

Steve Sisolak
Governor

Victoria Gonzalez
Executive Director



James W. Hardesty
Chair, Nevada Sentencing Commission

Chuck Callaway
Vice Chair, Nevada Sentencing Commission

STATE OF NEVADA
DEPARTMENT OF SENTENCING POLICY

625 Fairview Drive, Suite 121 / Carson City, NV 89701-5430
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NEVADA SENTENCING COMMISSION MEETING
PUBLIC COMMENT
April 29, 2020

Personal identifying information has been redacted

Public Comment #1: (with 1 attachment)

From: Jocelyn Lee
Subject: Sentencing Commission
Date: Thu 4/16/2020 12:19 PM

Judge Hardesty or To Whom it May Concern,

Please see the letter attached regarding Compassionate Release of my uncle, Greg Wolf, from Lovelock Correctional Facility.

Thank you,

PC #1-Attachment 1 of 1)

Thursday, April 16, 2020

To: Judge Hardesty

Subject: Compassionate Release

COVID 19

Dear Judge Hardesty;

My uncle, Gregory Wolf, has been imprisoned in Nevada since about Christmas, 1997 for ludeeness charges. I am advocating for his compassionate release. He is 74 years old and has been suffering recently with great vision loss in both eyes due to cataracts and has been unable to get the proper surgery. I believe my uncle is no longer a threat to society. He has some funds and a brother and sister, Karen Wolf of Las Vegas and Alyn Wolf of Colorado, who will help Greg with housing and adjusting to civilian life. Greg has shown good behavior and he will make sure to register with the Sheriff's office as a sex offender as required by law.

Great thanks for your support in this
matter! Sincerely,

Jocelyn Lee

Public Comment #2

From: Karen Wolf
Subject: COMPASSIONATE RELEASE COMMISSION FOR INMATE GREG WOLF
Date: Thu 4/16/2020 7:44 PM

APRIL 16, 2020

DEAR GOVERNOR SISOLAK;

I am putting in a plea for consideration for my brother for GREGORY WOLF, AGED 74 , IN LOVELOCK CORRECTIONAL CENTER SINCE 1997 For ludeness, sex offender status .He needs compassionate release as soon as possible for he is legally blind and tells us he's never gotten his cataracts surgery he was promised in Carson City. His ill health during this Pandemic he would never survive. GREG IS IN A DANGEROUS SITUATION, CANNOT SEE TO READ INSTRUCTIONS OR SEE TO GO TO REQUIRED ACTIVITIES, OR READ LETTERS FROM FAMILY NOW.

GREG HAS ALSO NOT BEEN ABLE TO FIND HIS WAY THRU THE LEGAL SYSTEM FILLED WITH ERRORS IN HIS CASE.

i attended a hearing for parole a few years ago it was videotaped on Eastern and Flamingo and the hearing board was there and said he'd been mentally tested and was not a threat to society even then we heard nothing , so i called the prison system on a 3 way call with my son Jayson McCord, architect at Marnell, and an assistant for the Corrections looked up his case and said his first 10 year sentence long ago was adjudicated into 20 which was a mistake. He should have gotten a pardon for that alone. Time is of the essence now for the Pandemic Virus.

As I have home here and in Colorado in the Rockies Greg would be cared for and his brother in Colorado who handles his personal affairs, has written also is completely responsible for his care also , and two nieces live here in Vegas also and have homes. Colorado is where he'd like better tho. Cataract surgery can follow after release if need be. Somehow he's been lost in the system and needs to be free to get help he needs.

Please respond ASAP TO OUR REQUEST IN THE COMPASSIONATE RELEASE COMMISSION UPCOMING MEETING.

Thank you for your prompt attention in this matter.

Sincerely,
Karen and Chuck Schaefer

Public Comment #3
(with 1 attachment)

From: Jocelyn Lee
Subject: Compassionate Release Request for inmate Gregory Wolf
Date: Fri 4/17/2020 6:10 PM

Atn: Governor Sisolak;

Please review and respond to the attached letter. I am advocating for the compassionate release of my uncle, Gregory Wolf, who was sentenced to 3 ten to live sentences for luteness in Clark County in 1998. He served 20 years for one ten year sentence, perhaps by a court error.

Thank you. I realize you have a huge amount on your plate.

Jocelyn Lee

PC #3-Attachment 1 of 1)

Thursday, April 16, 2020

To: Governor Sisolak

Subject: Compassionate Release

COVID 19 Dear Governor Sisolak;

My uncle, Gregory Wolf, has been imprisoned in Nevada since about Christmas, 1997 for luteness charges -Case #31528 and combined case #33313. I am advocating for his compassionate release. He is 74 years old and has been suffering recently with great vision loss in both eyes due to cataracts and has been unable to get the proper surgery. I believe my uncle is no longer a threat to society. He has some funds and a brother and sister, Karen Wolf of Las Vegas and Alyn Wolf of Colorado, who will help Greg with housing and adjusting to civilian life. Greg has shown good behavior and he will make sure to register with the Sheriff's office as a sex offender as required by law. He is currently in Lovelock Correctional Center.

Great thanks for your support in this
matter! Sincerely,

Jocelyn Lee

Public Comment #4

From: Priscilla Vogel
Subject: Re: Public meeting
Date: Wed 4/22/2020 8:07 AM

Dear sir, madam,

Previously I have sent an e-mail about the personal situation of inmate Ricky Brown, incarcerated in Ely State Prison.

I have some issues I would like to discuss, now there is a big risk of prisoners getting Covid-19.

We all know that the virus is causing major problems throughout the world. Inmates can not receive visitation, which I totally agree with. It is a risk to let lots of different people visit the prisons. This is mentally very hard for the inmates, not to see their loved ones. The free calls once a week are nice, but not effective if the phone regularly hangs up after a couple of minutes, causing the call to go to waste. Furthermore, some inmates receive 4 calls a day, and some only 2. For example, death row inmates get 4. It is very weird that death row inmates are privileged to call more loved ones. Are the other inmates less important than death row inmates?

Secondly, I understand that it would be difficult to build equipment for video visitation, but why aren't tablets a good option? Different prisons are currently using tablets. The prison does not need to pay for it as the prisoners/loved ones can pay for themselves. Securus provides video services, so that could be an option.

Mails en photo's through Corrlinks aren't given to the inmates. It takes multiple weeks before the mp3 players are updated, as the co's think that this is not important. Inmates are being isolated from the outside world!

I want to discuss health too. In the previous public meeting, someone mentioned the food that is provided in the prisons. 1 egg and 2 sausages for breakfast. It was stated that this should be enough for every inmate. Not every person is build the same, and obviously a 300 pound man needs more nutricion than a 120 pound man. I don't think it's healthy to get the same food for several weeks in a row as well, because this is what happens. Now Covid is affecting the prisons, the inmates get their dinner served at 2 in the afternoon. Should they eat their dinner at 2 and starve until the next day, or should they wait until its evening and have a cold plate of food? This is inhumane. Something needs to be done about the food problems. It is being said that the Co's are serving dinner early in the day, because of staff shortage due to the virus. Wouldn't this be a good reason to release some of the inmates? I understand that inmates can't get released so easily, as discussed in the meeting. That's why I think it is important to look at the cases individually. Cause not every inmate will have housing problems, not every inmate will be without money and will start with crime. Some inmates actually do have somewhere to go to, and stay out of trouble.

We all know that healthy people won't get affected too bad, if they catch the virus. The immune system of prisoners is lower than healthy people like you and me. Why aren't they getting extra vitamins? In the meeting it was discussed that no inmates are tested positive. Are they being tested? As known worldwide, there are not enough tests for everyone. I can't imagine that every person that is feeling ill is being tested. Inmates are getting told to drink some water when they have throat pains! I don't think that this is the right way to treat possible infected inmates. Did you know that you don't need to have symptoms in order to spread the virus? How do we know that the prisoners who are having flu symptoms aren't infected?

Now what is gonna happen if the virus breaks out in the prisons? Ely State Prison has about 1,183 inmates, according to the Department of Corrections website. There is one hospital in Ely. How many people could get hospitalized if necessary? Then we still have the residents of Ely, about 4000. I think it's clear that there will be major issues if the virus will spread in the prison, because there won't be enough beds available.

Another question that I have is about inmates being in quarantine. Normally, days are added to the back number when inmates are not in a program/working. Now, the programs are on hold due to this pandemic. I think it is unfair to continue to add days to the back numbers now, because this is happening. How will this be solved?

As I was watching the meeting, I did expect to hear more about the emails that were being sent. There was only one email discussed. What is happening with the other ones? Will they be reviewed?

To be clear, I am not writing this because I am trying to get my loved one to come home sooner. Of course, everyone that has someone in prison wants this. I am writing this for the concern of everyone that is incarcerated.

Please, release the inmates that do have a place to go to, for the safety of the inmates. We don't want any more people dying.

I would like to apologize if my spelling was not correctly as English is not my first language. Hopefully it was still clear enough.

Best regards,
Priscilla Vogel

Public Comment #5:
(with 2 attachments)

From: Lorenia Navarro
Subject: Public Comment
Date: Fri 4/24/2020 1:59 PM

Hello, my name is Lorenia Navarro i am submitting a public comment for the upcoming meeting on April 29th on behalf of my brother Eder Navarro that is currently incarcerated at the Clark County Detention Center since Nov 2nd of 2019, he will be sentenced on April 30 to 19 months of prison and has a documented underlying condition (asthma) that puts him on a greater risk of suffering of complications if infected by the current Covid pandemic. Eder's offense is non violent, he has a home in Las Vegas where to stay if he is released and will have less than 18 months to complete his sentence because he already completed 7 months, 6 months plus one that he completed previously. I do not know to whom his case should be addressed is it the sentencing commission, parole or the board of pardons.

In addition to his respiratory condition Eder committed his crime (first offense) as a result of his gambling addiction (also documented and tested by a professional court appointed individual) i am aware that there are also meetings addressing this issue in order to reduce the prison population, because an individual with this problem needs therapy not prison, which was never addressed in his presentence report.

I know that prisoners can not be left out in the community without a release plan, Eder is not violent, has to complete a short sentence and in addition has a job waiting for him, since he was arrested 4 individuals have had his job and could not handle it because is demanding. Eder was a restaurant owner and knows how to manage a hard job in the food industry, fortunately sales are higher at his previous job due to the amount of the take out to/to go orders)

Please let me know how can i attend this meeting remotely, i will attach supporting documents if is necessary.

Thank you,

Lorenia Navarro

Tue 4/28/2020 11:02 AM

Can you please add this documents to my public comment on reference to my brothers situation. I want to know what will happen if by the time he goes to prison there is a major increase on covid infections or a greater amount of risk and what are the steps to take once he is sentenced, he will be sentenced on April 30 th



9300 Valley Children's Place
Madera, CA 93636

(559) 353-3000
valleychildrens.org

April 17, 2020

TO WHOMSOEVER IT MAY CONCERN

I am writing this letter regarding Eder Navarro, date of birth [redacted]. Eder was treated and diagnosed with asthma since the age of 9 months at Pediatric Associates of Yuma located in Yuma, Arizona. I was a pediatrician at the center.

Through his early childhood years, he had significant flareups of his asthma. After the age of 5 years, his asthma was much stable. However he had reappearance of the flareups during his teen years and then through young adulthood.

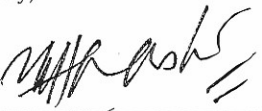
Asthma in early childhood results in decrements in pulmonary function that are persistent and detectable throughout childhood and adolescence, and even through adulthood, although the effects differ based on sex and age.

Longitudinal studies of children who developed asthma before six years of age demonstrate persistent lung function abnormalities that may be associated with reduced lung growth (lower peak FEV1) and/or an "early decline" in lung function in adulthood.

In the current ongoing pandemic, people with moderate to severe asthma may be at higher risk of getting very sick from COVID-19. COVID-19 can affect the respiratory tract (nose, throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease.

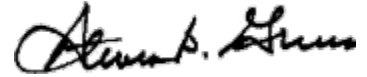
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html>

Sincerely,

X 

Moinuddin H. Morkhashi, MD FAAP
PEDIATRIC ENDOCRINOLOGIST

Electronically Filed
4/17/2020 5:00 PM
Steven D. Grierson
CLERK OF THE
COURT



DUSTIN R. MARCELLO, ESQ.
Nevada Bar No. 10134
PITARO & FUMO, CHTD.
601 Las Vegas Boulevard
Las Vegas, NV 89101
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Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,
Plaintiff,

v.

EDER NAVARRO,
Defendant.

Department No.: 3

Case No.: C-11-273554-1

Motion to Set Reasonable Bail

EDER NAVARRO by and through his attorney moves this Court for an order setting reasonable bail or releasing Mr. Navarro on nonmonetary conditions as a result of the COVID-19 pandemic.

This Motion is made and based upon the pleadings and papers on file herein, the attached documentation, together with such other evidence, which this Court may require in its consideration of this matter.

PITARO & FUMO, CHTD.

/s/ Dustin R. Marcello
Dustin R. Marcello,
Esq. Nevada Bar No.
10134

NOTICE OF MOTION

TO: OFFICE OF THE DISTRICT ATTORNEY

PLEASE TAKE NOTICE that the undersigned will bring the foregoing **MOTION TO SET REASONABLE BAIL** on the _____ day _____ of, 2020, at the hour of _a.m./p.m. in Department No. 3, in the above Court, or as soon as thereafter as counsel may be heard.

DATED this 17th day of April 2020

PITARO & FUMO, CHTD.
/s/ Dustin R. Marcello, Esq. DUSTIN
R. MARCELLO, Esq.
Nevada Bar No.: 10134

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Factual Background

1. COVID-19 Outbreak

On March 11, 2020, the World Health Organization officially classified COVID-19 a pandemic.¹ Governor Steve Sisolak declared a State of Emergency in Nevada on March 12, 2020. On March 15, 2020, the CDC recommended that all in-person events consisting of 50 or more people be postponed or cancelled throughout the United States.

As of April 17, 2020, Nevada has 3,524 confirmed COVID-19 cases.² As of April 17, 2020, the new strain of coronavirus which causes COVID-19, has infected over 2.1 million people, leading to at least 146,000 deaths worldwide.³ These numbers, sadly, have been increasing daily.

The CDC's guidelines provide that individuals at higher risk of contracting severe forms COVID-19—people with chronic medical conditions, such as long

¹ *WHO Characterizes COVID-19 as a Pandemic*, World Health Organization (March 11, 2020) at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

² https://www.fox5vegas.com/coronavirus/more-than-3-500-positive-covid-19-cases-142-deaths-reported-in-nevada/article_670e34b4-7d97-11ea-add7-f7279af5d177.html. (lasted visited April 17, 2020).

³ *Coronavirus Map: Tracking the Spread of the Outbreak*, The New York Times (March 20, 2020), <https://www.nytimes.com/interactive/2020/world/coronavirus-maps.html> (updating regularly).

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diseases like asthma,—take immediate preventive actions, including avoiding crowded areas and staying home as much as possible.⁴

Nevada responded to the COVID-19 emergency by taking extraordinary measures to protect its populace and slow the spread of the virus. This initially included indefinitely cancelling all events with an expected attendance of 250 or more people such as (1) the Pac-12 men’s basketball tournament, (2) all Mountain West spring sports for UNLV athletics, (3) CinemaCon 2020; and (4) Dell Technologies World 2020.

Nevada has now intensified its protective measures. Starting on March 16, 2020, all civil and criminal jury trials in Clark County District Court are suspended for at least a month and all scheduled, nonessential court hearings are requested to be conducted by video or telephonic means or rescheduled;⁵ all of Nevada’s K-12 schools will be closed and not reopen until the State Chief Medical Officer evaluates the public health risk and determines it is safe to do so.⁶ On March 18, 2020 all non-essential businesses in Nevada, including casinos, movie

⁴ *People at Risk for Serious Illness from COVID-19*, CDC (March 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>.

⁵ <https://www.reviewjournal.com/crime/courts/clark-county-district-court-to-suspend-jury-trials-due-to-coronavirus-fears-1980345/>.

⁶ <https://www.reviewjournal.com/local/local-nevada/sisolak-orders-closure-of-nevada-schools-to-slow-coronavirus-spread-1981764/> (March 15, 2020).

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theatres, and gyms, were ordered closed for the next 30 days.⁷ Starting March 23, 2020, UNLV and Toro University are moved to online classes.

Nevada Federal District Court entered an order March 13, 2020, General Order 2020-02, allowing those previously required to appear in person at the Courthouse to appear by telephone or video conference if they fall within any of the groups the Court has identified as no longer permitted to enter the Courthouse due to COVID-19 exposure or potential exposure.

We must therefore take every necessary action to protect vulnerable populations and the community at large.

2. Conditions of Confinement and Spread of Coronavirus

Conditions of pretrial confinement create the ideal environment for the transmission of contagious disease.⁸ Inmates at the Clark County Detention Center (“CCDC”) are housed in close quarters. The jail is overcrowded and lacks the resources necessary to deal with an outbreak of this insidious virus. Due to its excessive population, stagnant air, the constant arrival of new inmates, the coming and going of employees, and its generally inadequate medical facilities, CCDC is an ideal environment for a virus like COVID-19 to do maximum damage. Additionally, incarcerated individuals often suffer poorer health than

⁷<https://nypost.com/2020/03/18/nevada-governor-orders-all-las-vegas-casinos-to-shut-down/> (March 18, 2020).

⁸ Joseph A. Bick, *Infection Control in Jails and Prisons*, 45 *Clinical Infectious Diseases* 1047, 1047-1055 (2007), <https://doi.org/10.1086/521910>.

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the general population. Faced with this pandemic, incarcerated individuals who are older or have chronic health conditions like diabetes, asthma, high blood pressure, hepatitis, or HIV, are especially vulnerable to severe forms of COVID-19. Even when not faced with a potentially deadly pandemic, incarcerated individuals received limited medical care.⁹

According to public health experts, incarcerated individuals “are at special risk of infection, given their living situations,” and “may also be less able to participate in proactive measures to keep themselves safe” because “infection control is challenging in these settings.”¹⁰ In order to reduce the impact of COVID-19 on jails and prisons, experts advise against incarcerating people who are not a public safety risk. Tyler Winkelman, co-director of the Health, Homelessness, and Criminal Justice Lab at the Hennepin Healthcare Research Institute in Minneapolis, advises “we are increasing [the detainees] health risk

⁹ U.S. Dep’t of Justice, Bureau of Justice Statistics Laura M. Maruschak, Marcus Berzofsky, and Jennifer Unangs, *Medical Problems of State and Federal Prisoners and Jail Inmates*, 2011-2012 at 1-22 (Feb. 2015), <https://www.bjs.gov/content/pub/pdf/mpsfpi1112.pdf>.

