

JOE LOMBARDO
Governor

JAMES E DZURENDA
Director



FRANCISCO V. AGUILAR
Secretary of State

AARON D. FORD
Attorney General

STATE OF NEVADA BOARD OF STATE PRISON COMMISSIONERS

MEETING MINUTES

The Board of State Prison Commissioners held a public meeting on Thursday, March 14, 2024, beginning at 10:00 a.m., and was conducted at the following locations. The meeting could also be viewed and heard via YouTube.

Meeting Location:

Nevada Room
Nevada State Business Center
3300 W Sahara Ave
Las Vegas, NV 89102

Video Conference Location:

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

This meeting could also be heard and viewed via YouTube at: <https://www.youtube.com/watch?v=2XfH8XWu05c>

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

Board Members Present:

Governor Joe Lombardo – Las Vegas, NV
Secretary of State Francisco V. Aguilar – Carson City, NV

Board Members Absent:

Attorney General Aaron D. Ford

Nevada Department of Corrections (NDOC) Attendees:

James E. Dzurenda, Director
Brian E. Williams, Sr., Deputy Director of Operations
William Quenga, Deputy Director of Prison Industries
Bryan Shields, Office of the Inspector General
Danyele Madsen, Executive Assistant, Meeting Clerk

- 2. Public Comment (1st Period):** First of two sessions to address the Board of Prison Commissioners regarding items indicated on the agenda (3 minute maximum per speaker). Public comment is transcribed as spoken with minimal edits such as deleting a repeated word. Note: Public comments were also accepted in written form via email until 9 p.m. the day before the meeting as indicated on the publicly posted agenda. All electronic public comment submitted to bopc@doc.nv.gov by the March 13, 2024, submission deadline indicated on the publicly posted agenda was forwarded to members of the Board.

Carson City:

- My name is **Paul Curado**. I was a prison incarcerated volunteer for 24 years here are my comments: Number one I believe you have them in your packet on recidivism do not release inmates unless retraining is completed, re-entry training is completed. Please consider a study to see if the federal prison entry initiative would be applicable in whole part to ameliorate some of the funding issues of the NDOC. This could receive bipartisan support given the potential cost savings. Use these cost savings to reinstall pre-release programs cut from the budget in order to reduce recidivism. Is the fact

that 90% 95% of all persons incarcerated will be released. 30% will be back, recidivate. Do you really want to go to the public and ask for another prison or would it be better to simply lower the recidivism rate from 30% to whatever is practical? The last thing is that please note that nothing stops a bullet like a job; that's Father Bole from South Central. What is the life expectancy of the average NV correctional officer postretirement? Federal statistics state that it's three years for a CO. Mandatory retirement at the federal government is 57 so they only live 3 years after they retire. I don't know what ours are. Painkillers, please identify the number of offenders whose path to prison was started with prescribed painkillers. Work on more solutions to this persistent problem. Classes, considering offer classes in money management like the FDIC smart money curriculum a financial education program. Refund the pre-released assistant programs. Computer classes are needed by both academic and crafts people programs. There's not a not many people on the road now in semis who don't have a computer in their cab. Vocational training is needed and skilled workers available including but not limited to welding, wood shop, HVAC, and green technology. You might want to visit the Federal Correctional Institution in Herlong about an hour north from here to see what they do there including email and I want to congratulate Director Dzurenda for after what was it five years it took you to get the computers, the handhelds in the prison? I guess **[3 minutes reached]** Okay I'm going to be real quick please. Parole Board preparation, this is really important, please consider the dissemination of vetted and attached parole guidance within the NDOC is based on personal observations reviewed by parole board members. Bottom line is that everybody points fingers to the other person in terms of getting somebody ready for parole and parole hearings. They don't have and I believe that the days of dropping people off in front of a um in front of the liquor store in Reno with 50 bucks in their pocket as they go be successful are over. At least I pray they are [Governor: Your time is up.] Thank you, sir. Please, if you would take a look at the rest of the items that I proposed especially in including computer core I'd appreciate it. Thank you very much for your time.

