



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE**

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Meeting Minutes of the Employee-Management Committee

Date: March 04, 2021

(Subject to Committee Approval)

Pursuant to Governor Sisolak's Declaration of Emergency Directives 026 and 029, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). All meetings are held on MS Teams, and recorded.

Committee Members:

Management Representatives

Present

Ms. Pauline Beigel-Chair	X
Ms. Jennifer Bauer	X

Employee Representatives

Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X
Ms. Stephanie Parker-Co Vice Chair	
Mr. Gwyn Davies-Co Vice Chair	

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Breece Flores, EMC Coordinator
Ms. Ivory Wright, EMC Hearing Clerk

1. Call to Order

Chair Beigel called the meeting to order at approximately 9:02 am.

2. Public Comment

There were no comments from the audience or Committee Members.

3. Committee introductions and meeting overview and/or update - For discussion only.

Chair Beigel opened the meeting with Committee introductions.

4. Adoption of the Agenda – Action Item

Chair Beigel requested a motion to adopt the agenda.

MOTION: To adopt the agenda.

BY: Member Thompson

SECOND: Member Russell

VOTE: The vote was unanimous in favor of the motion.

Chair Beigel states she would like to start with Agenda item #6.

Chair Beigel asks who is present for the Grievance #6750 for Ryan Wahl.

Christina Leathers stated she was present and representing NDOC in this Grievance.

Chair Beigel asked EMC Coordinator Ms. Flores if any communication has come from Mr. Wahl that he would not be participating.

Ms. Flores replies, no communication has been received by phone or email, also no exhibit packets were submitted.

Chair Beigel asks Dag Robert Whitney if a motion to dismiss can be submitted orally or did they have the Agency submit a motion to dismiss letter.

Mr. Whitney responded yes, a motion to dismiss can be made orally in this case.

Christina Leathers states she would like to ask for a motion to dismiss grievance #6750 as Mr. Ryan Wahl terminated his employment with NDOC on 08/24/2020, so it is possible that is why he is not present. She verified it in her system that he was no longer employed.

5. Discussion and possible action related to Grievance of Ryan Wahl #6750, Department of Corrections – Action Item

Chair Beigel asks Christina Leathers if she can present the case to the EMC to dismiss the grievance #6750 for Ryan Wahl.

Christina Leathers stated it was her understanding that grievance #6750, as presented by former Senior Officer Wahl was related to shift bidding.

Christina Leathers stated Mr. Wahl was temporarily removed from his post as a result of a pending investigation; however, he was returned to his post. The grievance did go through all 4 steps, but the officer was returned to his post he had been on as the investigation was unfounded.

Chair Beigel asked Christina Leathers if she was asking for a motion to dismiss.

Christina Leathers responded yes, due to the fact the employee is now terminated, and the grievant was returned to his post as originally mentioned in the grievance. She stated she was asking the EMC to dismiss this grievance.

Chair Beigel asks the committee to discuss.

Member Thompson agreed if he was no longer employed and is not there today, she agreed this grievance should be dismissed.

Member Russell stated she agreed with Member Thompson.

Member Bauer stated she agreed.

Chair Beigel stated Ms. Leather's motion to dismiss grievance #6750 for Ryan Wahl since the employee has been terminated and did not show up for the grievance hearing.

Chair Beigel confirmed the motion with Mr. Whitney.

Mr. Whitney stated it was appropriate.

Member Bauer asked if the committee was clear the employee was terminated.

Chair Beigel stated that Ms. Leathers stated in her earlier testimony that the last day of employment was 08/24/2020.

Member Bauer asked for clarification to Chair Beigel if they were sure he was terminated

Chair Beigel stated yes that is what was testified by Christina Leathers, she had confirmed by looking it up in her computer.

Member Bauer stated Ms. Leathers verified he is no longer employed with NDOC and did confirm with Mr. Whitney if she needed to state he was terminated in the motion.

Chair Beigel stated it was not relevant, it was testified he was no longer a State Employee, not the reason why he was no longer employed.

Member Bauer agreed with Chair Beigel and was ready to make the motion. She asked instead of saying the employee was terminated, could she say the employee is no longer employed with the NDOC and did not show up to present for the grievance.

Chair Beigel stated if Member Bauer had a motion to present it.

Member Bauer stated she was just making a friendly amendment to the motion to be clear if him being terminated would be in the motion was her concern.

Ms. Leathers stated to the employee did resign from the agency and the reasoning was a better paying job. She confirmed he was no longer a State Employee as of 8/24/2020. He had resigned on his own accord.

Member Bauer stated the friendly amendment to the motion to grant the motion to dismiss for grievance #6750 Ryan Wahl, since he was no longer employed with the State of Nevada Department of Corrections.

Member Thompson seconded the motion.

Chair Beigel stated the vote was unanimous in favor of the motion.

MOTION: Moved to grant motion to dismiss
BY: Chair Beigel
SECOND: Member Thompson
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance of Keith McKeehan #6847, Department of Corrections – Action Item

This matter came on for hearing before the Employee-Management Committee on March 4, 2021 pursuant to NAC 284.695 and NAC 284.6955, regarding Grievance No. 6847, filed by State of Nevada, Department of Corrections Lieutenant Keith McKeehan. The Grievant's hearing was held simultaneously with the hearing for Grievance No. 6856, In re: Grievance of Paul Lunkwitz. Grievant was in proper person.

The agency-employer, the State of Nevada, Department of Corrections was represented by Personnel Officer III Christina Leathers.

Grievant, Officer Allen-Ricksecker, Officer Lunkwitz, Sergeant Taerik Berry and Senior Correctional Officer Robert Ashcraft were sworn in and testified at the hearing. There were no objections to the exhibits.

Officer Lunkwitz stated that quite a few states across the county had OSHA issues with protecting their employees, and that prisons were no exception.

Officer Lunkwitz stated that the officers knew when they started that prisons were dangerous.

Officer Lunkwitz indicated that the bottom line of their grievances was that birdshot pellets did not incapacitate inmates and helped stop violent incidents from taking place, and although the birdshot may not have stopped all violent incidents it stopped many more than the 40 mm launchers stopped.

Officer Lunkwitz stated the primary issue was not lack of tools, but that the officers did not have the tools that were in line with use of force regulations. If one read through AR 405, there was a clearly outlined section on lethal force. That section dealt with the prevention of the loss of life, whether of staff or inmates.

