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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the

Board of Parole Commissioners

January 31, 2024

MINUTES APPROVED ON APRIL 30, 2024

NOTE: The following minutes have not been approved and are subject to revision at the next meeting of the Board.

The Board of Parole Commissioners held a public meeting on January 31, 2024, 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 the Carson City office were Commissioner Baker, Commissioner Weisenthal, and Chairman DeRicco. Present in the Las Vegas office were Commissioner Christiansen, Commissioner Bailey, and Commissioner Schmitt. Commissioner Jackson was absent, excused.

Support staff in attendance:

Kelly Mellinger, Hearings Examiner II
Siryia Niemiec-Pearson, Administrative Assistant I

Members of the public present in Carson City included:

Paul Corrado

Members of the public present in Las Vegas included:

Adam Honey, Deputy Attorney General

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

Paul Corrado – See attached written public comment.

Public comment – Las Vegas, NV

No public comment.

III. For possible action: Review/Approval of minutes from the September 27, 2023, Board meeting.

Motion:	Approve the minutes from the September 27, 2023, Board meeting as distributed.
Made:	Commissioner Bailey
Seconded By:	Commissioner Christiansen
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Bailey, Schmitt
Votes Opposed:	None
Results:	Motion passed

IV. For discussion and possible action: The Board will discuss and may take action to update, modify, or approve 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 opened this agenda item by stating that when the Board becomes aware of an opportunity to provide additional clarity to the Operations of the Board, it will be addressed at a meeting. He stated that the section to be reviewed is Reconsideration of Unfavorable Action. He then thanked Kelly Mellinger and Katie Fraker for initiating this change and suggesting language changes. Chairman DeRicco provided that Deputy Attorney General, Adam Honey, reviewed the provided document. He then read through the revised document in its entirety.

Chairman DeRicco explained that the Board conducts RPO (Review Previous Order) hearings and Reconsideration of Unfavorable Actions (RUA) hearings, and that sometimes these hearings are confused. He stated that the revised document is to delineate the two types of hearings. He explained that when the Board conducts a Reconsideration of Unfavorable Action hearing, this additional language will allow the Board to consider any additional information available to the Board at the time of the new hearing. He further explained that this clarifies that the Board can review any information that they have at the time of the Reconsideration hearing, whether that information is new or old, or good or bad.

Commissioner Baker asked for clarification of the phrase, “... for advancement,” in sections 5 and 6. She asked if “for advancement” meant advancement to the Board for a request for a rehearing. Chairman DeRicco answered in the affirmative.

Motion:	Approve the Reconsideration of Unfavorable Action section as distributed.
Made:	Chairman DeRicco
Seconded By:	Commissioner Weisenthal
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Bailey, Schmitt
Votes Opposed:	None
Results:	Motion passed

Chairman DeRicco stated that he would instruct staff to create a box on the worksheet for Reconsideration of Unfavorable Action hearings to negate further confusion.

- V. **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.

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

Motion:	To adjourn the January 31, 2024, meeting of the Nevada Board of Parole Commissioners.
Made:	Commissioner Baker
Seconded By:	Commissioner Bailey
Votes in Favor:	DeRicco, Baker, Weisenthal, Christiansen, Bailey, Schmitt
Votes Opposed:	None
Results:	Motion passed

Nevada Parole Board Hearing Preparation:

Your Next Job Interview

Preface. The Nevada Parole Board is made up of seven members. A parole board hearing is generally attended by 2 or 3 members of the board who recommend to the other board members if a person should be paroled. There is a considerable amount of research that is done by Parole Board staff prior to the hearing. Primary among the information developed is a risk assessment. There is also research associated with prior arrests, including those as a juvenile, if any.

The following is an impression of the process by a volunteer. It was reviewed for accuracy by two of the Parole Board members and changed to reflect their corrections.

Nevada Parole Board Meeting Notes

Background. The Nevada Parole Board meetings are open to the public. The reason for the visit was requested by the two Commissioners in attendance at the hearing. The reason given was to assist inmates with preparation for their parole hearing. These observations are considered typical, since all nine parole hearings that afternoon were similar in format and administration. These notes are not to be considered complete and representative of all issues that can be raised, they are meant to help the process and ultimately the inmate to keep from returning to prison.

