

Steve Sisolak  
Governor

Victoria Gonzalez  
Executive Director



James Hardesty  
Chair, Nevada Sentencing Commission

Chuck Callaway  
Vice Chair, Nevada Sentencing Commission

**STATE OF NEVADA  
DEPARTMENT OF SENTENCING POLICY  
Nevada Sentencing Commission**

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**NEVADA SENTENCING COMMISSION**

**MINUTES**

**ADOPTED JUNE 24, 2020**

**Date and Time:** April 13, 2020, 10:00 AM

**Location:** VIRTUAL

**MEMBERS PRESENT**

John Arrascada  
Chuck Callaway – Vice Chair  
Chief Anne Carpenter  
Director Charles Daniels  
Chairman Christopher DeRicco  
Judge Scott Freeman  
Justice James Hardesty - Chair  
Chris Hicks  
Darin Imlay  
Christine Jones Brady  
Keith Logan  
Russell Marsh  
John McCormick  
Kimberly Mull  
Dr. Elizabeth Neighbors  
Jon Ponder  
Dr. Emily Salisbury  
Tod Story  
Dr. Tiffany Tyler-Garner  
Assemblywoman Rochelle Nguyen  
Senator Nicole Cannizzaro  
Senator Keith Pickard

## **MEMBERS EXCUSED**

Judge Michael Villani  
Assemblyman John Hambrick

## **OTHERS PRESENT**

Barbara Pierce, Crime and Justice Institute  
Abigail Strait, Crime and Justice Institute

## **STAFF**

Victoria Gonzalez, Executive Director  
Sherry Glick

Due to technical difficulties, portions of the meeting were inaudible or not recorded. Summary minutes are provided in brackets where [inaudible] or recording lost.

### **1. Call to Order / Roll Call**

**Justice James W. Hardesty, Chair:** [Welcomed the Commission to the meeting. Asked the Executive Director to take roll.]

### **2. Public Comment**

[Public comment was submitted in writing and provided to the members of the Commission. Members of the Commission silently read the public comment submitted up until the first period of public comment.]

### **3. Presentation by Certain Criminal Justice Agencies Concerning Responses to COVID-19 Crisis (For discussion and possible action)**

**Chair Hardesty:** [Introductory remarks regarding the agenda. Chair Hardesty explained that each agency will report how they are responding to the COVID-19 Crisis. The purpose of this is to provide information to the public and possibly make some policy recommendations to the Governor or others on how to respond to the Crisis.]

[Chair Hardesty then turned the meeting over to Director Charles Daniels of the Nevada Department of Corrections (NDOC)]

**Director Charles Daniels:** [Director Daniels began by providing general statistics regarding how many staff and inmates are in the Department. He stated that 5 staff members tested positive for...]

COVID-19 of which one has already returned back to work. We have to date have zero inmates that have COVID-19 and I think it is important that's noted. Part of the reason that I believe we've been successful is that we took some very proactive steps from the very beginning and I would like to share with you some of those steps so that you could understand and see how we look at it maybe a little bit differently than the outside community.

We are a public safety organization that always has contingency plans available for most anything that could potentially happen, and we practice those plans with regularity. So, once we heard

about COVID-19, the very first thing we did we stopped visitation as of March 7<sup>th</sup> and that included family and friends. On March 15<sup>th</sup> we then included legal. We minimized our inmate transfers and inmate movement as of March 15<sup>th</sup> to the extent that the only ones we would accept inmates were from the county jails.

As we accepted those inmates, those inmates immediately went in a 20 to 30-day quarantine, depending on how many people were in the isolation unit. We started taking the temperatures of all of our staff. We initiated that on March 16<sup>th</sup>. We also started denying entrance to anyone symptomatic or with the temperature above 100.4 as of March 16<sup>th</sup> of this year. In addition to those operations we implemented some medical guidelines.

We actually started monitoring COVID-19 in early February. Our medical leadership started monitoring from when it was Asia and as it moved around the world. Specifically, as soon as cases were in Washington state we knew that we had to come up with procedures as we call them protocols to ensure that we had redundancy built in our organization and that we could handle no matter what transpired.

We also met with the Department of Emergency Management and we requested Personal Protective Equipment (PPE), from the strategic national stockpile and that was on the 16<sup>th</sup> of March. We then started ordering our COVID-19 test kits, they were actually ordered on March 30<sup>th</sup>. We were provided with 15 kits though in advance back on March 16<sup>th</sup>. We also provided regular updates that were sent globally to all our employees via email and the medical director providing guidelines consistent with Centers for Disease Control (CDC) and World Health Organization guidelines.

In terms of what we did with our staff, how we decided to work within our system. The very first thing would be assessment and assessments went like this. If anyone were assessed to have a high temperature, a runny nose, dry cough, fever, headache, shortness of breath, we then started having them go through secondary screening.

As that went by, if any of them any of the inmates or staff showed any one of the primary three, what we did is we went to the secondary assessment then if we felt the need to then if there was an inmate we would remove the inmate from the housing unit and take that inmate into our medical unit and put that inmate on medical observation.

[inaudible]...what we would do is stop them right at the door. We initiated temperature checks at our front doors and then for anyone to come in the facility, if you had any of the symptoms, we sent you to secondary screening, which was also in our front lobby areas. And if anyone presented, we sent them home and told them either they needed to go home and wait at least 72 hours if the symptoms subsided. If not, then they needed to go be tested.

We continued to move forward with the way we organized our facilities. Let's just say we had an inmate that was working in our food service operation, we call it culinary. If anyone presented at that time, once again, we would remove that inmate from that area. We would isolate him under the medical observation unit but then we would also go back, look for anyone that's been around that person, staff, or inmate and then we would put that housing unit with all the inmates on medical observation. Medical observation just means that we have additional medical staff that go to the unit versus the inmate going down to the medical department and then those inmates would be assessed with temperature checks roughly three times a day and look for any other symptoms and if the inmate indicated that there were any additional symptoms then we would go on from there and potentially if we felt the need to, remove that inmate from the housing unit.

But once again I think it's of note we have zero positive tests and we think that the system is working as well as to be expected. As with any system of course, it's not perfect, but it seems to

have worked, we have it entrenched. Our staff are following procedures and our inmates seem to be well equipped to speak up when they believe there's an issue and we address it.

We also twice a week, on Tuesdays and Fridays all three shifts of staff and inmates have to go through what we call a Town Hall process. That's when all our staff are briefed on what's currently going on, where we are, if there's been any suspicion, if there's been any confirmed cases. But we also get that information out and talk to the inmates. The inmates have an opportunity to interact because our wardens are conducting those and our associate wardens.

We are making sure that there's plenty of information out there and available to the inmates. We want our inmates to be part of the process. We've also implemented inmate sanitation teams and what they do is at a minimum three times a day go out and sanitize the whole unit. Well how do they sanitize?

We provide the sanitation chemicals that we have. In addition to that, we were keenly aware that there would be shortages, so what we decided to do was to make our own hand sanitizer. So, we have right now we're making up to 20,000 two-ounce bottles per day and we're also producing our own masks as well as our own PPE, meaning the gowns. We distributed that around our entire organization and anyone that wanted we give it to them. Meaning our staff members. The inmates get the hand sanitizer and we issue that out and we control it because several of our inmates have decided that they wanted to drink some of it and so we monitor it. But everyone gets it.

So, if we have to take the inmates to a unit to where they have to take a shower, we escort those inmates out but before they leave, we wipe down the showers and then after they get out we wipe down those showers again with our sanitation teams. Each of those teams is supervised by a staff member.

So, once again if we have to remove an inmate from housing unit, not a problem, we'll isolate them. If we have too many inmates, which we haven't had so far, we would isolate the housing unit and bring medical staff to them.

So, the obvious issue of getting the protective equipment, handing out the sanitation equipment, and then monitoring who comes in. The reality of it is our inmates don't have it and we've been fairly successful at least in terms of what we can tell.

Quite frankly our staff are the ones that intermix with society in general. Our staff go to Walmart, they go out to eat like everyone else, they go out to gas stations, they're mixing with their families, they have kids. And so, we try to prevent any of our issues at our own front gate and we have a philosophy, when in doubt keep them out. If suspected of having anything, you're out.

We go above and beyond but we feel like if we can contain it at our front door, we don't have to worry about it behind our front doors.

I could continue to go on but I want to know right now if there's any questions or any feedback anybody would want relative to our procedures that we happen to have in place or I'd be more than happy to continue to go on and talk about what we've done and what we're doing specific to our inmate operations. I could go into our manufacturing, our media involvement, our staffing, whatever anyone wants me to discuss, I'll be more than happy to. The one thing I can't do of course is discuss any one particular inmate as I don't have the ability to research as well as be attentive to this call.

**Chair Hardesty:** Please address the steps you took regarding inmate communication with family members since this began and then I'll open this up to Commission members in order to avoid

too much confusion, I'll just call on each commission member to ask any questions on your presentation thus far, or if they have other areas they like you to address, identify those and we'll circle back to you.

**Director Daniels:** Yes sir. What we've done with the inmates as soon as we knew we were going to have to cancel visitation as we knew that would be a portal to allow COVID-19 within our facility. The very first thing we did was we reached out to the phone company, our other company that provides us with our communication, and we asked them for several things. The first one of course was, we would like our inmates to be able to talk more to be able to provide them with additional phone time.

I believe we initially started out with two fifteen-minute calls that were free at no charge to the inmates. Then I believe we moved up to thirty-minute phone calls within our units. I will have to go back and revisit the half hour to ensure it was executed over the entire agency, but I can speak for the two fifteen-minute calls that were free. We've also worked out a situation where we reduced the pricing of the calls so that we could still ensure inmates had access to their families out in the community and could maintain those ties.

We briefed all of our inmates on the phone call situation and we explained to them that it was a safety measure for them as well to keep COVID-19 out, that we had to disallow visitation but we also wanted to ensure that they understood under no circumstances, did we not want them to have that communication. We believe we've gone above and beyond in ensuring that they have the access and in addition to that the inmates were never not authorized to write letters and of course they can receive letters.

So, we spent a lot time and effort on dealing with that on the very front end and we started that I believe on the 15<sup>th</sup> of March.

**Chair Hardesty:** Thank you very much Director. I'm going to call on each Commission member. If you have any questions of the Director for his presentation thus far, fine. If you have other topics that you'd like the Director to address, if you could just identify those and then we'll give the Director a chance to respond when everybody's finished. If you'll take notes Director and I will too, and then we'll circle back and see if anybody has follow-up questions for the Director.

[Chair Hardesty addressed some technical issues regarding the ability of certain members of the Commission being able to attend the meeting.]

**Chief Hardesty:** Mr. Arrascada do you have any questions for the Director at this point or other topics you'd like him to address when we finish this canvas?

**John Arrascada:** How many, what are the number of tests, how many inmates have been tested for COVID-19?

**Director Daniels:** We have zero tested. As you know the tests are in very short supply. We go through the screening process to number one, determine whether or not they have any of the symptoms then number two, if they have to go on to secondary. Then we would ask because we only have 15 pure COVID-19 tests. Although we have over a thousand that test for antibodies. But we have medical doctors at all [inaudible] and a large size nursing staff. Though if we needed to actually have an inmate actually test, we could readily have that test available.

**Mr. Arrascada:** Just so I'm clear then. There's been no tests administered but the frontend screening process, no inmates have been deemed needing of a test. Is that right?

**Director Daniels:** That's correct. On the frontend we get our inmates primarily from the county jails. They hand off those inmates to us. Those inmates are medically screened the same day, upon arrival, and they're put into an intake unit in which they're isolated in which they will stay there at a minimum of 20 days, up to 30 days. And once again, we just have some very significant, robust screening and communication and medical assessment to include, often temperature checks and so on. We're looking and we're asking the inmates about their symptoms.

[Chair Hardesty canvassed the members of the Commission for questions for Director Daniels.]

**Darin Imlay:** In one of the letters we received it was mentioned that the inmate is getting, about every other day, ten to twenty minutes out of their cell. Are the inmates getting any time outside their cell or are they self-quarantining in a sense in the cell twenty-four seven?

**Director Daniels:** I'm not particularly sure what facility you're addressing, but if it's at our High Dessert facility, those inmates are because of the nature of the facility and the security level. Those inmates are typically confined to their housing units and because we initially had some issues with our staff. One of our staff members there, although they didn't work down in the facility, they worked in the administration building.

We decided when we were first ensuring that our contingency plans worked, we traced all the staff members that the inmates had contact with. And then we decided to lock those units down. And lockdown just means they're confined to their cells up to twenty-three hours a day, but they're also entitled out of cell time for recreation, phone calls and showers. And so, when we take them out for showers, we obviously have to escort them to the showers, and we do that, and our staff wear the protective gear.

Our view is that chances are if there's a carrier, it would be our staff. It wouldn't be the inmates because we know the inmates have been fine so we take extra precautions that our staff have to wear the masks and the gowns when they're escorting inmates from their cells to the shower area and then once again we sanitize all of our phones, and our showers.

Each time an inmate goes out and comes back in, we do the same thing over and over and we provide those inmates with sanitizer that we produce ourselves and our goal is to ensure that they know they have sanitizer with them, they can use it and we are going above and beyond in ensuring that we sanitize it to the best of our ability

**Mr. Imlay:** The five staff members that tested positive for COVID-19, were they tested through your process or they tested outside the facility because of their own concerns?

**Director Daniels:** They were tested outside. Several of them caught symptoms at home and they had been told that listen you may have been exposed because they had a family member or friend that had it and they went on their volition. They reported it just like we asked them to they called us and said hey I think I may have a situation, ok. So, go ahead and get tested in the meantime when was the last day you were at work and we're going to do a trace on all those staff members. Which we've been very successful at doing. Those individuals went to the hospital, explained that they had contact with someone and they're showing some symptoms and they were ultimately diagnosed as positive.

**Christine Jones Brady:** One question I have has to do with resources. I know there's been newspaper articles and so forth regarding potential budget cuts but how are NDOC [inaudible] facility early release policies notwithstanding your early and aggressive approach to fighting COVID-19. Are you contemplating early release policies in furtherance in case there is more of an outbreak and in furtherance of criminal [inaudible] generally?

**Director Daniels:** Thank you for your question. I'll answer the last part first. In terms of are we contemplating a release? The realities of it are that our executive branch and our legislature create the public policy that we follow. I don't have the authority, except in very limited circumstances, to effectuate a release and even during those times are very stringent.

Now having said that when we talk about the personal protective equipment, as I have mentioned we are now making up to 20,000 bottles per day of two ounces. We have enough that we're now supplying the National Guard that's in charge of the dissemination of resources from the federal government and from state. We're sending quite a bit out so it's reaching all of our law enforcement agencies as well as our correctional agencies around the state. In terms of PPE's, once again we decided we would not wait and hope for anyone to help us. We decided to manufacture our own. We are right now in the midst of full production.

I'm very proud of our staff, they've done a tremendous job and they continue to do so. And it's our goal that as we move forward, we are fine. As of right now, we are good and we're going to help everyone else out. If anyone taps on our shoulder, of one of these government entities, we are going to extend a helping hand as much as we can. So, we want to be a part of the community success, we feel very good about our ability to change gears and turn to a manufacturing operation. So, I would say right now we do not have an issue. In the foreseeable future I will not have an issue and we're pleased that we're exactly where we are today.

Also, we operate emergency operation centers at all of our facilities so if there's anything that is COVID-19 related, it's immediately passed on to those emergency operations centers which are manned 24 hours a day. That information immediately goes to the wardens, the Deputy Director, then me. I call every single day, each and every one of them, at all of our facilities. We are very aggressive about it, myself and my executive staff which means my Deputy Directors. We get out to our facilities. My men and women are on the front lines, and myself and my Deputy Directors, we're down there with them.

The other thing that we did, and I think as a special note you should understand that, once this started, we identified all of our staff as essential. We designated them as essential. Because part of our response plan that if we have high incidence in any facility in which a large amount of staff would have to go home and self-quarantine, we designated every single person to include myself at our central office, to be able to go in and backfill at a facility. Those of our staff that are in back that have experience in corrections, we go in and work corrections positions.

I'm a career law enforcement professional, but I started out as a correctional officer and I can sling cheese with the best of them. But I will tell you what, and for those folks that don't have corrections, they can come down and help us make bologna sandwiches and push carts here and there and just assist. So, we have redundancy built into our northern and our southern region. We are very confident that we can handle whatever happens here and the inmates would not suffer.

