarantine we have not been getting fed hardly any food. I know we have made mistakes in life but that doesn't mean we should be hungry. I'm hoping someone cares enough to do something. The whole prison is hungry. My family is aware and they're sending money but the officers or caseworkers haven't been handling the canteen orders or mail correctly so I haven't gotten canteen and can't feed myself. They give us two pieces of small bread and one egg, one powder milk for breakfast. They gave us two pieces of small bread and one small pack of peanut butter and two jellies for dinner. We got one small hot lunch but it's so small it doesn't even fill a bowl of food. The girls, inmates, are literally hungry all the time. This has been going on for 3 weeks now. We need someone to look into this situation and help us. A lot of us have done grievance forms but they usually try and find a way to throw them out. I hope somebody will look into this and see what we are being fed so this can stop. It hurts to be hungry. We're not getting enough food at this facility. Hunger is a reality in all Nevada prisons. Hot dinners that are being served between 1 and 3 pm and people locked down so there's no food again until approximately 14 hours after their last meal." The fact is the punishment for their crime is their loss of freedom, not their loss of humanity. If the people who are designated with the responsibility of overseeing the prisons refuse to do so, you are morally and ethically responsible. Enough is enough and we won't go away until this problem is corrected. We are begging you to initiate an independent investigation into NDOC and bring in the National Guard to fill the staffing gaps. *Balla vs the State of Idaho Department of Corrections*: One, lack of staffing isn't an excuse for not meeting the 8<sup>th</sup> amendment rights regarding conditions of confinement. Thank you and I hope you'll do something for these people, they're very hungry. Thank you.

- Hi, my name is Carol [Reyes]. I'm talking about item number 4. Normally many people supplement their meals with commissary over the past year but NDOC has completely implemented store restrictions as low as \$50 every 2 weeks. The state measures shortages and the inability of staff to deliver commissary packages. Store restrictions are so severe that people are barely able to purchase necessary items to supplement the lack of food provided by NDOC, as well as stamps, batteries, envelopes, writing supplies. Another violation, Ely State Prison doesn't even have a store right now and have been moved to packages every month, which on the surface seems plausible except it takes three to four weeks to actually receive the package after it is ordered. And packages don't even offer many necessary items that people were able to get from the store. And as soon as they moved to a monthly package, NDOC raised the prices in order to increase their commission that is part of the Keiffe contract that provides store and commissary items. Per the contract, Kieffe can only raise their prices once a year in September, but Nevada gets kickbacks as well based on what they sell [*sic*]. We are not missing the fact that NDOC restricted store bill availability, which impacted the amount that they were selling and by default their profit. They have raised the price 7 times over the past months to ensure that they are still making money off the backs of families already trying to manage life during the pandemic [*sic*]. Not only are they starving our loved ones, but they are also raping families again, just like they did last year with the deductions. That's it.
- Good morning Commissioners. Thank you for having this meeting. Mercedes Maharis. For the record, I'm a Nevada Chaplain and I am a member of the Nevada Silver Haired Legislative Forum Senate District 3. I'm concerned today with Operations on your agenda. I would like to send you, a little bit late, a chart that I'm

making, but in the past 3 years here are the deaths of the sex offender population. Nobody loves them. But they made mistakes mostly because they didn't have sex education and they don't get it while they're in there. So in 2019, 33% of the deaths in the entire prison - and the sex offender population is only it always [sic] hovers around 20%, so in 20% we have 33% of the deaths. In 2020, 35 deaths out of 82. Governor that's 43% died in 20%. Of the population in 2021, 30 of 68 deaths. But that's only up till December 15th because they haven't posted yet the rest of the deaths so there are two more weeks I don't have that yet. 44% of the deaths in the entire population are sex offenders. This is death through the back door to me. They didn't get death sentences and this was a clue when something should have been done. 54% of the deaths in January 2021 were sex offenders. 54%. I've worked on this since 2007 and I'm, there's no reason for you not to step up to the plate and stop this. They need to be housed separately like Vermont and Iowa. Nobody ever pays attention. No. No, no, no. But the numbers don't lie, Governor, and it's too much to take. It's, please. And speaking of death, please stop the unnecessary execution of Zane Floyd. He's sorry. He wants to live. Governor, please don't stain your legacy when you leave. And I do hope you get elected again. I'm going to vote for you. Please stop social insanity. And you can read my 11-page or eight-page submission. *(Comments above transcribed as heard.)*

- My name is Brandon Cunningham. Do you need me to spell it? I'm here with Return Strong. I'm speaking on item 7. I'm here with Return Strong. Keep reminding you no matter what we are told today there's another side to the story and we will keep pressing until someone, somewhere listens to us. Today, I'm going to share a sequence of letters from someone from the past month pitching the trauma our loved ones have been through. Um, the writer shows their emotional decline during the COVID outbreak at Smiley Road. Um, "at 104 CO Humphrey came into the unit with her mask on her belt and asked a bunch of us nicely [sic]. She said, 'oh I didn't forget it' and we said, 'we didn't want to get sick' 'I don't care' is what she said. It's constantly being trapped in these walls of people who treat my life as less than important. I can't get away to safety. It just beats at me, my mind, and my heart, every minute I could get COVID. The year is almost over but my days will stay the same begging COs to wear their masks. Asking the Warden to help. Nothing is done. They just keep treating me like a life that doesn't matter. They make it clear with their words and actions they don't care if me or any of us get COVID. 5:19 am CO King walked me and other inmates to Medical. Once again it is every day and every time I see CO King I asked him to put on his mask. He told me 'oh I'm six feet away,' 'no it's only two and a half feet and this place has no ventilation. And it's just not now, I see you talking with other inmates put away without your mask on and you don't make other inmates wear them.' He told me I was stupid and I sounded just like Viper. Every day four to seven COs are in culinary where inmates have to take their masks off to eat. COs all sit around without a mask on. There's next to no ventilation in the small room. They're not lying about how bad COVID is in the news so why doesn't NDOC do anything to keep us safe? I am in hell and no matter how many times I ask the staff here to please wear their mask it never changes. Well, the news makes it clear that things are changing for the worst. I am so afraid. It's not if these COs bringing it in, it's just when and how bad it will be. Um, will I make it out of here alive? It's not right that I am locked in here with people who won't keep me safe. The stress and fear get so heavy sometimes I just cry. Please help.
- My name's Slasher Gutman with Return Strong commenting on item number 7. The insanity of all this, and this is a letter, the insanity of all this is that all this the bed moves, the correctional disregard, the refusal to wear PPE, to get vaccinated, provide appropriate meals, medical neglect, every single thing has been told to the state repeatedly, yet we sit, pretend that Daniels's statements of our Correctional staff are heroes and we are doing a great job is just accepted like they have no reason to lie about how bad things are and no one in the state of Nevada [inaudible]. We understand and acknowledge that this is a precarious time. We understand people are incarcerated and that carries with it a lot of freedom. We understand that the state is not responsible for causing the epidemic and all the complications that have happened as a result of that. But, we also understand that there's best practices and solutions and a call for better communication, transparency, accountability. There are things that could be done but sadly Nevada has done none of that. The

first round of the outbreak seems to have taught you nothing. Governor Sisolak, you've repeatedly said that the NDOC needs to include stakeholders in these conversations yet you do not enforce that in any way. Words are just that, words. Nothing. When you listen to the reports from the NDOC I hope you hear the haunting voice of this woman in your head the entire time. I hope you hear the voice of the young man who lost his fingers as a freak accident but suffered needlessly afterwards and may lose his arm. I hope you remember Terry Clark who was forced to punch himself in the face to get medical treatment. Always remember Eric Newman still in the freezer at the funeral home. Today, tonight, tomorrow, I hope you hear the sobs of the woman that 'sobs please help,' and it never leaves your conscience. And it haunts you all until you do something. Thank you.

