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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the

Board of Parole Commissioners

August 30, 2023

MINUTES APPROVED ON SEPTEMBER 27, 2023

The Board of Parole Commissioners held a public meeting on August 30, 2023, 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 the Carson City office were Commissioner Jackson and Commissioner Baker. Present in the Las Vegas office were Commissioner Christiansen, Commissioner Bailey, Commissioner Schmitt, and Chairman DeRicco. Commissioner Weisenthal was absent, excused.

Support staff in attendance:

- Katie Fraker, Executive Secretary
- Kelly Mellinger, Hearings Examiner II
- Denise Davis, Hearings Examiner I
- Darla Foley, Hearings Examiner I
- Forrest Harter, Hearings Examiner I
- Monica Howk, Programs Officer I
- Mary Flores, Administrative Assistant III
- Meredith Salling, Administrative Assistant III
- Alex Root, Administrative Assistant II

Members of the public present in Carson City included:

- Katie Brady, Senior Deputy Attorney General

Members of the public present in Las Vegas included:

- Chris Franklin, Management Analyst IV, Nevada Department of Corrections
- Steve Prentice, Correctional Casework Specialist II, Nevada Department of Corrections

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
No public comment.

Public comment – Las Vegas, NV
No public comment.

III. For possible action: Review/Approval of minutes from the July 20, 2023, Board meeting.

Motion:	Approve the minutes from the July 20, 2023, Board meeting as distributed.
Made:	Commissioner Schmitt
Seconded By:	Commissioner Bailey
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Bailey, Schmitt
Votes Opposed:	None
Results:	Motion passed

IV. For discussion and possible action: The Board will discuss various programs available to inmates in the Nevada Department of Corrections. This discussion may include a representative(s) from the Department of Corrections who can answer questions from the Board and provide details about the available programs.

Chairman DeRicco opened this agenda item by stating that he wanted a representative from the Nevada Department of Corrections (NDOC) to speak with the Board about some of the pertinent programs that they offer, the goals of these programs, and to be available to answer any questions from the Board regarding programming within their department. He proceeded to introduce Chris Franklin, Management Analyst IV, from the NDOC.

Chris Franklin stated that he is a Management Analyst IV with the NDOC and oversees programs, policies, and grants. He then gave a brief background of his career with the NDOC. He stated that while he is not a clinician or an expert on all the programs, he will do his best to provide the Board with a glimpse of the programs and some background on how internally the programs' approval and review system work.

Mr. Franklin stated that account 3711 is the correctional programs budget account and has 116 positions statewide. He stated currently 83 of those positions are filled, which is a 28.5% vacancy rate. He stated this is a little lower than the department vacancy rate of over 30%. Those positions include administrative assistants, program officers, correction counselors (which is the old psychologist position), mental health counselors, social workers, therapeutic specialists, substance abuse counselors or substance use disorder counselors, correctional casework specialists, and institutional chaplains.

Mr. Franklin stated the Nevada Department of Correction's Correctional Programs Division incorporates nationally recognized risk-needs assessments during the intake and classification process to provide evidence-based psycho-educational programming, substance abuse treatment, re-entry, and transitional services. He stated the division provides religious services, vocational training, counseling and therapy

for inpatient/outpatient mental health issues, educational liaison services with local school districts, and special needs programs (for youth, aging, etc.). He continued that the Correctional Programs Division has also formed a partnership with local community colleges to offer post-secondary education opportunities. He stated that in addition to the services provided by their staff, there are approved volunteers who provide religious, 12-step, and other voluntary programming appropriate for offender participation and growth. He stated that the division's offender programs are funded in part by grants obtained by the NDOC or by partnerships with community organizations that obtain the grants and bring services to Nevada's offenders that will assist in their preparation for successful reintegration into the community.

Mr. Franklin stated that the NDOC's program staff was designated as essential personnel and continued services throughout COVID while also assisting other agencies nationwide to address their programming options. He explained that the team utilizes evidence-based, gender-responsive, and trauma-informed programming for offenders. He stated that their efforts continue to be recognized at the national level. He stated the NDOC is currently under review by the Bureau of Justice Assistance for peer mentorship.

Mr. Franklin stated that programs for reentry at the NDOC start at intake. He stated the department uses the Nevada Risk Assessment System (NRAS) at intake, reentry, and now case planning. He explained that part of the NRAS is looking at the criminogenic needs. He stated the criminogenic needs are concerns that if left unaddressed or unresolved, have been known to lead an individual to crime; thereby, increasing the probability of said individual engaging in crime. These needs are antisocial cognition, antisocial personality, antisocial associates, family/marital, substance abuse, employment, education, and leisure. He further stated criminogenic risk factors are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to re-offend and commit another crime. These include unstable parenting or family relationships, inadequate education or employment, substance abuse, unstable peer relationships, emotional instability or poor mental health, and criminal orientation or thinking.

