

MINUTES  
Of the meeting of the  
BOARD OF PAROLE COMMISSIONERS  
March 12, 2012

**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 March 12, 2012, beginning at 4:00 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 video conference to Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

**I. Open Meeting, Call to order, roll call 4:00 p.m.**

The meeting was called to order by Chairman Bisbee. Present in Carson City were Commissioner Corda, Commissioner Endel and Commissioner Jackson. Present in Las Vegas were Chairman Bisbee, Commissioner Keeler, Commissioner Silva and Commissioner Gray.

Support staff in attendance:

David Smith, Hearing Examiner II  
Denise Davis, Executive Secretary  
Lupe Garrison, Hearing Examiner I  
Julie Tower, Attorney General's Office

Members of the public present in Carson City included:

Tonya Brown  
Richard Davis  
Wesley Goetz

Members of the public present in Las Vegas included:

Laurie Johnson

**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.**

Chairman Bisbee asked any member of the public that would like to make comments regarding anything other than the items listed on the agenda to come forward and limit their comments to 3 minutes. Chairman Bisbee reminded public that no action can be taken under this item.

Public comment – Carson City, NV

Tonya Brown expressed her complaint with the agenda for this meeting. She acknowledged the agenda states that written comments for the record has to be received by the Parole Board no later than March 7, 2012 and she declared that she did not receive the agenda until after that date. She also questioned item IV of the agenda. Chairman Bisbee explained that she would have time to express

herself when they were on that item number. Ms. Brown questioned rules 5 and 6 on the parole agreement regarding steel toe work boots. Chairman Bisbee affirmed that was also an agenda item and she would have time to express her concerns once they were on that item number. Ms. Brown explained that in 2007 there was a malfunction with the Nevada Department of Corrections (NDOC) which put false charges on the record of inmates that lead to inmates being denied. She stated Nolan Klein and Randall Brewer were some of the many inmates affected by this error. Chairman Bisbee advised Ms. Brown that she exceeded her time limit.

Patrick Davis stated he had attended many of the Board's meetings and workshops and that the Board does not give the public Due Process or the ability to ask questions or receive information during the hearings. Mr. Davis explained that it seems like to him that many of the Board's regulations including today's proposed changes do not meet Constitutional muster. Chairman Bisbee once again explained that the item regarding the regulations is a specific agenda item and he will be given the opportunity to address the regulations at that time. Mr. Davis stated that the Board does not understand Due Process nor does it allow for it and he questions the Board's training acting in a Quasi Judicial body.

Wesley Goetz relayed that he believes the Tier Assessments for Sex Offenders in Nevada are not scientifically done. Mr. Goetz declared that he also believes that treatment while in prison should lower the Tier Assessment score. He then stated that he tried to appeal his Tier Level and the panel told him they were only following their guidelines. Mr. Goetz stated was told by the Tier Assessment panel that he would need to get this change through the Legislative. Mr. Goetz explained that he believes Nevada should follow California's scientific Tier Assessment. He continued by stating Nevada's Tier Assessment should be validated and then re-validated by the courts. Chairman Bisbee explained that he would need to contact the Sex Offender Repository on this issue. Chairman Bisbee notified Mr. Goetz that his time was up for public comment.

#### Public comment – Las Vegas

No comment was made.

### **III. For possible action Review/Approval of minutes from the August 13, 2011 meeting. Comments from members of the public will be considered.**

Commissioner Gray informed Chairman Bisbee that there was a clerical error in the minutes. Chairman Bisbee informed the Executive Secretary of this error and asked for the correction to be made.

Patrick Davis stated that Parole and Probation is forcing counseling on Parolees that have no fact finding determination of need. Mr. Davis then continued by stating that he tried to appeal conditions of his Lifetime Supervision conditions and that he was told he could not do this unless his Supervising Officer agreed with this change. He related to the Board that this is not Quasi Judicial. Chairman Bisbee thanked Mr. Davis for his comments.

Tonya Brown stated again her previous comments on steel toe work boots and how she believes and Supervising Officer should be the same sex as the offender if they are searching items that are personal (IE undergarments ). Ms. Brown stated that she believes that victims' statements should not remain confidential. She continued that NDOC provided the Board with knowingly false information. Chairman Bisbee thanked Ms. Brown for her comments.

Mr. Goetz stated he believes that psychologists in prison should be licensed in the State of Nevada. Chairman Bisbee explained that they were referring to parolees on the street. Chairman Bisbee thanked Mr. Goetz for his comments.

Motion: Approve the minutes with the correction submitted by Commissioner Gray

Made by: Commissioner Keeler

Seconded by: Commissioner Gray

Votes in Favor: Gray, Keeler, Silva, Bisbee, Corda, Jackson, Endel

Votes Opposed: None

**IV. Review/Approval of proposed change of Chapter 213 of the Nevada Administrative Code as specific in LCB File No. R-146-11.**

Chairman Bisbee requested that David Smith, Hearing Examiner II, with the Parole Board to approach and explain the change that is proposed from the Workshop on March 5, 2012

Mr. Smith explained that the requested change to the regulations is a result of the Legislature changing the method in which the psych panel operates, including the definition of a sex offender. This change to the regulation will point the definition of a sexual offense to the new definition applicable to the psych panel, and for the purpose of applying the risk to re-offend with the parole guidelines.

Laurie Johnson stated that her interest here today is that there are objectives of the Assessment tools used by NDOC.

Chairman Bisbee provided Ms. Johnson with the contact information for NDOC.

Tonya Brown stated she has a draft that she would like to submit regarding her concerns on the way the proposed change is written. Chairman Bisbee explained that the only thing the proposed change does is that the sex offense is consistent with the change the legislature changed in 2011. Ms. Brown explained that urinating in public should not be labeled as a sex offender with lifetime supervision.

Mr. Davis explained that during the Workshop on March 5, 2011 the Board acted very professional and attempted to answer his questions but that he felt the Board did not give him a response. Mr. Smith provided Mr. Davis answers to his concerns.

Mr. Goetz started to describe his personal experience with the Psych Panel. Chairman Bisbee reminded Mr. Goetz that this time was set aside for public comment regarding this agenda number only.

Mr. Smith stated that he would accept Ms. Brown's written comments that she wanted to introduce and he would include them with the information for LCB.

Motion: To accept proposed changes of Chapter 213 of the Nevada Administrative code as specific in LCB File No. R-146-11

Made by: Commissioner Gray

Seconded by: Commissioner Silva

Votes in Favor: Gray, Keeler, Silva, Bisbee, Endel, Jackson, Corda

Votes Opposed: None

**V. For possible action: The Board may act to adjourn**

Motion: To adjourn the meeting on March 12, 2012

Made by: Commissioner Keeler

Seconded by: Commissioner Corda

Votes in Favor: Gray, Keeler, Silva, Bisbee, Endel, Jackson, Corda

Votes Opposed: None

**Meeting adjourned at 4:47 p.m.**

DRAFT