

**Board of State
Prison Commissioners**

BRIAN SANDOVAL
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DEPARTMENT OF CORRECTIONS**

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BRIAN SANDOVAL
Governor

E.K. McDaniel
Interim Director

DWAYNE DEAL
*Offender Management
Administrator*

Date: November 2, 2015

To: E.K. McDaniel, Interim Director

From: Dwayne Deal, OMA

Subject: John Melikian #84590 regarding 9-15-15 Prison Board Meeting

Mr. Melikian entered NDOC 1-31-05 as a probation violator. He was convicted on C#187203 out of Department VIII in Clark County and sentenced 1-12-05 to 36 – 240 months for the felony offense of Attempt Lewdness with a Child Under the Age of Fourteen. His 373 days jail credit which took his "start date" back to 1-5-2004 and he was initially eligible for parole 1-5-2007. His file was obtained from archives and the above information was verified, to include the stipulation of "LIFETIME SUPERVISION".

He had Parole Board hearings on 9-13-06 and 10-8-08, which were both denials, and had "No Action" at a 9-10-11 hearing before being granted parole at his 1-12-12 Parole Board hearing. Upon release on parole he was an Interstate Compact (ISC) to California for his lifetime supervision. He was released on parole 8-21-12 and subsequently expired his Nevada prison sentence 6-24-14.

Part of the public comment from Debra Melikian, whom I believe to be Mr. Melikian's mother, referenced some sort of error and that the "computer added information that shouldn't be there". The December 1, 2014 letter from Mr. John Melikian, which was submitted along with other documents (179 pages total) at the Board of Prison Commissioner's 9-15-15 hearing, alleges that a "computer glitch", "added false crimes to my record". These other documents also refer to the so called "computer glitch" from when NDOC switched from the Nevada Criminal Information System (NCIS) to the Nevada Offender Tracking Information System (NOTIS) 6-5-07. These allegations amount to claiming this "glitch" somehow changed or added information into NOTIS which "added 6 years" to his sentence.

In the first case, the issue of the JOC is pretty clear. The JOC stipulated the offense and NRS statute he was convicted under, what terms he was sentence to, what jail credits he was awarded and what the sentence date was. This was all correct and from what I can see what was reported to the Parole Board as well for each of his hearings.

What wasn't on the JOC was the category of the felony this offense was. Back in that time frame, and even now sometimes, the category of felony is not always listed on the JOC. In those cases the NDOC would go by the category of felony as noted on the Pre-sentence Investigation (PSI) report. The PSI for this case stipulated this was a category A felony. In reviewing prior Parole Board reports it appears that the report done 7-27-06 for his September 2006 Parole Board hearing specified the offense and sentence structure correctly, but the Category was noted as B and the offense severity as High. While this was in error, it was prior to the 2007 conversion and would certainly not have been detrimental to the inmate because it listed the offense as a lower category and a lower offense severity than it should have. A check of NRS 201.230, which was the statute he was convicted under, noted that in 1999 this offense was changed from a Category B to a Category A. It is unclear at this point why the category and corresponding offense were listed as such in the 2006 Parole Board Report, but it should have been noted and corrected at the time of the report. However, the Parole Board would have had a copy of the PSI as well and, as part of their independent review, should have noted that this was a Category A felony. His Psych Panel score was "Moderate" and that by a split decision he was not a high risk to sexually re-offend. The 2006 Parole Board results didn't stipulate a reason for the denial but the notes from the caseworker who attended the hearing indicated "Discussed Holds and charges in California", "Discussed STG Affiliation" and "Results in 2-3 weeks".

In the documents provided, the portion which it the "time line", it was indicated that sometime between 9/2006 and 7/2007 "someone put on John's file he was a White Supremist Gang member associate". The STG validation date was in NOTIS as 1-31-2005 and while the 2006 Parole Board report didn't stipulate gang affiliation the notes from the hearing indicate this issue was discussed, as indicated above.

Changes in format of the Parole Board report subsequent to the 2006 hearing took place and the Parole Board report for the October 2008 hearing didn't specify the category of felony the offense severity was not stipulated. However, the offense and sentence structure were the same as noted in the 2006 report; nothing was "added" to the report. The 2008 Psych Panel results also scored him as "Moderate" and by a unanimous decision that he was not a high risk to sexually re-offend. The Parole Board results indicated that the offense severity was "highest" so it would appear that the offense category and corresponding offense severity issue was discovered and corrected by this time. This was not some computer glitch adding anything, but a correction to the data in NOTIS. The NDOC is obligated to make corrections if/when such are discovered.