Officer Lunkwitz stated that the launchers NDOC had did not provide the capability to use lethal force when necessary.

Officer Lunkwitz stated an example of the incident that occurred in Ely, NV, where he stated in substance the 40 mm rounds were ineffective.

Officer Lunkwitz stated in substance that violent incidents had only grown in number since the Ely incident in the fall of 2019.

Officer Lunkwitz referenced an incident where an officer was stabbed in the staff office at High Desert State Prison and stated that previously constructed grates at the unit control room where the officer with the launcher was stationed prevented the use of the 40 mm, as those grates were too small for the 40 mm launcher to fire down into the staff office, so when the officer was stabbed the control officer was rendered meaningless. This same situation applied to the sally port, where the grates did not allow for the 40 mm launchers to be deployed down into those areas.

Officer Lunkwitz stated that if NDOC did not go back to the shotguns they needed a lethal force option available across the state.

Lieutenant McKeehan stated from a supervisory standpoint he was charged with maintaining the safety of staff at his institution, and so he needed to provide the tools so that staff could maintain their safety.

Lieutenant McKeehan stated that this past January they had two officers who were assaulted simultaneously, and the control officer fired the 40 mm launcher several times, and it did not stop the inmates from assaulting the officers, and that the incident did not stop until responding officers arrived and put themselves into harm's way, which to Lieutenant McKeehan was unacceptable.

Ms. Leathers stated that NDOC needed to obey the order provided by the Governor's Office in 2016, and the agency could provide what protocols had been implemented.

Ms. Leathers stated NDOC had implemented access to many less lethal tools when force was required to be used, such as an ASP baton, large MK 9, small MK 4, tasers, pepper spray and the high velocity 40 MM rounds, and multiple 40 mm launchers with a 6 round capacity. NDOC has also trained officers on each of these tools.

Ms. Leathers stated that all institutional use of force incidents were reviewed at the institutional level and included all staff involved, which involved transparency, and helped officers understand the process while holding them accountable and allowing staff to make suggestions on relevant issues.

Ms. Leathers stated that NDOC had revised outdated policies and instituted new policies, some for the betterment of the agencies.

Ms. Leathers stated that AR 405 was currently under review, which was NDOC's use of force policy.

Ms. Leather stated that all around the nation the use of force policies had come under great scrutiny, so NDOC was taking the time to make a thorough and accurate review of AR 405 to ensure that it met the requirements of the country as it related to the use of force and modern day corrections.

Ms. Leathers stated that with respect to one of the incidents referenced by Lieutenant McKeehan, protocol was not properly followed, and the inmates had been improperly released from their cells without proper custody being available to assist.

Ms. Leathers stated that with Director Daniels coming on board, and his experience in corrections, NDOC had performed training at their facilities from the executive team down to the senior correctional officers on incident response techniques and less lethal options in dealing with inmate incidents.

Officer Lunkwitz called Officer Allen-Ricksecker as a witness to question.

Officer Allen-Ricksecker testified that he was assigned to HDSP and had worked there since August 7, 2000. He stated that he was aware of the multiple incidents at Ely and had watched the footage of those incidents.

Officer Allen-Ricksecker described the incident as the inmates forming a wall to defeat the officers' less lethal options.

Ms. Leathers objected to the testimony based on the fact that the EMC was a public meeting, and she was unsure if the information being shared was public and for others outside of NDOC to be aware of, and did not know if it was relevant to what was occurring in the present grievance.

Officer Lunkwitz responded that they were not using any names.

Ms. Leathers clarified and stated regardless of whether any names were being shared internal operations were being shared and information about the assault may not have been public information.

Officer Lunkwitz stated that the incident in Ely took place just prior to the grievance being filed, and that was the impetus of what led to his grievance, and the incident was described in the grievance.

Officer Lunkwitz stated that the timeliness issue was relevant, as the Ely incident prompted the grievance, as the issue was the ineffectiveness of the 40 mm rounds and how the Ely incident illustrated that ineffectiveness.

Officer Lunkwitz stated that he was not divulging any confidential information, and that is was discussion of an incident that they were all aware of without specifics.

Ms. Leathers withdrew the objection but stated that the way she understood the grievance process a grievant needed to file a grievance for themselves. Here the individuals who filed the grievances, Officer Lunkwitz and Lieutenant McKeehan, were not directly involved in the Ely incident, and so Ms. Leathers stated her concern that the grievances were not specific to Officer Lunkwitz and Lieutenant McKeehan, but to NDOC's custody staff overall.

Officer Allen-Ricksecker stated that during the Ely incident inmates were struck with 40 MM launcher rounds and that the barrier between the inmate being assaulted and correctional staff remained in effect.

Ms. Leathers objected, she stated that the particular incident that was being testified to be an active criminal case. It was unclear how, if at all, the testimony would impede any investigation.

Chair Beigel stated that even though the incident occurred at Ely and the Grievants did not work at Ely and the Grievants were citing working conditions in their grievances, and so if everyone's guns were taken away the Ely incident was relevant in her mind. This objection was overruled.

Officer Allen-Ricksecker testified that it appeared the ultimate reason the inmate in the Ely incident stopped the assault was because he simply tired. At HDSP, in the control room there were grates over the staff office and sally port, and the grates were constructed with the idea of shotguns and revolvers in mind.

Officer Allen-Ricksecker stated that it was impossible to deploy the 40 mm rounds down into the office or sally port, as the size of the barrel, the round and the spacing in the grating prevented this. He noted that with respect to the assault that occurred in the staff office, it was impossible for the control room officer to aid, other than radioing for assistance and being a witness.

Officer Allen-Ricksecker also stated other incidents where the 40 mm was ineffective in quelling disturbances at HDSP, and that there were areas of HDSP the launchers could not reach, and that there were isolated areas all over HDSP, and that the sheer size of HDSP prevented a rapid response to a scene, so the parties involved might have to fend for themselves for several minutes before a response arrived.

Officer Allen-Ricksecker stated that there were large distances to be covered, and that carts had limited range. Even if there was a timely response, the responding officers would be bringing the same tools that the officers on site would have, which was less than lethal force, and so the situation could be one where less than lethal force would be up against lethal force of inmates. He noted that the SN 303's were not placed in the security posts where most of the officers worked on a daily basis.

Officer Allen-Ricksecker, in response to cross-examination questions, stated that he had been assigned from time to time to search and escort, and it had been years since he had been permanently assigned to the position.

