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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

**Meeting of the
Board of Parole Commissioners
February 25, 2021**

MINUTES APPROVED ON MARCH 31, 2021

The Board of Parole Commissioners held a public meeting on February 25, 2021, 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 and video conference at the 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 Jackson, and Commissioner Baker. Present in the Las Vegas office were Commissioner Christiansen, Commissioner Verchio, and Commissioner Bailey.

Support staff in attendance:

Darla Foley, Executive Secretary
Mary Flores, Administrative Assistant III

Members of the public present in Carson City included:
Attorney General Katie Brady

Members of the public present in Las Vegas included:
Jared Frost, Senior Deputy Attorney General
Judge Cristina Silva
Amanda Amacker, Caseworker III, NDOC
Maria Job, Substance Abuse Counselor, NDOC
DeNeese Parker, District Court

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.

Public comment – Carson City, NV
No public comment.

Public comment – Las Vegas, NV
No public comment.

III. For possible action: Review/Approval of minutes from the January 28, 2021 Board meeting.

Motion:	Approve the minutes from the January 28, 2021 meeting.
Made:	Commissioner Jackson
Seconded By:	Commissioner Bailey
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

IV. For discussion and possible action: The Board will consider and act on an anticipated Order issued by the 8th Judicial District Court, Clark County, Nevada in Lawrence Ronald Valentine vs. Nevada Board of Parole Commissioners, Case No. A-20-825725-W. The Office of the Nevada Attorney General will provide the Board with an overview of the litigation in connection with our discussion of the expected order. The Board will determine how to proceed, which may include whether to appeal this ruling. The Board may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of this litigation pursuant to NRS 241.015(3)(b)(2).

Chairman DeRicco closed the hearing to the public for the purpose of having an attorney/client discussion of the litigation, pursuant to NRS 241.015(3)(b)(2).

Meeting reopened to the public.

Motion:	The Nevada Board of Parole Commissioners appeal the anticipated order issued by the 8th Judicial District Court, Clark County, Nevada in Lawrence Ronald Valentine vs. Nevada Board of Parole Commissioners, Case No. A-20-825725-W.
Made:	Chairman DeRicco
Seconded By:	Commissioner Christiansen
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

V. For Discussion: Presentation by DeNeese Parker, Specialty Courts Program Administrator, Eighth Judicial Court. This presentation and discussion will encompass how they are working with parolees in the community, with court and parole supervision, to ensure parolees receive appropriate mental health and substance abuse treatment as a part of their Re-entry program.

Chairman DeRicco introduced Ms. Parker and referred everyone to the handout “Agenda Item V - 8th Judicial District Parole Board Re-Entry Final”.

Ms. Parker introduced Judge Silva who gave an overview of the MAT (Medication-Assisted Treatment) program as outlined in the handout.

Judge Silva discussed with the commissioners how they can help with the program.

Maria Job stated that it would be helpful if the Board would consider during a hearing that an inmate will need eight months on parole to complete the program. She also stated that a letter will be placed in an inmate parole packet to ensure the Board is aware that the inmate qualified for the program.

Amanda Amacker stated that it will also be noted in the parole packet if an inmate refused to participate in the program.

Commissioner Baker asked if an inmate could apply and be accepted prior to their Parole Board hearing. Ms. Amacker said that they would have already been accepted into the program prior to their parole hearing. Commissioner Baker also asked if inmates with a particular type of mental illness or inmates who previously dropped out a drug court program would be accepted into MAT. Judge Silva stated that they could still be considered. Judge Silva also stated that they currently have a designated officer from the Nevada Division of Parole and Probation.

Chairman DeRicco asked how long an inmate is in the program both prior to and after release on parole. Judge Silva stated that it is a 10 to 12-month program. Chairman DeRicco asserted that participation in the program would not be a guarantee of parole but it would be helpful information when considering an inmate for parole.

VI. For discussion and possible action: The Board will consider and act on an Order issued by the Eighth Judicial District Court, Clark County of Nevada in the matter of the Application of Breck Smith, NDOC# 77141, For a Writ of Habeas Corpus, Case No. C-19-337302-1. The Office of the Nevada Attorney General will provide the Board with an overview of the litigation in connection with our discussion of the expected order. The Board will determine how to proceed, which may include whether to appeal this ruling. The Board may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of this litigation pursuant to NRS 241.015(3)(b)(2).

Chairman DeRicco closed the hearing to the public for the purpose of having an attorney/client discussion of the litigation, pursuant to NRS 241.015(3)(b)(2).

Meeting reopened to the public.

Motion:	The Nevada Board of Parole Commissioners appeal an Order issued by the Eighth Judicial District Court, Clark County of Nevada in the matter of the Application of Breck Smith, NDOC# 77141, For a Writ of Habeas Corpus, Case No. C-19-337302-1.
Made:	Commissioner Jackson
Seconded By:	Commissioner Baker
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

VII. For discussion and possible action: The Board will discuss and may take action to update/modify the “Operation of the Board” document that outlines the procedural functioning of the Board. This document may be updated and modified in the future as needed.

Chairman DeRicco introduced the next agenda item, the updating and reviewing of selected sections in the Operation of the Board manual. Deputy Attorney General, Katie Brady, reviewed proposed changes and suggested language changes as well. The three sections to be discussed are Mandatory Parole Release, Parole Violation Hearings, and Reconsideration of Unfavorable Action.

Any use of the word “prisoner” will be changed to “inmate” throughout all the sections of the manual.

The first section discussed was Mandatory Parole Release. Hearing Examiner Kelly Mellinger worked on the section and suggested wording change as noted in the handout “Agenda Item VII Mandatory Parole release NRS 213.1215”.

The Board discussed proposed language changes to section 2, 7 and 8. Removal of section 4 and 6 due to redundancy. The addition of section 9 to incorporate statute changes that allow mandatory parole review in absentia for certain inmates.

The next section discussed was Parole Violation Hearings. Hearing Examiner Lupe Garrison worked on this section and suggested wording change as noted in the handout “Agenda Item VII-PV Hearings Suggested Edits”.

The Board discussed proposed language changes to section 2, 4, 6, 7, 12, 14, 19. Moving current wording used in section 11 to be included with section 8.

Chairman Bailey was excused from the hearing at 3:12 PM.

The Board discussed whether language should be added to section 12 concerning the use of a waiver for counsel. This will be reviewed and researched, further discussion will be added to a future Board meeting.

The Board discussed whether language should be added to section 15 clarifying the need for a sex offender assessment for sex offenders. It was determined clarification is not needed but members of the Board should make sure that a copy is available at the time of the parole violation hearing.

The Board discussed proposed language changes to section 14 and 19.

The final section discussed was Reconsideration of Unfavorable Action and the suggested wording change as noted in the handout “Reconsideration of Unfavorable Action”.

The Board discussed proposed language changes to section 1, 2, 3, and 4.

Commissioner Baker recommended grammar changes to section 3, 5, and 6.

- VIII. 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 – Carson City, NV

No public comment.

Public comment – Las Vegas, NV

No public comment.

- IX. For possible action:** The Board may act to adjourn the meeting.

Motion:	To adjourn the February 25, 2021 meeting of the Nevada Board of Parole Commissioners
Made:	Commissioner Christiansen
Seconded By:	Chairman Baker
Votes in Favor:	DeRicco, Jackson, Baker, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed