

March 31, 2022

Re: Meeting of the Board of Parole Commissioners Notice and Agenda

We, Advocates for the Inmates and the Innocent are submitting our written Public Comments for the following Agenda Items, II, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII for the March 31, 2022, public meeting.

“Consider factors” in NAC 213.516 negates the intent of NRS 213.10885.

Parole board guidelines are intended to establish specific standards to assist the board in making parole decisions. NRS 213.10885(1). The proposed amendment to NAC 213.516 does not meet that criteria.

Agenda Items IX, X

LCB R114-21 proposes to modify the table in NAC 213.516 which the board uses to make their initial assessment regarding whether to grant parole. The table generally recommends parole be denied when an inmate’s risk level is high (top left-hand area of the table). The table mostly recommends that parole be granted at the initial parole eligibility for inmates who’s risk factor is low (bottom right-hand section of the table). When the inmate’s risk factor is moderate (and for some high risk factor inmates) the table does not establish a standard to which the board’s decision may be compared.

Each category in the table of NAC 213.516 must contain a *recommended parole decision outcome* to which the boards actual decision may be compared. Decisions which deviate from those standards should then be reported at each regular session of the Nevada Legislature:

NRS 213.10885 (7)(a) requires the parole board to report to the legislature on its parole decisions. It reads:

“The Board shall report to each regular session of the Legislature:

(a) The number and percentage of the Board’s decisions that conflicted with the standards”

This report enables the legislature to ensure the board’s decisions are consistent and justifiable. The “Consider factors” wording in NAC 213.516 does not permit a comparison to nor deviation

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from a standard result. For that reason, there can be no conflicts nor deviations to report to the legislature pursuant to NRS 213.10885 (7)(a). This absurd result renders the reporting requirement and thus NRS 213.10885 null and void.

We still go back to the proposition that "consider factors" is not an objective guideline for making a parole decision. I think the guidelines should make a recommendation as to the outcome.

Agenda XII, XIII

R115-21P

we agree with most of these amendments. However, the guidelines should be objective. Aggravating factors based upon a feeling or opinion of a board member should not be allowed. "Extreme or abnormal aspects" of a crime to one member may not be considered as such by most people. Ask them to stick to numbers or yes or no factors. Eliminate this subjective subsection.

AGENDA XIV, XV, XVI, XVIII

R116-21P

Requiring the Board to use ONLY the NDOC assessment doesn't seem to create a problem. The only part we question is why the NDOC eval only examines the probability of future sexual crimes. When initial assessment is made by the Board, everybody else gets looked at for the probability of the commission of any new crime. Why are SO's only reviewed for further sex crimes. If they have a drug problem, e.g., any other crime will be more likely to occur.

4... to determine the risk that the prisoner will commit another sexual offense ...

Respectfully,

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