

Hebra Melikian  
3682 W. Cotton Wood Ln.  
Fresno, Ca. 93711

May 15, 2015

Pr# 559-681-1704

Board of State  
Prison Commissioners,

I wrote a letter July 21<sup>st</sup> 2014  
to the Nevada Department of  
Corrections - Office of the  
Inspector General. All information  
sent on John Melikian  
Case was scanned into  
your system July 23<sup>rd</sup> 2014  
under the Inspector  
General POC.

As shown there was wrong  
information on the pre-  
sentence report. Then the  
Computer Glitch of 2007  
added false crimes to the  
record & Three years turned  
into NINE Years.

The Consequence  
OUTWEIGHS  
THE CRIME!

As per the Nevada Electronic Filing & Conversion Rules Adopted by the Supreme Court of Nevada March 1<sup>st</sup>, 2007 - the Integrity of transmitted & filed documents and data was to be maintained. This was not done. Rule #5

First ever audit report for the Department of Corrections Accuracy of Criminal History Information in 2013 - and that report (audit) was not accurate.

2013

— 2007

OVER 6 YEARS inmates were locked up longer than they should be.

My son was wrong to leave the State of Nevada and come back to Fresno Ca. (his home) without permission. So his probation of five (5) years was changed to prison - he was told that after three years he would be home.

The Computer Glitch  
did have consequences!

Now is the time that the  
State of Nevada be  
accountable - As this  
computer problem was  
not handled properly  
as per the Rules adopted  
by the Supreme Court  
of Nevada.

I am unable to speak  
to you in person as I  
am under going Cancer  
treatment. Monya Brown  
and her internet postings  
have brought this matter  
to my attention - and  
her work for the forgotten  
members of our society  
is appreciated.

Thank - you

Hebra Melikian  
mother of John Melikian

## Please Join Us for our *Wedding Dinner*

To be held at:

The Fresno Breakfast House  
2085 W. Bullard Ave  
Fresno, CA 93711  
Sunday, January 19th 2014  
at 3pm-6pm

Entree Selections:

\* Tri-Tip Steak, Rice Pilaf, Fresh  
Saute Vegetables

OR

\*Grilled Chicken, Rice Pilaf, Fresh saute  
Vegetables

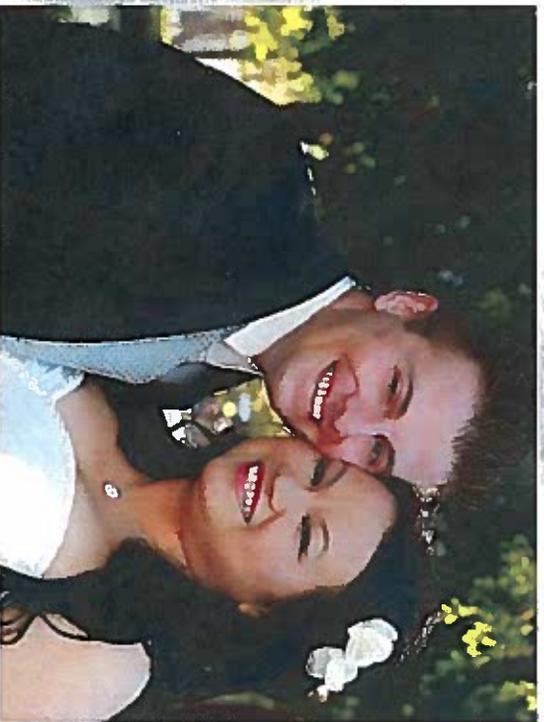
**Must be 18+ and Over**

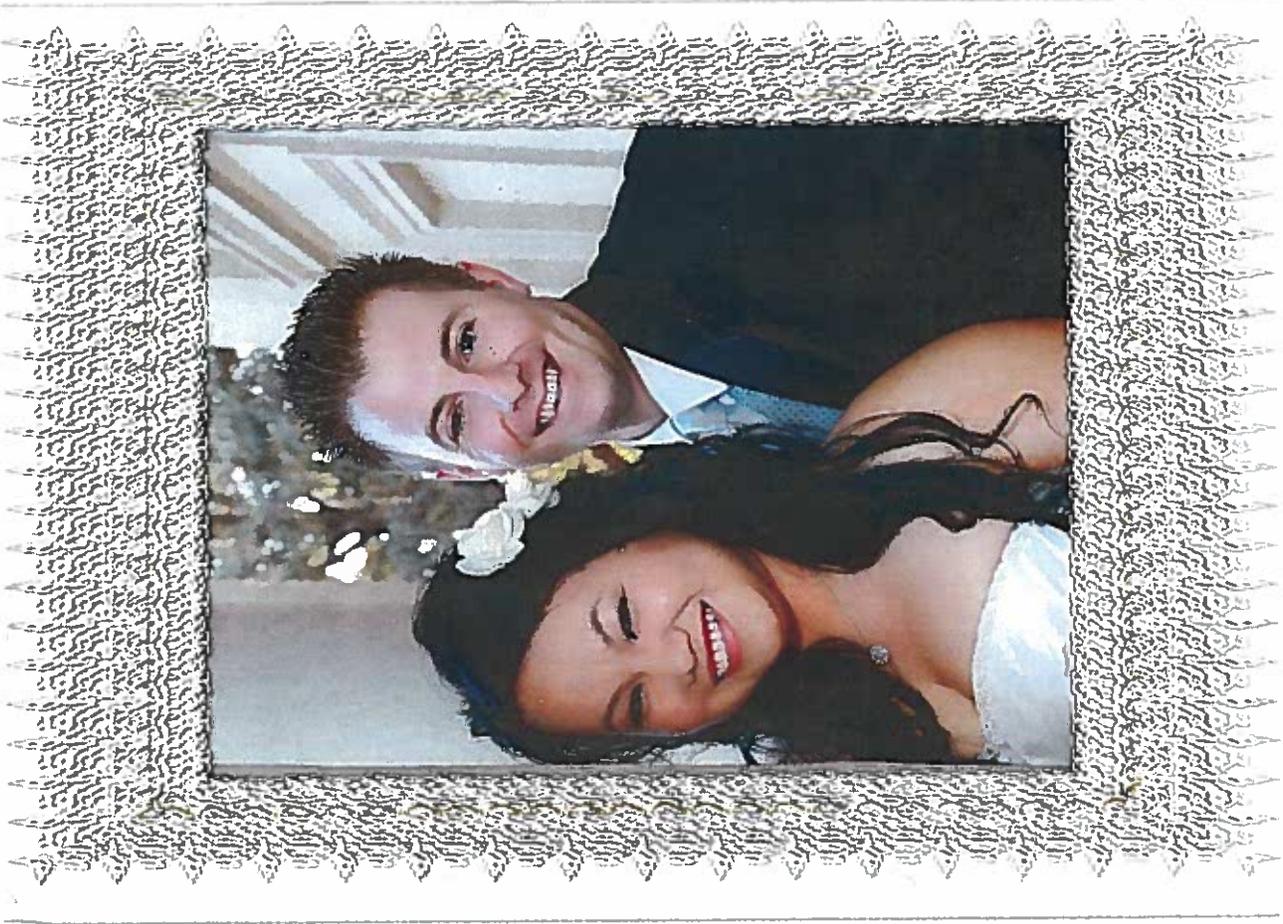
Any Questions You May Contact:

John Melikian -559-3016377

Pahoua Melikian -559-930-5130

Please RSVP by January 11th 2014





Shutterfly.

December  
1, 2014

John C. Melikian  
4141 W. Saginaw Way  
Fresno, Ca. 93722  
ph# 559-301-6377

Nevada Board of  
Prison Commissioners

This letter is to inform  
the commission of all the  
impact and consequence the  
lack of truthful audits  
have on my life.

The Nevada Electronic  
Filing and Conversion Rules  
Adopted by the

Supreme Court of Nevada  
Effective March 1, 2007

In the Supreme Court of the State of Nevada

IN THE MATTER OF ADOPTION OF STATEWIDE  
ELECTRONIC FILING STANDARDS AND RULES

Order adopting Nevada Electronic  
Filing Rules

These rules were ignored -  
No sufficient quality control -  
Not accurate or reliable reproduction.  
No integrity maintained -

The adoption of the Statewide Electronic Filing standards and rules lead to the 2007 prison system Computer "Glitch" crash. This added false crimes to my record and other inmates files.

Three years turned into  
Nine years

Assemblyman William Horne is the only government official I can find that wanted to know WHY?

Horne requested the audit division answer his questions about the people who were burdened by the felonies they did NOT commit. The Audit Report - FIRST EVER DEPARTMENT OF CORRECTIONS

ACCURACY OF CRIMINAL HISTORY INFORMATION

DID NOT FOLLOW the Filing & conversion RULES

See - Page 12 "extremely time consuming" ???

The Supreme Court of Nevada required with Rule #5 - on going testing and documentation as to reliability of hardware and software, ESTABLISH CONTROLS FOR ACCURACY - COMPREHENSIVE SYSTEM DOCUMENTATION

After the computer crash with the Department of Correction history information - NO AUDIT was done until 2012.

Fifth year into a cover-up by the Department of Corrections Assemblyman William Horne stands up with the state lawmakers and says they're NOT satisfied with the answers they have received from the Department of Corrections.

The audit report submitted February 13, 2013 glossed over the problems - No controls from 2007.

Three a half years of  
sending grievances asking  
the case worker to set  
up an appointment to have  
the wrong information  
removed from my record.

I have copies attached  
from July 17, 2007 thru  
May 28, 2010.

I was told I was put  
on the list!

Then 1/08/2008 I <sup>was</sup> informed  
that the parole board  
would not be looking at  
the false information.

I WAS DENIED PAROLE  
Because of the erroneous  
information-

See copy of letter from  
Parole Commissioner E. GRAY  
dated November 21, 2008

E. Gray had replied to  
a letter my mother had  
written dated November 6, 2008.  
At that time we knew nothing of  
the computer problems. Nothing  
was told to her about the Glitch!

In my sentence memorandum dated May 7<sup>th</sup>, 2003 my agreement with State of Nevada was upon successfully completing my probationary period that the charge would be amended to a non-sexual charge. I moved back to Fresno California without permission. (I was born & raised in Fresno and my family lives in Fresno, Ca.) I was returned to Nevada and sentenced to twenty years / minimum of Three Years. My lawyer was certain that because of the circumstances I would be home in three years. Because of the lack of Audits the Computer mistakes were allowed to happen. CRASH-GLITCH

In the Department of Corrections Accuracy of Criminal History Information 2013 AUDIT page 12. (of report) the statement "This would have been extremely time-consuming"

upsets me. This lack of responsibility affected my life!

Page 13 of the report shows the attitude (opinion) of Legislative Auditor that all inmates are considered to have certain social or other characteristics in common. This audit was biased and in no way reviewed the true concerns of current or former inmates.

I only found out about the computer problem and lack of audits because of the internet.

This lack of involvement (NOT NOTIFYING inmates) on the rights of myself - gives the impression of a Department of Correction Cover-up!

3/19/2012 Steve Suwe, the public information officer told News 4 Joe Hart "We have enough other things to do, than track how many times we screw up!"

Yes, I made a mistake in my life. It does not give the Government the Right to Ignore when they make mistakes. This cover-up of the computer Glitch and lack of Audits took six years from life.

Page 16 of Audit Report -  
Information Provided  
to Parole Board Had Errors,  
But No Impact -

See letter from  
Board of Parole Commissioners  
dated November 21, 2008  
Signed E. Gray Parole Board Commissioner

This letter proves it  
Impacted my Parole.  
Computer Glitch HAS consequences!

Sincerely,  
John Melikian

John C. Melikian

JOHN MELIKIAN  
BOARD 2008

PAROLE letter

Important Letter Asking Question and asking for review of inaccuracies

November 6, 2008

State Board of Parole Corr  
1677 Old Hot Springs Road  
Suite A  
Carson City, NV 89706

RE: John Melikian - NDOC #84590  
Parole Hearing 10/08/2008

Dear Sirs/Madams:

After reviewing, the information provided me, by my son John Melikian - NDOC#84590, regarding his parole hearing of 10/08/08 in Lovelock, NV. I need to write this letter to you.

I feel due to the inaccuracies in the report provided to the parole board by his case manager, John was not given the proper and/or just review that he deserves for consideration of parole. Working in a justice related mental health environment myself, I can see the enormous amount of paperwork related to each inmate and how overworked a case manager becomes. I also, know how sometimes information from one inmate can be accidentally placed into another's or how a case manager can become so overworked and tired that they can misconstrue information. I feel that John does not deserve to be punished for information that was not his, but was incorrectly provided to you. I strongly feel that my son deserves reconsideration for parole due to these inaccuracies for the judicial process to be fair and just. After reviewing all the information provided in my packet to you, you will agree.

John has stayed completely out of trouble while incarcerated; he works as a janitor in the prison and has done so for over two years with no problems or incidents. He completed all classes and all requests made of him by the prison as well as the psychologists, etc. that have interviewed him. John has certificates of completion of all classes he was required to complete (thus, it makes me wonder why they want him to complete these classes again).

On behalf of John's requests, I have secured adequate housing for him with the help of our Deacon, Mr. Ted Isaacs, of the Holy Trinity Armenian Apostolic Church when he returns home. The McKinley House is geared to helping inmates transition back into the community by providing instruction and help to all residing there. This will not only provide him with a place to live, but will also provide him the instruction and help of the church in becoming a productive individual in our community. Feel free to contact Mr. Ted Isaacs at The McKinley House located at 3531 E McKinley Fresno, CA 93703, Phone # 559 476-7954 with any all questions you may have.

Thank you for your time and consideration.

Sincerely,

*Debra Melikian*

Debra Jo Melikian  
Mother of John Melikian

enclosure

RECEIVED  
NOV 10 2008

November 6, 2008

State Board of Parole Commissioners  
1677 Old Hot Springs Road  
Suite A  
Carson City, NV 89706

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Thank you for your time and consideration.

Sincerely,



Debra Jo Melikian  
Mother of John Melikian

enclosure

1677 Old Hot Springs Road  
Suite A  
Carson City, Nevada 89706-0677  
(775) 687-5049  
Fax (775) 687-6736

JIM GIBBONS  
Governor



THIS LETTER PROVES  
COMMISSIONER  
PROVES THE  
COMPUTER GLITCH  
ADDED TO TIME  
SERVED 2008

LAS VEGAS OFFICE  
4000 S. Eastern Avenue  
Suite 130  
Las Vegas, Nevada 89119-0840  
(702) 486-4370  
Fax (702) 486-4376

DORLA M. SALLING, Chairman

BOARD OF PAROLE COMMISSIONERS

November 21, 2008

Commissioner  
Reply Letter

John C. Melikian  
NDOC # 84590  
Lovelock Correctional Center  
P.O. Box 259  
Lovelock, NV 89419

Computer Glitch  
Added False  
Charges  
Board did NOT  
check information

Re: Correspondence (Undated)

See letter  
It is DATED Nov. 6, 2008

Mr. Melikian,

Your letter has been received and reviewed by the Board. Your request has been carefully considered. The Board did not deny your parole to expiration and considered many of the things you mentioned in your letter as mitigating factors in our deliberation. Notwithstanding, the board considered all areas of your past and present status to include the court's sentencing in rendering our decision to deny your parole. Therefore, it is the decision of the Board to not alter the order of October 8, 2008, which will remain as written.

ATTACHED COPY -> IMPRESSIONS DISCLOSES CLINICAL

Whether being heard in absentia or in person the standards adopted by the Board provides for greater punishment for a convicted person who commits a serious violent crime. Your crime fits this criterion.

SENTENCING MEMORANDUM STATES DIFFERENTLY -> ATTACHED COPY

The Board will briefly address your concerns regarding the Risk Assessment:

one-time NOT TWO

Prior Probation/Parole Revocations: Available records reflect that you were given probation on the instant offense and your probation was revoked in July 2004 and you were incarcerated. Records show probation revoked for Reporting/Release; Residence; Employment; Supervision Fees; Laws and Conduct; and out of State Travel.

I had a job.  
See Credit History Report

Employment History: Your presentence investigation (PSI) shows you as Unemployed. Should this be incorrect please get with your caseworker for the proper procedures to correct.

less than one ounce

History of Drug/Alcohol Abuse: You were convicted of Non-Medical Possession of Controlled Substance in 2001. Additionally, PSI reflects daily use of marijuana since age fifteen. The Board views this as a serious disruption of functioning, especially being convicted of a drug offense.

See pre-sentence Report - John had a JOB.

Liev



Active Gang Membership: Nevada Department of Prison (NDOC) currently has you coded and validated as a White Supremist. Should this be in dispute please work with your caseworker in resolving. The Board does not control such matters.



Psych Panel Certification Risk Level as you stated is in error and has been corrected.

Your programming and work within prison did not go unnoticed and unrecognized; it will better prepare you for life's decisions once you are released from prison. The Addendum to Order Denying Parole is recommendations and if they don't apply the better for you. They are only suggestions and recommendations.

Please continue to use your time productively by taking advantage of programs available to you, remain disciplinary free and prepare yourself for reentrance into society

Sincerely,

*E. Gray*

E. Gray  
Parole Board Commissioner

The Board.  
Knew about  
the computer  
glitch and  
checked  
Nothing

CODED  
GANG REMOVED  
FROM CASE!

6/1/10

See Attached

RECEIVED  
JUL 23 2011  
INSPECTOR GENERAL

Account been checked and code was in with explanation told John was wrong should remove from file

The only thing they did. ->

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
John Melikian	84590	1B-78-A	5-28-10

4.) REQUEST FORM TO: (CHECK BOX)

CASEWORKER       MEDICAL       MENTAL HEALTH       CANTEEN

EDUCATION       VISITING       LAW LIBRARY       DENTAL

LAUNDRY       PROPERTY ROOM       SHIFT COMMAND       OTHER \_\_\_\_\_

5.) NAME OF INDIVIDUAL TO CONTACT: CCS III Emmanuel

6.) REQUEST: (PRINT BELOW) ms. Ward forwarded you a Kite about me going to Full classification to have my gang jacket removed. you wrote back on the Kite = "you already had a ST6 hearing and you have been de-validated in notis."

What does that mean? I am sorry but I need to make sure this lie is off. ~~over~~

Thank you so much for your time!

7.) INMATE SIGNATURE [Signature] DOC # 84590

8.) RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

9.) RESPONSE TO INMATE

As long there is no write ups, or gang activities your gang affiliation has been removed

CCS III

6-1-10

RECEIVED  
JUN 23 2010  
INSPECTOR GENERAL  
D-6

0.) RESPONDING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CENTRAL OFFICE  
1677 Old Hot Springs Road  
Suite A  
Carson City, Nevada 89706-0677  
(775) 687-5049  
Fax (775) 687-6736

STATE OF NEVADA

JIM GIBBONS  
Governor



LAS VEGAS OFFICE  
4000 S. Eastern Avenue  
Suite 130  
Las Vegas, Nevada 89119-0840  
(702) 486-4370  
Fax (702) 486-4376

DORLA M. SALLING, *Chairman*

BOARD OF PAROLE COMMISSIONERS

November 21, 2008

John C. Melikian  
NDOC # 84590  
Lovelock Correctional Center  
P.O. Box 259  
Lovelock, NV 89419

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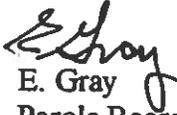
- **Prior Probation/Parole Revocations:** Available records reflect that you were given probation on the instant offense and your probation was revoked in July 2004 and you were incarcerated. Records show probation revoked for Reporting/Release; Residence; Employment; Supervision Fees; Laws and Conduct; and out of State Travel.
- **Employment History:** Your presentence investigation (PSI) shows you as Unemployed. Should this be incorrect please get with your caseworker for the proper procedures to correct.
- **History of Drug/Alcohol Abuse:** You were convicted of Non-Medical Possession of Controlled Substance in 2001. Additionally, PSI reflects daily use of marijuana since age fifteen. The Board views this as a serious disruption of functioning, especially being convicted of a drug offense.

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- Psych Panel Certification Risk Level as you stated is in error and has been corrected.

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Please continue to use your time productively by taking advantage of programs available to you, remain disciplinary free and prepare yourself for reentrance into society

Sincerely,



E. Gray  
Parole Board Commissioner

3 1/2 YRS to Remove

Requests From 7-17-2007 Thru 6-1-2010

IN

1.) INMATE NAME DOC # John Melikian 84590 | 1A-59A | 7-17-07

4.) REQUEST FORM TO: (CHECK BOX)
CASEWORKER MEDICAL LAW LIBRARY DENTAL
EDUCATION VISITING SHIFT COMMAND
LAUNDRY PROPERTY ROOM X OTHER Gang Investigator - CO. coconut c25-3

3.) NAME OF INDIVIDUAL TO CONTACT: Gang Investigator - CO. coconut

2.) REQUEST: (PRINT BELOW) Sir, I am currently on your file as a "White Supremes" and that needs to be taken off as soon as possible. I dont know where you got that from but it is a LIE. I have sent you several Kites but I have never gotten a response from you. Please set up a appointment with me so I can get this lie resolved and off my file. Thankyou for your time.

INMATE SIGNATURE John Melikian DOC # 84590
RECEIVING STAFF SIGNATURE Clint B. M DATE 7/17/07

9.) RESPONSE TO INMATE

You've been put on the list for a STG due process hearing

RESPONDING STAFF SIGNATURE E Emme DATE 8/3/07

NOV 27 2007

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
John Melikian	84590	1A-59A	11-23-07

- 4.) REQUEST FORM TO: (CHECK BOX)
- MENTAL HEALTH       CANTEEN  
 CASEWORKER       MEDICAL       LAW LIBRARY       DENTAL  
 EDUCATION       VISITING       SHIFT COMMAND  
 LAUNDRY       PROPERTY ROOM       OTHER Gang investigator CCS-3

5.) NAME OF INDIVIDUAL TO CONTACT: Gang investigator - CCS-3 <sup>emmanuel OR wid</sup> <sub>cocunut or m</sub>

6.) REQUEST: (PRINT BELOW) I have written you several kites and still you wont help me? Why? I have a lie on my file and I go to my next Parole board in eight months. I need this lie off my file. It says I am a "white supremesis". Now who ever put that on there is retarded because I am not racist at all. Now Please, will you help me. I need to see you. "Please" Please help me. I want to go home.

7.) INMATE SIGNATURE John Melikian DOC # 84590  
 8.) RECEIVING STAFF SIGNATURE Chlo Arnett DATE 11-23-07

9.) RESPONSE TO INMATE

I have put you on the list for a STG due process hearing.

RECEIVED  
 NOV 23 2007  
 DOC

10.) RESPONDING STAFF SIGNATURE ES DATE 12/5/07

Parole Board.

This was a lie.