- Hello, members of the Board good morning. My name is Mark Bettencourt. For the record, I am here today with Return Strong commenting on most of the agenda, presenting some questions that we would like to have answered. Time [and] again we've provided comments and Return Strong has provided comments and many of those comments have gone either unresponded to or unanswered. I will, if I can get through all of these otherwise, I will send them along afterwards. First, why are we doing in-person public comments for this Board and nothing else with the increased rise of COVID cases right now? There are families that live all over this state and we believe that this is a way to shut down public comment by forcing it to be in person even though that is not necessarily a safe option for us or for you all. We'll continue to show up for our loved ones no matter how difficult it is made. Second, why are the announcements always problematic? The time for today's public comment was posted half an hour later than the meeting started meaning that if we didn't catch it we would have missed public comments altogether. Eric Newman's death is posted incorrectly along with several other people. And visitation policy as posted was never followed. And the Facebook page goes on and on with no information or updates. Why was the temporary visitation policy posted on 6/24/21 [*sic*] never followed? It was followed as far as the impact on families but NDOC never moved through any of the phases that were indicated based on vaccination rates of incarcerated people. Yet the phase II in-contact visits has never happened. Why? Why is there still no programming? If Prison Industries can work and make money and create a profit, why can we not offer programming to help people earn their days and work on rehabilitation and reform? When will religious services be restored? Please, tell us exactly what programs are available, and how many seats there are, and how many are open at each facility? And what is the hold up on vaccinations and booster shots? Dr. Naughton said in October that there was enough for everyone yet people were still forced to fill out a kite and then wait until November 1st. At the same time positive cases are rising. COs are not vaccinated and are not respecting any precautions as you can see and hear from the letters from some of the families who are incarcerated. Family members who are incarcerated. And in the face of suspended visitation. Will you re-implement the free 30-minute calls? When and how can visit video be implemented? Many states have both in-person and video but Nevada does not have any video visits for incarcerated people or their families. What is going on in the facilities? There is no heat or hot water at Florence McClure. No hot water at SDCC kitchen for over 5 years. Ongoing sewage backups at Ely. Mice and rat infestations at Ely and NNCC, which was brought up in July at Family Council, assured it was resolved but now there are still non-working phones in multiple facilities. Thank you.

### **Carson City:**

- My name is Kirsten Liebendorfer last name is L-I-E-B-E-N-D-O-R-F-E-R. I also sent the Board a copy of a long, longer email which goes into more in depth of my concerns that I have today. This email, I'm the wife of a Senior Officer who is a 15-year veteran of NDOC and is currently assigned to Warm Springs Correctional Center here in Carson City. I'm here today asking the Board, specifically, Director Daniels and Deputy Director Gittere, to seriously consider the downhill slide of NDOC and what you intend to do about it. At Warm Springs alone, they have approximately 35 active officers to run the institution 24/7. The legislature, as you know, has approved over 100 positions to fully staff the institution. At the beginning of 2021, Warm Springs was changed to 8-hour shifts against the wishes of every single officer on the ground. This was opposed because 8-hour

shifts would create a situation where a mandatory overtime was required by every officer able to be forced mandatoried. COVID-19 shut down Warm Springs in November 2020, when the mask mandate by the Feds was not being followed or enforced by many on shift command at that time, leading many officers on the ground to assume that masks weren't that important so they did not also enforce the inmates to be masked. This put my family at risk as my husband was exposed despite him wearing a mask every day, became infected and we didn't find out until our household of six all became infected. Nevada was given 7.3 million dollars to the CARES Act by the Feds specifically for all levels of law enforcement to respond to COVID-19. These monies were to include, but were not limited to, hiring, supplies, training, etc. This is listed on the third page, second bullet point of the CARES Act overview dated July 13, 2020. Many other states have used this money for retention bonuses and hiring bonuses for law enforcement including Corrections. As of this date, the Board and the state of Nevada has offered zero extra money to help the currently overworked employed officers. My husband is currently working 16-hour shifts more often than not. He is volunteering for many of them so as not to be surprised with mandatory overtime because he has joint custody of his two children and would like to actually see them during his custody. He has been notified that by the end of March the schedule will be five 12-hour shifts. This may seem better but it's not. There are still not enough officers currently to staff this shift setup and many officers will still have to be mandatory to 16-hour shifts. The toll this is taking on families, not to mention the officers themselves, is unconscionable. The rate of divorce, alcoholism, and depression within law enforcement in normal times is extremely high due to the stress involved in the job. Add low numbers and Nevada not doing what they can to maintain the current, pathetic staffing levels in addition to productive recruitment of more officers and I am ashamed that NDOC has no integrity or loyalty to their officers who maintain prisons filled with convicted felons. There is no way for the current staffing levels to prevent riots within the institutions and it sounds like you've heard a lot of other comments from inmate families, and on their behalf, that they are very upset with their conditions that they're living in. There are simply not enough officers on any given shift. Officers are exhausted and still being expected to work countless 16-hour shifts to meet emergency staffing levels. I am demanding that you show my family and other NDOC families that you care about our husbands, wives, brothers, sons, and daughters. [3 minutes reached, time ended by Governor Sisolak]

- Good morning my name is sergeant or Travis Freitas and I'm here to speak on agenda item number 7 and primarily staffing levels. Warm Springs has been legislatively approved for over 100 staff members, spread appropriately across three shifts, requiring 53 staff at a bare minimum to maintain critical levels. We are and have been eight short, totaling 45 staff only, who can work unrestricted overtime. This means 45 staff would have to work every single day without any days off and would still be eight positions short of critical levels. Due to current circumstances, we cannot meet this critical level approved by your body. Instead, we operate using exhausted staff to meet dangerously low levels. Due to lockdowns, inmates are becoming more frustrated, which spikes assaults and incidents, proof by the last three staff assaults in 2021. The 45 staff are consistently mandated to work double shifts in an effort to continue protecting the public. Each of you will get out of here at 5 p.m. presumably followed by another 8-hour shift tomorrow for a 5-day work week. As stated, my staff and I are doing 16-hour shifts back-to-back and commonly doing this two to four times a week, which gives us 56 to 72 hours compared to your 40-hour work week. And remember, overtime doesn't go toward our retirement. This is sustainable for a week, sustainable perhaps for a month, but months at a time is inexcusable and demonstrates the lack of support first responders feel that they have. Two years it has been now, and COVID quarantine policies compound our vacancy rates, which directly increases mandated double shifts and dangerously low staffing levels. How do you expect us to protect the public, rehabilitate offenders, and maintain a healthy family life under these circumstances? And what return do we see for our sacrifices? Any raises, positive benefit changes, emergency recruitment? No. Well we get our help desk emails suggesting we enjoy our families on holidays, but I opened that email while it was Christmas because I was at work. Our retirement contributions and medical insurance rates go up. Our uniform allowance goes down. Money is taken every which way from your first responders and you expect us to manage quietly. How can we

manage in such despair? Alcohol, pharmaceutical drugs, perhaps? Since the start of 2020, I personally [have] been to an emergency room for a mild heart attack diagnosed as a result from stressful and excessive work conditions. Others are leaving as they're recruited for better employment. Some are quitting because this is just exhausting. And some regrettably, have passed away leaving their families burdened by their lamentable loss. Governor Sisolak, your slogan is Families First. Is that your family? Is that everyone else's family? What about ours? Sadly, we take a cynical disposition to this rhetoric. Your constituents request an answer to your plans to help us. Your voters request you place your first responders first. Request a special session, please, to address the staffing levels and retention. Thank you, and again for the record, my name is Travis Freitas.