Mr. Franklin told the Board which tools and assessments the NDOC uses, including the Prison Intake Tool (PIT) and the Reentry Tool (RT). He stated that the NDOC recently changed their administrative regulations to remove the six-month reviews for the caseworkers, so they can now use that time to work on case plans. He stated that with this change, when an offender is seen by the Board, there will be a breakdown of which programs were available, when they were offered, if the program was accepted or declined, and if the program was completed successfully.

Mr. Franklin explained that for evidence-based programming it must be followed to fidelity and the model must be followed. He stated that moderate risk offenders with three or less needs would need 100 hours of programming targeting those primary criminogenic needs. He further stated that moderate risk offenders with four or more needs or high-risk offenders with few needs would need 200 hours of programming, and high-risk or high-needs offenders would need 300 hours of programming. Commissioner Schmitt asked how many offenders were allowed in each class. Mr. Franklin stated that each class generally had between 12 and 15 participants. Chairman DeRicco stated that the Board will hear from offenders at their parole hearings that they were too close to their eligibility date to program, or that they were too far from their parole eligibility date and then they could not get into a program when they got closer to their parole date. Chairman DeRicco asked if Mr. Franklin had any insight as to why or whether there would be any changes so more offenders would have the opportunity to program. Mr. Franklin responded that each facility is receiving wireless tablets that offenders will have that will

allow them more access to programs. He further stated that there is a limited number of program facilitators and staff, and that they need is greater than the number of facilitators. He stated that they are looking at other program opportunities with the tablets and working with the vendors to increase programming. He stated with these tablets and some new virtual reality programs there is an opportunity for offenders at rural camps to participate in programs at larger institutions. He stated that programs have always been understaffed but they work with volunteers and other agencies that bring in programming. He explained that the Program Review Committee reviews programs every month to determine what programs can be brought into the NDOC. He stated the committee vets the program and looks at the sustainability of each program.

Mr. Franklin stated that each time a new program is approved by the Program Review Committee, it then goes to Offender Management and IT so the class and meritorious credits can be uploaded into the system. He stated that Pell grants are coming back, and they are currently working with Western Nevada College, College of Southern Nevada, and other institutions to bring more educational programs into the institutions. He stated that they are working with Hope for Prisoners to expand their vocational programs, specifically at Southern Desert through a vocational village.

Mr. Franklin then spoke about the core programs. He stated these evidence-based programs are targeted for those offenders who are preparing for release. He stated that for a program to be approved it must go before the Program Review Committee. He stated this committee consists of the quality assurance manager (which is currently vacant), the substance abuse director, the mental health director, the statewide reentry administrator, the deputy director of programs, offender management, the educational services liaison, the correctional manager, and himself as a non-voting member. He explained that if an agency comes to the committee with a program they would like to implement, the agency will first submit a program proposal and provide all additional documentation, including materials. He continued that the committee would then look at an evidence-based practice checklist and see where the program would fit into their matrix and programming. He stated the agency submitting the program would then come before the Program Review Committee and present their program, and the committee would be able to ask questions. He stated core programs are grounded in research and are shown to improve outcomes for offenders or they have been shown to have promising potential to improve outcomes. He stated that in order for an offender to be considered for a core program they will be assessed by staff using a validated risk assessment. He stated these programs target moderate and high-risk offenders, as low-risk offenders do not need the same tools.

Mr. Franklin spoke in detail about several programs, including Beyond Trauma, Beyond Violence, Clark County Parenting Program, Getting It Right, Healthy Steps to Freedom, Helping Men/Women Recover, and Inside/Out Dad. He first spoke about Beyond Trauma. Beyond Trauma is a healing journal for women. It is a twelve-session curriculum designed to help women and girls recover from the effects of trauma in their lives. The curriculum focuses on the kinds of trauma that women are most at risk of experiencing; childhood abuse, rape, battery, and other forms of inter-personal violence. Mr. Franklin then explained the program, Beyond Violence. He stated Beyond Violence is an evidence-based, manualized curriculum designed to serve women in criminal justice settings with histories of aggression or violence. This program aims to address the factors that put people at risk for experiencing and/or inflicting violence. He continued that The Clark County Parenting Program is a program that is brought in from the outside. This program provides parents an opportunity to learn effective parenting skills to use with their children during the parents' incarceration and upon their release. This program can also meet child welfare case plan objectives. He stated that a critical component for programs is family reunification and starting the process early. He stated previously it had not been an area that had been