JAN 02 2007

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING	See Parole letter
John Melikian	84590	1A-594	112-28-07

REQUEST FORM TO: (CHECK BOX)
  MENTAL HEALTH
  CANTEEN  
 CASEWORKER
  MEDICAL
  LAW LIBRARY
  DENTAL  
 EDUCATION
  VISITING
  SHIFT COMMAND  
 LAUNDRY
  PROPERTY ROOM
  OTHER Gang Investigator - CCS III Emmanuel

NAME OF INDIVIDUAL TO CONTACT: CCS III Emmanuel - Gang Investigator

REQUEST: (PRINT BELOW) I go see the Parole board in eight months. I have been kiting you for over a year and a half to see you. But you keep telling me I am on a list. But then I hear other inmates talking about how you just saw them and they have only been here less than two months. Sir, need this lie off my file. I have begged you and pleaded with you to please come see me but you keep putting me off. Why sir?" I need your help. Please help me.

INMATE SIGNATURE John Melikian DOC # 84590

RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

9.) RESPONSE TO INMATE

I'm sorry, but the inmates in lockdown units are a higher priority because it is affecting their current custody level. I don't know which inmates say they've had a hearing. At our current rate of seeing people, you will probably not be seen for quite a long time. However, the Parole Board looks at disciplinary history & programming & work so stay Level One and stay busy.

RESPONDING STAFF SIGNATURE Emmanuel CCS III DATE 1/8/07

**INMATE REQUEST FORM**

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
John Melikian	84590	1A-59A	7-18-08

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input checked="" type="checkbox"/> OTHER <u>CCS3</u>	

5.) NAME OF INDIVIDUAL TO CONTACT: CCS3

6.) REQUEST: (PRINT BELOW) I need a Due Process to remove  
"White Supremes associate." "ST6"  
"Please"

7.) INMATE SIGNATURE John Melikian DOC # 84590

8.) RECEIVING STAFF SIGNATURE [Signature] DATE 7/18/08

9.) RESPONSE TO INMATE

You will be put on the list

10.) RESPONDING STAFF SIGNATURE [Signature] DATE 7/22/08

NEVADA DEPARTMENT OF CORRECTIONS  
SECURITY THREAT GROUP/DISRUPTIVE GROUP  
DUE PROCESS HEARING

And Never  
TOLD WHY  
(about  
computer glitch)

Date: February 4th, 2009

Inmate: Melikian, John # 84590 1A/68A

Panel Members:

<u>Act Asst Emmanuel</u>	<u>S/O Tooker</u>
<u>Act CCS III Carpenter</u>	<u>CCS Waters</u>
	<u>CCS Herrera</u>
	<u>CCS Crone</u>

Panel's decision:

_____	_____	<u>EE</u>
Stands	Does not Stand	Need further investigation
_____	_____	<u>CCS II MA 14A</u>
Stands	Does not Stand	Need further investigation
_____	_____	<u>W. Tooker S/O</u>
Stands	Does not Stand	Need further investigation

In a case where the designation is affirmed and the inmate disagrees and wishes to appeal that decision, he may indicate below. The matter will be forwarded to the Deputy Director of Operations. In the event the inmate leaves the Due Process hearing and later wishes to appeal, he has 10 working days, from the date of the STG/DG Due Process Hearing to do so. The appeal should be requested in writing through his casework staff member.

If you wish to appeal, indicate so by signature:

\_\_\_\_\_  
Signed and Printed name of Inmate, BAC #

Appeal review by the Deputy Director of Operations results:

STG/DG designation: \_\_\_\_\_

\_\_\_\_\_  
Deputy Director of Operations

\_\_\_\_\_  
Date of Decision

INMATE REQUEST FORM

MAY 24 2010

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
John Melikian	84590	1B-78A	5-24-10

- 4.) REQUEST FORM TO: (CHECK BOX)
- CASEWORKER       MEDICAL       MENTAL HEALTH       CANTEEN
- EDUCATION       VISITING       LAW LIBRARY       DENTAL
- LAUNDRY       PROPERTY ROOM       SHIFT COMMAND       OTHER \_\_\_\_\_

5.) NAME OF INDIVIDUAL TO CONTACT: MS. Ward / CCSTII Emmanuel

6.) REQUEST: (PRINT BELOW) I would like to be on Full classification to have my gang jacket removed Please. I would very much appreciate it.

RECEIVED  
MAY 25 2010  
INMATE SERVICES

7.) INMATE SIGNATURE John Melikian DOC # 84590

8.) RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

9.) RESPONSE TO INMATE

Forwarded to CCSTII Emmanuel 5-24-10

You already had a STG hearing and you've been de-validated in NOTIS.

10.) RESPONDING STAFF SIGNATURE EE DATE 5/24/10

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
John Melikian	84590	1B-78-A	5-28-10

4.) REQUEST FORM TO: (CHECK BOX)

<input checked="" type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> SHIFT COMMAND	<input type="checkbox"/> OTHER _____

5.) NAME OF INDIVIDUAL TO CONTACT: CCS III Emmanuel

6.) REQUEST: (PRINT BELOW) MS. Ward forwarded you a Kite about me going to Full classification to have my gang jacket removed. You wrote back on the Kite = "you already had a STG hearing and you have been de-validated in notis."  
What does that mean? I am sorry but I need to make sure this lie is off. ~~over~~  
Thank you so much for your time!

7.) INMATE SIGNATURE [Signature] DOC # 84590

8.) RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

9.) RESPONSE TO INMATE

As long there is no write ups, or gang activities your gang affiliation has been removed  
CCS III  
6-1-10

10.) RESPONDING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Law Enforcement  
Records Management  
Systems

NEVADA ELECTRONIC FILING AND CONVERSION RULES

Researching Document  
Management

ADOPTED  
BY THE  
SUPREME COURT OF NEVADA

Rule #18 challenge accuracy

Rule #5  
Controls for  
accuracy audits

Effective March 1, 2007

and Including  
Amendments Through September 30, 2011

FIRST EVER AUDIT REPORT 2013  
Department of  
Corrections Accuracy  
of CRIMINAL  
HISTORY INFORMATION

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION OF STATEWIDE ELECTRONIC FILING STANDARDS AND RULES.

ADKT 404

ORDER ADOPTING NEVADA ELECTRONIC FILING RULES

WHEREAS, this court formed a committee to study and propose statewide policies and guidelines for Nevada courts to follow when designing and implementing a system for the electronic filing of documents and also requested the committee to draft proposed uniform rules applicable to all courts that accept documents electronically for filing; and

WHEREAS, the committee has now completed its work and filed a final report including proposed rules to govern electronic filing in all Nevada courts; and WHEREAS, it appears to this court that adoption of proposed rules to govern electronic filing in all the courts in the State of Nevada is warranted; accordingly, IT IS HEREBY ORDERED that a new set of rules entitled Nevada Electronic Filing Rules shall be adopted to govern electronic filing in all municipal courts, justice courts, district courts, and the Supreme Court of Nevada as set forth in Exhibit A.

IT IS FURTHER ORDERED that the Nevada Electronic Filing Rules shall be effective March 1, 2007, and shall apply to all electronic filing processes currently in use by any court in the State of Nevada and all future electronic processes to be implemented by any court in the State of Nevada. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 29th day of December, 2006.

NOTE: THE INSPECTOR  
GENERAL'S OFFICE CONDUCTS  
THEIR INVESTIGATIONS INTO  
MATTERS IN NDOC....

WHEN THEY ARE  
CLEARED THE FALSE  
FELONY CHARGES ARE NOT  
REMOVED FROM THEIR  
E-FILES OR THEIR C-FILES.  
SO WHEN THEY APPEAR BEFORE  
A PAROLE BOARD OR EVEN A  
PARDON BOARD, FALSE  
INFORMATION REMAINS  
IN THEIR FILES.

BY THE COURT

ROBERT E. ROSE, *Chief Justice*

A. WILLIAM MAUPIN  
*Associate Justice*

MICHAEL L. DOUGLAS  
*Associate Justice*

RON D. PARRAGUIRRE  
*Associate Justice*

NANCY A. BECKER  
*Associate Justice*

MARK GIBBONS  
*Associate Justice*

JAMES W. HARDESTY  
*Associate Justice*

TABLE OF CHANGES TO NEVADA ELECTRONIC FILING AND CONVERSION RULES

Key: "A" amended; "N" added; "R" repealed; "T" transferred.

1. General Provisions

Rule	Key	Effective Date	Rule	Key	Effective Date
1	N	3/1/07			
	A	8/31/11			
2	N	3/1/07			
	A	8/31/11			
3	N	3/1/07			
	A	8/31/11			
4	N	3/1/07			
	A	8/31/11			
5	N	3/1/07			
	A	8/31/11			

A Amended  
 N added  
 R repealed  
 T transferred

2. Filing and Service of Documents

Rule	Key	Effective Date	Rule	Key	Effective Date
6	N	3/1/07			
	A	8/31/11			
7	N	3/1/07			
	A	8/31/11			
8	N	3/1/07			
9	N	3/1/07			
10	N	3/1/07			
11	N	3/1/07			
	A	8/31/11			
12	N	3/1/07			
13	N	3/1/07			
	A	8/31/11			
14	N	3/1/07			
	A	8/31/11			

15.....	N.....	3/1/07
16.....	A.....	8/31/11
17.....	N.....	3/1/07
18.....	A.....	8/31/11
	N.....	8/31/11
	N.....	8/31/11

## NEVADA ELECTRONIC FILING AND CONVERSION RULES

### 1. General Provisions

**Rule 1. Title.** These rules may be known and cited as the Nevada Electronic Filing and Conversion Rules, or may be abbreviated NEFCR. [Amended; effective August 31, 2011.]

#### Rule 2. Definitions of words and terms.

- (a) *Case management system.* An electronic database maintained by the court or clerk to track information used to manage the court's caseload, such as case numbers, party names, attorneys for parties, titles of all documents filed in a case, and all scheduled events in a case.
- (b) *Conversion.* The process of changing court records from one medium to another or from one format to another, including, but not limited to, the following:
  - (1) Changing paper records to electronic records;
  - (2) Changing microfilm to electronic records;
  - (3) Changing electronic records to microfilmed records; or
  - (4) Changing paper records to microfilmed records.
- (c) *Document management system.* An electronic database containing documents in electronic form and structured to allow access to documents based on index fields such as case number, filing date, type of document, etc.
- (d) *Electronic case.* An "electronic case" is one in which the documents are electronically stored and maintained by the court, whether the documents were electronically filed or converted to an electronic format. The court's electronic version of the document is deemed to be the original.
- (e) *Electronic document.* An "electronic document" includes the electronic form of pleadings, notices, motions, orders, paper exhibits, briefs, judgments, writs of execution, and other papers.
  - (f) *Electronic filing.* "Electronic filing" is the electronic transmission to or from a court or clerk of a document in electronic form as defined by the accepting court; it does not include submission via e-mail, fax, computer disks, or other electronic means.
  - (g) *Electronic filing service provider.* An "electronic filing service provider" is a person or entity that receives an electronic document from a party for re-transmission to the court for filing. In submission of such filings, the electronic filing service provider does so on behalf of the electronic filer and not as an agent of the court.
  - (h) *Electronic filing system.* "Electronic filing system" is a system implemented or approved by a court for filing and service of pleadings, motions, and other documents via the Internet.
    - (i) *Electronic service.* "Electronic service" is the electronic transmission of a document to a party, attorney, or representative under these rules. Electronic service does not include service of process or a summons to gain jurisdiction over persons or property.
    - (j) *Public access terminal.* A computer terminal provided by the court or clerk for viewing publicly accessible electronic court records. The public access terminal must be available during the court's normal business hours.
    - (k) *Registered user.* A person authorized by the court or by an authorized electronic filing service provider to access a court's electronic filing system via the Internet.

[Amended; effective August 31, 2011.]

**Rule 3. Purpose, scope, and application of rules.**

(a) *Purpose and scope.* These rules establish statewide policies and procedures governing the electronic filing and conversion processes in all the courts in Nevada. These rules cover the practice and procedure in all actions in the district, justice, and municipal courts of this state where no local rule covering the same subject has been approved by the supreme court. A court may adopt local rules detailing the specific procedures for electronic filing or conversion processes to be followed in that court, provided that the rules are not inconsistent with these rules.

(b) *Application of rules.* These rules must be construed liberally to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice by the court.  
[Amended; effective August 31, 2011.]

**Rule 4. Implementation of electronic filing or conversion process.**

(a) *Establishment of electronic filing system.* A district, justice or municipal court may establish a system for the electronic submission of documents provided that the system developed meets the minimum requirements set forth in these rules.

(b) *Mandatory electronic processes.* A court may mandate use of electronic filing processes in all cases or a particular type of case only if: (1) the court provides a free electronic filing process or a mechanism for waiving electronic fees in appropriate circumstances; (2) the court allows for the exceptions needed to ensure access to justice for indigent, disabled, or self-represented litigants; (3) the court provides adequate advanced notice of the mandatory participation requirement; and (4) the court provides training for filers in the use of the process. In addition, a judge may require participation in the electronic filing system in appropriate cases.

(c) *Voluntary electronic processes.* A court must ensure that all documents filed by electronic means or converted to electronic format are maintained in electronic form. In voluntary electronic processes, the court must prospectively, retroactively, or both, convert filed paper documents and store and maintain them electronically.

(d) *Quality control procedures.* A court must institute a combination of automated and human quality control procedures sufficient to ensure the accuracy and reliability of their electronic records system.

(e) *Integration with case management and document management systems.* Electronic documents should be accessed through a court's case management information system. A court's case management information system must provide an application programming interface capable of accommodating any electronic filing or conversion application that complies with these rules and should also provide automated workflow support. As used in this subsection, "automated workflow support" refers to a configurable set of rules and actions to route documents through a user-defined business process.

(f) *Archiving electronic documents.* A court must maintain forward migration processes in order to:

(1) Assure future access to electronic court documents so that the documents can be understood and used; and

(2) Ensure that the content, context, and format of electronic documents will not be altered as a result of the migration.

Verification techniques should be used to confirm record integrity after the migration, and a test restoration of data should be performed to verify the success of the migration and to ensure that the records are still accessible. Electronic records should be checked at regular time intervals pursuant to specific policies and procedures established by the court administrator or designee.  
[Amended; effective August 31, 2011.]

*No sufficient quality control - NOT accurate or reliable. Checked by who?*

**Rule 5. Electronic filing system requirements.** Any system for the electronic submission or conversion of documents adopted by a district, justice or municipal court must conform to the following minimum requirements:

(a) *Technical requirements.* A court must comply with any Administrative Office of the Courts (AOC) technical standards for electronic filing processes. The electronic filing system must support text searches wherever practicable.

(b) *Electronic viewing.* Electronic filing processes adopted by a court must presume that all users will view documents on their computer screens. Paper copies are to be available on demand, but their production will be exceptional, not routine.

(c) *Document format.* Electronic documents must be submitted in or converted to a nonproprietary format that is determined by the court and that can be rendered with high fidelity to originals and easily accessible by the public. When possible, the documents should be searchable and tagged. Software to read and capture electronic documents in required formats must be available free for viewing at the courthouse and available free or at a reasonable cost for remote access and printing.

(d) *Self-contained documents.* Each filed document must be self-contained, with links only to other documents submitted simultaneously or already in the court record.

(e) *Data accompanying submitted documents.* Filers submitting documents for electronic filing must transmit data identifying the document submitted, the filing party, and sufficient other information for the entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to create a new case in the court's case management information system. This data may be specified with particularity by the court receiving the document.

(f) *Identity of the sender.* A court or an authorized e-filing service provider must use some means to identify persons interacting with its electronic filing system.

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(g) *Integrity of transmitted and filed documents and data.* A court must maintain the integrity of transmitted documents and data, and documents and data contained in official court files, by complying with current Federal Information Processing Standard 1802 or its successor. Nothing in this rule prohibits a court or clerk from correcting docketing information errors in documents submitted, provided that a record of such changes is maintained, including the date and time of the change and the person making the change. **WHO CHANGED JOHN MELIKIAN'S FORMAT, ON 2**

Computer Glitch - No integrity maintained -

(h) *Electronic acceptance of payments.* A court may establish a means to accept payments of fees, fines, surcharges, and other financial obligations electronically, including the processing of applications to waive fees. Any such system developed must include auditing controls consistent with generally accepted accounting principles and comply with any AOC technical standards that may be adopted.

(i) *Surcharges for electronic filing.* Mandatory electronic filing processes should be publicly funded to eliminate the need to impose surcharges for filing of or access to electronic documents. A court may, however, impose such surcharges or use a private vendor that imposes surcharges when sufficient public funding is not available. Such surcharges must be limited to recouping the marginal costs of supporting electronic filing processes if collected by the court or to a reasonable level if imposed by a private vendor. Collection of surcharges by a private vendor must be audited annually to ensure that the fee charged is reasonable and is properly assessed. The court must also require, at a minimum, a biennial periodic performance audit assessing the vendor's system for adequate service to the court, the public, and the bar, including the accuracy and authenticity of data produced, stored or transmitted by the vendor, the reliability of the hardware and software used by the vendor, the integrity and security of the vendor's system, the timeliness of access to documents and other data produced, stored, or transmitted by the vendor, and the vendor's compliance with Nevada law requiring the safeguarding of personal information. The audit may be performed by internal staff or by external experts.

(j) *Court control over court documents.*  
(1) The original court record of electronic documents must be stored on hardware owned and controlled by the court system or other governmental entity providing information technology services to the court.

(2) Whenever copies of a court's electronic documents reside on hardware owned or controlled by an entity other than the court, the court must ensure by contract or other agreement that ownership of, and the exercise of dominion and control over, the documents remains with the court or clerk of the court.

(3) All inquiries for court documents and information must be made against the current, complete, accurate court record.

(k) *Special needs of users.* In developing and implementing electronic filing, a court must consider the needs of indigent, self-represented, non-English-speaking, or illiterate persons and the challenges facing persons lacking access to or skills in the use of computers.

(l) *Limiting access to specified documents and data.* A court's electronic filing system must contain the capability to restrict access to specific documents and data in accordance with statutes, rules, and court orders.

(m) *System security.* A court's electronic filing and records management system must include robust security features to ensure the integrity, accuracy, and availability of the information contained in them. They should include, at a minimum, document redundancy; authentication and authorization features; contingency and disaster recovery; system audit logs; secured system transmissions; privilege levels restricting the ability of users to create, modify, delete, print, or read documents and data; means to verify that a document purporting to be a court record is in fact identical to the official court record; and reliable and secure archival storage of electronic records in inactive or closed cases. System documentation should include the production and maintenance of written policies and procedures, on-going testing and documentation as to the reliability of hardware and software, establishing controls for accuracy and timeliness of input and output, and creation and maintenance of comprehensive system documentation. **Controls for accuracy? Audits?**

[Amended; effective August 31, 2011.]

## 2. Filing and Service of Documents

### Rule 6. Official court record.

(a) *Electronic documents.* For documents that have been electronically filed or converted, the electronic version of the document constitutes the official court record, and electronically filed documents have the same force and effect as documents filed by traditional means.

(b) *Form of record.* The court clerk may maintain the official court record of a case in electronic format or in a combination of electronic and traditional formats consistent with Rules 4(t), (c), and (f) above. Documents submitted by traditional means may be converted to electronic format and made part of the electronic record. Once converted, the electronic form of the documents are the official court record. If exhibits are submitted, the clerk may maintain the exhibits by traditional means or by electronic means where appropriate.

(c) *Retention of original documents after conversion.* When conversion of a court record is undertaken with sufficient quality control measures taken to ensure an accurate and reliable reproduction of the original, the court may, but is not required to, retain the original version of the record for historical reasons or as a preservation copy to protect against harm, injury, decay, or destruction of the converted record.

(d) *Exceptions to document destruction.* The following documents may not be destroyed by the court after conversion to electronic format:

- (1) Original wills;
- (2) Original deeds;

- (3) Original contracts;
  - (4) Court exhibits;
  - (5) Any document or item designated in writing by a judge to be inappropriate for destruction because the document or item has evidentiary, historic, or other intrinsic value.
- [Amended; effective August 31, 2011.]

**Rule 7. Documents that may be filed electronically.**

- (a) *General.* A court may permit electronic filing or conversion of a document in any action or proceeding unless these rules or other legal authority expressly prohibit electronic filing or conversion.
- (b) *Exhibits and real objects.* Exhibits or documents which otherwise may not be comprehensibly viewed in or converted to an electronic format must be filed, stored, and served conventionally.
- (c) *Court documents.* The court may electronically file, convert, or issue any notice, order, minute order, judgment, or other document prepared by the court. [Amended; effective August 31, 2011.]

**Rule 8. Time of filing, confirmation, rejection, and endorsement.**

- (a) *Filed upon transmission.* Subject to acceptance by the court clerk, any document electronically submitted for filing shall be considered filed with the court when the transmission to the court's electronic filing system or an authorized electronic filing service provider is completed. Upon receipt of the transmitted document, the electronic filing system or electronic filing service provider must automatically confirm to the electronic filer that the transmission of the document was completed and the date and time of the document's receipt. Absent confirmation of receipt, there is no presumption that the court received and filed the document. The electronic filer is responsible for verifying that the court received and filed the document transmitted.
- (b) *Review by clerk.* The court clerk may review the document to determine whether it conforms with applicable filing requirements. If the clerk rejects the document for filing because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the court must promptly send notice to the electronic filer. The notice must set forth the reasons the document was rejected for filing. Notification that the clerk has accepted the document for filing is not required.
- (c) *Endorsement.* Electronic documents accepted for filing must be endorsed. The court's endorsement of a document electronically filed must contain the following: "Electronically Filed/Date and Time/Name of Clerk." This endorsement has the same force and effect as a manually affixed endorsement stamp of the clerk of the court.
- (d) *Time of filing.* Any document electronically submitted for filing by 11:59 p.m. at the court's local time shall be deemed to be filed on that date, so long as it is accepted by the clerk upon review.
- (e) *Availability of electronic filing process.* The court's electronic filing system must allow the electronic submission of documents during the court's regular business hours and should allow the electronic submission of documents 24 hours per day, 7 days per week, except when the system is down for scheduled maintenance.

**Rule 9. Electronic service.**

- (a) *Applicability.* Electronic service of documents is limited to those documents permitted to be served by mail, express mail, overnight delivery, or facsimile transmission. A complaint, petition or other document that must be served with a summons, and a summons or a subpoena cannot be served electronically.
- (b) *Service on registered users.* When a document is electronically filed, the court or authorized electronic filing service provider must provide notice to all registered users on the case that a document has been filed and is available on the electronic service system document repository. The notice must be sent by e-mail to the addresses furnished by the registered users under Rule 13(C). This notice shall be considered as valid and effective service of the document on the registered users and shall have the same legal effect as service of a paper document. A court is not required to make a document available until after the clerk has reviewed and endorsed the document.
- (c) *Consent to electronic service.* Other than service of a summons or subpoena, users who register with the electronic filing system are deemed to consent to receive service electronically. A party may also agree to accept electronic service by filing and serving a notice. The notice must include the electronic notification address (es) at which the party agrees to accept service.
- (d) *Service on nonregistered recipients.* The party filing a document must serve nonregistered recipients by traditional means such as mail, express mail, overnight delivery, or facsimile transmission and provide proof of such service to the court.
- (e) *Service list.* The parties must provide the clerk with a service list indicating the parties to be served. The clerk shall maintain the service list, indicating which parties are to be served electronically and which parties are to be served in the traditional manner.
- (f) *Time of service; time to respond.* Electronic service is complete at the time of transmission of the notice required by subsection (b) of this rule. For the purpose of computing time to respond to documents received via electronic service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of the next opening of the court for business.