- **Tanya Brown** Advocates for the Inmates and the Innocent. Good morning. I have provided this Board with some documentation I want to discuss dealing with something that had just recently had come up during the February 23, 2024, meeting of the Joint Interim Standing Committee on the Judiciary. Director Dzurenda gave a presentation on the legislation enacted during the 2023 Legislation. During his presentation he spoke of AB 292 the Women's Dignity Bill. Mr. Dzurenda brought to the attention of the committee and stakeholders his concern for the lack of funding to pay for mammograms. I have a possible solution that might help pay for the women to get mammograms. I want to bring it to your attention and to NDOC's attention that in 1999 NDOC caseworker Miss Pat McGaffin put together the annual event to help raise money for the Susan G Komen Breast Foundation. This went on for a few years until Miss McGaffin retired from NDOC and later would pass away from breast cancer. During the years I worked with Miss McGaffin on this event the offenders love the idea of this way this and it's a way for them to give back by participating in this event. And I've provided you newspaper clippings of these events. There were over a thousand inmates who walked in Northern Nevada. Thousands of dollars was raised for this Susan G Komen Foundation. Now if we kind of switch it around a little bit and we make it and we work it for the women within the in who are incarcerated, and we get grant money for that's where it could come in for the mobile buses to come in. I have given you a list of my ideas that worked then and they can work later, and we would like to be a part of that should this become an event in the future. Also, the Ombudsman Bill that passed the great bill. I don't know if you know the history of this but back in 2011 the legislature passed the Ombudsman bill. It was under the direction of the AG's office, but they never funded it. And then in 2023 um it's was brought before well 2022/23 and then again legislation was created for that. And so I just you know this is just a wonderful bill. I can't wait for the Ombudsman to come on board so some of our concerns, and there are concerns that you are not aware of, but the ACAJ and members of the legislature are aware of certain individ things and I think the Ombudsman needs to know this. And this deals with a computer

glitch I still get information where false felony charges were placed in inmates' files because when NOTIS was installed in 2007 it flipped and put false charges in there. And they still keep popping up but I'll be able to sit down with the Ombudsman, whoever the Ombudsman may be, and show them where this needs to go into because the bill did not put that in and this is something that is of great concern for everyone, taxpayers **[3 minutes reached]** thank you. I will come back later. Thank you.

Las Vegas:

- Good morning. My name is **Patricia Adkisson** from Las Vegas. My comments relate to all regulations under consideration. For the record, I object to this Board's unconstitutional practice to adopt regulations without substantial compliance with the public rulemaking process. In accordance with our state constitution Nevada article 3 subsection 1, clause 1 and 2, the Legislature chose to authorize executive branch agencies to adopt regulations by law creating NRS 233B. Before any regulations may become effective public workshops must be conducted. That includes responsive answers to public comments and objections. Furthermore, a review of the proposed regulations must be conducted by a legislative agency before their effective date in order to determine whether each regulation is within the statutory authority for its adoption. This described review is not within the Executive Branch's power. Additionally, this Board is not empowered to delegate authority to the Director in order to adopt, promulgate, or trigger an effective date of any regulation by way of fixing his signature. The Legislature expressly denied this privilege by way of exempting the department from the statutory privilege of the public rulemaking process. The Board's continuing failure to act in conformance with relevant laws and constitutional principles has worked to establish a roguelike culture within the department as each new Governor and Director passes through the seat of the public office merely acting in conformance with the established status quo. We are left with a department in dire need of rehabilitation. The Director's deference to the existing modus operandi of the department has given us a Medical Director who is not licensed in Nevada and a Silver State Industries operation that has been, upon our belief and understanding, effectively hijacked spending taxpayer funds on personal vehicles and projects, asserting the funds are profits to be expended at their discretion and falsifying accounts in order to conceal this ongoing activity and swearing offenders to secrecy with non-disclosure agreements. These significant issues pale in comparison to the Department's utter disregard for this Board's authority where for example the Secretary of State an equal member of this Board acting as the Chief Elections Officer did restore my husband's civil rights as contemplated by NRS 213.157 permitting him to register to vote and to cast his vote in recognition of the legal determination that there is no conviction or legal infirmity that permits his restraint to a prison, a state prison. It is our belief and expectation that we should be receiving resignations from offending staff. To be clear, we support Director Dzurenda in the needed reform of the department. I will be in contact with Deputy Director Quenga relating related to Silver State Industries and retaliation against my husband. Thank you very much.