¹⁰ “Achieving a Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State, and Local Leaders from Public Health and Legal Experts in the United States,” (March 2, 2020), https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf.

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by keeping them [incarcerated] [t]his is the time to make sure we have as few people at risk as possible.”¹¹

Internationally, COVID-19 is a grave concern for those detained in prisons. In China, officials have confirmed the coronavirus spreading at a rapid pace in Chinese prisons, counting 500 cases in February 2020.¹² Secretary of State Mike Pompeo has called for the release Americans detained in Iranian prisons because of the “deeply troubling” “[r]eports that COVID-19 has spread” to its prison system, noting “[t]heir detention amid increasingly deteriorating conditions defies basic human decency.”¹³ Courts across Iran have granted 54,000 inmates furloughs as part of the protective measures to contain COVID-19 across the country.¹⁴

¹¹ *Prisons and Jails are Vulnerable to COVID-19 Outbreaks*, The Verge (Mar. 7, 2020), <https://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap>.

¹² Rhea Mahbubani, *Chinese Jails Have Become Hotbeds of Coronavirus as More Than 500 Cases Have Erupted, Prompting the Ouster of Several Officials*, Business Insider (Feb. 21, 2020), <https://www.businessinsider.com/500-coronavirus-cases-reported-in-jails-in-china-2020-2>.

¹³ Jennifer Hansler and Kylie Atwood, *Pompeo Calls for Humanitarian Release of Wrongfully Detained Americans in Iran Amid Coronavirus Outbreak*, CNN (Mar. 10, 2020), <https://www.cnn.com/2020/03/10/politics/mike-pompeo-iran-release-detained-americans-coronavirus/index.html>.

¹⁴ Claudia Lauer and Colleen Long, *US Prisons, Jails on Alert for Spread of Coronavirus*, The Associated Press (Mar. 7, 2020), <https://apnews.com/af98b0a38aaabedbc059092db356697>.

In the United States, numerous jurisdictions have already taken steps to facilitate the release of both incarcerated pretrial detainees and convicted inmates to reduce the prison population during this national crisis. As part of this movement, jurisdictions are releasing older inmates and sick inmates, and discouraging or refusing incarceration of individuals arrested on non-violent misdemeanor charges and expediting the plea and bail process.¹⁵

This is not a speculative or only potential problem. The Clark County Detention Center had its first confirmed case of COVID-19 on April 13, 2020.¹⁶ As of April 17, 2020, four inmates have tested positive for COVID-19.¹⁷

¹⁵ In New York, Brooklyn District Attorney Eric Gonzalez, joined by public health experts, has asked Governor Cuomo to grant emergency clemencies to elderly and sick prisoners (Sarah Lustbader, *Coronavirus: Sentenced to COVID-19*, The Daily Appeal (Mar. 12, 2020), <https://theappeal.org/sentenced-to-covid-19/>); Cuyahoga County (Ohio) is holding mass pleas and bail hearings to reduce the current jail population (<https://www.cleveland.com/court-justice/2020/03/cuyahoga-county-officials-will-hold-mass-plea-hearings-to-reduce-jail-population-over-coronavirus-concerns.html>); Mahoning County (Ohio) jail is refusing all non-violent misdemeanor arrestees (<https://www.wkbn.com/news/coronavirus/mahoning-county-jail-refusing-some-inmates-due-to-coronavirus-outbreak/>); see also Collin County (TX) (<https://www.dallasnews.com/news/public-health/2020/03/12/facing-coronavirus-concerns-collin-county-sheriff-asks-police-not-to-bring-petty-criminals-to-jail/>).

¹⁶https://www.fox5vegas.com/coronavirus/inmate-at-clark-county-detention-center-treated-for-covid-19/article_fd96da8c-7de0-11ea-81a9-eb87d52a1ce4.html (lasted Visited April 15, 2020).

¹⁷https://www.fox5vegas.com/coronavirus/4-inmates-at-clark-county-jail-have-tested-positive-for-covid-19/article_fd96da8c-7de0-11ea-81a9-eb87d52a1ce4.html

On April 17, 2020, Judge Bell signed an order allowing LVMPD sheriff Lombardo to release up to 290 inmates in response to the COVID-19 pandemic.¹⁸ Lombardo stated that they will be releasing inmates with a nonviolent history. One of the criteria for inmates to be released include those who are medically vulnerable.

Argument

Constitutional Right to Bail

“In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755, 107 S. Ct. 2095, 2105, 95 L. Ed. 2d 697 (1987).

Nev. Const. Art 1 §7 of the Nevada Constitution guarantees all persons the right to bail unless charged with a capital offense. Nev. Const. Art 1 §6, in turn, prohibits excessive bail. Nev. Const. Art 1 §7 can be traced directly to the Massachusetts’ Body of Liberties in 1641, containing almost identical language. The provision guarantees to all Nevada citizens the right to bail, unless the “proof evident presumption great” that the person may have committed first degree murder.

This Constitutional guarantee has no meaning, if magistrates and judges are permitted to circumvent the guarantee of bail by requiring persons to post

¹⁸https://www.fox5vegas.com/coronavirus/court-order-allows-release-of-some-clark-county-inmates-due-to-covid-19-pandemic/article_99d91446-80e8-11ea-812a-c3b9b72f5ab1.html

monetary bail the person cannot reasonably afford. *See Ex Parte Malley*, 50 Nev. 248, 253 (1927) (“Bail must not be in a prohibitory amount, more than the accused can reasonably be expected under the circumstances to give, for if so it is substantially a denial of bail within the constitutional provision.”).

Instead, when bail is set in an amount that results in continued detention it functions as a detention order and, accordingly, is subject to the same due process requirements applicable to a deprivation of liberty. *Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev.* 136 Nev. Adv. Opinion (2020).

A defendant who remains in custody following arrest is constitutionally entitled to a prompt individualized determination on his or her pretrial custody status. *Id.* at 3. This individual determination must be preceded by an adversarial hearing at which the defendant is entitled to present evidence and argument concerning the relevant bail factors. *Id.* The court must consider the factors set forth in NRS 174.4853 and can only impose bail if the State proves through clear and convincing evidence that it is necessary to ensure the defendant’s presence at future court hearings or the safety of the community. *Id.* If the Court determines that there are no nonmonetary conditions to release the defendant and the Court chooses to impose bail, the Court *must* their reasons for the bail amount on the record. *Id.* at 19 (emphasis added). Transcribed oral records can satisfy this requirement. *Id.*

All of the factors and language of the bail statutes is written in regards to the individual, not a mathematical formula or a pre-existing bureaucratic process. See NRS 178.4853; NRS 178.498. If, based on the individualized determination of the factors listed in NRS 178.4853, there are any nonmonetary conditions that would reasonably ensure the purposes of bail are met, any amount of bail is excessive. *Valdez-Jimenez*, 136 Nev. Adv. Opinion, 16. The Court must take into consideration the defendant's ability to pay the bail and other factors relevant to the bail setting. *Id.* at 16-17. If there are no nonmonetary conditions to ensure the safety of the community or the defendant's appearance, only then may the Court set monetary bail. *Id.* at 16.

Quantum of Proof

The State must prove by clear and convincing evidence that no less restrictive alternative will ensure the defendant's future appearance and safety of the community. *Id.* at 19.

Effect on Outcome of the Case

“Defendants who are held in pretrial detention have less favorable outcomes than those who are not detained —regardless of charge or criminal history. In these studies, the less favorable outcomes include a greater tendency to plead guilty to secure release (a significant issue in misdemeanor cases), a

greater likelihood of conviction, a greater likelihood of being sentenced to terms of incarceration, and a greater likelihood of receiving longer prison terms.”¹⁹

Consistent with the body of research done on pretrial detention, holding the defendant in custody will result in a greater likelihood of being sentenced to terms of incarceration, and a higher probability of receiving a longer prison sentence.

Additionally, Justice Hardesty, citing the Arnold Foundation studies, noted that pretrial detention of low-risk and medium-risk defendants resulted in a *higher* risk of reoffending and more danger to the community. This seems counter-intuitive at first, but when you consider people being detained lose their jobs, homes, families and support systems sitting in custody awaiting trial, the outcome of the studies makes sense.²⁰

ARGUMENT

Mr. Navarro has asthma.²¹ He was diagnosed with asthma at 9 months old. Each year he receives a shot for treatment for his asthma. This puts him at a higher risk for complications related to COVID-19. For Mr. Navarro, his life—not only his liberty—are at risk, creating a powerful incentive to abide by any release

¹⁹https://www.leg.state.nv.us/App/NELIS/REL/79th2017/ExhibitDocument/OpenExhibitDocument?exhibitId=28227&fileDownloadName=0317_presentation_harj.pdf (Slide 19)

²⁰https://www.leg.state.nv.us/App/NELIS/REL/79th2017/ExhibitDocument/OpenExhibitDocument?exhibitId=28227&fileDownloadName=0317_presentation_harj.pdf (Slide 19)

²¹ Mr. Navarro’s family has provided medical records that counsel can provide to the Court and State upon request.

conditions the Court may impose and changing the calculus that initially led to the denial of bail in this case.

The nature of the charges is only relevant to the extent that conviction would represent a flight risk. There is nothing about the charge that would imply that non-monetary conditions and orders of the Court couldn't address any perceived safety concern.

Mr. Navarro meets the two of criteria proposed for those being released from custody under Judge Bell's order. He is in custody on a nonviolent offense and is medically vulnerable as a result of his asthma.

If released, Mr. Navarro has a home that is currently empty where he would be able to stay. His family members, including his sister and his mother, provide a strong support system for Mr. Navarro. They are willing to vouch for his character and to help him find stability through the pendency of this case. He previously worked in the food industry. Additionally, he is happy to comply with any conditions that the Court would impose, including house arrest.

Though Mr. Navarro was brought to Court on a bench warrant return, he first tried to resolve the case. He made contact with officers in Arizona and informed them of the warrant. Mr. Navarro asked that he be able to turn himself in. He was then released from the police department in Arizona as he was told he would not be extradited. Concerns regarding Mr. Navarro's flight risk could be answered through many conditions this Court could impose.

The chronically ill, no matter what crime they are accused of, pose a lower risk of violating supervision, particularly during a global pandemic during which even leaving the house will endanger their lives.

Conclusion

Mr. Navarro is among the vulnerable population at heightened risk of getting very sick from this illness. Because of the recent issues caused both nationally and locally by COVID-19, Mr. Navarro respectfully requests that this Court release him with nonmonetary conditions, or in the alternative, set reasonable bail.

Dated April 17, 2020.

Respectfully submitted,
PITARO & FUMO, CHTD.

/s/ Dustin R. Marcello
Dustin R. Marcello, Esq.
Nevada Bar No. 10134

14

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2020 I did serve the forgoing Motion for Reasonable Bail on the Clark County District Attorney's Office through electronic service by filing in the E-File system with the Clark County Court, and provided a courtesy copy to the following email: motions@clarkcountyda.com

PITARO & FUMO, CHTD.

An Employee of PITARO & FUMO, CHTD.

/s/ Kristine Tacata Kristine Tacata – Paralegal

Public Comment #6:

From: Alyn Wolf
Subject: Sentencing Commission 4/29/2020
Date: Sun 4/26/2020 10:09 AM

Judge Hardesty RE: COVID 19

Putting in a plea of consideration for my brother, Gregory Wolf, for compassionate release as soon as possible. The ongoing pandemic makes his release even more justifiable.

Background for request: Greg is 74 years of age and has been incarcerated for 25 years at the prison in Lovelock, Nevada. Greg is going blind in both eyes due to cataracts. We have tried in vain to get this attended to. Greg is also sex offender status which puts him in an even more dangerous position overall.

I feel that a compassionate release of some kind would truly benefit both Greg and the prison community. I stand ready as his brother to take full responsibility for his care and direction upon his release. The two of us have been communicating for years as to how to improve his situation. Greg has been unable to find his way through the legal system that is filled with errors in his case...he has been unable to obtain proper legal assistance.

He is no longer, in my opinion, a threat to society, and that at his age along with good behavior should have a significant bearing on his release. The parole hearings have been few and far between.

Thanking you in advance for your consideration.

Public Comment #7:

From: Nicole Brown
Subject: Public comment 4/29/2020
Date: Sun 4/26/2020 5:44 PM

Hello Good Morning

I am writing in today to talk about inmates incarcerated under NDOC. Inmates who are six months to the gate on their parole eligibility date or expiration date should be given the option to do home confinement as long, as fees can be paid and they have somewhere to go along with being 6 months write up free and have been programming while incarcerated. Violent offenders who have committed their crimes back in 2006 and before which is clearly over 10 years ago who are back in prison on TECHNICAL PAROLE VIOLATIONS with no new charges should be given a chance as well. Do you know people sitting in prison on technical violation whose crimes were committed over 10 years ago can have a background ran from an employer and the felonies won't even show up because it's so long ago. I'm not saying just release them but the ones who have a home, a job lined up, have family and community support been doing everything right in prison should not be counted out because they are "violent offenders" it doesn't make sense. Please look into it with these violent offenders that are sitting there on technical parole violation and almost home with months left. My Partner is one of them. Jacklyn Strosnider 92622.

There have been 3 or 4 infected staff members at FMWCC. This is not ok. If inmates won't be getting out anytime soon then they need to be provided with mask and gloves this isn't fair. They are not animals and there is no social distancing in prison.

..Something needs to be done.

Sincerely

Just a concerned citizen.

Nicole B

Public Comment #8:
(with 2 attachments)

From: Darrin Scheidle
Subject: Sentencing Board Meeting Agenda Item - COVID 19 PUBLIC COMMENT
Date: Sunday, April 26, 2020 8:35 AM

I have attached a document I sent over to the Board of Pardons, since the last meeting of the Sentencing Commission recommended action by the Board of Pardons. I feel it is just as important in making a decision during the April 29th meeting.

It should be made noted that since a copy of this document was faxed to Director Daniels and the Warden of FMWCC/JCC that the Warden has taken PUNITIVE ACTION against some of the inmates that are reporting these atrocities in whatever manner they can. The inmates mail is being held from being mailed out to family and attorneys. Their grievance process is halted, so that the Warden and Director are not aware of the issues at the facility. By her punitive action towards at least four inmates as of 4/20/20 - it appears that the Warden may be complicit instead of taking measures to correct the issues at JCC.

It is an URGENT and IMMEDIATE need that the Sentencing Commission, if not willing to commute non-violent inmates to HOUSE ARREST, at least provide specific direction to the Board of Pardons to convene a meeting to specifically address this issue and take action in a timely manner.

Best Regards,

Darrin Scheidle

Nevada Board of Pardons Commissioners

Via FAX 775-687-6736

To the Honorable Members of the Board,

I would like to speak on behalf of the inmates being considered for release due to the current crisis we are facing in Nevada. I have been in contact with inmates at Jean Conservation Camp, a minimum custody facility in Southern NV. I am following this fax with a letter that was sent to me and signed by 36 of the 172 inmates currently housed at JCC.

These women have made great strides in serving their time, following the rules and taking classes which have earned them their ability to be housed at a minimum custody facility. Many of them leave the facility to perform jobs for the NV Dept of Forestry, by fighting fires during the fire season, completing conservation projects, performing highway clean-up for the Department of Transportation, and assisting with the local community. They have worked hard to rejoin society. But with visitation cut off, and shipments to the facilities for food and select supplies limited, they don't have adequate hygiene supplies and their medical needs are not being met (except for a part time nurse that arrives once or twice a week, for at most 2 hours each visit).

It has gotten to the point that they are served ROTTEN FOOD – luncheon meat for lunch that they are told is ham but is BROWN in color. They are served moldy bread and food that has expired or not stored properly so it is freezer-burned and an attempt to "revive" it by soaking it with water making it inedible.

Lt. Todd Riches, the "camp manager", is unresponsive to the inmate requests and will NOT allow the inmates to submit grievances to the Associate Wardens, Warden, or Director Charles Daniels. He is a short-timer only filling the seat until his retirement in August.

These issues create a HARDSHIP that would no doubt be classified as CRUEL and UNUSUAL PUNISHMENT since the other facilities (including FMWCC) have better controls and a healthier environment. WHY must these women endure such punishment when they have worked HARD to be in minimum custody and work

for NDF and the community offsite, only to come back to a facility and treated in this disrespectful and harsh manner? With this crisis we are experiencing, the camp has been locked down and no one departs, except for the Corrections Officers that don't wear PPE when it has been provided, and they are the people that would be responsible for bringing in the virus into the facility if anyone tests positive for COVID 19 at JCC. A memo arrived TODAY (after 5 weeks of quarantine) requiring the staff to wear the PPE when dealing with the inmates directly.

This is one of many facilities that should have their inmates released. Obviously, the priority should require them to be NON-VIOLENT INMATES and have the support of family to have a place to reside. Releasing them to be "homeless" would be more of a burden on the State and just as irresponsible to their health and well-being. Even if they were to be released to HOUSE ARREST would cause the burden of financial responsibility to fall on the inmate and their family.

PLEASE take the responsible course of action to relieve the health hazard that these inmates are going through and allow them to survive and get the care they deserve at home, with dignity.

Respectfully,

Da l.

To whom it may concern,

We are currently being held at JCC in Jean, NV. JCC is a minimum security custody prison facility.

I am writing this letter due to recent events that cause great concern to my loved ones and I regarding the COVID 19 vir

Despite the limited amount of information that I have access to, I have been following news reports and paying very close attention to news developments as they occur to the best of my ability. I also receive updates through self paid calls to friends and family. We are no longer allowed visitors due to fear of this virus spreading to us. This in its self is very disconcerting because this was our only contact to our friends and family beyond the facility, and vital for our mental and emotional well being.

The precaution to my understanding that should be taken are not being adhered to at this facility. Social distancing is a impossibility for now.

There are detention facilities all over the country, including CIDE, right here in Las Vegas that have realized the necessity of releasing low level / minimum security inmates and/or detainees in accordance with the threat that the COVID 19 poses under conditions as previously mentioned. It has been established that the contagion rate is exponential upon itself. The women here pose no substantial threat to their communities and are desperately needing to care for their families during this crisis of catastrophic proportions. I feel as if house arrest or intense supervision could be a option and rather the peoples tax dollars paying it would be self pay. We have earned the privilege of being in minimum custody due to our soul behavior, low risk to re offend, and numerous classes we completed to better our ourself. We are asking for the opportunity to be with our families and children while still being supervised 24 hours a day.