Because we also get out and communicate with our inmates on the town halls twice a week with our wardens and such, they are very aware what's going on and they have the opportunity to communicate directly with us. Every time I go out in the field, I actually town hall inmates myself and I answer their questions very directly and straightforward as possible. The one message I put out, we genuinely empathize with what's happening out there with maybe some of [inaudible] your families and your friends and your concerns, we certainly do. But as it relates to your safety and welfare, all of our facilities have medical facilities literally right across the hall or down the hall and we can get you the treatment that you need immediately.

So yes, there is quite a bit going on [inaudible] communication though is key, we communicate very often with the other states. We know what they're doing. They know what we're doing, and we're just pleased, and I want to say again, I'm so proud of the efforts of my staff, they're first

class professionals. A lot of people would have tried to find a way to go home and stay home. My guys are finding reasons how they can come to work and how they can stay at work. And this will be my last comment on this topic. I also wanted to extend to each and every one of you my heartfelt appreciation to the folks over at the Parole Commission as well as Parole and Probation (P&P). We are public servants and we work as a team. We spend hours [inaudible].

[Audio cut out for several minutes]

**Keith Logan:** [Asked Director Daniels about whether NDOC was working with local counties for temporary or medical housing]

**Director Daniels:** [They have the ability to ask if necessary but have not done so at this time.]

**Jon Ponder:** [Asked Director Daniels about transfers from Clark County, if there is a screening process or secondary assessment.]

**Director Daniels:** [Explained that when the inmates arrive from a facility there is a manifest that provides information about the inmates. Then they process the inmates by taking photos and fingerprints, and before the inmate goes to the cell the inmate completes a medical intake including looking for physical cues and asking questions. The inmates are under constant observation and the staff communicates regularly.]

**Dr. Emily Salisbury:** [Asked the Director about providing information related to stress training for staff, programming for inmates and other issues regarding mental health issues and protocols at the Department.]

**Director Daniels:** Not only do we put information out, but it's required that no one enter our facilities, including me, I have to go through the protocol of having my temperature checked. If I were to have any issues I want to ask staff members hey, what's going on with that cough, what's going on with this, and then if they have to the nurse will say we think you may be better off being at home. Well, the staff member may say "Well, I feel fine". However, our instructions are when in doubt, keep you out. You're going to have to go ahead and go home because we don't want to have a bad day when someone misjudged [inaudible] where they are [inaudible]) at least one town hall. When my Deputy Director's go out, they are tasked with doing the same thing. My Warden's communicate daily with their Deputy Commissioner of Operations to [inaudible] consistently thoughts about sticking with our plan.

Our plan [inaudible] is good [inaudible]. Our staff are motivated. They've all accepted the fact that it's a public service and we're protecting society by keeping these guys safe because if they decide [inaudible] meaning our inmates decide, that they've had enough, and we've seen that in other [inaudible] states. If we're not communicating, we're not considering their needs, then you could potentially have an issue, maybe a disturbance or so on. But we know that we're not just guards. We immerse ourselves with our inmates. We communicate with them regularly. And it's our goal to be a part of the success of what's going on in the state and nationally in which we can certainly look at successes.

So, I addressed the mental health issues, the programming, and the enforcement of our protocols. My guys are sworn. I'm not telling you they're perfect, but they're sworn. We have every expectation, as you would in the military, you follow orders as a way to describe them. Because of the human element, on occasion, we have someone forget or choose not to follow it. So, we deal with that and the method consistent with [inaudible] any other violation of our rules.

**Tod Story:** My question is similar to Dr. Salisbury's. But I'm curious about the communication to the inmates about keeping them informed, the status, the update as we learn more as a society

around? And then how are they able to communicate with you Director Daniels and the staff as they have concerns about their own ability to protect themselves. We understand that you've got the hand sanitizer, but are there any other (inaudible) mechanisms in place for them to be able to take some responsibility for?

**Director Daniels:** [inaudible] Inmates are able to communicate with me directly and many have chosen to do so [inaudible] through the inmate grievance process. Any inmate at any given time can send a question or [inaudible] address their concerns directly with me through their executive teams previously.

We're not locking our inmates up and just forgetting about them. We are in the units. Think about this. Each inmate is able to come out and talk to an executive [inaudible] staff member twice a week. Twice a week they have access to the wardens and the associate wardens. That is mandatory. That's something that I instituted. My Deputy Director over operations ensures it and we get out and we talk.

You got to understand this benefits us in a great way to communicate. This is a profession and we know that we're dealing with humans. You have to communicate. You have to ensure they understand what's going on.

Many of them also have access to television. They watch CNN and anyone else they want to watch. They have the availability to see what's going on in the rest of the world. As a matter of fact, when I was out at McClure last week, they were trying to watch the show and didn't want to listen to me initially. We had to cut the TV off so I could address their issues. Our inmates are well-informed. Is it perfect? No. That's something that happens with your basic loss of liberties to some extent. I want a well-informed workforce and I want well-informed inmate teams.

As a matter of fact, we are struggling with so many inmates wanting to be on the sanitation team we're having to say no. We have enough right now, we'll rotate you in. They feel like they're part of a team. They're very concerned about their loved ones on the outside. But we think that the additional phone calls went a long way and they've expressed an appreciation for it.

So once again, I can't offer you perfection, but I can certainly assure you that my teams out in the field execute our contingency plan, and if anything, it's over communication. I enjoy it. My staff appreciate it and the inmates appreciate it. I hope I answered the spirit of your question, but I'd be more than willing to go into it a little bit further if you require.

**Dr. Tiffany Tyler-Garner:** Good morning. I just have three quick questions. One, Director Daniels is there a role that the Commission can play in supporting your efforts? Two, if we should receive inquiries regarding these issues? Is there a statement or information you would hope that we would provide or respond? And then third, is a reference and the ACLU letter regarding copays for seeking Medical Care. Can tell us a little more about that and what the status may be?

**Director Daniels:** Let me start with the co-pays. For the duration of this COVID-19 emergency response, we have waived all co-pays, so the inmates aren't paying those. Number one, it's not the right thing to do. You can't pick and choose if you get sick so we're waiving all of that and I would suspect we're not hearing too many concerns about it as the inmates appear to be pretty happy about that.

Secondly, in terms of information if you would like Dr. Tyler-Garner, I will be more than happy to send you some fact sheets. They would be the same fact sheets that we have on our website. We have a lot of information on our external website as well as Facebook. As a matter of fact, you'll find yourself deluged with information on our website. We're telling everybody on the planet

what we're doing, how we're doing it, why we're doing it and we want you to know. Information is key.

We're in the human being business. Humans need to be informed and they want to be informed or they'll create their own narrative. We've spent a lot of time and effort. We're seeing very little grumblings of that nature. But yes, I will send you some information very specific to what we're doing, and I really appreciate you reaching out and asking if there's anything you could do.

**Assemblywoman Nguyen:** Thank you for taking the time to answer some questions. I have a list, so bear with me. A lot of it has been answered. Am I clear in understanding that the entire NDOC has 15 tests? Is that correct?

**Director Daniels:** [inaudible] 15 that I identify the antibodies. That would be basically if you have the antibodies, we can move you onto the actual test. I apologize if I don't have the medical training. I'm an Administrator but I'm not medical. If I said something inaccurately it certainly wasn't with intent.

**Assemblywoman Nguyen:** I'm just curious of those 1000 antibodies tests, how many of those have been administered?

**Director Daniels:** We haven't had any as we haven't had any inmates get to that level to where we would have to give that test.

**Assemblywoman Nguyen:** As we all hopefully know you know there are a lot of people that could be carriers and you had indicated that I think five employees tested positive of their own testing, is that right?

**Director Daniels:** Yes.

**Assemblywoman Nguyen:** Ok. Of those five individuals, were they all at different facilities throughout NDOC or where they all at one facility?

**Director Daniels:** They were all at different facilities.

**Assemblywoman Nguyen:** Do we have any kind of, or does the department have any kind of plan to I guess track and trace those people and the contact that they've had within those particular facilities?

**Director Daniels:** Yes. That's a part of our contingency plan and for anyone that had any contact with any of those staff members we traced every single one of them. We have the ability in many respects to go back and even look on camera to see where a person has been and what's going on. Now the vast majority of those staff though never even made it, well there's only five, several of those staff members [inaudible] never made it into the facility. They were out, they went out of state. As a matter of fact [inaudible] let your medical provider know and get tested. They did and that's how three of them we found out.

The other two were actually at the job. One was in an administrative area [inaudible] and the other was in the culinary area and they contact with very limited staff [inaudible] but we tracked down every single one of them and then with every single one of them, regardless of whether they had any signs or whatever, we sent them home. [inaudible] or if they didn't have any symptoms, I believe we initially started out with fourteen days of symptoms and you had to stay out fourteen whether you had symptoms or not because our goal was once again, when in doubt

keep them out. We've been so aggressive at that, we've been fortunate. That's not to say tomorrow we won't have any but even if we did have an active situation with an inmate, you can rest assured that would be my top priority.

I don't want my entire workforce or the inmates getting sick and passing it on to one another. I'm pretty pleased with what we've put in place, unlike some places. We have a paramilitary organization. Our staff are pretty good at following orders. Once again, I cannot under any circumstances indicate to you that we're perfect and our system is perfect, but I can tell you though that we're excited about being able to manage this. It's a challenge and the fine men and women of NDOC have stepped up in my opinion in a largely appropriate way.

**Assemblywoman Nguyen:** Obviously, I'm concerned because so many people cannot show symptoms but could be carriers so you can have individuals that are potentially carriers and infecting your more vulnerable populations. Do you have like a plan in place to protect those more at-risk inmates that are [inaudible] currently incarcerated?

**Director Daniels:** Okay, if just elderly in of itself you'll stay with the same people you've been with. However, we do have medical units at one of our Northern facilities and for the most part in [inaudible] Medical Center even though it's not a hospital by any stretch. We have in [inaudible] take care of our inmates that have been in surgery and doctors that service those inmates that's at our Northern Nevada Corrections Center (NNCC). I've been there myself; we have plenty of units that depending on the status of an inmate. But we keep those inmates separate from the other inmates and we keep a lot of medical staff there and when we have to of course, we would escort those inmates outside our secure confines and take them to a local hospital.

But in many respects, those would be some of the inmates that would have issues anyway. Unfortunately, a lot of guys have hurt themselves over the years. They haven't taken care of their bodies, so we end up in a situation where we're still having to provide, in many respects, treatment for chronic illnesses and convalescence in some respects. But once again, we have a heavy contingent of nursing staff and medical doctors up at those facilities and of course if any inmate voices "listen I'm having an issue, I'm having this or that" we keep an eye on them. I don't believe and I can't speak for everyone, but I will tell you the vast majority of our inmates know that we're approachable and we want to know what your issues are so we can get ahead of it.

**Assemblywoman Nguyen:** Thank you. I know we have a lack of PPE's across the state at all hospitals and home health care. Are you having that same kind of depletion in your resources for your supply of PPE's? Are your employees able to protect themselves as they're the ones that are actually out in the community and coming back into the thing? Are they protected with face masks or N95's or any of that type of protocol?

**Director Daniels:** If we were to have somebody that we knew was positive, those staff in that unit meaning our isolation unit would wear N95's. We are manufacturing our own sanitizer, our own masks, and our own PPE gear and we've issued that to our staff. Once again, we see there's a strong likelihood if there's a transmission of this virus, it would be from a staff member, as you had indicated, that's out in the community that would bring it back. So, we go through the protocols that are in our front entrances and we make staff go through screening and when in doubt we keep them out, But we now manufacture all of our PPE gear to the extent that were now helping out Medical Center's, and nursing homes. Whomever needs it, we help them out. If they are part of the public, in general, and it's our goal to run these operations to full capacity to be able to help the citizens of this great state.

**Assemblywoman Nguyen:** Do you have any concerns with that SAFER plan and if it was

something that was to be implemented in our state, would it be something that we are equipped to handle or incorporate with our existing plans?

**Director Daniels:** I'm going to have to indicate that I am not familiar enough with the SAFER Plan to comment on it [inaudible] in my inmates. That's personal to me and I ensure that my executive team and my wardens are out and about and although I feel a lot of information that comes out, for instance, from the CDC, the World Health Organization, our Public Health System here in Nevada, I am not familiar enough with the provisions of the Plan to either endorse or comment on any particular portion. However, if you would happen to have an individual question about a certain facet of it, please let me know and I'll do my best to answer your question.

**Assemblywoman Nguyen:** I was just curious about it because it was something that I wasn't obviously familiar with until it was agenzized on this meeting, by I believe Justice Hardesty had placed in on the agenda. Do you see any concerns? I know that you do have some authority to release people that you either think are at risk or have health problems via house arrest, is that incorporated in your COVID-19 plan?

**Director Daniels:** When you're to look at the actual statutes that govern my authority to release, you'll find that number one, it's very limited and there are a lot of caveats in each particular category. My position is this. I'm a public servant. I'll be more than happy to execute anything that the legislature and/or the governor decide that will be our new public policy. If there's a change, I will work very closely with my partners over at the Parole Commission as well as P&P. Once again, I'm a public servant and I'll look forward to continuing my role in this COVID-19 atmosphere.

**Assemblywoman Nguyen:** Have you been meeting on a regular basis with either local health authorities or hospitals to develop the plan that you come in place to protect not only the inmates, but your staff that are in there?

**Director Daniels:** I have not because I have a medical director who's at the Deputy Director level and he is tied in 100 percent with federal, state, local and regional medical help people and he has a very talented staff. He's contributed greatly and helping us work on our medical plan and how we deal with the inmates and I'm very, very happy with his efforts as well as my Chief of Nursing. These people are just extraordinary. So no, they attend all the meetings and they advise [inaudible] me.

**Chair Hardesty:** I have some follow-up questions Director before to ask you before I ask Chief Carpenter to make her presentation. If I could I'll just ask you these one at a time and you don't have to go into a lot of discussion but I think it will help clarify some of the issues that have been raised. The first question that I wanted to clarify is the preparation or the manufacturing of the protective equipment inside the prison. I get the sanitizers but are you satisfied to generate from materials available sufficient N95 masks, gallons for your staff members, alternative masks, and protective type masks that we often times unfortunately see in the news?

**Director Daniels:** Thank you for your question. First of all, we do not manufacture N95. We don't have the capability and the technical [inaudible] to be able to manufacture them, at least not at this time, so we don't manufacture them. However, the other types of masks [inaudible] and I think it's for the most part noted that the purpose for wearing the masks prevent us from pouring it out, not from keeping it from coming in to each of us as an individual.

In terms of our gowns and so on, our goal is to supply the state, quite frankly. We have a very ambitious goal, but there's a need and there's nothing better than to be able to have my staff

focus on taking care of the folks in our state and their amp up. Once again, twenty thousand bottle per day capacity for our hand sanitizer and I don't recall how many hundreds or thousands of gallons that were making per day, but it's a substantial number.

As the time goes by, we will certainly be able to move forward with what we're trying to accomplish. As a matter of fact, I do have my daily total for the gallons. We can produce five hundred per day and relative to our masks, we're producing between two thousand and twenty-five hundred per day. We like those odds and once again we're calling people, "do you need some help, how are you doing"? Let's funnel it all through the National Guard, that's General Berry and his team. You keep dialing them up and we'll keep sending them your way, while keeping our staff and inmates safe.

[Live feed of meeting was lost for several minutes. Commission recessed and reconvened when live feed was restored.]

**Chair Hardesty:** I wanted to give Director Daniels the opportunity to conclude his remarks at least for now. Then get to Chief Carpenter. Director anything further you'd like to comment about after you've had a chance to think about all that's been said up to this point?

**Director Daniels:** No, Your Honor, I really appreciate the questions. I thought there were some very good questions. I also had an opportunity to speak about what I believe is the success so far of my department. I can't talk enough about the talent that I have within my department in spite of the fact that, as with any public organization, having more staff would be nice and having a lot more money would be even better.

Nonetheless, I appreciate what you and this team is doing. You guys are doing one heck of a job. I appreciate it. I'm new to this state but I like how each and every one of you work. You're very considerate and very thoughtful. Once again even though I've said it before, we work very well with our corrections and other law enforcement agencies. My buddies over here at the Parole Commission as well as P&P, really make all this work. I really appreciate this opportunity. That's it for me right now unless there are further questions?

**Chair Hardesty:** I have a couple of quick ones. First off, as you saw in the public comment, some of the public comments raised questions that were specific about specific inmates. Do I understand and have your assurances that you're going to investigate those inquiries about those specific inmates?