**Rule 10. Payment of filing fees.**

- (a) *Filing fees.* The court clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing. A court may also authorize other methods of payment consistent with any AOC guidelines that may be adopted.
- (b) *Waiver of fees.* Anyone entitled to waiver of nonelectronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to nonelectronic filing and filing fees.

**Rule 11. Signatures and authenticity of documents.**

- (a) *Deemed signed.* Every document electronically filed or served shall be deemed to be signed by the registered user submitting the document. Each document must bear that person's name, mailing address, e-mail address, telephone number, law firm name, and bar number where applicable. Where a statute or court rule requires a signature at a particular location on a form, the person's typewritten name shall be inserted. Otherwise, a facsimile, typographical, or digital signature is not required.
- (b) *Documents under penalty of perjury or requiring signature of notary public.*
- (1) Documents required by law to include a signature under penalty of perjury, or the signature of a notary public, may be submitted electronically, provided that the declarant or notary public has signed a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.
- (2) By electronically filing the document, the electronic filer attests that the documents and signatures are authentic.
- (c) *Documents requiring signatures of opposing parties.*
- (1) When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties, the party filing the document must first obtain the signatures of all parties on a printed form of the document.
- (2) The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.
- (3) By electronically filing the document, the electronic filer attests that the documents and signatures are authentic.
- (d) *Signature of judicial officer or clerk.* Electronically issued court documents requiring a court official's signature may be signed electronically. A court using electronic signatures on court documents must adopt policies and procedures to safeguard such signatures and comply with any AOC guidelines for electronic signatures that may be adopted.
- (e) *Rules applicable to electronic filers.* An electronic filer must retain the original version of a document, attachment, or exhibit that was filed electronically, and this retention must continue for a period of 7 years after termination of the representation of the party on whose behalf the document was filed. During the period that the electronic filer retains the original of a document, attachment, or exhibit, the court may require the electronic filer to produce the original of the document, attachment, or exhibit that was filed electronically. **Original document retention 7 years** [Amended; effective August 31, 2011.]

**Rule 12. Format of documents.** An electronic document shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and other documents, including page limits. Electronic documents must be self-contained and must not contain hyperlinks to external papers or websites. Hyperlinks to papers filed in the case are permitted.

**Rule 13. Registration requirements.**

- (a) *Registration mandatory.* All users of a court's electronic filing system must register in order to access the electronic filing system over the Internet. A court must permit the following users to register: (1) licensed Nevada attorneys; (2) non-Nevada attorneys permitted to practice in Nevada under Supreme Court Rule 42; and (3) litigants appearing in proper person in a particular case in which the court has mandated electronic filing. A court must permit users who are not authorized to access the court's electronic filing system over the Internet to access electronically filed or converted documents via a public access terminal located in the courthouse.
- (b) *Registration requirements.* A court must establish registration requirements for all authorized users and must limit the registration of users to individuals, not law firms, agencies, corporations, or other groups. The court must assign to the user a confidential, secure log-in sequence. The log-in sequence must be used only by the user to whom it is assigned and by such agents and employees as the user may authorize. No user shall knowingly permit his or her log-in sequence to be used by anyone other than his or her authorized agents and employees.
- (c) *Electronic mail address required.* Registered users must furnish one or more electronic mail addresses that the court and any authorized electronic service provider will use to send notice of receipt and confirmation of filing. It is the user's responsibility to ensure that the court has the correct electronic mail address.
- (d) *Misuse or abuse of the electronic filing system.* Any user who attempts to harm the court's electronic filing system in any manner or attempts to alter documents or information stored on the system has committed misuse of the system. Any unauthorized use of the system is abuse. Misuse or abuse may result in loss of a user's registration or be subject to any other penalty that may be imposed by the court.

[Amended; effective August 31, 2011.]

**Rule 14. Access to electronic documents; confidential information.**

(a) *Electronic access.* Except as provided in these rules, a court must provide registered users in a case with access to electronic documents to the same extent it provides access to paper documents. Electronic access to such documents is required for registered users who are parties or attorneys on a case. A court may provide electronic access to registered users who are not parties or attorneys on a case.

(b) *Confidential records.* The confidentiality of electronic records is the same as for paper records. A court's electronic filing system must permit access to confidential information only to the extent provided by law. No person in possession of a confidential electronic record shall release the information to any other person unless provided by law.

(c) *Identification of confidential documents.* The filing party must identify documents made confidential by statute, court rule, or court order. The electronic filing system shall make the document available only to registered users and only as provided by law.

(d) *Protection of personal information.* A document containing personal information as defined by NRS 603A.040 shall be so designated by the party filing the document. If a paper is designated as containing personal information, only registered users for the case may access the paper electronically. The document will remain available for public inspection at the courthouse unless otherwise sealed by the court or held confidential by law. The clerk is not required to review each paper for personal information or for the redaction of personal information.

(e) *Temporary sealing of documents.* For information not made confidential by statute, court rule, or court order, users may electronically submit documents under temporary seal pending court approval of the user's motion to seal.  
[Amended; effective August 31, 2011.]

**Rule 15. System errors, conversion errors, or user filing errors.**

(a) *Failure of electronic filing or service.* When electronic filing or conversion does not occur due to technical problems, the court clerk may correct the problem. Technical problems include:

- (1) An error in the transmission of the document to the electronic filing system or served party that was unknown to the sending party;
- (2) A failure to process the electronic document when received by the electronic filing system;
- (3) Erroneous exclusion of a party from the service list; or
- (4) A technical problem experienced by the filer with the electronic filing system; or
- (5) A technical problem experienced by a court employee with respect to the processing of a converted document.

(b) *Time of filing of delayed transmission.* Unless the technical failure prevents timely filing or affects jurisdiction, the court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file or serve the document. The time for response is calculated from the time the document is correctly transmitted. When the technical failure prevents timely filing or affects jurisdiction, the issue shall come before the court upon notice and opportunity to be heard. The court may upon satisfactory proof enter an order permitting the document to be filed as of the date and time it was first attempted to be sent electronically.  
[Amended; effective August 31, 2011.]

Rule #5 where are the audits?

**Rule 16. Electronic filing providers.**

(a) *Right to contract.* A court may contract with one or more electronic service providers to furnish and maintain an electronic filing system for the court. A public bid process should be used to award such contracts.

(b) *Transmission to contracted provider.* If a court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider. If, however, there is a single provider or in-house system, the provider or system must accept filings from other electronic service providers to the extent it is compatible with them.

(c) *Provisions of contract.* A court's contract with an electronic filing service provider may allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee. If such a fee is allowed, the contract must also provide for audits of the vendor as provided in Rule 5(f). The contract may also allow the electronic filing service provider to make other reasonable requirements for use of the electronic filing system. Any contract between a court and an electronic filing service provider must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control its use. The vendor must expressly agree in writing to safeguard any personal information in accordance with Nevada law.

(d) *Transmission of filing to court.* An electronic filing service provider must promptly transmit any electronic filing, with the applicable filing fees, to the court.  
[Amended; effective August 31, 2011.]

**Rule 17. Third-party providers of conversion services.**

(a) *Right to contract.* A court may contract with one or more third-party providers of conversion services in order to convert documents to an electronic format, provided that the conversion of a court record will be undertaken with sufficient quality control measures to ensure an accurate and reliable reproduction of the original. A

NO sufficient quality control was maintained.



public bid process should be used to award such contracts.

(b) *Provisions of contract.* Any contract between a court and a third-party provider of conversion services must acknowledge that the court is the owner of the original and converted documents and retains the exclusive right to control their use. The vendor must expressly agree in writing to safeguard any personal information in accordance with Nevada law.

[Added; effective August 31, 2011.]

**Rule 18.** Ability of a party to challenge accuracy or authenticity. These rules shall not be construed to prevent a party from challenging the accuracy or authenticity of a converted or electronically filed document, or the signatures appearing therein, as otherwise allowed or required by law. [Added; effective August 31, 2011.]

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[Rev. 11/20/2013 5:00:45 PM--2013]

NEVADA ELECTRONIC FILING AND CONVERSION RULES

ADOPTED  
BY THE  
SUPREME COURT OF NEVADA

Effective March 1, 2007  
and Including  
Amendments Through September 1, 2013

Amendments  
Through  
September 1,  
2013

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION OF STATEWIDE ELECTRONIC FILING STANDARDS AND RULES.

ADKT 404

ORDER ADOPTING NEVADA ELECTRONIC FILING RULES

WHEREAS, this court formed a committee to study and propose statewide policies and guidelines for Nevada courts to follow when designing and implementing a system for the electronic filing of documents and also requested the committee to draft proposed uniform rules applicable to all courts that accept documents electronically for filing; and

WHEREAS, the committee has now completed its work and filed a final report including proposed rules to govern electronic filing in all Nevada courts; and WHEREAS, it appears to this court that adoption of proposed rules to govern electronic filing in all the courts in the State of Nevada is warranted; accordingly,

IT IS HEREBY ORDERED that a new set of rules entitled Nevada Electronic Filing Rules shall be adopted to govern electronic filing in all municipal courts, justice courts, district courts, and the Supreme Court of Nevada as set forth in Exhibit A.  
IT IS FURTHER ORDERED that the Nevada Electronic Filing Rules shall be effective March 1, 2007, and shall apply to all electronic filing processes currently in use by any court in the State of Nevada and all future electronic processes to be implemented by any court in the State of Nevada. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.  
Dated this 29th day of December, 2006.

BY THE COURT

ROBERT E. ROSE, *Chief Justice*

A. WILLIAM MAUPIN  
*Associate Justice*

MICHAEL L. DOUGLAS  
*Associate Justice*

RON D. PARRAGUIRRE  
*Associate Justice*

NANCY A. BECKER  
*Associate Justice*

MARK GIBBONS  
*Associate Justice*

JAMES W. HARDESTY  
*Associate Justice*

TABLE OF CHANGES TO NEVADA ELECTRONIC FILING AND CONVERSION RULES

Key: "A" amended; "N" added; "R" repealed; "T" transferred.

1. General Provisions

Rule	Key	Effective Date	Rule	Key	Effective Date
1	N	3/1/07			
	A	8/31/11			
2	N	3/1/07			
	A	8/31/11			
3	N	3/1/07			
	A	8/31/11			
4	N	3/1/07			
	A	8/31/11			
5	N	3/1/07			
	A	8/31/11			

2. Filing and Service of Documents

Rule	Key	Effective Date	Rule	Key	Effective Date
6	N	3/1/07			
	A	8/31/11			
7	N	3/1/07			
	A	8/31/11			
8	N	3/1/07			
	A	8/31/11			
9	N	3/1/07			
	A	8/31/11			
10	N	3/1/07			
	A	8/31/11			
11	N	3/1/07			
	A	8/31/11			
12	N	3/1/07			
	A	8/31/11			
13	N	3/1/07			
	A	8/31/11			
14	N	3/1/07			

15	A	8/31/11
	N	3/1/07
16	A	8/31/11
	N	3/1/07
17	A	8/31/11
	N	8/31/11
18	N	8/31/11

## NEVADA ELECTRONIC FILING AND CONVERSION RULES

### 1. General Provisions

**Rule 1. Title.** These rules may be known and cited as the Nevada Electronic Filing and Conversion Rules, or may be abbreviated NEFCR. [Amended; effective August 31, 2011.]

#### Rule 2. Definitions of words and terms.

- (a) *Case management system.* An electronic database maintained by the court or clerk to track information used to manage the court's caseload, such as case numbers, party names, attorneys for parties, titles of all documents filed in a case, and all scheduled events in a case.
- (b) *Conversion.* The process of changing court records from one medium to another or from one format to another, including, but not limited to, the following:
- (1) Changing paper records to electronic records;
  - (2) Changing microfilm to electronic records;
  - (3) Changing electronic records to microfilmed records;
  - (4) Changing paper records to microfilmed records.
- (c) *Document management system.* An electronic database containing documents in electronic form and structured to allow access to documents based on index fields such as case number, filing date, type of document, etc.
- (d) *Electronic case.* An "electronic case" is one in which the documents are electronically stored and maintained by the court, whether the documents were electronically filed or converted to an electronic format. The court's electronic version of the document is deemed to be the original.
- (e) *Electronic document.* An "electronic document" includes the electronic form of pleadings, notices, motions, orders, paper exhibits, briefs, judgments, writs of execution, and other papers.
- (f) *Electronic filing.* "Electronic filing" is the electronic transmission to or from a court or clerk of a document in electronic form as defined by the accepting court; it does not include submission via e-mail, fax, computer disks, or other electronic means.
- (g) *Electronic filing service provider.* An "electronic filing service provider" is a person or entity that receives an electronic document from a party for re-transmission to the court for filing. In submission of such filings, the electronic filing service provider does so on behalf of the electronic filer and not as an agent of the court.
- (h) *Electronic filing system.* "Electronic filing system" is a system implemented or approved by a court for filing and service of pleadings, motions, and other documents via the Internet.
- (i) *Electronic service.* "Electronic service" is the electronic transmission of a document to a party, attorney, or representative under these rules. Electronic service does not include service of process or a summons to gain jurisdiction over persons or property.
- (j) *Public access terminal.* A computer terminal provided by the court or clerk for viewing publicly accessible electronic court records. The public access terminal must be available during the court's normal business hours.

(k) *Registered user.* A person authorized by the court or by an authorized electronic filing service provider to access a court's electronic filing system via the Internet.  
[Amended; effective August 31, 2011.]

**Rule 3. Purpose, scope, and application of rules.**

(a) *Purpose and scope.* These rules establish statewide policies and procedures governing the electronic filing and conversion processes in all the courts in Nevada. These rules cover the practice and procedure in all actions in the district, justice, and municipal courts of this state where no local rule covering the same subject has been approved by the supreme court. A court may adopt local rules detailing the specific procedures for electronic filing or conversion processes to be followed in that court, provided that the rules are not inconsistent with these rules.

(b) *Application of rules.* These rules must be construed liberally to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice by the court.  
[Amended; effective August 31, 2011.]

**Rule 4. Implementation of electronic filing or conversion process.**

(a) *Establishment of electronic filing system.* A district, justice or municipal court may establish a system for the electronic submission of documents provided that the system developed meets the minimum requirements set forth in these rules.

(b) *Mandatory electronic processes.* A court may mandate use of electronic filing processes in all cases or a particular type of case only if: (1) the court provides a free electronic filing process or a mechanism for waiving electronic fees in appropriate circumstances; (2) the court allows for the exceptions needed to ensure access to justice for indigent, disabled, or self-represented litigants; (3) the court provides adequate advanced notice of the mandatory participation requirement; and (4) the court provides training for filers in the use of the process. In addition, a judge may require participation in the electronic filing system in appropriate cases.

(c) *Voluntary electronic processes.* A court must ensure that all documents filed by electronic means or converted to electronic format are maintained in electronic form. In voluntary electronic processes, the court must prospectively, retroactively, or both, convert filed paper documents and store and maintain them electronically.

(d) *Quality control procedures.* A court must institute a combination of automated and human quality control procedures sufficient to ensure the accuracy and reliability of their electronic records system.

(e) *Integration with case management and document management systems.* Electronic documents should be accessed through a court's case management information system. A court's case management information system must provide an application programming interface capable of accommodating any electronic filing or conversion application that complies with these rules and should also provide automated workflow support. As used in this subsection, "automated workflow support" refers to a configurable set of rules and actions to route documents through a user-defined business process.

(f) *Archiving electronic documents.* A court must maintain forward migration processes in order to:

(1) Assure future access to electronic court documents so that the documents can be understood and used; and

(2) Ensure that the content, context, and format of electronic documents will not be altered as a result of the migration.

Verification techniques should be used to confirm record integrity after the migration, and a test restoration of data should be performed to verify the success of the migration and to ensure that the records are still accessible. Electronic records should be checked at regular time intervals pursuant to specific policies and procedures established by the court administrator or designee.

[Amended; effective August 31, 2011.]

**Rule 5. Electronic filing system requirements.** Any system for the electronic submission or conversion of documents adopted by a district, justice or municipal court must conform to the following minimum requirements:

(a) *Technical requirements.* A court must comply with any Administrative Office of the Courts (AOC) technical standards for electronic filing processes. The electronic filing system must support text searches wherever practicable.

(b) *Electronic viewing.* Electronic filing processes adopted by a court must presume that all users will view documents on their computer screens. Paper copies are to be available on demand, but their production will be exceptional, not routine.

(c) *Document format.* Electronic documents must be submitted in or converted to a nonproprietary format that is determined by the court and that can be rendered with high fidelity to originals and easily accessible by the public. When possible, the documents should be searchable and tagged. Software to read and capture electronic documents in required formats must be available free for viewing at the courthouse and available free or at a reasonable cost for remote access and printing.

(d) *Self-contained documents.* Each filed document must be self-contained, with links only to other documents submitted simultaneously or already in the court record.

(e) *Data accompanying submitted documents.* Filers submitting documents for electronic filing must transmit data identifying the document submitted, the filing party, and sufficient other information for the entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to create a new case in the court's case management information system. This data may be specified with particularity by the court receiving the document.

(f) *Identity of the sender.* A court or an authorized e-filing service provider must use some means to identify persons interacting with its electronic filing system.

(g) *Integrity of transmitted and filed documents and data.* A court must maintain the integrity of transmitted documents and data, and documents and data contained in official court files, by complying with current Federal Information Processing Standard 180-2 or its successor. Nothing in this rule prohibits a court or clerk from correcting docketing information errors in documents submitted, provided that a record of such changes is maintained, including the date and time of the change and the person making the change.

(h) *Electronic acceptance of payments.* A court may establish a means to accept payments of fees, fines, surcharges, and other financial obligations electronically, including the processing of applications to waive fees. Any such system developed must include auditing controls consistent with generally accepted accounting principles and comply with any AOC technical standards that may be adopted.

(i) *Surcharges for electronic filing.* Mandatory electronic filing processes should be publicly funded to eliminate the need to impose surcharges for filing of or access to electronic documents. A court may, however, impose such surcharges or use a private vendor that imposes surcharges when sufficient public funding is not available. Such surcharges must be limited to recouping the marginal costs of supporting electronic filing processes if collected by the court or to a reasonable level if imposed by a private vendor. Collection of surcharges by a private vendor must be audited annually to ensure that the fee charged is reasonable and is properly assessed. The court must also require, at a minimum, a biennial periodic performance audit assessing the vendor's system for adequate service to the court, the public, and the bar, including the accuracy and authenticity of data produced, stored or transmitted by the vendor, the reliability of the hardware and software used by the vendor, the integrity and security of the vendor's system, the timeliness of access to documents and other data produced, stored, or transmitted by the vendor, and the vendor's compliance with Nevada law requiring the safeguarding of personal information. The audit may be performed by internal staff or by external experts.

(j) *Court control over court documents.*

(1) The original court record of electronic documents must be stored on hardware owned and controlled by the court system or other governmental entity providing information technology services to the court.

(2) Whenever copies of a court's electronic documents reside on hardware owned or controlled by an entity other than the court, the court must ensure by contract or other agreement that ownership of, and the exercise of dominion and control over, the documents remains with the court or clerk of the court.

(3) All inquiries for court documents and information must be made against the current, complete, accurate court record.

(4) Court documents stored by an outside vendor or entity cannot be accessed or distributed absent written permission of the court.

(k) *Special needs of users.* In developing and implementing electronic filing, a court must consider the needs of indigent, self-represented, non-English-speaking, or illiterate persons and the challenges facing persons lacking access to or skills in the use of computers.

(l) *Limiting access to specified documents and data.* A court's electronic filing system must contain the capability to restrict access to specific documents and data in accordance with statutes, rules, and court orders.

(m) *System security.* A court's electronic filing and records management system must include robust security features to ensure the integrity, accuracy, and availability of the information contained in them. They should include, at a minimum, document redundancy; authentication and authorization features; contingency and disaster recovery; system audit logs; secured system transmissions; privilege levels restricting the ability of users to create, modify, delete, print, or read documents and data; means to verify that a document purporting to be a court record is in fact identical to the official court record; and reliable and secure archival storage of electronic records in inactive or closed cases. System documentation should include the production and maintenance of written policies and procedures, on-going testing and documentation as to the reliability of hardware and software, establishing controls for accuracy and timeliness of input and output, and creation and maintenance of comprehensive system documentation.

[Amended; effective August 31, 2011.]

## 2. Filing and Service of Documents

### Rule 6. Official court record.

(a) *Electronic documents.* For documents that have been electronically filed or converted, the electronic version of the document constitutes the official court record, and electronically filed documents have the same force and effect as documents filed by traditional means.

(b) *Form of record.* The court clerk may maintain the official court record of a case in electronic format or in a combination of electronic and traditional formats consistent with Rules 4(b), (c), and (f) above. Documents submitted by traditional means may be converted to electronic format and made part of the electronic record. Once converted, the electronic form of the documents are the official court record. If exhibits are submitted, the clerk may maintain the exhibits by traditional means or by electronic means where appropriate.

(c) *Retention of original documents after conversion.* When conversion of a court record is undertaken with sufficient quality control measures taken to ensure an accurate and reliable reproduction of the original, the court may, but is not required to, retain the original version of the record for historical reasons or as a preservation copy to protect against harm, injury, decay, or destruction of the converted record.

(d) *Exceptions to document destruction.* The following documents may not be destroyed by the court after conversion to electronic format:

- (1) Original wills;
  - (2) Original deeds;
  - (3) Original contracts;
  - (4) Court exhibits;
  - (5) Any document or item designated in writing by a judge to be inappropriate for destruction because the document or item has evidentiary, historic, or other intrinsic value.
- [Amended; effective August 31, 2011.]

**Rule 7. Documents that may be filed electronically.**

(a) *General.* A court may permit electronic filing or conversion of a document in any action or proceeding unless these rules or other legal authority expressly prohibit electronic filing or conversion.

(b) *Exhibits and real objects.* Exhibits or documents which otherwise may not be comprehensibly viewed in or converted to an electronic format must be filed, stored, and served conventionally.

(c) *Court documents.* The court may electronically file, convert, or issue any notice, order, minute order, judgment, or other document prepared by the court.  
[Amended; effective August 31, 2011.]

**Rule 8. Time of filing, confirmation, rejection, and endorsement.**

(a) *Filed upon transmission.* Subject to acceptance by the court clerk, any document electronically submitted for filing shall be considered filed with the court when the transmission to the court's electronic filing system or an authorized electronic filing service provider is completed. Upon receipt of the transmitted document, the electronic filing system or electronic filing service provider must automatically confirm to the electronic filer that the transmission of the document was completed and the date and time of the document's receipt. Absent confirmation of receipt, there is no presumption that the court received and filed the document. The electronic filer is responsible for verifying that the court received and filed the document transmitted.