The 2011 and 2012 Parole Board reports were similar in that the same offense, with nothing "added" were noted and the offense severity was not stipulated on the reports still.

After reviewing all the Parole Board reports, other than the fact that his offense category had been noted in the 2006 report as a category B and a high offense severity, in error, I found nothing which would support the allegations that the "computer glitch" added anything which added any more time to his sentence.

Based upon his Pre-sentence Investigation (PSI) report the above noted case was his only adult felony conviction. I found nothing to suggest there ever was any additional criminal history or other sentences somehow "added" either to his sentence structure, to his criminal history or even to his Parole Board reports which had been prepared in advance of each of the above noted hearings. His sentence structure had 36 months as the minimum term, but that was just the soonest he would be eligible for parole, and with the serious nature of the offense he was convicted of, not to mention that his sentence had a maximum term of 240 months, I'm not sure how realistic it was for the parties involved to have been telling Mr. Malikian or his family that he would be out in 3 years, since parole grant/denial is at the sole discretion of the Nevada Parole Board Commissioners.

From the documents provided, it appears that the issue of his Security Threat Group (STG) validation was perhaps one of the main issues which was possibly referred to an "wrong information" which had been added. However, from data available in the Nevada Offender Tracking Information System (NOTIS) it appears inmate was initially validated as an "Associate" with a "White Supremist Affiliation" Security Threat Group (STG) 1-31-05. The hard copy records of this validation are confidential would be in the possession of the Inspector General's office, however there is information in the STG Assessment which indicates what Mr. Melikian was scored on. The PSI didn't specifically address this issue at all, but in addition to law enforcement contact and/or validation as noted in the PSI, inmates can be scored for other reasons such as moniker, admissions, documentation of affiliations, gang paraphernalia/pictures, reports from other law enforcement/jails, tattoos, etc. Even if the inmate is claiming that the STG should never have been validated, the fact remains that it was validated by the Inspector General's office and that was what the NDOC staff would have had to put in the Parole Board reports. This was noted in the June 2006 Parole Board report, which was prepared using data extracted from the NCIS (Nevada Criminal Information System), and was prior to the 6-5-2007 "conversion" to NOTIS (Nevada Offender Tracking Information System) so could not have been a result of said "glitch". It does appear that his STG was "devalidated" 1-18-2010 in NOTIS and the 2011 and 2012 Parole Board reports made note of this as well.

With regards to these alleged "inaccuracies" or additional crimes which were supposedly added to this criminal history and reported to the Parole Board, it should also be noted that Parole Board reports are presented to the inmate, who signs acknowledging that they have been made aware of what is in the report. This does not mean they are agreeing with everything in the report, but is simply them acknowledging that they have been made aware so they can address any issues they may feel they would like to address at the time of their hearing. That's not to say that if the inmate sees something which is not right the caseworker would not be expected to make sure it was in fact correct and if it wasn't to correct it and update the Parole Board Report accordingly. However, inmates may and often do disagree with something in the Parole Board report, but if it's accurate information it will remain and they have the opportunity to address any such issues/concerns with the Parole Board at the time of their hearing.

A good example is pointed out in the documents provided to the Board or Prison Commissioners where the Mr. Melikian is claiming he worked while in prison but this wasn't noted in the "employment" section on the Risk Assessment. However, this section of the Risk Assessment was for the period of time immediately preceding the offense/imprisonment. Institutional adjustment, programming, work, education are covered elsewhere.

I checked the Parole Board Reports prepared for the September 2006, August 2008, October 2011 and January 2012 hearings and all have the same criminal history as well as the same single case number and offense summary. I saw nothing which would substantiate the claims that inaccurate information was reported to the Parole Board or that the computer added information which wasn't supposed to be there through some sort of "glitch".