**Director Daniels:** Absolutely. As a matter of fact, we're taking notes and we have a copy of everything so if there are any allegations or any questions, we will answer each and every one as long as it's not a breach of our security protocol.

**Chair Hardesty:** I'm not asking you to comment to the Commission publicly, I just want to know that now these individual issues or situations have been called to your attention, I believe based on our previous conversations, if it was brought to your attention you would investigate it and I just wanted confirmation?

**Director Daniels:** Absolutely and look forward to researching the questions and providing an appropriate answer.

**Chair Hardesty.** Great thanks. Then the other issue that I wanted to raise with you, and you don't have to go into this in great detail because I'm going to ask Chief Carpenter this. You were asked whether or not you've been contemplating early releases of inmates and you responded

in part by pointing out the statutory constraints that limit your ability to consider early releases and I'm assuming that you were referring to NRS 209.3925, correct?

**Director Daniels:** Yes.

**Chair Hardesty:** When you indicated that there are some not only conditions that place limitations on you, some of those conditions ask you to project whether or not somebody's going to die within 12 months, right?

**Director Daniels:** Yes sir.

**Chair Hardesty:** The other issue in so far as your being able to release what we would call elderly people, people who are let's say over sixty five and at risk for this disease, do you have any alternative under the current statutes for just that category of people?

**Director Daniels:** No.

**Chair Hardesty:** You were also asked about what the Commission might be able to do to assist you. Do you think it would be helpful if there were some alternatives that might be provided to you and to your teammates through the Pardons Board?

**Director Daniels:** I'm fully prepared to work with the Pardons Board and quite frankly anyone else. In terms of public policy of course I don't have that latitude but if the Pardons Board and I don't want to speak for them but they have statutory authority to do certain things and I would certainly consider and execute any legal or anything I could possibly do to assist and moving public policy forward that's obviously at the will of whatever the Governor wants as well as the Legislature.

**Chair Hardesty:** Finally, I'm notified that Mr. Ponder has a final question. Mr. Ponder, I'll give you a chance to pose your question and then we'll move on to Chief Carpenter.

**Jon Ponder:** I'm very grateful for the town hall meetings you have with your staff. Excellent job. You indicated you had town hall meetings with the inmates as well. If members of the Commission who follow protocol and tested [inaudible] safety and security facility, would it be possible for us to be able to attend one of those town hall meetings so we can hear from the inmates ourselves?

**Director Daniels:** Absolutely, but I would have to obviously curtail that to the extent to where none of you could be within six feet of my inmates and I don't want any of you passing that on to my inmates. But absolutely. I'll even go out with you. We can go out and town hall a couple of housing units and go on from there.

**Mr. Ponder:** That would be perfect. Thank you so much.

**Mr. Arrascada:** The Director brought up a point of the social distancing of six feet. No one's really asked that question. Are they able to accomplish that within the prison setting or are they doing any type of measures to have any type of social distancing within the institutions?

**Director Daniels:** No. I explained previously that we keep our inmates together so if you're assigned to a unit you stay with those inmates. Because of how close our inmates are out together and that they have to eat together and move together, it's literally impossible for that to happen and so obviously that's a recommendation. We believe that it's a very, very good idea when

possible. It is not possible currently in our facility.

**Chair Hardesty:** Thank you very much Director Daniels. I want to join with members of the Commission that have expressed their appreciation for your proactive approach and the work that you and your staff have done. I especially want to thank you, as Chair of the Commission, for making yourself available to provide this information and to respond to questions that have been posed to you by Commission members. I really sincerely appreciate your public service to the state at this important time and we appreciate all your hard work. I would hope that you would convey to your staff the thanks and appreciation of the Sentencing Commission for all that you've accomplished to date.

If I could ask Chief Carpenter now to make her comments and presentation and then we'll have some additional questions or go through the same process concerning the Chief's remarks. Chief Carpenter?

**Chief Anne Carpenter:** Hello. Good afternoon now. I am Anne Carpenter with the Department of Public Safety, the Chief of the Division of Parole and Probation. Since P&P deals with NDOC, the court, the judges and allied agencies, the beginning of the COVID-19 issue was extremely overwhelming for our division and our department. Questions like how do we keep our employees safe, how do we keep our P&P population safe, and how do we accomplish our mission and goals and keep that 6-foot distance. We had daily, if not hourly meetings, to discuss P&P's current processes. We were inundated with information from all areas and of course as the world learned more about COVID-19, P&P had to continually keep up and adapt to this evolving crisis.

After Governor Sisolak's closure of state buildings, we closed all of our buildings to the public and did not allow the P&P supervised population to complete their monthly reporting. This led to other questions such as; who do we consider public; were our parolees and probationers considered public; what do we do with them if they can no longer come into our buildings; and how did P&P work with NDOC regarding inmate and parole drop off to P&P buildings; and work with a district court with individuals who were sentenced to probation every day; and what about Parole Board hearings, how do we handle them?

We worked very, very closely with the NDOC and the District Courts and the Parole Board and quickly changed our processes to meet the new demand. We continue to complete orientation for the newly released parolees and the newly sentenced probationers and because of social distancing requirements, P&P officers began completing more field work instead of being in the office.

I have to say communication between NDOC Director Daniels and Parole Board Chairman DeRicco and I, we speak all the time. Whether we discuss how to handle transportation issues, with a possible release of inmates, or revamping some of P&P and the Parole Board's processes to be in line with the new COVID-19 guidelines, we are committed in our partnership and frequent communications. Because of this, we've solved many issues that have arisen.

Communication with our employees has been frequent but it's also been challenging. We emailed employees often updating them on how to respond in this time frame. We also began using technologies like "WhatsApp" to continually update our employees with information. The Department of Public Safety (DPS) leadership also meets daily to discuss the COVID-19 impact. However, as we all know the information on COVID-19 has been overwhelming and sometimes contradictory. We've been on information overload as the Director discussed.

We've had several challenges and throughout this unprecedented time, there have been a

myriad of challenges the Division has faced. Such as the protection of our employees with the lack of protective equipment. Protection of our supervised population and changing our processes statewide and the fear of the unknown. That's probably been the biggest.

Protection of our employees: As the crisis unfolded everyone in the medical field, law enforcement and every other essential position quickly realized that there just wasn't enough PPE or personal protective equipment to provide for employees. Gloves, masks and sanitizer, things that we took for granted were unavailable and after this, maybe NDOC Director will share with us. This created uncertainty, panic, and concern on how to accomplish our jobs without contracting COVID-19.

Although we as a state united, we did our best to obtain this needed equipment. The equipment was not timely and there was not enough for all of our employees. It goes to production of are supervised population. Although social distancing and proper PPE were concerning, we were also concerned about the individuals with whom we supervise. How are they handling it at home? Did they lose their jobs? Are they worried about money, food, paying their bills and how can the Division help them through this crisis? Their mental health and well-being is also our concern.

Essential versus non-essential employees: These became words that were rarely used in our lexicon but were now used freely. In many conversations, the definition of these words became crucial in the first days and weeks. As law enforcement officers and civilians who provide courts with pre-sentence investigation reports, we were all considered essential. We have statutory obligations to our communities and to our parolees and probationers, but we also need to provide these services in the safest manner possible to our employees.

Which led to childcare issues. When the schools closed across the state, that created more anxiety for employees. How do essential workers who had childcare needs balance work and home life? The Nevada Revised Statutes (NRS) provided guidance however, it did not provide a black-and-white answer. Therefore, we worked closely with our human resources personnel to ensure we accommodated those employees on a case-by-case basis.

Work-at-home or telework were also words that were unfamiliar but now have taken on a whole new meaning. How do police officers work from home? How does a pre-sentence investigator interview a defendant and write reports from home? What about personally identifiable information, or PII? We found out that the division had a lack of equipment and connectivity throughout the state. In the urban areas, we overcame these challenges fairly quickly however, in some of the rural areas overcoming the limited technological resources was a bit more challenging.

Another challenge was managing employee's emotions. Each employee handled this information differently and each employee's needs were different. Also, inconsistencies with how Allied Partners handled certain situations differently throughout the state created more angst and uncertainty amongst our staff. During this time, we've had three employees test positive for COVID-19. But it's unknown at this time how many parolees or probationers have tested positive.

Some Statutory Authority: Our statutory authority can be found in NRS Chapters 176, 176A, and 213. Our role is to supervise individuals once they're released from NDOC custody or after individuals are sentenced to probation by the district court judges. Once inmates are granted parole the division is responsible for assisting them in preparing a reentry plan. Once parolees are released from NDOC or individuals are sentenced to probation then the division is statutorily responsible to ensure this population adheres to their [inaudible] set forth by the Parole Board or

the District Court Judges

But I think that the best part of this is the silver lining. COVID-19 has given us the opportunity to think differently. To ask more questions like what is critical? What should we be doing? Why do we complete certain tasks in certain ways? Can we accomplish more with what we have if we make changes to our processes? Or use technologies in ways we haven't even thought about? If anything, this unprecedented time has forced all of us to be creative to challenge the norms and to explore the status quo. P&P has proved that we can adapt to a rapidly changing situation. We are now operating differently in some ways more efficiently and trying to meet the needs of the parolees and probationers with whom we supervise in the communities in which they live. If you have any questions, let me know.

**Chair Hardesty:** One of the questions that I think comes up Chief, have you and your partners Director Daniels and Chairman DeRicco, identified individuals that the Parole Board has granted parole for, but have not been released because of an absence of case plans or because of the limitation on case plans? One of the public comments received for example, from the Federal Public Defender's Office indicates that there are a number of people that could be immediately released who've already been granted parole by the Parole Board or by the Board of Parole Commissioners. I wonder if you could quantify that and then maybe share with the commission some of the obstacles that exist with respect to effectuating the releases of those individuals?

**Chief Carpenter:** The short answer is yes. Director Daniels, Chairman DeRicco and I have discussed this at length and my team has put together some subgroups or options if we want to go down this path. On the people that have been granted parole and that are still in custody, at the time that we looked at this on March 27<sup>th</sup> there were approximately two hundred plus inmates that are in this group that you're referring to Justice. Some of the obstacles that we're facing is they may be waiting for an inpatient bed that there's not enough room. They may be waiting for release to into a hotel or motel that is agreed to take them but they're just waiting for the bed to be available. It looks like they have some people are waiting for Interstate Compact information to come through.

Sometimes the investigation is pending whether we're waiting for a pre-parole investigation to be completed and to make sure that the plan is viable. There's also people in custody waiting because of extraditable warrants. Some have I.C.E. holds and some are sex offenders that their waiting to see if there's any housing. So those are a few of the challenges we're facing.

**Chair Hardesty:** Thank you and have you identified with your colleagues certain areas or conditions that could be relaxed in some way if some of these people not all of them could otherwise be released if those small conditions could be addressed?

**Chief Carpenter:** Yes, we could mandate our staff to complete these investigations in a quicker time frame than they have in the past and we can try to work with the hotels and motels or wherever they are taking them to try to take them sooner. We do that anyway but in this time frame we would reach out and try to make that happen.

**Chair Hardesty:** Sometimes, it's been stated that inmates will be granted parole, but they purposefully declined to pursue the release options or conditions because they'd rather expire their terms? Do we have numbers for a category of people like that or is that part of this two hundred plus?

**Chief Carpenter:** They are included in these numbers. However, there is in our Nevada Revised Statute that states that an inmate or future parolee would have to sign paperwork and if they choose not to then we cannot release them. If that could be relaxed, we could let them out, yes.

**Chair Hardesty:** Doing so though probably would avoid or prevent a tail or supervision on that individual, right?

**Chief Carpenter:** Are you asking if they sign their paperwork would they be released without a parole term?

**Chair Hardesty:** Yes ma'am.

**Chief Carpenter:** I believe they would still have a parole term. The only way they wouldn't have a parole term in my opinion and please correct me if I'm wrong group is if the inmates time were commuted by the Pardons Board and then they would be done.

**Chair Hardesty:** All right just wanted to clarify that. If we could I'd like to call any Commission member to see if they have any further questions for the Chief or areas that they'd like the Chief to address.

**Ms. Brady:** In terms of the house issue. I'm really concerned about that and I'm wondering, what about private, partnerships [inaudible] reaching out to hotels, what about other private/public partnerships to get transitional housing? I know that for COVID-19, I don't know a lot about it, but the City of Vegas [inaudible] are looking at putting some money into some space for homeless people with COVID-19 and wondering if those kinds of things can be done? Can we do it in the fashion that that also helps us after the fact and now during the COVID-19 crisis with housing? I'm wondering too and I don't know [inaudible] public approached me and said our state buildings that are unoccupied [inaudible] has the state done an analysis on buildings it owns and whether or not those can be converted into some kind of [inaudible].

The other question I have has to do with [inaudible] and the responsibilities between NDOC and DPS as [inaudible] who is responsible for helping with re-entry, housing, and making sure they have their Medicaid and all of that stuff. Is that an NDOC responsibility or DPS responsibility?

Finally, in some of our cases at the Attorney General's Office (AG) we have pending habeas cases where people have been convicted of sexual assault and first-degree murder in some cases, and they have their habeas petition pending and in at least one case a federal judge has ordered the release of an inmate who's petition is pending and that federal judge has told us to give a plan on how the state is going to supervise that individual. So, we have been working all weekend trying to figure out is that P&P going to supervise them?

We don't know who's going to supervise them, so we have these moving issues right now that I don't have any answers to. Maybe the answer to the last point we have is if someone can just point me to the right person within either NDOC or P&P [inaudible] reach out to them so we can prepare a plan for that federal judge. It's a federal habeas petition but it's a person [inaudible] but that person is coming up in the next week or so and then that's all I have.

**Chief Carpenter:** To address your last question, I'm unfamiliar with what you're talking about however, if somebody is granted any kind of parole at the State level then our division would handle it. Does that answer any question?

**Ms. Brady:** No, it technically would be a pre-habeas petition release. One of the people for example currently [inaudible] still considering [inaudible] We're arguing some of the merits [inaudible] want to be prepared to be responsive to the federal court.

**Chief Carpenter:** I don't know how to answer your fourth question. Let me start with number

one. The housing issue: P&P works throughout the State with a variety of the partners to house people coming out of prison. However, I think that's one of the issues that our state has that we don't have enough housing at all. I'm hoping in the future of our state will look into that and explore some different options.

The second, the state building idea: I'm not aware of any of that and I don't know who would be responsible for that. We would love to have more housing that would be very helpful.

Three: The responsibility between NDOC and P&P. Statute requires NDOC's case managers, I don't know if that's the correct term, to help people that have been granted parole with their plan to make sure it's viable. P&P steps in when the NDOC case managers are having issues and they're doing a good job working together so they do that in tandem, but I think the responsibility is NDOC's first. Does that answer your question?

**Ms. Brady:** Yes. I think on the first we don't have enough housing and no immediate plan for the housing. Second, [inaudible] either working well together. The last one in terms of who will be supervising these habeas petition peoples who are being released, who will be supervising? No answer to that. I don't mean that sarcastically. I haven't been able to figure that out either. Do you have anyone that I'd be able to talk with offline about some of these things especially the last one that's immediate for us?

**Chief Carpenter:** Sure, you can call me.

**Mr. Marsh:** Chief Carpenter, first I want to commend you for all the great work you've been doing. My first question is, has your work slowed down on the intake side as far as preparing reports and meeting with people before their sentence?

**Chief Carpenter:** Yes. I think with the courts they are only hearing certain cases and end so a little bit, but I think it will ramp up on this is over.

**Mr. Marsh:** It will probably ramp up exponentially which is a word [inaudible]. On the other side other of that I wondered, either commuting or otherwise releasing categories of current prisoners and I wondered what thought you'd given to the staffing you'll need at that time or whether you have sufficient staff if those numbers should go way up?

**Chief Carpenter:** So, if we're dealing with the Pardons Board commuting sentences, is that what you're referring to?

**Mr. Marsh:** Yes.

**Chief Carpenter:** Please correct me if I'm wrong, but the way I interpreted is that these individuals would be inmates with NDOC and they would have to go in front of the Pardons Board, so it'd be NDOC's personnel completing any kind of reports. P&P only is involved when it's community cases. Does that make sense?

**Mr. Marsh:** Kind of.

**Chief Carpenter:** Community cases or anybody that is out of custody. If you're going to commute sentences to the people that are in custody that would be on NDOC.