(b) *Review by clerk.* The court clerk may review the document to determine whether it conforms with applicable filing requirements. If the clerk rejects the document for filing because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the court must promptly send notice to the electronic filer. The notice must set forth the reasons the document was rejected for filing. Notification that the clerk has accepted the document for filing is not required.

(c) *Endorsement.* Electronic documents accepted for filing must be endorsed. The court's endorsement of a document electronically filed must contain the following: "Electronically Filed/Date and Time/Name of Clerk." This endorsement has the same force and effect as a manually affixed endorsement stamp of the clerk of the court.

(d) *Time of filing.* Any document electronically submitted for filing by 11:59 p.m. at the court's local time shall be deemed to be filed on that date, so long as it is accepted by the clerk upon review.

(e) *Availability of electronic filing process.* The court's electronic filing system must allow the electronic submission of documents during the court's regular business hours and should allow the electronic submission of documents 24 hours per day, 7 days per week, except when the system is down for scheduled maintenance.

**Rule 9. Electronic service.**

(a) *Applicability.* Electronic service of documents is limited to those documents permitted to be served by mail, express mail, overnight delivery, or facsimile transmission. A complaint, petition or other document that must be served with a summons, and a summons or a subpoena cannot be served electronically.

(b) *Service on registered users.* When a document is electronically filed, the court or authorized electronic filing service provider must provide notice to all registered users on the case that a document has been filed and is available on the electronic service system document repository. The notice must be sent by e-mail to the addresses furnished by the registered users under Rule 13(c). This notice shall be considered as valid and effective service of the document on the registered users and shall have the same legal effect as service of a paper document. A court is not required to make a document available until after the clerk has reviewed and endorsed the document.

- (c) *Consent to electronic service.* Other than service of a summons or subpoena, users who register with the electronic filing system are deemed to consent to receive service electronically. A party may also agree to accept electronic service by filing and serving a notice. The notice must include the electronic notification address(es) at which the party agrees to accept service.
- (d) *Service on nonregistered recipients.* The party filing a document must serve nonregistered recipients by traditional means such as mail, express mail, overnight delivery, or facsimile transmission and provide proof of such service to the court.
- (e) *Service list.* The parties must provide the clerk with a service list indicating the parties to be served. The clerk shall maintain the service list, indicating which parties are to be served electronically and which parties are to be served in the traditional manner.
- (f) *Time of service, time to respond.* Electronic service is complete at the time of transmission of the notice required by subsection (b) of this rule. For the purpose of computing time to respond to documents received via electronic service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of the next opening of the court for business.

**Rule 10. Payment of filing fees.**

- (a) *Filing fees.* The court clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing. A court may also authorize other methods of payment consistent with any AOC guidelines that may be adopted.
- (b) *Waiver of fees.* Anyone entitled to waiver of nonelectronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to nonelectronic filing and filing fees.

**Rule 11. Signatures and authenticity of documents.**

- (a) *Deemed signed.* Every document electronically filed or served shall be deemed to be signed by the registered user submitting the document. Each document must bear that person's name, mailing address, e-mail address, telephone number, law firm name, and bar number where applicable. Where a statute or court rule requires a signature at a particular location on a form, the person's typewritten name shall be inserted. Otherwise, a facsimile, typographical, or digital signature is not required.
- (b) *Documents under penalty of perjury or requiring signature of notary public.*
- (1) Documents required by law to include a signature under penalty of perjury, or the signature of a notary public, may be submitted electronically, provided that the declarant or notary public has signed a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.
- (2) By electronically filing the document, the electronic filer attests that the documents and signatures are authentic.
- (c) *Documents requiring signatures of opposing parties.*
- (1) When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties, the party filing the document must first obtain the signatures of all parties on a printed form of the document.
- (2) The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.
- (3) By electronically filing the document, the electronic filer attests that the documents and signatures are authentic.
- (d) *Signature of judicial officer or clerk.* Electronically issued court documents requiring a court official's signature may be signed electronically. A court using electronic signatures on court documents must adopt policies and procedures to safeguard such signatures and comply with any AOC guidelines for electronic signatures that may be adopted.
- (e) *Rules applicable to electronic filers.* An electronic filer must retain the original version of a document, attachment, or exhibit that was filed electronically, and this retention must continue for a period of 7 years after termination of the representation of the party on whose behalf the document was filed. During the period that the electronic filer retains the original of a document, attachment, or exhibit, the court may require the electronic filer to produce the original of the document, attachment, or exhibit that was filed electronically.  
[Amended; effective August 31, 2011.]

**Rule 12. Format of documents.** An electronic document shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and other documents, including page limits. Electronic documents must be self-contained and must not contain hyperlinks to external papers or websites. Hyperlinks to papers filed in the case are permitted.

**Rule 13. Registration requirements.**

- (a) *Registration mandatory.* All users of a court's electronic filing system must register in order to access the electronic filing system over the Internet. A court must permit the following users to register: (1) licensed Nevada attorneys; (2) non-Nevada attorneys permitted to practice in Nevada under Supreme Court Rule

42; and (3) litigants appearing in proper person in a particular case in which the court has mandated electronic filing. A court must permit users who are not authorized to access the court's electronic filing system over the Internet to access electronically filed or converted documents via a public access terminal located in the courthouse.

(b) *Registration requirements.* A court must establish registration requirements for all authorized users and must limit the registration of users to individuals, not law firms, agencies, corporations, or other groups. The court must assign to the user a confidential, secure log-in sequence. The log-in sequence must be used only by the user to whom it is assigned and by such agents and employees as the user may authorize. No user shall knowingly permit his or her log-in sequence to be used by anyone other than his or her authorized agents and employees.

(c) *Electronic mail address required.* Registered users must furnish one or more electronic mail addresses that the court and any authorized electronic service provider will use to send notice of receipt and confirmation of filing. It is the user's responsibility to ensure that the court has the correct electronic mail address.

(d) *Misuse or abuse of the electronic filing system.* Any user who attempts to harm the court's electronic filing system in any manner or attempts to alter documents or information stored on the system has committed misuse of the system. Any unauthorized use of the system is abuse. Misuse or abuse may result in loss of a user's registration or be subject to any other penalty that may be imposed by the court.  
[Amended; effective August 31, 2011.]

**Rule 14. Access to electronic documents; confidential information.**

(a) *Electronic access.* Except as provided in these rules, a court must provide registered users in a case with access to electronic documents to the same extent it provides access to paper documents. Electronic access to such documents is required for registered users who are parties or attorneys on a case. A court may provide electronic access to registered users who are not parties or attorneys on a case.

(b) *Confidential records.* The confidentiality of electronic records is the same as for paper records. A court's electronic filing system must permit access to confidential information only to the extent provided by law. No person in possession of a confidential electronic record shall release the information to any other person unless provided by law.

(c) *Identification of confidential documents.* The filing party must identify documents made confidential by statute, court rule, or court order. The electronic filing system shall make the document available only to registered users and only as provided by law.

(d) *Protection of personal information.* A document containing personal information as defined by NRS 603A.040 shall be so designated by the party filing the document. If a paper is designated as containing personal information, only registered users for the case may access the paper electronically. The document will remain available for public inspection at the courthouse unless otherwise sealed by the court or held confidential by law. The clerk is not required to review each paper for personal information or for the redaction of personal information.

(e) *Temporary sealing of documents.* For information not made confidential by statute, court rule, or court order, users may electronically submit documents under temporary seal pending court approval of the user's motion to seal.  
[Amended; effective August 31, 2011.]

**Rule 15. System errors, conversion errors, or user filing errors.**

(a) *Failure of electronic filing or service.* When electronic filing or conversion does not occur due to technical problems, the court clerk may correct the problem. Technical problems include:

- (1) An error in the transmission of the document to the electronic filing system or served party that was unknown to the sending party;
- (2) A failure to process the electronic document when received by the electronic filing system;
- (3) Erroneous exclusion of a party from the service list; or
- (4) A technical problem experienced by the filer with the electronic filing system; or
- (5) A technical problem experienced by a court employee with respect to the processing of a converted document.

(b) *Time of filing of delayed transmission.* Unless the technical failure prevents timely filing or affects jurisdiction, the court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file or serve the document. The time for response is calculated from the time the document is correctly transmitted. When the technical failure prevents timely filing or affects jurisdiction, the issue shall come before the court upon notice and opportunity to be heard. The court may upon satisfactory proof enter an order permitting the document to be filed as of the date and time it was first attempted to be sent electronically.

[Amended; effective August 31, 2011.]

**Rule 16. Electronic filing providers.**

(a) *Right to contract.* A court may contract with one or more electronic service providers to furnish and maintain an electronic filing system for the court. A public bid process should be used to award such contracts.

(b) *Transmission to contracted provider.* If a court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider. If, however, there is a single provider or in-house system, the provider or system must accept filings from other electronic service providers to the extent it is compatible with them.

(c) *Provisions of contract.* A court's contract with an electronic filing service provider may allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee. If such a fee is allowed, the contract must also provide for audits of the vendor as provided in Rule 5(f). The contract may also allow the electronic filing service provider to make other reasonable requirements for use of the electronic filing system. Any contract between a court and an electronic filing service provider must acknowledge that the court is the owner of the filing system and has the exclusive right to control its use. The vendor must expressly agree in writing to safeguard any personal information in accordance with Nevada law.

(d) *Transmission of filing to court.* An electronic filing service provider must promptly transmit any electronic filing, with the applicable filing fees, to the court.  
[Amended; effective August 31, 2011.]

**Rule 17. Third-party providers of conversion services.**

(a) *Right to contract.* A court may contract with one or more third-party providers of conversion services in order to convert documents to an electronic format, provided that the conversion of a court record will be undertaken with sufficient quality control measures to ensure an accurate and reliable reproduction of the original. A public bid process should be used to award such contracts.

(b) *Provisions of contract.* Any contract between a court and a third-party provider of conversion services must acknowledge that the court is the owner of the original and converted documents and retains the exclusive right to control their use. The vendor must expressly agree in writing to safeguard any personal information in accordance with Nevada law.  
[Added; effective August 31, 2011.]

**Rule 18. Ability of a party to challenge accuracy or authenticity.** These rules shall not be construed to prevent a party from challenging the accuracy or authenticity of a converted or electronically filed document, or the signatures appearing therein, as otherwise allowed or required by law.  
[Added; effective August 31, 2011.]

571.5 million budget  
No reliable Audit  
for Department of  
Corrections.

## Audits

2007

April

Audit of the Department of  
Corrections (Department) Substance  
Abuse Treatment Program (Program)  
At the direction of the  
Executive Branch Audit  
Committee - HOWARD L. SKOLNIK  
DIRECTOR

2007

June

Annual Report/Department of  
Administration Division of  
Internal Audits  
Jim Gibbons Governor, Chairman  
- No audit of computer crash.  
- Audits in progress as of June 30, 2007  
- No audit scheduled for  
Department of Corrections

2008

September

Audit Authorized by legislative  
Commission December 7, 2006

Audit of the Department of  
Corrections - Inmate Programs  
GRIEVANCES, and Access to Health  
care. Audit focused on the  
programs and functions from  
July 2006 through December  
2007 and through April 2008  
for certain issues

No mention  
anywhere of  
computer crash  
(GLITCH)

Recommendations Accepted by  
Howard Skolnik  
Director of Nevada Department  
of Corrections

September 2, 2008

Recommendations NOT followed through  
or implemented.

Recommendation Number #25

Evaluate current time frames  
for completing grievances and  
revise as needed.

Recommendation Number #26

Monitor the grievance process  
to ensure time frames for  
completing grievances are followed.

Recommendation Number #27

Review grievances to ensure  
documentation is complete,  
including signatures and dates.

Note May 30<sup>th</sup>, 2014 Court Order

3:13-cv-00255-Ronald Collins had to get a court  
RCJ-WGC order to review his own grievance.

ORDER  
RE: Doc# 34 Requests. Warden Walsh stated it would  
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- Report #14-01 Nevada Department of Transportation
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- Report #14-03 Department of Education

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- Report #13-03 Department of Corrections *Dec 2012 No mention of Computer Glitch -*
- Report #13-02 Department of Public Safety
- Report #13-01 Department of Health and Human Services, Nevada State Health Division, Early Intervention Services

**Presented to the Committee on 05/01/2012**

- Report #12-02 Department of Employment, Training, and Rehabilitation - Workforce Investment Board
- Report #12-01 Department of Taxation - Audit and Collection Processes

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- Report #11-05 Administrative Services Division, Nevada System of Higher Education - No further action planned
- Report #11-04 Department of Health and Human Services - Division of Health care Financing and Policy Medicaid Personal Care Services
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- Report #09-05 Agency for Nuclear Projects
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- Report #09-03 Department of Administration - State Purchasing Division
- Report #09-02 Secretary of State - Nevada Business Portal
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- Report #08-03 Department of Agriculture
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# Audit Seeks Answers about Prison Sentences in Nevada



Reported by: Joe Hart  
Email: jhart@mynews4.com  
Published: 7/16/2012 7:34 pm  
Updated: 7/18/2012 6:39 pm

First EVER  
Audit?  
2013

Prison officials first told News Four in March there was no need to track possible computer mistakes that may be keeping inmates locked up longer than they should be.

"Some people would probably say yes but what's the point of tracking them as long as you fix them?" Steve Suwe told us at the time. Suwe is the public information officer for the Nevada Department of Corrections.

But state lawmakers have a different view. Now, the Department of Corrections is facing its first ever audit to find out

whether a computer glitch may be adding false charges to inmates records.

THE AUDIT RESULTS ARE ON THE INTERNET -

State Assemblyman William Horne, who chairs the Advisory Commission on the Administration of Justice called for the audit after questioning prison officials about the issue.

"We need to find out whether this is actually happening and if so, we need to correct it," Horne told News 4.

The issue dates back to 2007 when the Department of Corrections switched over to a new computer system. Prison officials told us the new system got tripped up when calculating certain types of sentences, especially those with indefinite terms such as ten years to life. John had a "disruptive Group" TAG added white Supremes is

News four obtained a copy of a deposition from a lawsuit filed on behalf of former inmate Nolan Klein.

Former warden and deputy director at NDOC Don Helling testified in his deposition last year that quote "All of the old data was flipped over into the new information system and when the information was flipped, errors occurred."

But prison officials say even if errors did happen they were caught and corrected. They insist no inmate has ever served extra time because of a computer mistake.

"We haven't found one case where the computer has added a sentence," said Rex Reed, who oversees inmate management for the Nevada Department of Corrections.

But state lawmakers say they're aren't satisfied with the answers they have received from the Department of Corrections. In fact in his letter to the Legislative Counsel Bureau dated June 14th, Assemblyman Horne wrote: "I have not received any satisfactory answers."

Horne's letter asks the audit division to find out:

- whether any errors showed up on inmates records as a result of the computer switchover in 2007.
- whether any errors turned up on records reported to the parole board.
- how the department of corrections resolves complaints about inmate records.
- and whether changes are needed to improve the d-o-c's computerized offender tracking system.

Horne says the audit could be just the first step.

"If we find this computer glitch actually did occur and people were burdened by felonies they did not commit, then we can delve in deeper on that," Horne said.

Added byrs to Johns time.

The audit will begin this month and may take several months to complete. Prison officials insist they're on board and eager to help with the process.

"Whatever they want we will provide," said Rex Reed with NDOC.

# Officials deny computer glitch added to inmates' prison terms

By **Cy Ryan (contact)**

Wednesday, March 7, 2012 | 3:40 p.m.

CARSON CITY - The state Department of Corrections says there's no truth to claims by advocates that a 2007 computer glitch wrongly lengthened the prison terms of up to 1,300 inmates.



The computer issues resulted in a couple of errors but not 1,300, Rex Reed, administrator of the offender management division in the department said. The errors were quickly corrected, he said.

The advocates had claimed that the computer upgrade added life sentences to the terms of some inmates. Inmate Advocate Tonja Brown told the Advisory Commission on the Administration of Justice Wednesday that the new computer system could not handle the switch over of the files of 13,000 inmates.

She said the prison system now admits to errors adding additional crimes and sentences to at least 1,300 inmates over five years. In one case, a prisoner was accused of killing another inmate. But he was acquitted. But Brown said a murder conviction still appears on his record. False felony convictions were added to the terms and prisoners denied parole because of the erroneous sentences posted in the new computer, Brown said.

See copy of letter from Parole Commissioner E. Gray.

But Reed said he could count the number of errors on two hands. In two cases, he said the glitch occurred to the benefit of the inmate and errors were quickly caught, he told the commission

The errors that were discovered were human such as a mix-up in the names of a prisoner, said Reed.

Assemblyman William Horne, chairman of the commission, said the problems will be examined. The Las Vegas Democrat said he wants to know how many inmates were affected and to make sure it doesn't happen again.

Reed told the commission that the files and sentences are reviewed three and possibly four times when an inmate is received in prison to make sure there are no errors.

Brown also charges that the prison has removed the good-time credits and work credits from the record of the inmate before he is scheduled to appear before the parole board.

## State Panel Wants Answers about Prison Computer Glitch



Reported by: Joe Hart

Email: [jhart@mynews4.com](mailto:jhart@mynews4.com)

Published: 3/19/2012 9:16 pm

Updated: 3/19/2012 9:20 pm

Nevada prison officials are working to figure out the impact of a computer problem that may have added false crimes to some inmates records.

We first broke this story earlier this month, but since then prison officials have changed their story and are now downplaying the impact of any computer problem.

The first errors that we are aware of happened back in 2007 when the department of corrections switched over to a new computer system.

Prison officials admit mistakes did occur because they say the new system was unable to calculate indefinite prison sentences... like life terms.

Even a term of 10-years to life could confuse the system, leading to false charges showing up on some inmate's records.

"There are records they have admitted have been affected in the past," says Rebecca Gaska with the ACLU office in Reno.

In one case: felony battery and burglary charges were dated June 5th of 2007 -- the exact date the new system came on line even though the inmate, Nolan Klein had been in prison since 1988. Klein went before the parole board a month later in July of 2007 and was denied. No reason was given and Klein never did get out. He died in prison two years later.

But prison officials insist all of the mistakes were caught and corrected.

Steve Suwee is the public information officer for the department of corrections.

"As far as I know there have been no adverse consequences to any inmate," Suwee told News 4.

When we first inquired about the problem, Suwee told us there may have been as many as 1,300 mistakes since 2007. That is, felony crimes added to inmates records by the computer incorrectly. But Suwee later told us he mispoke and now insists the majority of mistakes can be chalked up to human error: That is, prison staff entering inmates' work and good time credits incorrectly. Prison officials emphasize all of the mistakes have been caught and corrected. But surprisingly, they also told us they are not interested in tracking how often these mistakes occur.

News 4 asked if there should be a system in place to track these mistakes.

"Well I guess some people would say yes but what's the point of tracking it as long as you fix it?" Suwee told us. "I talked to our computer guys and they said there's not way of knowing." He added.

But state lawmakers are now demanding answers. Just days after our first story aired, members of the Advisory Commission on the Administration of Justice began asking questions of their own: They want to know exactly how many mistakes have been made and whether those mistakes have kept any inmates locked up longer than they should have been.

Assemblyman William Horne chairs the advisory commission:

"Even with our inmates, they have certain rights to only spend as much time in prison. Anything beyond that time they're serving is an injustice to them." Horne told News 4.

The growing question is, just how big of a problem are we talking about?

Steve Suwee, the public information officer, told us flat out prison officials don't really want to know.

"We have enough other things to do in my opinion, than to track how many times we screw up."

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**LAS VEGAS SUN**


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# Officials deny computer glitch added to inmates' prison terms

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*If Reviewed  
how did the  
Computer Glitch  
happen 2007?*

# FACT FINDER: 100's of Nevada prisoners mistakenly given longer sentences



Reported by: Joe Hart

Email: jhart@mynews4.com

Published: 3/03/2012 10:21 am

Updated: 3/03/2012 10:29 am

RENO, Nev. (KRNV & MyNews4.com) - Some Nevada prison inmates tell News 4 computer errors have added crimes to their records they never committed. Now prison officials confirm it's happened hundreds of times in recent years.

In 2007 the prison system switched over to a new computer program. That program regularly added false convictions and even additional life sentences to inmate records. Prison spokesman Steve Suwee tells News 4 there's a glitch in the system because it's designed to process sentences of specific durations like 10 or 20 years. But when an inmate has a life sentence the glitch may add additional crimes to that inmate's

record. Suwee says it may have happened as many as 1,300 times since 2007. Those are the ones they know about.

One paroled prison inmate who was serving a life term told me the system added multiple life sentences. His caseworker spotted and corrected the problem.

Former Prison Deputy Director Don Helling gave this testimony in a deposition last year as part of a lawsuit filed by an inmate's family concerning discrepancies in inmates records. Helling said "speculating, we converted over to a new system in '07 and when all of the information was flipped over into the new system errors occurred."

Prison officials say the problem continues to happen once or twice a month, and now that we've brought it up they are going to try to run the numbers and find out exactly how many mistakes have been caught since 2007.



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# STATE OF NEVADA

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## Audit Report

Department of Corrections  
Accuracy of Criminal History Information

2013

*This report  
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Nevada Electronic Filing  
and Conversion Rules*

*Adopted by  
the*

*Supreme Court  
of Nevada*

Legislative Auditor  
Carson City, Nevada

*Effective  
March 1st  
2007*



# Audit Highlights



Highlights of Legislative Auditor report on the Department of Corrections, Accuracy of Criminal History Information issued on February 25, 2013. Report # LA14-02

## Background

The Department is responsible for confining individuals convicted of felonies in Nevada. At June 30, 2012, it had a total of 12,877 inmates and about 2,600 employees. Total expenditures for fiscal year 2012 were \$250.7 million.

The Nevada Offender Tracking Information System (NOTIS) is used to track and manage inmates. NOTIS has many functions, including recording and maintaining information about inmates' crimes and sentences (referred to as criminal history information in this audit).

## Purpose of Audit

The purpose of the audit was to determine whether the Department (1) accurately records and maintains inmates' criminal history information in NOTIS, (2) reports accurate and complete information to the Parole Board about inmates' criminal history, (3) resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner, and (4) controls access to its computer network and NOTIS to reduce the risk of unauthorized changes to criminal history information. This included a review of information in NOTIS as of October 17, 2012. It included inmates that were incarcerated between June 2007 (when NOTIS was implemented) and October 17, 2012. It also included a review of the most recent *Parole Progress Report* for each inmate tested. Finally, it included inmate grievances related to the accuracy of criminal history information filed in fiscal year 2012 and access controls over NOTIS and the Department's computer network as of September 2012.

3 1/2 years to correct

## Audit Recommendations

This audit report contains 10 recommendations to improve (1) the accuracy of criminal history information in NOTIS and reported to the Parole Board, (2) the timeliness of its responses to grievances and documentation in its grievance files, and (3) controls that limit access to criminal history information.