Process. Two hearing Commissioners or a Commissioner and a Hearing Representative are in attendance in matters other than the most serious crimes, like murder. For crimes such as murder, three Commissioner are in attendance. The Commissioner(s) in attendance make recommendations to the full Board who, in turn, make the final ruling on the case. The hearings are conducted via closed circuit TV, with Commissioner(s) in attendance in Parole Board Offices, located in Carson City and Las Vegas, with the inmates in attendance from their individual institutions. There are a total of 7 Commissioners including the Chair, 3 in Las Vegas, and 4 in Carson City. (Please see Attachment 1)

Meeting. Inmates are greeted and asked to verify their signature on a document that was presented to the Board; namely, the Notice of Hearing. It states the date and time of the hearing and lists certain rights the offender has in regard to the scheduled hearing. A risk assessment, an instrument that chronicles their arrest record and convictions with a score, is also part of the information given to the Parole Commissioners. (See Attachments 2 & #) This document includes crimes committed prior to an inmate's 18th birthday. One inmate acknowledged that he was first arrested when he was 13 years old. The Commissioners go over the issues identified on the Risk Assessment and ask questions related to it. This is a critically important document. The Commissioners will go over it with the inmate to validate its accuracy. Listen carefully and make sure it is accurate. For most hearings, the inmate is then asked if they wish to make an opening statement. (See Attachment 4)

Opportunity. This is critical. Your opening statement is an opportunity, in a succinct and summary manner, to make your case, acknowledge past mistakes, identify what you learned from them, how you have taken advantage of educational/personal development opportunities afforded you during your incarceration, without write-ups, if possible.

Also, refer the Hearing Officials to documents in your packet that:

- Identifies your life goals and the objectives needed to attain them,

- • Presents them with a work resume, identifying your talents, skills, and abilities.
- • Contains a step-by-step plan of what you intend to do upon leaving the institution. This later plan can be developed using the “who, what, when, where, why” approach to your intentions upon release, as well as checklists from the NDOC and/or the US Bureau of Prisons.

Caution. Make sure you have kept your write-ups to an absolute minimum, none would be the target. It is up to you to make sure all the previously identified documents are part of the packet of information given to the Parole Board.

Questions and Issues. The Commissioners will then ask you questions associated with your record and how you intend to conduct yourself in the future. Questions could include, “Why did you commit the offense?” Responses would best be thought out, accurate, and having had time to consider them and their consequences to others, and “I am truly sorry for what I have put my victim through, and I acknowledge their long suffering and lingering effects.” Gang affiliation will be brought up, together with your employment record, in the year prior to your crime(s). Anger management, victim empathy, how you intend to break the cycle of incarceration, if there is one, how you intend succeed when you leave, and how you will keep away from bad company will (or may) be addressed by the Commissioners as well. The Commissioners may point out that, if you have several felony convictions on your record and, if there is a next felony, the judge could target you as a habitual offender, with resulting in significant and dire consequences.

You will be graded on the risk assessment with a point system, ; work hard at the time it is prepared to keep the score as low as possible. After the hearing, the Board deliberates in closed session.

Opportunity. Suffice to say, before the hearing is ended, the inmate is given another opportunity to make a statement. This opportunity should NOT be missed. Have a statement prepared. Thank them for their time, acknowledge they have an important decision to make, and if they decide in your favor, you have not only every intention not to reoffend, but to make something of your life by finding a career that uses all the talents, skills, and abilities that you have to offer. Recognize that you may have to start in a less than ideal situation to work your way up, but that with education, the support of family, and dedication to becoming a productive member of your community and society, you have the tools to succeed.

Rules of the Road. When you come to the Parole Board meeting treat it as a job interview. Identify what you have to offer and give the Board a level of comfort about your ability and dedication to making your life better and how you intend to do it. Remember they may do over 20 hearings that day, so you need to pay close attention. Acknowledge your mistakes and characterize them as significant and a life-long learning experience. Show maturity, honesty, and make it easy for them to say YES!

Outsider Notes. Observing some of the inmates’ behavior was shocking. Answers to questions from the Board were a mumbled “yea”. If you treat others, especially the Board Members, with dignity and respect, you will get it back. Know their names, address them as Commissioner (their name). Sit up straight, look them in the eye, come with prepared statements, both opening and closing along with copies of your Goals and Objectives, your resume, and a plan for your future. Ask them if they have any questions about those documents. Take a couple of seconds to organize your thoughts prior to responding to their questions. Give a careful, measured, and clear response to the question asked. That means you must listen very carefully. IF necessary, ask them to repeat the question, and answer THAT question to the very best of your ability.