**Mr. Marsh:** But if they were released from custody into the community that will be your responsibility?

**Chief Carpenter:** Correct.

**Mr. Marsh:** Have you given any additional staff that would require?

**Chief Carpenter:** It depends. If the Pardons Board commuted the inmate's sentences, then they wouldn't have a parole term or possibly they wouldn't have a parole term. If they chose to give them parole through Chairman DeRicco and they had parole, then I would receive them. I don't know how many people we would be impacted by, but it would be an impact on our division.

**Mr. Marsh:** All right, that makes sense. I hadn't thought about that they might be released with no supervision or conditions. Thank you very much.

**Mr. McCormick:** I don't have any questions, but I did just email Chief Carpenter the contact to somebody at Buildings and Grounds to check on vacant state buildings.

**Ms. Mull:** Is there any specific monitoring or extra effort going into people who have been released or on parole probation with a history of family violence or violence against children? I know from the victims we're having a lot of inquiries and issues with victims reaching out or essentially trapped at home with perpetrators of violence. Is there any extra effort with people with those histories being checked on, are their situations being checked on?

Secondly, we received multiple public comment statements regarding sex offenders, I know in other states there's been some things around that specifically with COVID-19, is there anything particularly as far as reporting that is changed because of the COVID-19 current situation?

**Chief Carpenter:** The Division has contact standards that we utilize depending on what type of individual were supervising. That doesn't go away. Even though they're not reporting to our building, our offices are still going out and checking on them like they should. Interestingly enough, we've talked about using technology. Can we, should we be utilizing maybe this type of technology to check in with our people and not having to go to their home all the time. We're talking about different ways to supervise. They're still being checked on just like they would normally be. To answer your question about sex offenders, it's the same thing they are not reporting to the building that are officers still going out in the field and checking on them so that hasn't changed but with a six foot distance of course.

**Dr. Elizabeth Neighbors:** You mentioned that one of the delays and release for some people that were eligible were waiting for inpatient beds. I was wondering if you could be more specific about what kind of inpatient beds, mental health, substance abuse and what kind of numbers that might represent?

**Chief Carpenter:** I don't have a breakdown of inpatient beds on mental health versus drug usage and that sort of thing, but I could possibly look into that with my team if you like me to get back to you on that. What was your second question?

**Dr. Neighbors:** What kind of numbers that represented?

**Chief Carpenter:** It looks like the numbers are less than thirty-five for the inpatient beds. That was back in March and they fluctuate every day on average.

**John Arrascada:** Is that number thirty-five for parolees or probationers also?

**Chief Carpenter:** This would just be inmates that are in custody that have been granted parole

that are waiting to get out.

**Mr. Arrascada:** Okay so we're not talking about the jail population of probation? Would you have those numbers or no?

**Chief Carpenter:** I do have some numbers especially from the south I would have to check with my northern partners.

**Jon Ponder:** Thank you so much for your leadership. And thank you for bringing up the question centered around housing. That is a gigantic challenge any other time, particularly here during this time. Has P&P also taken into consideration other supporting services [inaudible] being released? I know that there's organizations like Hope for Prisoners and others here in town that are still functioning on a very limited capacity, but again could provide whatever supportive services outside the parameters of housing to make sure that they're getting their feet underneath them as best as they possibly can. So, what thoughts do you have around that?

**Chief Carpenter:** Is your question that P&P is utilizing resources out there in the community? We do that every day and thank you for your program because your program is it is a huge help to this population so that hasn't changed. I do know that some of the resources have become a limited because of the social distancing and because of working from home and that sort of thing but our people are still getting services sometimes in a little bit minimal capacity but they are still receiving services.

**Mr. Ponder:** Glad to know that you guys are utilizing that. Thank you.

**Dr. Salisbury:** Thank you so much again for your leadership and for all of the work that your staff are implementing every day to keep our public safe. It is really very much appreciated. Most of my questions really surround a little more about reducing supervision. Around technical violations and fines and fees but these are all sort of related into that Reform Alliance SAFER Plan, so I wondered if I need to just hold that question until that agenda item.

**Chair Hardesty:** It might be worthwhile unless the Chief wants to offer an initial response.

**Chief Carpenter:** Because of this outbreak we really looked at how we're doing business. Chairman DeRicco and I worked about a month ago on technical violations and I'm sure he'll go into his it in his presentation, but we have stopped doing certain things if it involves technical violations for parolees. So yes, we are definitely looking into all avenues.

**Dr. Salisbury:** And that's for probation as well?

**Chief Carpenter:** Probation as well. We're not taking people into custody just to take people into custody. There has to be a solid reason not just a technical violation. And if it is a technical there better be a very good reason for it.

**Tod Story:** I have two question. The first question has to do with the numbers that Justice Hardesty had requested at the initial start of your testimony. Can you speak to the entire universe of eligible parolees? And then a breakdown, not of every number but what's the majority of the category that are waiting?

**Chief Carpenter:** When you say eligible parolees what do you mean by that?

**Mr. Story:** Like I said, I missed out on the initial part of your testimony, but I thought there was a number of 200 plus?

**Chief Carpenter:** It depends the numbers vary daily. And on this past parole eligibility list there could be anywhere from two to 400 people on there. And these people are usually waiting because they could have and ICE hold, they could have interstate compact issues they can be sex offenders and be waiting for housing, inpatient program, all kinds of different things. So, is that answering your question?

**Mr. Story:** What's the largest category largest category within that universe of people waiting?

**Chief Carpenter:** My staff and headquarters have that information and I can share that with I just don't have it with me today.

**Mr. Story:** If you would, please. A second question, I'm curious as to what technology is being utilized currently for supervision by the department and are you concentrating at any other technology during this current situation.

**Chief Carpenter:** That's a great question. The Division is utilizing a monitoring system that can supervise the lowest level offender via their phone or via some kind of iPad or whatever. The issue with that is that it costs money and so it's a voluntary program. If the State could ever pay for something like that that would free up Division resources. So, there are different ways that we are looking at supervising this population differently and we are constantly looking. It just depends on money.

**Mr. Story:** Is that the only technology that you are utilizing currently or are there additional contemplations of other technology that you might deploy because of the situation that we're in currently? Earlier the question was asked about whether or not you have enough staff. One of the other options would be to deploy some kind of technology. So, I am just curious. Is it just going to be hiring? Is it going to be technology plus additional staff? What are you contemplating for this surge that may occur?

**Chief Carpenter:** Because of the economic situation we are in, I think it behooves us to look at our current processes and figure out how can we do business with the resources that we have. With that in mind if I can't recruit, can't retain, if I only have limited resources, how can technology help us? Just in the last month we have been using this type of technology, the courts have been using certain things, Zoom, there are all these applications that we have been utilizing, so we have been struggling, just like in today's meeting, with connectivity issues and that sort of thing.

But, I think this is a really good way to show the world that we can do things differently so to kind of come back to your question those are the things I'd like to explore within the Division of P&P. How can we supervise people? Can I get phones or something like that or some kind of technology for my officers to be able to have these types of interactions with their people? And it doesn't have to be face-to-face, it could be like this. It's a whole new world and I know people struggle against change and they don't want to look at things like that. They do things a certain way, but I think this is a great time to explore those options.

**Mr. Story:** If you can keep us informed and if you develop a plan that would be helpful.

**Dr. Tyler-Garner:** I have a follow-up question, particularly as it relates to the housing and other supportive services. With the social distance policy driving much of access to those resources online, can you provide us a little more detail exactly what that process is and how it look for example someone would typically be reporting, identifying a challenge or concern with utility assistance, or SNAP benefits are some first things. Has there been coordination with other departments or how does that process look from the individual's perspective?

**Chief Carpenter:** Does your question have to do with how P&P is doing with assisting our population with getting them to the right resources?

**Dr. Tyler-Garner:** Exactly how does it look?

**Chief Carpenter:** It looks the same in some instances. Yes, there is social distancing and people are working remotely and all of that, but we still have to go down the same path of ensuring that they have what they need. It may take longer because people aren't answering the phones or people are inundated with requests and that sort of thing. But we're still going on the same the same path that we've always taken.

**Dr. Tyler-Garner:** So, you are not seeing any challenges with having internet access because much of the services have been driven through an online process now to manage social distancing? That is not a challenge or concern for the population?

**Chief Carpenter:** I think it's always going to be a challenge concerned with this population. Because whether some of them are homeless or they have mental illness, or they don't have access to the internet. That is always going to be a challenge for that segment of the population, but I think several of them do you have access.

**Dr. Tyler-Garner:** Perfect. If there's a way that I can partner with you, supporting or addressing the concern please let me know.

**Assemblywoman Nguyen:** We discussed it before about some of these house arrest or early release programs or the availability of the NDOC. But I see other programs that it looks like P&P administers or supervises like the 305 Program or the 317 Program or the 298 Program or the 184 Program. Do you see those as potential programs that the NDOC or the Board of Parole Commissioners can also utilize to potentially release inmates during this pandemic if necessary?

**Chief Carpenter:** If NDOC and P&P can work together that would be great. The only caveat is that it may overwhelm the house arrest system with our availability of equipment and the ability for that population to pay.

**Assemblywoman Nguyen:** Is that one of the impediments that you potentially see is the lack of equipment and the lack of officers to respond to those individuals?

**Chief Carpenter:** I don't think it's the lack of officers per se and I think it really would be if a wave of people were placed on residential confinement. I think that the obstacles could be the lack of equipment and the ability to pay for it, but we can work around this I am sure.

**Chair Hardesty:** One additional question Chief Carpenter have you been requested by the Governor to supply an estimate of budget cuts for your department along as other agencies have been requested?

**Chief Carpenter:** I think all state agencies are under the same requirements of looking at their budgets and seeing where cuts could be made.

**Chair Hardesty:** If you were to make budget cuts to the Department's budget of let's say 16% could you describe generally the impact that would have on your ability to supervise parolees and probationers?

**Chief Carpenter:** If the Division has to make cuts of that amount many of our programs that we

have been so lucky and thankful to have could possibly be cut. My concern is that this population needs us and they need housing and they need resources and they need us to help them problem solve and to teach them skills that they may not have had in the past. So, I think it would be very detrimental.

**Chair Hardesty:** And then to Assemblywoman Nguyen's question, could you share with other Commissioners who might not be familiar with the numerical programs that the Assemblywoman mentioned, 305, 317, 205, what does it take to get somebody into residential confinement through those programs?

**Chief Carpenter:** I'd have to look to tell you exactly, but the 305 program is what I am most familiar with, which is a DUI program. So, if the inmates are in for some kind of DUI crime if they serve a certain time frame, they can come out on house arrest or electronic monitoring. But they have to meet certain criteria and same with the 184 and the other programs are similar like that.

**Chair Hardesty:** And with respect to say for example the DUI hypothetical, does that program extend to those who have let's say a DUI causing substantial bodily injury or DUI causing death?

**Chief Carpenter:** I don't recall I have the statue here somewhere that I can look up for the team if you like. I do want to put something out there that just a couple weeks ago there is an individual who was on the 305 program and because of COVID-19 lost his job and he started drinking again. It's a problem for our population. They are struggling.

**Chair Hardesty:** I think it would be helpful if you can collaborate with Ms. Gonzalez to pull up the various statutory provisions and circulate those program alternative statues to the rest of the Commission so that they can see what those alternatives are.

**Assemblywoman Nguyen:** It is right on their website so the other members can go on to the website and it's under the residential confinement and it goes through some of the programs that I laid out.

**Chair Hardesty:** Right. Thank you Chief unless you had any final remarks at this moment, we move onto Chairman DeRicco.

**Chairman Christopher DeRicco:** Thank you everyone for being here and for this opportunity. Before I get started, I wanted to give a big shout-out to Dr. Tyler-Garner. She seems to be in the news all the time, all the extra work that they have been having to put through and it appears that they are doing an excellent job at moving that forward. So, I just wanted to give a shout out there before I get going.

With regard to this presentation and concerning COVID-19 response, I did mine more of a timeline to just share with everybody what the Parole Board has done to try and move this along and how it has impacted us. So, to follow the Governor's original directive to close all state offices to the public, we of course went along with that.

On March 17<sup>th</sup>, I made a decision on a that day to cancel parole violation hearings. Those particular hearings are held in person at either Northern Nevada Correctional Center or at High Desert State Prison. Those are the only hearings that are actually held physically at an institution. I chose to cancel those for a number of reasons. Number one was I did not feel the need to bring any additional people into that prison setting that could impact either Director Daniels or his staff or the inmates that would also be in there if somebody had been exposed somehow and brought something in and start mass hysteria with COVID-19.

I canceled those hearings at that point in time, but it gave me an opportunity also, immediately after canceling those, to get with a lot of the stakeholders that same day and conference. First, with the Division of P&P, Clark County DA and Clark County Public Defender's Office to talk and see how we could pull off these hearings instead of doing them in person, how could we do them by video. I had the same meeting a little bit later in the day with the Washoe County Public Defender's office and the State Public Defender's Office and the Division as well. We figured out a way to conduct our parole violation hearings by video at the Parole Board Office.

Because these meetings are also open to the public and we found a way that we could, if we needed to, open our lobby only and not any further for any of their supporters and attorneys. Anybody that needed to be there that they could be present and have a voice to do that for those particular hearings. Those parole violation hearings are a little bit different than we have. There are certain due process rights and time constraints on those. So, we were able to do that and ultimately pull off our first video parole violation hearing on March 26<sup>th</sup> in our Las Vegas office to the High Desert State Prison. By all accounts by everybody involved who I followed up with, said it worked well and so that's something we're looking to move forward on again here later this month as well as next month.

One of the big issues that I've been tackling is parole violators. Back on March 18<sup>th</sup> I had a list pulled of how many parolees who had previously been granted parole who were in custody pending a parole violation hearing. On that particular day there were 211 individuals that were pending violation proceedings. So after that, and I know Chief Carpenter had alluded to this as well, I reached out to her and spoke with her about a plan that I thought might be able to work and we covered this list.

I worked with her staff to go through and determine how many of those people on that list were on there for technical violations only. Now, I want to add absconding supervision is a technical violation, but those people are saying "we will not be supervised" taken from supervision. But we included those people at that point in time as technical violators.

We went through this list and because we felt comfortable because, number one, the Parole Board had previously granted these individuals supervision in the past and thought that they would have the opportunities to be successful even though they were ultimately arrested for technical violations. After going through those lists with them and in the spirit of AB 236 and the changes with regard to the parole violations in that particular section, we went through and as of last Thursday, April 9<sup>th</sup>, we have had 118 warrants quashed and another five that are pending. And this goes with the collaboration with the Division 2 because once those individuals are released from custody they need to go somewhere. Those individuals will now go back under supervision with the Division of Parole and Probation to which like I said in our collaboration, agreed and indicated that that would be a good plan that we move forward.

I don't want to speak for Chief Carpenter, but I believe that inmates that may violate here or have warrants out, we have many warrants that are outstanding right now, mainly for absconders, but we might have a warrant that is a year or 2 years old and they might get picked up today or tomorrow. But if those individuals are coming back and they get arrested, and once again it's not with any new charges any felonies or any serious charges, domestics, things of that nature, it's my understanding the Division is recommending to quash the warrant to continue working to supervise those individuals.

This plan was developed so that we can minimize the individuals being arrested going into Clark County Detention Center (CCDC), maybe being exposed to something in an institution, and then further moving it along to one of the NDOC Facilities. We have cut down on those and the violators we still have remaining on the list are predominately pending the serious charges.

Felonies or violent related offenses.

On March 23<sup>rd</sup> we did suspend our hearings completely to the public with the Governor's directive to close the offices. Our hearings have to be open to the public and this has put us in a little bit of a pickle, so to speak, because there are a lot of things that go into play when we conduct these hearings. One of the things that the Parole Board is very cognizant of is victims' rights. Especially with Marsy's Law and section 8A of Article 1 of the State Constitution.

We have a number of victims that appear before the Parole Board in our hearings, as well as family members, attorneys, etc. They want to have their voice and to say whatever they need whether it's in support or against a certain individual that has come before the Parole Board. My concern, and I know we're talking about the responses to COVID-19 and how this is affecting us, these hearings haven't moved forward here, we've had them suspended and certainly a concern of mine is down the road, dependent on how long this lasts, there's going to be an impact and we certainly don't want individuals to be incarcerated any longer than they have to.

We hear our cases generally 90 days before they are parole eligible. That gives us time to finalize a grant or denial and if it's a grant then that moves on to the Division of Parole and Probation. Like Chief Carpenter was talking about, that gives them time to approve the release plans of these individuals, and so the plan can hopefully be in place by the time they get that parole eligibility date.