The Department accepted the 10 recommendations.

## Recommendation Status

The Department's 60-day plan for corrective action is due on May 20, 2013. In addition, the six-month report on the status of audit recommendations is due on November 20, 2013.

# Accuracy of Criminal History Information

## Department of Corrections

### Summary

Although we found errors in inmates' information in NOTIS, few of the errors had any consequences. There were few consequences because most of the errors related to current offense dates, which can only have an impact in a small number of instances. Nevertheless, for 3 of 300 (1%) of the inmates tested, errors in their NOTIS criminal history information affected when the inmates were released. Two of these three inmates were released a few months early and one inmate had his parole hearing delayed by about 10 months. In addition, the Department identified an instance where an inmate was released about 14 months after his eligible release date because of an error in NOTIS. However, the Department promptly took action to identify and correct the problem before it could impact other inmates. The Department can reduce the risk of these errors by improving guidance provided to staff on verifying the accuracy of information in NOTIS and by providing additional oversight of staff to ensure they are performing this verification.

Criminal history information reported by the Department to the Parole Board for making parole decisions was not always accurate. Although 13% of reports tested had errors, the errors did not have any consequences because the Parole Board corrected the information before using it to make its decisions. We also found the Department effectively resolved offenders' grievances related to their criminal history information. Some grievances were not resolved in accordance with time frames and other requirements in Department regulations, but the exceptions were infrequent and did not have any significant consequences on inmates. Finally, controls over access to NOTIS can be improved to reduce the risk of unauthorized changes to the information.

Lied Not corrected

### Key Findings

We found errors in about 4.5% of information tested regarding inmates' current offenses. This data includes offenses and sentences for inmates' most recent incarceration. Over 90% of the errors concerned a current offense date, which can potentially impact classification, eligibility for a parole hearing, and data provided to the Parole Board. However, errors in inmates' current offenses only impacted 3 of 300 (1%) inmates tested, resulting in 2 being released early and delaying 1 inmate's parole hearing for about 10 months. (page 6)

Information in NOTIS on inmates' prior offenses was not always complete. About 13% of prior offenses were not in NOTIS. Prior offenses are convictions prior to an inmates' most recent incarceration, which can affect classification and data provided to the Parole Board. However, no errors impacted inmates' classifications or data provided to the Parole Board, primarily because of similar offenses in their history. (page 9)

The Department identified one inmate was released about 14 months after his eligible release date (based on his maximum sentence less credits earned) because of an error resulting from the transfer of sentence information into NOTIS. The Department promptly took action to correct the problem before it could impact other inmates. Our audit procedures confirmed the problem was corrected. (page 10)

In 2012, testimony was provided at meetings of the Advisory Commission on the Administration of Justice that inmates' criminal history information had errors caused by a "computer glitch" in NOTIS. As evidence, a NOTIS report was shown for an inmate where there was an offense on June 5, 2007, that was stated to be in error. We determined this was not a computer error, but rather an intentional choice made by the Department to facilitate implementation of NOTIS. It did not cause offenses to be improperly added to inmates' criminal history or have other consequences. (page 11)

For the 300 randomly selected inmates tested, 27 of 213 (13%) reports provided to the Parole Board had errors related to criminal history. However, none of the errors had any consequences because the errors were corrected by the Parole Board. (page 16)

The Department took appropriate action to resolve inmate grievances related to the accuracy of criminal history. We found all but 1 of the 57 grievances tested were resolved fairly and appropriately, although the Department did not always respond within established timeframes. (page 20)

The Department needs to further restrict persons that can change criminal history in NOTIS. Almost 400 staff had the ability to alter data, including the offenses an inmate has been convicted of and the corresponding sentences. We also found some password and other security weaknesses over the Department's computer network, which NOTIS is within. (page 24)

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Legislative Commission  
Legislative Building  
Carson City, Nevada

This report contains the findings, conclusions, and recommendations from our completed audit of the Department of Corrections, Accuracy of Criminal History Information. This audit was conducted pursuant to the ongoing program of the Legislative Auditor as authorized by the Legislative Commission. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

This report includes 10 recommendations to improve (1) the accuracy of criminal history information in its information system and reported to the Parole Board, (2) the timeliness of its responses to grievances and documentation in its grievance files, and (3) the controls that limit access to important inmate information. We are available to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other state officials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul V. Townsend".

Paul V. Townsend, CPA  
Legislative Auditor

February 13, 2013  
Carson City, Nevada

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# Introduction

## **Background**

The Department of Corrections is responsible for confining individuals convicted of felony charges within the State of Nevada. The Director supervises the administration of Department institutions and facilities and must take proper measures to protect the health and safety of the public, staff, and inmates. The Director also establishes regulations and administers the Department under the direction of the Board of State Prison Commissioners.

Authority over the operations of the prison system is granted to the Board by the Nevada Constitution. The Board is comprised of the Governor, Attorney General, and Secretary of State. The mission of the Department is to protect the public by confining convicted felons according to the law while keeping staff and inmates safe.

### **Institutions and Inmate Population**

During fiscal year 2012, inmates were housed at 18 facilities throughout the State. As of June 30, 2012, the Department had a total inmate population of 12,877. The majority of inmates are housed at the state's maximum, close, and medium custody level institutions. Exhibit 1 provides the average inmate populations for these fenced institutions for the quarter ended June 30, 2012.

**Average Inmate Population  
Fenced Institutions  
Quarter Ended June 30, 2012**

**Exhibit 1**

<b>Institution</b>	<b>Population</b>
High Desert State Prison	3,093
Southern Desert Correctional Center	2,029
Lovelock Correctional Center	1,630
Northern Nevada Correctional Center	1,480
Ely State Prison	1,042
Florence McClure Women's Correctional Center	737
Warm Springs Correctional Center	531
<b>Total</b>	<b>10,542</b>

Source: Department of Corrections.

The remaining inmates are housed at camps and the transitional housing and restitution centers. These camps and centers are for minimum custody level inmates. Exhibit 2 provides the inmate population breakdown for camps and the transitional housing and restitution centers.

**Average Inmate Population  
Camps, Transitional Housing, and Restitution Center  
Quarter Ended June 30, 2012**

**Exhibit 2**

<b>Facility</b>	<b>Population</b>
Stewart Conservation Camp	342
Casa Grande Transitional Housing Center	282
Three Lakes Valley Conservation Camp	244
Humboldt Conservation Camp	163
Jean Conservation Camp	163
Pioche Conservation Camp	160
Tonopah Conservation Camp	129
Wells Conservation Camp	129
Carlin Conservation Camp	127
Ely Conservation Camp	124
Northern Nevada Restitution Center	94
<b>Total</b>	<b>1,957</b>

Source: Department of Corrections.

**Staffing and Expenditures**

As of June 2012, the Department had about 2,600 employees. Nearly 1,700 of these positions were for security staff. Total

expenditures for fiscal year 2012 were \$250.7 million. The Department is primarily funded by General Fund appropriations. Other funding sources include federal funds and room, board, and transportation charges paid by inmates.

### **Nevada Offender Tracking Information System**

The Nevada Offender Tracking Information System (NOTIS) is the Department's information system used to manage and track inmates. NOTIS has many functions, including:

- **Booking** – Controls the intake or re-entry of an inmate into the state prison system and includes the criminal history of all inmates.
- **Legal Cases** – Records the legal orders authorizing inmate custody, including the current offenses and sentences they are serving.
- **Classification** – Helps caseworkers determine which custody level and institution to assign to inmates. In doing so, the system has to take into account many types of information, such as an inmate's criminal history, behavior in prison, and length of time until eligible for parole.
- **Release** – Includes tools to manage when an inmate is eligible for parole and when their sentence expires. The system has to take into account many factors specified in numerous laws to determine parole eligibility, including when offenses were committed, the specific offenses committed, and credits earned by an inmate.

The implementation of NOTIS took place in June 2007 when it replaced the Nevada Correctional Information System (NCIS). After the 2011 Legislative Session, concerns were raised that NOTIS potentially had false offenses and other errors regarding inmates' criminal history information. Errors of this nature could result in inmates being placed in a higher level of custody, eligibility for parole being delayed, and erroneous information being provided to the Parole Board.

### **Recording of Inmates' Criminal History Information**

An inmate's criminal history information recorded in NOTIS comes primarily from two documents. First, all inmates confined to a Department facility must be accompanied by a document called a

Judgment of Conviction (JOC). The JOC is prepared by the court that found the person guilty of a felony. It includes the felony or felonies the person was convicted of and the sentence(s) that must be served. The information includes the name of the felony and the category it is considered under state law. Felony categories are considered to be A, B, C, D, or E, in declining order of severity. For offenses committed after July 1, 1995, a sentence must include a minimum and maximum term (excluding category A offenses). Where an inmate is convicted of multiple felonies, the JOC also indicates whether the sentences are to be served concurrently (at the same time) or consecutively (one after the other). The JOC also specifies the number of jail credits the person has accrued. This is the number of days the person spent in jail prior to his conviction. The jail credits are considered time spent serving his sentence. Finally, the JOC includes the order date, which serves as the beginning of the sentence. All of this information on the JOC is entered into NOTIS when the person is admitted to one of the Department's three intake facilities (High Desert State Prison, Northern Nevada Correctional Center, and Florence McClure Women's Correctional Center). For this audit report, all of the above information on the JOC is considered to be part of an inmate's criminal history information.

The second document that an inmate's criminal history information comes from is a Presentence Investigation Report (PSI). It is prepared by the Division of Parole and Probation for the court in determining his sentence. It includes various information about the person's criminal history, including the current and prior offenses and arrests. Information from the PSI about the inmate's prior offenses and arrests is recorded in NOTIS when the person is admitted to a Department intake facility. This information is used for various purposes, including classification (deciding what custody level he should be assigned to). Information about the inmate's current and prior offenses is also provided by the Department to the Parole Board prior to an inmate's parole hearing. For this audit report, the information recorded in NOTIS from the PSI is also considered to be part of an inmate's criminal history information.

*Incorrect  
info entered*

## Scope and Objectives

This audit is part of the ongoing program of the Legislative Auditor as authorized by the Legislative Commission, and was made pursuant to the provisions of NRS 218G.010 to 218G.350. The Legislative Auditor conducts audits as part of the Legislature's oversight responsibility for public programs. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

Our audit of the Department of Corrections included a review of criminal history information in NOTIS as of October 17, 2012. It included inmates incarcerated between June 2007 (when NOTIS was implemented) and October 17, 2012. It also included a review of information in the most recent *Parole Progress Report* for each inmate tested. Finally, our review included inmate grievances related to the accuracy of criminal history information filed in fiscal year 2012 and access controls over NOTIS and the Department's computer network as of September 2012. Our audit objectives were to determine whether the Department of Corrections:

- Accurately records and maintains inmates' criminal history information in its information system (NOTIS).
- Reports accurate and complete information to the Parole Board about inmates' criminal history.
- Resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner.
- Controls access to its computer network and the NOTIS information system to reduce the risk of unauthorized changes to criminal history information.

## Errors Occurred, But Few Had Consequences

Although we found errors in inmates' information in NOTIS, few of the errors had any consequences. There were few consequences because most of the errors related to current offense dates, which can only have an impact in a small number of instances.<sup>1</sup>

Nevertheless, for 3 of 300 (1%) of the inmates tested, errors in their NOTIS criminal history information affected when the inmates were released. Two of these three inmates were released a few months early and one inmate had his parole hearing delayed by about 10 months. In addition, the Department identified one instance where an inmate was incarcerated for about 14 months after his sentences expired because of an error in his sentence structure. However, it promptly took action to identify and correct the problem before it could impact other inmates. The

Department can reduce the risk of these errors by improving guidance provided to staff on verifying the accuracy of information in NOTIS and by providing additional oversight of staff to ensure they are performing this verification.

We found errors in about 4.5% of the information tested regarding inmates' current offenses. Current offense information includes various data about the crimes and sentences for the inmates' most recent incarceration. Over 90% of the errors in current offense information concerned an inmate's current offense date. The remaining errors concerned the current offense code, offense severity, and felony categories. This information is important because it potentially impacts inmates' classifications, when they are eligible for a parole hearing, and information provided to the Parole Board. The errors concerning inmates' current offenses only impacted 3 of the 300 (1%) inmates tested. The errors

### Errors in NOTIS Related to Current Offenses

<sup>1</sup> For example, one inmate's current offense date in NOTIS was December 6, 2007, but the correct date was June 11, 2003. This error did not impact him because the credits he can earn on his sentence fall under the same state law (NRS 209.4465), which applies to offenses committed on or after July 17, 1997.

*No verification in John Melikians case*

*The error added SIX years to Johns prison term.*

resulted in two inmates being released early from prison and caused a delay in one inmate's parole hearing.

Our testing of current offenses included 300 randomly selected inmates incarcerated within the Department of Corrections at some time between June 5, 2007, and October 17, 2012. These inmates had a total of 615 current offenses. For each offense, we tested 10 pieces of information for a total of 6,150 items. We found a total of 275 errors in those items for an error rate of 4.5%. All but 20 of the errors were related to the current offense date. (See Appendix A for the complete results of our testing of these 300 inmates).

#### **Errors Related to Current Offense Dates**

For 123 (41%) of the 300 inmates included in our test, there was at least one error in their current offense dates. The total number of incorrect offense dates for these 123 inmates was 255. While none of the incorrect offense dates negatively affected the inmates in our sample, we identified one inmate who accrued more statutory good time credit than he was eligible to receive under law due to an incorrect offense date in NOTIS. The number of credits accrued by an inmate is specified under various state laws and depends on when the offense was committed. (See Appendix B for state laws specifying sentence credits earned based on current offense dates.) The following provides a brief description of the offense date error for this inmate:

- The inmate committed a crime in 1996, but had an offense date incorrectly recorded as 2006, which was when he was convicted. This resulted in him being released about 3.5 months early because he received more credits than he was entitled to under state law.

The most common reason for the errors in current offense dates was NOTIS automatically populated the offense date field based on the date entered in the order date field, which were not corrected by staff. Of the 255 errors, 243 resulted from the auto population of the offense date field, while only 12 were the result of human data entry errors. Department management recognized the issue a few years ago and implemented procedures to reduce the risk of this error. Since only 18 of the 255 errors identified

through our testing were for inmates entering the Department's custody after December 31, 2008, this issue has significantly diminished in the last few years.

#### **Errors in Offense Category, Severity, and Code**

In addition to testing current offense dates, we also reviewed the accuracy of each offense code, offense category, severity level, sentence date, application of jail credits, minimum and maximum sentences, controlling sentences, and consecutive or concurrent sentences. We tested 5,535 NOTIS data fields for the 300 inmates' current offenses, excluding current offense dates mentioned above. We identified a total of 20 (.36%) errors concerning 14 inmates' information in NOTIS. The errors related to the offense category, severity, and code affected two inmates.

Errors in a current offense category, severity, or code can impact an inmate's custody level classification, parole risk assessment score, and when the inmate is eligible for a parole hearing. Of the 20 errors in NOTIS pertaining to an inmates' current offense category, severity, and code, two errors had an impact. The following explains these two errors and their impact.

- One of the inmates had errors in his offense category. The inmate was convicted of grand theft, which is a category B offense. However, the offense was entered in NOTIS as theft, a category C offense. The category B offense makes him ineligible for receiving credits to his minimum sentence under NRS 209.4465. However, because this offense was recorded as a category C offense, the inmate incorrectly received credits against his minimum sentence, moving up his parole hearing by about 7 months. The inmate was granted parole at his first parole hearing.
- NOTIS had the correct offense for the other inmate, but the offense category was incorrect. The offense was a category C offense, but was entered in NOTIS as a category B. This resulted in the inmate not receiving credits to his minimum sentence per NRS 209.4465. As a result, he was determined to be eligible for a parole board hearing 10 months after he should have been. The inmate was granted parole at his first parole hearing.

## **Inmates' Prior Offense History in NOTIS Not Always Complete**

The information in NOTIS about inmates' prior offenses was not always complete. About 13% of the prior offenses in the 300 inmate files we examined were not included in NOTIS. Prior offenses are felony convictions prior to an inmates' most recent incarceration. The prior offenses can affect classification decisions and information provided to the Parole Board. However, none of the errors impacted inmates' classifications or information provided to the Board, primarily because they had similar offenses in their criminal history. We also noted about 0.5% of the prior offenses (a total of 2) recorded in NOTIS were not supported by records in inmate files. However, none of these additional prior offenses in NOTIS had any consequences on the inmate.

### **Prior Offenses Not Recorded In NOTIS**

We identified a total of 476 prior felony offenses for the 300 inmates included in our sample. We found 63 (13%) of these offenses were not recorded in NOTIS. The errors affected the information in NOTIS for 33 inmates. For the 300 inmates included in our sample, we compared information from the criminal history found in the inmate's Presentence Investigation Report (PSI) with information in NOTIS. Prior offense information is important as it is used to determine an inmate's custody level (classification) and in calculating an inmate's Parole Risk Assessment provided to the Parole Board. Of the 33 inmates with missing offenses, none had their classification or Parole Risk Assessment affected primarily because they had similar offenses in their criminal history.

### **Offenses in NOTIS Not Supported by Documents in Inmate File**

Of the 300 inmates included in our sample, two had an offense recorded in NOTIS that was not listed on their PSI or other reports from criminal registries. These two offenses that are not supported by documents in inmate files represent 0.5% of the prior offenses recorded in NOTIS for the inmates tested. One inmate's prior history in NOTIS included two counts for an offense that should have only been in there once. The other inmate's prior history in NOTIS had one offense that should not have been there. However, because of other offenses in the inmates' criminal histories, none of these errors impacted their classification. In

## Error in Sentence Structure Delayed Inmate's Release

addition, the errors in NOTIS did not affect either inmate's Parole Risk Assessment.

The Department identified one instance where an inmate was released about 14 months after his eligible release date because of an error resulting from the transfer of sentence information into NOTIS. The Department promptly took action to identify and correct the problem before it could impact other inmates. Our audit procedures confirmed the problem was corrected.

We reviewed areas relevant to inmate sentence structure in our test of 300 inmates. Sentence structure includes the length of sentences, whether they are concurrent or consecutive, and the order they must be served. During the course of our testing, we reviewed inmates' Judgments of Conviction (JOCs) and verified their sentence structure was correct. As needed, we also discussed with Department staff sentence structure for the inmates tested, including those transferred from the computer system preceding NOTIS. We learned the prior computer system was not able to identify the controlling sentence. As a result, each time a sentence expired, staff manually updated the controlling sentence to ensure consecutive and concurrent sentences for inmates with multiple sentences were handled appropriately. For inmates with multiple sentences when NOTIS was first implemented, NOTIS automatically selected the longest sentence as the controlling sentence. As a result, some inmate sentence structures needed to be corrected.

To help ensure inmates' sentence structures were correct in NOTIS, caseworker staff were reminded of the need to verify that sentence structures in NOTIS were in accordance with the JOC.

However, a problem was found in April 2012 with an inmate's sentence structure when reviewing his information prior to his release. In this instance, Department personnel recognized the inmate was about 14 months past his eligible release date (based on his maximum sentence less credits earned under state laws) because of an error in the sentence structure. The error occurred because when information was transferred into NOTIS, the longest sentence was selected as the controlling sentence rather than the shorter sentence as indicated in the JOC.

*caseworker  
staff ←  
checked  
nothing with  
John's case.  
even with  
his 3 1/2 yrs  
of requests.*

In response to this case, the Department performed queries in NOTIS to identify other inmates that may have been similarly affected. The queries identified about 2,600 inmates which potentially had a similar error. For each inmate, Department personnel verified the NOTIS sentence structure agreed to the inmate's JOC sentence structure. Corrections to the NOTIS sentence were made as needed.

We performed procedures to verify the problem identified by the Department was corrected. Specifically, we found 22 of the 300 inmates randomly selected for our testing were included in the Department's list of 2,600 inmates with potential sentence issues. We were able to verify that the sentence structures for all inmates in our sample were correct.

**"Computer Glitch"  
Had No  
Consequences**

In 2012, testimony was provided at meetings of the Advisory Commission on the Administration of Justice that inmates' criminal history information had errors caused by a "computer glitch" in NOTIS. As evidence, a NOTIS report was shown for an inmate where there was an offense on June 5, 2007, that was stated to be in error. However, our audit found offenses were not added to inmates' criminal history, but rather the offense dates were changed for reasons explained further below. This was not a computer error, but rather an intentional choice made by the Department to facilitate implementation of NOTIS. Our audit found there were not any consequences to this decision.

When NOTIS was first implemented in June 2007, information for all inmates had to be transferred from the previous computer system. This included inmates' current offenses and sentences, as well as information about prior offenses and dates the offenses were committed.

All information about inmates' criminal history was transferred over electronically into NOTIS, except for dates of offenses prior to those offenses the inmate is currently in prison for. These dates could not be transferred over electronically due to the manner in which they were set up in the previous system. More specifically, the dates for prior offenses were not identifiable to particular offenses. The only way the prior offense dates could be

*This is a complete lie as I have back-up info that it affected John's sentence, Parole hearings*

*WHAT??  
intentional choice!*

# The Supreme Court of Nevada Rule #5

on-going testing and documentation as to the Reliability of hardware and software, establish controls for accuracy — Comprehensive System Documentation

Supreme Court of Nevada

Electronic Filing Systems Require

Quality Control Accurate And Reliable

recorded into NOTIS would be for staff to review documents in central office files for thousands of inmates to identify when each prior offense was committed and then enter the date into NOTIS. This would have been extremely time-consuming.

Furthermore, although current offense determining an inmate's initial parole are not used to make decisions at the Parole Board. However, because NO date for each prior offense recorded in Department chose to put the first date implemented (June 5, 2007) into this fi transferred over electronically into NO

To verify that recording June 5, 2007, all inmates' prior offenses transferred over from the previous information system into NOTIS did not impact inmates, we performed various procedures. This included verifying that NOTIS does not use the prior offense date in generating information for important decisions affecting an inmate. These decisions include what custody level an inmate is assigned to and whether to grant parole.

We also interviewed Parole Board officials, including the Chairman, who indicated they were aware of the Department's decision to record June 5, 2007, for all prior offense dates. Officials indicated recording this date into NOTIS did not affect decisions they made concerning inmates. Finally, we verified there was not any impact on inmates in our testing that had this prior offense date in NOTIS.

Department records indicate about 1,400 current inmates still had prior offense dates of June 5, 2007, in NOTIS as of August 2012. To avoid further confusion about the prior offense dates, the Department should consider correcting the dates when performing reclassifications. At least every 6 months, inmates are seen by classification personnel to determine whether they are in the appropriate custody. The Department indicated to us that during reclassification, personnel are supposed to verify the accuracy of criminal history information in NOTIS by comparing it to

Time Consuming

appropriate documents (JOCs, PSIs). Since the prior offense dates are shown on these documents, the dates can be corrected in NOTIS at that time with minimal effort.

