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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the
Board of Parole Commissioners
July 31, 2019

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 July 31, 2019 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, video conference to 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 Corda, and Commissioner Jackson. Present in the Las Vegas office were Commissioner Keeler, Commissioner Christiansen, and Commissioner De La Torre. Commissioner Endel not present.

Support staff in attendance:

Darla Foley, Executive Secretary
Brian Stone, Administrative Assistant III
David Smith, Hearing Examiner III
Katherine Baker, Management Analyst III

Members of the public present in Carson City included:

Katie Brady, Deputy Attorney General
Dr. Caldwell-Barr, Staff Psychologist, NDOC
Elaine Voight, Executive Director, My Journey Home
Paul Corrado
Paul Churchill
Rich Gwyn

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.

Chairman DeRicco asked if anyone present would like to make a public comment.

Public comment – Carson City, NV

Paul Corrado discussed the handout “Nevada Parole Board Meeting Notes.” He requested that his letter, attachments, and information provided for the meeting be placed as a discussion item on the agenda at the next meeting of the Parole Board.

Public comment - Las Vegas

No public comment.

- III. For possible action:** Review/Approval of minutes from the January 9, 2019 Board meetings

Motion: To Approve minutes from the January 9, 2019 Board meeting.
Made: Commissioner Jackson
Seconded by: Commissioner Keeler
Votes in Favor: Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen
Votes Opposed: None
Motion passed:

- IV. Information Only:** Presentation by Dr. Sonnette Caldwell-Barr with the Nevada Department of Corrections on the Static99-R. The Static-99/R is the most widely used sex offender risk assessment instrument in the world, and is extensively used in the United States, Canada, the United Kingdom, Australia, and many European nations. The purpose of this presentation is to provide information to the Board and discussion with regard to how the Nevada Department of Corrections scores this instrument.

Dr. Caldwell-Barr presented a Power Point presentation on scoring the Static-99R. A copy is attached to the original minutes as Exhibit A. After the presentation, Commissioner De La Torre asked about the risk of allowing offenders to take victim empathy when they have not taken the STOP program. Dr. Caldwell-Barr confirmed that there is some risk with allowing certain types of sex offenders access to particular programs because it may make help them to become better sex offenders. Commissioner Corda asked Dr. Caldwell-Barr if she feels that there is a better predictor of risk than the Static 99-R. Dr. Caldwell-Barr stated that she feels that it is the best assessment for the moderate offenders.

- V. Information Only:** The Presentation by Elaine Voigt, Founder and Executive Director of My Journey Home, Inc., located in Reno, Nevada. The purpose of this presentation is to introduce the Nevada Board of Parole Commissioners to this program, and inform the Board on resources available to inmates through this program.

Elaine Voight gave a presentation on the organization “My Journey Home.” Ms. Voight explained her background and why she founded the program. She discussed employment and housing prospects for parolees through the organization and the positive responses from employers that hire through referrals from their program. She also talked about how she has helped parolees with issues they have had obtaining employment, counseling, education, and legal matters. She explained how assistance is provided by using available state and local resources to include The Sands Hotel, Dress for Success, The Row, Children’s Cabinet, Crossroads, etc.

- VI. For possible action:** The Parole Board will consider and may act to approve revisions to an information sheet for the public that details information relative to the parole process with a focus on victim and supporter participation in parole hearings.

David Smith stated that changes were made to public information sheet based on feedback that he received from the previous Board Meeting and asked if anyone had any questions or suggested changes to the new information sheet. Nobody had any questions.

Motion: **Act to approve revisions to an information sheet for the public that details information relative to the parole process with the a focus on victim and supporter participation in parole hearings.**

Made: **Commissioner Corda**

Seconded by: **Commissioner Jackson**

Votes in Favor: **Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen**

Votes Opposed: **None**

Motion passed

- VII. For possible action:** The Board will consider, may act to alter, and may act to approve the Policy of Sealing of Records.