Officer Allen-Ricksecker stated that he was familiar with search and escort duties and had written several procedures at HDSP, had been there for nearly 21 years and had worked in all the positions there over time, and had trained officers working in different positions.

Officer Allen-Ricksecker stated that he was aware of an Emergency Response Management Committee that was formed within NDOC, and that he had submitted written comments in response to emergency management many times.

Officer Lunkwitz objected to Ms. Leathers' line of questioning, for relevance.

Ms. Leathers responded that she was trying to show that while the grievants were indicating that working conditions had changed she was trying to show NDOC was making adjustments to working conditions to make sure they were safe for not only employees but inmates, as there was a constitutional requirement that inmate conditions be safe and humane, and was trying to show whether grievants' information was current or outdated.

Chair Beigel stated the objection was overruled.

Officer Allen-Ricksecker stated that he had submitted countless suggestions and requests to improve operating and working conditions at HDSP and found it offensive that someone would suggest that re-introducing lethal options at HDSP would be inhumane.

Officer Allen-Ricksecker stated that with respect to officers receiving additional training, and less lethal tools, he saw no noticeable or measurable difference in training after the removal in 2016 of shotguns, and that the less lethal tools were not installed prior to the removal of the shotguns.

Member Russell asked Officer Allen-Ricksecker how the OC spray would compare to police officer issued pepper spray.

Officer Allen-Ricksecker responded the spray was identical.

Sergeant Berry stated that he was a sergeant with the training division within NDOC and had worked for NDOC for 20 years; he was also a range-master and had been one for 15 years.

Sergeant Berry stated that he was familiar with the incident that occurred at Ely, and had seen the film footage, and agreed that the 40 mm launcher had been defeated in that instance.

Sergeant Berry stated in substance that the 40 mm rounds currently in use were mostly the rubber impact rounds, which were designed to prevent an inmate from continuing their violent acts; additionally, an OC round was used, which turned into a powder on impact and created dust like particles to irritate the inmate, and was similar to OC spray its effects.

Sergeant Berry testified that whether there were more effective rounds with the launcher system, there were higher velocity rounds, and he testified that in his experience whether or not the launcher could stop a violent attack was contingent on how far away the inmate was, but was aware of many incidents where the 40 mm launcher was ineffective in stopping inmate attacks, whether against officers or other inmates.

Sergeant Berry testified that there were less lethal rounds than birdshot in the 12-gauge delivery system, including bean bags, rubber pellets and rubber blocks.

Sergeant Berry stated that there were other lethal options at HDSP, including a Glock 22 handgun and a Ruger mini 14. He stated that with respect to the shotgun being able to fire lethal and less lethal ammunition, it had to be clear that any shotgun that fired less lethal rounds had to be color coded so only less lethal ammunition went into it.

Sergeant Berry testified that currently there was no lethal force option at HDSP, and that less lethal tools needed to be supported by a lethal option, as was standard for law enforcement across the country. He stated due to the size of HDSP and delayed response times according to HDSP needed a lethal force option in every unit at HDSP, and working conditions were not as safe as they could be without the lethal force option.

Sergeant Berry stated that when NDOC transportation drove the bus transporting inmates those officers carried handguns, pepper balls, rifles, batons, tasers and OC, and that these tools were available to protect inmates from inmates, staff, and the public from inmates.

Sergeant Berry clarified that the 40 mm shot a rubber sponger round.

Sergeant Berry was asked if it was his job to kill inmates.

Ms. Leathers objected to Sergeant Berry's statement.

Ms. Leathers stated that the removal of the shotguns followed an incident at HDSP where officers shot an inmate with the shotgun, resulting in death.

Chair Beigel stated the objection was sustained.

Sergeant Berry stated that it was the job of the officers to protect both staff and inmates, and that it was not common for officers to use lethal force. He stated that the 40 mm was doing its job but was unable to accomplish every job for stopping threats, and the officers were limited by it, as it was the only tool the officers had to stop violent incidents.

Sergeant Berry stated that he felt the shotgun should be coupled with other less lethal options, as there was no one weapon that would solve all issues. He felt that lethal tools should not be the first option in stopping violent incidents, and should be the last option, but if the lethal option was unavailable that was creating an unsafe environment.

Sergeant Berry stated the Glock 40 was available at HDSP, but only inside the armories, and not inside the units where the inmates were kept.

Sergeant Berry stated that he was aware of Immediate Response training and thought that it should be added to the lethal [training].

Sergeant Berry stated that he looked into Arizona, California, Florida and Schenectady, NY and found that multiple agencies used shotguns with less lethal rounds; inside some housing units, and rifles with frangible ammunition were used.

Sergeant Berry there was no perfect option.

Sergeant Berry stated that he also instructed officers on the use of force and deadly force. Officers were authorized to use deadly force when another life was at immediate risk of being taken or their own life was at immediate risk of being taken, and that the officers would have been justified in using deadly force during the Ely incident with the intent of stopping the inmate.

Sergeant Berry stated that HDSP had lethal options available, but the distance and the proximity of the lethal weapons the officers had in relationship to an incident that could occur in a unit was too far, as there were no longer any lethal options in the housing units, as the lethal options were in the armory or in a designated tower.

Sergeant Berry stated that the Glock handgun and mini 14 were generally deployed for transportation runs, assigned to a tower, or used to reacquire an escaped inmate. If a lethal force option needed to be moved the lethal tool was problematic.

Sergeant Berry stated that to bring a weapon across the yard the officer would have to ensure there were no inmates on the yard, meaning the institution had to be locked down and that there was a clear path to the incident. He stated a significant amount of time might elapse before the lethal force option could be deployed where it was needed, and that it was likely a loss of life would result.

Sergeant Berry stated that with respect to housing units, the maximum distance a weapon could be used would be 35-40 yards; outside, in the small yards, the distance could be up to 70 yards. The effective range of the rounds for the 40 mm launchers, was 80'.

Officer Ashcraft testified that he had worked for NDOC for 21 and a half years, and had worked at multiple institutions, including HDSP, for 18 years.

Officer Ashcraft stated, with respect to the 912 Quad, there was approximately 100 yards between Unit 12 and Unit 10, straight across. If there was an incident, the 40 mm round would be ineffective when used on an inmate with an adrenaline flow going. The gun posts at the 912 Quad were 20-30' above the ground, so that unless an incident took place directly below a gun post, the 40 mm would be ineffective in stopping any incident.