- My name is Maxine Liebendorfer L-I-E-B-E-N-D-O-R-F-E-R. I would like to read you a post written by a 15-year-old daughter who is now without her father, Ed Papke, who passed away on January 18, 2022. Quote, "There are absolutely no words to explain the love I have for you. Every second I spent with you was a blessing to my heart. January 18, 2022, will be the day you were sent to a beautiful place. You made us laugh, you made us cry, and you were the best dad I could ever ask for. The times we shared will always be something too meaningful to explain. You will always be my joy and my happiness. Thank you for everything you've done for me. Getting me prepared for the real world, being there when I needed a shoulder to cry on, or just to listen to anything I had to say. You made so many people feel safe, you saved so many lives, and you were a person that will always be loved no matter what. My heart feels empty now that you're gone. I will do everything I can to make you proud. I will keep your spirit, your light, and your happiness. I will recover, and grow, and be the daughter you always wanted me to be. You're an amazing soul that will be missed. You were gone way too soon and I wish I got to say goodbye. Keep being a diehard 49er fan. Always quote famous movies. Keep being a dummy, keep making funny jokes, and most importantly, keep making people feel loved. I will miss you more and more every day. You are a blessing to this world. Never forget that dad. I love you. I love you more than anything. I will love you forever always dad." End of quote. And most of you do not know who this is. He did not make the news. He did not get a procession to Reno to be honored with other fallen officers because he did not die in the line of duty. This man was not only a father but a friend, an absolutely stellar officer for NDOC. As I read this my heart breaks and my soul cries for change. My son-in-law is also an officer and a father to not only his children, but to my grandchildren as well. If this tragedy happened to my family you would not care enough to reach out and offer condolences as you have not done for this officer's family. So make changes instead to help protect these officers so no more families have to deal with this grief. Thank you, gentlemen.
- Good afternoon esteemed Board members and Governor Sisolak. For the record my name is Robert Smith and I am a sergeant for the Nevada Department of Corrections. I have been with the Department for 15 years and in my 15 years with NDOC I've never seen the Department in such shambles. There's no morale. Overtime is at an all-time high. Staffing levels are at the lowest I've ever seen. And there's no relief in sight. Northern Nevada Correctional Center is currently slotted for 252 Correctional Officers including supervisors. Currently, we have 137 with many leaving in the coming weeks. Officers are leaving due to the vaccination mandates, threats of termination if unvaccinated, mandatory overtime, rising contribution to retirement, changes in our medical insurance if unvaccinated, pay cuts, furloughs, and low staffing. These same officers are asked to show up to work and do more and more with so much less. Officers are volunteering for overtime so they do not get mandated to stay in a position which requires them to work after completely exerting themselves with numerous overtime shifts throughout their work week. By them volunteering, it does not count toward the retirement like a forced mandatory shift does. We continually take from our officers and offer nothing in return. This is not how you should treat officers who are keeping Nevada citizens safe from those who cannot succeed in society. If this does not get corrected soon there will be no need for a Board of Prison Commission meeting in the North because the NDOC in the north will have no staff to run the prisons. NDOC has done nothing to recruit officers, leaving current staff to suffer day in and day out. Every one of you are able to go home and be out of work at a reasonable time, generally within 8 hours, give or take.

Our staff are coming to work wondering if they'll get to go home and celebrate their child's birthday with them. Or see their child after the first day in first grade. They dread coming to work because they know there's a very good chance they'll be forced to work a 16-hour shift 3 to 5 days throughout their work week. We need to hire new, qualified officers and retain the staff that we currently have. This requires money. I urge you to research what the Nebraska Department of Corrections did for their officers. And to recruit new staff, we need to stop the unnecessary spending and start spending that money in recruiting staff and retaining the ones that we have. Outlying counties are taking our staff at astronomical rates. We are currently training staff at the cost of the state, and the counties are taking fully-trained officers ready to start. This is not doing NDOC any favors. We're constantly having to do more with less and it's taking the happiness out of the staff who already work in an extremely negative environment. When are we going to start putting Nevada Correctional Officers first? We are assaulted, have bodily fluid propelled on us, and witness crimes that would make the news headlines, perform first aid, save lives, and we are always the first to take from. When does it stop? Why aren't we receiving help? Governor Sisolak, Commissioners, when are we going to start supporting our first responders? I thought this was a family-first slogan state. It seems quite the opposite. We need some relief and we needed it yesterday. Because after the riot at Southern Desert we are only setting ourselves up for something worse, which will happen very soon if we do not start making changes today. For the record my name is Robert Smith. Thank you for your time.

- My name's Anita Pederson. Can you hear me? I want to watch you shake your heads no when I mention the air guard again. The National Guard. That was amazing. I'm sitting here today in front of you as a mother of an inmate at Lovelock. I have family and friends. I've created quite a family unit. I support men, when they get out they come to my home to live. I stand also as an activist with Return Strong, very powerful group. ACLU is here as well. I have a family friend named Justin Meisner number 29914. November 2021, complains of lower leg pain. This to me seems, I'm a mother of six, I could have figured this out. I have no idea what's going on in that infirmary. Goes into the infirmary only to be given blood pressure meds, sent back to his cell well knowing this is serious. Complains to be treated seriously only to be ignored for days. When the leg turns black he's finally sent out only to die. He died from a friggin from a blood clot. Are you kidding me? Low staffing, inept, insufficient. Unbelievable. Low staffing that's no excuse for 24/7 lockdown. These are real men with real families and real friends. We feel ignored. Don't ignore me anymore. Listen to me, please, please make a change. Bring in the air guard, who cares? The National Guard, who cares? Make something different happen. Some of these men also rely on spiritual connections and growth that they have not been allowed to gather for prayer in over 2 years. Bring in the National Guard for starters. And I also promised my son to mention this, when the commissary runs out of items to order, find another supplier and stop taking away items i.e., zinc, vitamin C, minerals. Things that make them feel like they have some control over their life. It's a virus, we're not going to stop it. This mask is ridiculous. The NDOC website mission is to provide quality, evidence-based health care that is professional, humane, and appropriate. You have a moral and legal obligation here. Let that resonate. As is, cruel and inhumane come to mind. Change the status quo. Bring in the National Guard.
- Good morning, Commission Board and Governor Sisolak. Thank you for this opportunity. My name is Ayanna spelled A-Y-A-N-N-A Simmons-Oglesby the latter O-G-L-E-S-B-Y and I'm here as an advocate for Return Strong. I will be reading a statement from another member whose family was tragically impacted by basically, the medical neglect. This is in reference to item number 4. And I will read, "My brother was incarcerated at a very young age for his participation in a crime. Sadly, after serving 17 years he was diagnosed with cancer and passed away in prison last year. His story, and many others, paint a picture of the inhumanity that occurs in Nevada when your loved ones become ill. My brother's care was delayed for so long, getting sicker by the day, he deliberately punched himself in the nose causing it to bleed in order to trick Medical staff into taking him to the hospital where he eventually was diagnosed with stage four lung cancer. My brother's story is one of many. Another young man in his 20s suffered an injury in his cell and lost his fingers due to what started as

a bad accident. Here is his story in his own words, and I quote, “on July 30, of 2021, I was moving property around in my cell, I fell. 175 pounds of dead weight and my hand was still in the vent and it tore my index finger, middle finger, and ring finger right off. Not only that, I tore the artery in my ring finger so I’m bleeding out in my cell. I call man down, emergency medical call. But at Southern Desert they didn’t have buttons in the cells so me and my cellie had to bang on the door and scream for help. When the officer finally shows up he’s like ‘are you being for real right now?’ Sarcastically, of course. So I’m bleeding out, I tore three fingers, and I’m looking at my fingers in the vent. I’m on the ground and they finally called Medical. They come and call for an ambulance then they take forever. Finally, they get me to UMC and they do what they can but they make me wait for surgery until the next day and I lose the pieces of what’s left of my fingers because they failed to timely treat the medical condition. Then, they sent me to High Desert where they put me in a cell in the hole in medical isolation for a month with no wound care and I ended up getting gangrene because of the lack of wound care at High Desert. On August the 27th, I had to refuse to lock down after calling for medical help for weeks. I am now awaiting surgery and skin grafts to find out if I will lose my arm.” According to the NDOC website, the mission of the Medical Department of the Nevada Department of Corrections is to provide quality, evidence-based health care using an efficient system. Managed care that is professional and appropriate. Thank you for your time and again we’re Nevada Strong. Battle Born. We have a moral obligation.