Chairman DeRicco stated that the Parole Board is in the process of updating policies and procedures in different areas and there will likely be other policy discussions at future Parole Board meetings. The purpose of this particular policy brought before the Board today is to ensure that the Board has addressed the court ordered sealing of records in accordance with statute. The Policy was created internally and reviewed by the Board’s assigned Deputy Attorney General. If approved by the Board, the policy will be forwarded to the Board of Examiners for final approval.

Motion: **Act to approve the Policy of Sealing Records.**

Made: **Commissioner Jackson**

Seconded by: **Commissioner Christiansen**

Votes in Favor: **Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen**

Votes Opposed: **None**

Motion passed

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 - Las Vegas

No public comment.

Public comment – Carson City, NV

No public comment.

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

Motion:

To adjourn meeting.

Made:

Commissioner De La Torre

Seconded by:

Commissioner Christiansen

Votes in Favor:

Corda, Jackson, DeRicco, Keeler, De La Torre, Christiansen

Motion passed

7/31/2019

Static-99R and SOTIPS

By Sonnetta Caldwell-Barr, Ph.D., Psychologist II - NDOC

Objectives

- NRS 213.1214
- Actuarial risk assessments.
- Understand what psychologist at NDOC review to complete the Static-99R.
- Basic overview of scoring a Static-99R.
- Brief introduction to a SOTIPS.
- Sex Offender Treatment provided by NDOC.

NRS 213.1214

The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner.....

Actuarial Risk Assessment

- Actuarial risk assessments are statistical methods of estimating the likelihood a particular event will occur.
- The Static-99R is an actuarial risk assessment that is based on static factors.
- Static factors are based on history and therefore unchanging.

Actuarial Risk Assessment Cont.

- SOTIPS (Sex Offender Treatment Intervention and Progress Scale) is a Dynamic Risk Assessment used to assess risk, treatment and supervision needs, and progress among adult male sex offenders.
- Combining a static and dynamic risk assessment (Static-99R/SOTIPS) enhances the prediction of risk to sexually reoffend.

Data used to score the Static-99R

- Criminal history questions (items 3, 4, 5, 6, & 7)
- PSI, JOC, PVR, NOTIS, I-File, police records when available.
- Demographic questions (items 1 & 2), although optimal to consult official documents, self-report is acceptable.
- Victim questions (8, 9, & 10) self-report is acceptable.

Who can you use the Static-99R on?

- Adult males who have committed a sex offense.
- Not for consensual sex with similar age peer (Stat. rape).
- Not for Juvenile sex offenders
- Not for prostitution, public toileting, pimping/pandering, child porn, or nudity associated with mental illness, etc. (Referred to as Category B sex offenses in scoring manual).

Basic Overview of Scoring a Static-99R

- Index Sex Offense
Most recent sexual offense
- Index Cluster/Pseudo recidivism
Spree of offending

1. Age at release from index sex offense

- Age at time of release from Index sex offense.
- If SO is not current offense then look at initial parole date.
- Problematic when all PVR's are not made available on NOTIS.
- 18 to 34.9 = 1
- 35 to 39.9 = 0
- 40 to 59.9 = -1
- 60+ = -3

2. Ever lived with a lover for at least two years

- Item can be defaulted to a zero if no information available.
- Relationship can be male or female.
- Has to be a continuous relationship for at least two years.
- Prison marriages without cohabitation don't count.
- Relationship has to be in community and marriage like.

3. Index non-sexual violence

- Must have resulted in a conviction
- Cannot be a conviction overturned on appeal
- Juvenile and adult convictions
- Do not count non-sexual violence after the index offense cluster.
- Cannot count sexual offenses violent in name (Assault with Intent to Commit Rape, Sexual Battery, Sexual Assault with a Weapon, etc.).