Officer Ashcraft stated that the control officer could not deploy the 40 mm down into the sally port, although there were no grates to allow even a shotgun to shoot into the sally port.

Officer Ashcraft further stated that he did not have direct knowledge on the 40 mm launchers being ineffective, but had seen on video multiple instances happen where the launches had been ineffective due to inmate adrenaline flow, and that the 40 mm did not have a large impact in stopping incidents. He stated that if all nonlethal force failed to stop an incident lethal force would be needed, and lethal force was needed to support nonlethal force in the event non-lethal force failed.

Officer Ashcraft stated lethal force was not an option, which affected the safety and security of officers and inmates alike.

Officer Ashcraft stated that he was taught to use deadly force if the inmate or the officer were in a position where they could not defend themselves, and life was in imminent jeopardy.

Officer Lunkwitz testified that the shotguns had an effective range of, with birdshot, 80-100 yards, with buckshot 70 yards, and slugs 120 yards.

Ms. Leathers stated the shotgun had an effective range of 38 yards with buckshot, 49 yards with birdshot, and 110 yards with slugs.

Lieutenant McKeehan stated that in his experience when the 40 mm was used it would leave a bruise or contusion on the person hit by the projectile, and it did not stop the aggression. At Ely, the option of deadly force was unavailable for the officers to do their due diligence in protecting the inmate being assaulted.

Lieutenant McKeehan stated another incident started by the officers telling inmates to lock up, and the inmates refused orders to lock up, and the incident had nothing to do with staff error, as the officers did not break protocol or policy.

Lieutenant McKeehan stated that he was unaware of lethal force devices being brought onto the yard by staff as a result of any inmate incidents in his 13 and a half years with NDOC, and that it would be problematic for staff to do so in a timely manner.

Lieutenant McKeehan stated he believed there needed to be a lethal force option to back up the less lethal force options at HDSP, and noted that not only would staff need to get lethal force from the armory at HDSP, there would be a need for staff to escort staff with the lethal force, a need to ensure the yard was locked down, and that in some cases it would take 10 minutes to get to certain places at HDSP, so that it would be about 15 minutes before the lethal force option could be deployed.

Lieutenant McKeehan stated that the incidents described earlier in the grievance only lasted a few minutes, and that the time it would take to respond with lethal weapons from the armory would be inadequate to respond to an immediate threat.

Lieutenant McKeehan stated that with respect to the stabbing at HDSP the proper protocol had been followed by staff, as it was a general population housing unit.

Lieutenant McKeehan stated that officers are human and will make mistakes, but regardless imminent loss of life could still exist where a lethal response was needed.

Officer Lunkwitz stated there were several NRS' in his packet, that these laws applied, and that officers had a responsibility to inmates and staff, and without the necessary tools the responsibilities could not be accomplished, and that a lethal force platform was necessary in each unit to support the other nonlethal tools.

Officer Lunkwitz stated that training had not been increased for the officers, and that at some point officers would not be able to carry out the response needed.

Ms. Leathers stated that with the new NDOC Director NDOC has put out training to address incident response use of force and had put out use of force manuals at NDOC institutions.

Ms. Leathers stated that the Emergency Response Committee has met on at least two occasions to go over each institution's emergency response manuals.

Ms. Leathers stated NDOC was not ignoring the need for adequate force at its facilities, it was simply looking at handling matters differently as a modern day correctional facility, and that NDOC was 20-30 years behind, and needed to be brought up to date on how issues were handled.

Chair Beigel began the deliberations.

Member Bauer asked Officer Lunkwitz about suggestions toward emergency response improvement and whether he had received communication regarding the consideration and application of those suggestions.

Officer Lunkwitz responded that he had not but clarified that the officers had received general feedback.

Lieutenant McKeehan stated he was aware of officers who made suggestions to the NDOC administration, and from there they needed to wait to see if the suggestions would be implemented by a change of policy.

Member Bauer asked Officer Lunkwitz if the issues had been addressed through public comment at a Board of State Prison Commissioners meeting.

Officer Lunkwitz responded, “not to my knowledge. . . .”

Lieutenant McKeehan stated he did not know if the issue had been addressed at Board of State Prison Commissioners meeting.

Member Bauer asked Ms. Leathers if NDOC had disseminated communication regarding the application of the suggestions by officers concerning safety to the board.

Ms. Leathers was unaware of where the suggestions by grievants were submitted and had not seen any suggestions come through the NDOC Director’s Office recently. She stated that the issue had not been on an agenda for discussion at a Board of State Prison Commissioners meeting under the new administration.

Ms. Leathers stated that the NDOC Director’s Office prepared the agenda for the Board of State Prison Commissioners meeting, presented it to the Governor, who has the final decision on what was in the meeting agenda.

Ms. Leathers added that she could recommend that the issue be a topic of discussion at a Board of State Prison Commissioners meeting.

Member Russell stated that she was deeply troubled by all of the information presented, and was inclined to grant the grievance, but due to Governor Sandoval’s directive there was no ability to override that directive.

Member Russell stated that she was struggling for a remedy, and that NDOC stating it was 20-30 years behind where it should be was concerning to her.

Member Russell stated she thought that the Board of State Prison Commissioners and the Governor should be made aware of the information presented in the hearing.

Member Thompson stated she agreed that the information was concerning, and agreed the matter needed to be moved forward, but that the EMC had no authority to do anything else.

Member Bauer stated that she agreed with the comments, and credited the grievants for understanding the EMC's remedies were limited, but thought that the EMC had jurisdictional authority to advise the Governor that the subject of the grievances involved serious issues that needed to be addressed in a more public manner, so that NDOC employees were aware of what was being considered and actions taken.

Member Bauer stated that she was inclined to grant the grievance in that the EMC advise the Governor and recommend NDOC conduct an independent study, and that such a study be conducted by subject matter experts on the best practices implemented by corrections institutions nationwide and on the best practices on the use of less than lethal and lethal force.

Chair Beigel stated that she liked the idea of having, if the grievances were granted, in the response that the subject matter needed to be put on an agenda of the Board of State Prison Commissioners meeting, if not in April 2021 then the one in May.

Ms. Leathers added that NDOC was requesting a staffing study as part of the 2022-23 biennium budget, and it was part of the Governor's recommended budget. She stated the staffing study could include whether tools NDOC was using were effective.

Officer Lunkwitz stated that any study should be independent of NDOC personnel.