focused on because the resources were not available. He continued that the substance abuse program has a model to utilize grant funding to bring in a program officer to begin that transition. Chairman DeRicco asked if this program was for both men and women. Mr. Franklin stated that they do have models for both men and women. He stated that historically many vendors only had programs for males. He stated that they have learned a lot through gender-responsive treatment and that gender plays a distinct impact on reasons for incarceration, life experience, and what needs to be treated. He stated that they have made a great effort in working with vendors that provide curriculum for both genders.

Mr. Franklin continued speaking about certain programs. He stated Getting It Right is a large program that is facilitated primarily by reentry staff. This program is a reentry program that applies the latest research in criminal justice and personal change theory for participants getting ready to leave the criminal justice system by providing structured programming to facilitate successful transition and community reintegration. He continued that Healthy Steps to Freedom is a direct educational, health, nutrition, and body image program designed to augment existing drug treatment programs for women under correctional supervision for substance use/misuse. This program aims to reduce recidivism and attrition for females under correctional supervision, the more immediate, short-term goals are to teach healthy lifestyles as an alternative approach to substance use/misuse including nutrition, diet control, balanced meals, physical activity, family mealtimes, reading food labels, increasing fruit and vegetable consumption, and positive self-esteem. Mr. Franklin stated that there is a holistic approach to their programs that encompass many different needs. He explained that Helping Men Recover and Helping Women Recover enhances substance abuse treatment by helping offenders address their needs in recovery and aims to be gender-responsive and trauma-informed. The final program that Mr. Franklin spoke about was Inside/Out Dad. He stated Inside/Out Dad addresses the gap in quality fatherhood programs with proven effectiveness that helps incarcerated fathers to become better dads on the inside and for those that will be released.

Mr. Franklin stated that the NDOC is moving to case planning which will be extremely helpful for the Board. He stated that the 800 series of the NDOC's Administrative Regulations are the administrative regulations for programs. He stated specifically, AR 801 is the administrative regulation for programs and classes. He stated the future for the department is a matrix that will have all the programs and the criminogenic areas that they target. He stated this matrix will be provided to the Board and updated each time a new program is introduced, along with the meritorious credit list. He stated that the Board will be able to see if an offender was offered a program and whether it was completed, and what risk factor that program targeted.

Chairman DeRicco stated that knowing what programs were available and offered to an offender will be extremely helpful to the Board. He stated that with this additional information the Board will be able to make more informed decisions. Mr. Franklin stated that the agencies are working collaboratively to establish these case plans to ensure that each division has the information they need.

Commissioner Bailey asked when this was going into effect. Mr. Franklin stated that it has already started but some pieces are still being put together and it is not a finished product yet. Commissioner Bailey stated that some facilities have certain programs while others do not. She asked how this will affect programs that are only offered at certain facilities. Mr. Franklin responded that case planning will begin at intake. He stated that based off an offender's NRAS, it will automatically populate what programs that offender needs to take and where that program is located. He stated that if an offender is at High Desert and the program they need is at Southern Desert, the NDOC needs to get that offender to Southern Desert for that program or find a way to provide it at their current facility. He stated the NDOC

is looking for opportunities to use technology to provide programs where they normally would not be available. Commissioner Bailey asked if there was a list of which programs were available at each facility. Mr. Franklin stated that there was, but it is out of date and needs to be updated. He stated once it was updated it could be provided to the Board.

Commissioner Christiansen stated that this will provide the Board the opportunity to ask questions in hearings regarding specific programs and why there were not able to complete a program. Mr. Franklin stated that the case plan will show if a program was offered, including when and how many times, and whether the offender completed that program or declined to participate.

Chairman DeRicco stated that it seems like with case planning, programs will be offered to the offenders rather than offenders requesting to be put in a program. He asked if this was a change in dynamics for the prisons. Mr. Franklin stated that it is a change. He stated that historically if an offender wanted a program, they would fill out a kite and send it to the caseworker, where it would then get put in a stack of other requests. He stated with the new case plan, the caseworker will know which programs each offender in their unit needs because it will be automated.

