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STATE OF NEVADA
PAROLE BOARD

Nov. 15 2021

Nevada Board of Parole
1677 Old Hot Springs Rd. Ste. A
Carson City NV 89706

Re: Workshop of November 29 2021 / 233B Request
Proposed Language Modification to 213.512

Greetings:

The board's proposal for NAC 213.516 relies on the assumption that NAC 213.512 "Severity Level" is authorized by statute, which it is not. This NAC ^{213.512} is based on the misrepresentation that the "severity level" in NRS 213.10885 (2)(a) can be determined by another statute 209.341 regarding duties of NDOC director, and contains no mandate that allows the Parole Board to utilize it, and states only a custody-driven purpose, not a parole readiness purpose. NRS 209.341 does not contain the words "severity", "level" nor "crime."

It is clear that NRS 213.10885 (2)(a) requires that the Board of Parole Commissioners not the Department of Corrections make the determination of the "severity," based on this the Board is requested to rescind and modify

the language of NAC 213.512 to conform to the limits of the statute 213.10885(2)(a),

Proposal Part 1

213.512(1) "The Board shall use an objective actuarial assessment of static factors and dynamic factors to individually determine the severity level of the crime for which the parole applicant was committed to prison, and shall report determination prior to hearing."

The practices and custom to rely on an NDOC document is problematic for several reasons:

- 1.) there is no evidence this NDOC Document ^{Severity Tables} which is used to automatically populate the NOTIS Parole Board report was approved by the Board of Prison Commissioners ~~at~~ which makes it a fugitive document;
- 2.) there is no evidence NDOC conformed with Open Meeting Law NRS 241, bringing its legitimacy into question;
- 3.) the Severity Table used to automatically populate the application, being overbroad, creates a table at NRS 213.516 which deviant because it deprives the "Highest" severity of even any hope of "Grant Parole" expectation given to High, Moderate, Low-Med, Low categories; this deprivation is cruel and unusual.
I see attached letter from Parole Board dtd 4-1-21

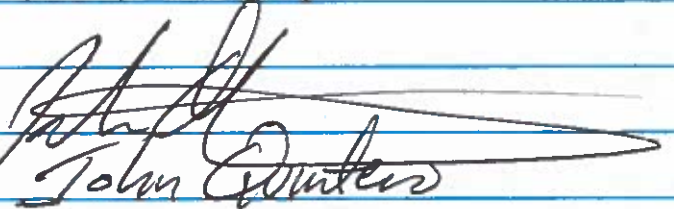
Proposal Part II

213.512(2) "The Board shall provide notice and opportunity for ~~confront~~ ^{inmate} to confront the severity Level determination by allowing written and oral rebuttal as to the accuracy of the records, evidence and other data relied on to determine the Highest Severity Level or any other determination of severity level."²

Please consider the above at the Hearing of Nov. 29, 2021, and as a separate NRS 233B.100 Petition which requires a Statement-of-reasons response; as well, I wish the LCB to weigh in on this as I have rebutted the assumptions of regularity of the "Severity Tables" under 233B.090

Please place this proposal in the record of the hearing of the 29 Nov. 2021

Very Respectfully,


John Quinters

Attachment: Hr from Board/dtg 4-1-21
cc Brady, NV DAG SSS Wright Way CC NV 89711
² See Nevada Attorney General Opinion 2012 NevAG Lexis 1, Opinion No. 2012-02, May 7 2012

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DARLA FOLEY, *Executive Secretary*

NEVADA BOARD OF PAROLE COMMISSIONERS

April 1, 2021

John Quintero, NDOC #93782
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

Re: Your letter received March 25, 2021.

Mr. Quintero,

I have reviewed your letter asking if there was a policy change concerning risk assessments. The Parole Board has not sent out a risk assessment prior to an inmate hearing anytime in at least the last 20 years. You may be referring to a past risk assessment done by an NDOC caseworker? Your written risk assessment with mitigating and aggravating factors will be attached to your 03/17/2021 Parole Board order.

Signed,

A handwritten signature in cursive script that reads "Darla Foley".

Darla Foley
Executive Secretary