Member Russell stated that she agreed with an independent study and that it would probably pull more weight and be more effective than anything done internally by State of Nevada staff.

Ms. Leathers added that the staffing study she had referred to earlier would be a study performed by an outside entity independent of State of Nevada staff, and that the staffing study was to see if there was appropriate staffing for the corrections environment.

Member Bauer stated that she did not know if a staffing study and a use of force study could fit together with one vendor, so she was unsure if that was appropriate or not, but knew from being an ASO in state service that if there were changes to the Governor's recommended budget it was a big deal but could be done.

Member Bauer stated she was unsure if the State Board of Prison Commissioners met monthly.

Ms. Leather stated that the Board of State Prison Commissioners had meetings scheduled in April, July, and October 2021.

Ms. Leathers stated that if the staffing study was approved NDOC would be able to start it in July 2021.

Member Russell stated that she believed there had been substantial information on the transporting of the more effective option of the lethal weapons, that there should be a way those could be secure in the premises of where they were needed to help reduce or eliminate the transportation issue with those weapons, but was unsure how to put that in a motion.

Member Russell stated she thought the fact that a weapon had to be transported from somewhere outside of the specific unit or secure bubble was a major problem, as the weapons were unavailable where they might be needed.

Member Russell wanted to get this information to both the Board of State Prison Commissioners and the Governor, and that was why the EMC was moving this grievance forward.

Member Bauer made a motion to grant Grievance No. 6847, by resolving that the EMC advise the Governor of the need for NDOC to complete an independent study on the use of force and available tools within NDOC. The EMC recommends NDOC be placed for the use of force topic on the April 2021 meeting of the State Board of Prison Commissioners so that it may be discussed while the Legislature is convened if budgetary action is deemed necessary.

Member Russell seconded the motion. The motion carried unanimously.

MOTION: Moved to grant grievance
BY: Member Bauer
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

7. Discussion and possible action related to Grievance of Paul Lunkwitz #6856, Department of Corrections – Action Item

Officer Lunkwitz stated that quite a few states across the county had OSHA issues with protecting their employees, and that prisons were no exception.

Officer Lunkwitz stated that the officers knew when they started that prisons were dangerous. He indicated that the bottom line was that birdshot did incapacitate inmates and helped stop violent incidents from taking place, and although the birdshot may not have stopped all violent incidents it stopped many more than the 40 mm launchers stopped.

Officer Lunkwitz stated the primary issue was not lack of tools, but that the officers did not have the tools that were in line with use of force regulations. He stated if someone read through AR 405, there were clearly outlined section on lethal force. That section dealt with the prevention of the loss of life, whether of staff or inmates.

Officer Lunkwitz stated in substance that the launchers NDOC had did not provide the capability to use lethal force when necessary.

Officer Lunkwitz stated an example of the incident that occurred in Ely, NV, where he stated in substance the 40 mm rounds were ineffective. Officer Lunkwitz stated in substance that violent incidents had only grown in number since the Ely incident in the fall of 2019.

Officer Lunkwitz stated that there was another incident where an officer was stabbed in the staff office at High Desert State Prison and stated that previously constructed grates at the unit control room where the officer with the launcher was stationed prevented the use of the 40 mm, as those grates were too small for the 40 mm launcher to fire down into the staff office, so when the officer was stabbed the control officer was rendered meaningless.

Officer Lunkwitz stated it was the same situation applied to the sally port, where the grates did not allow for the 40 mm launchers to be deployed down into those areas.

Officer Lunkwitz stated that if NDOC did not go back to the shotguns they needed a lethal force option available across the state.

Lieutenant McKeehan stated from a supervisory standpoint he was charged with maintaining the safety of staff at his institution, and so he needed to provide the tools so that staff could maintain their safety.

Lieutenant McKeehan stated that this past January they had two officers who were assaulted simultaneously, and the control officer fired the 40 mm launcher several times, and it did not stop the inmates from assaulting the officers, and that the incident did not stop until responding officers arrived and put themselves into harm's way, which to Lieutenant McKeehan was unacceptable.

Ms. Leathers stated that NDOC needed to obey the order provided by the Governor's Office in 2016, and the agency could provide what protocols had been implemented. She stated NDOC had implemented access to many less lethal tools when force was required to be used, such as an ASP baton, large MK 9, small MK 4, tasers, pepper spray and the high velocity 40 MM rounds, and multiple 40 mm launchers with a 6 round capacity.

Ms. Leathers also stated NDOC has also trained officers on each of these tools, according to Ms. Leathers. She stated that all institutional use of force incidents were reviewed at the institutional level and included all staff involved, which involved transparency, and helped officers understand the process while holding them accountable and allowing staff to make suggestions on relevant issues.

Ms. Leathers stated that NDOC had revised outdated policies and instituted new policies, some for the betterment of the agencies.

Ms. Leathers further stated that AR 405 was currently under review, which was NDOC's use of force policy.

Ms. Leather stated that all around the nation the use of force policies had come under great scrutiny, so NDOC was taking the time to make a thorough and accurate review of AR 405 to ensure that it met the requirements of the country as it related to the use of force and modern day corrections.

Ms. Leathers stated that with respect to one of the incidents referenced by Lieutenant McKeehan protocol was not properly followed, and the inmates had been improperly released from their cells without proper custody being available to assist.

Ms. Leathers stated that with Director Daniels coming on board, and his experience in corrections, NDOC had performed training at their facilities from the executive team down to the senior correctional officers on incident response techniques and less lethal options in dealing with inmate incidents.

Officer Lunkwitz called Officer Allen-Ricksecker as a witness.

Officer Allen-Ricksecker testified that he was assigned to HDSP and had worked there since August 7, 2000.

Officer Allen-Ricksecker stated that he was aware of the multiple incidents at Ely and had watched the footage of those incidents. He described the incident as the inmates forming a wall to defeat the officers' less lethal options.

Ms. Leathers objected to the testimony based on the fact that the EMC was a public meeting, and she was unsure if the information being shared

was public and for others outside of NDOC to be aware of, and did not know if it was relevant to what was occurring in the present grievance. Officer Lunkwitz responded that they were not using any names.

Ms. Leathers clarified and stated regardless of whether any names were being shared internal operations were being shared and information about the assault may not have been public information.

Officer Lunkwitz stated that the incident in Ely took place just prior to the grievance being filed, and that was the impetus of what led to his grievance, and the incident was described in the grievance.