3. Acceptance and Approval of Minutes – August 30, 2023

There were no questions on minutes of the prior meeting held August 30, 2023.

Action: A motion to approve the minutes was made by Secretary of State Aguilar. Motion passed; minutes approved.

4. Chief Medical Officer Report – Vincent Valiente, Representative from the office of Dr. Ihsan Azzam, Ph.D. MD, MPH; Nevada State Chief Medical Office

Vincent Valiente with the Division of Public and Behavioral Health presented the Board with the Chief Medical Officer's report on behalf of Dr. Issam. As of the date of the report, January 15, 2024, and since the prior report dated July 6, 2023, unannounced dietary and sanitation inspections occurred in three prisons: Ely State Prison, Lovelock Correctional Center, and Northern Nevada Correctional Center. Data tables were provided to the Board and publicly posted summarizing the critical findings during inspections. Year 2024 inspections had not started as of the date of March 14, 2024. Inspections include medical dietary sanitation and nutritional adequacy.

No critical dietary sanitation violations were identified at Ely State Prison and Lovelock Correctional Center but there was one critical violation at Northern Nevada Correctional Center. The nutritional adequacy inspections look for certified menus in place and being followed by the facility, that the meal served at the time of inspection was consistent with the menu, spreadsheets with portion sizes provided, or other means of documentation reviewed for portion sizes provided, substitutions documented, and certified menu and nutritional values were available for offender review.

During the Board meeting on August 30, 2023, Attorney General Ford requested consideration of interviewing offenders during inspections. Interviews were conducted at random in different areas such as in medical units, offender housing, and facility grounds. During these interviews offenders verbalized receiving all meals from the culinary daily. They verbalized all meals are served daily in housing units or at the culinary. When asked about food quality and portion sizes offenders verbalize concerns with smaller portions and bland food. These concerns were noted at Ely State Prison and Northern Nevada Correctional Center, and this was prior to the NDOC's menu changes in the beginning of October 2023. The Love Lock Correctional Center inspection occurred in October and the inspector did not make note of any concerns with bland food or portion sizes. He did confirm the menu changes to increase the food portion sizes and variety.

Medical inspections occurred at Ely State Prison and Lovelock Correctional Center in September and October 2023. One Life Safety code violation was observed at Ely State Prison and zero deficient practices were observed at Lovelock Correctional Center.

Board members were invited to ask any questions and there were none.

5. Director's Comments & Departmental Updates – James E. Dzurenda, Director, Nevada Department of Corrections

Free Phone Call Pilot at Florence McClure Women's Correctional Center

Senate Bill 234 enacted a pilot program at the Florence McClure Women's Correctional Center. The pilot was so successful that it was continued and provides one free phone call every day for every offender at the women's facility.

Voluntary surveys from 50 offenders reported there were women at the facility who had not made phone calls in many years because they had no money, and their families were unable to provide money for phone calls. With the SB 234 pilot, these families were able to reconnect. One survey reported a daughter (3 years old) who did not realize she had a mother until her incarcerated mother was able to call her, it was the first time she had ever spoken to her mother. Another survey told how a woman previously could not help her elderly husband get assistance for his medical issues and with her free phone calls she was able to resolve the issues for him.

With the future implementation of tablets for the offenders and a new phone contract, this free phone call pilot may be able to be implemented throughout all NDOC facilities. This will be a topic at future hearings.

Status of CIPs, State Public Works

The Board was provided with a listing from State Public Works Division detailing 48 projects and the status of completion. Of the 48 projects, 9 showed 100% completion and the remaining 39 had varying anticipated completion dates through April 2025.