Back on March 26<sup>th</sup>, I submitted to the Governor's Office a plan for review in which essentially would allow the Board to still move forward with hearings and consider them all in absentia. We would have all documentation submitted to the Board in written format by anybody that needed to, only while our offices are closed to the public. I'm still waiting on that to see if that is going to move forward.

So that's kind of the things that we've had to move along and progressed from mid-March until now. I know that we talked a little bit about the SAFER Plan and certainly I know we're going to get into it a little bit further and there's some things I think in there that you will see were already instituted and incorporated and were outlined in that plan as well. With that I am open to any questions from the Commission.

**Chair Hardesty:** Thank you Chairman. I'm reminded that we haven't taken a break and I would like to take a 10-minute break. Everybody's close at hand so let's keep it short. We will reconvene in 10 minutes and canvass the Commission members for any follow-up questions or comments for the Chairman of the Parole Board.

[Sentencing Commission took a 10-minute break.]

**Chair Hardesty:** The follow-up question I had has to do with the plan you delivered to the Governor on March 26<sup>th</sup> for the handling of these hearings. Could you describe to the Commission how you will be able to assure victim participation in those newly designed proceedings?

**Chairman DeRocco:** Nothing has been finalized or approved but what we are calling for is, we don't want to backlog those hearings due to the offices being closed, the opportunity to conduct those hearings in absentia. What would be able to happen is for at least ten days' notice for everybody and inmates, victims, supporters, so that they would have that notice of a hearing date and then from there that would give everybody the opportunity to submit any comments or statements that they would like to make and put forward to consider within 10 days. That we can still get everything and review everything individually and move forward and come to a decision in a written format versus oral testimony.

**Chair Hardesty:** What is the approximate number of folks in the back backlog at this point? I know you said this is building, but do you have a general assessment of how many individuals there are right now and how big it could get?

**Chairman DeRicco:** Right now, even though we have suspended those hearings we are able to move forward, we can do certain hearings in absentia right now. Those are cases that are lower on our risk assessment that we can do. It's not like everything have stopped 100%. Our in-person hearings have stopped but we also have the authority to do in absentia hearings on certain cases.

What we're looking to do here is conduct in absentia hearings on those ones that would typically require an in-person hearing. We have planned to conduct hearings starting again on the 20<sup>th</sup> of this month but with that 10-day notification that we had requested. We tentatively scheduled hearings for the week of the 20<sup>th</sup> and those will have to come out if our proposal is not approved with that 10-day notice. However, we still have the last week of the month that I'm hopeful for that maybe we can get some those scheduled in absentia.

We still have a little bit of time and wiggle room so there is no impact at this point in time but certainly as time moves along and then certainly there could be impact. For instance, let's say that the pre-COVID-19 grants in early March, we would have heard those about 90 days in advance and they would have been granted.

The Division is working on those relief plans right now and being that we have some time on our side, we are not impacted greatly right now, and it shouldn't hinder anything moving forward right now. But if that does get passed and approved that will certainly help us and we can be in a place where we should not have any backlog at all

**Chair Hardesty:** Thank you Chairman. Are there any final comments you wanted to make as part of your presentation?

**Chairman DeRicco:** The only comment I would like to make is to thank Director Daniels as well as the Division of Parole and Probation and Chief Carpenter. We've been meeting pretty regularly, even pre-COVID-19, to make sure that we are all working together. I want to thank them for their assistance not only prior to this but as well as during this COVID-19 Crisis.

#### **4. Discussion of *The SAFER Plan: Preventing the Spread of Communicable Diseases in the Criminal Justice System* by the REFORM Alliance**

**Chair Hardesty:** Thank you Chairman. I would like to now move to agenda item 4 and with her consent I would like to ask Dr. Salisbury to give us an overview of the SAFER Plan and its background if she doesn't mind. I am certain that everybody's had a chance to review this as part of the meeting materials, but it is an agenda item that addresses certain, potential best practices in this environment but I'll let Dr. Salisbury take the lead if you wouldn't mind?

**Dr. Salisbury:** Thank you. I actually was the one who added this is an agenda item simply for obvious reasons, all of us has been very concerned, including the general public about what's being done in terms of protecting the community and protecting our incarcerated populations as well. And of course, the staff who risk their lives daily on behalf of community safety.

I want to note that the SAFER Plan was developed by the Reform Alliance which is a national known non-profit organization out of the East Coast. The SAFER Plan was informed by many

other experts besides those who serve on that foundation. Including both organizations from the left and the right side of the political aisle. I want to note that this was well-informed both from criminologists who I well respect and psychologists who I well respect and who I know. Also, formally incarcerated people as well as a number of liberal and conservative groups on both sides of the aisle. Much of the recommendations overlap with the ACLU Nevada letter that was submitted for discussion as well today. As well as the discussions that were part of the public comment.

I don't have a plan for how we should go through this, I wanted to make sure that our commission members were aware of this plan. This is the most comprehensive plan that I have seen in terms of the so-called best practices that we would see of this size. But we've seen of course from the Center for Disease Control and Prevention, as well as the National Commission on Correctional Health Care.

I know a number of these items have already been addressed and so I just wonder if we should go through generally speaking the different recommendations that are provided for various organizations that are represented here on this call. I'm open to suggestions with that Chair Hardesty but just wanted to sort of say that this is a well-informed plan, it is not a perfect plan, but I think it's one that we have to address in terms of doing our due diligence.

**Chair Hardesty:** I think the best way to approach this if we could since folks have had a chance to look at the plan in advance of the meeting is to invite any commission members with any comments with respect to the plan and the recommendations that are contained here and then circle back and see if there is an interest on the part of the commission to recommend some or all of the recommendations that are contained within the plan. I would like to canvas the Commission members and see if any of you have at least at this point questions or comments or criticisms or objections to provisions within the plan that we can take notes about and consider. I will go in reverse alphabetical order and ask Dr. Tyler-Garner if she has any comment suggestions or observations. Then I will circle back to our legislative members.

**Mr. Story:** I want to point out that by and large we support the principles that are laid out in the SAFER Plan. We definitely agree on a number of those issues and think overall the best approach is to find when it comes to monitoring folks and looking at alternatives to incarceration that the technology be the least intrusive and that people are afforded opportunities to stay in contact with their families and that their cases are adjudicated in as timely a fashion as possible. I look forward to more discussion about this.

One question I have is if the Commission is to adopt this plan or recommend this plan, I am curious about implementation and how we would go about doing that?

**Chair Hardesty:** Thank you Mr. Story. I think that's something that we do need to talk about if recommended.

**Ms. Mull:** My only comment would be from the victim's standpoint on the idea of letting people out early for high-risk which I understand. But the age, it keeps getting mentioned in some of our public comments about some of a certain age and so they should be released early. I just want to point out that just because someone's older doesn't mean they're still not a threat. Or still not able or willing to commit crimes, especially when it comes to family violence or violence against children. Particularly on some of the sexual offenses or sex offenders. Those in their sixties, seventies, and eighties are very much still able to perpetrate on people and that doesn't necessarily go away at a certain age. I want to make sure that just because they are a certain age and high-risk, they shouldn't be released early.

**Mr. McCormick:** I don't have any questions necessarily. I would just like to point out that it appears that NDOC has already implemented a number of the recommendations at the beginning of the plan.

**Mr. Marsh:** I had the same reaction which was that I was heartened to hear that some of the recommendations regarding inmates such as phone contact and co-pays and those type of things are already being implemented. I think what is going to be difficult is under current law coming up with a way to review and potentially release the more vulnerable populations which unfortunately one of the other Commissioners said does include older inmates. Also, those with health problems. I think this is where the Commission could and should get involved in making recommendations in that area. That is all I have.

**Dr. Tyler-Garner:** I just wanted to echo those sentiments and underscore the particulars of compassionate release. That there be some attention to reentry components, particularly the supportive services and other things that would be needed should we be in a place where we can undertake that as a strategy. Especially given the fact that these are particularly vulnerable populations that are under consideration. So, the impact of things like access to housing, healthcare, food, and things of that nature, they do become significantly more challenging to address. Given the level of vulnerability.

**Ms. Brady:** Thank you. To reiterate on the re-entry piece, the housing the access to healthcare. I'm so glad it is in the plan and that they are already starting to implement certain protocols. However, we need to really have a good way, if it is not them, that we make sure that people are getting approved for Medicare or Medicaid or Social Security or what-have-you before their release. Because if they're vulnerable and they get out and they have no health care, they have no income, then really it is not being very helpful. The reentry piece of it, the housing, the health care, then we need to really focus on that.

The other thing that concerns me, is on the technology, some of our prisons are in the frontier or rural areas where technology is not always reliable and sometimes it's difficult to recruit people to those areas either for correctional officers or medical providers and that sort of thing. I think I would like to hear from maybe Director Daniels as to what plans they have or how their status is with regard to technology, access to computers, access to telephones, etc.

**Mr. Imlay:** Just two comments. Some of the things that were mentioned where there's twelve thousand inmates currently in NDOC and none have been tested. We know from the studies and everything else out there that even if you are asymptomatic, you're still contagious during the 15-day period. And 5 staff members test positive of the twenty-seven hundred staff members, but they were they were tested outside. There wasn't a vetting process they went through at the prison to determine if they positive or not.

Part of my concern is are they actually catching people that are positive or are they just not symptomatic. And we are quarantining, in a sense, people for 23-hours a day or for extended periods of time. That's how they're doing social distancing. Even the Director said they're doing well as well as can be expected. So, from my perspective It seems like by reducing the population we are talking about the non-violent felonies are the ones that are mentioned in the SAFER Plan. We are not talking about violent offenses.

By reducing the number of inmates at NDOC, we're going to be able to have more resources to ensure the safety not only of the inmates but the staff. It seems like the SAFER Plan makes perfect sense we would be releasing the large number of people that are close to being paroled or that have already been granted parole, non-violent offenders who wouldn't pose a risk to the community while ensuring the safety of those that remain detained as well as the staff at NDOC.

Those are my comments.

**Chair Hardesty:** Chairman DeRicco, do you have any comments regarding the SAFER Plan and any of the specific recommendations?

**Chairman DeRicco:** I don't have any specific comments with regard to anything there and outside of my realm so to speak and I already mentioned it or what we've done with regard to the individuals pending technical violations.

**Chair Hardesty:** Director Daniels I know you did express or indicated earlier in the meeting and during your presentation you hadn't had a chance to go through this plan prior to the meeting. Have you since or would you prefer additional time to study it?

**Director Daniels:** As a matter of fact, I did take some time to review the document, I didn't read it all word for word, but I can certainly look at the topic. I have a couple of comments. The fact that we haven't had a positive test does not mean that we are not actively seeking it. We want to find those active people if they are in there so that we can sequester them and get them treated. In my opinion, there is no correlation between releasing inmates and enhancing or increasing public safety or increasing the safety of the inmates. [inaudible] I would actually make the opposite point, if I were to release 500 inmates or 1000 inmates, where exactly would they go? There is no place to live. There is no food. There are no jobs. Where could they get the medication? Where would they ready access? They would have their liberty restored, but to what extent? Exactly what are they going out to?

If you were to casually look around in terms of what is going on out here in Las Vegas, there are no jobs. [inaudible] but there are not jobs. So exactly what would we be doing in addition to creating another burden for those that are already out there that would have to bring them in and share their food and so on.

I highly value liberty but not to the extent where we would be creating the public problem because many of them would go out and reoffend. You don't have any money, you don't have a job, and you don't have any place to live. At some point in time, you get into survival mode. I can't give you a percentage, but I can tell you there's not just a possibility of recidivism there's a probability of it in that environment.

To call for the release of inmates just for the release of inmates I don't see the value in society other than creating residual issues with additional crime, a lack of supervision and I'm not trying to talk for my partners here at P&P and the Parole Board. But I will share with you following the logic of just releasing because it would be safer, I would add, safer for who?

I don't have an issue and I don't want an issue within the prison. I certainly am very interested sentencing reform, criminal justice reform. But I think there is a right way in a little something there's a right way and we can't just seize this as an opportunity to further or to hasten sentencing reform or criminal justice reform if we don't have a plan. I would be hard pressed to get a job if I were to lose mine right now. What would be the chances of success for many of these people? We just heard those resources are scarce enough.

That's my comment. But in terms of them looking at the report in general. I looked at most of the topics and quite frankly I will tell you we are actually doing most of these and we have embraced most of those. But once again, I don't want to make the enemy the perfect or the good, we've done the things that we believe are important. We believe our statistical analysis is concise.

We are making our own sanitizer. We are dealing with cleaning and disinfecting on a regular

basis. We stopped the vast majority of our movement. We stopped our medical co-pays and waitlist. We acquired and or are acquiring the appropriate testing equipment. And we have the ability to control who enters our state.

Those are my comments. I hope they weren't too strong. But I feel the need to share that, what do you do when they are all out? Where exactly do they go? Who monitors them? Who feed them? Who gives them money? Where does all this happen? Just to release people with no plan, I think it is horrible. And then on top of that, the victims would have to deal with the fact that many of those folks that got out early, would not in many respects be supervised.

**Chief Carpenter:** I have a few comments. First of all, I want to echo everything that Director Daniels eloquently said. I also want to echo the comment of Ms. Mull about the victims. I think that is an important piece that we shouldn't forget.

With technical violations in the SAFER Plan I think that P&P is doing what we can to do better in this area. And the last thing regarding older individuals. I just want everyone in this group to know that two weeks ago, the Nevada Highway Patrol lost a sergeant to someone who committed a crime and he was over 60. So, I won't belabor the point, I just need everyone to understand that sometimes age doesn't matter when it comes to committing crime. Thank you

**Mr. Arrascada:** I just want circle back to comments at the very beginning. This is what's been deemed to be best practices by a bipartisan group of the individual experts that support this plan, regardless of what side of the aisle they are on. If you want to call pro law enforcement vs. pro human rights or ACLU side. It's a SAFER Plan. It is not a best plan. But it is the best practices that are being recommended, not only for our state but across the country and we need to keep that in mind. We all have our agendas and we all have our areas that we feel we are experts in. But this is a document and a suggested plan that has been recommended by a bipartisan group of experts. It's best practices to keep our communities as safe as possible.

**Mr. Hicks:** I don't have a lot of comments. I think it presents good recommendations for all of us to consider in our individual roles in this whole criminal justice process. I don't know that a wholesale adoption of everything in there is something I would necessarily advocate for. But I do think there are good recommendations that we need to use balancing against our resources, victims, public safety, and actual threat. I was pleased to hear about the prison and that there are no reported cases yet and all the steps that the Director has taken. I commend him for that.

Likewise, I can report in Washoe County we have no incidents in our jail. No positive cases and a significantly reduced jail population. Largely in line with some of the recommendations in the SAFER Plan. I guess my two cents is that there are some good recommendations there that all of us should take into consideration and doing our individual roles trying to balance against other interests that are important to consider.

**Senator Cannizzaro:** I have a few comments. One of the things I agree with but have a question on is the medical cost and waiver of copays. I don't know what that looks like currently in our prisons and jails but obviously one of my questions would be what would be the fiscal impact of that if we were to adopt that? If it's not something that we already do, how much of a fiscal impact to the state budget are we looking at?

And then there were some recommendations to liberalize overtime restrictions and the sources of supplemental staff and what does the fiscal impact look like? Or NDOC or any of the jails that might be increasing over time? And then for the supplemental staff, especially in regard to NDOC because of legislation that was passed last session and I know they're not in bargaining yet but there are certainly some parameters for state employees. I'm wondering if we see that there

might be any issues with recommending those things and the fiscal impact of that. Those are questions from that angle. I don't know if it's better to answer some of those I've got some other things that I want to touch on as well.

In there it also says there would be alternative incarcerations for pretrial defendants who have not been adjudicated as a risk to public safety. While generally I think we're all of the mindset that if you're not going to be a risk to public safety, risk that you are not going to appear for court, we would want to make sure that we are not overincarcerating pretrial defendants.

But I do think, specifically, because of some new guidelines that exist for pretrial release, what would that mean if we were adopt that? [inaudible] how does that interplay with current of the law? And then the alternative of course is to utilize house arrest and electronic monitoring, that's the same for the individuals who were serving sentences in jail and then also released from prison for the house arrest and electronic monitoring portion.