Officer Lunkwitz stated that the timeliness issue was relevant, as the Ely incident prompted the grievance, as the issue was the ineffectiveness of the 40 mm rounds and how the Ely incident illustrated that ineffectiveness.

Officer Lunkwitz stated that he was not divulging any confidential information, and that is was discussion of an incident that they were all aware of without specifics.

Ms. Leathers withdrew the objection **but** stated that the way she understood the grievance process a grievant needed to file a grievance for themselves. Here the individuals who filed the grievances, Officer Lunkwitz and Lieutenant McKeehan, were not directly involved in the Ely incident, and she was concerned that the grievances were not specific to Officer Lunkwitz and Lieutenant McKeehan, but to NDOC's custody staff overall.

Officer Allen-Ricksecker stated that during the Ely incident inmates were struck with 40 MM launcher rounds and that the barrier between the inmate being assaulted and correctional staff remained in effect.

Ms. Leathers objected, noting that the particular incident that was being testified to be an active criminal case. It was unclear how, if at all, the testimony would impede any investigation, and Chair Beigel noted that even though the incident occurred at Ely and the Grievants did not work at Ely the Grievants were citing working conditions in their grievances, and so if everyone's guns were taken away the Ely incident was relevant in her mind.

Chair Beigel stated the objection was overruled.

Officer Allen-Ricksecker testified that it appeared the ultimate reason the inmate in the Ely incident stopped the assault was because he simply tired. At HDSP, in the control room there were grates over the staff office and sally port, and the grates were constructed with the idea of shotguns and revolvers in mind.

Officer Allen-Ricksecker stated that it was impossible to deploy the 40 mm rounds down into the office or sally port, as the size of the barrel, the round and the spacing in the grating prevented this. He further noted that with respect to the assault that occurred in the staff office, it was impossible for the control room officer to aid, other than radioing for assistance and being a witness.

Officer Allen-Ricksecker testified to other incidents where the 40 mm was ineffective in quelling disturbances at HDSP, and that there were areas of HDSP the launchers could not reach, and that there were isolated areas all over HDSP, and that the sheer size of HDSP prevented a rapid response to a scene, so the parties involved might have to fend for themselves for several minutes before a response arrived. There were large distances to be covered, and that carts had limited seating. If there was a timely response by the responding officers would be bringing the same tools that the officers on site would have, which was less than lethal force, and so the situation could be one where less than lethal force would be up again lethal force of inmates. He stated that the SN303's were not placed in the security posts where most of the officers worked on a daily basis.

Officer Allen-Ricksecker responded to cross-examination questions, stated that he had been assigned from time to time to search and escort, and it had been years since he had been permanently assigned to the position. He also stated that he was familiar with search and escort duties and had written several procedures at HDSP, had been there for nearly 21 years and had worked in all the positions there over time, and had trained officers working in different positions.

Officer Allen-Ricksecker stated that he was aware of an Emergency Response Management Committee that was formed within NDOC, and that he had submitted written comments in response to emergency management many times. Officer Lunkwitz objected to Ms. Leathers' line of questioning, for relevance.

Ms. Leathers responded that she was trying to show that while Grievants were indicating that working conditions had changed she was trying to show NDOC was making adjustments to working conditions to make sure they were safe for not only employees but inmates, as there was a constitutional requirement that inmate conditions be safe and humane, and was trying to show whether Grievants' information was current or outdated.

Chair Beigel stated the objection was overruled.

Officer Allen-Ricksecker stated that he had submitted countless suggestions and requests to improve operating and working conditions at HDSP and found it offensive that someone would suggest that re-introducing lethal options at HDSP would be inhumane.

Officer Allen-Ricksecker stated that with respect to officers receiving additional training, and less lethal tools, he saw no noticeable or measurable difference in training after the removal in 2016 of shotguns, and that the less lethal tools were not installed prior to the removal of the shotguns.

Member Russell asked Officer Allen-Ricksecker how the OC spray would compare to police officer issued pepper spray.

Officer Allen-Ricksecker responded the spray was identical. Sergeant Berry testified that he was a sergeant with the training division within NDOC and had worked for NDOC for 20 years; he was also a range-master and had been one for 15 years.

Sergeant Berry stated that he was familiar with the incident that occurred at Ely, and had seen the film footage, and agreed that the 40 mm launcher had been defeated in that instance.

Sergeant Berry stated in substance that the 40 mm rounds currently in use were mostly the rubber impact rounds, which were designed to prevent an inmate from continuing their violent acts; additionally, an OC round was used, which turned into a powder on impact and created dust like particles to irritate the inmate, and was similar to OC spray its effects.

Sergeant Berry testified that with respect to whether there were more effective rounds with respect to the launcher system, there were higher velocity rounds, and he testified that in his experience whether or not the launcher could stop a violent attack was contingent on how far away the inmate was, but was aware of many incidents where the 40 mm launcher was ineffective in stopping inmate attacks, whether against officers or other inmates.

Sergeant Berry stated that there were less lethal rounds than birdshot in the 12-gauge delivery system, including bean bags, rubber pellets and rubber blocks.

Sergeant Berry stated that there were other lethal options at HDSP, including a Glock 22 handgun and a Ruger mini 14. He also stated that with respect to the shotgun being able to fire lethal and less lethal ammunition, it had to be clear that any shotgun that fired less lethal rounds had to be color coded so only less lethal ammunition went into it.

Sergeant Berry testified that currently there was no lethal force option at HDSP, and that less lethal tools needed to be supported by a lethal option, as was standard for law enforcement across the country. Due to the size of HDSP and delayed response times according to Sergeant Berry HDSP needed a lethal force option in every unit at HDSP, and

working conditions were not as safe as they could be without the lethal force option.

Sergeant Berry stated that when NDOC transportation drove the bus transporting inmates those officers carried handguns, pepper balls, rifles, batons, tasers and OC, and that these tools were available to protect inmates from inmates, staff, and the public from inmates.

Sergeant Berry clarified that the 40 mm shot a rubber sponger round.

Sergeant Berry was asked if it was his job to kill inmates, which was objected to.

Ms. Leathers stated that the removal of the shotguns followed an incident at HDSP where officers shot an inmate with the shotgun, resulting in death.

Chair Beigel stated the objection was sustained.

Sergeant Berry stated that it was the job of the officers to protect both staff and inmates, and that it was not common for officers to use lethal force.

