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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the

Board of Parole Commissioners

June 28, 2021

MINUTES APPROVED ON July 28, 2021

The Board of Parole Commissioners held a public meeting on June 28, 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 Baker, and Commissioner Weisenthal. Present in the Las Vegas office were Commissioner Christiansen and Commissioner Bailey. Commissioner Jackson was marked absent, excused by Chairman DeRicco.

Support staff in attendance:

Darla Foley, Executive Secretary
Mary Flores, Administrative Assistant 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.

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 May 27, 2021 Board meeting.

Motion:	Approve the minutes from the May 27, 2021 Board meeting.
Made:	Commissioner Baker
Seconded By:	Commissioner Verchio
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

IV. For 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 discussed the Board’s ongoing project of updating and reviewing selected sections in the Operation of the Board manual as discussed at previous Board meetings. Chairman DeRicco thanked the Hearing Examiners for their work and for initiating the first phase of reviewing the document and suggesting language changes, additions, or deletions. Chairman DeRicco provided that Deputy Attorney General, Katie Brady, reviewed proposed changes and suggested language changes as well. The three sections to be discussed are Disclaimer Mission and Vision Statement, Parole Hearings and Parole Decisions.

Chairman DeRicco introduced the first section for discussion, Disclaimer, Mission, and Vision Statement. Hearing Examiner Lupe Garrison worked on this section and suggested wording change as noted in the handout “Disclaimer Mission Vision.” He then opened the floor to any discussion on the proposed changes. No additional changes were suggested.

The next section discussed was Parole Hearings. Hearing Examiner Kelly Mellinger worked on this section and suggested changes as noted in the handout “Parole Hearings.”

The Board discussed proposed language changes to sections 5, 6, 7, and 9.

Chairman DeRicco discussed the notification taking place within 10 working days from the ratification of the vote as stated in section 5. He questioned where the 10-day timeframe might have come from because it could not be located in the statute. Katie Brady stated she would look into whether there are any statutory or other requirements prior to the next Board meeting. The Board discussed the possible changes to the wording of the notification requirements and determined it would be best to discuss changes again at the next Board meeting.

Chairman DeRicco discussed format changes to the NRS number in section six.

Commissioner Verchio asked if the wording in section seven might lead to confusion as to the Board’s authority regarding the Division of Parole and Probation. Chairman DeRicco stated that it is not likely that the Operation of the Board manual was contributing to the confusion of the responsibilities of the Division versus the duties of the Parole Board.

Commissioner Christiansen asked about inmates that refuse to attend their Parole Violation hearings. Chairman DeRicco stated that would be better served in the Parole Violation section of the Operation of the Board manual and can be addressed at a future Board hearing if needed.

Commissioner Verchio questioned the wording of section 9 and asked if the Board should add that they cannot deny parole when a hearing cannot take place. The Board discussed possible changes to the wording. Chairman DeRicco stated that the suggested language change would be reviewed, and any proposed changes will be discussed at the next meeting.

Chairman DeRicco introduced the next section for discussion, Parole Decisions. Hearing Examiner Forrest Harter worked on this section and suggested changes as noted in the handout “Parole Decisions.”

Commissioner Baker suggested a change in section 1 to replace “the inmate’s” to “an inmates.”

V. For possible action: The Board will discuss and may take action to update the list of persons eligible to serve as case hearing representatives pursuant to NRS 213.135.

Chairman DeRicco discussed the update to the persons eligible to serve as case hearing representatives. The individuals on the updated list will be Kelly Mellinger, Lupe Garrison, Forrest Harter, Darla Foley, Jim Benedetti, Joni Billich, Jim Kingera, Debbie Noel, and Pete Gibson.

Motion:	To approve the following individuals to the list of hearing representatives. Kelly Mellinger, Lupe Garrison, Forrest Harter, Darla Foley, Jim Benedetti, Joni Billich, Jim Kingera, Debbie Noel, and Pete Gibson.
Made:	Chairman DeRicco
Seconded By:	Commissioner Christiansen
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

VI. For discussion and possible action: The Board will discuss and may take action to approve and/or modify the proposed “Waiver of Counsel Canvas” and the “Waiver of Right to Counsel at Parole Violation Hearing” documents, which were developed for parolees who may wish to waive counsel at violation proceedings.

Chairman DeRicco stated that Commissioner Baker worked on the development of a waiver form and canvas statement for inmates who want to waive counsel at their Parole Violation hearing. He referred to the handouts titled “PV Attorney Waiver” and “PV Waiver Canvas.”

Commissioner Baker explained the waiver and canvas and how it would benefit the Parole Board at future Parole Violation hearings.

Commissioner Verchio asked if it would be possible to add a place for the inmate to initial each part of the waiver to verify that an inmate understands their rights before signing the waiver. Chairman DeRicco stated it was a good idea and discussed other ways that the verification by the inmate could be added to the waiver

form. The Board discussed the benefits and potential problems with the form. Chairman DeRicco stated that additional edits might be done to the form and there will be further review and possible action at a future Board meeting.

VII. 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.

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

Motion:	To adjourn the June 28, 2021 meeting of the Nevada Board of Parole Commissioners
Made:	Commissioner Baker
Seconded By:	Commissioner Christiansen
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed