

March 29, 2023,

Submitted by:

Advocates for the Inmates and the Innocent

Written Public Comment for the March 29, 2023, Parole Board Meeting

On behalf of Advocates for the Inmates and the Innocent we are submitting our written public comment for consideration per the March 29, 2023, **Agenda Items IV and V.**

In the packet we received, on page 4 of the minutes of the Parole Board meeting on Nov 29, 2021., Chairmen DeRicco clarified that NAC 213.516's guideline recommendation that the Board "Consider Factors", which is contained in several boxes in the grid, did not apply to those boxes alone. He stated the Board considers relevant factors in all cases covered by the grid.

"Chairman DeRicco began discussion by stated NAC 213.516 has been in effect since 2008. The changes proposed on this NAC remove certain language in the grid section and ad a statement below the grid that states "this initial assessment shall be considered in accordance with NAC 213.518 (1)." This additional statement refers to NAC 213,518(1) which the Board recently worked on the workshop today and indicates that after establishing the initials assessment regarding whether to grant parole or not, the Board will consider the initial assessment factors contained in NRS 213.10885 and NRS 213.1099 and may consider relevant aggravating and mitigating factors to determine whether to grant parole to a prisoner. By adding this new language below the grid, Chairman DeRicco believe that things will be much clearer showing that the Board considers the factors in all cases, not just when our current grid indicates consider factors. Certainly, the Board has granted parole on cases that initially come out as deny parole, just like having denied cases where the initial assessment said grant parole. The Board has always reviewed these additional or relevant factors and these changes just provide greater clarification that the Board does so on all cases. The grid just did not make that clear enough and the revision should help. As you are all aware, this grid essentially begins the Board's risk level."

Since, according to the Chairman, the Board considers the factors in all cases, the guideline's recommendation to consider factors is immaterial. That

superfluous language should be removed and/or replaced with meaningful language pursuant to Executive Order 2023-003.

If a convicted person meets the criteria and the Board does not grant parole, the Board shall provide to the convicted person a written statement of its *objective* reasons for denying parole, the Board must define, and delineate objective reasons, as threat to society, heinous crime, nature of the offense, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the convicted person may be considered for parole. If the board defines and delineates objective reasons for denying parole, the state will save the taxpayer money upon the persons release from prison.

We ask that unless a person has been convicted of a new crime while being incarcerated or out on parole the board must not consider a new felony crime unless the person has actually been convicted and sentenced by the court.

The Parole Board uses the NRS (Nevada Revised Statutes) the NAC (Nevada Administrative Code) in their work, and we believe during the Interim Session the R. O. Regulation Order may be approved by the Ways and Means Committee to make changes to the NRS's.

NRS are laws created by vote of Nevada elected officials. And NAC's, developed by staff, consist of directions and actions with corresponding numbering to every NRS, to guide the Parole Board's parole decision making process. You must refer to NRS, NAC, and RO's to determine the full guidelines used by the Parole Board.

The NDOC inmate parole worksheets list both "static" factors (cannot be changed) and "dynamic" factors (can be changed). NRS 213 in past years, has been amended to authorize and direct the Parole Board to be provided with all photos and videos used in the original trial. (Static factors)

Is Parole, an act of grace, based on the inmate's behavior, programming and/or accomplishments after entering prison or a rerun of the original trial including photos and videos?

Parole Board Decisions based on dynamic changing factors will help:

1. The NDCO (Nevada Department of Corrections) predict their need for staff and facilities.

2. The inmates create and work towards a parole plan resulting in a positive parole decision, when he or she has obeyed NDOC rules and satisfied their programming/education/work requirements.

3. The Inmate's family and friends stop placing and losing deposits for inmate living i.e. apts. Etc. Now the inmates must plan provide and pay for whatever housing they or their loved ones can find, that will rent to a felon even though their parole board hearing may result in a denial.

The Nevada taxpayer will be the biggest financial winner. If housing an inmate in NDOC cost an estimated \$25,000.00 annually and 100 more inmates' a year receive a parole, the savings could be approximately, \$ 2,500,000.00

Respectfully,

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