

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
TONY CORDA, *Member*
MARY K. BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA

STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste.130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

**Meeting of the
Board of Parole Commissioners
December 31, 2020**

MINUTES APPROVED ON January 28, 2021

The Board of Parole Commissioners held a public meeting on December 31, 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, and Commissioner Baker. Present in the Las Vegas office were Commissioner Christiansen, Commissioner Verchio, and Commissioner Bailey. Commissioner Jackson was absent.

Attorney General Katie Brady present telephonically.

Support staff in attendance:

Darla Foley, Executive Secretary
Mary Flores, Administrative Assistant III

Members of the public present in Carson City included:

None

Members of the public present in Las Vegas included:

None

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.

Public comment – Carson City, NV

Chairman DeRicco welcomed Commissioner Lamicia Bailey to the Board.

Public comment – Las Vegas, NV
No public comment.

- III. **For possible action:** Review/Approval of minutes from the October 29, 2020, Board meeting.

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| Motion: | Approve the minutes from the October 29, 2020. |
| Made: | Commissioner Baker |
| Seconded By: | Commissioner Corda |
| Votes in Favor: | DeRicco, Corda, Baker, Christiansen, Verchio, Bailey |
| Votes Opposed: | None |
| Results: | Motion passed |

- IV. **For possible action:** The Board will discuss and may take action to update/modify the “Operation of the Board” document that outlines the procedural functioning of the Board. This document may be updated and modified in the future as needed.

Chairman DeRicco opened this agenda item by reminding the Board that this is an ongoing process that will have final approval by the Board after all the revisions are complete. The Board discussed proposed grammatical changes to the Code of Ethics for review and approval at a subsequent meeting.

The Board moved on to review the SPECIAL CONDITIONS section of the Operation of the Board. The Board discussed changing title to “STANDARD/SPECIAL CONDITIONS”. The Board also discussed potential additional changes:

Paragraph (1) changes to add “Additions to these standard conditions of parole may occur, or they may be modified, or deleted, as necessary, with the approval of a majority of the Board, at a public meeting”.

Paragraph (2) changes to include “Additions to this list of special conditions or parole may occur, or they may be modified, or deleted, as necessary, with the approval of a majority of the Board, at a public meeting.

Paragraph (3) change to, place informant information under a new “INFORMANT” section, this new section to read “Because parolees are occasionally requested by law enforcement officials to act as informants, or participate in an undercover capacity, parolees may be exposed to a detrimental environment and/or associates. As such, the Board directs that parole officers be instructed to prohibit parolees under their supervision from acting as informants or participating in an undercover capacity for law enforcement agencies, without the approval of the Chief of the Division of Parole and Probation.

Commissioner Christiansen suggested that the word “confidential” be added to informants. Commissioner Bailey noted that “the Chief of P&P informs the Board in writing” was missing from the suggested new wording. Chairman DeRicco confirmed that this statement is marked for removal to allow the Chief of the Division of Parole and Probation to determine supervision roles.

Paragraph (3) changes to read “All standard and special conditions imposed on offenders granted parole to the community shall also apply to earlier granted paroles that remain on active status.”

The Chairman moved on to the next section “BOARD COMMUNICATIONS”. Chairman DeRicco suggests grammar changes to Section (2) and (6) and to add “and when ordered by the court.” to Paragraph (5) concerning protected information submitted by a victim.

The Board then moved on to the section “VIOLATION HEARINGS IN ABSENTIA (NRS 213.15187/AB80)”. Chairman DeRicco introduced the new proposed language to paragraph (1): “If a parolee is convicted of and incarcerated for a new crime in a jurisdiction outside of Nevada (federal, out of state, tribal, etc.), the time during which the prisoner is incarcerated in the other jurisdiction is not time served on his or her term of imprisonment in this state, until the completion of the sentence imposed in the other jurisdiction”

Chairman DeRicco summarized the Board’s current process for In Absentia Parole Violation hearings.