The bottom line is there was no additional sentences or anything else "added" to his data and the fact that he had to serve almost 9 years before the Parole Board granted him parole was not, in my opinion, the result of anything except having a 36 – 240 month prison sentence for a serious, sexual, category A felony conviction for Attempt Lewdness with a Child Under the Age of Fourteen. The documents provided speak about the agreement that should he complete probation the charge would be amended to a non-sexual charge. However, be that as it may, he did not complete his probation and was revoked on the original Attempt Lewdness With A Child Under 14 offense.

I was able to check both the 2008 and 2011 Parole Board reports, and during the interim between those two hearings, the Parole Risk Assessment portion of this report, which is based upon factors determined by the Parole Board, changed to include scoring for Security Threat Group (STG). It was noted however, that both assessments had him scored as a "Moderate Risk", so the difference between having the STG noted and scored in the 2011 report but not the 2008 report did not change the result of the Parole Risk Assessment.

With regard to the issue of Lifetime Supervision, and specifically the ankle bracelet, I contacted Parole Board and spoke to Debra Hausman who advised that inmates under Lifetime Supervision for a sexual offense must be under supervision for 10 years and then they can request removal, provided they meet all the criteria, which includes having no police contact, being employed, etc. The process is he would need to contact his California P&P officer who would, if the inmate was deemed eligible, contact Nevada P&P Interstate Compact LTS staff who would prepare something for the Parole Board's consideration. As long as the parolee meets all the criteria he can be removed, and this does not require a hearing by the Parole Board Commissioners.

I inquired that if the inmate does not meet the criteria, since he has only been on parole since 2012, well short of the required 10 years, the California P&P officer would have no reason to even contact Nevada P&P about this request. Debra said that is correct, however, she also provided the contact information for Kathy Baker, who manages the LTS case load for Nevada, and advised California P&P or the parolee could contact her if they had any questions on this matter. Number provided was 775-684-2674.

Contact was made with several staff with the Nevada Parole Board and Nevada Parole and Probation and I was advised that inmates on Interstate Compact (ISC) are required to comply with any and all Nevada conditions and laws but if being supervised in another state they have to agree to whatever additional conditions or laws may be applicable in the supervising state.

I spoke to Lucy Rico, with Nevada P&P's Lifetime Supervision (LTS) Unit who confirmed that Nevada LTS inmates must have 10 successful years of supervision, with no violations, before they can be considered for removal from LTS. I was also informed that the specific condition Mrs. Melikian referenced, the ankle bracelet, was not one of his Nevada parole conditions. She wasn't positive on the specifics but she believed California required all Sex Offenders on supervision in their state to wear an ankle bracelet for the first certain number of years. She referred me to the Nevada P&P officer who has Mr. Melikian's case, Ashley Krisor, to see if she may have additional information. After several exchanges I was able to speak to her and she provided some specifics with regards to the California conditions, which include registration as a sex offender, curfew, distance to schools, no contact with minors, and participation in "GPS" (which is the ankle bracelet). I also subsequently contacted California P&P and spoke to the officer of the day, a Becky Flores, who confirmed that inmates under instate compact supervision in California had to comply with the requirements from California as well as the sending state. For inmates who have to register as a sex offender, which based upon his felony conviction would include Mr. Malikian, all such inmates also have the GPS (ankle bracelet) condition. According to Ms. Flores, this is not at the discretion of the P&P officer or for a certain or minimum number of years, but is mandatory as for everyone who has to register as a sex offender.

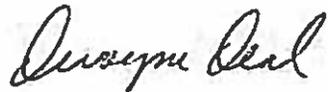
At this point, since he will no longer have Parole Board hearings and is on Interstate Compact in California for his Lifetime Supervision, there is really nothing the NDOC could do to address her concerns or desire to have him removed from Lifetime Supervision or with regard to the ankle bracelet.

After a review of the submitted documentation, despite the claims to the contrary, I found nothing to support the allegations that anything was "added" by a "computer glitch" which resulted in his serving more time on his sentence, and that there is nothing the NDOC would be able to do with regard to the lifetime supervision and requirement to register as a sex offender and where an ankle bracelet.

It should be noted that both the Nevada and California P&P staff said that the inmate could always request to return to Nevada to serve out his Lifetime Supervision if he was unable or unwilling to comply with the requirements/conditions under California P&P's supervision.

If you need anything further on this please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dwayne Deal".

Dwayne Deal, CPM