Thank you for your time and
consideration during this **difficult**

time

Tiffany Kasper [REDACTED]
NICOLE LUPICA [REDACTED]
Jaylene [REDACTED]
Tasha Persons [REDACTED]
Chae Howard [REDACTED]
Allison Silva [REDACTED]
Felicia Tessa [REDACTED]
Patricia [REDACTED]
Tatiana [REDACTED]
Kathleen [REDACTED]
Michelle Lentz # [REDACTED]
LISA POORE [REDACTED]
Annmarie Agostinelli [REDACTED]
Nina Grater [REDACTED]
Martha Perez [REDACTED]

Vivian C. Masley [REDACTED]
Sara [REDACTED]
Tonda Benjamin [REDACTED]
Laquinda Hayes [REDACTED]
MELISSA MOE [REDACTED]

Veronica Acedo [REDACTED]

Deborah Lee [REDACTED]

Denae Raker [REDACTED]

Tiffany Hatch [REDACTED]

Annamarie Agostinelli [REDACTED]

Brittney Toothman [REDACTED]

Heather Mejia [REDACTED]

Margaret Hankey [REDACTED]

Constance Arnold [REDACTED]

Leslie Meier [REDACTED]

Ramona Aguilar [REDACTED]

Jeannette Ruiz [REDACTED]

Ashley Tsabetsaye [REDACTED]

Alexandra Hamilton [REDACTED]

Cassandra Melvan [REDACTED]

Kayia Wagers [REDACTED]

Public Comment #9:

(with 1 attachment)

From: Kate Berry
Subject: Letter in Support of the April 29, 2020 Public Meeting
Date: Tue 4/28/2020 9:34 AM

Please find attached a letter from the Federal Public Defender, District of Nevada, to be considered by the Nevada Sentencing Commissioners at the public meeting tomorrow, Wednesday, April 29, 2020.

Thank you so much for your consideration and please let me know if there is anything additional we can provide.

Best,
Kate Berry

Kate Berry
Assistant Federal Public Defender

Rene L. Valladares
Federal Public Defender District of Nevada

Lori C. Teicher
First Assistant



**FEDERAL PUBLIC
DEFENDER**
— District of Nevada —

411 E. Bonneville Ave.

Suite #250 Las Vegas, NV 89101 Tel: 702-388-6577

State of Nevada
Department of Sentencing Policy 625 Fairview Drive, Suite 121 Carson City, NV 89701-30

April 28, 2020

Re: April 29, 2020 Public Meeting

Dear Nevada Sentencing Commissioners:

We write to express support for this Commission's recent vote recommending Governor Sisolak convene the Pardons Board earlier than June 17, 2020. We appreciate the Commission's continued commitment to address COVID-19's current and potential impact upon Nevada's incarcerated populations. We offer whatever assistance necessary to implement a plan quickly during this pandemic.

The need for action is urgent as we now know there are eight confirmed COVID-19 cases across Nevada's prison system. Furthermore, as reported by Director Daniels at this Commission's last public meeting, only fifteen test kits are (or were) available for the over 13,000 inmates in nine statewide correctional centers/prisons, eleven conservation camps, and two transitional housing sites.¹ Nevadans have also learned this past week that thousands of inmates have tested positive for hepatitis C, which may compromise the infected inmates immune systems, leaving them more vulnerable to COVID-19 transmission.²

Continuous protection of Nevada's incarcerated individuals is essential. Particularly critical are the following SAFER plan recommendations:

¹ State of Nevada Department of Health and Human Services, *Facilities with Reported COVID-19 Cases*, <https://bit.ly/2KDzAC7> (last visited Apr. 27, 2020).

² See Las Vegas Review-Journal, *Nevada's Prison Medical Staff Grapple with Coronavirus Outbreak* (Apr. 24, 2020), <https://bit.ly/2KFliQ4> ("At least 20 percent of the roughly 13,000 inmates across the prison system tested positive for the blood-borne disease.").

- Aggressive COVID-19 testing³
- Increased and continuous environmental sanitation and access to personal hygiene materials
- Waiver of medical co-pays (not just for COVID-19 care)⁴
- Free phone calls and access to a clean phone
- Continued education and training for both incarcerated individuals and staff

The spread of COVID-19 can be lessened by implementing alternatives to incarceration for individuals who can be safely released. We continue to advocate for the identification and release of individuals in three categories:

1. Individuals already granted parole but not yet released (approx. 300 persons for whom it is unnecessary to appear before Pardons Board);
2. Vulnerable persons within 18 months of parole eligibility. “Vulnerable” should be determined by using Center for Disease Control⁵ and World Health Organization⁶ definitions, including older adults⁷ and people of all ages with serious underlying medical conditions (including heart, lung and liver disease, diabetes, and immunocompromised persons⁸);

³ Only testing symptomatic inmates “could be a problem, health experts say, since undetected cases in prisons could contribute to community spread outside.” Marshall Project, *These Prisons Are Doing Mass Testing For COVID-19—And Finding Mass Infections* (Apr. 24, 2020), <https://bit.ly/2S7TUzB>.

⁴ Nevada is only one of three states that have failed to waive co-pays. See *Responses to the COVID-19 Pandemic*, Prison Policy Initiative, Table (last updated Apr. 24, 2020), <https://bit.ly/2KALfkW>.

⁵ CDC, *People Who Are at Higher Risk for Severe Illness*, <https://bit.ly/2W69DQC> (last visited Apr. 27, 2020) (identifying 65+ or underlying condition like cardiovascular disease, respiratory condition, diabetes as particularly vulnerable).

⁶ WHO, *Coronavirus Disease (COVID-19) Advice for the Public*, <https://bit.ly/3bJHWnp> (last visited Apr. 27, 2020).

⁷ The data suggests that not only are older prisoners more vulnerable to COVID-19, they are far less likely to reoffend if released. See, e.g., Slate, *It’s Time to Start Releasing Some Prisoners with Violent Records* (Apr. 13, 2020), <https://bit.ly/2WhFjD5> (“Crime rates are even lower if you look at older prisoners--the ones most seriously threatened by COVID-19. We looked at more than 7,000 individuals over age 55 who had served at least five years in state prisons for a violent offense.

Fewer than 1 percent of such individuals were re-incarcerated for any new crime in the three years after release, and fewer than .5 percent for another violent crime.”).

⁸ Health Europa, *Immune System Remains Damaged Despite Cured Hepatitis C Infection* (June 11, 2018), <https://bit.ly/35lPoTD> (explaining Hepatitis C damages infected persons immune systems).

3. All non-violent offenders 3 years from parole who can demonstrate the equivalent of an approved parole plan.

The list of states depopulating their prisons and jails continues to grow. The attached exhibit shows the broad efforts by numerous states to depopulate correctional institutions, working to prevent widespread illness and death in every category of jail and prison populations. See Exhibit 1.

If we act now, Nevada can avoid the serious COVID-19 infection crises sweeping several federal and state institutions. Our office represents over 500 clients in Nevada's jails and prisons. We have preliminarily identified at least 55 clients who fall into the three categories recommended above for depopulation. We are prepared to work with this Commission, the Pardons Board, NDOC, and the Attorney General to assist with the expedited preparation of release plans for our clients, and coordinate attorneys to assist with all eligible individuals.

Removing individuals from Nevada's prisons who do not threaten public safety will protect the lives of those we release, those who remain in custody, the correctional staff and their families, and the hospitals that serve these communities. Thank you for continuing this important discussion and we look forward to working with you.

Sincerely,



Rene L. Valladares Federal Public
Defender



Lori C. Teicher First
Assistant

Public Comment #10:

From: Laura Martin
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 12:18 PM

Dear Nevada Sentencing Commission,

Nevada is stronger when all communities are taken care of and in the midst of this pandemic, no community can be sacrificed. As the Governor of Nevada, we are calling on you to take immediate action to protect Nevada's incarcerated population.

"Social distancing," is one of the most effective ways to prevent the spread of COVID-19, yet it is nearly impossible to achieve in jails or prisons. We already know that it is impossible for people to effectively sanitize their hands without access to lathering soaps and hand sanitizers. In the event that someone contracts COVID-19 within a jail or prison, there is not adequate healthcare available to support them. There are no accessible tests or ventilators and not enough space to prevent the virus from spreading like wildfire within the facility. These health concerns facing our incarcerated populations extend further to impact the corrections officers and healthcare staff operating within these facilities. They are likely to spread the virus to their families and vulnerable communities every time they go home.

It is imperative that the Sentencing Commission urge the Governor to work with the Nevada Board of Pardons, local sheriffs, and legislators to do everything possible to preserve life right now by:

- Issuing an executive order calling for the release of as many incarcerated people as possible, including those incarcerated pretrial on bail amounts they cannot afford and those within a year of completing their sentence.
- Commuting those sentences that are within a year of release, offer compassionate release to those particularly vulnerable due to severe illness, and also consider individual cases that can be given medical furloughs.
- Mandating that anyone currently being held on a technical probation or parole supervision violation should be released and allowed to return to supervision in their homes.

The potential for a COVID-19 outbreak in our jails and prisons would strain our already overburdened first responders and hospitals. We must free our people in order to appropriately allow them to shelter in place with their families, and not in the close confinement of a jail cell.

Governor Sisolak, please stop disparaging the families of incarcerated Nevada. You'd insulted their homes, and their household income. All families deserve respect and deserve to be safe and healthy

Sincerely,
Laura Martin

Public Comment #11:

From: Ernest Bailey
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 3:57 PM

Dear Nevada Sentencing Commission,

Nevada is stronger when all communities are taken care of and in the midst of this pandemic, no community can be sacrificed. As the Governor of Nevada, we are calling on you to take immediate action to protect Nevada's incarcerated population.

"Social distancing," is one of the most effective ways to prevent the spread of COVID-19, yet it is nearly impossible to achieve in jails or prisons. We already know that it is impossible for people to effectively sanitize their hands without access to lathering soaps and hand sanitizers. In the event that someone contracts COVID-19 within a jail or prison, there is not adequate healthcare available to support them. There are no accessible tests or ventilators and not enough space to prevent the virus from spreading like wildfire within the facility. These health concerns facing our incarcerated populations extend further to impact the corrections officers and healthcare staff operating within these facilities. They are likely to spread the virus to their families and vulnerable communities every time they go home.

It is imperative that the Sentencing Commission urge the Governor to work with the Nevada Board of Pardons, local sheriffs, and legislators to do everything possible to preserve life right now by:

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- Commuting those sentences that are within a year of release, offer compassionate release to those particularly vulnerable due to severe illness, and also consider individual cases that can be given medical furloughs.
- Mandating that anyone currently being held on a technical probation or parole supervision violation should be released and allowed to return to supervision in their homes.
- Vacating all traffic bench warrants across the state.
- Providing transparency on the situation inside prisons and jails with daily updates to the public.

The potential for a COVID-19 outbreak in our jails and prisons would strain our already overburdened first responders and hospitals. We must free our people in order to appropriately allow them to shelter in place with their families, and not in the close confinement of a jail cell.

These prisoners were not sentenced to death and do not deserve to be killed because of the apathy of public officials responsible for the safety of ALL Nevadans. Their lives count, too, and the blood will be on your hands if you do not act.

Sincerely,
Ernest Bailey

Public Comment #12:

From: Mercedes Maharis
Subject: RE: Submission 29 April 2020 Sentencing Commission Meeting
Date: Tue 4/28/2020 3:47 PM

Hello, again, from Las Vegas, Ms. Glick and Honorable Sentencing Commissioners.

I was unable to screen the 13 April 2020 meeting on the internet (not yet posted that I could find on your web page). So, I do not know whether you played it as my public comment and this is why I am re-submitting my short film, "How Much Prison Time is Enough," as my public comment for our 29 April 2020 meeting.

The link below is my public comment submission for our Nevada Sentencing Commission meeting 29 April 2020. It is part of the Kinsey Institute Indiana University Media Online Collection:

https://media.dlib.indiana.edu/media_objects/3x8173542

If you have a problem playing it, please advise.

NOTE: The 13 April 2020 transmission began OK... and then, suddenly, shortly into the meeting, transmission stopped abruptly, never to resume. I don't know what happened, do you?

If the accompanying data with my short film did not arrive to everyone, please advise... and you have my permission to distribute them again in case there were another glitch.

Continuing, for tomorrow's meeting 20 April 2020, please consider the following:

I have learned that an Advisory Commission for the Administration of Justice report in 2017 stated that 66% of our prisoners incarcerated were nonviolent.

I would like to know:

- 1) why this nonviolent 66% population ended up being incarcerated and
- 2) how many of them that Nevada officials have released so far. If none, why not? This is 3 years after this data appeared in NV government records.

Click the link below for the source of this information... a first-class article, in my opinion. UNLV's Boyd School Law Professor Eve Hanan wrote it. Her research and logic behind releasing many of our NV prisoners now need serious consideration, followed by action. The Nevada Independent published this information 18 April 2020:

<https://thenevadaindependent.com/article/its-time-to-release-some-inmates-to-reduce-the-coronavirus-risk-in-prisons>

We need to listen to scholars. Seems to me like any nonviolent population needs to be released without hesitancy. Just this 1 step forward could stop the physical, mental, emotional, and spiritual pain of lockdown in order to honor physical distancing to help stop the virus... and it can stop the brain cell damage that can, and does, happen with long term solitary confinement, not to mention suicide.

Do we need a Michigan style of virus meltdown that is now in full swing? Definitely not.

See Michigan news reports here:

<https://www.google.com/search?q=michigan+covid+prison&oq=michigan+covid+prison&aqs=chrome..69i57.12530j0j8&sourceid=chrome&ie=UTF-8>

In closing for now, I support the immediate release of all nonviolent NV prisoners and especially ==all seniors== including the nearly blind 74 year old Gregory Wolf 55958. In addition, I support the release of all other low vision prisoners, no matter their age.

In addition, I support the release of all those who have parole and NDOC has not released.

Further, I support the release of our ==low hearing and deaf== incarcerated in our beautiful state. Why? There is nothing beautiful, or productive, about incarceration in our state, or anywhere.

Thank you for all you do to help others.

Public Comment #13:

From: Dayvid Figler
Subject: Re: Nevada Sentencing Commission Special Meeting
Date: Tue 4/28/2020 5:17 PM

Greetings:

Please enter the following questions into the public comment for the April 29, 2020 special meeting of the Nevada Sentencing Commission and distribute it to the members of the Commission. It is my hope that the questions asked here are posed to Director Daniels during his report.

Considering that March 12, 2020 was the first Declaration of Emergency declared by Governor Sisolak for Nevada...

1. How many incarcerated people in the custody of the NDOC since March 12, 2020, have been tested specifically for Covid-19 and have those swab tests (if any) been sent out to an external lab for testing?
2. Are you tracking how many incarcerated people have presented with any of the CDC symptoms for Covid-19 since March 12, 2020? Is that information able to transmit to a log available for presentation to the Governor and/or Sentencing Commission?
3. How many incarcerated people have had their copays waived under Code 32 since Code 32 was instituted in the NDOC medical database concerning medical services?
4. How many external hospitalizations have taken place concerning incarcerated people since March 12, 2020? Is there a log of what they needed hospitalization for (if any occurred)?
5. How many incarcerated people have been placed in isolation and/or solitary confinement for reasons unrelated to discipline since March 12, 2020?
6. Are the town hall meetings recorded and can they be entered into the public record? Have any incarcerated people expressed concern about medical attention or safety protocols related to Covid-19 during these town hall meetings?
7. Do you intend on complying with public record requests that have been submitted to the Nevada Department of Corrections in a timely fashion?
8. When did the Department of Corrections begin publicly referring to incarcerated people as "offenders?" Was there a memo to make this change? Has the NDOC created a specific strategy in answering questions from the media or issuing press releases or social media posts related to COVID-19? Do you agree with the statement of the NDOC Public Information Officer when asked how to accord differences between COVID-19 protocols and what inmates were reporting, by saying "offenders are notorious for spreading lies and rumors?" Are incarcerated people's complaints not worthy of consideration?

9. Have any staff been given a warning and/or a disciplinary write up for not following any COVID-19 protocol(s)?

If you have any questions or concerns, please feel free to contact me via email.

Thank you,

Dayvid Figler, Esq.

Public Comment #14:

From: Kristina Wildeveld
Subject: Letter Correspondence re: COVID-19 in-custody relief.
Date: Tue 4/28/2020 5:37 PM

Governor Sisolak and To Those it May Concern at the Nevada Sentencing Commission,

I first sent this as an email when the COVID 19 pandemic broke and then again on 4/1/2020 and then updated it with names as I became aware of inmates that were either past their parole dates, were parole eligible in the near future, had applied to programs that would release them from the prison onto house arrest and whose applications have been pending and not addressed and then inmates who are compromised due to health concerns. The majority of the names on my list have had contact with the various departments already. In other words, their homes have been visited, their backgrounds have been checked, they have been before the necessary boards, and their plans have been verified.

To date, I have not gotten very little, if no response, from a few of the persons able to do anything. As it has been said again and again, the Country faces unprecedented challenges from the novel Coronavirus pandemic. Those detained in jails and prisons face particularly grave danger. Realistically, the best - perhaps the only - way to mitigate the damage and reduce the death toll for them is to decrease the jail and prison population by releasing as many people as possible. To that end, our office has identified a list of persons that we are aware of that are near the end of their sentence, have had parole hearings that were granted and/or are eligible and qualify for the 305 or 317 program and can be released to stable home environments immediately. In addition, some are also vulnerable because of their health conditions and/or age. Let me make this clear, these people have homes to go to, families to be released to, food to eat and the family members are contacting my office begging for relief. Who on the board can answer their call and tell them they are protecting them from sharing their home or their food? Imagine if it were your daughter who was near their release date and you being told that even though she were pregnant and vulnerable and at risk, she would not be let go because she had to share the food at your table or the beds in your home?

These penalties were never meant to be death sentences and at this time we ask that the following State inmates be released at this time. If you would like our office to coordinate and identify other individuals, please let us know. We have the resources to tap into and a wide network of court officers including District Attorneys and defense attorneys to help identify other inmates who can qualify for whatever criteria that can be agreed upon. This is an unprecedented situation which qualifies for emergency measures. Time is of the essence. I look forward to your response. Prison and or jail is no place for someone considered to be high risk for COVID-19 - and it is only a matter of time before there is a greater crisis in the prisons and the other facilities no matter what protocols have been represented to be in place or what was heard at the town hall meetings. Here is an abbreviated list of identified inmates who are either at risk by age, have health issues, a combination of both or are paroled or have release dates coming up in the near future with homes to be released to:

CASA GRANDE:

Gaston Martinez - CASA Grande - pending application for 317 program - eligible attends CSN, works full time at Monzu restaurant in Las Vegas, has home to be released to with family. There is no reason to keep him at CASA Grande. A full investigation has previously been done. His application has been sitting on NDOC Director's desk since the beginning of April.