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

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

### 3. Acceptance and Approval of Minutes – October 25, 2021

Action: A motion to approve the minutes was made; Secretary of State Cegavske abstained from voting. Motion passed; minutes approved.

Governor Sisolak: moved on to item number 4.

### 4. Chief Medical Officer Report – Dr. Ihsan Azzam, Ph.D., MD, MPH; Nevada State Chief Medical Office- (for discussion only)

Good morning Governor and esteemed members of the Board. Good morning everyone. For the record Ihsan Azzam, State Chief Medical Officer. You already have a copy of our report so I will briefly highlight some important points as required by the NRS. The Nevada Division of Public and Behavioral Health regularly conducts inspections of State correction facilities. Our inspections include medical, dietary and sanitation, and nutritional adequacy inspections. The Division of Public and Behavioral Health conducted seven dietary and sanitation inspections in 2021. A total of 25 critical violations were identified while only six were identified in 2020. Of the seven inspected correctional facilities, only Florence McClure Women’s Correctional Center had no critical violations. On the other hand, Ely State Prison was cited for seven critical dietary violations. Medical inspections were conducted at two correctional facilities in 2021. Five deficiencies were cited at the Northern Nevada Correctional Center and one minor infection control breach was identified at the Florence McClure Women’s Correctional Center. Further breakdown of all deficiencies identified in 2021, is summarized in the report you have in the provided report. Almost all deficiencies were corrected during the inspections; however, deficiencies which couldn’t be resolved by the end of the inspection were promptly addressed by the Prison Compliance Officers. No nutritional adequacy violations were identified during our inspections in 2021. Our infection control inspectors conducted several site visits to correctional facilities, especially those who continue to experience COVID outbreaks. We provided detailed recommendations to contain current outbreaks and prevent future ones and to increase vaccination rate and boosting rates among staff and

inmates to protect the staff and inmates in prison. With this, I'm concluding my update and will be happy to answer your questions. Thank you.

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

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

Good morning Governor Sisolak, General Ford, and Secretary Cegavske. For the record my name is Charles Daniels, Director, Nevada Department of Corrections. Today marks exactly 23 months since the NDOC began its battle against the invisible virus, COVID-19. While our efforts have not been perfect, the dedication of our employees have kept us in the fight. Despite the continuous battle of an invisible virus, NDOC remains one of the few state agencies that has not shut their doors and required staff to work from home.

NDOC has a constitutional obligation to care for those in our confinement facilities and an obligation to conduct business with public safety as the cornerstone to our existence. Our decisions are on occasion unpopular, but public safety, staff safety, and inmate safety dictate the majority of our deliberate actions and will continue to do so. NDOC recently suspended inmate visitation at all facilities. The decision was unpopular with some, however, the decision was made to mitigate the increase in new cases of the virus.

Today, each NDOC division will provide the Board with a brief update. As we kick-off 2022, focused on re-imagining the agency in support of the Governor's mission and vision for the state of Nevada.

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. Sanitizer was initially distributed to all inmates; however, after an inmate was hospitalized from ingesting it, the sanitizer was delegated to staff to distribute in single doses. Protocols were put into 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 in the units. Cleaning supplies are also available for sanitizing purposes.

It should be noted that at the onset of the pandemic, on March 20, 2020, NDOC reported roughly 128 non-custody vacancies or 12% and 176 custody vacancies or 9%. As of January 12, 2022, NDOC has 250 non-custody vacancies or 23% and 480 custody vacancies or 25%.

This concludes my overview and if there are no questions or comments, I will turn things over to Dr. Naughton.

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

**6. Nevada Department of Corrections Medical & Administration Update – *Dr. Martin Naughton, Acting Medical Director & W.C. "Bill" Quenga, Deputy Director Medical Administration – (for discussion only)***

Good morning. For the record my name is Dr. Martin Naughton. I'm the Acting Medical Director for the Nevada Department of Corrections. The 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 tracings. Most facilities broadcast information on internal television channels, where available. COVID-19 information is also posted in housing units and common areas by the Medical staff.

COVID Vaccination: The weekly town hall meetings have continued to be held to educate both staff and offenders, and we continue to offer COVID-19 vaccination and booster shots at each of our major facilities to staff and offenders. Furthermore, all NDOC Executive Teams are making institutional rounds and encouraging staff and offenders to get vaccinated for COVID-19. As of 1/24/2022, NDOC has a total 450 (110 of Moderna and 390 of J&J) doses of COVID-19 vaccines in 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 the local health Department and nearby hospital such as Pershing's.

COVID-19 vaccine requests, via medical kites 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. These are done to minimize COVID-19 vaccine waste. As of January 24, 2022, 6,591 or 65.9%, out of 10,004 offenders are fully-vaccinated with either the one (1) dose of Janssen or two (2) doses of Moderna or Pfizer. Furthermore, 720 offenders, or 10.7% of the 6,591 fully vaccinated offenders have received COVID-19 booster shots. We also reached out to the Division of Public & Behavioral Health and have asked for their help in vaccinating our inmates.

Current COVID-19 Testing Protocols: Staff, both vaccinated and unvaccinated, continue to test weekly at the start of their work week, utilizing BinaxNOW tests as results are available in 15 minutes. However, if the staff tested negative but has signs and symptoms of COVID-19, a PCR test is also administered. To strengthen our firewall, we continue to quarantine/isolate positive staff and inmates for 10 days due to our unique environment.

Offenders are tested at intake, when transporting from facility to facility, when transporting to the community and back to facility, and on a weekly basis. COVID-19 tests are administered as needed, i.e., post exposure and symptomatic offenders. Additionally, all of our transportation team [staff] are fully vaccinated and is in full PPE when transporting inmates.

The Nevada Department of Corrections has approximately 1 million N95 masks, and we have distributed 25% as most institutions are doing a great job with managing their inventories.

Staffing Challenges: Medical has 64 vacant positions all throughout NDOC and are utilizing 42 agency staff (nurses, phlebotomist, certified nurse assistants and physicians) to cover those vacancies. The total overtime paid to our Medical staff for fiscal 2021 is \$1,807,868.93. Currently, our OT from PP14 for Fiscal Year 2022 is \$901,406.65. The total temporary staff expenditures for year 2021 is \$1,679,141.38.

Hepatitis C Update: From the beginning of the consent decree to January 10, 2022, 668 Hepatitis C treatments have been initiated. Out of the 668 treatments initiated, 580 offenders have confirmed completion of treatment within NDOC custody. We continue to routinely test, diagnose, and treat offenders with Hepatitis C, unless medically contraindicated or refused.

Lastly, our staff are working diligently to protect our institutions, our staff, and offenders in spite of being short staffed and we cannot thank them enough for the job they're doing.

This completes my update. Please let me know if you have any questions or concerns.

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

For the record, this is William Quenga, Deputy Director, doing an update for the Medical Division Administration.