Chairman Corda suggested that the Board include sentences inside the state of Nevada not served within the Department of Corrections.

Chairman Christiansen suggested to add “outside the jurisdiction of the Parole Board.”

Chairman DeRicco read the suggested changes to paragraph (2): “Upon notification of a new conviction outside the jurisdiction of the Nevada Board of Parole Commissioners, the Division of Parole and Probation will provide any pertinent documents to the parolee and advise them of their rights. Upon receipt of a signed waiver, the Division of Parole and Probation will schedule a parole violation hearing as soon as practical, the timing of which should not exceed 60 days from the date of receipt of the signed waiver.”

Chairman DeRicco read the suggested changes to paragraph (3): “If the parolee waives their right to an in-person violation hearing, the Board may:

- a. Take action to revoke the parole of the prisoner immediately and allow the time during which the prisoner is incarcerated in the other jurisdiction to be time served on his or her imprisonment term in this state;
- b. Take action to revoke the parole of the prisoner at a later date that the Board specifies and allow the time during which the prisoner is incarcerated in the other jurisdiction after the date on which parole is revoked to be time served on his or her imprisonment in this state;
- c. Take action to continue the parole of the prisoner immediately and allow the parole of the prisoner to run concurrently with the time served in the other jurisdiction;
- d. Take action to continue the parole of the prisoner at a later date that the Board specifies and allow the parole of the prisoner to run concurrently with the time served in the other jurisdiction after the date on which parole is continued; or
- e. Take no action at all. If the Board chooses to take no action, the parolee will not earn time on the Nevada sentence and will be scheduled to appear before the Board for a Parole Violation Hearing within 60 days of their return to the NDOC.”

Chairman DeRicco read the suggested changes to paragraph (4): “Once the Board has determined the appropriate action, the Division of Parole and Probation will advise the parolee of the Board’s decision and provide a copy of the Board’s action to the parolee.”

Chairman DeRicco read the suggested changes to paragraph (5): “If the parolee refuses to sign a waiver, they will be scheduled for a Parole Violation Hearing within 60 days of being returned to the custody of NDOC.”

Commissioner Corda suggested adding wording to address when or how the parolee would be supplied a waiver.

Chairman DeRicco stated that the Nevada Division of Parole and Probation should provide the waiver as “pertinent information” as referred to in paragraph (2). Chairman DeRicco suggested, for clarification, that paragraph (5) should be added to the end of paragraph (2).

The Board moved on to review the PROCEDURAL DUE PROCESS section. Chairman DeRicco stated that there are no suggested changes to the handout, and it will be added to the Operation of the Board as submitted and asked if there was any comment or suggested changes from the Board. Chairman Baker asked if this document would be added in its entirety. Chairman DeRicco stated that it would replace the information currently under the due process section. The Board had no further suggestions or comment concerning this section.

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| Motion: | Approve the Procedural Due Process section of the Operation of the Board manual as attached. |
| Made: | Chairman DeRicco |
| Seconded By: | Commissioner Baker |
| Votes in Favor: | DeRicco, Corda, Baker, Christiansen, Verchio, Bailey |
| Votes Opposed: | None |
| Results: | Motion passed. |

- V. **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.

Public comment – Carson City, NV

Chairman DeRicco stated that Commissioner Corda would be retiring next week and thanked him for his service with the Board.

Katie Brady wished Commissioner Corda luck. She reminded the commissioners that she is available for any questions that may come up concerning interpretation of law.

Public comment – Las Vegas, NV

Chairman Christiansen wished Commissioner Corda a happy retirement.

- VI. **For possible action:** The Board may act to adjourn the meeting.

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| Motion: | To adjourn the December 31, 2020 meeting of the Nevada Board of Parole Commissioners |
| Made: | Commissioner Corda |
| Seconded By: | Chairman DeRicco |

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| Votes in Favor: | DeRicco, Corda, Baker, Christiansen, Verchio, Bailey |
| Votes Opposed: | None |
| Results: | Motion passed |