Departmental Vacancy Rates

In early 2023, this agency had an overall 39% vacancy rate for correctional officers. Currently that rate is down to 27%. There was a restructuring of the NDOC Human Resources division and an outside agency was hired to redesign the entire hiring process; marketing, recruiting, and onboarding. There are currently 5,000 applicants for the correctional officer position where it had been less than 400 in January 2023. There are currently 126 officers in the academy and 48 others who graduated last week in Las Vegas. Another 72 will begin the academy in the coming weeks. These improvements will not only impact the health and welfare of the staff but also the offenders and the public as well.

6. Ombudsperson Services RFP – James E. Dzurenda, Director, Nevada Department of Corrections

The current step in the Ombudsman Services RFP process is selecting the committee members who will review potential vendors. The selection of committee members is subject to approval of the Board of State Prison Commissioners. Persons requested to be selected as committee members include representatives of:

- An advocacy organization such as the Nevada Chapter of American Civil Liberties Union
- Department of Health and Human Services Aging and Disability Services Division Statewide Long-term Care Ombudsman program
- Nevada Department of Corrections Offender Management Division
- Office of Inspector General
- Nevada Office of the Attorney General not connected with representation of the Nevada Department of Corrections

Action: There was a motion by Secretary of State Aguilar, and it was seconded, that the list as presented be approved. Motion passed, representatives approved.

Governor Lombardo asked when Director Dzurenda anticipated the award on the presentation of the RFP would be. Director Dzurenda advised that the next step is going through the RFP process which usually lasts four to six months until it is finalized.

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

- AR 400 – General Security/Supervision Guidelines
Addition of mandatory tours for certain administrative staff for added safety and security.
- AR 421 – Prison Rape Elimination Act

Clarification of language for improved consistency with national PREA standard as result of Federal PREA audit.

- AR 507 – Restrictive Housing
Restrictive Housing definitions, classification, and operations in support of Senate Bill 307.
- AR 513 – Solitary Confinement (new AR)
New Administrative Regulation containing definitions, classification, and operations of Solitary Confinement in support of Senate Bill 307.
- AR 600 – Health Care Services
Clarification that the Director of Nursing Services (DONS) will oversee the care of offenders, not a Health Care Administrator.
- AR 707 – Offender Disciplinary Process
Language updated as a result of a case settlement agreement to include verbiage for an attempted infraction.

Action: There was a motion by Secretary of State Aguilar, and it was seconded, that ARs 400, 421, 507, 513, 600, and 707 be approved. Motion passed, regulations approved.

8. **Public Comment (2nd Period):** Second of two sessions to address the Board of Prison Commissioners. Comments are not limited to agenda items (3 minute maximum per speaker). Public comment is transcribed as spoken with minimal edits such as deleting a repeated word. Note: public comments were also accepted in written form via email until 9 p.m. the day before the meeting as indicated on the publicly posted agenda.

Carson City:

- **Tanya Brown** Advocates for the Inmates and the Innocent. Thank you, Governor, members of the Board. First, I want to say this is my first time in quite a while that I've been here. But also we do have, we did have another Board member who was hoping to call in and I see that there is no phone call for to call in under the public comment and I was just wondering if's that normal or is it going to change? Because all the other boards, Pardons Boards, you can call in, in legislature, so that I would like to see. Second, under the Administrative Regulations, I know that you are not familiar with what I'm about to tell you, and I can base this on documentation that I have in my possession. And I can tell you that under disciplinary actions and it affects the inmates, it affects their paroles, and it affects the taxpayers because we are incarcerating them, Keeping them incarcerated, when they're being denied paroles based on information provided to them by NDOC contained within the NOTIS file and that is this: if an inmate gets into a situation he wants to grieve it he goes through the grieve process and then sometimes it's upheld, usually it's upheld, and then sometimes the offender will then take it to the next step which would be to litigate it, to take it to court. And in sometimes, in a lot of cases, the offender will be successful on that grievance, but the punishment has already been done. But what I find interesting that you are not aware of is that once that happens, that disciplinary action still remains in the file as though it's there although the parole board does not, is not aware that the offender has taken it to court, won it, and it should have been removed. So, they look at this that is an impact, a negative impact, on an offender seeking a parole. This needs to be addressed and this should be looked at because, again they have they have no knowledge that the offender won that. They never should have had that disciplinary action held against them and they certainly shouldn't

