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**NEVADA BOARD OF PAROLE COMMISSIONERS**

**MINUTES**

**May 28, 2020**

**1:00 pm**

**NOTE: The following minutes have not been approved and are subject to revision at the next meeting of the Board.**

The Board of Parole Commissioners held a public meeting on May 28, 2020, beginning at 1:00 PM at the following locations:

Conference room at the central office of the Board of Parole Commissioners, located at 1677 Old Hot Springs Road, Ste. A, Carson City, NV and video conference at the Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

**I. Open Meeting, call to order, roll call 1:00 PM.**

The meeting was called to order by Chairman DeRicco. Present in Carson City were Chairman DeRicco, Commissioner Corda, Commissioner Baker and Commissioner Jackson. Present in the Las Vegas office were Commissioner Keeler, Commissioner Christiansen, and Commissioner De La Torre.

**Support staff in attendance:**

Darla Foley, Executive Secretary  
Mary Flores, Administrative Assistant III  
Kathi Baker, Management Analyst III  
Debra Hausman, Management Analyst I

**Members of the public present in Carson City included:**

Katie Brady, Deputy Attorney General  
Paul Corrado  
Nick Shepach

**Members of the public present in Las Vegas included:**

Ariel Ashtamker, ACLU of NV

**II. Public Comment.** No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

## **Workshops for Proposed Regulations on NRS 213.12155, NRS 213.632, and NRS 233B.100**

May 28, 2020

### ***Overview of Workshops***

A public workshop was held on Thursday, May 28, 2020, beginning at 1:00 PM at the office of the Board of Parole Commissioners (Board) located at 1677 Old Hot Springs Rd, Ste. A, Carson City, Nevada and video-conferenced to the office of the Parole Board located at 4000 S. Eastern Ave, Ste 130. Las Vegas, Nevada. The workshops were held as agenda item III on the Board's regularly schedule public meeting. No action was taken on this agenda item, as it was a workshop.

Board Members in attendance in the Carson City office:

Chairman DeRicco  
Commissioner Corda  
Commissioner Baker  
Commissioner Jackson

Board Members in attendance in the Carson City office:

Commissioner Christiansen  
Commissioner De La Torre  
Commissioner Keeler – Absent excused

Support staff in attendance:

Darla Foley, Executive Secretary  
Mary Flores, Administrative Assistant III  
Katherine Baker, Management Analyst III  
Debra Hausman, Management Analyst I

Members of the public present in Carson City included:

Katie Brady, Deputy Attorney General  
Paul Corrado  
Nick Shepach

Members of the public present in Las Vegas included:

Ariel Ashtamker, ACLU of NV

### **II Public comment - Las Vegas**

No public comment.

### **Public comment – Carson City, NV**

Paul Corrado

Comments by Paul G. Corrado

Mr. Corrado's comments were presented to the Board as part of the Item III on the agenda for the referenced meeting:

1. Process: Is there any input from the person or persons who will be directly affected by the regulations you promulgate? If not, why not? This would include, but not be limited to, inmates and NVDOC staff, both of whom would be at risk of retaliation without a Union Rep. in the case of staff.
2. Assumption: These regulations are intended to facilitate the release of inmates over 65. Since this is indeed the case, what special considerations will be made to accommodate the requirements of persons with limited mobility, behavior health issues, costly meds and matriculation back into society?
3. What special provisions will be made to accommodate U.S. Veterans who qualify for this special parole category. How will Veteran's issues be addressed, both physical and mental? Can they be sent to a VA facility with a pre-existing condition? How will this and other Veteran's issues be addressed, including, but not limited to, housing, medical treatment, meds, clothes, food, etc.
4. What safeguards will be in place to assure that post parole, a released person will not become homeless? If a person does not have 40 quarters of Social Security Payments, and therefore is not eligible for Medicare, what provisions are in place to ensure the health, safety and general welfare of both the released person, and society at large? Is not one of your goals to reduce victimization?
5. If an inmate does not wish to be paroled, do they have the option to stay incarcerated, and receive the medical attention granted to them? Since NRS 213.12155 states in part, "2. Consideration for geriatric parole may be initiated. . . from: (a) a prison official or employee;" if an inmate meets the criteria for release identified in the law, she/he may be forced from prison. This is reminiscent of the days gone by when an inmate was released, given \$50, and dropped off in front of a liquor store in Reno.
6. What safeguards are in place, if any, to prevent the State of Nevada from paroling an inmate simply to save the cost of treating the inmate's infirmities? Or perhaps their new offense is now contracting COVID 19 virus while incarcerated.  
This Board is one of the last places an inmate and society can benefit from the release of non-violent inmates. What regulations you put into place to help these people achieve their potential to become productive, tax paying, happy citizens again is important work and I would like to thank you for all the effort you put in.

