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NEVADA BOARD OF PAROLE COMMISSIONERS
MINUTES

Meeting of the
Board of Parole Commissioners
September 30, 2019

NOTE: The following minutes have not been approved and are subject to revision at the next meeting of the Board.

The Board of Parole Commissioners held a public meeting on September 30, 2019 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, video conference to 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 Carson City were Chairman DeRicco, Commissioner Corda, and Commissioner Jackson. Present in the Las Vegas office were Commissioner Keeler, Commissioner Christiansen, and Commissioner De La Torre. Commissioner Endel not present.

Support staff in attendance:

Katie Fraker, Administrative Assistant III
Brian Stone, Administrative Assistant III
David Smith, Hearing Examiner III
Katherine Baker, Management Analyst III

Members of the public present in Carson City included:

Katie Brady, Deputy Attorney General

Members of the public present in Las Vegas included:

None

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 DeRicco asked if anyone present would like to make a public comment.

Public comment – Carson City, NV

No public comment.

Public comment - Las Vegas

No public comment.

III. For possible action: Review/Approval of minutes from the July 31, 2019 Board meeting.

Motion: To Approve minutes from the July 31, 2019 Board meeting.
Made: Commissioner Keeler
Seconded by: Commissioner Jackson
Votes in Favor: Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen
Votes Opposed: None
Motion passed

IV. For possible action: The Board will consider and may act to make changes to policy based on changes made to NRS Chapter 241 in Assembly Bill 70 (2019), which in part provides that a public body may delegate authority to the chair or the executive director of the public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity. The Board may consider and may act to delegate this authority to the chair.

Chairman DeRicco removed this item from the agenda on the advice from the Attorney General's office. This item will be placed on a future agenda once further information becomes available.

V. For possible action: The Board will consider and may act to approve a procedure related to reviewing and granting parole cases in absentia (NRS 213.133(8)). The Board may consider draft procedures and may act to approve all or part of the draft procedures as generally written; approve changes to the draft procedures; or request additional fact gathering for consideration at a later hearing.

David Smith introduced this item. Mr. Smith referred the commissioners to the handouts "V-In Absentia Discretionary Review of Eligible Parole Cases - Scenario 1 - 9-26-2019" and "V-In Absentia Discretionary Review of Eligible Parole Cases - Scenario 2 - 9-26-2019". He explained the necessity for a written procedure in order to alternate the reviewing office for in absentia hearings. The scenarios show the differences in whether two commissioners are needed to reject a case for an in absentia hearing, or three commissioners are necessary for rejection.

Commissioner Keeler asked for Commissioner Jackson and Commissioner Corda's opinion on which scenario would work better, as they have more experience with in absentia hearing.

Mr. Smith clarified that Scenario's 1 and 2 are not the only option.

Commissioner Corda explained that if he receives an in absentia file and reviews the case, and if he feels that he may deny a parole at an actual hearing, that would be the only time that he would reject an in absentia hearing. Otherwise, he would approve.

Commissioner Jackson stated that she has no problem with rejecting a case on the opinion of only one commissioner.

Chairman DeRicco clarified that the Northern office had primarily done the in absentia hearings since there were four commissioners located in that office. He also clarified that a rejection of an in absentia case does not mean a denial of parole, but that the commissioner are requesting a formal hearing. He also stated that our current operating procedure is that one commissioner is able to reject a case.

Commissioner Keeler stated that he would lean towards what the commissioner in the Carson City office recommended. He also expressed that the more commissioners required to reject a case would be more time consuming and delay the process.

David Smith further explained the current process of in absentia hearings. The cases that get pulled are based on the NDOC risk assessment. Only cases that have a risk guideline of 'grant at initial' or 'grant at first or second' are reviewed. Each month the hearing representatives review approximately 350 files and remove any that they determine are unsuitable, about 150 of these files are approved and passed on to the commissioners for review. Mr. Smith stated his concern was managing the caseload particularly when the Board will have to review all MPR cases in absentia per an upcoming statute. Requiring more than one commissioner to reject a case for in absentia may reduce the number of in person hearings that will need to be scheduled.

Commissioner Corda stated that there are very few cases rejected every month due to the outstanding job of filtering the cases by the hearing representatives. He stated that he felt that one commissioner rejecting a file would be sufficient for requiring an in person hearing.

Commissioner Jackson and Chairman DeRicco agreed that a single commissioner reject would be sufficient.

Commissioner Keeler stated that if there is a future problem with the one commissioner rejection the Board can always go back and review the procedure again.

David Smith discussed with the commissioners the reviewing options in more detail. He talked about different scenarios and the possible outcome depending on how the in absentia review of a file is handled.

Motion: Continue under our present practices of passing around the 117 cases. If one of the first three reviewing commissioners decides to reject a particular file it will be sent to the Executive Secretary to be placed on an agenda.
If the fourth reviewing commissioner determines a file should not be considered in absentia, the file will be passed around to a fifth commissioner for review. If that commissioner votes to grant, it will be approved. If denied the file will be sent to the executive Secretary to be placed on an agenda.

Made: Commissioner Corda
Seconded by: Commissioner Christiansen
Votes in Favor: Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen
Votes Opposed: None
Motion passed

VI. 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 - Las Vegas
No public comment.

Public comment – Carson City, NV
No public comment.

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

Motion: To adjourn meeting.
Made: Commissioner Jackson
Seconded by: Commissioner De La Torre
Votes in Favor: Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen
Motion passed