have it held against them for a parole hearing. So, this is something that we would like for you to look at. This is something that should be pointed out to the Ombudsman. Again, I would like to because I do have the documentation and I'm privy to this. And I'd just like to finish up on what I have provided you for my public comment and I'll just finish it until my minute or so is left, thank you. So I said as a stakeholder our organization would like to be a part of this event should NDOC decide to bring it back; 1 - start an annual breast cancer fundraising event, 2- volunteers will be needed to contact local businesses if they would be willing to donate money or an item in their businesses that could be sold for the event, 3 - a vendors can make such items as artwork jewelry knitting items, etc., to be donated for the cause, find a place for the community to come [3 minutes reached] Thank you.

Las Vegas:

- Good morning, **Patricia Adkisson** again. I just wanted to ask that you look at the documents that I've actually submitted. They go on, they're regarding voting. My husband's a legal registered voter. The department admits that there's no conviction and he should be sent to Casa Grande this week pending his parole plan. The forms here show that they admit that he is allowed to vote. He's a registered a voter registration card and they admit 'correct vote' saying that he can vote, and his vote should be submitted by mail, not permitted to vote in person per NDOC policy. So, they're just holding him per NDOC's policy. He's not there legally. And then this is a form showing that he actually voted by ballot, and it was accepted. Also, the other thing I wanted to mention is that he's been trying to go to a school for the last two years to get an associates, an AA in applied science and welding. And in order to complete that course material after nearly two years of participation, CO Garcia and [Deputy] Director Quenga, as respondent Superior, have now deliberately and without just cause set out to deprive him of his ability to complete his education by barring him from participation in the classroom activities. He went to go to the class the very beginning of the semester and CO Garcia under, I'm assuming, the direct direction of Quenga barred him from going to the class. So now he's got two years into it and can't finish his AA. So, I'd like you guys to look at these documents please and get back with me. Thank you.
- Good morning. My name is **Jodi Hocking**. I'm here today on behalf of Return Strong to ensure that we continue to bring the death/murder of Christian Walker into public spaces. In one month from tomorrow will be the anniversary of his death. No one, no one has been held responsible for his death in any way. The officers involved are all still working for NDOC. The issue of in-custody violence and death are complicated and even the appearance of transparency is shrouded in secrecy. Since the public investigation is still considered open, we can't get answers, so we have worked to do our own investigation. The coroner's report stated Christian's death was from natural causes, but we had it reviewed by an experienced, independent medical examiner who found the initial results to be inaccurate if not completely false and found implications of police influence in the Coroner's results. The problems between police and Coroner's hold an often ignored bias in making determinations on investigations like this. We've received anonymous letters from witnesses, both incarcerated people and medical staff that were there, first responders, and public reports from the ambulance staff. If NDOC or the state police have finalized their investigations, the community is calling for a release of that investigation to be able to review it for thoroughness. I do want to just make a comment, there actually has been a second death beyond Christian's that is under investigation now. And one of the things that as an organization we're concerned about during the staffing changes, like it's great that we have new staff and are building up our staffing numbers, but one of the side effects of that is inexperienced COs who then panic and overreact. And so, we do have concerns that that is part of what is becoming a factor in increases in deaths in Nevada prisons and are hoping that that will be taken in consideration for additional training for people. In addition, we are asking not only for a

release of the investigation but for citizens review panel to be able to review, similar to what is currently in existence with Metro, to be able to have people who are reviewing in custody deaths outside of the police, state police, NDOC and have a truly independent review of those deaths. Thank you.

9. Adjournment: The meeting was adjourned at 10:46am.

APPROVED THIS 27th DAY, MONTH OF JUNE , IN THE YEAR 2024

GOVERNOR JOE LOMBARDO

SECRETARY OF STATE FRANCISCO V. AGUILAR

ATTORNEY GENERAL AARON D. FORD

Minutes prepared by D. Madsen, Executive Assistant, Nevada Department of Corrections