Parole and Probation has been waiting for it. It was in the works since February.

FLORENCE MCCLURE:

Jamie Shuey - FMWCC - **granted parole** 2/2020 due to be released 5/2020 she has high blood pressure and takes Lipitor. She would be released to go to Texas to her family. Would need ICPC done after release. She has job and parole plan and her family is ready and willing to share their home, beds and food.

Latosha Chilton - FMWCC -**granted parole** 2/2020 due to be released 5/2020 has medical issues and home to be released to immediately. Has home, job and release plan and her family is ready and willing to share their home, beds and food. She had an asthma attack April 26th and was NOT taken to medical.

Debra Clendenning - FMWCC - serving for embezzlement (problem gambler)- 61 years old, in since 2015. Eligible 4/2023. Victim wanted her in minimum of 6 years. She has health issues and home to be released to in Ely. Her family is ready and willing to share their home, beds and food.

Sondra Seabrook request for release under AR 523.04,298 Program, compassionate release request. 74 years old and has numerous ailments the least concerning of which is hypertension. Has home to be released to and medical. Her husband calls the office daily concerned about her health. He has home and food waiting for her.

Diane Davis - FMWC. Began serving sentence 4/2019 eligible 6/16/21. 65 years old suffers from asthma, diabetes. She is serving for arson for setting her own trailer on fire. 1 her dogs perished. She would be released to her sister in Pahrump and her sister would be willing to share her home, food and beds.

Janet Solander - FMWCC wheelchair bound numerous health issues late 60s. She just began serving a lengthy sentence for child abuse. She was a foster parent. Her case was just **granted oral argument**. She could be released to her older daughters pending appeal. They would be willing to share their food home and beds with their mother.

Phyllis Miller - FMWCC Aiding and Abetting - in custody since 1993 She is 74 years old and has had surgery 2x and died on the table 1x and has a severe heart condition. We need to confirm where she would be released to. She is near death.

SDCC

Robert Servin - Southern Desert - **granted Parole** 1/27/20 due to be released **4/1/2020**. Has release plan and home to go to. He prepaid a ½ house and has a bed in Nevada at Samaritan. His contact is Kevin Denny. His family can pay for food and provide continued rent payment.

They are there for his support.

Barry Rowe -Paroled as of 1/2020 release date 4/15/2020 but he would be going to a halfway house. People have stepped up to offer assistance to him.

Angel Diaz - AB267 juvenile parole as of 7/2020 board 4/27/2020 delayed. Previous pardons board client. Full investigation has been done. His whole family has lived in Las Vegas his whole life. He has been in custody since he was 14 and he has a home and family to be released to. They will share their food, their homes and their beds.

HDSP

William Rohweder - High Desert - **AB267 eligible to the street 7/2018 next parole hearing 7/2020.** F.ligilj:C **for release to the street.** Would be released to family in Nevada has family and home who are ready and willing to help him transition. Formerly incarcerated youth are willing to help him transition. His family will provide a bed, a home and food.

Benjamin Narter - HOSP Parole due 9/2020 on a 4 year sentence for a non-violent felony for \$50,000 in mortgage fraud. **His case was probationable** and the recommendation was for probation by the AG's office but Judge Ellsworth sentenced him to prison. He can be released to his father who lives in Las Vegas. His family will provide food, beds and a home.

Warm Springs:

Anthony Gantt - Warm Springs - he is in custody on a parole violation for smoking pot. Due to be released 4/1/20 but it is being delayed due to this situation and told that it won't be until this is over. He has 9 children at home, paroled to same home parole already knows. Has a home, food and bed.

Charles Stanton Warm Springs Paroled as of 2/24/2020 release date 3/9/2020 has home to go to with food and a bed.

Adam Temple parole due 12/2020 He saved an inmate's life at Warm springs in 2017, has a release plan already, home and job and a parole petition has been submitted. His family both in Northern and Southern Nevada open their homes to him and offer him a room, a bed and plenty of food to share.

Nathan Ullrich parole board in 5/2020 has a release plan, home and job- age 41, Diabetes. Has a home and family to be released to. His family is ready to share their home, food and beds with him.

Jay Thomas- age 41 - **Liver/GI conditions stemming from unresolved Hep C** drug trafficking. Has home and family to be released to with a bed and food.

Philip Stott - age 60, Hep C, Chronic Cough

Robert Lisenbee - age 54 - Hep C, Heart Disease *In on a Revo... no new case

James Wardell - age 59 - Severe Liver Cancer *Prison won't treat him because so close to PEXD - 60 days. Has family a home and food to be released to.

Daniel Rifkin - age 35 - Hep Cw/ kidney & liver damage

Gary Davis - age 40- Acute Asthma

James Smith - age 55 - Hypertension, Heart issues, *Had a Bariatric surgery

Joaquin Gibson- age 53, Hep Cw/ liver disease, Respiratory & Hyper Thyroid

James Dempsey - age 48, Graves' Disease, Hep C, Weak Immune System

Branden Mood - age 32, Acute Asthma

Eric Knoblauch - age 42, - Acute Asthma

Michael Bessey -chronic asthma and allergies

Mike Swerdling - PED December

Dan Southern PED 3/4/2020 release date 4/5/20 has home to be released to with food and a bed.

Lovelock:

Robert Stockmeier - Lovelock - **parole granted 2/2020 due to be released 5/2020** has home to be released to. Can be released to family that has a home, food and a bed.

NNCC:

Carlos Valez - - NNCC had a parole hearing 9/2019 but was denied. **He is eligible to be immediately released to be deported back to Columbia** where he has half of his family, a home and food waiting for him. He has **severe medical issues** including asthma.

Dorian Daniels - **chronic lung disease**, in a wheelchair and oxygen machine - been asked to sign a DNR goes to board on final 10-25 this year to be released to streets. Served 27 years. Can be released to sister in community who has a home, a bed and food for him.

Bobby Dodge expires 6/2020 on current list for camp

Jackson James 4/2021 possession

Jelee White paroled on violent 40 y/o

ELY:

Brandon Allan - Ely State Prison Serving 2* Murder - victim was fiance - her mom forgave him at parole board 7/30/19, board passed to July 2021. He is already eligible to the street and could have been released 7/2019. Brandon's family lives in Reno and can take him in immediately. They have a home, family and food for him and need no public assistance. Brandon has Hep C untreated and Hypertension.

Ramon Rodriguez - - Ely Parole hearing 3/2020 due to be released by 5/2020. He has a home, family and food and a bed to be released to.

CCDC:

Capri Harris - has hold on him from Minnesota - has hypertension and bronchial issues. Ask to be released to Minnesota hold where there is currently no outbreak in MN jail or prison and better situation than NV. His family is deeply concerned for his health.

OUT OF CUSTODY:

Scott Cochran, he has served his time, is out of custody, currently trying to get his plea withdrawn or case picked up by the DA conviction integrity unit. He is a victim of the infamous Rita Colon - she was his "victim" in this case. He has always maintained his innocence. He is a respiratory therapist. He wants to help where he can at this time but he is limited by his conviction, while he should be off of the sex offender list by now, he is not because of the recent change in law. He is now limited in his ability to help with all of the respiratory patients that otherwise need his help. He is current on all of his licensing and education. We want to give him back the ability to work freely in his field.

We will continue to update the list as we become aware of clients that are due to be released, near the end of their sentences and are facing medical issues in the State system.

We appreciate all you have done but are disappointed that more has not been done to date. We are available to help in any way we can.

Thank you in advance and I look forward to hearing from you,



Kristina

Public Comment #15:

From: Madelyn Feller
Subject: COMPASSIONATE RELEASE COMMISSION FOR INMATE GREG WOLF
Date: Tue 4/28/2020 6:07 PM

Dear Judge Hardesty;

My uncle, Gregory Wolf, has been imprisoned in Nevada since 1997 for luteness charges. I am advocating for his compassionate release. He is 74 years old and has been suffering recently with great vision loss in both eyes due to cataracts and has been unable to get the proper surgery. I believe my uncle is no longer a threat to society. He has done more than enough time. His brother Alyn Wolf will help him with housing and assist him in adjusting to civilian life. Greg has shown good behavior and he will make sure to register with the Sheriff's office as a sex offender as required by law. Great thanks for your support in this matter!

Public Comment #16:

From: Concerned Citizen of Nevada
Subject: Public Comment
Date: Tue 4/28/2020 6:30 PM

Following the previous meeting held on April 13, 2020 it was brought to light that Director Daniels "misspoke" regarding testing of inmates. In fact, during an interview with the Nevada Current, Emily Salisbury, who was present during the meeting, stated that "it calls into question many other things he stated during the meeting. The commission and the public have a right to know what is accurate." Not surprising that Director Daniels declined to be interviewed for the story.

Daniels stated that hand sanitizer was going to be given out, not individually, but in a rounding type manner throughout the day. This is not happening. Staff are supposed to be wearing masks, and contrary to recent NDOC Facebook page posting, this is also not happening.

Facing public ridicule regarding his previous errors, the NDOC Facebook page has since been posting numerous pictures regarding the usage of masks in his facilities. Let's call it what it is, a dog and pony show in an effort to look good to the public. Hiding what actually is going on behind those walls. Anyone can put on a mask for the camera, when in actuality, reports have come in that staff in at least five facilities are wearing said masks on their belt. We all know that communication between incarcerated individuals from different facilities can not occur.

According to NDOC, they have been following CDC guidelines regarding the COVID-19 crisis. How is it then that it was not until April 23, 2020 that they say they began to use facemasks while working in the prisons. The CDC recommended this on April 3. Those that are incarcerated are not allowed to wear face coverings to protect themselves.

It is my belief that the attempt to have these pictures posted is an attempt to put up a façade. NDOC wants to look good in the public eye. Even bringing in the Sentencing Commission to tour High Desert State Prison. How many phone calls and memos were sent to all staff prior to their arrival as a reminder to be wearing their facemasks? Perhaps even communication with

every unit upon their arrival via walkie talkie to make sure staff were aware that the time had come for the tour. The same when any governmental or business is awaiting the arrival of those that they must impress and follow the rules for.

I would like to also question the integrity of NDOC Public Information Officer Scott Kelley. He is responsible for the information to be put out to the public, hence his title. But he has been stating that there were only seven staff members infected with COVID. When at the time there was eight. And as of this moment there are now nine per the State of Nevada Department of Health and Human Services Dashboard. One at Casa Grande, ESP, Indian Springs Southern Training Center, SDCC, two at HDSP, and three at FMWCC. Are these numbers going to be adequately represented during the meeting today.

In addition to incorrect information being provided to the public by NDOC PIO Kelley, he also does not represent Director Daniels values described during an interview with the Nevada Independent. Daniels states “every single entity is committed and I mean a true commitment, to try to have a positive impact on criminal justice reform.” PIO Kelley, declined an interview to discuss the recent coming to light of how the situation really is behind bars, by someone who was recently released from custody. He did however send an email stating that he doesn’t want his “remarks compared with those of an offender. As you can imagine, offenders are notorious for spreading of lies and rumors, and for retaliating against correction systems because they don’t like restrictions – even if those restrictions are based on CDC recommendations.” Ending with that he did not even know what the offender’s complaints even were.

Is degrading and defaming an entire population of people something that someone who is supposed to have a “positive impact on criminal justice reform” should be doing? They may be inmates, but they are people too! People whom NDOC does not care about, even those at the top of the management ladder.

I sincerely hope that the members present for today's meeting see through the charade attempted to be given by Director Daniels and the Nevada Department of Corrections and agree with the recommendations described by the ACLU.

Sincerely,

Concerned Citizen of Nevada

Public Comment #17:

From: Steven Walden
Subject: Please release the low offenders.
Date: Tue 4/28/2020 6:55 PM

As a officer of 14 years I know they have the worse of the worse but these lowest offenders dont need to serve any more time through this pandemic. If they have less then a year to go give them good time and could be released. I hate people who commit crimes but the family's with a family member with no violent offenses should be released.

[Sent from Yahoo Mail on Android](#)

Public Comment #18:

From: Carla Moore
Subject: casa grande inmates
Date: Tue 6:56 PM

I would like to bring this to your attention , My husband is housed here and im concern about his health and well being, Im being told there is no social distance there there not 6 ft apart , the inmates are sleeping litterly next to each other as well as going to yard more than 10 at a time and eating in the chow hall. Im concern that the facility is not testing any inmates as when the inmates where working and socializing with others taking classes with other inmates next to each other no room to breath, whos to say there is someone infected without symptoms . Casa Grande transitional housing is in violation of the covid-19 protocol. We have children and family members who are very concern these inmates are low level trustees who should be home safe in these times and if there were to be any deaths thru this there will be a huge law suit with the NDOC and family's. Please take this into consideration these inmate are human people who are doing great in there taking classes to be at there best low level custody trustees inmates whom there no threat to society or themselves and are in transition to be in the world . I started a petition and 200 people sign it as there concern about the inmates in casa grande transitional home.

thank you.

Public Comment #19:

From: Brenda Felix
Subject: Brenda Felix ,, speaking on Guadalupe Leon at CASA Grande Transitional housing
Date: Tue 4/28/2020 7:14 PM

Hello I am writing today because I want to speak on my friend Guadalupe Leon that his staying in the casa grande Transitional Housing facility since I been knowing him I have seen that he has been try to turn his life around for good following all the steps that the program have been offering him and have been doing everything on his powder to keep is independency and his has been goin to work and getting his Education before all this COVIC-19 started he was employed and attending to college and was on he is way to reducing his sentence and was doing everything to get ready for him to become part of the Community and rehabilitated himself back to a society as the facility is intended to do for inmate . I know that cause of the crisis of COVIC-19 he is also risking his life and his is also falling back in all this classes and financially as well because the facility is not letting him use the computer to complete his school work and not being able to contact his teachers and letting let know about his situation this can eventually get in the way of his sentencing and freedom and all his hard work that he has been working on for a almost a year 1/2 and this is not fair for him and the facility. Guadalupe also having a parole hearing in May and most likely going to be approved to be released in August and already has credits and all his things together for him to be part of the community and his Family and friends who support him and want him to succeed. If he has the opportunity to come out now then he can continue to to do this college classes online which he has the ability to do because his has a laptop and able to finish his classes and be to successful and have a better life and stay out trouble and pursue his life as a normal citizen.hopefully you can take this into consideration and give him this opportunity and prove himself and that the casa Grande Transitional housing facility programs dose work and can change troubled people around even with the circumstances and crisis that the whole world is going through right now with COVID-19. Its would be a lot safe and less people to get infected with is virus because I have been hearing that people are not sitting 6 feet away from each other and eating in groups and 4 people on one room and not really being safe with the not spreading the virus among each other which is under stand able since this is a new crisis and we really don't know how to deal and cope with it or keep people save but the facility can start b by reducing the amount of inmates in the facilities and especially at the Casa Grande Transitional housing facility since this is what they specialize in getting inmates ready to be part of the society this is a good opportunity for the inmates and the Department of corrections and the facility of casa grande Transitional housing . His also has mentioned to me that his has had pneumonia since he was 6 years old and this is a chronic lung disease which COVID-19 can be deadly to people that have illnesses And can put others at risk too he has records of the pneumonia and is waiting on his parents to send the Medical documents to him ..thank u for your time and on making a decision that is going to be beneficial for both inmates health and lives and the facility at casa Grande Transitional housing ,, , sincerely Brenda Felix

Public Comment #20:

From: Martha Santos
Subject: Inmates
Date: Tue 7:57 PM

It's dangeeous to be in close quarters with the corona virius.

Public Comment #21:

From: Shannon Miller
Subject: Community trustees
Date: Tue 8:27 PM

To The Nevada Sentencing Commissioner's

I am a concerned family member of an inmate housed at Casa Grande Transitional Housing facility. After paying close attention to all the information made public by NDOC since this pandemic has started. I'm concerned that they have not enforced the policy for mask to be worn by all CO's within 6ft of inmates. It is not happening at this facility according to my family member. There is no sanitizers for the inmates to use.

For the NDOC to suggest that no one who is incarcerated can be trusted to relay accurate information to their families is not only insulting to them but their law abiding family members as well. Yes it is true that these people have made terrible decisions in their life. But it does not mean that they have absolutely no credibility or are not worthy of the same health consideration as the other communities in Nevada. These people are community trustees who have worked hard to get to a place where they are not just a number and can contribute to their community as they learn to reenter to society.

My family member has less than a year to parole and has a job that he could return to tomorrow. He has health insurance through this job. And a family support system. It would seem to me that releasing him, if even to house arrest or parole would not only reduce his chances of getting covid-19. But would serve the justice system financially since they have to pay for house arrest. The system is set up for financial profit from inmates who work and struggle to get to the position to be able to pay for the privilege to be a community trustee. I think this is the reason why our prisons are over crowded in the first place.

I know that this opinion will be dismissed by most of these committee members who are within the state's incarceration business. But I ask the rest of you to consider that these people are human beings who do not deserve to be forgotten or sacrificed. Especially not for \$\$\$\$! I'm aware that you can only suggest that the governor convene the Board of Pardons for a formal session in which to discuss these issues. I hope that you (Justice Hardesty) can convince the Governor and the board that this is not only the right thing to do, but the only thing to do to maybe save some lives that still matter.

Thank you

A Nevada resident and voter.

Also a productive member of this community in good standing. And worried family member of an inmate.

Shannon Miller

Public Comment #22:

From: Lorenia Navarro
Subject: EderN_Evaluation_DR-REID.pdf
Date: Tue 4/28/2020 10:02 PM

Please add my brother's evaluation to the public comment and note that nobody has mentioned treatment for him at sentencing, this is at his court file.

Lorenia Navarro

MENTAL HEALTH COUNSELING & CONSULTING

COUNSELING EDUCATION RESEARCH

8565 S. EASTERN AVE, SUITE 178, LAS VEGAS, NV. 89123 • PHONE: 310.890.0599 • WWW.MHCC.BIZ

January 25, 2020

To the Honorable Judge and the Court,

I am a “Qualified Mental Health Professional” pursuant to NRS 458A.057 and NRS 641.027. Our clinic is an approved and funded agency for the treatment of problem gambling for the State of Nevada. On January 24, 2020, I conducted an evaluation of Mr. Eder Navarro. In accordance with NRS 458A.230, the purpose of this evaluation was to determine whether the 1) person is a problem gambler, 2) whether the person committed the crime in furtherance or as a result of problem gambling and 3) whether the person is likely to be rehabilitated through treatment. The evaluation is attached to this communication.

