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## NEVADA BOARD OF PAROLE COMMISSIONERS

### MINUTES Of the meeting of the BOARD OF PAROLE COMMISSIONERS

January 8, 2013

**Minutes approved on April 29, 2013**

The Board of Parole Commissioners held a public meeting on January 8, 2013, beginning at 3:30 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 3:30 p.m.**

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

Support staff in attendance:

David Smith, Hearing Examiner II  
Denise Davis, Executive Secretary  
Kelly Mellinger, Hearing Examiner I  
Lupe Garrison, Hearing Examiner I

Members of the public present in Carson City included:

David Helgerman, Lieutenant, Division of Parole and Probation  
Char Hoerth, Program Officer II, Sex Offender Registry  
Pat Saunders, Program Officer II, Sex Offender Registry  
Diane McCord, Program Officer I, Sex Offender Registry  
Julie Towler, Deputy Attorney General, Office of the Attorney General  
Dr. Robert Schofield, Psychologist III, Nevada Department of Corrections

Dr. Betsy Neighbors, Agency Director, Lakes Crossing  
Dr. Amy Patterson, Licensed Psychologist I, Lakes Crossing  
Dr. Mary Vieth, Licensed Psychologist, Lakes Crossing  
Craig Hoeffcker, Legislative Counsel Bureau  
Wesley Goetz  
Edward Willis

Members of the public present in Las Vegas included:

Mercedes Maharis, Past Director of NV Cure

**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 any member of the public that would like to make comments regarding anything other than the items listed on the agenda to come forward and limit their comments to 3 minutes. Chairman Bisbee reminded the public that no action can be taken under this item.

Public comment – Las Vegas

Mercedes Maharis thanked the Board for taking initiative in correcting an overdue problem that is in need of attention.

Chairman Bisbee thanked Ms. Maharis for her comments and for attending this meeting.

Public comment – Carson City, NV

Wesley Goetz proceeded by reading a prepared statement which he claims is the summary of recommendations from 1997 for the Legislative on SB99. Mr. Goetz continued by reading a prepared remarks regarding an audit from 2000 for sex offenders. Mr. Goetz proclaimed that he researched many risk assessment tools while he was serving time in prison in 2001.

Chairman Bisbee thanked Mr. Goetz for his comments. Chairman Bisbee then stated that she was proceeding out of order on the agenda and is moving agenda item IV to item III.

**III. For possible action. Review/Approval of minutes from March 12, 2012 and October 29, 2012 meetings.**

Commissioner Corda moved to approve the minutes from the March 12, 2012 and October 29, 2012 meetings with a grammar correction of Ms. Towler's name from the March 12, 2012 meeting.

Commissioner Jackson requested that her name be removed off item V. of the October 29, 2012 minutes as she was not present.

Commissioner Keeler requested the correction of grammar of human being and Ms. Maharis name from the October 29, 2012

Motion: Motion to approved minutes from the March 12, 2012 and October 29, 2012 meetings with the corrections.

Made by: Chairman Bisbee

Votes in Favor: Gray, Keeler, Silva, Bisbee, Jackson, Corda, and Endel

Votes Opposed: none

**IV For possible action Review/Approval of proposed:** Dr. Mary Perrin, National Institute of Corrections (NIC) Technical Grant Advisor presented her findings and recommendations regarding Psychological review and evaluation of sexual offenders for parole and for Tier Assessment Rating. There may be possible Legislative action based on the recommendations.

Chairman Bisbee introduced Dr. Mary Perrin, who is the recipient of the National Institute of Corrections (NIC) Technical Grant.

Dr. Mary Perrin described in detail her professional background and credentials. Dr. Perrin acknowledged that she has dedicated her life to working with sex offenders.

Dr. Perrin confirmed that she reviewed several areas within Nevada's processes primarily with the Nevada Parole Board and the Risk Assessment that the Board receives for sex offenders who are pending parole. Dr. Perrin explained the current process on how the Board receives the information required by Statute. The Nevada Department of Corrections is to conduct a Risk Assessment and provide the document to the Psychological Review Panel. The Psychological Review Panel conducts an assessment which the information gathered is provided to the Parole Board.

Dr. Perrin stated that it was requested by the Department of Public Safety for her to review the risk assessment tool which is used to identify the tier levels that are assigned for community notification purposes for offenders in the community. Dr. Perrin also reviewed the appeal process for the Tier Panel.

Dr. Perrin described in detail her findings and suggestions from the reviews she conducted. Dr. Perrin stated that the Risk Assessment tools can be difficult to score which reduces reliability. She then described that with proper training and instructions any staff member could conduct these Risk Assessments and get the same score.

Dr. Perrin illustrated the issue is to better define the role of the Psychological Review Panel. She believes that the Statute identifies what the Panel should be doing but is not clear in practice in the role the Panel should be fulfilling. Dr. Perrin suggested a certification process and a super user for the Risk Assessment. Dr. Perrin went into detail how her suggestions could be obtained by developing a quality management process, proper training, continued training, ensuring the staff is following the process, and adhering to the rules. The super user would be responsible for the suggestions she provided.