### **Workshop:**

The purpose of a workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation:

### **Topic 1:**

The Board to discuss adding to its regulations pursuant to NRS 213.12155, which established a system for geriatric parole for inmates that meet the required criteria; application; hearing; considerations; determinations; and providing other matters properly relating thereto;

Kathi Baker, Management Analyst III facilitated each topic presented in the workshops and provided that the first workshop discussion would be on legislative changes to NRS 213.12155, Geriatric Parole, which has an effective date of July 1, 2020. This proposed regulation creates a form for the application of geriatric parole and includes verification from the Department of Corrections that the inmate meets the criteria for geriatric parole. If the inmate meets the criteria

as verified by the Department, then the inmate will be placed on the next available parole eligibility list and a parole hearing will be conducted.

Public comment - Las Vegas

No public comment.

Public comment – Carson City, NV

No additional public comment

## ***Summary of Testimony***

Chairman DeRicco provided that the perfect language for the proposed regulation is not needed and explained that once the proposed regulation is approved by the Board, the proposed regulation will be sent to the Legislative Counsel Bureau (LCB) for review and re-write for the Board to adopt at a later date. Chairman DeRicco stated he previously reviewed the forms created for the proposed regulation and provided that the Nevada Department of Corrections (NDOC) provided input on and agreed with the forms.

Commissioner Corda stated that he had no concerns and felt that the proposed regulation was well written. Commissioner Baker stated that number five of the proposed regulation says the geriatric parole hearing would be conducted in the same general manner as other parole hearings and questioned if victims would be accommodated as well. Chairman DeRicco confirmed that victims would be accommodated in the same manner. There were no further comments regarding the proposed regulation on Geriatric Parole.

Chairman DeRicco addressed the application form and Commissioner Corda asked for clarification with regards to whether the inmate has been convicted of a crime against a child and asked if that meant if the inmate was ever convicted of that crime. Chairman DeRicco clarified that it meant if the inmate was ever convicted of a crime of violence, crime against the child, the sexual offense, vehicular homicide, etc.; Chairman DeRicco provided that in order to qualify per statute, the inmate can never have that conviction. Chairman DeRicco provided there are fewer than 10 inmates that qualify for geriatric parole. There were no more comments on the application for geriatric parole.

Chairman DeRicco provided that the verification form would be sent to NDOC for verification that the inmate qualifies for geriatric parole. Katie Brady of the Attorney General's Office (AG) pointed out that the agenda item regarding the proposed regulation for Geriatric Parole doesn't cover making any decisions on the forms and that the forms would need to be discussed at the next hearing. Ms. Brady provided that the agenda item is just for the proposed regulation and not the forms.

<b>Motion:</b>	<b>Approve the proposed draft regulation made today in reference to NRS 213.12155 for submittal to the LCB for review, examination and if appropriate, language revision.</b>
<b>Made:</b>	<b>Chairman DeRicco</b>
<b>Seconded By:</b>	<b>Commissioner Jackson</b>
<b>Votes in Favor:</b>	<b>DeRicco, Jackson, Baker, Corda, De La Torre, Christiansen,</b>
<b>Votes Opposed:</b>	<b>None</b>
<b>Results:</b>	<b>Motion Passed</b>

## **Topic 2:**

The Board to discuss adding to its regulations pursuant to NRS 213.632, which established a system for persons who are ordered to participate in and complete a correctional program and reimburse the Department of Corrections and the Division for the cost of their participation in a correctional program, to the extent of their ability to pay; and providing other matters properly relating thereto;

Kathi Baker, Management Analyst III provided that the next workshop is the proposed regulation for NRS 213.632 which relates to reimbursement to the Department of Corrections and the Division of Parole and Probation (Division) from a person ordered to participate in and complete a correctional program. If a parolee participates in a correctional program, the Board will require, as a condition of parole, that the parolee reimburse the NDOC and the Division for the cost of his or her participation, to the extent of their ability to pay.