In summary, it is my professional opinion, that Mr. Navarro met criteria for gambling disorder at the time of the referred offense and is likely to resume problem gambling behavior without a treatment intervention focused on problem gambling. Mr. Navarro is likely to benefit from treatment and given his psychological profile, has a high probability of being rehabilitated through treatment. Indeed, the vast majority of our patients who receive treatment in our program and follow therapeutic direction show significant improvement at the time of termination. These treatment gains are also sustained for most of our patients during post-treatment follow-up calls at 6 and 12 month periods.

Please do not hesitate to contact my office for clarification or questions you may have related to this matter.

Dr. Rory C. Reid¹, Ph.D. LCSW, ICGC-II Psychotherapist / Licensed Clinical Social Worker
International Certified Gambling Counselor

¹Dr. Reid holds a master’s degree in social work and a doctorate in clinical psychology with a dual emphasis in Neuropsychology and Marriage and Family Therapy. He completed his post-doctoral fellowship in the Department of Psychiatry at UCLA and additional post-doctoral training at Harvard Medical School. He has been doing neuropsychological, mental health, and substance abuse evaluations since 2001. He presents nationally and internationally on gambling disorder at conferences, has trained hundreds of mental health providers on gambling disorder, and has published numerous research studies in scientific peer-reviewed journals on problem gambling and its associated features. Mental Health and Problem Gambling Evaluation 2

MENTAL HEALTH COUNSELING & CONSULTING

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Mental Health and Problem Gambling Evaluation

Examinee

Mr. Eder Navarro is a 31-year-old, Hispanic/Latino, male who was referred by his attorney for an evaluation to assess his gambling behavior, mental health status, and determine appropriateness for problem gambling treatment. As part of this assessment, a number of psychological tests were administered including measures of emotional well-being, substance-abuse, and gambling disordered behavior. The examiner also had a copy of the Presentence Investigation Report, Criminal Complaint, and interviewed Mr. Navarro's sister, Lorenia who met with the examiner at his Las Vegas office. Additionally, the examiner assessed mental health using the Mini International Neuropsychiatric Interview to determine the presence of a psychiatric diagnosis.

Results

Relevant History and Mental Status

Mr. Navarro presented for his appointment with an attitude of openness and cooperation and was told the results would be given to his attorney and the court. Mr. Navarro was dressed and groomed appropriately. Mr. Navarro's presentation, ability to articulate his thoughts, and prior college education suggest his cognitive abilities are intact and fall within normal limits. His orientation was intact for person, time and place. Eye contact was appropriate. There was no abnormality of gait, posture or deportment. Speech functions were appropriate for rate, volume, prosody, and fluency, with no evidence of paraphasic errors. Vocabulary and grammar skills were suggestive of intellectual functioning within an average range. Mood was normal and affect was appropriate to verbal content and showed a normal range. Memory functions were intact with respect to immediate and remote recall of events and factual information. This examinee was alert and attentive during the examination and tracked conversation sufficiently to understand the examiners questions and respond accordingly. Thought processes were intact, goal oriented, and generally organized with no evidence of delusions, paranoia, perceptual deficits, or intent for self-harm. His level of personal insight demonstrated awareness of his situation and reason for the evaluation. Social judgment appeared acceptable.

Substance Use

Substance use disorders often occur concurrently with gambling disorder. Further, Mr. Navarro was arrested for "trafficking" related charge. However, Mr. Navarro has consistently denied having a drug or alcohol problem. He further told the examiner one reason he doesn't use drugs or alcohol is that it would impair his "judgement when gambling." The Presentence Mental Health and Problem Gambling Evaluation 3

Investigation Report also indicated no remarkable substance abuse history which is further supported by his scores on psychological measures of substance abuse. His statements were also corroborated by his sister who reported “he doesn’t do drugs and rarely drinks alcohol.” Mr. Navarro’s scores on both the Alcohol Use and Drug Use Disorders Identification Tests contra-indicated any problematic drug or alcohol use. Finally, when the examiner asked Mr. Navarro if he would be willing to do a “hair-drug test” that could potentially detect any drug use for the past 9-12 months, he responded affirmatively without any hesitation. Collectively these data and reports suggest Mr. Navarro does not have a substance abuse problem.

Problem Gambling Behavior

A diagnostic interview was conducted based on the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) criteria for gambling disorder. Mr. Navarro was asked to respond to questions retroactively based on his status prior to arrest and incarceration. Mr. Navarro’s responses indicated he met diagnostic criteria for gambling disorder. Specifically, he endorsed 9/9 symptoms. He also completed several questionnaires about his gambling behaviors including the Gambling Activities and Frequency Questionnaire, the Gambling Consequences Scale, and the Illegal Gambling Activities Questionnaire. His responses indicate a pattern of problem gambling since young adulthood including significant unwanted financial losses, gambling despite negative consequences, reducing or avoiding payment of credit cards, pawning items for money to gamble, and losses exceeding 80% of his annual earnings. Mr. Navarro further stated having gambling cravings daily and would give in to them 90% of the time or more if he had money. At one point, Mr. Navarro stated “gambling isn’t even about money anymore, it’s about the rush of gambling.” Interestingly, two days prior to being arrested he had lost \$3000 at Caesars. He had also sustained an \$8000 loss from gambling with money that was borrowed from a “loan shark.” Indeed, Mr. Navarro reported he was attempting to payback this debt when given the opportunity to sell drugs and this led to the current arrest and charges.

During the interview with Mr. Navarro’s sister, she produced hundreds of pictures from the past several years of Mr. Navarro at gambling establishments and a video where Mr. Navarro clearly exhibits irrational beliefs about his odds of winning while gambling (a common issue with many problem gamblers). Further, his sister showed the examiner several player cards in Mr. Navarro’s name. She stated “when he was in Mexico he would practically live at the Casino.” Collectively, psychological measures of gambling addiction, the diagnostic interview, and collateral data from family support the conclusion that Mr. Navarro has a severe and persistent gambling disorder. Mr. Navarro has never been in a gambling treatment program but stated he would be willing to receive treatment.

Mini International Neuropsychiatric Interview (MINI)

Psychological self-report measures are often highly correlated with information gathered in structured diagnostic interviews. The data collected from self-report measures was used to guide and influence diagnostic questions from the examiner with this examinee. The MINI was administered to Mr. Navarro by the examiner as it is a diagnostic interview where Mental Health and Problem Gambling Evaluation 4

major psychological disorders are queried to determine where an individual patient meets criteria for a mental health disorder. Mr. Navarro showed some evidence of mild depression and anxiety in addition to his gambling disorder.

Summary, Conclusions, and Recommendations

This assessment for Mr. Navarro evaluated his mental health, psychopathology (including gambling disorder), and appropriateness for treatment. Presumably, the court wishes to understand Mr. Navarro more comprehensively from these perspectives as the honorable judge makes important decisions in this case.

Pursuant to NRS 458A.230, the examiner finds in his professional opinion that the examinee meets diagnostic criteria for gambling disorder. Without treatment, it is probable that Mr. Navarro will resume problem gambling insofar as he has not had any treatment nor acquired any coping strategies to deal with the issues that would trigger his gambling behavior. Mr. Navarro has a psychological profile that suggests he has a good probability of being rehabilitated through treatment if he attends treatment sessions and he has expressed a desire to receive treatment. Pursuant to NRS 458A.230, this evaluation determined evidence to support that Mr. Navarro committed his primary offense of trafficking drugs in furtherance or as a result of problem gambling. Mr. Navarro had financial problems. He sold drugs to acquire money to pay back a gambling debt, wagered (and lost) significant amounts of his annual income, pawned items to gamble, and maintains irrational beliefs common among problem gamblers. Mr. Navarro is likely to benefit from treatment that focusses on the following issues:

1. psycho-education about problem gambling
2. treatment for problem gambling behavior
3. psychotherapy to address irrational thinking patterns associated with his behavior
4. psycho-education on to help develop effective coping strategies to address problematic behavior
5. treatment targeting how to cope more effectively with gambling cravings and stress management

Please do not hesitate to contact the examiner should further clarification be needed by the court.

Dr. Rory C. Reid², Ph.D. LCSW, ICGC-II Date: 01/25/2020

²Dr. Reid holds a master's degree in social work and a doctorate in clinical psychology with a dual emphasis in Neuropsychology and Marriage and Family Therapy. He completed his post-doctoral fellowship in the Department of Psychiatry at UCLA and additional post-doctoral training at Harvard Medical School. He has been doing neuropsychological, mental health, and substance abuse evaluations since 2001. He presents nationally and internationally on gambling disorder at conferences, has trained hundreds of mental health providers on gambling disorder, and has published numerous research studies in scientific peer-reviewed journals on problem gambling and its associated features.

Public Comment #23:

From: Jayson W. McCord
Subject: Gregory Wolf (Age 74)
Date: Tue 4/28/2020 10:14 PM

Regarding:
Submission for 27 April 2020 NV Sentencing Commission Meeting Request for NDOC Compassionate Release

Please consider immediate release for my uncle Greg. He has my support and has since his incarceration in 1998. He is of ill health, with cataracts and cannot see.
Please consider his immediate release for his time well served, his inane effect in society and the risk of his demise in prison due to the pandemic we are all enduring.

Sincerely, his nephew.

Thank you,
Jayson W. McCord, LEED Green Associate

Public Comment #24:

From: Selena Resendez
Subject: Att: COMMENTS ABOUT CASA GRANDE INMATES LOWER-LEVEL OFFENDERS
Date: 12:00 AM

My NAME is JESSICA and I am ASKING the PAROLE BOARD and the GOVERNOR to look into the SITUATION on COVID-19 and THE way EMPLOYEES at casa grande transitional housing are HANDLING IT WHICH THEY ARE not taking it seriously at all! These INMATES are STILL GETTING YARD with EACH OTHER AND EATING LUNCH TOGETHER!
They are even HOUSED in 1 ROOM RIGHT NOW with 4 INMATES RIGHT NEXT TO EACH OTHER IN A (dormitory).

I AM ASKING GOVERNOR Sisolak AND the NDOC COMMISSIONER BOARD COMMITTEE TO CONSIDER CLOSING Down CASA GRANDE AND RELEASING ALL INMATES WHO HAVE LESS THAN A YEAR TO GO! UNLIKE other INSTITUTIONS ,PRISONS AND JAILS this is not the same system! They are not in a LOCKED Cell BEING QUARANTINED from ONE ANOTHER!
THERE is ABSOLUTELY no SOCIAL DISTANCING going on WHATSOEVER! Which MAY LEAD TO A FATAL OUTBREAK SOON!

I was LED to BELIEVE that these INMATES we're HOUSED IN this facility to help them graduate programs like "hope for prisoners" to be let out to do JOB RELATED ACTIVITIES , go to BACK 2 SCHOOL and more IMPORTANTLY TO go BACK OUT into the SOCIETY! IS WHAT THEY WERE ALREADY DOING...

So WHY CAN'T they go back home with their FAMILIES?
Especially in a crisis ?
They are almost done with their SENTENCES!
LET THEM GO HOME 2 THEIR KIDS,MOM'S, DAD'S AND WIFE'S...

Public Comment #25:

From: Carla Moore
Subject: Casa grande covid-19 concern
Date: Wed 4/29/2020 5:28 AM

I would like to bring this to your attention , My husband is housed here and im concern about his health and well being, Im being told there is no social distance there there not 6 ft apart , the inmates are sleeping litterly next to each other as well as going to yard more than 10 at a time and eating in the chow hall. Im concern that the facility is not testing any inmates as when the inmates where working and socializing with others taking classes with other inmates next to each other no room to breath, whos to say there is someone infected without symptoms . Casa Grande transitional housing is in violation of the covid-19 protocol. We have children and family members who are very concern these inmates are low level trustees who should be home safe in these times and if there were to be any deaths thru this there will be a huge law suit with the NDOC and family's. Please take this into consideration these inmate are human people who are doing great in there taking classes to be at there best low level custody trustees inmates whom there no threat to society or themselves and are in transition to be in the world . I started a petition and 200 people sign it as there concern about the inmates in casa grande transitional home.

thank you.

Public Comment #26:

From: Mary Alexander
Subject: Public Meeting 4/29/20 : public comment
Date: Wed 4/29/2020 5:48 AM

Good morning.

I'm writing to request the immediate release of any inmates that are due to be released within the next 18 months in response to this Covid-19 pandemic threat. This is not going away in the near future and presents the potential for catastrophic consequences to the inmates and staff. As you know, this is not a slow, calculated threat, it moves quickly and once it takes hold, propagates exponentially like wildfire! I don't know if those responsible for making these decisions are taking a wait-and-see approach but I don't think it is practical under these circumstances. It seems to me that the most logical thing to do here is to quickly create a solid plan and carry it out as swiftly as possible. These people are going to be released anyway, why not do it when everyone is healthy and you have the healthy staff to execute these plans. This is, in many cases, a life and death matter and I fear that inaction will be your/their/our worst enemy. While it's true that we do not know what the future may bring, do you really feel it's worth retaining inmates for a few more months of their soon to terminate sentence is worth possibly

creating a preventable disaster? These inmates have already been serving their sentences, please do not jeopardize their lives as a means of technically carrying out the last bits of those sentences under a current state of duress not considered when those sentences were initially prescribed!

Thank you for your time and consideration. I hope that your good-judgement and ethical conscience will help guide you in making the correct decision to protect those in your charge.

Kind regards,

Mary Alexander

Public Comment #27:

From: Cindy Alford
Subject: Public comment 4/29/2020
Date: Wed 4/29/2020 8:12 AM

Hello and good morning,
Please submit this letter as public comment for agenda item 2 in today's meeting. It was mailed out via USPS to all indicated Monday April 21, 2020.

April 21, 2020

Director Daniels
Deputy Director Wickham
Nevada Department of Corrections
5500 Snyder Ave. #17
Carson City NV 89702

Dear Director Daniels,

On Friday, April 17, 2020, 20 men were moved from Northern Nevada Correctional Center to Lovelock Correctional Center, despite being in the midst of a pandemic that has created a global crises. Upon arrival they were evaluated and placed in a unit to be quarantined. That "quarantine" lasted two days, and on Monday April 20, 2020, the same 20 men were put into population. If any of these 20 men contracted the virus while in transit, or had contracted it prior to leaving NNCC, you will have a problem of mass proportions inside the facility.

By your own statements, at a meeting of the sentencing commission, on Monday April 13, 2020, you said that you had this under control. And the best defense was to stop the virus "at the front door". This move was reckless. The management after the move was reckless. Many people throughout NDOC are being told transfers are not happening for the safety of staff and inmates. What made this transfer of these 20 men so vital that it was worth risking the welfare of so many?

Additionally, in that same meeting, on April 13, 2020, you stated your staff was wearing PPE. That correctional officers would be wearing masks. They are not. They have them hung from their belts or about their necks. You stated that hand sanitizer would be made available to inmates. That it would be brought around on carts and it would be used under supervision. It is not. There were statements that everything is being wiped down with bleach, showers and phones after each use. Again, it's not being done.

My fiancé was among the men moved from NNCC this past Friday. He was at NNCC on a medical hold, needing surgery. He's since been told that he'll have to start the process all over again to gain approval for the surgery. Not only did NDOC put him and 19 others at risk in transfer, and then put countless others at risk by not following quarantine guidelines, NDOC has extended the amount of time that my fiancé will now have to endure pain and a reduced quality of life that would have been rectified by his surgery.

The actions of NDOC are unacceptable in the presence of this pandemic.

Sincerely yours,

Cindy Alford

CC to

Deputy Director Wickham

Ronda Larson

Governor Sisolak

Public Comment #28:

From: Sharon Bradley
Subject: NEVADA SENTENCING COMMISSION PUBLIC MEETING OF APRIL 29 2020
Date: Wed 4/29/2020 8:23 AM

Sirs and Madams of the Sentencing Commission ,

I am submitting my comment to the NEVADA SENTENCING COMMISSION PUBLIC MEETING OF APRIL 29 2020.

My brother was presenting symptoms similar to those of CORONAVIRUS in early April: high fever, cough, chest pain, breathing difficulties and so on. The NVDOC medical staff in his prison decided his case was serious enough to isolate him in the care unit for a 21 day quarantine.

Despite the obvious similarities of his symptoms with CORONAVIRUS and the risk of spreading the virus before he was isolated, I was appalled to find out recently that my brother was never given a test to corroborate the diagnosis.

I have deep concerns for my brother and for the other inmates that potential cases of CORONAVIRUS are not either identified or tracked in the prisons in NV and hidden from public view. Testing should be given to all inmates who present symptoms like my brother did .

To facilitate social distancing I also ask to please release all inmates at risk, all with over 30 years straight in prison and all with parole eligibility within 18 months or discharge within 3 years. Thank you for your time and consideration.

Sincerely ,

Sharon Bradley

Public Comment #29:

From: Jessica Kulka
Subject: Public Comment from Jessica Kulka
Date: Wed 4/29/2020 8:49 AM

To The Nevada Sentencing Commission:

I once again reach out to you as a concerned mother of Inmate Cedric Kulka AKA #1136684. I am saddened to say that after the first meeting held on April 13, 2020 nothing has honestly changed within the prisons. The NDOC continues to be dishonest about what really is going on within these prison walls. It sickens me to continuously watch the NDOC post pictures and lies regarding their handling of this deadly virus. Instead of wasting time trying to save face and look good in the public's eyes they should be making changes and enforcing safer procedures. Myself as well as many others speak to our incarcerated loved ones and know the truth.

Following the previous meeting held on April 13, 2020 it was brought to light that Director Daniels' 'misspoke' regarding testing of inmates. Does this not in return call in to question many other things he stated during the past meeting, and if so why is his word worth anything now. The sentencing commission and the public have a right to know the truth and accuracy of the current situation. Director Daniels is not the only person within the NDOC giving false information, I also have to call into question the integrity of NDOC public information Officer Scott Kelley. Officer Scott Kelley recently stated that there were only seven staff members positive with COVID-19, when at the time there were eight. Now as of this moment there are nine positive staff members as per the State of Nevada Department of Health and Human Services dashboard. Two cases at HDSP, three at FMWCC, one at Casa Grande, one at ESP, one at Indian Springs Southern Training Center, and one at SDCC. Will these numbers be adequately represented during this meeting today? Will we be informed on the number of inmates tested, if any? The only conclusions that can be drawn from all this inaccurate information is that the NDOC is either blatantly lying or extremely unorganized. Therefore making it clear that the NDOC is not prepared or capable of handling an outbreak of COVID-19 within the prisons.