### **Review of Inmate Concerns Found No Impact**

*This is also called:  
Government Cover-up*

During the course of our audit, the concerns of 11 current and former inmates were brought to our attention through public meetings and a private citizen. The 11 inmates' concerns primarily related to the appropriateness of some offenses in NOTIS and how sentences were being carried out in NOTIS. We reviewed their specific concerns about the accuracy of criminal history information and whether the inmates were adversely affected by any errors. We found the inmates were not impacted by the alleged errors. However, we noted three offenses in one inmate's prior offenses listed in NOTIS that were not supported by records in the inmate's paper file. Nevertheless, it did not have any impact on the inmate because the inmate had other similar offenses in his record.

### **Allegations of False Offenses in NOTIS**

Several of the current and former inmates' concerns brought to our attention alleged false or extra felonies in NOTIS. Our review indicated that all of the inmates' criminal histories were correct, with one exception. The one former inmate with incorrect criminal history had two category D felonies and one category C felony that were not on his PSI or other Department records. However, these felonies did not have an impact on the inmate because he had multiple other felonies of the same or greater severity. Furthermore, the inmate's file had other offenses in his record that were not included in NOTIS.

### **Consecutive and Concurrent Sentences Properly Administered**

Inmates with concerns related to the Department's handling of their consecutive and concurrent sentences were not valid based on our review. We found the Department's handling of the inmates' sentences were in accordance with state laws. For example, NRS 213.1213 specifies:

*If a prisoner is sentenced pursuant to NRS 176.035 to serve two or more concurrent sentences, whether or not the sentences are identical in length*

*or other characteristics, eligibility for parole from any of the concurrent sentences must be based on the sentence which requires the longest period before the prisoner is eligible for parole.*

One inmate has a sentence structure that includes concurrent and consecutive sentences. One sentence had to run consecutive to the shorter of the initial concurrent sentences. NRS 213.1213 required the shorter sentence to expire without going to the Parole Board. Therefore, we found the Department appropriately handled the administration of his sentences.

Another inmate was paroled to a consecutive sentence. The sentence for which he was paroled was eventually overturned. Our review found that all credit previously applied to the overturned sentence was correctly applied to his consecutive sentence. At the appropriate time, he received a parole hearing on the second sentence. Thus, he was not penalized by the overturning of the originally paroled sentence.

### Controls Can Be Improved to Reduce Errors

Since there were many errors in NOTIS regarding inmates' criminal history information, the Department needs to improve controls in this area. Department personnel indicated there are various controls to prevent and detect errors in inmate information. However, our testing results indicate that these controls are not always working as intended. Due to the potential for significant consequences when there are inaccuracies, additional steps are needed to ensure errors are minimized.

Department personnel indicated the accuracy of criminal history information is ensured by staff at four different points. First, intake staff confirm its accuracy with inmates when they enter inmate information into NOTIS upon the inmate's entry into prison. Second, the information in NOTIS is verified by central office staff when they approve each inmate's initial classification. Third, staff responsible for maintaining the central office file for each inmate verify this information in NOTIS when they receive the applicable documents. Fourth, classification staff at the institutions verify the accuracy of information every 6 months when they examine whether the inmate can be reclassified into a different custody level.

Department Personnel?  
Four different points?  
Where is the documentation that this actually occurs?

We found evidence that these procedures are not working as intended. Many of the errors we noted in NOTIS regarding criminal history information were in the system for several years. Furthermore, in 2009, an e-mail was sent to Department staff indicating errors were being detected in inmates' criminal history information and therefore it was apparent (according to Department personnel) staff were not verifying the accuracy of information as intended by management.

There are two reasons why the Department's controls are not working as intended. First, the Department lacks written procedures instructing staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files. Second, there is little oversight to ensure staff are performing this verification. Correcting these deficiencies will help ensure controls intended by management to maintain accurate information in NOTIS are being carried out.

### Recommendations

1. Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.
2. Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed.

*No  
accountability*

## Information Provided to Parole Board Had Errors, But No Impact

*The Department could lose \$250.7 million in Government Grants if the truth was released.*

Criminal history information reported by the Department to the Parole Board for use in making parole decisions was not always accurate. Although 13% of reports tested had errors, the errors did not have consequences because the Parole Board corrected the information before using it to make its decisions.

Nevertheless, it is the Department's responsibility to ensure the criminal history information it provides to the Parole Board is correct to help minimize the risk of parole decisions being made based on inaccurate information.

### Significance of Information Reported to Board

NRS 213.131 requires the Department to provide the Parole Board, before an inmate's hearing, with information that will assist the Board in determining whether parole should be granted. The information is contained in a *Parole Progress Report*. It includes various information about the inmate's offense that he is eligible for parole on. It also includes what is referred to as the Parole Risk Assessment (Assessment). The Assessment helps the Board determine the risk that an inmate will commit another offense if granted parole. Some of the questions in the Assessment relate to the inmate's criminal history. The answers to the questions in the Assessment lead to a score, which combined with the severity of the offense, guide the Parole Board in making their decision. The maximum number of points that an inmate can accumulate is 19 points. (See Appendix C for the Parole Board's Risk Assessment and Guidelines used in deciding whether to grant parole).

### Types of Errors in Reports

For the 300 randomly selected inmates tested, 27 of 213 (13%) reports provided to the Parole Board had errors related to criminal history. The most common error concerned whether an inmate

was ever convicted of a property crime, such as robbery or auto theft. For example, an Assessment prepared by the Department scored the inmate as never having been convicted of a property crime, which is scored as zero points on the Assessment. However, the PSI prepared by the Division of Parole and Probation showed the inmate had previous property crimes in his record. As a result, the inmate should have been scored 2 points higher on the Assessment. This would have changed his total score from 3 to 5 points and therefore changed his risk level from low to moderate. Documentation available from the Parole Board indicated the Board corrected the error and scored the inmate appropriately.

We also found errors for questions about inmates' age of first arrest, and whether they ever had a parole or probation revocation. Almost all of the reports with errors (22 of 27) prepared by the Department scored the inmate lower than he should have been scored. As mentioned previously, we found errors in 13% of Parole Progress Reports tested. However, only 4% of the information tested in the reports had errors because we tested four items of information in each report. Exhibit 3 provides a breakdown of the types of errors found compared to the total number of items tested.

### Errors in Parole Progress Reports

Exhibit 3

Type of Error	Errors	Tested	Percent
Property Crime Convictions	15	213	7%
Age of First Arrest	10	213	5%
Parole/Probation Revocations	8	213	4%
Description of Offense Summary	0	213	0%
<b>Total</b>	<b>33</b>	<b>852</b>	<b>4%</b>

Source: Auditor testing results.

### Errors Did Not Have Consequences

None of the errors in the Assessment portion of the Parole Progress Reports had any consequence because the errors were corrected by the Parole Board. Prior to each hearing, Parole Board staff review each Assessment for accuracy. In addition, during each parole hearing, the Parole Board discusses the inmate's risk assessment and makes adjustments as needed.

Consequently, based on our review of documentation available from the Parole Board, including video recordings of hearings, the errors we found were corrected by Parole Board personnel before or during the parole hearing.

It is the Department's responsibility to ensure information provided to the Parole Board is accurate. The errors in the information provided to the Parole Board could be reduced by ensuring it is reviewed for accuracy before it is sent. Administrative Regulation 537 requires the Associate Warden or his designee to review and approve the Parole Progress Report before it is sent to the Board. However, this review is not working effectively based on the number of errors found in the reports.

### Recommendation

3. Review the accuracy of inmates' criminal history information in reports provided to the Parole Board.

*Who reviews?  
What documentation  
or accountability  
that it is even done?*

## Department Has Effective Process for Resolving Inmates' Grievances

*3 1/2 years to remove a computer added false felony is NOT Effective!*

Not effective

The Department has established a formal process for addressing inmate concerns about the accuracy of criminal history information recorded in NOTIS. We found the Department reached fair and appropriate decisions when inmates filed grievances expressing their concerns. Furthermore, most requirements in the Department's regulations for handling grievances were met, including those requiring appropriate personnel respond to the grievance. However, better oversight is needed to ensure grievances are addressed timely and grievance files contain staff and inmate signatures and dates.

### Formal Process for Resolving Inmates' Concerns

The Department has established a formal grievance process to provide an administrative means to resolve inmate problems and concerns. This audit examined the process as it relates to inmate concerns about the accuracy of their criminal history information in the Department's records. Inmates may also file grievances in a variety of areas such as classification (custody level), health care, property, housing, staff behavior, and visitation. The grievance process is governed by Administrative Regulation 740, which is intended to provide a fair and prompt resolution of inmate concerns.

When inmates have concerns, they are expected to resolve grievable issues through discussion with their caseworker prior to initiating the grievance process. If they are not satisfied, the Regulation provides for a multi-tier process. This includes the informal grievance level handled by the inmate's caseworker, the first level handled by the Warden, and the second level handled by a Deputy Director or Chief of the Offender Management Division. If an inmate disagrees with the Department's response,

the inmate may appeal the decision to the next level. The decision reached on a second level grievance is final, before going to the courts.

The Department has developed standard forms for filing grievances that are available in all housing units. Forms provide space for the inmate to state the nature of the grievance and the staff's response. Completed grievance forms and all relevant attachments are then stored at the facility where the grievance issue occurred and retained for 5 years. Throughout the process, information about the grievance is entered into the NOTIS system. The regulation requires various Department personnel (Deputy Directors, Wardens, and Associate Wardens) to review monthly and annual reports generated from NOTIS to evaluate the handling of grievances.

**Responses to  
Grievances Were  
Appropriate**

*Not to  
the  
inmate!*

The Department took appropriate action to resolve inmate grievances related to the accuracy of criminal history information. We found all but one of the 57 grievances tested were resolved fairly and appropriately. We examined all of the grievances received in fiscal year 2012 that we identified related to the accuracy of criminal history information at the four largest facilities and the women's facility. The one grievance that was not handled appropriately was improperly rejected.

The 57 grievances tested were identified from our analysis of grievance information in NOTIS and a review of grievance files at institutions. Since NOTIS does not separately identify grievances related to the accuracy of criminal history information, we performed various procedures to identify such grievances at the five institutions tested. This included reviewing all grievances included in certain categories (sentencing, classification, and housing) that were more likely to have criminal history grievances. We also reviewed grievances identified from electronically searching all other grievance categories using key words that could potentially indicate grievances relating to an inmate's criminal history.

Exhibit 4 shows the number of grievances identified from our procedures at each of the five institutions.

**Grievances Related to Criminal History****Exhibit 4**

<b>Institution</b>	<b>Number</b>
High Desert State Prison	24
Southern Desert Correctional Center	12
Northern Nevada Correctional Center	11
Florence McClure Women's Correctional Center	6
Lovelock Correctional Center	4
<b>Total</b>	<b>57</b>

Source: Auditor review of grievances in NOTIS.

The grievance files at the institutions were reviewed to determine the nature of the inmate's complaint and the staff's response at each level in the process. We also reviewed criminal history information in inmate files maintained at the Department's central office and at the institution, as well as other information in NOTIS (such as case notes). As needed, we had discussions with Department personnel. Based on these procedures, we concluded on the reasonableness and appropriateness of the Department's response.

For one of the grievances, we concluded the Department did not respond appropriately. The grievance was improperly rejected for not first using the informal grievance process, even though we found evidence that the inmate used this process. The caseworker also rejected the grievance stating it did not include a remedy. This was also improper since the grievance indicated the inmate wanted to read his parole progress report prepared by the Department to check for errors and to have any errors fixed. Nevertheless, we found the evidence supported denial of the inmate's grievance if it had been investigated. Therefore, there was not negative consequences to the inmate's grievance being improperly rejected.

**Most  
Requirements in  
Administrative  
Regulations  
Were Met**

Generally, grievances received in fiscal year 2012 were handled in accordance with key provisions of the Department's regulations, including requirements concerning the submission of grievances and that appropriate Department personnel respond to the grievance. However, the Department did not always respond to grievances within established timeframes. In addition, required staff and inmate signatures and dates were missing from some

33 days?

grievance forms. Improved oversight will help ensure inmates' concerns are addressed timely and adequately documented.

**Grievances Not Always Resolved Timely**

The Department did not always respond to grievances within timeframes established in Department regulations. Specifically, in 16 of 57 (28%) grievances, the timeframes were not met. The response was late by an average of 33 days on the late grievances. Exhibit 5 provides additional information on the late responses to grievances by institution.

**Grievances Not Resolved Timely**

**Exhibit 5**

Institution	Grievances Tested	Untimely Responses	Percent Untimely	Average Days Untimely
High Desert State Prison	24	8	33%	31
Southern Desert Correctional Center	12	2	17%	39
Northern Nevada Correctional Center	11	4	36%	30
Florence McClure Women's Correctional Center	6	1	17%	11
Lovelock Correctional Center	4	1	25%	75
<b>Total</b>	<b>57</b>	<b>16</b>	<b>28%</b>	<b>33</b>

Source: Auditor review of grievance files.

Department regulations require staff to respond to a grievance at the informal level within 45 days. The timeframe runs from when the grievance form is received from an inmate to the date the inmate receives the Department's response. The requirement for responding to a first level grievance is also 45 days. Finally, staff must respond to a second level grievance within 60 days.

Delays in responding to inmate grievances related to the accuracy of an inmate's criminal history information could result in various consequences if corrective action is needed. Specifically, an error in an inmate's criminal history information could result in a delay in an inmate getting to a lower custody level, having a parole hearing, or being released. In addition to impacting the inmate, this could result in higher incarceration costs. Delays in responding to grievances were reported in our audit of the Department in 2008. However, the Department's performance in this area has improved significantly since that time.

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### **Grievances Not Always Adequately Documented**

The Department can improve the documentation maintained in its grievance files. Each institution maintains a separate inmate file containing grievance forms submitted, staff responses, and supporting documentation. In several grievances reviewed, required signatures and dates were not documented in the files.

Grievance forms include signature and date lines for staff responding to the grievance and for the inmate to complete. Signatures and dates are needed to help ensure grievances are addressed timely and responses are provided to inmates. However, in 8 of 57 (14%) grievances tested, required signatures and dates were missing from grievance forms.

By not documenting these signatures and dates, it is unclear if appropriate personnel responded to grievances or if inmates received a copy of the Department's response. Although this concern was reported in our prior audit, the Department's performance has improved slightly. The lack of required signatures and dates on some grievance forms could be detected by increased review of grievance files.

### **Recommendations**

4. Monitor the grievance process to ensure timeframes for responding to grievances are followed.
5. Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.

## IT Access Controls Can Be Improved

The Department can improve controls that limit access to important inmate information. The Department's primary information system, NOTIS, contains information used to manage an inmate's period of imprisonment, the inmate's risk classification, parole eligibility, medical needs, and other critical information. Overly broad access to this information increases the risk of unintentional or unauthorized changes. In addition, the Department needs to better manage disabling of former employees' network access, strengthen password controls, automatically lockout idle computers, and conduct annual security awareness training.

### **Ability to Change Criminal History Needs to Be Restricted Further**

The Department needs to further restrict the number of persons that can change criminal history information in NOTIS. We identified almost 400 current NOTIS users who have the ability to alter legal order and sentence data. This legal order and sentence data includes the offenses an inmate has been convicted of, the corresponding prison sentences for the offenses, and the date that a sentence starts to run. It also includes prior felony conviction information. The staff's ability to change this information does not include the ability to delete the orders or charges but does include the ability to add or change the data in these fields.

Overly broad ability to change such important inmate information increases the risk it will be unintentionally changed or changed without proper authorization. Changing inmates' legal order or sentence information could impact their time served, eligibility for parole, parole risk assessment, and their classification. Appropriate inmate classification is essential to running a safe and economical prison system. If an inmate is not in the proper institution with the proper supervision, severe consequences such

as violence, escape, property destruction, or a lawsuit can result. On the other hand, if an inmate is placed in too high a security level, resources are not used economically as incarceration costs are higher.

The Department indicated that all insertion, deletion, or updates to these records are recorded by the system, which includes the user, date and time, and what has changed. Although this reduces the risk of unauthorized changes, it does not prevent such changes from occurring. It is best to prevent inappropriate changes by limiting the ability to make changes to as few persons as possible.

Department management indicated most of the 391 users do not need the ability to add or change legal order or sentence data as part of their job responsibilities; however, they do need the ability to view this information and the current system will not allow view only access to the data without causing other problems. The Department is working on a solution to strictly control the ability to add and change legal order information by July 2013.

## **Password and Other Security Weaknesses Over Network Access**

We found password and other security weaknesses over the Department's computer network. Restricting access to the network is important since NOTIS is within the network. Therefore, control weaknesses over access to the Department's network can increase the risk of unauthorized personnel changing criminal history information and sentencing information in NOTIS. When we brought these weaknesses to management's attention, the Department took action to correct them.

### **Former Employees With Current Network Accounts**

During our review of computer user accounts, we identified former employees that had current network access still enabled. We sampled almost 1,200 of the approximate 4,000 network computer accounts and identified 53 retired and otherwise terminated employees with currently enabled network user accounts. Twenty-two of these former employees had been gone for over a year. Most of these employees worked at the Department, but some also worked outside the Department at agencies such as the Division of Parole and Probation.

Department policy indicates terminated or transferred employees should be reported to the appropriate IT staff no later than their resignation date so the computer accounts can be disabled timely. However, according to Department personnel, the problem was caused by a breakdown in communication between human resources staff and IT staff regarding notification of outgoing employees. This problem was also caused by the lack of a policy regarding how long inactive accounts should be kept active.

Department personnel immediately disabled the accounts when we disclosed this information to them. In addition, the Department indicated it was implementing a comprehensive process to better identify and disable these former computer users' accounts. Furthermore, Department management indicated they would implement a backup process to disable computer accounts that have not been used in over 45 days.

#### **Password Settings Did Not Require Complex Passwords**

Group policy settings on the network server did not enforce state password complexity standards. State security standards require that passwords include uppercase and lowercase letters, special characters, and numbers. The Department did not enforce these settings because not all of its systems accommodated complex passwords. In addition, systems that did accommodate complex passwords did not have this setting enabled. After we informed management of this issue, they indicated in November 2012 that they planned to enforce this requirement over the next few months.

#### **Session Timeout Function Not Enabled**

The automatic session timeout (screen saver auto-lock) was not configured to automatically lock desktop users' computers after a period of inactivity as required by state security standards. Department personnel indicated computers were initially set to time out when originally installed, but users were allowed to change the timeout setting. After being informed of this issue, the Department indicated it planned to implement over the next 30 days an enforced policy timeout of 15 minutes.

By not automatically setting this timeout feature on all computers on the Department's network, there is an increased risk that unauthorized personnel could gain access to a Department computer that is logged into their network.

#### **Annual Information Security Awareness Training Not Conducted**

Ongoing security awareness training was not conducted throughout the Department as required by state security standards. The intent of this training is to ensure that all new and existing employees, consultants, and contractors are aware of their responsibilities in protecting the state's information systems and information processed through them. Without such periodic refresher training, there is increased risk that computer users will not take adequate precautions to protect state information resources. When we brought this matter to management's attention, they indicated they plan to require all employees to complete the security training online and will monitor this in the future to ensure continued compliance.

#### **Recommendations**

6. Limit the ability to change criminal history and sentencing information in NOTIS to only those users requiring such access to perform their job duties.
7. Implement controls to identify and disable computer network user accounts that are no longer authorized.
8. Set group policy settings to enforce complex user passwords on computers.
9. Enable the automatic session timeout function through group policy settings.
10. Implement a program to provide IT security awareness training at least annually to all employees.

# Appendix A

## Results of Testing Accuracy of Criminal History Information

<b>Information Tested</b>	<b>Tested</b>	<b>Errors</b>	<b>Percent</b>
<b><u>Current Offense Information</u></b>			
Offense Date	615	255	41.5%
Offense Category	615	15	2.4%
Offense Severity	615	2	0.3%
Offense Code	615	3	0.5%
Sentence Date	615	0	0.0%
Jail Credits	615	0	0.0%
Minimum Sentence Length	615	0	0.0%
Maximum Sentence Length	615	0	0.0%
Controlling Sentence	615	0	0.0%
Consecutive/Concurrent Sentence	615	0	0.0%
<b>Subtotals for Current Offense Information</b>	<b>6,150</b>	<b>275</b>	<b>4.5%</b>
<b>Prior Offenses</b>	<b>476</b>	<b>65</b>	<b>13.7%</b>
<b>Current and Prior Offense Totals</b>	<b>6,626</b>	<b>340</b>	<b>5.1%</b>

Source: Auditor testing results of 300 inmates.

## Appendix B

### State Laws Specifying Sentence Credits Earned Based on Current Offense Date

#### **NRS 209.433 Credits for offender sentenced on or before June 30, 1969.**

1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed for his or her term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

3. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 2 as determined by the Director.

(Added to NRS by 1977, 851; A 1983, 723; 1985, 686; 1989, 385; 1991, 780; 1993, 134; 1999, 134; 2003, 1366)

#### **NRS 209.443 Credits for offender sentenced after June 30, 1969, for crime committed before July 1, 1985.**

1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

- (a) For the period the offender is actually incarcerated under sentence; and
- (b) For the period the offender is in residential confinement,

↳ a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. The credits earned by an offender must be deducted from the maximum term imposed by the sentence and, except as otherwise provided in subsection 5, must apply to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

## Appendix B

### State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

4. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 3 as determined by the Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

(Added to NRS by 1977, 851; A 1983, 360, 723; 1985, 1925; 1989, 386; 1991, 780; 1993, 135; 1999, 135; 2003, 1366)

#### **NRS 209.446 Credits for offender sentenced for crime committed on or after July 1, 1985, but before July 17, 1997.**

1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

## Appendix B

### State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

(Added to NRS by 1985, 1924; A 1987, 510; 1989, 387; 1991, 217, 782; 1993, 136; 1997, 3182; 1999, 2880; 2001, 1163, 1937; 2001 Special Session, 157; 2003, 26, 28, 1367, 2577; 2007, 3175)

#### **NRS 209.4465 Credits for offender sentenced for crime committed on or after July 17, 1997.**

1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

- (a) For the period the offender is actually incarcerated pursuant to his or her sentence;
- (b) For the period the offender is in residential confinement; and
- (c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 60 days.
- (b) For earning a high school diploma, 90 days.
- (c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

- (a) Must be deducted from the maximum term imposed by the sentence; and
- (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

- (a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

## Appendix B

### State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

→ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

(Added to NRS by 1997, 3175; A 1999, 2881; 2001, 1164, 1937; 2001 Special Session, 157; 2003, 26, 28, 1367, 2577; 2007, 3176; 2009, 1887)

**NRS 209.447 Credits for offender sentenced after June 30, 1991, for crime committed before July 1, 1985, and released on parole.**

1. An offender who is sentenced after June 30, 1991, for a crime committed before July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned.

2. An offender who is sentenced after June 30, 1991, for a crime committed on or after July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 10 days from the offender's sentence for each month the offender serves.

