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Board of Parole Commissioners Meeting 4/27/23

Public Comment

Good morning, my name is Patricia Adkisson. My comments today relate to the mandatory comprehensive review of Parole standards. However, before I begin, I would like to acknowledge this Board's efforts and results in the performance of a difficult job. Thank you.

The legislative command for today's review and related determinations pursuant to NRS.213.10885 is couched in mandatory terms.

The results, conclusions, and any changes in the Board's standards, policies, procedures, programs, or forms that have been or will be made, must be done on or before January.1st, in order to meet the minimum statutory legislative reporting requirements.

This Board is required to complete this process and shall report to each regular session of the legislature. The deadline for final submissions to the legislature, to our understanding, has now passed. For this reason, it is our belief and understanding that today's attempt to review parole standards for revalidation or any other purpose contemplated by NRS. 213.10885 are defective and cannot satisfy the statutory requirements.

This unfortunate circumstance implicates the described validation of many new policies and procedures outlined in the "Operation of the Board." When we consider the Board's regulations, many promised to create a standard, but failed to do so. NAC. 213.512 contemplates that the Board will assign to each crime a standard of - highest, high, moderate, low-moderate, or low, for which the crime for which parole is being considered, but utterly fails to identify any correlation to any crime and severity categories. This regulation is a promise to create a standard that applies to each crime, but that fails to state any correlating crime. The explanation by the Board is that the Board never adopted or created any such crime severity, only categories of severity without any crime.

Because of this circumstance it is impossible to utilize NAC.213.522. In order to trigger a reconsideration related to an incorrect crime severity, the board must first promulgate actual standards that identify the crime with a correlating severity.

Recent US Supreme Court decisions describe the weaponization of executive branch functions related to actions that violate the Separation of Powers Doctrine. In this discussion related to validated standards, this board continues to ignore the legislative standards that define a crime and its category of felony. This Board routinely considers Parole where NO CRIME is under consideration when considering NRS. 193.165- Use of a Deadly Weapon- there is NO category of felony offense or conviction.

This board's unilateral determination to rely upon representations made by the Department of Corrections stating the offense and category felony for the board use appears to be an act of nonfeasance to a ministerial duty outlined by the legislature pursuant to NRS.179A.090.

This board has a duty to first make an inquiry of the Central Repository for dissemination of conviction records. As far as this Board's reliance on the Department for the designation of crime severity, there is no way for the board to "validate" a standard that is not even under consideration by the Board. The Department has been engaged in unilateral approval of their regulations including the department severity table.

This is the definition of an executive branch agency becoming weaponized against the very public it serves.

This is why we support Senate Bill 105. The Board of Prison Commissioners has been asleep at the wheel, it was their duty to provide oversight, as the Board has never been exempt from 233B. Unilateral adoption of regulations implicates violation of Separation of Powers and creates a condition upon which when this Board relies upon representations by the Department, the Board unwittingly is acting without authority.

Finally, this Board cannot utilize impact to victim as a denial reason. This is NOT a standard contemplated by NRS. 213.10885. Thank you for your time.