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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES
Meeting of the
Board of Parole Commissioners

June 19, 2017
Minutes approved on August 28, 2017

The Board of Parole Commissioners held a public meeting on June 19, 2017 beginning at 9:00 AM 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 9:00 AM.

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

Support staff in attendance:

- Darla Foley, Executive Secretary
- Brian Stone, Administrative Assistant III
- David Smith, Hearing Examiner II
- Kelly Mellinger, Hearing Examiner I
- Lupe Garrison, Hearing Examiner I

Members of the public present in Carson City included:

- Katie Brady, Deputy Attorney General, Office of the Attorney General
- Tonya Brown
- Dwayne Deal, NDOC
- Brian Zana, Division of Parole and Probation
- Dr. Verne Lewis, NDOC
- Brooke Keast, NDOC

Members of the public present in Las Vegas included:

Joni Billich, Division of Parole and Probation
Shane Brandon, Division of Parole and Probation
Sheila Lambert, NDOC, Policy and Program Administrator
Dr. Laurie Hoover, NDOC
Robyn Feese, NDOC
Deputy Director David Tristan, NDOC
Roy Hookham, NDOC

- 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 if any member present would like to make a public comment.

Public comment – Carson City, NV

Tonya Brown spoke on the issue of inmates that maintain they are innocent of the crime they were sentenced on and how they are treated within the Nevada Department of Corrections (NDOC) and the Parole Board.

Public comment - Las Vegas

No public comment.

- III. For possible action:** Comprehensive Review of Parole Standards (NRS 213.10885).

A. Presentation by the JFA Institute on the revalidation of the Nevada Parole Risk Assessment. The Board must make a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole [NRS 213.10885(6)].

B. Presentation and discussion on the types of sexual assessments prepared by NDOC pursuant to NRS 213.1214 including the recidivism rates associated with assessment results.

C. Presentation and discussion on risk assessments used to predict violence-related criminal recidivism and the potential for including violence-related predictive elements or assessments into the parole standards.

D. Review of the current evidence-based programs administered by the Department of Corrections (NDOC).

The Board may take action to: make changes to the parole guideline and risk assessment and the elements contained within; make a determination regarding the effectiveness of the current risk assessment and guideline and discontinue the use of an element on the parole guideline and risk assessment if it is found to be ineffective; draft or establish a policy or practice on how the results of sexual assessments should be applied to the parole standards; determine which NDOC programs may be awarded credit for on the Nevada Parole Risk Assessment; and/or set topics of future Board meetings relative to the presentation and discussion.

Chairman Bisbee informed the attendees that item III (A and C) is postponed until the next Board meeting.

Deputy Director David Tristan gave an overview of the topics to be discussed under Item III (B and D).

No Action taken.

IV. **For possible action:** Presentation by NDOC on the Nevada Risk Assessment System (NRAS) and how its use may affect the parole consideration process. This may include a discussion on NDOC processes or initiatives that may affect the Board's processes related to the consideration of inmates for release on parole. The Board may act to set topics of future Board meetings relative to the presentation and discussion.

Participants from NDOC discussed with the Board different aspects of NRAS.

Parole Board Hearing Examiners Lupe Garrison and Kelly Mellinger spoke about their study on risk assessments and domestic violence offenders.

Motion: The Board requests that the NDOC return on the topic of NRAS at the first Board meeting of the new year.

Made: Chairman Bisbee

Seconded by: Commissioner Corda

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

Votes Opposed: None

Motion Passed

V. **For Possible Action.** Presentation by the Division of Parole and Probation (the Division) on changes to its supervision practices that may affect parolees including: adoption of evidence-based practices in its supervision model; establishment of independent reporting centers; budgetary allocations to assist in the Division's effort to expedite the processing of parole releases from the NDOC; and, legislative appropriations related to funding costs of residential confinement. The Board may act to set topics of future Board meetings relative to the presentation and discussion.

Chairman Bisbee inquired if anyone from the Division of Parole and Probation was present to discuss Item V.

No Action taken. No representation present from the Nevada Division of Parole and Probation.

Chairman Bisbee called a recess until 11:31 AM.

Meeting called back to order.