In all actuality none of the precautions being stated by the NDOC is happening. The town hall meetings are a lie, when I asked my son about them he said, "Hahaha, they were supposed to start them back in November. We had one meeting and never had another one after that." There is no hand sanitizer being brought around to inmates, many correction officers are not wearing the masks they are given, no consistent sanitation procedures are being followed. Many inmates still do not have basic necessities such as soap on a daily basis. As well as unnecessary transfers still taking place between prison facilities. At the end of the day social distancing is not happening, because it is impossible for inmates to social distance. How many lives will we have to eventually lose due to the irresponsible leadership of the NDOC before we address the situation at hand. We have an opportunity to make changes now and save many lives. Those of inmates, staff and the community.

This Commission has the power to take immediate action that will drastically decrease the death and harm of many incarcerated people, as well as across the state. Please seek the truth and see beyond the charade that has been presented from the NDOC. We do not have time to

waste playing pretend. Everyday we sit back and watch the horror stories unfolding within prisons across the country, we have an opportunity to not be one of those stories. Please help me keep my son safe as well as many others. Do not allow unethical death sentences to be handed out. My child, who has been incarcerated since 16 years old deserves a second chance, as well as so many others. I trust you will make the humane and ethical decisions needed today to save lives and keep our loved ones safe. May all of you and your families stay healthy and safe through these trying times.

Respectfully,
Jessica Kulka concerned mother of
Cedric Kulka

Public Comment #30:

From: Chris A Pellegrino
Subject: Public Comment from Chris Pellegrino
Date: Wed 4/29/2020 8:53 AM

To The Sentencing Commission:

I am writing this letter in response to the current pandemic our Nation is experiencing and the urgency needed to address the spread within our prison system. Courts at every level have postponed or canceled proceedings in response to the spread of coronavirus. For fear of illness to all. Those in the prison system close to their release date should be afforded the same right to life and health. The virus is highly contagious and is easily spread by infected individuals who are asymptomatic and do not know that they are even infected with the virus. Prisoners live in close quarters to each other and come into contact every day with prison employees and vendors who live near the prison facilities. Given the likelihood that more inmates or employees will contract the virus and then spread it rapidly within the prison community. An issue such as this would likely overwhelm the health care system. Inmates who are close to their release date must be afforded the opportunity to shelter in place with their families, and not in the close confinement of a jail cell.

I would hope that this matter will be explored swiftly and with careful consideration in the best interest of human life.

Sincerely,
Chris A Pellegrino

Public Comment #31:

From: Darrin Scheidle
Subject: Public Comment - Sentencing Commission Meeting 4/29/20
Date: Wed 4/29/2020 9:01 AM

Good Morning,

My name is Darrin Scheidle. I have been an advocate for "second chances" for many years. I speak not as an ex-inmate, or criminal (since I have never been either), but as a life-long worker in the public and private law enforcement community. I retained my PC 832 POST Certification in CA in 1990, successfully ran a private security company as its Qualified Manager in CA for 14 years, built a network of LiveScan fingerprint facilities in CA since 2003, and throughout the US as a FBI Channeler since 2012. My office in Las Vegas is the "hub" of my operations, and is the only fingerprint facility transmitting to the FBI in NV. Since 2018, I have also been issued a license in NV as a Private Security Company, and am its Qualified Agent. As you can see my experience, knowledge, and commitment is on the side of law enforcement. I am responsible for a petition to Release Non-Violent Inmates that currently has over 1450 supporters and has been provided to members of this commission and the Board of Pardons.

With that said, I know the challenges you are facing with the issues of releasing inmates. I've done my share of Fugitive Apprehension, and I know there are inmates within our criminal justice system that will return to the courts and penal facilities because they choose to continue in a "life of crime". But there are some that are tired of looking over their shoulder, running, hiding, not being able to live with family members and do things as rewarding as having a job, and travel due to their past choices.

I speak for those that WANT to change. I speak for those that are non-violent offenders. In this current crisis, they are incarcerated, cut-off from their support systems, and at risk, due to the only way the COVID 19 virus can get to them is because the staff (correction officers) get to go home, interact with the public, and possibly bring it back to the facility. The staff was provided PPE, with the OPTION to use it, and many chose not to. At Jean Conservation Camp, a minimum custody facility, after 5 weeks of having the PPE on site, a memo FINALLY required the corrections officers to wear the PPE if they were interacting directly with the inmates. This measure was too slow, and too late to protect those inmates.

I would suggest that those non-violent inmates be removed from the financial responsibility of the State and be allowed to continue their sentences at their own expense on House Arrest. That would require them to have a home and support - so they wouldn't be homeless and be a burden on other state resources.

They can serve out their sentences and pay, financially, for their past indiscretions.

Thank you for your time and consideration in this matter.

Darrin Scheidle

Public Comment #32:

From: Theresa J. Yancy
Subject: Comments
Date: Wed 4/29/2020 9:18 AM

From: Theresa J. Yancy
Subject: Comment
Date: Wed 4/29/2020 9:28 AM

Please find below the link for petition for the release of Rickey D. Cooper. There is over 1,957 signatures in favor of the release of Rickey D. Cooper.

https://www.change.org/p/steve-sisolak-clemency4cooper-enough-is-enough/u/26485759?recruiter=1075586941&utm_source=share_update&utm_medium=facebook&utm_campaign=facebook

Theresa J. Yancy
yancysellsvegas@gmail.com

Dear Sentencing Commission,

My name is Theresa J. Yancy. I am the fiancée of Rickey D. Cooper, who is a Nevada Department of Corrections inmate. He has been incarcerated since 1983. He is serving a life without the possibility of parole sentence. I am fully aware of the nature of the crime that Rickey Cooper is incarcerated for. The purpose and intent of this letter is to request that the Nevada Pardons Board convene to consider recommendations for either a pardon, commutation of sentence or a compassionate release for Rickey D. Cooper and other Nevada inmates who are incarcerated during this tumultuous COVID-19 pandemic who are considered high risk individuals.

Rickey Cooper while incarcerated for the last 38 years has made drastic changes in his behavior. He has participated and completed many programs and has received his GED and High School Diploma. In 2001 Rickey was a mentor for the Youthful Offender Program. He has made great strides in rehabilitation.

In January of 2009, he suffered a heart attack and had to have bypass surgery. He is currently 58 years of age. With his current underlying conditions such as heart disease and hypertension, along with his age, his family is fearful of him contracting the coronavirus. COVID-19 is a new disease and there is limited information regarding risk factors for severe disease. Based on currently available information and clinical expertise, older adults and people of any age who have serious underlying medical conditions are at higher risk for severe illness from COVID-19. Many people who fit these criteria have perished due to this virus. We are extremely fearful for Rickey's medical safety due to the inability to truly practice social distancing while incarcerated.

We ask that the Sentencing Commission please provide a recommendation for Rickey to the Pardons Board for either a commutation of sentence for immediate release or a compassionate

release. Rickey has a very strong support system of family members, community leaders and business owners who are waiting to provide him with employment, housing, and any other necessities needed for a peaceful and uncomplicated transition back into society. Thank you for your consideration.

Sincerely,

Theresa Yancy

Theresa J. Yancy

Public Comment #33:

From: Paul J. Malikowski - MALIKOWSKI LAW OFFICES, LTD.
Subject: Re: Request for Sentencing Commission Minutes
Date: Wed 4/29/2020 9:22 AM

I would like to submit the following public comment matter for today's Sentencing Commission meeting:

I am a private defense counsel for a 33-year-old gentleman who has been housed at Washoe County Jail since March 12.

He is on a Parole and Probation hold after an agency preliminary inquiry. Otherwise, his bail was initially set at \$8,000 on a second-offense Burglary (underlying attempt to pass a forged instrument in a casino) His record includes four (4) felonies out of Clark County. He was paroled from Stewart Conservation Camp around the first of the year.

There is no record of him being referred to, or having failed, drug court.

Arraignment was held Monday, April 27, 2020 before Judge Walker. A negotiated plea of Attempted Burglary, first offense, was entered. But for the number of my client's Clark County non-violent prior convictions, this defendant would almost automatically be referred to drug court, as all of his priors, and his current legal trouble, arise from his use of methamphetamines which has resulted in a forgery lab conviction and related bad check charges from 2012-2015. No prior violent offenses are in his criminal history, but he admits to prior DUIs.

He has a supportive family in his home state of Oklahoma (who retained me) and who are most concerned that his continued custody due to his diagnosis of Chron's disease, known to NDOC while he was in their custody, may make him unduly susceptible to the most adverse effects of COVI-19, should he contract the virus. He also has been diagnosed while in prison with cardiovascular issues, further compounding his COVID-19 medical risks.

Judge Walker was assigned arraignments and sentencings Monday, instead of Judge Breslow, but I made my pitch anyway. Bail continued at \$8,000, but the determinations of Parole and Probation and Pardons Board are out of his hands, according to Judge Walker.

I am submitting this public comment with a view toward getting the agencies to budge a bit for the conditional release of non-violent presentence detainees who have a place to go while on bail. If a residential transitional living facility placement in the Reno area, such as Step 1, Ridge House or Salvation Army is available and more palatable to the Division of Parole and Probation and/or the Pardons Board, these options would be explored in earnest.

Sincerely,

Paul J. Malikowski
/PJM
cc: client

Public Comment #34:

From: Jackie Chiakulas
Subject: Sentencing Commission Meeting Public Comment
Date: Wed 4/29/2020 10:15 AM

Incarcerated people are people too. All incarcerated folks were not sentenced to die from coronavirus. They ALL deserve face masks, hand sanitizer and whatever else is needed to keep them safe. All those who are just waiting on bail or traffic violations need to be released immediately!

The public, and family members of those incarcerated also deserve to hear the truth from elected officials on the realities of coronavirus cases in our prison system.

Governor Sisolak needs to take care of our incarcerated community now.

Jackie Chiakulas

Public Comment #35:

From: Tiffinie Carrillo
Subject: Tablet
Date: Wed 4/29/2020 10:16 AM

To whom you t may concern,, we would like to bring the tablet they our prison.. any ndoc.. we believe it would stop the fighting over the phones and grems as they can lock down and be able to talk to loved ones and not around each other,, the families would be paying for this I don't think it would come out of your pocket please consider this thanks for your time Tiffinie Carrillo

Public Comment #36:

From: Angelina Benavidez
Subject: Inmate release
Date: Wed 4/29/2020 11:04 AM

Let them out the ones that are sick going up for parole that was postponed! And coming up hearings. Release dates less than 1 2 3 year's. My husband has everything he needs a home food a truck driving job that his boss has kept for him. Don't categorize all inmates they are human just like you and me. I worrie about my husband getting sick in there every single day I'm scared and fear for his life release him please.

Thank you Angelina Benavidez

Public Comment #37:

From: Cox Email
Subject: (no subject)
Date: Wed 4/29/2020 11:14 AM

Persons incarcerated for parole violations should also be released.
Sent from my iPhone

Public Comment #38:

From: Mary Behun
Subject: Covid 19 and our incarcerated
Date: Wed 4/29/2020 11:59 AM

This commission has a duty to lay out plans and take steps to try to mitigate the spread of covid-19 among the prisons and jails. The best step to fight this disease from ravaging the jails is to get more inmates out. These "inmates" are our families. They are fathers, mothers, brothers, sisters, and sons and daughters. They were not sentenced to die or sentenced to have life debilitating consequences of covid/19. Please do the moral and ethical thing and release our loved ones back to their communities. Give them hope for tomorrow.

Thank you,
Mary Behun
Las Vegas, NV 89149

Public Comment #39:

From: Mercedes Maharis
Subject: New Questions for 29 April 2020 COVID-19 Section
Date: Wed 4/29/2020 12:00 PM

- 1) How many a) NDOC and b) NV jail prisoners now have hand sanitizer to protect them from the COVID-19 virus?
- 2) What is the output of hand sanitizer that NDOC prisoners are manufacturing daily?
- 3) Are our prisoners receiving hand sanitizer before NDOC provides it to outside businesses and/or individuals?

Mercedes Maharis MA MS MA

Public Comment #40:

From: Roger Pharr
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:12 PM

This morning I cross-referenced the parole board decisions from December'19 through March'20 with current inmate status from the NDOC online search tool. (parole.nv.gov/Actions/MPBA/ and ofdsearch.doc.nv.gov/)

I found 2 things of note:

- of the 1326 people who had been granted MPR or Parole, 577 were still inside prisons
- there is an average delay of 62 days of future denial if granted parole, and 89 days if granted MPR. So it's likely that most people granted parole/MPR in April are still inside.

In response to the pandemic, the sentencing commission should expedite releases for all people granted parole to date.

Respectfully,
Roger Pharr

Public Comment #41:

From: Jagada Chambers
Subject: Public Comment, April 29 Sentencing Commission:
Date: Wed 4/29/2020 12:19 PM

With the majority of states making adjustments in the populations, will there be any steps taken by the Nevada Sentencing Commission on the potential practice for PPE Masks for people in custody. Is there any fiscal support that the Commission could offer to the Nevada Department of the Corrections to supply PPE (masks) to those in custody. It seems as if making adjustments, or "releasing inmates" does not seem a fair practice for Commission members, especially Mr. Hicks, yet testing is not rationale either. What is this commission capable of doing to stopping a Covid-19 outbreak in the NDOC; or at least get a handful of people in custody tested with the 15-tests that the NDOC has.

-Jagada Chambers

Public Comment #42:

From: lisa niemanbolan
Subject: compassionate release
Date: Wed 4/29/2020 1:15 PM

Hi I am writing about Eric webster who is sitting on a 19 to 48 month sentence for a bait wallet. we are not from las Vegas we live in South Dakota his daughter is here as well as all family. we have know one in Vegas. we was passing through. he has sat over a year now. and his dad is ill and has maybe a few months. eric has a heart condition and with carona 19 if he gets it he may die on a 19 to 48 month sentence he has already done over a year on. we just want him home he's not from your state and your paying for someone who doesn't plan to stay or contribute to any funds we will never come back to your state ever. he is wanting an interstate compact back home to sioux falls. theirs no reason it will not be approved I have spoken to parole here. also he is returning to his family which one who he will be living with works for sioux falls sheriff office. he was supposed to see parole board march 25, 2020. please allow him to come home safely and swiftly. thank you his family needs him

Public Comment #43: (PDF's available from Department upon request)

From: Theresa J. Yancy
Subject: Rickey D. Cooper Inmate
Date: Wed 4/29/2020 1:26 PM

Please find attached:

1. Signature log of 1,957 signatures from petition for support of clemency for Rickey D. Cooper.
2. Comment of supporters from the petition for support of clemency for Rickey D. Cooper.

PDF's attached to email

Public Comment #44:

From: Dayvid Figler
Subject: Re: Nevada Sentencing Commission Special Meeting
Date: Wed 4/29/2020 1:44 PM

Thank you. I have the following question for the second period of Public Comment:

How much does it cost to house an individual in prison on average? How much would it cost to house a person in the community? Is there not a cost-saving if the amount of money currently spent to house individuals, especially those who have already been granted parole, were placed into appropriate community housing?

Dayvid Figler

Public Comment #45:

From: Darrin Scheidle
Subject: Public Comment - Sentencing Commission Meeting 4/29/20
Date: Wed 4/29/2020 2:16 PM

Sentencing Board,

After listening to Director Daniels comments today, it is apparent he would NOT take action to depopulate the prisons for safety concerns. He claims that there were ONLY 39 inmates tested out of 12,000. This is not a statistic that should be used to prevent SAFE ACTION.

Director Daniels also claims that his medical staff at the facilities are watching this situation, but in reality there are facilities, like Jean Conservation Camp, that DO NOT have adequate medical staff - only a nurse that comes in once or twice a week, sometimes for less than 2 hours per visit. He does NOT have a grasp on the big picture of his facilities.

In regards to Parole & Probation - by releasing inmates to HOUSE ARREST and electronic monitoring. If the inmate doesn't have the ability to have a housing plan and the ability to pay for their monitoring. This would ADD funds to Parole & Probation.

I also feel that the criteria of AGE as a CDC criteria, like other states, is erroneous. Since those states have implemented their plans, numbers have changed over the last month. Only 28% of the patients that have tested positive in Nevada are over the age of 60 - this means that 72% of positive cases do not fall within the CDC guidelines of individuals being vulnerable are over age 60.

Thank you,

Public Comment #46:

From: Lorenia Navarro
Subject: Responsible
Date: Wed 4/29/2020 2:30 PM

This is a responsible plan for my brother:

He is not a sex offender

He is not violent

This was his first offense

He has a gambling disorder that needs therapy (prison is not a deterrent) for this kind of issues

He has a home in Las Vegas at 2405 Pine Creek Rd. That is only occupied by my other brother with plenty of space to be confined and he also has a job waiting for him.

And he has a covid undelying condition

Lorenia Navarro

He should pay restitution helping homeless, serving food or heloing others in his same situation.

Public Comment #47:

From: Jessica Kulka
Subject: RE: Public Comment from Jessica Kulka part 2
Date: Wed 4/29/2020 2:34 PM

Questions

Re: Inmate testing

Out of 547 available test kits how many are covid19 swab test vs how many are antibody test kits? Out of the 39 tests given how many were covid19 swab test vs antibody tests?

Dose NDOC feel that 547 test kits is an adequate amount for a prison population of 12,123 inmates? Will or are you in the process of acquiring more test kits?

Re: Current Inmate Release procedures

What are the current release procedures in place at the moment? / If the procedure is bussing multiple inmates from multiple correction facilities to an area for release, is it or could it be an option for family or friends to pick up inmate directly from prison facility upon release to help limit contact or spread of covid19?

Re: Current inmate deaths

At this current time if an inmate dies in prison is an autopsy or testing being implemented to ensure that the death was not covid19 related?

If not then why? This testing will help to ensure the virus is not in prisons, as well as help to control and identify others who may be infected.

Re: Inmate self reporting of symptoms and many inmates being afraid to report symptoms

How is NDOC handling inmate fears of reporting their symptoms?

Are inmates aware of all possible symptoms, other than the major 3 symptoms of dry cough, fever and shortness of breath?

Re: New symptoms and findings of covid19 patients suffering strokes

Are headaches and stroke symptoms being added to the list of possible covid19 infections within the prisons?

Are inmates being made aware of these possible symptoms, as well as the findings that the majority of covid19 stroke victims are between the ages of 30-50 years old? And are they educated regarding the severity to report these symptoms quickly in order to save their own lives?