Sergeant Berry stated that the 40 mm was doing its job but was unable to accomplish every job for stopping threats, and the officers were limited by it, as it was the only tool the officers had to stop violent incidents.

Sergeant Berry stated that he felt the shotgun should be coupled with other less lethal options, as there was no one weapon that would solve all issues.

Sergeant Berry felt that lethal tools should not be the first option in stopping violent incidents, and should be the last option, but if the lethal option was unavailable that was creating an unsafe environment.

Sergeant Berry said that the Glock 40 was available at HDSP, but only inside the armories, and not inside the units where the inmates were. He stated that he was aware of Immediate Response training and thought that it should be added to the lethal [training].

Sergeant Berry stated that he looked into Arizona, California, Florida and Schenectady, NY and found that multiple agencies used shotguns with less lethal rounds; inside some housing units, rifles with frangible ammunition were used. There was no perfect option.

Sergeant Berry stated that he also instructed offices on the use of force and deadly force. Officers were authorized to use deadly force when another life was at immediate risk of being taken or their own life was at

immediate risk of being taken, and that the officers would have been justified in using deadly force during the Ely incident with the intent of stopping the inmate.

Sergeant Berry stated that HDSP had lethal options available, but the distance and the proximity of the lethal weapons the officers had in relationship to an incident that could occur in a unit was too far, as there were no longer any lethal options in the housing units, as the lethal options were in the armory or in a designated tower.

Sergeant Berry stated that the Glock handgun and Mini 14 were generally deployed for transportation runs, assigned to a tower, or used to reacquire an escaped inmate. If a lethal force option needed to be moved Sergeant Berry stated moving the lethal tool was problematic.

Sergeant Berry said that to bring a weapon across the yard the officer would have to ensure there were no inmates on the yard, meaning the institution had to be locked down and that there was a clear path to the incident. He stated a significant amount of time might elapse before the lethal force option could be deployed where it was needed, and that it was likely a loss of life would result.

Sergeant Berry stated that with respect to housing units, the maximum distance a weapon could be used would be 35-40 yards; outside, in the small yards, the distance could be up to 70 yards. The effective range of the rounds for the 40 mm launchers, was 80'.

Officer Ashcraft testified that he had worked for NDOC for 21 and a half years, and had worked at multiple institutions, including HDSP, for 18 years. He stated with respect to the 912 Quad, there was approximately 100 yards between Unit 12 and Unit 10, straight across. If there was an incident, the 40 mm round would be ineffective when used on an inmate who had an adrenaline flow going. The gun posts at the 912 Quad were 20-30' above the ground, so that unless an incident took place directly below a gun post, the 40 mm would be ineffective in stopping any incident.

Officer Ashcraft stated that the control officer could not deploy the 40 mm down into the sally port, although there were no grates to allow even a shotgun to shoot into the sally port.

Officer Ashcraft further testified that he did not have direct knowledge on the 40 mm launchers being ineffective, but had seen on video multiple instances happen where the launches had been ineffective due to inmate adrenaline flow, and that the 40 mm did not have a large impact in stopping incidents.

Officer Ashcraft also stated that if all nonlethal force failed to stop an incident lethal force would be needed, and lethal force was needed to

support nonlethal force in the event non-lethal force failed. Currently, lethal force was not an option, which affected the safety and security of officers and inmates alike.

Officer Ashcraft stated that he was taught to use deadly force if the inmate or the officer were in a position where they could not defend themselves, and life was in imminent jeopardy.

Officer Lunkwitz stated that the shotguns had an effective range of, with birdshot, 80-100 yards, with buckshot 70 yards, and slugs 120 yards.

Ms. Leathers stated shotguns had an effective range of 38 yards with buckshot, 49 yards with birdshot, and 110 yards with slugs.

Lieutenant McKeehan testified that in his experience when the 40 mm was used it would leave a bruise or contusion on the person hit by the projectile, and it did not stop the aggression.

Lieutenant McKeehan stated at Ely, the option of deadly force was unavailable for the officers to do their due diligence in protecting the inmate being assaulted. He stated another incident started by the officers telling inmates to lock up, and the inmates refused orders to lock up, and the incident had nothing to do with staff error, as the officers did not break protocol or policy.

Lieutenant McKeehan stated that he was unaware of lethal force devices being brought onto the yard by staff as a result of any inmate incidents in his 13 and a half years with NDOC, and that it would be problematic for staff to do so in a timely manner.

Lieutenant McKeehan also believed there needed to be a lethal force option to back up the less lethal force options at HDSP, and noted that not only would staff need to get lethal force from the armory at HDSP, there would be a need for staff to escort staff with the lethal force, a need to ensure the yard was locked down, and that in some cases it would take 10 minutes to get to certain places at HDSP, so that it would be about 15 minutes before the lethal force option could be deployed.

Lieutenant McKeehan stated that the incidents described earlier in the grievance only lasted a few minutes, and that the time it would take to respond with lethal weapons from the armory would be inadequate to respond to an immediate threat.

Lieutenant McKeehan stated that with respect to the stabbing at HDSP the proper protocol had been followed by staff, as it was a general population housing unit.

Lieutenant McKeehan testified that officers are human and will make mistakes, but regardless imminent loss of life could still exist where a lethal response was needed.

Officer Lunkwitz stated there were several NRS' in his packet, that these laws applied, and that officers had a responsibility to inmates and staff, and without the necessary tools the responsibilities could not be accomplished, and that a lethal force platform was necessary in each unit to support the other nonlethal tools.

Officer Lunkwitz also argued that training had not been increased for the officers, and that at some point officers would not be able to carry out the response needed.

Ms. Leathers stated that with the new NDOC Director NDOC has put out training to address incident response use of force and had put out use of force manuals at NDOC institutions.

Ms. Leathers stated that the Emergency Response Committee has met on at least two occasions to go over each institution's emergency response manuals.

Ms. Leathers stated NDOC was not ignoring the need for adequate force at its facilities, it was simply looking at handling matters differently as a modern day correctional facility, and that NDOC was 20-30 years behind, and needed to be brought up to date on how issues were handled.

Chair Beigel called for board deliberations.

Member Bauer asked Officer Lunkwitz about suggestions toward emergency response improvement and whether he had received communication regarding the consideration and application of those suggestions.

Officer Lunkwitz responded that he had not but clarified that the officers had received general feedback.

Lieutenant McKeehan stated he was aware of officers who made suggestions to the NDOC administration, and from there they needed to wait to see if the suggestions would be implemented by a change of policy.

