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Board of Parole Commissioners

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4000 S. Eastern Ave Suite 130

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Board of Parole Commissioners Meeting- Public Comment 2/28/22

Good afternoon, my name is Patricia Adkisson. My comments today relate to agenda item "Operation of the Board". First, we wish to point out, that the operation of the minimum standard of notice of hearings is deficient. For purposes of the intent to provide meaningful opportunity, the purpose of a three-day notice appears to contemplate submission of written materials. To accommodate this consideration, the notice must be posted in the appropriate time frame, we suggest 10 days in advance. The board deals with incarcerated persons, their families, and with victims of those in prison. We notice that meetings are often unattended by any non-governmental persons. This lack of participation may be indirectly caused by the very short minimum notice. Can the board amend its operations to notify NDOC inmates through law library postings? They are also interested parties, and they can motivate family to attend.

Second, on December 14th, 2021, the Board sent us a letter that affirms that the board relies upon and is dependent upon NDOC custody officials to supply representations of fact. This interdepartmental dependency appears to us, to be highly problematic and not done pursuant to an approved interlocal agreement. For example, NRS 193.165 states in the text that it is NOT a separate offense, yet the local District Attorneys operate on a legal fiction that it is a crime, and file complaints alleging violations of a non-criminal statute. The local judiciary then pronounces sentences for violation of the non-criminal statute. That legally can only be interpreted as a de facto civil commitment, then NDOC has to make up a category of offense. The legislature provides Categories A, B, C, D, and E. since the text of NRS 193.165 declares itself, not to be a separate crime, NDOC makes up categories, including category F, for the non-offense. Then, because of the board's improper dependence on NDOC, they unwittingly become principles through acts of other State and local agencies. Can something go into the boards operational rules to establish a policy of protecting their independence? The board is a quasi-judicial agency, an extension of the sentencing court. Should not the board then assert their independence from other agencies and in doing so ensure that the facts upon which they make parole decisions are double checked and arrived at independently consistent with the legislative command.

Third, we moved to suggest the idea that the Board incorporate into its rules of operations NRS 179.2405 which is an act in legislature in 2017 announcing the public policy of giving second chances to offenders who are rehabilitated. Can you state for the record whether you have adopted this new policy statement? Thank you for your time and I look forward to seeing you at the next board meeting.