Mr. Franklin stated that \$39,874 is allocated from the general fund for a substance abuse disorder program for the year. He further stated that after you take out the mandatory payments, such as Xerox leases, the program only has \$35,808 for the year to cover the cost of the program for all offenders statewide. He stated that mental health is allocated \$40,103 for their program supplies for the year. He stated after you remove the mandatory costs, mental health programs have \$32,136. Mr. Franklin continued that reentry programs have a budget of \$55,561 and after the mandatory items they have a budget of \$45,848 from general fund. He stated that this equates to \$11.38 per offender per year for programs. He stated the NDOC goes after grants because programs could not survive on that budget.

Commissioner Schmitt asked how many additional resources were available if an offender wanted to participate in a program such as Narcotics Anonymous or Gamblers Anonymous. Mr. Franklin responded that it was all based on volunteers or staff member to sponsor the program.

Commissioner Schmitt asked how long of a supply of mental health medication an offender has when they are released to the street. Mr. Franklin stated they are released with a 30-day supply. Commissioner Schmitt then asked if the medication they are prescribed in the facility correlate with what they are prescribed on the street or in another facility. Mr. Franklin stated that while he is not in the pharmacy, he does know that they try to match the formulary. He stated that when an offender is brought into the NDOC and on medication, they meet with a psychiatrist who would determine their medical need and what medication correlates.

Commissioner Schmitt asked how soon an offender can be admitted into the SOTP program. Mr. Franklin stated that an offender can be in that program for years, or as they get closer to their release they are admitted into the program. He stated it depends on space and facilitators. Commissioner Schmitt asked what the wait list was for the SOTP program. Mr. Franklin stated he did not know but could get back to her with that information. He explained that specialized training was required to facilitate that program.

Commissioner Jackson asked if the closure of Warm Springs Correctional Center and some of the camps had impacted programs or if those programs had transferred to other facilities. Mr. Franklin stated that

the programs that were at Warm Springs transferred to Northern Nevada Correctional Center (NNCC). He stated the substance abuse program, and the dog program were both transitioned to NNCC.

Commissioner Baker asked if it would say on the case plan document that an offender declined a program. Mr. Franklin stated that yes, it will say when a program was offered and the response. Commissioner Baker asked for clarification regarding the BJA grant that was mentioned earlier. Mr. Franklin stated that the NDOC receives the RSAT (Residential Substance Abuse Treatment) grant. He stated that in order for the NDOC to be a peer mentor for other states, they have to have dual MAT (medication assisted treatment), or two medications that are utilized. He stated the NDOC only had one, vivitrol. He stated the acting medical director understood the need to offer options and they signed off on other medication assisted treatments, so the NDOC can now apply to be a sponsor mentor for other states that are in the RSAT program. Commissioner Baker asked if medication assisted treatment was offered at all the institutions or just certain ones. Mr. Franklin stated that they do not offer this treatment while incarcerated. However, he stated, recently there were two offenders that transferred from Washoe County Detention Center that were on MAT and the NDOC had to go through a private vendor for MAT as they transitioned into the NDOC. He stated that during the previous legislative session the NDOC was allocated six positions to work on Medicaid, which provides the offenders the opportunity to apply for Medicaid and be approved before they are released. This will allow the offenders to obtain the necessary services as soon as they are released. He stated that last time he checked, approximately 70% of offenders were released with Medicaid approved and about 48% were approved for SNAP benefits. He further stated that they do have programs where if an offender wants to release on MAT, the NDOC can provide that startup while the offender is still incarcerated, and they can continue it once released.

Commissioner Bailey asked if an offender has a low NRAS score and had previously said that they were a low-risk and not able to get into a program, would this change with the new case planning. Mr. Franklin stated that they still have an opportunity to take programming, but there is very little to target for them. He stated they have few risks and needs to target. He explained that with the use of technology they will be able to self-enroll in programs. He concluded by saying that low-risk offenders don't need as much help as the moderate and high-risk offenders do. Commissioner Bailey agreed but also stated that programs can be preventative. She stated that if an offender is heading down the road of drug abuse, then a substance abuse program could put them back on track. Mr. Franklin responded by stating if there was one seat left in a program, they have to choose between the low-risk offender or the high-risk offender.

Chairman DeRicco thanked Mr. Franklin for the presentation and information and stated that this information will be helpful to the Board going forward.

- 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

No public comment.

Public comment – Las Vegas, NV

No public comment.

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

Motion:	To adjourn the August 30, 2023, meeting of the Nevada Board of Parole Commissioners.
Made:	Commissioner Bailey
Seconded By:	Commissioner Schmitt
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Bailey, Schmitt
Votes Opposed:	None
Results:	Motion passed