Dr. Perrin described the challenges with the Department of Public Safety's Risk Assessment tool that is used to provide a tier level for sex offenders in the community. Dr. Perrin stated this tool was not developed in an ideal way. There are other tools that were developed more properly. Dr. Perrin recommends that the Department uses other tools that they can defend in court and in the community. She recommended that the tool be revised to the Static-99.

The Dr. described in detail the differences between static and dynamic and the dilemmas with dynamic.

Chairman Bisbee questioned if there was advantages if Nevada used a singular tool for the assessments of sex offenders.

Dr. Perrin replied that there was advantages and described the advantages.

Chairman Bisbee announced her concerns with the cost related to implement the changes to a singular tool.

Dr. Perrin relayed that the tools, she suggested are public domain and are free of cost. The only cost would be the training of the staff. Some of the employees of The Department of Corrections have been trained on the Static-99.

Chairman Bisbee described the cost saving for the Department of Corrections by not using Licensed Psychologist to conduct the Risk Assessments.

Dr. Perrin agreed with Chairman Bisbee and mentioned additional benefit of allowing other staff members to conduct the Risk Assessments.

Chairman Bisbee mentioned that Dr. Perrin commented that the Psychological Review Panel is a passionate group of people and they are doing an important job. The Chairman continued by stating the sex offender registry caseworkers are dealing with a difficult assessment and doing a really good job in accordance with their guidelines.

Dr. Perrin concurred with Chairman Bisbee's statement.

Chairman Bisbee questioned the appeal process.

Dr. Perrin went into detail of the appeal process.

Chairman Bisbee stated if we as a State goes forward with some of the recommendations we would want quality insurances.

Dr. Perrin agreed with the Chairman and described the benefits.

Chairman Bisbee inquired if the Board had any questions for Dr. Perrin.

Commissioner Jackson questioned if an individual comes in the institution and scores high on the Static-99, throughout time and treatment would the score change.

Dr. Perrin replied that if the individual was in genuine treatment in the Department of Corrections, that they would utilize not just the Static-99 but the Stable 2007 then the score would change over time.

Commissioner Corda inquired in a correctional setting who would be the best person to conduct these assessments.

Dr. Perrin claimed that based on her very limited knowledge of staffing in the Department of Corrections that she would think the caseworkers could and that Mental Health staff is not needed to perform the assessment.

Commissioner Corda questioned if there was subjectivity to these objected tools.

Dr. Perrin answered that there is always subjectivity if you do not follow the rules. The MnSOST-R has more gray areas which is why two raters would come up with different scores. She provided information regarding her recommendations on what to do if the rater is not sure about questions on the Risk Assessment tool.

Commissioner Corda agreed with Dr. Perrin because there is always interpretation and that is where you run into trouble.

Dr. Mary Vieth questioned who is able to score the Stable 2007.

Dr. Perrin responded that the Stable 2007 is open for many users but ideally the treatment provider or the Officer that supervises because of the dynamic risk factors.

Chairman Bisbee explained that the Board has no control over this item number on the agenda. Chairman Bisbee thanked all of the agencies involved in this process. Chairman Bisbee suggested that this report is forwarded for possible Legislative action. She stated that this report is excellent and there were good findings. She continued that she would be pleased if there was some universal risk assessment being done throughout the system so that we continue to have just one shared client.

Commissioner Keeler stated that he agreed with the Chairman and that this would be in the State's best interest.

Commissioner Silva declared that he also agreed with the recommendations made by Dr. Perrin and that we need to do whatever it takes to implement them as soon as possible.

Motion: To forward the findings and recommendations by Dr. Mary Perrin, National Institute of Corrections (NIC) Technical Grant Advisor regarding Psychological review and evaluation of sexual offenders for parole and for Tier Assessment Rating to Legislative for possible action.

Made by: Commissioner Corda

Seconded by: Commissioner Jackson

Votes in Favor: Gray, Keeler, Silva, Bisbee, Endel, Jackson, and Corda

Votes Opposed: None

#### Public comment – Las Vegas, NV

Mercedes Maharis stated that she would like to see teachers conducting the assessments since they are in a neutral position. Ms. Maharis would appreciate the Board considering a tool with as much dynamics data as possible. Ms. Maharis believe treatment is important. Ms. Maharis thanked everyone.

#### Public comment – Carson City, NV

Wesley Goetz read a statement which he claims was the Californian Penal Code. He explained his opinion on treatment during a prison term and how it should lower the risk assessment. Mr. Goetz went into detail on his person experience with the Tier Assessment

for Sex Offenders while on probation and then while serving time in prison. He then stated that the Psychological Review Panel is bias.

Chairman Bisbee thanked Mr. Goetz for his comments.

**V. For possible action: The Board may act to adjourn**

Motion: To adjourn the meeting on January 8, 2013

Made by: Commissioner Endel

Seconded by: Commissioner Jackson

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

Votes Opposed: None

**Meeting adjourned at 4:30 p.m.**