In your opening and closing statements, if you are allowed to make them, remember the “sandwich”. Just as an interview on the outside, when the topic of your crime comes up, tell the good that you did before you made the mistake(s), tell them the particulars of the crime in no more than 10-15 seconds, then tell them what you have been doing since then to improve. What programs you have attended, what certificates you have

earned, and what you learned since you have been incarcerated. Use the word incarcerated, it is perceived more positively than prison.

Major Issues: There are two major issues for Parole Board Members.

First and foremost, protection of the public and society is considered paramount. You must address this and be convincing by stating why your plan upon release is going to work, especially if there is a history of recidivism. Tell them why it is going to be different this time.

Second, know that how you present yourself and what you say matters. Parole will be granted if there is a reasonable likelihood that you will be successful post-incarceration. They will listen carefully to your answers.

For example, how do you intend to keep off drugs? What are you addicted to? Why did you commit the crime? Practice the answers, get your goals/objectives, your resume, and your work-life plan completed in the very best manner. Get help developing these. Practice, out loud, the answers to questions you can anticipate. Preparation will give you confidence. Do your best. Do not accept less than your best effort from yourself for yourself. Thank them for their efforts on your behalf.

Summary. Prepare, Practice, Perform.

Exercise 1.

1. Make the experience a win-win by treating it as a job interview.
2. **The Sandwich-tell them the good you did before you got in trouble, what went wrong then tell them what good you have done since being incarcerated: classes, certificates, GED, whatever is applicable. Do not be humble.**
3. Seal the deal—be sincere when you say you are sorry for what you did to your victim and their family and yours.

Mean every word of it. Take responsibility for your actions. If you do not have remorse, do not expect a

favorable outcome from the Hearing.

4. What will be your response to the Board's Decision? Make it a learning exercise.
5. Mock Hearings—Before you go to your hearing, have several practice hearings. Even if it costs you 2 soups each. . .
6. Make sure you take advantage of your opportunity to make an opening statement and a closing statement.
7. Have family there, if you can, to show the Board you have family and community support and that they are willing and ready to provide a path to success for you by taking care of your housing, food, transportation, and emotional needs.
8. Make sure you understand that the minds of the Commissioners are NOT made up prior to the Parole Board Meeting. YOU can affect the outcome. BE PREPARED!
9. The Risk Assessment is key. Make sure it is correct before you attend. For example, have your employment history verified, especially for the year before you were arrested.
10. Posture, how you answer, "Yes" or "Yes Sir" or "Yes Ma'am", never "yea", remember their names.
11. Treat this as a job interview.
12. If you are a repeat offender, what will be different this time? Be specific. For example, "I have a job waiting for me at my last employer", "I'll live with my mom at (address)" or name of the half-way house.
13. Be clear, decisive, and specific.

14. Tell the Board why you scored high on several of the measurers, what mitigating circumstances lead to that high score on your risk assessment.
15. If battery or assault has been an issue for you in a domestic situation, tell how this situation has and will change. For example, when was the last contact with that individual? What classes did you attend, and graduate from, like Anger Management, The Phoenix Program, etc.
16. Come prepared. Practice, practice, practice. Write down questions you may be asked associated with gang affiliation, number of domestic violence cases, parole violation. Be contrite, specific, and forward thinking with your responses.

Role Play. Taking turns at different positions, for the first exercise, there will be 3 Parole Board members asking questions of a parole. Each of you are to:

1. Prepare/write 4 questions based on the information contained in this report, to use to question a prospective parolee.
2. Prepare/write an answer to each of these questions.
3. Prepare/write an opening and closing statement you wish to make at your Parole Hearing.
4. Prepare “sandwich” answer to two questions of your choosing.

References

1. Attachment1. Photo of the Nevada Board of Parole Commissioners
2. Attachment2. Nevada Parole Guidelines Aggravating and Mitigating Factors Definitions
3. Attachment 3. Nevada Parole Risk Assessment
4. Attachment4.A Brief Guide to Parole Board Hearings