Our Accomplishments for 2021:

Hepatitis C treatment – (Case # 3:19-cv-005477-MMD-CLB) NDOC was able to comply with the October 2020 mandate to treat all levels of acuity within the inmate population by October 31, 2021. Treatment has been maintained within budgetary constraints and is on-going. AB 466 – Passage of AB 466 by the Nevada Legislature appropriated to Prison Medical \$15,842,443 for Hepatitis C treatment of inmates who tested positive upon intake and in current population through SFYE 2023. This appropriation was in direct response to the litigation.

COVID-19 – Prison Medical continues to support all NDOC efforts in mitigation, including all tracking and reporting to qualify for CARES offsets to qualifying expenditures.

Established contracts:

Kalos - upgrades and improvements to current pharmacy software. This will improve ordering and delivery of inmate medicine throughout the NDOC institutions statewide.

Advanced Biomedical & Imaging – bring all X-ray capabilities within the seven institutions to cloud-based storage, and link all X-ray systems together. Technological advances have provided better equipment.

2022 Medical Goals and Plans:

Deep-dive into budget to address concerns. Personnel – All medical and dental components within the institutions are understaffed. Current staffing levels have not increased, but industry standards for patient care have. Establish an Equipment Replacement Schedule – Identify medical and dental equipment to be replaced systematically based on useful life span. Reclassification of positions historically difficult to fill and retain (such as LPNs) to reduce stagnate vacancies and increase personnel levels.

Medicaid – establish contacts and protocols with Department of Health and Human Services Medicaid to reduce the number of claims paid by NDOC that would be otherwise Medicaid eligible claims. Medicaid rejection of claims for incorrect information submitted (Social Security Number invalid/incorrect, citizenship status, Medicare eligible, etc.) Worker's Comp – establish a working system for medical claims eligible to be paid by Worker's Comp to be processed timely. All forms, routing and contacts well defined.

Complete upgrades for all X-ray systems to cloud-based storage/server and current technology.  
Increase revenue through AB 389 (NRS 209.246) by capturing those claims validated as eligible for reimbursement.  
That's all I have for Medical Administration. I'm prepared to take any questions.

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

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

Good morning Governor, General Ford, and Secretary Cegavske. For the record, my name is Bill Gittere, G-I-T-T-E-R-E, the new Deputy Director of Operations for the Department. In spite of the ongoing COVID crisis and critically low staffing numbers, the hard working men and women of the NDOC continue to work long hours and extra shifts in order to sustain safe modified normal operations across the Department. Those operations, although limited in comparison to those prior to the pandemic, support basic services and care for our inmate population in a humane and legally compliant manner.

However, the onset of the current wave of the Omicron variant has recently impacted our operations further. On January 6, 2022, we realized that many of our institutions, particularly in Clark County were being challenged by rapidly increasing positive test results affecting both our staff members and our inmates. Although some institutions were being adversely affected faster than others, it was reasonable to expect that all of them were already under challenge by the variant and that test results would soon show them all to be similarly challenged. At one such institution, the number of positive staff members increased 540% in 10 days, and the number of inmate positives increased 2,350% in the same period. As a result, we had to take immediate action and again temporarily suspend in-person visiting across the Department in order to stop additional exposures and protect the safety, health, and welfare of our staff and inmates. As we continue to confront this challenge, to the best of our operational capabilities we continue to support 16 core programs and 13 optional programs for merit credits, 34 vocational programs and 5 educational programs. Our continued efforts to return to volunteer-led programming have not yet been further affected.

Regarding the vaccination mandate, although the temporary order has now expired, the Department supports every effort to achieve the best possible protection from spreading the virus among our staff and inmates. As it is, the Department's staff vaccination rate now exceeds Nevada's average by 20%. Following the conclusion of the holidays, the Department stands ready to proceed with disciplinary actions against employees who disregarded the deadline established by the lawful temporary vaccine mandate issued in September of 2021 in a fair, progressive, and reasonable manner. Wardens at each facility continue to meet with staff to gauge the temperament of their employees in an attempt to anticipate any level of involvement in possible, but now less likely, coordinated adverse employment actions. Wardens will continue to provide guidance as it relates to the COVID vaccine and the benefits of being vaccinated. NDOC is confident that it is prepared to handle any anticipated work stoppage as a result of potential employee protests. All Wardens understand their responsibility to ensure the safety of the public, our staff and our inmates as we continue our efforts to mitigate the introduction and spread of COVID-19 in any variant. As a matter of practical preparedness, all of the men and women of the Department, both sworn officers and non-sworn staff members recently participated in a successful drill that proved our readiness across the state. Whether caused by a natural disaster or an adverse employment action, the Department is confident we can handle any sudden staffing shortages.

Regarding our critically low staffing numbers which underlie the growing wave of additionally unavailable staff members who are out of work due to COVID infections, it has been absolutely necessary for the Department to utilize sworn officers from facilities with stronger personnel numbers to sustain the weaker ones. As the number of unavailable sworn officers has rapidly grown due to Omicron variant COVID infections, the Department has also started utilizing non-sworn staff members to support 24/7 operations in order to help maintain the safety of our staff and inmates. As a result, the Department has experienced, and is likely to continue experiencing, a high volume of overtime.

Recruitment efforts have been marginally successful, however, the applicant pool has been significantly diminished due in part to the availability of better paying jobs in each local community where our prisons and conservation camps are located. Stacked against those conditions the Department's continued, and at some particularly stressed institutions, excessive use of overtime has resulted in delays in basic services, omitted essential operating tasks, serious safety and security incidents, diminished individual performance, staff burn-out, excessive sick leave, retirements, and resignations.

Meanwhile, it's more than fair to say that job seekers are not beating down our door to join NDOC. Applications stubbornly remain a small fraction of what they were prior to the pandemic. Our most recent initiative aimed at changing this dynamic is to designate volunteer special duty full-time recruiting Sergeants at each major institution. They report directly to the Warden and work hand-in-hand with Human Resources (HR) Specialists to find, recruit, and hire new custody officers for each institution. Prior to the pandemic, NDOC used this recruiter-HR partnership

technique at Ely State Prison with some measured success. This time, the entire Department will use it to move the needle and hire more officers.

Lastly, we should mention that in recent public comments, a few concerned NDOC staff members submitted similar assessments of the risks inherent with critically low staffing and institutional safety. Their concern is our concern. Maintaining safe operations is the primary focus of every leader and officer in our organization on every shift, each and every day. As they step forward, I meet and engage with them to listen to their individual concerns and recommendations. As a matter of fact, a recent meeting with, and recommendation from one such concerned staff member led to the decision to return to the Recruiting Sergeant concept, this time across the whole Department. That completes my operations update and I welcome any questions or comments.

Governor Sisolak: Asked if there were questions; there were none. Moved on to item number 8.

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

Good morning, Governor, General Ford and Secretary Cegavske. For the record my name is Brian E. Williams, Sr., Deputy Director of Programs for the Department. As we begin our endeavor to normalcy, the Programs Division continues to work closely with facility administrators in creating schedules that are conducive to day-to-day operations and COVID protocols to ensure we continue to mitigate the spread (i.e., cleaning and sanitizing, movement, social distancing, etc.). As the year 2021 comes to an end, the Programs Division has begun allowing volunteers to re-enter our facilities. Before this, ALL volunteers were required to attend our new mandatory non-uniform training which focuses on COVID protocols. This training is specific to our non-uniform and non-NDOC staff. Due to the importance of this training, it has been conducted by Wardens and Associate Wardens. In addition, non-NDOC staff are required to be fully vaccinated before being approved for entry into any NDOC facility.