Re: Procedure for a positive covid19 inmate

If a inmate tests positive they will be put in isolation, is isolation the use of solitary confinement (the hole), if not where will they be isolated?

How and who will monitor the inmate while sick? How often will the inmate be checked on?

How long will it take to get the inmate to a hospital if they need hospitalization or intubation to save their life?

RE: Concerns being voiced regarding lack of housing and resources available for inmates if released at this time

This to me is a poor excuse to halt early releases that will ensure the safety and lives of so many people within the prisons as well as within the community. I would like to point out the fact that not all inmates fall into the same category. Many of these incarcerated men and woman have a home and family to return to. Many inmates have family members that are willing to help and provide support to them upon release and through these trying times. There is also a large population of inmates that will expire, these inmates will have to be released regardless of housing or resource availability. You have a large population you can release safely and responsibly in order to provide a safer situation within the prisons for inmates, staff and the general public.

Thank you all for your time today.

Respectfully,
Jessica Kulka

Public Comment #48:

From: Leslie Turner
Subject: public comment
Date: Wed 4/29/2020 2:53 PM

Leslie Turner
PLAN Action - Mass Liberation Project
Las Vegas, NV

Not enough resources for people getting out -

The community shares the same concern regarding people being released without resources - this is why we've been fighting for these safety nets for so long. During this pandemic, the goal is to prevent an outbreak and potentially save lives. There are community groups, such as PLAN - Mass Liberation Project, raising funding to curate and provide for housing. Obviously this is a limited resource, however, with the millions of dollars entering the state to assist with the COVID19 response, through the CARES Act, some of that funding could be channeled to provide resources for those who can be released: especially those who've already been granted parole.

What we are hearing from incarcerated people -

We are hearing from hundreds of incarcerated people and their families everyday, that directly contradicts what was reported by Kim Mull and Jon Ponder - they are not "comfortable" they are scared and worried about families yes, but also worried about dying in prison of COVID19.

Increase testing -

It's imperative that we increase testing - statewide, in the community, as well as testing of incarcerated people. We've only tested 39 people, so that doesn't reflect whether the protocols being used are actually working.

Parole Releases -

Those who are indigent and cannot pay, house arrest fines should be waived. With COVID19 funding coming in through the CARES Act - the Indigent Assistance Fund should be replenished to assist people already granted parole, and provide much needed funding for housing.

This commission can ask the Governor to make housing a priority as well as creating a social services net - and set up supplemental housing for people getting out.

It is necessary for this commission to make recommendations for depopulation to the Governor, because Director Daniels is not and has not shown interest in depopulation as a part of his mitigation for COVID19.

"Responsible Depopulation" must include a case by case analysis, and supportive services where needed!

This is about a GLOBAL PANDEMIC-

Chuck Calloway, Kim Mull, Judge Freeman, Chris Hicks, Ponder and others referenced “using COVID19 as an excuse to push for criminal justice reform”. It’s important that we point out that COVID19 provides a VALID threat of death to many PEOPLE who are incarcerated, right now, who were not sentenced to die in prison. Of course there is overlap, because ultimately, there are too many people behind bars! We must respond to an immediate threat - it’s simple. Those of us who have been working on changing the criminal legal system will continue to do so, as we respond to this global pandemic - an unprecedented event that most of us have not faced.

Can this commission put forth a motion to convene Director Daniels, the Pardons Board, and the Governor to come up with a matrix of release that provides a case by case analysis to responsibly release people when possible? It doesn't need to necessarily mirror the SAFER plan, but can use some of its recommendations that are applicable.

Thank you,

Public Comment #49:

From: Lorenia Navarro
Subject: public comment
Date: Wed 4/29/2020 2:56 PM

I am following your meeting and i am very concerned about what Mr. Christopher Hicks is mentioning about sex offenders, not only they will qualify to be released based on their age and underlying condition, they also most of the time have attachments to the community, a home and able to work. Please take care of children and these horrible persons that take advantage before prison and after.

Public Comment #50:

From: Jessica Kulka
Subject: Re: Public Comment from Jessica Kulka
Date: Wed 4/29/2020 2:56 PM

I would also like to add that being a mother of an incarcerated child may cause my options and thoughts to come across as bias. My son is due to come home very soon regardless of your decisions or the pardon boards decisions regarding this matter. I have no selfish reasons for providing my comment. I am hear as a voice for all our silenced inmates and their concerned family members. Thank you again for your time today. Once again may all of you and your loved ones stay safe and healthy.

Respectfully,

Public Comment #51:

From: Mercedes Maharis
Subject: New Observation for 29 April 2020
Date: Wed 4/29/2020 3:06 PM

RE: Sex Offenders

The NDOC population with sex offenses cannot be thrown into 1 category: Excluded from release during the pandemic.

Those who have low risk to re-offend in the Static 99-R analysis, globally accenpted, must not be penalized!

See my film "How Much Prison is Enough."

The parole board must honor the Static 99-R, not override these professional analyses because parole board are not professional psychologists or psychiatrists.

All sex crimes are not the same, nor are sex offenders.

Public Comment #52: (form letter)

- 1 From: Holly Ramella **(Letter Version 1)**
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 4:31 PM
- 2 From: Leslie Turner **(remainder of list sent Letter Version 2. Comments are listed after)**
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:20 PM
- 3 From: Kristin Rosenqvist
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:21 PM
- 4 From: Ryley Svendsen
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:25 PM
- 5 From: Gordon McGregor
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:25 PM
- 6 From: Pamm Sodi
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:28 PM
- 7 From: Tyler King
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:28 PM
- 8 From: Merissa Lehr
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:32 PM
- 9 From: Amanda Khan
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:37 PM
- 10 From: grant leneaux
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:37 PM
- 11 From: Eva Love
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:44 PM
- 12 From: Margaret Oakes
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:44 PM

- 13 From: Anthony Shafton
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:49 PM
- 14 From: Rose Shanks
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:50 PM
- 15 From: Mary Lou Petitjean
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:52 PM
- 16 From: LYDIA MOORE
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:52 PM
- 17 From: Margery Hanson
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:53 PM
- 18 From: Brandi Dunn
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 5:56 PM and Tue 4/28/2020 5:59 PM
- 19 From: Alicia Jameson
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:01 PM
- 20 From: Seth Morrison
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:10 PM
- 21 From: Judith Carter
Subject: Sentencing Commission Public Comment
Date: Tuesday, April 28, 2020 6:11 PM
- 22 From: Jason Steadmon
Subject: Sentencing Commission Public Comment
Date: Tuesday, April 28, 2020 6:24 PM
- 23 From: Jose Silva Solis
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:28 PM
- 24 From: Angela Bennett
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:41 PM

25 From: Bobbi Altman
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:42 PM

26 From: Ben Felix-Martin
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:46 PM

27 From: James Katzen
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:50 PM

28 From: Kristina Blevins
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 6:56 PM

29 From: Allison Pharr
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 7:07 PM

30 From: Roger Pharr
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 7:07 PM

31 From: Donald Kimball
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 7:29 PM

32 From: Hayley Bray
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 7:42 PM

33 From: RACHEL RAKACZKY
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 7:57 PM

34 From: ABIGAIL JOHNSON
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 8:01 PM

35 From: Rebecca Weeks
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 8:55 PM

36 From: Courtney E
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 8:58 PM

37 From: Justin McAfee
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 9:02 PM

38 From: GEORGIE RUCKER
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 9:08 PM

39 From: Anne Pearson
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 9:12 PM

40 From: SERWIND NETZLER
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 9:24 PM

41 From: Rebekah Stetson
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 9:53 PM

42 From: Danielle Cunningham
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 10:34 PM

43 From: Dena Mandel
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 11:15 PM

44 From: Jackie Chiakulas
Subject: Sentencing Commission Public Comment
Date: Tue 4/28/2020 11:17 PM

45 From: Adrian Lowry
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:22 AM

46 From: Jayson Dagher
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:22 AM

47 From: Manuel Ayala
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:30 AM

48 From: Paloma Guerrero
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:05 AM

49 From: Louis Magriel
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:21 AM

50 From: Mesha Gabriel
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:33 AM

51 From: Christa Casillas
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 2:04 AM

52 From: Shawn Best
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 2:16 AM

53 From: Ruah Seidel
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 4:40 AM

54 From: Angelica Traslavina
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 5:05 AM

55 From: Rita Sloan
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 5:16 AM

56 From: Zachary Kenney-Santiwan
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 5:36 AM

57 From: Therese Class
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 6:07 AM

58 From: Nissa Tzun
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 6:33 AM and Wed 4/29/2020 11:01 AM

59 From: Asha Clark
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 6:59 AM

60 From: David Toll
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 7:02 AM

61 From: Ian Bigley
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 7:08 AM

62 From: Jesse Combs
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 7:17 AM

63 From: Shai River
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 7:20 AM

64 From: Bob Fulkerson
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 10:54 AM

65 From: Tamara Lieberman
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 8:06 AM

66 From: Menua Hannan Martinez
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 8:15 AM

67 From: Charles Whitney
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 8:32 AM

68 From: Amanda Fischer
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 8:39 AM

69 From: Axel Kraemer
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 8:52 AM

70 From: Gale Audia
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 9:18 AM

71 From: Erienne Overli
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 9:46 AM

72 From: Paul Catha
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 10:18 AM

73 From: Tony Segura
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 10:39 AM

74 From: Azra Ozdemr
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 10:43 AM

75 From: Edward Gurowitz
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 11:44 AM

76 From: Sylvia Esparza
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 11:56 AM

77 From: Emy Gurowitz
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:23 PM

78 From: Corinne Eulloqui
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 12:25 PM

79 From: Axenya Kachen
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:14 PM

80 From: Rick Sorensen
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:24 PM

81 From: Ken Gibb
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 1:52 PM

82 From: Jane Grossman
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 2:21 PM

83 From: SARA Weston
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 2:41 PM

84 From: James Kelleher
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 2:44 PM

85 From: Mark Bettencourt
Subject: Sentencing Commission Public Comment
Date: Wed 4/29/2020 4:28 PM

(Letter Version 1)

Dear Nevada Sentencing Commission,

Nevada is stronger when all communities are taken care of and in the midst of this pandemic, no community can be sacrificed. As the Governor of Nevada, we are calling on you to take immediate action to protect Nevada's incarcerated population.

"Social distancing," is one of the most effective ways to prevent the spread of COVID-19, yet it is nearly impossible to achieve in jails or prisons. We already know that it is impossible for people to effectively sanitize their hands without access to lathering soaps and hand sanitizers. In the event that someone

contracts COVID-19 within a jail or prison, there is not adequate healthcare available to support them. There are no accessible tests or ventilators and not enough space to prevent the virus from spreading like wildfire within the facility. These health concerns facing our incarcerated populations extend further to impact the corrections officers and healthcare staff operating within these facilities. They are likely to spread the virus to their families and vulnerable communities every time they go home.

It is imperative that the Sentencing Commission urge the Governor to work with the Nevada Board of Pardons, local sheriffs, and legislators to do everything possible to preserve life right now by:

- Issuing an executive order calling for the release of as many incarcerated people as possible, including those incarcerated pretrial on bail amounts they cannot afford and those within a year of completing their sentence.
- Commuting those sentences that are within a year of release, offer compassionate release to those particularly vulnerable due to severe illness, and also consider individual cases that can be given medical furloughs.
- Mandating that anyone currently being held on a technical probation or parole supervision violation should be released and allowed to return to supervision in their homes.
- Vacating all traffic bench warrants across the state.
- Providing transparency on the situation inside prisons and jails with daily updates to the public.

The potential for a COVID-19 outbreak in our jails and prisons would strain our already overburdened first responders and hospitals. We must free our people in order to appropriately allow them to shelter in place with their families, and not in the close confinement of a jail cell.

I have been working with victim-survivors of domestic & sexual violence in LV for over 5 years. In my experience, many victim-survivors are incarcerated due to a lack of proper resources. To support incarcerated folks is to support survivors.

Sincerely,
holly ramella

(Letter Version 2)

Dear Nevada Sentencing Commission,

Nevada is stronger when all communities are taken care of and in the midst of this pandemic, no community can be sacrificed. As the Governor of Nevada, we are calling on you to take immediate action to protect Nevada's incarcerated population.

“Social distancing,” is one of the most effective ways to prevent the spread of COVID-19, yet it is nearly impossible to achieve in jails or prisons. We already know that it is impossible for people to effectively sanitize their hands without access to lathering soaps and hand sanitizers. In the event that someone contracts COVID-19 within a jail or prison, there is not adequate healthcare available to support them. There are no accessible tests or ventilators and not enough space to prevent the virus from spreading like wildfire within the facility. These health concerns facing our incarcerated populations extend further to impact the corrections officers and healthcare staff operating within these facilities. They are likely to spread the virus to their families and vulnerable communities every time they go home.

This Commission could take immediate action to decrease the harm and death among incarcerated individuals and across the state. We are asking you to:

1. Develop a COVID-19 response plan that sets real actionable goals and a swift timeline to reduce the jail and prison populations across the State. We can't wait until it is too late and must see leadership from this body for making county and state level plans.

2. Develop and implement early release processes with the Governor, Nevada Board of Pardons, and the Division of Parole and Probation. This should include immediately actionable plans for:

- Release for all individuals who are currently eligible for parole but remain incarcerated;
- Revising processes for lifting technical violations of parole and probation and expediting release;
- Expediting medical parole and compassionate release, for those who are elderly or medically fragile;
- Revise and expedite processes for clemency review and approval;
- Revising sentences to time served and/or furloughs wherever possible.

3. Create emergency rules that adjust the rules for post-release housing and supervisions conditions.

The potential for a COVID-19 outbreak in our jails and prisons would strain our already overburdened first responders and hospitals. We must free our people in order to appropriately allow them to shelter in place with their families, and not in the close confinement of a jail cell.

Additional comments attached to letter:

Please consider early release for those who are not a danger to the general public. Or at least provide some sort of safety products for inmates, such as gloves, masks, and sanitizers. They have nothing!

Thank you!

Sincerely,

Emy Gurowitz

-

My daughter is a non-violent offender (DUI) in the Nevada Women's Prison, Casa Grande Transitional Center. She has been there since January 2019. Until the virus, she was working and has a spotless record. Releasing her would be a gift to her/us/NV

Sincerely,

Edward Gurowitz

-

Why are people inside NDOC being employed to create PPE but then not given any themselves? We demand transparency on the deaths due to medical complications. There is no way social distancing can be implemented inside and people need to be released.

It is cruel and inhumane to not urgently respond and create solutions for those incarcerated in Nevada jails and prisons amid the COVID19 pandemic. People need to be released and need to have access to services. #HealthNotPunishment #CareNotCages

Sincerely,

Nissa Tzun

-

People in prison are some of the most marginalized people. It is our responsibility as a society to ensure their safety & well-being. Forcing incarcerated people to remain incarcerated when it is not absolutely necessary during a pandemic is cruel.

Sincerely,

Erienne Overli

-

The assumption of sentencing judges is that prisoners will be safe from pandemics. But now prisoners are not safe from pandemics. Early release and other measures are therefore appropriate.

Sincerely,
Charles Whitney

-

The humane and right thing to do is to protect incarcerated persons from virus contamination. Please take the action needed to keep our fellow human beings safe!!

Sincerely,
Shai River

-

As a volunteer at High Desert State Prison in Susanville supporting 12-step meetings for inmates, I have met many men who I would love to see kept safe from COVID-19. Please consider these common sense recommendations.

All the best,
Jesse

-

Keeping "presumed innocent" people in jails because they can't make bail during a pandemic is murder. Maybe keeping nonviolent offenders in prisons could be classified as mere manslaughter, but still an insane and pathetic example of "justice".

Sincerely,
David Toll

-

People went to prison to serve time on a crime they committed not to serve a death sentence for unforeseen circumstances I need you to release inmates no one should have to die alone in prison when it can be avoided

Sincerely,
Asha Clark

-

Early release for nonviolent prisoners
Education in and out of prison
Self discovery programs
Alternative to violence
Opportunities for work and education upon release

Sincerely,
Therese Class

-

if an offender has days left on probation he shouldnt be made to do his whole suspended sentence for a probation violation,

Sincerely,
Angelica Traslavina

-

Please consider the release of non violent prisoners. Overcrowding of jails, lack of staffing, lack of sanitation needs to be taken in to consideration when a pandemic is upon us. commissioners need to tour jails to see for themselves. thank you

Sincerely,
Ruah Seidel

-

Please do the right thing, Governor. The people in Nevada, under your direction matter and we need to protect everyone in harm's way.

Sincerely,
Christa Casillas

-

NO MORE DE FACTO DEATH SENTENCES!

Sincerely,
Louis Magriel

-

The way that jails and prisons are setup make it incredibly likely that prisoners will die from COVID-19. They should not be facing a death sentence. We need to do everything in our power to protect their health and well-being.

Sincerely,
Adrian Lowry

-

Then the officers are putting sick inmates around non sick inmates knowing this virus is deadly. They may not care about them, but we do. They are somebody wife/husband, son/daughter, farther/mother. All lives matter.

Sincerely,
Danielle Cunningham

-

Incarceration has rarely created rehabilitation. Let's make choices that are in alignment with our values of well-being over punishment.

Sincerely,
Rebekah Stetson

-

Remember, anytime or anywhere we mitigate the potential spread of corona virus it is a service to the community at large. So, if you can't find your way to do it for the individuals when do it for the greater good.

Thank you.
Peace and Blessings
Sincerely,
Courtney E

-

Please reduce bail and void bail amounts altogether for anyone awaiting trial. Innocent until proven guilty is the Constitution!

Sincerely,
Hayley Bray

-

Release all non-violent prisoners to protect them, jailers and all of us!!! Thanks.

Sincerely,
Donald Kimball

-

Free all nonviolent and bail prisoners who are accused of nonviolent crimes

Sincerely,
James Katzen

-

A marijuana conviction should not mean a death sentence.

Sincerely,
Bobbi Altman

-

No one deserves to die in jail because of our inaction. Our incarceration is racist and cruel and if we allow this pandemic to circulate freely behind bars then we are supporting genocide.

Sincerely,
Angela Bennett

-

My husband is a year away from coming home, he has everything he needs at home. As it is he is sick and not being cared for inside NDOC. Why can't people who have parole in order come home.

Sincerely,
Alicia Jameson

-

I was informed when the inmates ask the CO's why they dont have on gloves or why there mask are hanging around their necks. Their threatened. "If you cough on me ill punch you in the throat" This is Very unprofessional and inhumane.