Member Bauer asked Officer Lunkwitz if the issues had been addressed through public comment at a Board of State Prison Commissioners meeting.

Officer Lunkwitz responded, "not to my knowledge. . . ."

Lieutenant McKeehan stated that he did not know if the issue had been addressed at Board of State Prison Commissioners meeting.

Member Bauer asked Ms. Leathers if she or NDOC had disseminated communication regarding the application of the suggestions by officers concerning safety.

Ms. Leathers stated she was unaware of where the suggestions by Grievants were submitted and had not seen any suggestions come through the NDOC Director's Office recently.

Ms. Leathers stated that the issue had not been on an agenda for discussion at a Board of State Prison Commissioners meeting under the new administration.

Ms. Leathers stated that the NDOC Director's Office prepared the agenda for the Board of State Prison Commissioners meeting, presented it to the Governor, who has the final decision on what was in the meeting agenda.

Ms. Leathers stated that she could recommend that the issue be a topic of discussion at a Board of State Prison Commissioners meeting.

Member Russell stated that she was deeply troubled by all of the information presented, and was inclined to grant the grievance, but due to Governor Sandoval's directive there was no ability to override that directive.

Member Russell stated that she was struggling as far as a remedy, and that NDOC stating it was 20-30 years behind where it should be was concerning to her.

Member Russell thought that the Board of State Prison Commissioners and the Governor should be made aware of the information presented.

Member Thompson agreed that the information was concerning, and agreed the matter needed to be moved forward, but that the EMC had no authority to do anything else.

Member Bauer stated that she agreed with the comments, and credited the Grievants in understanding the EMC's remedies were limited, but thought that the EMC had jurisdictional authority to advise the Governor that the subject of the grievances involved serious issues that needed to be addressed in a more public manner, so that NDOC employees were aware of what was being considered and actions taken.

Member Bauer stated that she was inclined to grant the grievance in that the EMC advise the Governor and recommend NDOC conduct an independent study, and that such a study be conducted by subject matter experts on the best practices implemented by corrections institutions nationwide and on the best practices on the use of less than lethal and lethal force.

Chair Beigel stated that she liked the idea of having, if the grievances were granted, in the response that the subject matter needed to be put on an agenda of the Board of State Prison Commissioners meeting, if not in April 2021 then the one in May.

Ms. Leathers added that NDOC was requesting a staffing study as part of the 2022-23 biennium budget, and it was part of the Governor's recommended budget.

Ms. Leathers stated the staffing study could include whether tools NDOC was using were effective.

Officer Lunkwitz stated that any study should be independent of NDOC personnel.

Member Russell stated that she agreed with an independent study and that it would probably pull more weight and be more effective than anything done internally by State of Nevada staff.

Ms. Leathers stated that the staffing study she had referred to earlier would be a study performed by an outside entity independent of State of Nevada staff, and that the staffing study was to see if there was appropriate staffing for the corrections environment.

Member Bauer stated that she did not know if a staffing study and a use of force study could fit together with one vendor, so she was unsure if that was appropriate or not, but knew from being an ASO in state service that if there were changes to the Governor's recommended budget it was a big deal but could be done.

Member Bauer stated she was unsure if the State Board of Prison Commissioners met monthly.

Ms. Leather stated that the Board of State Prison Commissioners had meetings scheduled in April, July, and October 2021. She also stated that if the staffing study was approved NDOC would be able to start it in July 2021.

Member Russell stated that she believed there had been substantial information on the transporting of the more effective option of the lethal weapons, that there should be a way those could be secure in the premises of where they were needed to help reduce or eliminate the transportation issue with those weapons, but was unsure how to put that in a motion.

Member Russell stated she thought the fact that a weapon had to be transported from somewhere outside of the specific unit or secure bubble was a major problem, as the weapons were unavailable where they might be needed.

Member Russell stated she wanted to get this information to both the Board of State Prison Commissioners and the Governor, and that was why the EMC was moving this grievance forward.

Member Bauer made a motion to grant Grievance No. 6856, by resolving that the EMC advise the Governor of the need for NDOC to complete an independent study on the use of force and available tools within NDOC. Further, the EMC recommended NDOC place the use of force topic on the April 2021 meeting of the State Board of Prison Commissioners so that it may be discussed while the Legislature is convened if budgetary action is deemed necessary.

Member Russell seconded the motion.

The motion carried unanimously.

MOTION: Moved to grant grievance #6856
BY: Member Bauer
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

8. Discussion and possible action related to Grievance of Jonathan Allen-Ricksecker #6817. Department of Corrections – Action Item

Chair Beigel opened discussion for grievance #6817 Jonathan Allen-Ricksecker, noting it was similar to grievance #6861 for John Roop.

Member Russell stated she thought it was very similar to the grievances heard earlier in the hearing.

Member Bauer stated she was ready to present a motion to grant grievance #6817 for Jonathan Allen-Ricksecker without a hearing based on the EMC's prior decision on grievances #6847 and #6856 heard on March 04, 2021 EMC.

Member Russell stated she seconded motion.

Chair Beigel asked for discussion before the vote.

Chair Beigel states each vote per member.
Chair Beigel states The motion carried unanimously.

MOTION: Moved to grant grievance based on #05-21 Lunkwitz, and #07-21 McKeehan.
BY: Member Bauer
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

9. Discussion and possible action related to Grievance of John Roop #6861. Department of Corrections – Action Item

Chair Beigel opened discussion for grievance #6861 John Roop.

Member Bauer stated she was ready to present a motion to grant grievance #6861 for John Roop without a hearing based on the EMC's prior decision on grievances #6847 and #6856 heard on March 04, 2021 EMC.

Member Russell stated she seconded motion.

Chair Beigel asked for discussion before the vote.

Chair Beigel states each vote per member.

Chair Beigel states The motion carried unanimously.

MOTION: Moved to grant grievance based on #05-21 Lunkwitz, and #07-21 McKeehan.

BY: Member Bauer

SECOND: Member Russell

VOTE: The vote was unanimous in favor of the motion.

10. Public Comment

Mr. Allen-Ricksecker stated he wanted to thank the committee for hearing his issue and he appreciated the boards time; it meant a great deal to him and his co-workers.

Ms. Leathers stated she wanted to thank the board for their time to help resolve their issues.

11. Adjournment

Chair Beigel called the meeting to order at approximately 12:32 pm.