4. Prior non-sexual violence

- Same rules apply as #3.
- Undesirable discharge from military as a result of a violent offence (striking an officer, etc.) counts.

5. Prior sex offences

- Index sex offence is not counted.
- Charges that do not result in a conviction are counted.
- Officially recorded sexual behavior or intent.
- Resulted in some form of criminal justice intervention or official sanction.
- If in custody must be serious enough that Inmate could be charged with a new sex offense

5 Cont.

- Arrests, charges, convictions, Parole and Probation Violations, and Institutional rules violations for sex offense.
- Official Sanctions Include:
 - Imprisonment
 - Fines
 - Loss of Institutional time/disciplinary for sex offense
 - Community supervision
 - Alternative resolution agreements
- Juvenile offenses count.

Offenses that are NOT counted

- Failure to Register as a sex offender
- Consensual sexual activity in prison
- Presence of children/loitering at schools
- Stalking
- Questioning by police
- Possession of child clothing

6. Four or more sentencing dates

- Exclude index sex offense.
- Count sentencing dates prior to index sex offense.
- Anything that counts as a conviction will count as a sentencing date.
- Do not count arrests, charges or acquittals.
- Do not count institutional disciplinary actions.
- Juvenile offences count.

7. Any convictions for non-contact sex offences

- Child pornography
- Obscene phone calls
- Voyeurism
- Exposure to others
- Illicit sexual use of the Internet for unwanted sexual chat
- Breaking into a house and stealing fetish items

8-10 Victim questions

- 8 - Unrelated victim
Step parents/common law are considered related as long as they have been in the relationship for at least 2 years before the sexual abuse started.
- 9 - Stranger victim
Victim knew the offender less than 24 hours.
- 10 - Male victim
Do not count male child porn

SOTIPS Introduction

- Comprised of 16 dynamic risk factors.
 1. Sexual Offense Responsibility
 2. Sexual Behavior
 3. Sexual Attitudes
 4. Sexual Interests
 5. Sexual Risk Management
 6. Criminal and Rule-Breaking Behavior
 7. Criminal and Rule-Breaking Attitudes
 8. Stage of Change
 9. Cooperation with Treatment
 10. Cooperation with Community Supervision
 11. Emotion Management
 12. Problem Solving
 13. Workforce
 14. Employment
 15. Residence
 16. Social Influences

Sex Offender Treatment Provided by NDOC

- 12,837 inmates currently in NDOC (11,602 men)
- Approximately 2,371 have sex offenses (past and current).
- LCC continues to house most of the sex offenders with 50% of our population having sex offenses (884 inmates). 1 Sex Offender (SO) provider.
- Inmates with sex offenses by institution:
 - HDSP - 690 with 1 SO provider
 - NNCC - 412
 - ESP - 162
 - SDCC - 97 with 1 SO provider

- Sexual Treatment of Offenders in Prison – STOP
- Sex Offender Treatment Program – SOTP
- 4 phases
- STOP I – Cognitive Restructuring
 - Identify thinking and behavior patterns that lead to re-offending and provide tools for changing or decreasing deviant thoughts, feelings, and behaviors.
- STOP II – Victim Awareness
 - Gain a full understanding of how illegal sexual behavior affects victims, and how to accept responsibility for their actions.
- STOP III – Healthy Sexuality
 - Healthy sexual attitudes and values and establish appropriate relationships with other adults.
- STOP IV – Relapse Prevention
 - Understanding their abuse cycle and developing relapse prevention plans to help avoid re-offending.

Concerns

- No access to OTIS or NCIC
- Rely on downloads to NOTIS
- PSI's are inconsistent with information
- Original PVR not always posted
- 1 risk assessment is not a psychosexual
- Original court ordered psychosexual are almost never available
- No intake assessment specific to sex offender treatment needs (RNR)

- There are some high risk offenders who will score low to moderate and some low risk offenders who will score moderate to high.

Thank you for your time....not the end but a good step in the right direction.
