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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the
Board of Parole Commissioners

August 30, 2021

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 August 30, 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, Commissioner Jackson and Commissioner Weisenthal. Present in the Las Vegas office were Commissioner Bailey, Commissioner Christiansen, and Commissioner Verchio.

Support staff in attendance:
Katie Fraker, 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 July 28, 2021 Board meeting.

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Motion:	**Approve the minutes from the July 28, 2021 Board meeting.**
Made:	**Commissioner Baker**
Seconded By:	**Commissioner Weisenthal**
Votes in Favor:	**DeRicco, Baker, Weisenthal, Jackson, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion passed**

IV. <u>For possible action</u>: 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 new sections to be discussed were Chairman's Veto of Recommendation to Deviate from Guidelines, Parole Applications, and Case Hearing Representatives. There were also two updates to previously updated and approved sections. These sections were Parole Violation Hearings and Parole Hearings.

Chairman DeRicco introduced the first section for discussion, Chairman's Veto of Recommendation to Deviate from Guidelines. Hearing Examiner Lupe Garrison worked on this section and suggested wording change as noted in the handout "Chairman's Veto of Recommendation to Veto from Guidelines." He then opened the floor to any discussion on the proposed changes.

Commissioner Weisenthal suggested the word "prisoner" be changed to "inmate" in document. Chairman DeRicco agreed as that is what had been previously agreed upon throughout the document.

The next section discussed was Parole Applications. Chairman DeRicco read through this section with the suggested changes as noted in the handout "Parole Applications." No additional changes were suggested.

Chairman DeRicco introduced the next section for discussion, Case Hearing Representatives. Chairman DeRicco read through this section with the suggested changes as noted in the handout "Case Hearing Representatives (NRS 213.133, NRS 213.135 and NAC 213.565)". No additional changes were suggested.

The next section discussed was Parole Violation Hearings. Hearing Examiner Kelly Mellinger worked on this section. It had previously been reviewed and updated at the March, 2021 meeting. Chairman DeRicco expressed that since this is a dynamic document, and that when things change, the Board should try its best to update this document accordingly.

Chairman DeRicco proposed adding language in sections 5, 8, and 9. Commissioner Baker suggested the word "prisoner" in section 8 be updated to "inmate". Chairman DeRicco stated he would review the entire document and make this change. No additional changes were suggested.

The final section discussed was Parole Hearings. The Board reviewed and updated this section at the July, 2021 meeting.

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Chairman DeRicco proposed updating language in section 1 and adding language in section 9. No additional changes were suggested.

V. **<u>For possible action</u>: The Board will discuss and may take action regarding an Order issued by the Court of Appeals of the State of Nevada in the case of Michael Deshawn Tellis vs. The State of Nevada Board of Parole Commissioners, Case No. 81576-COA and how it relates to NRS 213.142 and NRS 213.1215. The Office of the Nevada Attorney General may provide the Board with an overview of the Order and the statutes.**

Chairman DeRicco discussed the court order and statutes NRS 213.142 and NRS 213.1215. Referring to NRS 213.1215(6), he explained that the Board is able to deny mandatory parole to the expiration of an inmate's sentence when there is a reasonable probability that the inmate will be a danger to public safety.

Chairman DeRicco then explained that NRS 213.1215(7) and NRS 213.1215(2) refer to inmates who were sentenced to life imprisonment with the possibility of parole and who were less than 16 years of age at the time they committed the offense. He provided that, in these circumstances, if the Board finds that there is a reasonable probability that they will be a danger to public safety while on parole, the Board is not required to grant parole but instead must schedule a rehearing. Commissioner Jackson noted that these files are typically marked as AB474 which will make them easier to identify during hearings.

Chairman DeRicco reiterated that the Board is able to deny mandatory paroles to expiration, unless they are the sixteen-year-old life cases, but that discretion parole hearings must have a rescheduled hearing date, even if that date is after the expiration date.

VI. **<u>Public Comment</u>.** 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.

<u>Public comment – Carson City, NV</u>
No public comment.

<u>Public comment – Las Vegas, NV</u>
No public comment.

VII. **<u>For possible action</u>**: The Board may act to adjourn the meeting.

Motion:	**To adjourn the August 30, 2021 meeting of the Nevada Board of Parole Commissioners**
Made:	**Commissioner DeRicco**
Seconded By:	**Commissioner Baker**
Votes in Favor:	**DeRicco, Baker, Weisenthal, Jackson, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion passed**

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