VI. **For possible action:** Update on the status of the implementation of the new parole grant order layout and conditions. Review of the language contained on the parole agreement template used by the Division to provide a statement of the conditions of parole in accordance with subsection 9 of NRS 213.1095. The Board may take action to make changes to the parole agreement template language relative to the section entitled “AGREEMENT BY PAROLEE.”

No Action taken.

VII. **For possible Action:** The Board may act to issue a general Order amending the conditions of Lifetime Supervision on cases affected by the Nevada Supreme Court Opinion McNeill v. State, 132 Nev. ___, 375 P.3d 1022 (2016).

Motion: To issue a general order amending conditions of Lifetime Supervision on cases affected by the Nevada Supreme Court Opinion McNeill v. State.
Made: Commissioner Jackson
Seconded by: Commissioner Gray
Votes in Favor: Gray, Keeler, Corda, Jackson, Endel, Bisbee, Monterde
Votes Opposed: None
Motion Passed

Chairman Bisbee called a recess until 1:00 PM.

VIII. **For possible action:** The Board will consider whether to petition the court of original jurisdiction to request a modification of sentence in accordance with subsection 2 of NRS 176.033 in regards to:

- 1) Wilkins, Thomas NDOC # 14026
- 2) Harold Lyons, NDOC # 16882
- 3) Grillo, Shannon NDOC # 40805
- 4) Ann Schuck, NDOC # 46532

The Board may take no action, deny the request to petition the court, or act to petition the court of original jurisdiction to request a sentence modification. Pursuant to subsection 6(c)(3) of NRS 241.020 and NRS 213.1075, all of the supporting documents are confidential and will not be provided to members of the public.

Meeting called to order at 1:04 PM.

Commissioner Endel not present for the afternoon session.

Chairman Bisbee called Thomas Wilkins to the podium to address any questions from the Board. Lieutenant Brian Zana from Parole and Probation discussed Parole and Probations recommendation.

Motion: To grant parolee's request of release of lifetime parole and forward the Board's recommendation and petition the court of original jurisdiction to modify sentence.
Made: Commissioner Gray
Seconded by: Commissioner Keller
Votes in Favor: Gray, Keeler, Corda, Jackson, Bisbee, Monterde
Votes Opposed: None
Motion Passed

Chairman Bisbee called Harold Lyons to the podium to address any questions from the Board. Attorney Gus Flangus present as Mr. Lyons' representative. Lieutenant Zana from Parole and Probation discussed Parole and Probations recommendation.

Motion: To grant parolee's request of release of lifetime parole and forward the Board's recommendation and petition the court of original jurisdiction to modify sentence.
Made: Commissioner Corda
Seconded by: Commissioner Jackson
Votes in Favor: Gray, Keeler, Corda, Jackson, Bisbee, Monterde
Votes Opposed: None
Motion passed

Chairman Bisbee called Shannon Grillo to the podium to address any questions from the Board. Lieutenant Zana from Parole and Probation discussed Parole and Probations recommendation.

Motion: To grant parolee's request of release of lifetime parole and forward the Board's recommendation and petition the court of original jurisdiction to modify sentence.
Made: Commissioner Corda
Seconded by: None
Motion Failed No action taken

Chairman Bisbee called Ann Schuck to the podium to address any questions from the Board. Kristina Wildeveld present as Ms. Schuck's representative.

Chairman Bisbee called a recess until 2:20 PM.
Meeting called back to order.

Lieutenant Zana from Parole and Probation discussed Parole and Probations recommendation.

Motion: To grant parolee's request of release of lifetime parole and forward the Board's recommendation and petition the court of original jurisdiction to modify sentence.
Made: Commissioner Jackson
Seconded by: Commissioner Bisbee
Votes in Favor: Corda, Jackson, Bisbee, Monterde
Votes Opposed: Gray, Keeler
Motion passed

IX. 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 if any member present would like to make a public comment.

Public comment – Carson City, NV

No public comment.

Public comment - Las Vegas

No public comment.

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

Motion: Adjourn the June 19, 2017 Board Meeting.
Made: Commissioner Keeler
Seconded by: Commissioner Gray
Votes in Favor: Gray, Monterde, Keeler, Corda, Jackson, Bisbee
Votes Opposed: None

Meeting adjourned at 4:45 PM.