3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.4475, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

(Added to NRS by 1991, 1409; A 1993, 557; 1997, 3183; 1999, 136; 2003, 408)

**NRS 209.4475 Credits for offender on parole as of January 1, 2004, or released on parole on or after January 1, 2004.**

1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision pursuant to NRS 213.1076; and

## Appendix B

### State Laws Specifying Sentence Credits Earned Based on Current Offense Date (continued)

(b) The offender is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

(Added to NRS by 2003, 407; A 2007, 3177)

#### **NRS 213.120 When prisoner becomes eligible for parole.**

1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when the prisoner has served one-third of the definite period of time for which the prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term of imprisonment imposed by the court. Except as otherwise provided in NRS 209.4465, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.

[Part 13:149:1933; 1931 NCL § 11581]—(NRS A 1957, 317; 1965, 434; 1967, 527; 1979, 1031; 1991, 1105; 1993, 137; 1995, 1259; 2007, 3182)

# Appendix C

## Board of Parole Commissioners' Risk Assessment Instrument and Guidelines

### NEVADA PAROLE RISK ASSESSMENT

Name	ID Number	Location	Date
<b>Static Risk Factors</b>		<b>Dynamic Risk Factors</b>	
<b>1. Age at First Arrest (juvenile or adult)</b>	<b>Pts</b>	<b>7. Current Age</b>	<b>Pts</b>
25 years or older	0	41 and above	-1
20-24 years	1	31 - 40	0
19 years or younger	2	21 - 30	1
<b>2. Prior Prob/Parole Revocation (juv. or adult)</b>		Under 21	2
No parole or probation revocations	0	<b>8. Active Gang Membership</b>	
One or more (including gross misdemeanors)	2	No	0
<b>3. Employment History (prior to arrest)</b>		Yes	2
Satisfactory full-time employment ≥1 year	0	<b>9. DOC certified edu/voc/treat program</b>	
Employed less than full-time/full-time < 1 year	1	Yes, or has existing GED/HIS Dipl/Degree	-1
Unsatisfact. employment/unemployed/unemployable	2	No	0
<b>4. Offense for Current or Prior Convictions</b>		<b>10. Disciplinary Conduct - Past Year</b>	
All others	0	No Major Disc Violations or Single Minor/Gen	-1
Property Offense, Robbery, Forgery, etc	2	Multiple Minor/General Violations	0
<b>5. History of Drug/Alcohol Abuse</b>		Major Violation	1
None	0	Multiple Major Violations	2
Some use, no severe disruption of functioning	1	<b>11. Current Custody Level</b>	
Frequent abuse, serious disruption of functioning	2	Minimum	-1
<b>6. Gender</b>		Medium	0
Male	1	Maximum or Disciplinary Segregation	2
Female	0	<b>Total Dynamic Risk Score</b>	
<b>Total Static Risk Score</b>		<b>Total Score (Static+Dynamic Score)</b>	

\_\_\_ Low Risk = 0-4 points      \_\_\_ Medium Risk = 5-10 points      \_\_\_ High Risk = 11+ points or 8 points on Dynamic factors

The risk assessment is based on the static and dynamic factors that are applicable at the time of a parole hearing. A change in status following the hearing that may impact the risk factors shall not be the basis for an appeal for re-computation. A prisoner will only be granted a re-hearing if a factor is misapplied at the time of the hearing, and a correction would cause a deviation from the guideline recommendation.

# Appendix C

## Board of Parole Commissioners' Risk Assessment Instrument and Guidelines (continued)

### DISCRETIONARY RELEASE PAROLE GUIDELINE WORKSHEET

Name: \_\_\_\_\_ ID#: \_\_\_\_\_ Location: \_\_\_\_\_ Date: \_\_\_\_\_

Offense Severity	Risk Level		
	High (11+ total, or 8 dynamic points)	Mod (5,8,7,8,9,10)	Low (0, 1, 2, 3, 4)
Highest	Deny Parole	Consider Factors	Consider Factors
High	Deny Parole	Consider Factors	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing
Moderate	Deny Parole	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing	Parole at initial Parole Eligibility
Low Moderate	Consider Factors	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing	Parole at initial Parole Eligibility
Low	Consider Factors	Parole at initial Parole Eligibility	Parole at initial Parole Eligibility

Offense Severity (circle): Highest High Moderate Low Moderate Low

Risk points: \_\_\_\_\_ Risk (circle): High Moderate Low

Guideline Recommendation (circle): Deny Par Consider Factors Par at 1<sup>st</sup> or 2<sup>nd</sup> Hng Par at initial PED

This is this Inmate's (circle one): First Second Third+ discretionary parole hearing on this sentence.

**Aggravating Factors (check all that apply)**

- Prior prison term did not deter future criminal activity
- Prior sex conviction
- Prior violent conviction
- Significant prior criminal history.
- Commission of a crime while incarcerated, on bail, eluding, on escape status or during felony parole or probation supervision
- Disruptive Institutional Behavior
- Refuse to participate in or terminated for cause from treatment.
- Repetitive similar criminal conduct.
- Removal from community supervision program (305/184/317) on current period of incarceration.
- Housed in Disciplinary Segregation w/in 24 months.
- Crime was targeted against a child or person at greater vulnerability because of age/disability.
- Three or more parole/probation revocations.
- Nature of criminal record is increasingly more serious
- Impact on victim(s) and/or community
- The extreme or abnormal nature of the crime.
- Other: \_\_\_\_\_

**Mitigating Factors (check all that apply)**

- No prior/minimal criminal conviction history.
- Infraction free in two years or more to hearing month and not in disciplinary segregation during past two years.
- Lesser involvement in the instant offense
- Positive adjustment to Halfway house/work release program.
- Participation in programs specific to addressing behavior that led to their incarceration
- Prior successful completion of parole or probation supervision
- Community and/or family support.
- Stable release plans.
- Crime was situational without evidence of intent to harm as information derived from pre-sentence investigation.
- Case history demonstrates remorse.
- Consistent in managing their mental illness as recommended by professionals (if applicable)
- Pending CS sentence or detainer lodged by other jurisdiction.

Other: \_\_\_\_\_

Discretionary Parole Recommendation (circle action and indicate effective date or denial length):

Grant Parole: at PED or date \_\_\_\_\_ Deny Parole: to MPR to EXP Next hearing date \_\_\_\_\_

Does this action deviate from the guideline recommendation (circle): YES NO

If the action deviates from the guideline recommendation, indicate any reasons other than those already indicated above

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Appendix D

### Audit Methodology

To gain an understanding of the Department of Corrections, we interviewed staff, reviewed state laws and Department regulations, and policies and procedures significant to the Department's operations. We reviewed financial information, budgets, legislative committee minutes, reports and statistical information describing the Department's activities. We also reviewed minutes of the Advisory Commission on the Administration of Justice, the Board of State Prison Commissioners, the Interim Finance Committee, and the Board of Examiners for meetings where the accuracy of criminal history information in NOTIS was discussed. In addition, we assessed controls over the recording of inmates' criminal history information, grievances, and access to NOTIS and the Department's computer network.

To determine if the Department accurately records and maintains inmates' criminal history information in its information system (NOTIS), we obtained Department data for inmates incarcerated between June 5, 2007, and October 17, 2012. We verified the completeness of the inmate data by randomly selecting 50 inmate files from three separate locations where files are stored and traced the inmate information to the data download. There were a total of 36,626 inmates in this download.

Next, from this population we randomly selected 300 inmate files for testing. For each inmate, we obtained the Department's central office file containing documents showing the inmate's criminal history. For each of the current offense(s) shown on the inmate's Judgments of Conviction (JOC), we verified the following current offense information was correctly recorded in NOTIS: the offense code/description, offense category, sentence date, number of jail credits, minimum sentence length, maximum sentence length, and whether sentences were to run consecutively or concurrently (if there was more than one

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sentence). We also verified the offense severity was accurate by comparing it to Department guidelines and the correct sentence was identified as the controlling sentence. Further, for inmates with offenses prior to their current offenses, we verified prior offenses on their Presentence Investigation Report (PSI) were accurately recorded in NOTIS and that NOTIS did not include any prior offenses that were not on the PSI. For any discrepancies between the criminal history information in NOTIS and documents in inmates' central office files, we discussed them with Department personnel to confirm the discrepancies. To assess the consequences of errors, we determined whether they had any impact on the inmate's classification, when they were eligible for parole, and the Parole Risk Assessment provided to the Parole Board. We discussed the results of our analysis with appropriate Department personnel and Parole Board officials.

To verify that recording June 5, 2007, as the prior offense date for all inmates' prior offenses transferred over from the previous information system into NOTIS did not impact inmates, we performed various procedures. This included verifying that NOTIS does not use the prior offense date in generating information for important decisions affecting an inmate. These decisions include what custody level an inmate is assigned to and whether to grant parole. We also interviewed Parole Board officials, including the Chairman, to determine if they were aware of the Department's decision to record June 5, 2007, for all prior offense dates. Finally, we verified there was no impact on inmates in our testing that had this prior offense date in NOTIS.

To determine the validity of allegations from current and former inmates brought to our attention through public meetings and a private citizen, we reviewed the information provided to understand their specific concerns. In total, we obtained information on 11 current and former inmates that related to their criminal history information in NOTIS. We then reviewed available institutional and central office files and NOTIS for each of the 11 inmates. Finally, we determined whether the criminal history information was accurate and whether or not it impacted the current or former inmate's sentence.

To determine if the Department reported accurate and complete information to the Parole Board about an inmates' criminal history, we obtained the most recent Parole Progress Report for the randomly selected 300 inmates. To assess the accuracy of the reports, we verified that the current offense description in the report was accurate by comparing it to the PSI. We also verified that information in the Parole Risk Assessment portion of the report was accurate by comparing it to the JOC and PSI. This included the age of first arrest, whether the inmate had parole or probation revocations, and if the inmate was convicted of a property crime. To assess the impact of any errors in the Parole Risk Assessment, we corrected the score to accurately reflect PSI or JOC records and determined whether it affected the inmate's risk level. We also reviewed Parole Board records and identified whether the error was corrected by Parole Board personnel before the inmate's hearing.

To determine if the Department resolves inmate grievances related to the accuracy of criminal history in a fair and appropriate manner, we obtained a download from NOTIS of all grievances with activity during fiscal year 2012. We determined the download was complete by randomly selecting grievance files at institutions and verifying the grievances were included in the download. We then separated the data by the four largest institutions and the women's facility and then by grievance categories (sentencing, classification, and housing) most likely to include grievances related to criminal history. Next, we performed an electronic word search of the data for the four largest institutions and the women's facility for all other grievance categories using key words that could potentially indicate the grievance related to an inmate's criminal history. We then reviewed the "Offender Complaint" section of the database for all grievances identified above. Based on the description documented in the Offender Complaint section of the data, we identified grievances for review at the five correctional institutions. Next, we reviewed the supporting grievance documentation obtained from the inmates' grievance files at the institutions. We then tested all grievances for compliance with key Departmental regulations. This included determining whether appropriate documentation was retained, key

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information was recorded in NOTIS, grievance forms were properly completed, grievance responses were addressed by appropriate personnel, and timeframes for the Department's response were met. We also determined whether the Department's response was fair and appropriate by verifying the response with independent sources of information such as the inmate's criminal history documents (Judgment of Conviction and Presentence Investigation Report). Finally, we discussed any concerns we found with Department staff.

To determine if the Department controls access to its computer network and NOTIS to reduce the risk of unauthorized changes to criminal history information, we reviewed information technology controls for compliance with selected State Information Security policies. This included determining if the Department adequately restricts access to criminal history information by examining controls in NOTIS that limit the ability to change criminal history information such as inmates' offenses and sentences. We also determined whether only currently authorized employees had access to the Department's computer network by comparing the Department's current computer user account listing to the State's Human Resources Data Warehouse listings of current employees as well as to Department listings of current contractors. In addition, we reviewed desktop computer controls including those that controlled password criteria such as password length, composition and the frequency of required changes to passwords. We also tested network policy settings to determine if computers were set to automatically lock after a set period of inactivity. Finally, we interviewed appropriate information technology personnel to determine if the Department conducted annual information security awareness training for all staff.

Our audit work was conducted from July 2012 to January 2013. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In accordance with NRS 218G.230, we furnished a copy of our preliminary report to the Director of the Department of Corrections. On February 1, 2013, we met with agency officials to discuss the results of the audit and requested a written response to the preliminary report. That response is contained in Appendix E which begins on page 41.

Contributors to this report included:

Shawn Heusser, MPA  
Deputy Legislative Auditor

Richard A. Neil, CPA  
Audit Supervisor

Roland Erickson, MPA  
Deputy Legislative Auditor

Jeff Rauh, CIA, CISA  
Deputy Legislative Auditor

Eugene Allara, CPA  
Deputy Legislative Auditor

# Appendix E

## Response From the Department of Corrections

Board of State  
Prison Commissioners  
**BRIAN SANDOVAL**  
Governor  
**CATHERINE CORTEZ MASTO**  
Attorney General  
**ROSS MILLER**  
Secretary of State



**STATE OF NEVADA**  
**DEPARTMENT OF CORRECTIONS**



Northern Administration  
5500 Snyder Avenue, Carson City, NV 89702  
Phone: (775) 687-3317 - Fax: (775) 687-3225

Southern Administration  
3965 W. Russell Road, Las Vegas, NV 89118  
Phone: (702) 488-9938 - Fax: (702) 488-9961

**BRIAN SANDOVAL**  
Governor

**JAMES G. COX**  
Director

**DEBORAH L. REED**  
Deputy Director,  
Support Services

February 11, 2013

Paul V. Townsend, CPA, Legislative Auditor  
Legislative Counsel Bureau  
Legislative Building  
401 S. Carson Street  
Carson City, NV 89702-7011

Dear Mr. Townsend:

The Nevada Department of Corrections (NDOC) has accepted all ten of the recommendations of the audit report regarding the Accuracy of the Criminal History Information done in 2013. The following supplemental information is provided for each recommendation.

**Recommendation Number 1:** Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.

Response: Operational Procedures are being developed regarding the Intake process and the entry of sentencing information into NOTIS. Along with this procedure, Offender Management staff will be providing hands-on training regarding sentence management and NOTIS entries. Planned completion is June 30, 2013.

**Recommendation Number 2:** Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed.

Response: The Operational Procedure referred to above will include the chain of oversight which will be formalized for this process of entering sentence information insuring the accuracy. Planned completion is June 30, 2013.

**Recommendation Number 3:** Review the accuracy of inmates' criminal history information in reports provided to the Parole Board.

Response: This process already has an oversight mechanism, as they are reviewed and signed by the institution's Associate Warden. However, this should have initially been reviewed and checked for accuracy at the caseworker level. Current procedures will be revised to include a second review of the Criminal History prior to being signed by the Associate Warden. This review will involve a comparison of the PSI and the NOTIS entries for criminal history information. Planned completion is June 30, 2013.

**Recommendation Number 4:** Monitor the grievance process to ensure timeframes for responding to grievances are followed.

Response: NOTIS has a report which reflects timeframes at each level of the process. It has been determined that this process is not calculating time frames in accordance with the intent of AR 740. An MIS work ticket has been submitted for analysis and possible programming changes that may make the timeframes more accurate. Deputy Director Foster has reminded institution Wardens at several Wardens' meetings that staff involved in grievances must adhere to the timeframes set forth in AR 740, and must monitor this at the institutional level. Planned completion is June 30, 2013.

**Recommendation Number 5:** Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.

Response: Deputy Director Foster has also instructed the Wardens to remind staff that all responses must be accurate, and signed and dated appropriately. During 2<sup>nd</sup> level reviews, she is flagging these errors and sending them back to the institution Wardens so that training can be facilitated at the institution level. Implementation is ongoing.

**Recommendation Number 6:** Limit the ability to change criminal history and sentencing information in NOTIS on only those users requiring such access to perform their job duties.

Response: NDOC is currently developing a new sentence management system that will stand apart from the Offender Management System. When this system is implemented, all legal order and sentence information in NOTIS will be view only as it will be generated and managed in the new system and simply copied to the NOTIS system. Add/Change access in the new sentence management system will be strictly controlled and only staff with add/change responsibilities will be granted that access.

**Recommendation Number 7:** Implement controls to identify and disable computer network user accounts that are no longer authorized.

Response: NDOC has disabled all the former staff accounts identified by this audit. We plan to immediately review unused accounts and enforce a lockout of accounts that have been unused for 45 days. Further, a comprehensive account provisioning/de-provisioning process encompassing both MIS and the NDOC human resources, and outside agencies will be implemented over the next 60 days.

**Recommendation Number 8:** Set group policy settings to enforce complex user passwords on computers.

Response: NDOC plans to roll out password complexity enforcement over the next 60 days on compliant systems. NDOC is also working to bring non-compliant systems into compliance and implement complexity enforcement.

**Recommendation Number 9:** Enable the automatic session timeout function through group policy settings.

Response: NDOC plans to implement, over the next 30 days, an enforced policy timeout of 15 minutes. There will be exceptions for video monitoring workstations.

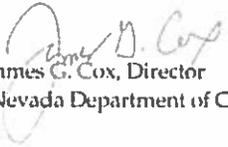
**Recommendation Number 10:** Implement a program to provide IT security awareness training at least annually to all employees.

Response: NDOC plans to require all employees to complete the mandatory

information security training online through the Nevada Office of Information Security website. NDOC will obtain a list of employees who complete the training annually to assure continued compliance.

If I can be of any further assistance, please contact me.

Sincerely,

  
James G. Cox, Director  
Nevada Department of Corrections

JGC/dlbr

## Department of Corrections' Response to Audit Recommendations

<u>Recommendations</u>	<u>Accepted</u>	<u>Rejected</u>
1. Develop written procedures for applicable staff on the need to verify the accuracy of inmates' information in NOTIS by comparing it to appropriate documents in inmates' files.....	<u>X</u>	<u>          </u>
2. Provide additional oversight of staff to ensure written procedures related to ensuring the accuracy of information in NOTIS are being followed .....	<u>X</u>	<u>          </u>
3. Review the accuracy of inmates' criminal history information in reports provided to the Parole Board .....	<u>X</u>	<u>          </u>
4. Monitor the grievance process to ensure timeframes for responding to grievances are followed .....	<u>X</u>	<u>          </u>
5. Review grievances to ensure documentation is complete, including required signatures and dates of applicable staff and inmates.....	<u>X</u>	<u>          </u>
6. Limit the ability to change criminal history and sentencing information in NOTIS to only those users requiring such access to perform their job duties.....	<u>X</u>	<u>          </u>
7. Implement controls to identify and disable computer network user accounts that are no longer authorized.....	<u>X</u>	<u>          </u>
8. Set group policy settings to enforce complex user passwords on computers .....	<u>X</u>	<u>          </u>
9. Enable the automatic session timeout function through group policy settings.....	<u>X</u>	<u>          </u>
10. Implement a program to provide IT security awareness training at least annually to all employees .....	<u>X</u>	<u>          </u>
TOTALS	<u>10</u>	<u>0</u>

CERTIFICATION OF  
BOARD OF PAROLE COMMISSIONERS ACTION

10-08-2008

ORDER DENYING PAROLE RELEASE

MELIKIAN, JOHN

INMATE NAME

84590

NOOP NUMBER

Lovelock Correctional Center

LOCATION OF HEARING

It is the order of the Board that further consideration of parole is DENIED until - - - : 01/01/2012

10/08/2008

Employment history is wrong - see Dept. of Corrections Report "CREDIT HISTORY"

History of Abuse of Drugs + Alcohol is incorrect. See sentence memorandum may 7, 2003

Gang Membership showed up out of No where!  
Nothing on court papers  
Nothing on previous Parole Commissioners Action dated 9/13/06

Psych Panel Certification  
Risk level High?  
All EVALS were RATED LOW!

In the report you will see John who lead Porter or attending school

Less than one ounce 10/02/2001

Computer glitch 2007  
Nevada Electric giving and conversion rules (attached)  
Risk level has never been rated High. See psychosocial evaluation's dated from 2003

Corinne S. Brewer  
FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

Commissioner M. Silva DENY  
Commissioner E. Gray DENY

Commissioner M. Keeler DENY

The final action was ratified by the following parole commissioners:

Commissioner M. Silva DENY  
Commissioner E. Gray DENY  
Commissioner \_\_\_\_\_ GRANT DENY  
Commissioner \_\_\_\_\_ GRANT DENY

Commissioner M. Keeler DENY  
Commissioner CAB GRANT DENY  
Commissioner \_\_\_\_\_ GRANT DENY

STATE OF NEVADA

WHITE - Board File CANARY - Inmate

PINK - "T" File  
GOLDENROD - PEP

BOARD OF PAROLE COMMISSIONERS  
PAROLE RISK ASSESSMENT

MELIKIAN, JOHN  
NAME

84590  
MDDP#

10-08-2008  
DATE

Lovelock Correctional Center  
INSTITUTION

Static Risk Factors

Age at First Arrest (juvenile or adult)  
19 years or younger 2

Prior Probation/Parole Revocations  
One or More 2

Employment History  
Unrel. Employment/employed/Unemployable 2

Offense for Current or Prior Convictions  
All Others 0

History of Drug/Alcohol Abuse  
Frequent abuse, serious disruption of functioning 2

Gender  
MALE 1

STATIC RISK SCORE 9

Crime Severity Level Highest

Dynamic Risk Factors

Current Age  
21 - 30 1

Active Gang Membership  
Yes 2

Completed DOC certified educational, vocational or treatment program  
No 0

Disciplinary Conduct - past year  
No Majors or Single Minor -1

Current Custody Level  
Medium 0

DYNAMIC RISK SCORE 2

TOTAL SCORE (static & dynamic) 11

Risk Level High

Psych Panel Certification Risk Level High

Guideline Recommendation: Deny Parole

AGGRAVATING FACTORS - The Board determined the following aggravating factors are applicable in your case:

- 1 Nature of record is increasingly more serious.
- 2 Impact on the victim(s) and/or community.

MITIGATING FACTORS - The Board determined the following mitigating factors are applicable in your case:

- 1 Community and/or family support.
- 2 Stable release plans.

Should be one

CENTRAL OFFICE  
1677 Old Hot Springs Road  
Suite A  
Carson City, Nevada 89706-0677  
(775) 687-5049  
Fax (775) 687-6736

STATE OF NEVADA

JIM GIBBONS  
Governor



LAS VEGAS OFFICE  
4000 S. Eastern Avenue  
Suite 130  
Las Vegas, Nevada 89119-0840  
(702) 486-4370  
Fax (702) 486-4376

DORLA M. SALLING, Chairman

BOARD OF PAROLE COMMISSIONERS

NEVADA BOARD OF PAROLE COMMISSIONERS

Addendum to Order Denying Parole

Melikian      84590      LCC      8 Oct 08  
Name                      ID #                      Location                      Date

Pursuant to Nevada Law, the Parole Board is required to provide specific recommendations to improve the possibility of granting parole the next time you are considered for parole, if any.

The following recommendations do not create a liberty interest when you are considered for parole in the future. While the suggestions that are provided may improve the possibility of being granted parole in the future, they do not guarantee that you will be granted parole.