As we continue our road to normalcy, I would like to share with the BOP Commissioners that Substance Abuse, Mental Health, Education, and Re-Entry Departments have continued to provide service throughout the pandemic, while issuing merit credits to those offenders who have completed the respective programs. Our next focus is on restoring the various volunteer and religious services. I would now like to share a few highlights with the Board from each one of my Program Divisions:

**Education:** During COVID, Nevada System of Higher Education and NDOC launched post-secondary polycom courses via screen and bluejeans software, which enable college professors to teach real time from home and have a question and answer real time, allowing previous and new students enrollment. Because of solutions raised in “out of the box” thinking, this pilot program has shown us how to offer courses as video conferences and how to implement and offer hybrid post-secondary courses this fall 2022.

**Mental Health:** The mission of the Mental Health Department changed drastically as a result of the effects COVID-19 had in our agency as the virus affected various facilities at different times. Psycho-educational courses were either paused or cancelled in order to protect staff and inmates. Despite the challenges associated with COVID-19, core mental health services continued to be provided to inmates. These included intake screenings, psychiatric assessments, segregation rounds, suicide prevention, programming, Parole Board reports, risk assessment for sex offenders, welfare checks, etc. Fortunately, programming opened up again in all facilities that have adequate staffing and safety protections are now providing programs that offer merit credits to the inmate population.

**Substance Abuse:** We continued to program with individuals in custody throughout the entire pandemic. We experienced a few delays and/or lockdowns due to COVID; however, during most lockdowns we were able to program even at a modified pace, i.e., smaller groups, programming at beds versus in rooms, etc. Not only did we

continue programming, but we revamped our programs to incorporate emerging research for effectiveness with this population in regards to gender responsive programming. As of April 2020, we completely revamped the two programs, New Light and Stars, at Florence McClure Women’s Correctional Center to move away from the therapeutic community and solely criminogenic risk needs model, which is very effective for men, to an empowerment community and gender responsive trauma-informed curricula. As of August 2021, we revamped our male programs to increase dosage of treatment specific to criminogenic risk needs going from 118.3 hours of programming to 122.3 hours and keeping on the trend with emerging research. We increased programming specific to gender responsive needs going from 0 hours to 27 hours of programming. We also omitted all non-criminogenic, non-gender responsive programming as it does not have an impact on reducing recidivism.

Re-Entry: As of January 1, 2022, Re-Entry has successfully moved to a new location in Indian Springs and expanded and developed a regional community training center. The Re-Entry Department is continuing to solicit candidates to fill vacant positions throughout the state while fighting the challenges of the vaccine mandate, Smart21 delays, and COVID. AB-358 Medicaid is also going well and we anticipate being in total compliance by March 2022. Re-Entry has staffed four of the five AA4 positions as of January 24, 2022. Our Re-Entry Department is collaboratively working with outside partners to enhance services and bring employment opportunities to the offender population.

I would also like to share, based on earlier testimony, I would like to share that NDOC and P&P has discussed an issue that was brought to our attention regarding the suspension of offenders’ parole who test positive days before their release P&P and NDOC agree, going forward, we will only postpone releases if they are going to a halfway house. This will go into effect immediately.

Lastly, we cannot anticipate what 2022 might look like given the introduction of the Omicron variant of COVID; however, the Department will continue to explore new ideas in an attempt to enhance and provide more 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 the Omicron variant 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 look toward normalcy. Thank you. That completes my report for the Programs Division. I welcome any questions or comments that the Board may have.

Governor Sisolak: Asked if there were questions; there were none. Moved on to item number 9.

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

Good morning, Governor, General Ford, and Secretary Cegavske. For the record, my name is Lisa Lucas, the new Deputy Director of Support Services. I’m looking at Support Services through a different lens and bringing new opportunities to the agency. One example is a project we’ve started working on with the Office of Science, Innovation and Technology to procure Federal grant funding to provide fiber to our rural facilities so they’ll be able to utilize telemedicine. They’ll be filing the RFP to go out to bid within the next few weeks. The new service is being planned to begin on July 1, 2022, unless there is significant new construction needed. And that’s all I have. Thank you.

Governor Sisolak: Asked if there were questions; there were none. Moved on to item number 10.

**10. Nevada Department of Corrections Prison Industries Update – W. C. “Bill” Quenga, Deputy Director Prison Industries – (for discussion only)**

This is Deputy Director Quenga, Prison Industries. Despite challenges presented by COVID-19, including supply chain issues, Silver State Industries has had a successful year. In 2021, we had a monthly average of 557 inmates working in Prison Industries statewide, totaling over 600,000 hours throughout the year.

The Ranch has been able to hold two in-person Wild Horse and Burro Adoptions, with COVID protocols in place, and currently houses 1,550 wild horses. The Ranch's private industry partner, Full Circle Compost, invested \$1 million in equipment this year to enhance operations and enable them to expand the number of offenders working. The Ranch also completed the required annual third-party audit of the Federal Bureau of Land Management Wild Horse Program with no audit findings.

The Department of Justice and Bureau of Justice Administration through the National Corrections Industry Association require a strict, bi-annual audit to maintain Prison Industries Enhancement Certification Program certification. The audit was performed by three out-of-state auditors, and we are proud to share we were successful with no discrepancies.

Safety protocols and training are showing positive results. While we have a similar number of Workers Compensation Claims, we had no days away from work for offenders, and the highest risk program -- horse trainer -- showed a 50% percent reduction in reported claims.

The Ranch is working with NV Organics and Western Nevada College to implement a commercial driver's license training program for offenders.

This fiscal year, we are focused on expanding our reach in both the government and private sectors. In doing so, we will enhance our community partnerships and supply a wide variety of industries, while reducing costs to city, county and state budgets. Developing and maintaining mutually beneficial relationship is integral to the sustainability of our shops and in developing work skills and certifications that will prepare offenders to be successful upon their release into society. That's all I have.

Governor Sisolak did not ask if there were questions. Moved on to item number 11.

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

Good morning, Governor, General Ford and Secretary Cegavske. 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, as indicated in our last session, we are continuing to mentor, guide, train, and grow from within NDOC. We maintain our commitment to align ourselves with professionally accredited organizations and programming for enhanced professional developmental opportunities that will reach, attract, and retain the very best service from our current employee pool. We are firm believers that by remaining determined and resolute with purpose, our goal of driving learning and professional growth through enhancing proficiency in the areas of leadership, communication, and specialized areas of learning and training, will only encourage and foster an employee call to action. We are still committed to 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. We continue to promote the benefit of joining our team and our strides in making our presence known on social media by updating our Facebook and LinkedIn pages for job posting opportunities are making progress.

As noted by Deputy Director Gittere, Human Resources is working with our facility staff Sergeants to assist us with recruitment efforts. Their presence and contribution at various job fairs and recruitment functions will support NDOC by further describing the importance of a job in Corrections, while also highlighting the benefits and influence that a

job in this profession can offer. It should be noted that the backbone of Corrections is its workforce and since Corrections is fundamentally a people profession where interpersonal skills and real face-to-face interactions are key to success and effectiveness, NDOC must rely upon qualified, trained staffing and despite severe workforce challenges, NDOC is still answering the call and showing up every day in the capacity of an Essential Employee.

Lastly, NDOC continues to revisit the Critical Hire/Rehire/Labor Shortage Program. We also intend on reaching out to seek guidance and approval from the IFC, BOE, and PERS in efforts to extend the Critical Hire Program to those who work in the Mental Health and Medical arenas as NDOC is seeing a shortage and need to fill in these areas as well. We remain diligent in reaching out to the Retired Police Officers Association, we stay committed to pulling an internal NDOC report of upcoming retirees, in addition, we are looking to contracting staff as steadfast and unwavering initiatives directed at growing and stabilizing staffing within.