I'm wondering what the capacity is for us to put additional individuals on house arrest or electronic monitoring. That seems to be an ongoing issue that there aren't enough electronic monitoring devices, there aren't enough house arrest officers. How are we going to be monitoring people in the field while keeping in compliance with additional caseloads for those officers and those who are supervising them? And how are we going to comply social distancing and allowing them to do their jobs, if we are going to be impacting them?

Then I think some of the more technical pieces of parameters for releasing from prison. We are talking about nonviolent offenders in the suggestions in the SAFER Plan. It says anybody who is within 6 months of probation should be immediately released. I'm just wondering what other parameters we would be looking at with respect to releasing from prison. What constitutes nonviolent, are we talking about commuting sentences? Are we talking about the Pardons Board taking that over? A little more clarity from our part in recommending that would be helpful.

The other piece was they talk about a technical violation, so no new crimes were committed. So, anyone who was on supervision but had committed a technical violation? I'm just wondering if we would be defining that, similar to how we defined it last session, what constitutes a technical violation. One example I can think of is if somebody was supposed to have not contact with a victim, but then revoked from probation or parole for having contact with the victim. Is that a technical violation? And where we are drawing those distinctions.

I think the same questions about elderly and those at risk. Is it just a blanket across the board if you are eligible and you are at risk? Are we talking about individuals who might be elderly and at risk and also fall under the definition of sex offenders or violent crimes? That would be concerning to me.

And then the supervision piece where they want to release everyone from supervision if they've done three years or more. My question is just more so would that be a blanket across the board if you have been on supervision for three years and you have been compliant, we are going to release you? Would there be some parameters to that? Some of the individuals who are on longer supervision tend to be folks who are being supervised for sex offense or violent offense. I would want some clarity on that.

**Chair Hardesty:** Thank you Senator. All great questions. Let me share with the Commission some thoughts I had on this and in the context of the Sentencing Commission's authority and statutory duties and responsibilities. I think we need to be mindful that the Sentencing Commission as an entity doesn't really have any authority to compel or adopt regulations that are enforceable on anyone. It is a recommending body. So, for example if we thought it was

prudent to address recommendations under legal visitation, alternatives to visitation. If we thought that recommendation was a prudent thing to do and we could recommend it and the person who would be implementing it would be the NDOC.

Similarly, with respect to the medical copays subject to the questions posed by Senator Cannizzaro, that too would be a recommendation and the entity that would be implementing it would be a combination of the Department of Corrections and the Division of Parole and Probation who might supervise somebody if they were getting out. There are a number of other questions, good questions, that the Senator and others have asked that I think probably requires some additional information. I mention also pretrial, those issues involve the sheriffs who supervise those jails and the limited jurisdiction courts who are responsible for making pretrial detention determinations and the district court judges. But I think it is important to gain their input for purposes of recommendations.

One thing that the Commission could do if it thought it was appropriate was to recommend either to the Governor, some action that he take, or to the Director or to Chief Carpenter or to Director Daniels. One of the things that I was concerned about has to do with a some of the general conversation about releasing inmates. Whether it be those who have existing parole grants that are subject to trying to meet certain conditions or whether it be in a category of non-violent offenders that would be released. Any of those release mechanisms under our constitution are going to fall within the authority of the Pardons Board. As you all know that consists of the Governor, the Attorney General, and the seven justices on the Supreme Court.

While this Commission's input, suggestions and ideas would be valuable for consideration by the Pardons Board if it were to convene to consider some of these alternatives is still open as far as I can tell. Unless you get into some of the special programs that Assemblywoman Nguyen appropriately identified isn't really going to take place in absence of some action taken by the Pardons Board. So, it seemed to me that one of the things that this Commission could do is urge the Governor to convene the Pardons Board. He is the only one who really can do that as the chair of the Pardons Board. That might be something that could be recommended.

I do want also mentioned that we have a meeting scheduled in two weeks on the 29<sup>th</sup> of April. And with the exception of some aspects of the SAFER Plan that people may wish to make a motion about today we could explore some of the questions that have been raised, get some answers to those with some additional input and further vet the plan on April 29<sup>th</sup>. Looking at the agenda for April 29<sup>th</sup> is primarily to take a look at like four or five or six applications for funding for our implementation programs. I want to have the Commission vet those and make recommendations to pass those on to the Bureau of Justice Assistance so we can begin getting that money into those agencies' hands. But we can certainly continue our discussion and continue to vet some of these matters in the plan and all of it of course as we go forward.

That is my reaction to all of this. We don't have to take any action on anything today. We can take some action on some of these matters today. We certainly as well could make any other recommendations that the Commission would like to advance. With that said I want to return back to Dr. Salisbury because I really appreciate her leadership in bringing this forward and give her an opportunity to react to some of the comments that were made, including mine and then see if she has any additional remarks or suggestions at this point.

**Dr. Salisbury:** I appreciate the comments that have been made and this is precisely what I was hoping. I think we just need to discuss these specific recommendations particularly for our own context here in Nevada. I wouldn't expect for the plan to be wholesale adopted across-the-board necessarily without really thinking about our situation in particular. Given that we don't have any

inmates at this point or incarcerated people who have tested positive. Of course, the concern is still there that there may be some that are asymptomatic and spreading it. It's our responsibility to anticipate a possible outbreak in one of the facilities. I also just want to mention that you know I don't want to focus specifically only on NDOC in terms of custody populations but also remind everyone about the thousands of incarcerated people in the local jails and in the rural jails as well.

So, it is my opinion that we need to maybe come to some consensus about whether or not we feel like we need to move forward in discussing potentially releasing incarcerated people given the situation that we are in. I don't know that we need to vote on that or take action, but I think I'd like to hear people's reactions about the specific recommendations about releasing folks given our situation in Nevada. I'm personally of the opinion that it would be safer for staff and for inmates to be released even if they don't have a place necessarily to go because it gives people more autonomy and freedom of choice. If there's any possible way to give incarcerated people a choice about whether or not they want to release. I would advocate for that. I think if it is possible to reduce the number of people incarcerated on behalf of the correctional staff at NDOC and our jail facilities –it theoretically should help their staffing and the likelihood of it further spreading.

I also am very, very mindful as an expert on offender risk assessment in thinking about the plan and implementing this across-the-board what it would really take for NDOC, P&P others to really understand who poses a public safety threat and who doesn't. We do have the Nevada Risk Assessment Tool that both agencies use and I'm sure that Las Vegas Metro or other agencies use that tool. But these are going to be some of the questions that I'm anticipating coming up in terms of the level of risk that people pose and I have a number comments that I'll save for when that discussion does happen.

My only other sort of add to the SAFER Plan is to consider pregnant people who were incarcerated at Florence McClure as well as CCDC and our other local jail facilities across the state. Considering the fact that they may not be necessarily vulnerable as it turns out or as it relates to COVID-19 in terms of their medical needs but to be thinking about pregnant people and the women who are incarcerated at Florence McClure and the things that we need to be doing on their behalf as well. We just haven't heard a lot about that population today.

So I am open to more discussion on it, I'm open to wrapping up but I just I did think maybe we need to take a step back given our context and what we've heard from Director Daniels about whether or not we really feel like do we want to be proactive about trying to release individuals. And then if we have that decision made, where are the release valves certainly sounds like it's with the Parole Board and Governor in terms of those release mechanisms. Thank you so much.

**Chair Hardesty:** Do you have a thought about as one of the release valves, the Pardons Board and whether that is something. The Pardons Board does what the Pardons Board does, but a large number of folks who would be released under something other than the statutes that we have identified during the course of this meeting, I think that largely would have to come from that group. And its potentially and cumbersome effort, I wonder if the Commission should ask that that be convened now or is that something we should defer on?

**Dr. Salisbury:** It's my opinion that the sooner we get our stakeholders involved in the conversation to just sort of see or situation. We need to discuss what legally what entities exist to be able to legally release. I know that there are some other scholars out there who are starting to compile the different mechanisms and power that Governors have in terms of commuting sentences and other areas up for release. Again, I am not advocating we do anything necessarily wholesale, but to just think about what areas we do have for release. I'm of the opinion that we should take that proactive stance but I'm certainly one commissioner and would want to make sure that we have consensus on that from the commissioners.

**Chair Hardesty:** Let me ask again and canvas the commissioners to react to Dr. Salisbury's observations. And deem whether or not there is an appetite among the commission members to urge for release of inmates. But it is not a wholesale release, it's starting to address a plan of release of individuals and what that plan consists of would be further debated by the Commission. Do I correctly characterize what you were saying Dr. Salisbury?

**Dr. Salisbury:** Absolutely not wholesale. Just that we continue the discussion and the debate because I think it's a moot point if we don't have consensus to take this proactive approach. It makes sense to me to have that.

**Chair Hardesty:** Alright. I will ask the Commission if they have any questions or comments in response to Dr. Salisbury's comments. No one is committing to a vote. This is just a canvas to see if there's a general interest in pursuing this subject matter further.

**Dr. Tyler-Garner:** I would love to pursue it further. I'm pleased to see that a number of the recommendations in the report are already occurring and believe as it relates to the compassionate release or the implications around early release and supports in the community that we should do our due diligence to ensure that if we are going to support that approach that there's a divine process in place that ensures cross-agency coordination. As it relates to some of the other practices including even ensuring the calls and things of that nature with family, I'm pleased to see that much of that is already underway. Where there is a need to ensure a safety net in the vulnerable populations that we do our due diligence if we are going to support that effort.

**Mr. Story:** My answer is yes; I would like us to look at this option and ultimately make a recommendation for the Pardons Board. One question that I have, what number are we looking at? Who would provide that number? I'm guessing it is NDOC? And what standard would that number be based on? How many people are eligible for compassionate release? And also, within the jails as Dr. Salisbury referred to.

**Chair Hardesty:** I don't have the answer, but I do want to comment. The Commission and members of the Commission can certainly offer suggestions about this topic. But at the end of the day, to the extent that we're dealing with people incarcerated in NDOC who are seeking early releases, the category of defendants or inmates that would be considered are going to be determined by the Pardons Board. They are going to assess but I am sure the Pardons Board would welcome input from this Commission to categorize people or create categories or identify categories of people.

But I think the Commission needs to offer suggestions and ideas about who might be considered. You saw from the ACLU letter that they started with the category of people who are mentioned in Chief Carpenter's comments. Those for whom parole has already been granted but there is some impediment. Either part of their conditions or perhaps some conditions that could be waived. Or agreements could be signed by parolees and get out immediately. That has already been quantified. I think somewhere between 200 and 400 people. And whether they have all been released or whether the parolees would agree to get out is a completely separate question. And what tails would exist. All those would be important considerations, I think, if the Pardons Board were to be involved in that process and certainly to Division of Parole and Probation.

It is a rather complex process, but I think the role of this Commission is largely to help all of the actors who might have some role in all of this to identify who these people might be. Then we can get some numbers and so forth. At the end of the day, whether they are granted any relief is going to really depend upon the decision-makers as to whether they're satisfied that those

people could be released without posing a policy risk or a risk to victims or a risk to themselves. On a case by case basis.

I don't know if you recall it was almost a decade ago that the Pardons Board at my urging to consider releasing, because we were very overcrowded at that time, inmates who were subject to ICE holds. And who were very close to the expiration of their term. There were a number of those folks who had no criminal history, their prison disciplines were minimal or nonexistent. And ICE was prepared to deport them if they were released to their custody. And that process generated something like 109 or 110 releases. I can tell you that the Pardons Board painstakingly took three or four meetings and went through every one of those cases individually to make those decisions and to assess the impact on the community and individualize the determinations with respect to each of those defendants.

That would take quite a bit of time and effort to the extent that sentences were even thought of being commuted. And they were commuted for specific conditions. In that instance they were commuted for release to ICE. Then ICE can make the determination as to what was going occur, generally deportation in that example. So, I don't know that we can answer your question about who is eligible. The Commission needs to offer suggestions about who might be eligible and maybe we can quantify that. But I think the general question is whether the Commission is interested in pursuing this subject matter and as I understand it, you support that idea.

**Mr. Story:** I appreciate that clarification. What I was trying to get at was how much time are looking at before that data can be collected and either shared with the Commission or presented to the Pardons Board for action. Is this something that could be done by the 29<sup>th</sup>? Or are we talking about something not happening until June or July?

**Chair Hardesty:** My suggestion is that we need to ask the Pardons Board to start meeting as soon as possible because there is a tremendous amount of work for the Pardons Board to undertake. It is not a simple task by any means. And you have got 9 constitutional officers that are involved in that process. And pose additional challenges for staff to provide reports with information about those folks. So probably the best approach if we thought this was a prudent thing to do is to have these Commissions and Boards working in tandem and at the same time, otherwise, you are right, by the time you work through all of this at the Commission level to make recommendations and then the Pardons Board has to vet that process all over again.

**Mr. Ponder:** I do think it would be very worthwhile to continue these conversations but I'm going to circle back to some comments that Director Daniels had made. And I base that off of being in the vein of the reentry population. The vast majority of my clients who have been released, who were able to get up and running and find jobs and things of that nature, the vast majority of them have lost their jobs. So, my question as the Director had pointed out what are we releasing them to? With the lack of employability and the very limited amount of supportive services, although some, will we be able to handle the magnitude of what that is about to release?

I would like to have a conversation as Chief Carpenter had discussed. What would be those processes in place? I think it would be important to make sure we have those processes so that we can take a look at individuals to ensure that when they are being released that they have a place to go and that those supportive services would be there for them. I'm certainly interested in having those conversations. I'm just very concerned about what it is that they will be coming home to. I would be very excited to participate in whatever conversations that we would be having and lending our expertise in this subject to the conversation.

**Dr. Neighbors:** I would echo the concern about talking about what we are releasing these folks to, but I think it's worth it recognizing all of the complexities involved to have the conversation to

consider the details of who we are talking about and whether or not there is a mechanism by which this would be useful process, helpful process that would actually make things safer. So, I would support having the conversation as you discussed Justice Hardesty with that recognition that it's putting together information for a recommendation to the Pardons Board. And that we just need to collect more details to do that.

**Ms. Mull:** I think for non-violent offenders it is something to look at. I again want to echo what Mr. Ponder and others have been saying. I'm just going to take a leap and guess that out of the Commission I'm probably the only that is on food stamps or has been on food stamps recently. I don't know how it's going for all of you all but for some of us trying just to get basic necessities is really difficult right now. If you can get meat or eggs on the east side of town, you're only able to get one or two. So, you have to go to the store every day or every other day just get basics. To be able to pay utilities or rent right now is really hard for those of us who work in [inaudible] economy. So, to not have systems in place and assistance in place for people that are coming into, for lack of a better word, an apocalyptic environment. I think we're just setting them up to fail or reoffend [inaudible] and that is going to put them in jail longer.

I think that anyone that is coming out we have to have resources in place for them and assistance and some kind of footprint or map. Or we as a state are really are just setting them up to reoffend. Not at their own, necessarily fault. Because I'm in survival mode right now. I'm doing what I can and what I have to do in order to feed myself. So, to put that on these individuals that have not been in society and then have not been in the mix of it for this far and then just throw them in the deep end.

It seems cruel to me if we don't have a plan for them when they come out and we don't have a roadmap for them to come out. Aside from just putting them at risk and getting COVID-19, but also just being able to survive or end up back in prison or back to something worse than what they were before. So, I hope we will take that in consideration. I hope not just us, but I hope that everyone takes that into consideration when they are having these conversations. Absolutely, if we can make people safer by letting them out early for a non-violent offender but also making sure that there's a plan in place so that they don't end up in a worse place because we were trying to do good and by that doing harm.

**Mr. McCormick:** I certainly think it's incumbent on the Sentencing Commission to explore this issue further and like everyone is indicated potentially help the Pardons Board with certain classification what groups we should look at. I also am very sensitive to the concerns about reentry without you know supporting a plan, but I think we as a group need to continue to explore this.

**Mr. Marsh:** I think I come at this from a little bit of a different perspective because I have dealing with the last month plus, with clients who are sitting in prison who are terrified. To them it's basically a matter of life or death. So, I think the quicker we can do this for them, especially the non-violent offenders, the elderly offenders, people who are close to the end of their sentences, people that are identified in the SAFER Plan. I would like to commend Dr. Salisbury for bringing that up before the Boar. For them, any delay is a potential, and I don't want to be overly dramatic and say that death sentence, but that is the way they look at it. They are really worried about what could happen, and I am talking about people who are in their 70s, who have asthma, who are getting cancer treatment, or treatments for other medical conditions that make them susceptible to both catching COVID-19 or if they get it one of those folks going to end up in an ICU.