Chairman DeRicco provided background as to why this item was placed on the agenda. Chairman DeRicco provided that he had to complete a project prior to a presentation before the Sunset Subcommittee back in February of this year. One of the items requested on this project was for Chairman DeRicco to list out the sections of interest that authorize or require the Board to adopt regulations and sections of the Nevada Revised Statutes (NAC) that contain the Board's regulations. Chairman DeRicco provided that he discovered that the Board did not have a regulation for NRS 213.632 which was amended in the 2013 Legislative Session.

The heading for this statute is entitled "referral of prisoner or parolee to be considered for participation in correctional program participation as a condition of parole considerations, regulation and limitations." Chairman DeRicco provided that the lack of a regulation appears to have been an oversight and noted that there is a very similar statute which is in NRS 213.625.

Commissioner Corda suggested the language "by the Department of Corrections" to be added after "participation in a correctional program as ordered: to eliminate any voluntary programs that an inmate might have to pay in order to participate. The statute reads that "the Board shall adopt regulations requiring persons who are ordered to participate in and complete a correctional program pursuant to this section to reimburse the Department of Corrections and the Division for the cost of their participation in a correctional program, to the extent of their ability to pay."

Katie Brady (AG) suggested adding "as ordered by the Board. Chairman DeRicco read the proposed regulation with the suggested language. "The Board will require as a condition of parole, that the parolee reimburse the Department of Corrections and the Division for the cost of his or her participation in a correctional program, as ordered by the Board, to the extent of the

parolees ability to pay as determined by the Department of Corrections and the Division.” There were no other comments.

<b>Motion:</b>	<b>Approve the proposed draft regulation changes made today in reference to NRS 213.632 for submittal to the LCB for review, examination and if appropriate, language revision.</b>
<b>Made:</b>	<b>Commissioner Baker</b>
<b>Seconded By:</b>	<b>Commissioner Corda</b>
<b>Votes in Favor:</b>	<b>DeRicco, Jackson, Baker, Corda, De La Torre, Christiansen,</b>
<b>Votes Opposed:</b>	<b>None</b>
<b>Results:</b>	<b>Motion Passed</b>

### **Topic 3:**

The Board to discuss adding to its regulations pursuant to NRS 233B.100, which established a system for any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments on a form developed by the Board; and providing other matters properly relating thereto.

Kathi Baker, Management Analyst III provided that the next workshop is the proposed regulation for NRS 233B.100, which provides that any person may petition the Board for the adoption, filing amendment or repeal of any regulation. This proposed regulation creates a petition form and the items required on the form.

Chairman DeRicco provided that Katie Brady, DAG indicated to him that the Board needs to adopt a regulation with regards to NRS 233B.100. Ms. Brady provided that later on this meeting agenda, the Board will be dealing with a petition that would have been filed under this regulation had it existed at the time of the submission of the petition. Ms. Brady provided that this statute was enacted in 1965 and it appears that only six entities have adopted the regulation. Ms. Brady provided that because this regulation wasn't in place, the Board accepted Mr. Quintero's petition on whatever form he wanted to provide so that it could meet the requirements of the statute. Ms. Brady provided that this proposed regulation would formalize the process going forward for individuals to be able to challenge or ask for new regulations.

Chairman DeRicco asked Ms. Brady if the Board was able to approve the form that is part of this regulation and Ms. Brady stated she did not believe the agenda item would cover the approval of the form, but suggested once the proposed regulation is returned from LCB, then the form could be put on an agenda for approval.

There was no public comment.

Commissioner Corda questioned the proposed regulation language that states that the Board shall “notify the petitioner in writing of the Board’s decision regarding the petition within 30 days after the date when the petitioner filed a petition.”. He felt that there might be a period of time for discussion regarding the petition. Ms. Brady (AG) provided that the statute states the petitioner will be notified within thirty days of receipt of the petition.  
No further comment.

<b>Motion:</b>	<b>Approve the proposed draft regulation made today in reference to NRS 21233B.100 for submittal to the LCB for review, examination and if appropriate, language revision.</b>
<b>Made:</b>	<b>Chairman DeRicco</b>
<b>Seconded By:</b>	<b>Commissioner Christiansen</b>
<b>Votes in Favor:</b>	<b>DeRicco, Jackson, Baker, Corda, De La Torre, Christiansen,</b>
<b>Votes Opposed:</b>	<b>None</b>
<b>Results:</b>	<b>Motion Passed</b>

Public comment – Carson City

No public comment

Public comment - Las Vegas

No public comment.