Governor, since my last statement, in the United States, Our World in Data reports that 63.4% of the population are fully vaccinated – in California, 67.8% of the residents are fully vaccinated, and more specifically, in Nevada, 4.51M doses of the vaccine have been given, that translates to 1.78M of our residents that are fully vaccinated, which equates to 57.9% of our residents that are fully vaccinated. With that, through the vaccine mandate for NDOC staff, I can report that we are at 77.0% fully vaccinated, which represents the 2,308 filled positions at the time this report was run which was January 20, 2022. Please also note, that with NDOC's HR Team being hit with COVID-19 and quarantine measures, recent new hires, terms, resignations, retirements, the total employee numbers can vary by day. Numbers are in "real time" as opposed to waiting until they are updated in Success Factors (which is our state Systems Applications and Products HR Analytic tool for HR Tracking).

Additionally, NDOC has created an Exemption Committee to handle the receipt of religious and medical exemptions. The tracking and monitoring of this report is done as exemptions are received, with weekly meetings scheduled for deliberation and discussion. NDOC has created and adopted an internal set of guidelines that have been vetted and approved by the Attorney General's Office that frames the mechanisms and processing of those exemptions. As of January 20, 2022, our total vaccination exemption requests are at 361. Our Medical vaccination exemption requests are at 38. Our Religious vaccination exemption requests are at 283, our Medical/Religious vaccination exemption requests are at 37, and 3 requests that were submitted have not been specified. We have 28 rescinded vaccination exemption requests (22 were Religious, 3 were Medical and the remaining 3 were a Medical/Religious combination). To date, we have approved 56 vaccination exemption requests there are 27 Medical, 16 Religious and 13 Medical/Religious exemptions approved at this time. We denied 190 vaccination exemption requests. All of which denial letters have been sent. We also have 86 requested appeals. Again, the vaccination rate for staff, as of January 20, 2022, is 77.0%. To date, no one has been disciplined, including suspensions, as well as reassignments to other agencies.

The Disciplinary Process is described as follows:

On October 25th, 2021, a report was run that identified those NDOC employees who were not fully vaccinated and consequently failed to comply with the mandate via our tracking/monitoring process with Medical and HR staff here at NDOC. The course of progressive discipline was followed. November 2nd, the internal NDOC report was run with the issuance of a written reprimand for violation of the mandate delivered by facility leadership on November 5th, 2021. NDOC held off on any further discipline until after the holidays. Now that we are in the new year, NDOC will proceed with the following: January/February 2022, NDOC will start Specificity of Charges for suspension which can take up to 30 days and we're looking at a February/March 2022, NDOC will start Specificity of Charges for Termination. This discipline was the least aggressive and please note that the time tables are in accordance with NDOC's Progressive Discipline Timetable.

In closing, I would like to reiterate that we appreciate our staff as all of them were 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 within our facilities by continuing to provide daily services and programming while maintaining the safety and security of our population. Although this is an extremely challenging time for NDOC, it should also be noted that our staff are still going above and beyond every single day to make improvements to our divisions, facilities, Department, and state. That concludes our report, Sir.

Governor Sisolak did not ask if there were questions. Moved on to item number 12.

**12. Office of Inspector General – James “Kendall” Jones, Inspector General – (for discussion only)**

Per Director Charles Daniels, this item will be held off for the time being. Moved on to item number 13.

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

**Las Vegas:**

- Good morning, my name is Patricia Adkisson. I’ve appeared before this court and pointed out conduct implicating violations of our system of law, as well as the custom and practice of both the Department and this Board to ignore the safeguards of NRS 233B known as the Nevada Administrative Procedures Act when adopting regulations. At the April 20, 2021, meeting, the Department submitted Exhibit 10 acknowledging that the Department does not have authority to approve a temporary AR and that this Board does not have authority to approve a permanent AR and must first comply with 233B provision in order to bring about a lawful regulation. Despite this acknowledgement, the Board met on October 25, 2021, pursuant to the agenda and request of the Department, and took action to approve temporary AR 258 without consideration of 233B provisions. This Board’s custom and practice to effectively rubber-stamp the agenda established by the Director, and it is a case of the tail wagging the dog, and does implicate an abuse of limited public resources and at worst implicates violation of many related laws. The mishandling of AR 258 has been a slow-moving trainwreck and a waste of resources where NRS 233 provisions are again ignored. This is the tip of the iceberg where the Department has developed many de facto practices not approved by the Board. The lack of meaningful oversight resulted in violations of our system of laws by the state officials should not be permitted to persist. I propose that the implementation of an independent office such as the Office of Professional Responsibility modeled after the office of same name utilized by the Department of Public Safety as a means to safeguard the public interest and also, a fully-funded staff for this Board in order to develop the agenda with the public input to ensure compliance with NRS 233B provisions, as well as all open meeting laws. Governor, I ask that you sponsor this proposal. Please take note of the requirements pursuant to NRS chapter 241 to provide draft minutes of these meetings within 30 days, otherwise any action taken is invalid. The Department never satisfies this law requirement and renders these meetings vulnerable to litigation challenging the validity of any action. Governor, the public is your support, not the Director, so I hope you take our concerns to heart. I’ve also requested these draft minutes 3 months ago to Bill Quenga and have yet even to get an email or response back and I’d appreciate, you know, a response email. Thank you.
  
- Hello again, and I believe still good morning. Hello, good morning again members of the Board. My name is Mark Bettencourt, for the record during this comment I’ll be representing Nevada Coalition Against the Death Penalty. I’m here simply to again reiterate the fact that the state is facing unprecedented staffing shortages. COVID-19 is continuing to spread through our prisons and jails, while not truly providing incarcerated people who are in the care of the state adequate ways to prevent further spread of the virus. I ask the members of this Board how many masks do you use in a week? I use more than two, I know for certain. And yet that’s all we were providing day-to-day for these folks. Reusing the same masks over and over, over and over again [sic]. But at the same time, for nearly 2 years, the state has been attempting to carry out the execution of Zane Floyd, a Marine Corps veteran with severe and profound mental illness, PTSD, fetal alcohol spectrum disorder from his mother using alcohol, marijuana, cocaine, and cigarettes during pregnancy with him, and

during his childhood. And now the NDOC has been underprepared with an experimental cocktail using a drug that is primarily used in veterinary medicine to euthanize small animals that has been put forward [*sic*]. I know this is not the responsibility of this body, but Governor Sisolak and Attorney General Ford, I know you both also sit on the Board of Pardons. I ask in March, on March 22, you please consider the clemency plea of Zane Floyd and stop that potential state sanctioned murder while we are still trying to sort out how to take care of our folks on a day-to-day basis who are incarcerated. Thank you very much. Have a lovely day.