I think there's two parts of this. The first is I certainly bite and take Justice Hardesty up on his thought of today we make a recommendation to the Governor to convene the Pardons Board

or to get that started. While we take a couple of weeks to try to figure out if we have any recommendations for them or categories of folks to consider. And then second, I think this is something, I am referring to the situation that will be in front of us for a long time, but as we start to get past it we should be thinking about making recommendations for legislation. Even the federal government in the First Step Act has changed their compassionate release policy where judges can make individual decisions to let people out. We need to have something better than just having the Pardons Board. But that is long term.

**Mr. Logan:** This is not just a now problem. It could easily continue. This is an isolated incident medically, but this situation will continue. And the things we do now we have to be able to continue to do moving forward and advance it throughout. Because the fear factor of everything, the fear factor of housing, of food, of survival. Every one of us has been touched by differently. Ms. Mull, you are not alone. Thankfully, for my childhood, I wouldn't be here if it weren't for a lot of those programs. So, there are things there. There are people out there coming out of mental health programs that are trying to be phased out but there is not a single place for them to live. Or that are taking new clients or new people. There are so many different aspects of this and yes, we have to debate it.

But think of it is not just what our temporary problem is but that cascading event. What's going to be the next problem? Or why should these people be treated differently under these set of circumstances than the people a year ago or five years ago or five years into the future? I think it is incumbent upon us to look at it with all of our minds and put our best plan forward and be able to complete that moving forward. Just to encourage us to continue this discussion.

**Ms. Brady:** I think we should definitely be proactive in thinking about these things. I would also be in favor about recommending to the Governor that he hold or convene a Pardons Board for between now and the next one which is in June. If there is able to be one sooner.

Perhaps not just for the next Pardons Board but in general, are we able to create any working groups of the Sentencing Commission that may include people outside of the Commission? To bring people together and start really talking about what services are out there, who can help, where [inaudible] all of those things. So those would be my thoughts, because if we let them out without any supportive services that is cold. Not only that, it will create bitterness or resentment from those who are being released. And if they are released with the typical \$40 or \$50 dollars it will create bitterness and resentment.

**Mr. Imlay:** I think we should continue to pursue all avenues. I don't think we should take anything off the table right now. I think the SAFER Plan has a lot of well thought out recommendations that could be applied. Including, I think we should request the Governor to convene the Pardons Board. I don't think anything should be taken off the table right now and as mentioned before I think that time is of the essence with this. Because it could avert exponentially the number of times. And if we have a couple of outbreaks then we know how quickly that's going to grow and so I think time is of the essence I think we need to make sure that we act on this as quickly as possible.

**Mr. Hicks:** I don't have much to add Justice Hardesty. There are just a few things kicking around in my head as we talk about this. All of our lives have changed profoundly because of this and we are looking at things that we've never had to at look at before. And I commend everybody for that. I want us to be sure not to lose sight of a lot of the proactive measures that have already happened. Director Daniels talked about how he's handling it within the NDOC. Chris DeRicco talked about how they quashed multiple warrants for technical violations. Washoe County jail, the population last year at this time was 1200 people. Last week it was below 700. And that's because of what law enforcement is doing, what prosecutors are doing, in conjunction with

defense attorneys to minimize the risk. I'm not saying I want to take this off the table I think a debate is important.

But when you start talking about things such as early release and letting people out who are serving sentences that were given to them in a court of law for something that they did. Whether it be they failed at probation and they ended up having to go to prison. Or they something severe enough, or their history suggested severity enough that they were put in prison. To turn around and release them, that needs to be a health debate and I personally think it will take a great deal of time to narrow it down to who fits and who doesn't in those categories. Especially I agree with what Mr. Imlay said that time is of the essence.

I can't help but agree with everybody that said, what are we releasing them to? That is a very real concern right now. And homelessness is a very vulnerable population which again can cause this to spread exponentially. I don't know that I'm taking a position I guess I'm saying it needs to be thoroughly debated and discussed. And I don't know if that actually makes the Pardons Board exercising their own statutory abilities take longer by waiting for input from us than perhaps just going forward and doing what they feel they may need to do, the nine members. I'm rambling a little bit, but I do think we have to remember we've done some extraordinary steps that are helping immensely and when we start getting to talking about releasing people when there aren't even positive cases yet that's where I start you know feeling a little uncomfortable about public safety and victims' rights. I will rest on that. I know there's going to be a lot more discussion about all of this so thank you.

**Mr. DeRicco:** In my opinion, this topic needs to be continued to be vetted out. Some of my thoughts on here on the term "non-violent offender" we are considering those. But I can tell many times the Parole Board sees an individual it might be for let's just say a sale the narcotics case. But that doesn't mean the five incidents before that were not for a violent offense. So, one of the things to consider would be are we talking about the instant offense only or the history of violence with particular offenders.

I think that should come into the fold of discussion here. As Senator Cannizzaro brought up with regards to the supervision terms of 3 years or more under supervision or release. We all know that we have many individuals who are under supervision for lifetime. So, we throw those individuals into the mix and we already have statutory requirements for those people and how they can petition to be released early. But that is something else to bring up.

I wanted to comment that this plan, which was sent to this commission on April 9<sup>th</sup>, was a list of recommendations. And it's globally because every state or federal [inaudible] is going to have different rules and regulations with which they have to have to deal with. But the nice thing in my opinion is many of these things in here that are recommendations have already been put into place where they can, not only by the Division, but NDOC, and the Parole Board, before they even received this. They are recommendations to move forward and that has been done in this state and is moving forward that way has Nevada.

So, with that I see looking at a couple of ways. We kind of move forward and work with the stakeholders here to try and implement as many of these or to work within the confines of statute to continue along with some of these recommendations and come up with creative alternatives to implement some more or see what else can be done with them. I would say once we reach that point or if not then I would say then I think we should look to the Pardons Board in order to make those other calls.

One last comment on this is that I know we keep talking about people that are close to the end of their sentence looking at them to have them possibly be released. But those people that are also close to their sentence expiration would have undoubtedly previously seen the Parole Board

and likely have been deemed not so good of a candidate for whatever reason on there. So those candidates and you might see that get close to an end of their sentence we might see just that there are certain reasons as to why they may not be good candidates, or at least the Pardons Board may see that and they may see otherwise as well.

But certainly, individuals are afforded the opportunity to go before the Parole Board. Some on many occasions. So once we get back to the Pardons Board taking a look and reviewing these cases, if that's the route that we go, which ultimately I don't think it is a bad call there, I don't necessarily see that they might be the cream puffs so to speak because more of those would have already been granted initially and that's all I have thank you

**Chair Hardesty:** Director Daniels would you like to have the Commission continue this discussion about early and other type of releases and would you be in a position to provide suggestions to the Commission and answer some of the questions have been raised by Commissioners about types of individuals that could be considered?

**Director Daniels:** That's an interesting way of putting that out there. I am always in favor of further discussion about anything I think [inaudible] debate can only make things better. But I think along with that we still have to remember our public obligation. I heard some comments and I am going to bring them up briefly and it is clearly not my intent to offend. Individuals speaking of how afraid they are in this fear. Well, where was that fear being expressed when they were in the commission of a crime? Where was that fear in reference to their victims of those crimes? So yes, this may be a now moment. We have a crisis. A global epidemic. I would say both sides need to be weighed and I'm very comfortable with having that also in terms of our responsibility to the citizens of the state.

I am responsible, along with many others here, to prepare these individuals for their reentry back into society. I have partnered with literally anyone and everyone that has an interest in the furtherance of getting these guys and women prepared to release. Whether it be additional jobs, whether it be some training, whether it be vocational training. You name it, no matter what, I am one hundred percent in. But to release a bunch of people to the streets with no resources, I think there would be some societal harm. There's one basic question that I always ask. And the question is, what is the action imperative? Why now, I guess is another way of saying it. Is it really for public safety? Is it really for the safety of the inmates? Why now? There are some other people doing it, great for them. But our situation may be somewhat different from what others are experiencing.

We don't have a perfect system. But I would love to have that conversation though that extend to not just what now because I don't see the urgency as of right now. Although it may arrive, and I may be convinced but I'm always up for that conversation you can count me in. But I believe in being very transparent and expressing it and how important it is to look at the complete picture and not just from a narrow perspective. I just want to say thank you for being here and even having this conversation. I will quite frankly throw my name in the hat for further conversation but that would be the extent of it, and I want to have that debate and be able to express an opinion as a corrections professional. Thank you, sir.

**Chair Hardesty:** I would like to follow up on that opinion Director because I think it is an important question that you pose. On the one hand it has been suggested that the Commission look at this purpose of being proactive and avoiding a calamitous situation that develops. Maybe starting tomorrow or maybe starting two weeks from now. And certainly, having seen the criminal justice system since I have been a judge and lawyer, things don't move very fast. We tend to operate at a glacial speed. While we are blessed with your leadership and success, I'm concerned about the why now and my answer to that is being proactive against any risks in the future.

The question I have for you and you may not be in a position to answer it today, is could the prison benefit from releases even just in the group that Chief Carpenter mentioned? And would that assist in improving or I should say reducing the risks to your staff members and other inmates being subjected to this disease and creating some potential security and budget benefits for the NDOC?

**Director Daniels:** Generically the question is, would I benefit from an inmate reduction? Absolutely, there's never [inaudible] with that. Fewer inmates' avail everyone to additional opportunities. There are less waiting lists, and it is safer for my staff. So, the answer is yes. As it relates specifically to COVID-19, I'm just of the, I want to avoid opinion. My background tells me thought that I have to look at the residual of what I really put back into the community. I'm not solely responsible but I am that handoff from paying debts to society to putting people back in with the help of my partners of which many are here today. I take that seriously and I get it. I want us to do well.

I want us to make the best decisions. Not my decisions, but the best decisions. I understand I am a part of this group. A reduction in my inmate population, will always benefit. If anyone were to tell you different, I really wonder how they can support that statement. But there is our responsibility and duty to society and more specifically the citizens of the State of Nevada.

**Chief Carpenter:** I'd like to go back to when you asked for suggestions on who should be considered. And I am going back to Mr. Story's question. On April 10<sup>th</sup> there was 398 people on our past parole eligibility list. Those people have already been granted parole and for a variety of reasons are not getting out of the moment. Those are the people we could start with. That is my suggestion. And I think that is very good to discuss this vet it, but I am with the group that it makes me nervous to try to release people and the resources are just not there.

**Chair Hardesty:** I'd like to follow up if I might and Chief Carpenter for person who have not been directly involved in having to make those difficult decisions to find resources and support services for someone seeking parole. There's nothing like going case by case, maybe not by name, but going case by case and share examples of kinds of problems you are running into against with the 398 people. And I think it might be worthwhile to include that as part of the discussion. There may be folks in this group who have family support, maybe have some conditions that could be waived.

I don't know of anybody else besides the Pardons Board who could waive those conditions. Maybe you know some other alternatives. But you might also have some folks here who have an opportunity to sign the parole agreement and that will provide some release as well. But I think in every one of these instances, we have to ask the question that was posed by Director Daniels early on. What are we releasing them to? And as Ms. Mull said, are we setting someone up for failure? So, I think these are issues that could be applied to this group that is a great suggestion.

And maybe we could figure out a way with the Director's assistance and your assistance, Chief, to demonstrate that at our next meeting of the Sentencing Commission. What are some of the offenses? What tails are involved? What are some of the conditions that are restricting the release of people who we say these can get out? All they have to do is leave or sign a document or something. It is not that easy. And so, I think we need to address this group and see what some of the problems are debate that further. Did you have any additional comments, Chief?

**Chief Carpenter:** We can do that at the next meeting. Thank you. The only comment I had also is Mr. Story asked about how many inmates are in the category that was the largest. At the time this was submitted there were 66 inmates or 17% that didn't submit of a viable plan or the

investigation was denied and so to answer your question Mr. Story, that could be a whole slew of issues. That is something that Parole, and Probation have control over. Usually when a non-viable plan, sometimes we get an address that doesn't exist, sometimes they say they want to stay with their mom or dad and mom and dad say no. You got all kinds of things that could happen.

**Chair Hardesty:** I think those are examples the Commission needs to hear.

**Assemblywoman Nguyen:** I just want to say that I appreciate bringing this to our attention sooner rather than later. I see this as a humanitarian thing. I like the idea that we're all coming together because I think at the end of the day, we all have the same thing in mind. We want to make sure our community is protected. We don't want to end up with a situation where our prisons are Petri dishes or potential outbreaks of the coronavirus as we've seen potentially could happen in other places. I do have concerns about releasing people to unattainable situations that are going to set them up for failure or create harm for the community or the potential victims that are out there.

I'm just concerned that verifying some of these things like addresses or plans for release are going to be even more inhibited because the fact that people are in their homes, are there not reaching out, or they're unable to take someone in, or because they're worried about their own safety. I don't know if I would want anyone to come into my house including a family member that was coming from out of state. I think that it's important to discuss that. I don't want to release people into the community that are going to be a danger and revictimize victims in our community and I think people should serve their debt and what they were sentenced to.

However, on the flip side I don't think someone should be penalized during a dangerous situation where their life is at hand and because they didn't take into consideration the victim when they committed their crimes. So, I don't think that the proper punishment as well. To be in an unsafe situation. We can see how fast this escalates.

I appreciate everything that NDOC has been doing. And I am glad to see that they've already implemented as part of their procedures and policies some of the things that are outlined in the SAFER Plan, and the ACLU's plan and the American for Prosperity Plan, and all these various plans that have been put forth. I appreciate that we are on the forefront of those kinds of protections. But at the same time, we also see how fast things can spread and once it does and we can assume that potentially would happen. I think having a plan in there, it may not be a perfect plan, but I think having something that we can turn to and use with some sort of uniformity to protect our community is important. So that's all I want to say.

**Vice Chair Chuck Calloway:** I 100% agree with the comments that were made by Director Daniels. I also agree with the comments that were made DA Hicks and Sheriff Logan. From the jails' perspective, we didn't talk today about CCDC. But we started way back in March taking a proactive and aggressive stance on this COVID-19 issue. And as was stated by some of the other speakers, our numbers are way down.

We currently have twenty-nine hundred inmates in CCDC, which is normally around four thousand. We currently have 865 people out on house arrest with ankle bracelets. We have told on the front end that no misdemeanor arrests are made and unless they are mandatory arrest for domestic violence or DUI. The supervisor has to approve every person that is getting booked into the jail to make sure that people aren't getting booked in for very minor infractions

When they come in the jail, they get a significant health screening. Our staff gets screen when they come in. We have a temperature station set up to take temperatures of inmates that are brought in and also our staff. We set up a [inaudible]. We have done a lot of things similar to what the prisons have done. But from LVMPD perspective we got to look at it from both public

safety aspects and health safety aspects. Our primary concern is the health and safety of our inmates, our community and also our employees and our staff. So, we have to balance the whole issue, public safety, and health today.

My big concern with some of the discussion today is the more we talk about it the more questions pop up in my mind. Here it is CCDC at LVMPD we would love to see an empty jail just like Director Daniels said. We would love nothing more than to have an empty jail. We have been in constant dialogue with a number of associations and jails across the country to learn best practices. Again, we have been doing that since March. University of Ohio put out a letter that I just saw before the Sentencing Commission meeting that listed the best practices for jails. A lot of them were in line with the SAFER recommendation.

I have heard some jurisdictions talking about releasing inmates on an honor system where they're expected to come turn themselves back in after the pandemic subsides. I'm curious to see how that's going to play out. But we got a number of jails just here in Clark County, Henderson, City of Las Vegas, North Las Vegas. City of Las Vegas is entirely a misdemeanor facility. So, I think there's a lot of stakeholders here and a lot of discussion that needs to be had.

Where I get nervous is what is the definition of people of who would be eligible. People would say misdemeanor offenders. But again, we have violent misdemeanor offenders. Again, we said earlier, what is somebody's criminal history? Just because they're currently in on a property crime but they've got a series of violent offenses in their past maybe that's not a person that we want to release out. We talk about what is a vulnerable person or compassionate release. But the comment was made by Chief Carpenter about the guy that executed our trooper a couple of weeks ago and the fact of the matter is the Unabomber would be eligible for release if we were strictly looking at the vulnerable population.

So, I think there's a number of questions just there. What is the definition? Is it somebody that is a non-violent offender that serves 75% of their sentence that appears before a board? Maybe the Pardons Board is the right board, maybe it's not. Again, more questions. What type of assessment is done on this person that is determined that they are or are not a risk? Is it the same risk assessment that is done that was mentioned previously?