Sincerely,
Brandi Dunn

-

This ought to have been addressed at the beginning of "Stay Home For Nevada". These prisoners are at risk, with no way to isolate or protect themselves or others from infection. The homeless are another at risk. Release them NOW.

Sincerely,
Margery Hanson

-

Anyone who is being held on non violent crimes, should not be. If the court system cannot keep up with book and release then you just need to release

Sincerely,
Rose Shanks

-

It is imperative that actions are taken immediately to protect our prison population. You should release non-violent prisoners, release the vulnerable population and those whose release date is within the next year.

Sincerely,
Eva Love

-

I do not support a massive release of prisoners, only those who would pose no threat to the public..

Sincerely,
grant leneaux

-

You have a moral imperative to act to protect lives in this community. Please. People will die.

Sincerely,
Merissa Lehr

-

Please revise the need to maintain incarceration
For non violent/ minor offenses.

Deceasing spread of virus CRITICAL

Sincerely,
Pamm Sodi

-

As a 15-year facilitator for the Alternatives to Violence Project, I ask that you take steps to protect the health of inmates and correctional staff through social distancing.

Sincerely,
Rick Sorensen

-

For years, this state has disproportionately charged and convicted people of color to use their labor in the prison system. In 1993, Mosley used the term warehousing in his courtroom. This measure is the beginning of real reform.

Sincerely,
SARA Weston

Public Comment #53:

From: Cindy Alford
Subject: Public comment 4/29/2020
Date: Wed 4/29/2020 3:54 PM

Good afternoon. Thank you for all your hard work Ms. Glick.

Without visitation available, phones need to be made more readily available. 2 phones in a unit with 126 men is unacceptable. There are 3 phones in unit 4b at LCC and one is broken. Please make repairing phones a priority in light of the pandemic and allow incarcerated persons more access to them.

Also processing of visitation applications seems to have been halted. I hope NDOC is proactively working forward to ensure that families can be reunited with loved ones when this emergency suspension of contact has been lifted.

Public Comment #54:

From: Nicole Tate
Subject: Public Comment
Date: Wed 4/29/2020 3:57 PM

Regarding public comment for the Sentencing Commission meeting April 29, 2020. I am writing to state my concern regarding NDOCs responses to what they are doing to prevent COVID-19 in the prison population.

Some members present during the meeting stated that they were scared to attend the tour of HDSP. To me that speaks volumes that even the members of this panel do not believe that NDOC are doing everything that they should.

According to one who attended the tour stated that NDOC Correction Officers stated that they were happy to have their job in times like these. Are we to expect that their responses, especially in front of their superiors, are going to be answered truthfully. The same with regards to questions directed to the incarcerated population during their town halls. With fears of retaliation looming, can anyone expect to answer truthfully either. Mr Tod Story of the ACLU stated that his office has received numerous correspondence from individuals that are incarcerated whom are concerned about the current conditions in NDOC facilities.

Inmates are the ones supposed to be cleaning common areas, yet they are only out of their cells 1 hour a day. During that time they are to be showering and making phone calls. How is this cleaning happening? I'm sure it is not.

Medical care in these corrections institutions is less than desirable. It can take over a week in some instances for a kite to be looked at. I wonder, if needed, would staff and administration of NDOC feel that the medical care is of high enough standards to treat them if they were to need it.

Director Daniels stated that there are no current offenders on house arrest yet the 305 and 317 program exist. Does this mean that these programs are not being utilized? Shouldn't the home confinement programs be utilized to assist in depopulation.

Most cells are 2:1. Some were moved from a one person cell to a two person cell after the COVID crisis started. Doesn't seem smart to do that if NDOC is doing their best to provide social distancing.

The attitude projected by Director Daniels during multiple questions could only be described as rude. Evading most questions especially the ones regarding PREA and the youth being held at LCC and if releasing a portion of the prison population would assist with social distancing in NDOC facilities. A person in his position should speak with more respect towards others, especially during a public forum. I do believe he should be required to answer these questions and rectify the situation violating PREA.

Did the ACLU petition and recommendations completely disappear. The one recommending release of anyone due to reach their PED in the next 18 months and non violent offenders with a PED in the next 3 years?

Are we to wait for a crisis to occur behind the walls of NDOC? If we wait and catastrophe occurs, who will be held accountable? By the time it happens, beginning to act will be too late and lives will be lost. Nothing has happened yet, that we know of...yet! But waiting to see if it will irresponsible. The time it takes to start the process of depopulation could take some time. But lets face it, the COVID crisis isn't going away. When the state begins to open back up, staff of NDOC are going to be going out thus making them more susceptible to getting sick. Coupled with the two week asymptomatic period which therefor could cause the virus to spread like wildfire in a closed system.

With concerns of the high risk population that is recommended for release based on CDC guidelines, perhaps those who have a strong family support system could be streamlined. I know myself, am fully employed and am not lacking in funds to care for my husband. He does meet criteria as he has less than 18 months left on his sentence and suffers from asthma and other medical conditions. Social services would not be needed for him upon release. I am sure that he is not the only one who meets the criteria and will not require additional services upon release. He will have a home to go to and all necessities provided. I am also sure that like us, there are others not against home confinement. My concern is lack of appropriate, timely, and adequate medical services, especially if a large outbreak occurs. Their minimal medical capabilities will be over run quickly. COVID-19 can take people down very fast, requiring a much higher level of care than can be provided in the infirmary.

The medical director of NDOC states concern for the affect on our health care system should anyone be released. But what affect will it be if a delay in medical care caused by NDOC medical systems have to the health care system? At best, people will require a higher level of care due to delays in treatment, and with the time it takes for emergency medical services to reach the prisons, it will also cause death.

Again, not everyone will have an issue with housing and resources. Does the system honestly believe that there is no one incarcerated who has people on the outside?

In general situations, during public comment, the public is able to ask questions and have them answered by the members of the panel. At what point are our questions able to be answered. I am sure members of the community who hold these issues near and dear to our heart would like to have our questions answered as well, not just emailed to participants. I realize that due to the social distancing

standards currently in place an in person meeting would not be option. But in other public forums, there were ways to call in and have our questions answered. NRS 241.0365 states that periods devoted to comments by the general public, if any, discussion of those comments. The latter part is not happening.

Most lay persons were under the impression, and I was told by one of the Assemblyman's who helped draft it, that this was not going to be retroactive. What purpose would it serve to have it start early. Furthermore, passing the geriatric parole will only release a possible 6 or 7 people, how is that going to assist the depopulation?

I sincerely just want what is best for my husband as well as the other higher risk due to the virus. Again I would like to reiterate that we would not be opposed to home confinement and we are not lacking in any housing or other necessities. Health care would be provided as appropriate also.

Thank you for your time and consideration,

Response to Sentencing Commission Questions

1. How many incarcerated people in the custody of the NDOC since March 12, 2020, have been tested specifically for Covid-19 and have those swab tests (if any) been sent out to an external lab for testing?

As of May 7, NDOC has tested 44 inmates for COVID-19 using swabs sent out to an external lab.

2. Are you tracking how many incarcerated people have presented with any of the CDC symptoms for Covid-19 since March 12, 2020? Is that information able to transmit to a log available for presentation to the Governor and/or Sentencing Commission?

Our Medical Division cannot track everyone that has any of the many CDC symptoms and we do not keep a log available to report all who may have any of the COVID-19 symptoms.

3. How many incarcerated people have had their copays waived under Code 32 since Code 32 was instituted in the NDOC medical database concerning medical services?

It is unclear what "medical database" or "Code 32" is referenced in this question. To date, the NDOC Medical Division has waived an estimated 441 co-payments for COVID-19 related visits.

4. How many external hospitalizations have taken place concerning incarcerated people since March 12, 2020? Is there a log of what they needed hospitalization for (if any occurred)?

Throughout the entire month of March there were 41 hospital admissions and throughout the entire month of April there were 44 hospital admissions. There is not a log that contains the purpose for all the hospital admissions that we can release.

5. How many incarcerated people have been placed in isolation and/or solitary confinement for reasons unrelated to discipline since March 12, 2020?

NDOC does not use solitary confinement. NDOC has placed 100 Offenders in Medical Isolations as precautionary measures for possible proximity exposure by staff that have tested positive.

6. Are the town hall meetings recorded and can they be entered into the public record?

No, summaries are posted in our Emergency Operation Center Logs.

Have any incarcerated people expressed concern about medical attention or safety protocols related to Covid-19 during these town hall meetings?

This question is too vague; Many Staff and Offenders have expressed concerns about medical and safety protocols; that is the point of the Town Hall meetings; they are very

interactive and always involve question and answers. NDOC has volunteered these meetings for the benefit of all concerned and has been fully transparent with staff and offenders.

7. Do you intend on complying with public record requests that have been submitted to the Nevada Department of Corrections in a timely fashion?

Yes, NDOC does intend to respond as appropriate and in accordance with policy. Please keep in mind that our Public Information staff is limited to two persons and is currently inundated with request.

8. When did the Department of Corrections begin publicly referring to incarcerated people as "offenders?"

The terms Inmate and Offender are interchangeable; NDOC feels that the term Offender is more accurate and culturally appropriate.

Was there a memo to make this change?

No.

Has the NDOC created a specific strategy in answering questions from the media or issuing press releases or social media posts related to COVID-19?

No, we have no specific strategy other than being transparent, honest and always looking out for the safety and security of staff, offenders and the Citizens we protect.

Do you agree with the statement of the NDOC Public Information Officer when asked how to accord differences between COVID-19 protocols and what inmates were reporting, by saying "offenders are notorious for spreading lies and rumors?"

The reporter would not disclose what the offenders' complaints were as a result the Public Information Officer (PIO) explained why he would not answer the reporter's question, in hindsight our PIO should have chosen a better phrase.

Are incarcerated people's complaints not worthy of consideration?

Offender complaints are always considered; Offenders have many avenues to address complaints.

9. Have any staff been given a warning and/or a disciplinary write up for not following any COVID-19 protocol(s)?

Yes, several staff have been reminded of protocols for safety and security of others.

NOTE: I found the highlighted question to be a personal attack against our PIO and not worthy of an answer; I have provided a response should it be deemed worthy.

Out of 547 available test kits how many are covid19 swab test vs how many are antibody test kits? Out of the 39 tests given how many were covid19 swab test vs antibody tests?

While the amount of 547 swabs was correct as of the date of the hearing, now there are 1533 swabs and 966 antibody test kits.

Dose NDOC feel that 547 test kits is an adequate amount for a prison population of 12,123 inmates? Will or are you in the process of acquiring more test kits?

As of the date of the hearing and the quantity was correct, NDOC has acquired more and we are in contact with the NSPHL to obtain them as they are being made available.

Re: Current Inmate Release procedures

What are the current release procedures in place at the moment? If the procedure is bussing multiple inmates from multiple correction facilities to an area for release, is it or could it be an option for family or friends to pick up inmate directly from prison facility upon release to help limit contact or spread of covid19? Yes! NDOC attempts to facilitate family reunification by encouraging individuals to be picked up from a correctional institution or facility when possible.

Re: Current inmate deaths

At this current time if an inmate dies in prison is an autopsy or testing being implemented to ensure that the death was not covid19 related? As it is the case with any offender that dies, the Office of the Coroner will make the decision as to whether an autopsy is appropriate. Given the offender is deceased, the decision to whether to rest for COVID-19 would be part of the autopsy decision to be determined by the appropriate county coroner.

If not then why? This testing will help to ensure the virus is not in prisons, as well as help to control and identify others who may be infected. As mentioned above, decisions whether to autopsy a deceased offender are made by the Office of the Coroner, not NDOC.

Re: Inmate self reporting of symptoms and many inmates being afraid to report symptoms

How is NDOC handling inmate fears of reporting their symptoms? Twice a week town hall meetings are being held at all the institutions. During those meetings, the offenders are being reassured that there is no retaliation for reporting symptoms. In our experience we have not seen any fear as there have been offenders that have reported symptoms. Medical then determines the most appropriate course of testing and treatment appropriate.

Are inmates aware of all possible symptoms, other then the major 3 symptoms of dry cough, fever and shortness of breath? Twice a week during the town hall meetings the offenders at all facilities are provided new information relating to the symptoms and given the opportunity to ask questions about COVID-19.

Re: New symptoms and findings of covid19 patients suffering strokes

Are headaches and stroke symptoms being added to the list of possible covid19 infections within the prisons? All offender medical complaints are thoroughly reviewed by nursing and medical provider staff to include headaches and stroke like symptoms.

Are inmates being made aware of these possible symptoms, as well as the findings that the majority of covid19 stroke victims are between the ages of 30-50 years old? And are they

educated regarding the severity to report these symptoms quickly in order to save their own lives? Twice a week during the town hall meetings the offenders at all facilities are provided new information relating to the symptoms and given the opportunity to ask questions about COVID-19. In addition, all offender medical complaints are thoroughly reviewed by nursing and medical staff. This includes all potential COVID-19 symptoms.

Re: Procedure for a positive covid19 inmate

If a inmate tests positive they will be put in isolation, is isolation the use of solitary confinement (the hole), if not where will they be isolated? If an offender tests positive for COVID_19 he/she will be housed in the medical infirmary in a reverse air isolation cell to prevent the spread of COVID-19. To the extent additional locations may be required, isolation areas will be established to ensure appropriate housing classification levels, and will not be in an area that would be considered a disciplinary placement.

How and who will monitor the inmate while sick? How often will the inmate be checked on? Appropriate medical personnel will monitor the infected offender. He/she will be checked as ordered by the Health Care Provider.

How long will it take to get the inmate to a hospital if they need hospitalization or intubation to save their life? The time to get an offender to the hospital is impossible to answer with certainty because it varies according to the location of the facility and different regional medical services and response time.

RE: Concerns being voiced regarding lack of housing and resources available for inmates if released at this time

This to me is a poor excuse to halt early releases that will ensure the safety and lives of so many people within the prisons as well as within the community. I would like to point out the fact that not all inmates fall into the same category. Many of these incarcerated men and woman have a home and family to return to. Many inmates have family members that are willing to help and provide support to them upon release and through these trying times. There is also a large population of inmates that will expire, these inmates will have to be released regardless of housing or resource availability. You have a large population you can release safely and responsibly in order to provide a safer situation within the prisons for inmates, staff and the general public.

NDOC continues to work closely with the Nevada Division of Parole and Probation (P&P) in identifying appropriate placement opportunities for those offenders who have been granted parole. As P&P is the division that establishes the policies and procedures for release and community placement, I am unable to provide any detailed information regarding any specific plans and would defer your questions to P&P Chief Anne Carpenter.

Thank you all for your time today.

Attorney Wildeveld,

Thank you for your concerns as it relates to the COVID-19 pandemic and the early release of inmates from the Nevada Department of Corrections (NDOC). NDOC continues to work closely with the Nevada Division of Parole and Probation (P&P) in identifying appropriate placement opportunities for those offenders who have been granted parole. As P&P is the division that establishes the policies and procedures for release and community placement, I am unable to provide any detailed information regarding any specific plans and would defer your questions to P&P Chief Anne Carpenter.

In regards to the 305 (Drug Court) and 317 (Residential Confinement) programs, the NDOC staff members have been aggressively submitting applications for those inmates who meet the criteria. Offenders with appropriate qualifications are submitted to P&P for review and final approval.

NDOC has continued to be aggressive in addressing the challenges of the COVID-19 pandemic. This office works closely with local and State public health officials prioritizing the health of both our staff and offenders alike, who work and reside in our facilities. While specific plans at our individual facilities are not public information, NDOC has implemented the following department-wide protocols for early-detection and rapid containment of this virus with the goal of delaying and ultimately preventing sustained spread of COVID-19:

1. The suspension of non-essential visitation to all NDOC facilities, which commenced on March 7, 2020. This action was taken as a precautionary measure to slow the spread of COVID-19 in Nevada. Suspended visitation will remain in-place until Corrections and medical experts at NDOC, working alongside local and state government agencies, determine that the health and safety of inmates and staff are no longer threatened by COVID-19.
2. The dissemination of information to our staff on precautions and symptoms related to COVID-19, and the latest guidance from the Centers for Disease Control and Prevention (CDC)
3. The posting and display of the CDC's *Stop the Spread of Germs* poster, in highly visible areas, for staff, inmates, and contractors.
4. The deployment of Surface Sanitation Teams, using a 10% bleach concentration, to make regularly scheduled rounds at gate houses, visiting rooms, and intake areas to thoroughly clean and sanitize surfaces.
5. The screening of incoming and outgoing employees at shift changes, and inmates during train-in/out, for symptoms of the virus that include fever, cough, and difficulty breathing.
6. Hand soap is readily available at every facility, both in inmate cells and in common areas. Since the COVID-19 outbreak began, NDOC has encouraged inmates and staff to frequently wash their hands using warm soap and water for at least 20 seconds.
7. To protect uninfected staff and offenders from possible transmission of COVID-19 by infected but unaware or asymptomatic staff and offenders, NDOC has implemented the following protocols:
 - All NDOC staff who work in close contact with other staff are recommended to wear face masks

- ALL NDOC staff members who work or come within six feet of offenders are required to wear face masks.
- NDOC has provided all staff with either a disposable surgical-type or a washable cloth-type face mask, many of which have been manufactured through Silver State Industries.

Lastly, as of this date NDOC has had zero (0) inmates test positive for COVID-19. This is a direct result of NDOC Administration being proactive in implementing the aforementioned protocols to ensure the safety of staff and offenders. NDOC understands that despite the aggressive and proactive steps it has taken, there still remains the possibility or perhaps even the probability that we will have offenders test positive. As such, this office has prepared contingency plans to be implemented to further protect the health and safety of inmates should this occur. In the meantime, NDOC will continue to work closely with our staff, the CDC, P&P, and local and State medical experts as we band together to overcome this pandemic.

Ms. Feller,

I am in receipt of your email sent to Chief Justice Hardesty. I would like to take this opportunity to respond to your inquiry as your request for a compassionate release for offender Wolf, falls under the authority of the Nevada Dept. of Corrections (NDOC). Ms. Feller please be advised that in accordance with Nevada Revised Statute 209.3925, your uncle Greg Wolf, does not meet the criteria for a compassionate release at this time. In addition, offender Wolf's medical condition (loss of vision due to cataracts) does not deem him physically incapacitated or in ill health. I would also remind you that offender Wolf is serving a life sentence for several counts of heinous offenses.

Although I understand your concerns and your desire to have your family member return home during these challenging times of the COVID-19 pandemic, ultimately NDOC is an agency tasked with ensuring the safety of the public. Based on the aforementioned, inmate Wolf's condition and his committing offenses do not make him eligible for a compassionate release at this time.