- I'll be very brief. Christy Kovello again. Director Daniels, with respect, one new mask a week is what my son has been receiving at High Desert. I also transcribe letters from inmates for Nevada Strong and I have had letters come to me that state that some inmates are making their own masks. My son also has two kites in for the vaccine, no vaccine yet at all. Three weeks ago, I called High Desert and I spoke to the nurse in Medical. She finally answered and I asked her "why has my son not gotten a vaccine yet, I'm terribly worried." And her response was "right now we're trying to get control of the virus, we'll deal with the vaccines later." What better way to deal with the virus than to give them the vaccine? I didn't understand that. Also, Deputy Director Williams, respectfully also, talking about the programs for the inmates. Again, I can speak personally about my son and what he has told me that he has had a request in, a kite for substance abuse help for over a year. He wants to make a clean break from that past life. And also, he's had a kite in for mental health counseling and has received absolutely none. And at this time, when they're on lockdown, mental health assistance, I think, is very much needed. So, that's really all I have and thank you for your time.
- [Mercedes Maharis] Good morning again. Quickly, three items that I did not address concerning Operations and one comment on behalf of the officers and staff. In all fairness, I don't understand why they are not receiving credit for overtime in their retirement. I believe that that's only fair. Number two, please require NDOC to track and provide official death counts for the SO population, sex offender population. I've asked for years, they never even consider it. Number three, allow friends and family, please, to send in DNA, ancestry, and health trait kits for our prisoners. That will contribute to their mental health status, which she addressed so well, that Mr. Williams wrote to me and said, "no, we're not allowing them to be sent in because of safety matters." I have no idea what safety matters they would present but give them something to do. And give them something to finally get grounded about. Concerning their ancestry, which I've heard many times before, "well I don't know, I don't have any ancestors, I have no idea where I'm from." That would help to ground them and their mental health. Thank you very much.
- My name is Carol [Reyes] and I was just wondering how the [programs] are up and running when every single prison is understaffed.

Governor Sisolak: They can't answer a question here; you can make a comment.

Carol: Well yeah, that's the only comment I have, okay.

- Hi again. My name is Sonya Williams. I'm going to continue the rest of my Eric story. I left off on December 13th, Eric died in High Desert. On the day he died, I was contacted by NDOC and told that I would need to contact the Coroner in order to claim his body and that an autopsy would be performed pursuant to NRS 209.3815. Two weeks later, I was finally given an opportunity to ID Eric's body for the cremation process and to my shock no autopsy had been performed. I was told it was law by NDOC and that an autopsy was requested pursuant to this law. I immediately told the funeral home to pause the cremation and I started calling Governor's office, Attorney General's office, the Inspector General, County Commissioners, anybody to find out why this law was not being upheld. Today, exactly 48 days after Eric died, Eric is still in a freezer. And NDOC's notice of Eric's death on their own website is a notice for a different inmate and has a third person's picture. From beginning to end this is a circus. NDOC does not follow the ARs or statute. The compassionate

release process is not understood by anyone and you provide no assistance in understanding it at the time when families are overwhelmed with stress. Sadly, this isn't unique. We have dozens of other families who have had the same experience. We ask you again, who holds them accountable to the law, Governor? Is it you? I am begging you for help, not just for me, but for the families facing medical neglect and compassionate release.

- My name is Brandon [Cunningham]. I'm with the Nevada Coalition Against the Death Penalty. I have to ask, what is justice? Is killing a mentally ill man justice? I don't believe it is and many other Nevadans agree with me. I'm here, like many others, to urge Governor Sisolak and Attorney General Ford to grant Zane Floyd a clemency hearing. When the Board of Pardons meets in March, please consider adding his clemency plea to that agenda and consider immersion clemency. He deserves treatment, not death by an untested, unproven execution method. Please stop the execution of one of our service, our country service people, who never received the help and treatment he desperately needed.
- Barbel Warren again. In the spirit of families first, I would like to acknowledge the letter read by the grandmother of the 15-year-old daughter who lost her father. I want to show respect that the officers are hardworking. That their intentions are probably good, but they need support from their Department, from their people, from their employers, to do the job that they need to do. So I want to say thank you for her. And I want to tag on to mental illness, which is one of the reasons why I believe my son is where he is at. Mental illness is a huge issue. It's so important to be dealt with in the prison system. I'm now very concerned and very focused on what needs to happen on re-entry, when prisoners come home and mental illness is the biggest issue there and substance abuse. So in the case of the Zane Floyd, I'd like to tag on to what Mark has mentioned, and Brandon has mentioned. People with mental illness, that had such a severe mental illness, should not be executed. I am for the abolishment of the death penalty. That's another issue, but I would like to speak until there is proper ways to execute someone, which there will never be. There should be no execution of people in my book. So I ask as well, that you give it some consideration to set aside the execution of Zane Floyd. Thank you.

### **Carson City:**

- Good morning, Governor Sisolak, and Members of the Commission. My name is Holly Welborn. I'm the Policy Director for the ACLU of Nevada. I just wanted to comment on you know, a few things that I heard today and some of the conclusions that I've made and listening to both the families of incarcerated individuals and the Correctional staff that we heard from. I had a few conversations in the hall, and this is a time where we can really work and operate in solidarity and come together to find solutions to what has become a crisis in Nevada prisons. In a crisis that we predicted early on in the pandemic. We still maintain that de-carceration is at least one solution to the problems that we are facing. Not just a grand release of a bunch of people who are currently incarcerated, but to also help with some of these staffing issues. There are other solutions that we can look at as well and some of which we heard about today. We can't be certain where this virus is going to take us. We don't know what will happen with the next variant whether it will be more dangerous less dangerous, but everyone is suffering. Everyone around that table down there in Las Vegas, the Corrections staff that are up here, the families that you've heard from. At minimum, my proposal is to reconvene family meetings and families of Correctional Officers, Correctional Officers who are currently working in prisons. To continue meetings with the COVID-19 response staff. I think that that is a necessary next step so we can have some of these conversations before coming to these meetings. So they can be more productive and we can have some solutions. So I want to thank everyone who has shared their stories today and I look forward to continuing those conversations with the Corrections staff. Thank you.
- Anita Pederson P-E-D E R S O N. It doesn't seem like there's going to be any resolve to any of this anytime soon. Just listening to, I would like to hear more from Charles Daniels at some point. Maybe he could make

some kind of statement for the news. Seems like there's something that can be done. I'm confident then, and it's evident, that you're not capable of handling the staffing shortages. Just little notes I made: Quit hiding behind the virus. Make programs for the inmates. Mental health can also be handled by allowing them to gather for their spiritual services and to pray together. A lot of these men are God-fearing. Give them something else besides lockdown. I'm very happy to hear that you're successful with your wild horse ranch project. Little pat on the back there I guess never hurts. Would be nice if you could put some of these men to work and let them feel productive instead of the 24/7 lockdown. We can't hide behind this forever. And just a comment, the word on the street is that the NDOC bought up hydrochloroquine when it was very popular and not one inmate was it administered to [sic]. I'd like that to be addressed at some point. Thank you very much. Have a great day.

- Hi, my name is Kellen Prost and I am an infection control nurse at NNCC. I just wanted to say a few words on behalf of the non-custody staff and how dangerous the facilities are becoming. I've been working for the NDOC for a little over 7 years and I've never seen the staffing this bad for both custody and non-custody. I have never felt so unsafe walking within the walls of NNCC. When walking through the yard, I just look around and I don't see any officers in sight and the towers are unmanned. And obviously, due to our short staffing, the units including lockdown units are incredibly unsafe with one officer on the floor with a bubble officer that's on his or her fourth or fifth 16-hour shift. Non-custody staff are untrained in how to defend ourselves so if something happens to the only officer on the floor, then we're in big trouble. Inmates are becoming more bold with their defiance and it's only a matter of time before something really bad happens to a staff member. So to make this short, I'm really just asking for help for all of our staff before we either lose everyone to other jobs or something terrible happens. Thank you.

Deputy Director Quenga: Advised there was not anyone else wishing to speak in Carson City.

Governor Sisolak: Asked for electronic comment, all were sent to Governor's office prior to the meeting. Asked for telephonic comment, there was none. Governor moved on to item number 14, adjournment.

**14. Adjournment:** The meeting was adjourned at 11:53 a.m.

APPROVED THIS 28 DAY, MONTH OF APRIL, IN THE YEAR 2022

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GOVERNOR STEVE SISOLAK

\_\_\_\_\_  
SECRETARY OF STATE BARBARA K. CEGAVSKE

\_\_\_\_\_  
ATTORNEY GENERAL AARON D. FORD