I think it's very healthy for us to have these discussions and like Sheriff Logan said, I think we need to have a long term plan because next year we find this COVID-19 thing is seasonal and we are back to square one? Or there is a new COVID-19, or some other disease around the corner and it becomes the new norm. Then we have those long-term plans to address it. But I am definitely open and willing to have a discussion, but I am reluctant to just endorse one specific plan like the SAFER Plan that was presented today. That is my position.

**Mr. Arrascada:** I want to thank everyone for our almost 5-hour meeting. I learned a lot today. I kind of add to the comments of Mr. Marsh. I think the vehicle is we should ask the Pardons Board to consider convening, sooner rather than later. I appreciate all that has been done at all of our different correctional facilities. But I think we need to look at this in the bigger picture of our societal goals and really what we are seeing here is the SAFER Plan is really is to a degree, not completely, is AB 236 but looking at it from the backside instead of the frontside. And we have adopted AB 236 and it is going to come into play July 1<sup>st</sup> and now we're needing to start reinvesting in our justice system in these ways that lessen our prison. But we need to do it now. And why is that? Because we're faced with this pandemic.

I appreciate all the things being done by all of the different law enforcement agencies in the group, but I think we have to look at this from a societal standpoint and that our legislature passed AB 236 for a reason. And it was to lessen the amount of people we have in prison and have more of a treatment society to a degree. And I think we need to have that in mind, and I

think we need to approach this quickly.

We are faced with this now, but we can't roll things out slowly we have to move effectively and swiftly. And I think we can all look at the SAFER Plan and sharpen down and narrow down the group. It's not just a turn the key and open up the gates but it's an educated and thoughtful approach to addressing this worldwide pandemic with keeping in mind the bill that passed. AB 236. And what the spirit of that was and the goals that it had for our communities and our society I think we need to move forward.

**Dr. Salisbury:** I was just wondering if I could add one more comment. Thank you. I know by John Ponder mentioned earlier that Director Daniels kindly is allowing any commissioner who is interested and available and able to follow protocol to enter one of these institutions to sit in on the town halls. I wonder if it wouldn't be useful to do in a similar vein some focus groups with incarcerated people to get their voice in on this discussion, I'm always quite mindful that we don't have those individuals present. Might also be helpful to have the voice of victims. Of course, we have public comment that's available in these commission meetings and victims often times can voice their opinion and of course they are represented as by every commissioner on this commission. But I do have concern about the inability for incarcerated persons to use their voice.

I myself would be willing as a researcher to go into any facility and conduct a focus group if you deemed it appropriate not a conflict of interest of any kind of course. I am currently badged at Florence McClure so that issue sort of gets taken off the table in terms of being able to enter that facility. Of course, I would follow any and all protocols Director Daniels and NDOC has in place. I thought to include as many voices of individuals who are incarcerated as possible.

**Chair Hardesty:** Director Daniels you had at least two Commissioners express an interest under appropriate conditions to observe a town hall and perhaps as Dr. Salisbury mentioned a moment ago raised some questions to participate directly in the town hall. If you would rather think about that and discuss it later, we could do that. If you have a reaction or comment now, that would be welcome too. I don't want to pin you down when you haven't had a chance to think about what constraints are that you have to work through.

**Director Daniels:** The first issue regarding the town hall was for someone to come in and sit in watch and listen to my town hall. I didn't see it as being participatory. Secondly, I am wondering what the expectation would be if you are town halling on what day would say about wanting to leave and go home. I hear that every time I go out. They all want to go home. They tell me. So, I know that would be an issue. Nonetheless, I don't have any issue with the transparency of having people come in and watch what we do. I thought that's what the intent of it was. Hey, come and listen. But to have inmates questioned regarding their desire to go home and whether or not they're afraid, I know the answer. So anyway, I'm going to reserve further comment on that, but I think it's important to put that out there. Thank you.

## 5. Discussion of Potential Topics for Future Meetings

**Chair Hardesty:** Okay so let me ask this. Clearly the topic of the SAFER recommendations will be on the Commission's next agenda so that we can continue our conversation with respect to the recommendations that are in the SAFER Plan. Secondly, I have asked Chief Carpenter to share with the group more granular information about the 398 or so individuals who are in the already paroled category. And the Commission can get a better sense of what that group looks like, what their conditions are and what the challenges are for matching them with a release. And we can further vet that at the April 29<sup>th</sup> as well.

I don't know whether there are any motions that anyone wishes to make at this meeting but I

want to afford people an opportunity to make any motion they want to make at this point on any topic that has been discussed under this category. And if not, then we will move on to the last segment of public comment. Director Gonzalez has advised me there is somewhere in the category of 12 or 13 additional public comments that have been received that we need to work through at the tail end of the meeting. So that said, is there any commissioner who at least at this point wants to make any motion? On the SAFER Plan or the topics related to it.

**Dr. Salisbury:** Justice Hardesty I wonder if we should make a motion to recommend that the Pardons Board meet [inaudible] do you feel that we need to have a motion on that?

**Chair Hardesty:** I think if we are going to develop some sort of in tandem review of this subject, the sooner the better. Because right now I think, as mentioned before, the Pardons Board doesn't meet until June. Let me check that but I think that is their next meeting. And that agenda is largely going to be [inaudible] and maybe a few inmate cases. So, it would be up to the governor to convene the Board sooner than when that is scheduled. The Pardons Board is scheduled to meet on June 17<sup>th</sup> at 9 o'clock.

DR. SALISBURY MOVED THAT THE COMMISSION RECOMMEND TO THE NEVADA BOARD OF PARDONS TO WORK IN TANDEM WITH THE COMMISSION ON THE TOPIC OF RELEASING CERTAIN INMATES IN RESPONSE TO THE COVID-19 CRISIS. ADDITIONALLY THE COMMISSION WILL RECOMMEND THAT THE BOARD HOLD AN EMERGENCY MEETING ON THIS TOPIC.

TOD STORY SECONDED THE MOTION.

**Chair Hardesty:** Is there any discussion on the motion?

**Vice Chair Callaway:** Is the motion to request the Pardons Board to convene, look at those cases Chief Carpenter talked about, the three hundred and some that have already been reviewed? What is the purpose of convening the Board? To come up with criteria for other inmates?

[Chair Hardesty asked Dr. Salisbury if she would like to clarify her motion.]

DR. EMILY SALISBURY MOVED THAT THE NEVADA BOARD OF PARDONS HOLD AN EMERGENCY MEETING TO CONTINUE THE DISCUSSION OF THE SAFER PLAN AND THE ITEMS THE COMMISSION DISCUSSED IN THE MEETING OF THE SENTENCING COMMISSION ON APRIL 13<sup>TH</sup>.

TOD STORY SECONDED THE MOTION.

**Chair Hardesty:** Any other discussion on the motion?

**Mr. Hicks:** I don't mean to belabor this meeting but to ask that Board to convene at our request when we don't even have a plan in place seems putting the cart before the horse. The Pardons Board's mission or authority is to consider people who are up for a possible pardon. We have put nothing in place to make any suggestions to them. And again, not that I'm against proactivity but we have no confirmed cases in any of our facilities. So I respect very much the Dr.'s motion but from a discussion standpoint I'm struggling to see why we would ask on those nine members to pull together for a meeting when we don't even have anything to suggest to them.

**Mr. Story:** It was my understanding based on the earlier conversation that we had that the purpose in asking the Pardons Board to convene to organize the list of those who are eligible

who are on the list that was reference earlier by Chief Carpenter so that a plan could be developed. Am I mistaken in that earlier conversation? Or my takeaway or what that conversation entailed?

**Chief Carpenter:** The people I referred were already granted parole. So, the Pardons Board would not need to deal with those individuals. That is something different. The Pardons Board would deal with people that are currently incarcerated that have not seen the parole board or have not been granted parole.

**Chair Hardesty:** To return to Mr. Story's comment, there's a threshold question: Does the Pardons Board have any interest, maybe interest is a poor term, but any willingness to get a report on what the Commission has been debating and direct its staff and its agencies to start developing information about this? It's going to take some time to organize that meeting in the first place, so this is really just to start that process as I understood it. Might very well be that the Governor would be disinclined to convene the Pardons Board or once convened after the Pardon Board's members have heard some of the discussion here that they are not interested in pursuing these alternatives because they deem in unnecessary.

At this juncture they are a piece of the pie to determine releases if they're going to be considered. And to the Chief's comment, Chief I had understood that there might be, not that there's an interest in doing this, but there might be some relief for some of the folks on this list who might need relief from some of these conditions if they wanted it. Is that something the Pardons Board would grant or not?

**Chief Carpenter:** There's a lot of different variables and if you're talking about trying to relax statutory language, I don't know how that piece works. But for the most part this population is waiting on something and so the Pardons Board would not really be effective with this population that we're talking about.

**Chair Hardesty:** Thank you. Any other discussion from members of the commission?

**Vice Chair Callaway:** I'm kind of siding with the comments made by Mr. Hicks. Without a clear definition of what offenders segment we're looking and without a clear definition of what a vulnerable inmate is and without a clear definition of what a compassionate release would be, these things that we discussed today, to pull the Pardons Board together to have discussions without this when we ourselves haven't really developed any clear definition or any clear path moving forward. I just don't see in my mind how I could support something like that.

**Chair Hardesty:** Any other discussion among the members of the Commission?

**Mr. Arrascada:** I would like the motion to go forward in that the Pardons Board to convene. And then with a specific path over the next ten days or so until our next meeting, that we all look at the SAFER Plan as a base and see if we can't come together as a Board at the next meeting. And providing the definition that Mr. Callaway was just discussing with another, in all likelihood, lengthy meeting and lots of discussion and then we'd have something to submit to the Pardons Board after the next meeting.

**Chair Hardesty:** Any other discussion on the motion?

**Vice Chair Callaway:** Is that a new motion that was just made or are we still on the original motion?

**Chair Hardesty:** We're on the original motion. Hearing no further discussion, we'll take the roll.

MOTION PASSED:  
TEN YAYS; EIGHT NAYS

**Chair Hardesty:** Alright thank you. Let's move to the next agenda item which is public comment.

## 6. Public Comment

[The Sentencing Commission silently read public comment #13 through #19 which was submitted in writing by email.]

**Mr. Arrascada:** All the public comment seems to primarily apply to individual people serving sentences with some policy within them.

**Chair Hardesty:** Generally speaking, that's true. I think Ms. Alford raises questions about the prison's policies. Generally speaking, that is a fair characterization, yes.

**Dr. Tyler-Garner:** May I ask if it is appropriate to have some context for Ms. Alford's comments or preliminary thoughts about it from our Director?

**Chair Hardesty:** Yes of course.

**Dr. Tyler-Garner:** Director Daniels are you able to open Ms. Alford's comment? I believe it's public comment number fifteen revised.

**Director Daniels:** Hi this is Director Daniels. I'm looking at five. Did you want me to address each of the five by Ms. Alford?

**Dr. Tyler-Garner:** I was wondering if you had any context for it. I know you referenced earlier that everyone was being afforded the benefit of longer calls in lieu of suspending the visitation. [inaudible] noting an equity issue around the cost of call as well as concerns about availability of food. Given your diligence with this effort I thought you might have some context or comments and response to the concerns she's noting.

**Director Daniels:** Let me answer them as I grab them. As it relates to the price of the inmate calls was not reduced. What we did is we offered two free phone calls. Each of those phone calls were up to thirty 30 minutes and that's what we had offered each inmate. Is that what I'm responding to?

**Dr. Tyler-Garner:** Yes, are those calls free or do they pay for them?

**Director Daniels:** They pay for the phone calls normally. However, we give them two free phone calls. Do the inmates pay for telephone calls? Yes. However, do we give them two free phone calls? Yes. Those two free phone calls [inaudible] half hour.

**Dr. Tyler-Garner:** Perfect, thank you.

**Director Daniels:** So, the next one. It says hand sanitizer has been taken away from all inmates and that had been because of inmates drinking it. "My fiancé at NNCC, never received any and has never been made available under supervision". The first portion of this about hand sanitizer, it was taken away. Why? Because we had several inmates purchase it from other inmates. Part of what's inside the sanitizer is alcohol. Several of the inmates chose to induce multiple bottles

so they could get drunk, but it also caused them to be sick.

We knew that when we issued this initially that this was a potential issue. This happened on the very first day. What we decided to do with that is have our staff go around with the cart and they have a large tube of the sanitizer and they just make rounds in the housing unit and ensure each inmate is able to get a couple of pumps. The inmates are able to get that and we make multiple rounds a day. The general issuance of bottles of sanitizer proved to be ill-informed.

I actually made the decision because I was aware that this could be an issue. So, let's give it a shot and it wasn't within the first six hours in which we had our first two guys get drunk. All right, I gave it a shot. I have now changed my decision so that is actually true in that particular issue. Are there any further questions about that?

The next issue let me read it here. "My fiancé put in a packet for us to be married back in February and has not been contacted by the Chaplain. We're hoping that the steps to approve our marriage would be taken during this time so that once the quarantine is lifted, we would be able to be married without delay. Also, my visitation application was sent in February and I have not received a response. It would be wonderful to know that when this all clears, I wouldn't have to wait longer to visit my fiancé. Are you able to get or keep these processes moving forward?". I can't speak from what's on the agenda for my Chaplain right now but I will have this looked into and I will have to communicate with my Deputy Director that handles programs, that's Mr. Brian Williams and I'll have him assess (inaudible) as he supervises the Chaplains.

"Why have inmates' meals been reduced so drastically? Yesterday for breakfast, my fiancé received one egg and a small scoop of oatmeal. Today it was one egg and two sausage links. All meals have been significantly reduced". I would push back on that as inmates would of course obviously like to have as much they would want to eat. Our meals are consistent with national guidelines. We have a nutritionist that has planned our meals and we are consistent with the amount of caloric intake as well as the nutrient intake and we look that over a period of a day, over the three meals per day. In addition to that our Chief Medical Officer, I'm sorry the Statewide Chief Medical Officer is also been involved in determining and reviewing what we provide inmates for the meals.

**Dr. Tyler-Garner:** Thank you for your comments.

**Director Daniels:** Now the next question "Is there any plans to allow video visiting until this clears up?" The answer is no. We typically have the capability to be able to facilitate meetings such as attorney-client meetings, to the courts, things of that nature but we don't have enough to facilitate visitation. But once again the inmates are able to call and then secondly, they're certainly able to write letters. I can see if there are any more.

**Chair Hardesty:** I think we're covered Director. Thank you.

**Director Daniels:** I'd like to make one clarification on something I stated earlier and I [inaudible] There was a question regarding the co-pay for the inmates and us waiving them. The co-pays are specific to COVID-19 not all of the co-pays. I do believe in my haste; I believe I indicated that it was for all things medical. That was completely inaccurate, and I apologize. It was very specifically for co-pays that are specific for COVID-19.

**Chair Hardesty:** Thank you Director. Chairman DeRicco, have you had any chance to look at the public comment?

**Chair Hardesty:** Alright that brings us to the end of our agenda. Let me first make a couple of

comments. I'd like to express my sincere thanks and appreciation to Director Daniels, to Chief Carpenter and to Chairmen DeRicco for their presentations here today. They have been thought-provoking, informative and I think the citizens of the state of Nevada can be very proud of the proactive efforts that these public servants have made in protecting the staff of the prisons, the inmates who are in there, those who they supervise, and I really sincerely appreciate it.

Once again, I think frankly, your efforts illustrate that Nevada has undertaken best practices in many, many of these areas and provides a leadership role in terms of how one should address such a problematic and difficult problem. You have my thanks and appreciation for your leadership in your effort and I'm confident from the comments you heard that you also have the thanks and appreciation of all of the members of the commission and the citizens of our state.

I'd also like to thank all the commission members for their heartfelt thoughtful contributions to today's meeting. Everybody's input has been thought-provoking and significant to a very complex and difficult issue that faces us and many other states.

I want to congratulate the Sheriffs who have made efforts to address the same situations in their jails. Chief Callaway if you would convey our thanks and appreciation to Sheriff Lombardo and Mr. Hicks if you would do the same to Sheriff, we would appreciate it.

We have a lot to talk about on April the 29<sup>th</sup>. We will continue our conversations forward and I really thank everybody for your extended hours today and the work you're doing on behalf of the Sentencing Commission. Thank you all and we are adjourned, and we'll see you again on the 29<sup>th</sup>.