The specific recommendations pertaining to your case are indicated.

1. Do not engage in disciplinary misconduct during denial period.
2. Participate in programs that address the behaviors that led to your incarceration.
3. Participate in educational or vocational programs that will improve your marketability in the workplace upon release.
4. Participate in victim empathy programming.
5. Disassociate from involvement with a gang.
6. Other: \_\_\_\_\_  
\_\_\_\_\_
7. Other: \_\_\_\_\_  
\_\_\_\_\_

STATE OF NEVADA

1A-59B

WHITE - Board File  
CANARY - Inmate

FINN - T File  
GOLDENROD - P & P

cd#: 187203

CERTIFICATION OF  
BOARD OF PAROLE COMMISSIONERS ACTION

09-13-2006

ORDER DENYING PAROLE RELEASE

MELIKIAN, JOHN

INMATE NAME

84590

HOOP NUMBER

Lovelock Correctional Center

LOCATION OF HEARING

It is the order of the Board that further consideration of parole is DENIED until - - - : 01-04-2009

No Gang Association  
Recorded at this  
date 9/13/2006

See Sentence  
Memorandum  
May 7, 2003

and AFFIDAVIT  
Miss Courtney KOSTZLITA  
MARCH 25, 2003

NO disciplinary  
action

No drugs or alcohol a  
factor

See Dept. of Corrections  
Report "CREDIT History"  
Employment & school  
should be Yes

No Violent Felony

Connie D. Bisbee

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

Recommendation of panel present:

Commissioner C. Bisbee: DENY  
Commissioner M. Vietri: DENY

Commissioner T. Goodson: DENY

The final action was ratified by the following parole commissioners:

Chairman D. Salling: DENY  
Commissioner C. Bisbee: DENY

Commissioner T. Goodson: DENY  
Commissioner M. Vietri: DENY

maybe 14  
- 3  
11

# STATE OF NEVADA

WHITE - Board File  
CANARY - Inmate

PINK - "I" File  
GOLDENROD - P&P

## Nevada Board of Parole Commissioners Parole Success Likelihood Factors

NAME	84590	Lovelock Correctional Center	09-13-2006
MELIKIAN, JOHN	NDOP#	INSTITUTION	DATE
<b>Convictions/Enhancements:</b>	Misd. non-violent:	5 X1	5
	Misd. violent:	0 X2	0
	Felony non-violent:	0 X3	0
	Felony violent:	1 X4	4
	Habitual:	0 X6	0
<b>Incarcerations:</b>	Jail:	3 X1	3
	Prison:	1 X2	2
<b>Supervision Failures:</b>		1 X3	3
<b>Supervision Successes:</b>		0 X-3	0
<b>Drugs or Alcohol</b>			
a Factor During I/O?:	Y	y = 2	2
<small>(y or n. Applies only if I/O is not a drug or alcohol offense).</small>			
<b>Weapons:</b>	Possession:	N y = 2	0
	Threat/Display:	N y = 4	0
	Use:	N y = 6	0
<b>Victim Impact:</b>	Property:	N y = 2	0
	Physical/Mental:	N y = 4	0
	Sex crime or permanently disabled:	Y y = 6	6
	Death:	N y = 8	0
<b>6 Months Employment or School:</b>	N	N = 3	3

<b>Drug or Alcohol Conviction:</b>	1	1	
<small>1 to 3 = 1 pt, 4 to 6 = 2 pts, 7 + = 3 pts:</small>			
<b>SUB-TOTAL:</b>		29	
<b>COURT ACTION:</b>	20	100% 29	
<b>Disciplinary Actions:</b>	Major:	1 X2	2
	Min/Gen:	0 X1	0
<small>(cap is +10 points)</small>			
<b>Sub-Total Including Disciplinary Actions:</b>		31	

<b>CREDITS:</b>		
<b>Disciplinary Credits (3 points max)</b>	0	0
<b>Programming:</b>		
GED, H-S diploma, college credits:	0 X3	0
Long term programs:	1 X2	-2
Short term programs:	1 X1	-1
<small>(cap is -10 points)</small>		
<b>Statistical Risk:</b>	MODERATE	0
<b>CRIME SEVERITY LEVEL:</b>	B1	SCORE: 28
	GRM: 72-108	MONTHS

Prepared by: Commissioner Bisbee  
09 11 2006 02:23 PM CSB

DEPARTMENT OF CORRECTIONS  
**PSYCHOLOGICAL REVIEW PANEL RESULTS NOTIFICATION**

1A-59

The inmate named below has been sentenced for one or more offenses that require psycho-sexual evaluation and certification as a prerequisite to parole consideration, per NRS 213.1214. A separate certification is required for each consecutive sentence for an offense listed below. A certification by this panel is not valid indefinitely. If a person is certified and paroled, but later revoked, a new certification is required. If a person is certified and the Parole Board denies parole for longer than two years, the certification is considered revoked by the Psych Panel pursuant to NRS 213.1214 (3) and a new certification is required. Certification may also be revoked by the Psych Panel for other reasons, including but not limited to, intervening misconduct or newly-acquired information.

**INMATE INFORMATION:**

Name: Melikian, John  
 Current Location: Lovelock Correctional Center

NDOC #: 84590  
 Date: September 23, 2008

**OFFENSE / SENTENCE INFORMATION:**

List all cases and count numbers for which the inmate is being certified or re-certified.

Case #	Count #
<u>187203</u>	<u>1</u>

Check each offense or attempted offense that applies:

- NRS 175.547 Sexually Motivated Offense (Murder, Kidnap, False Imprisonment, Burglary, Home invasion)
- NRS 200.366 Sexual Assault
- NRS 200.368 Statutory Sexual Seduction
- NRS 200.400 Battery with intent to Commit Sexual Assault
- NRS 200.508 Abuse or Neglect of a Child
- NRS 200.710-730 An Offense Involving Pornography and a Minor
- NRS-201.180 Incest
- NRS 201.195 Solicitation of a Minor to Engage in Acts Constituting Infamous Crime Against Nature
- NRS201.210 Open or Gross Lewdness
- NRS 201.220 Indecent or Obscene Exposure
- NRS 201.230 Lewdness with a Child Under 14 Years ?
- NRS 201.450 Sexual Penetration of a Dead Human Body
- NRS 201.560 Luring a Child Using a Computer System or Network
- NRS 207.193 Coercion or Attempted Coercion That is Determined to be Sexually-Motivated

EVAL

**SEX OFFENDER RISK ASSESSMENT LEVELS:**

STATIC-99: med

MNSOST-r: med

This inmate has been under observation while incarcerated and has been assessed using one or more currently-accepted standard assessment instruments. (See Psych Panel Notice and AR 813 for definitions.) Based on a consideration of all materials submitted and the results of sex offender assessment instruments, we find this inmate's assessment to be:

By a                      Split Decision  Unanimous Decision

**THE PSYCHOLOGICAL REVIEW PANEL CERTIFIES THAT THIS INMATE:**

does not pose a high risk to sexually re-offend and is referred to the Parole Board.  
 does pose a high risk to sexually re-offend

**PSYCHOLOGICAL REVIEW PANEL**

Dr. Robert Hiller, designee of Division of Mental Health and Developmental Services  
 Dr. Rebecca Loftis, a psychologist licensed to practice in Nevada  
 Dr. Robert Schofield, designee of the Director of the Department of Corrections

By: Dr. Robert Schofield  
 \_\_\_\_\_  
 SIGNATURE

Psychologist III  
 \_\_\_\_\_  
 TITLE

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS

MEMORANDUM

WORK HISTORY  
School  
History  
at Lovelock

TO: John Melikian #84590  
NNCC

DATE: 12/6/2011

FROM: Ronda Larsen, POI  
Family Services  
Office of the Director

SUBJECT: Credit History Report

---

Enclosed is your Credit History.

Credits are posted 4-5 weeks from submission.

I am not the time keeper, so if you feel this is incorrect, proper procedure is for you to attempt to resolve the issues that you have raised through the Caseworker at the institution where you are housed.

If you wish to appeal this decision, you have the options to use the grievance process following the instructions of Administrative Regulation 740. The grievance process is specifically crafted to provide you with a response at the lowest level at which the issue can be resolved. Further, the grievance process is established for the exhaustion of administrative remedies as a predicate to litigation. The reason you have not received an answer to your complaint is that you have not pursued the correct process. Also per AR740, you have five days from the date you received your response to appeal to the next level.

It is required that an inmate attempt to resolve problems and/or concerns in an informal manner prior to filing a grievance. A grievance should only be filed after informal attempts to resolve the problem and/or concern is not successful. When filing a grievance all documentation to support your claim must be submitted at that time. All grievances submitted must include a remedy.

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590

Sentence: 1    Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
01/05/2004	01/31/2004	FLAT	27		7278	A
01/05/2004	01/31/2004	STAT	9		7269	A
01/05/2004	01/31/2004	WORK	0		7269	A
02/01/2004	02/29/2004	FLAT	29		7240	A
02/01/2004	02/29/2004	STAT	10		7230	A
02/01/2004	02/29/2004	WORK	0		7230	A
03/01/2004	03/31/2004	FLAT	31		7199	A
03/01/2004	03/31/2004	STAT	10		7189	A
03/01/2004	03/31/2004	WORK	0		7189	A
04/01/2004	04/30/2004	FLAT	30		7159	A
04/01/2004	04/30/2004	STAT	10		7149	A
04/01/2004	04/30/2004	WORK	0		7149	A
05/01/2004	05/31/2004	FLAT	31		7118	A
05/01/2004	05/31/2004	STAT	10		7108	A
05/01/2004	05/31/2004	WORK	0		7108	A
06/01/2004	06/30/2004	FLAT	30		7078	A
06/01/2004	06/30/2004	STAT	10		7068	A
06/01/2004	06/30/2004	WORK	0		7068	A
07/01/2004	07/31/2004	FLAT	31		7037	A
07/01/2004	07/31/2004	STAT	10		7027	A
07/01/2004	07/31/2004	WORK	0		7027	A
08/01/2004	08/31/2004	FLAT	31		6996	A

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed.

Entries in Blue are future credits that have not been earned yet

Report Name: NVRCHS

Page 1 of 20

Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN, JOHN C 84590

Sentence: 1    Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	OY 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
08/01/2004	08/31/2004	STAT	10		6986	A
08/01/2004	08/31/2004	WORK	0		6986	A
09/01/2004	09/30/2004	FLAT	30		6956	A
09/01/2004	09/30/2004	STAT	10		6946	A
09/01/2004	09/30/2004	WORK	0		6946	A
10/01/2004	10/31/2004	FLAT	31		6915	A
10/01/2004	10/31/2004	STAT	10		6905	A
10/01/2004	10/31/2004	WORK	0		6905	A
11/01/2004	11/30/2004	FLAT	30		6875	A
11/01/2004	11/30/2004	STAT	10		6865	A
11/01/2004	11/30/2004	WORK	0		6865	A
12/01/2004	12/31/2004	FLAT	31		6834	A
12/01/2004	12/31/2004	STAT	10		6824	A
12/01/2004	12/31/2004	WORK	0		6824	A
01/01/2005	01/31/2005	FLAT	31		6793	A
01/01/2005	01/31/2005	STAT	10		6783	A
01/12/2005	01/31/2005	WORK	0		6783	A
02/01/2005	02/28/2005	FLAT	28		6755	A
02/01/2005	02/28/2005	STAT	10		6745	A
02/01/2005	02/28/2005	WK_ADJ	0		6745	A
02/01/2005	02/28/2005	WORK	0		6745	A
03/01/2005	03/31/2005	FLAT	31		6714	A

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed.

Entries in Blue are future credits that have not been earned yet

Report Name: NVRCHS

Page 2 of 20

Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN, JOHN C 84590

Sentence: 1 Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	OY 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
03/01/2005	03/31/2005	STAT	10		6704	A
03/01/2005	03/31/2005	WORK	0		6704	A
04/01/2005	04/30/2005	FLAT	30		6674	A
04/01/2005	04/30/2005	STAT	10		6664	A
04/01/2005	04/30/2005	WORK	0		6664	A
05/01/2005	05/31/2005	FLAT	31		6633	A
05/01/2005	05/31/2005	STAT	10		6623	A
05/01/2005	05/31/2005	WORK	0		6623	A
06/01/2005	06/30/2005	FLAT	30		6593	A
06/01/2005	06/30/2005	STAT	10		6583	A
06/01/2005	06/30/2005	WORK	0		6583	A
07/01/2005	07/31/2005	FLAT	31		6552	A
07/01/2005	07/31/2005	STAT	10		6542	A
07/01/2005	07/31/2005	WORK	0		6542	A
08/01/2005	08/31/2005	FLAT	31		6511	A
08/01/2005	08/31/2005	STAT	10		6501	A
08/01/2005	08/31/2005	WORK	0		6501	A
09/01/2005	09/30/2005	FLAT	30		6471	A
09/01/2005	09/30/2005	STAT	10		6461	A
09/01/2005	09/30/2005	WORK	0		6461	A
10/01/2005	10/31/2005	FLAT	31		6430	A
10/01/2005	10/31/2005	STAT	10		6420	A

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Entries in Blue are future credits that have not been earned yet

Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN, JOHN C 84590

Sentence: 1 Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active



FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
10/01/2005	10/31/2005	WORK	0		6420	A
11/01/2005	11/30/2005	FLAT	30		6390	A
11/01/2005	11/30/2005	STAT	10		6380	A
11/01/2005	11/30/2005	WORK	10		6370	A
12/01/2005	12/31/2005	FLAT	31		6339	A
12/01/2005	12/31/2005	STAT	10		6329	A
12/01/2005	12/31/2005	WORK	10		6319	A
01/01/2006	01/31/2006	FLAT	31		6288	A
01/01/2006	01/31/2006	STAT	10		6278	A
01/01/2006	01/31/2006	WORK	10		6268	A
02/01/2006	02/28/2006	FLAT	28		6240	A
02/01/2006	02/28/2006	STAT	10		6230	A
02/01/2006	02/28/2006	WORK	6		6224	A
03/01/2006	03/31/2006	FLAT	31		6193	A
03/01/2006	03/31/2006	STAT	10		6183	A
03/01/2006	03/31/2006	WORK	10		6173	A
04/01/2006	04/30/2006	FLAT	30		6143	A
04/01/2006	04/30/2006	STAT	10		6133	A
04/01/2006	04/30/2006	WORK	10		6123	A
05/01/2006	05/31/2006	FLAT	31		6092	A
05/01/2006	05/31/2006	STAT	10		6082	A
05/01/2006	05/31/2006	WORK	10		6072	A

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Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

<b>MELIKIAN,JOHN C 84590</b>		<b>Sentence: 1    Counts: 1</b>					
<b>Current Earned Expiration Date: 06/24/2017</b>							
<b>CASE</b>	<b>SENTENCE DT</b>	<b>RETRO DATE</b>	<b>MAX TERM</b>	<b>DAYS OWED</b>	<b>PED</b>	<b>PEXD</b>	<b>STATUS</b>
187203	01/12/2005	01/05/2004	OY 240M 0D	7305	01/05/2007	09/16/2014	Active

<b>FROM DATE</b>	<b>TO DATE</b>	<b>ADJUST CODE</b>	<b>ADJUST DAYS</b>	<b>COMMENTS</b>	<b>DAYS REMAINING</b>	<b>STATUS</b>
06/01/2006	06/30/2006	FLAT	30		6042	A
06/01/2006	06/30/2006	STAT	10		6032	A
06/01/2006	06/30/2006	WORK	10		6022	A
07/01/2006	07/31/2006	FLAT	31		5991	A
07/01/2006	07/31/2006	STAT	10		5981	A
07/01/2006	07/31/2006	WORK	10		5971	A
08/01/2006	08/31/2006	FLAT	31		5940	A
08/01/2006	08/31/2006	STAT	10		5930	A
08/01/2006	08/31/2006	WORK	0		5930	A
09/01/2006	09/30/2006	FLAT	30		5900	A
09/01/2006	09/30/2006	STAT	10		5890	A
09/01/2006	09/30/2006	WORK	10		5880	A
10/01/2006	10/31/2006	FLAT	31		5849	A
10/01/2006	10/31/2006	STAT	10		5839	A
10/01/2006	10/31/2006	WORK	10		5829	A
11/01/2006	11/30/2006	FLAT	30		5799	A
11/01/2006	11/30/2006	STAT	10		5789	A
11/01/2006	11/30/2006	WORK	0		5789	A
12/01/2006	12/31/2006	FLAT	31		5758	A
12/01/2006	12/31/2006	STAT	10		5748	A
12/01/2006	12/31/2006	WORK	0		5748	A
01/01/2007	01/31/2007	FLAT	31		5717	A

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Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

<b>MELIKIAN,JOHN C 84590</b>						<b>Sentence: 1</b>		<b>Counts: 1</b>	
						<b>Current Earned Expiration Date: 06/24/2017</b>			
<b>CASE</b>	<b>SENTENCE DT</b>	<b>RETRO DATE</b>	<b>MAX TERM</b>	<b>DAYS OWED</b>	<b>PED</b>	<b>PEXD</b>	<b>STATUS</b>		
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active		

<b>FROM DATE</b>	<b>TO DATE</b>	<b>ADJUST CODE</b>	<b>ADJUST DAYS</b>	<b>COMMENTS</b>	<b>DAYS REMAINING</b>	<b>STATUS</b>
01/01/2007	01/31/2007	STAT	10		5707	A
01/01/2007	01/31/2007	WORK	0		5707	A
02/01/2007	02/28/2007	FLAT	28		5679	A
02/01/2007	02/28/2007	STAT	10		5669	A
02/01/2007	02/28/2007	WORK	0		5669	A
03/01/2007	03/31/2007	FLAT	31		5638	A
03/01/2007	03/31/2007	STAT	10		5628	A
03/01/2007	03/31/2007	WORK	0		5628	A
04/01/2007	04/30/2007	CNV	15	MERITORIOUS SERVICE CREDITS- LCC, ANGER MGT, 04/25/07, 05/03/07, KW	5613	A
04/01/2007	04/30/2007	FLAT	30		5583	A
04/01/2007	04/30/2007	STAT	10		5573	A
04/01/2007	04/30/2007	WORK	0		5573	A
05/01/2007	05/31/2007	FLAT	31		5542	A
05/01/2007	05/31/2007	STAT	10		5532	A
05/01/2007	05/31/2007	WORK	0		5532	A
06/01/2007	06/30/2007	FLAT	30		5502	A
06/01/2007	06/30/2007	STAT	10		5492	A
06/01/2007	06/30/2007	WORK	0		5492	A
06/20/2007	06/25/2007	MRT_ADJ	30	LCC ADDICTION PREV	5462	A
07/01/2007	07/31/2007	FLAT	31		5431	A
07/01/2007	07/31/2007	STAT	20		5411	A

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Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590

Sentence: 1    Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
07/01/2007	07/31/2007	WORK	0		5411	A
08/01/2007	08/31/2007	FLAT	31		5380	A
08/01/2007	08/31/2007	STAT	20		5360	A
08/01/2007	08/31/2007	WORK	0		5360	A
08/21/2007	09/20/2007	MRT_ADJ	15	LCC EMOTIONS MGT	5345	A
09/01/2007	09/30/2007	FLAT	30		5315	A
09/01/2007	09/30/2007	STAT	20		5295	A
09/01/2007	09/30/2007	WK_ADJ_C	5	U1A Porter	5290	A
09/01/2007	09/30/2007	WORK	0		5290	A
10/01/2007	10/31/2007	FLAT	31		5259	A
10/01/2007	10/31/2007	STAT	20		5239	A
10/01/2007	10/31/2007	WK_ADJ_C	10	Unit 1A porter	5229	A
10/01/2007	10/31/2007	WORK	0		5229	A
11/01/2007	11/30/2007	FLAT	30		5199	A
11/01/2007	11/30/2007	STAT	20		5179	A
11/01/2007	11/30/2007	WK_ADJ_C	10	U1A PORTER	5169	A
11/01/2007	11/30/2007	WORK	0		5169	A
12/01/2007	12/31/2007	FLAT	31		5138	A
12/01/2007	12/31/2007	STAT	20		5118	A
12/01/2007	12/31/2007	WK_ADJ_C	10	U1A PORTER	5108	A
12/01/2007	12/31/2007	WORK	0		5108	A
01/01/2008	01/31/2008	FLAT	31		5077	A

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**State of Nevada  
Department of Correction**

**Credit History By Sentence**

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590

Sentence: 1 Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
01/01/2008	01/31/2008	STAT	20		5057	A
01/01/2008	01/31/2008	WK_ADJ_C	10	U1A PORTER	5047	A
01/01/2008	01/31/2008	WORK	0		5047	A
02/01/2008	02/29/2008	FLAT	29		5018	A
02/01/2008	02/29/2008	STAT	20		4998	A
02/01/2008	02/29/2008	WK_ADJ_C	10	U1A PORTER	4988	A
02/01/2008	02/29/2008	WORK	0		4988	A
03/01/2008	03/31/2008	FLAT	31		4957	A
03/01/2008	03/31/2008	STAT	20		4937	A
03/01/2008	03/31/2008	WK_ADJ_C	10	1A PORTER	4927	A
03/01/2008	03/31/2008	WORK	0		4927	A
04/01/2008	04/30/2008	FLAT	30		4897	A
04/01/2008	04/30/2008	STAT	20		4877	A
04/01/2008	04/30/2008	WK_ADJ_C	10	U1A PORTER	4867	A
04/01/2008	04/30/2008	WORK	0		4867	A
04/25/2008	05/02/2008	MRT_ADJ	15	LCC RELATIONSHIPS	4852	A
05/01/2008	05/31/2008	FLAT	31		4821	A
05/01/2008	05/31/2008	STAT	20		4801	A
05/01/2008	05/31/2008	WK_ADJ_C	10	1A PORTER	4791	A
05/01/2008	05/31/2008	WORK	0		4791	A
06/01/2008	06/30/2008	FLAT	30		4761	A
06/01/2008	06/30/2008	STAT	20		4741	A

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Reference Name: NOTIS-RPT-OR-0077.15

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590						Sentence: 1	Counts: 1
Current Earned Expiration Date: 06/24/2017							
CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
06/01/2008	06/30/2008	WK_ADJ_C	10	1A PORTER	4731	A
06/01/2008	06/30/2008	WORK	0		4731	A
07/01/2008	07/31/2008	FLAT	31		4700	A
07/01/2008	07/31/2008	STAT	20		4680	A
07/01/2008	07/31/2008	WK_ADJ_C	10	1A PORTER	4670	A
07/01/2008	07/31/2008	WORK	0		4670	A
08/01/2008	08/31/2008	FLAT	31		4639	A
08/01/2008	08/31/2008	STAT	20		4619	A
08/01/2008	08/31/2008	WK_ADJ_C	10	1A PORTER	4609	A
08/01/2008	08/31/2008	WORK	0		4609	A
08/27/2008	09/02/2008	MR_CP_SSI	30	LCC S.T.O.P PH I	4579	A
09/01/2008	09/30/2008	FLAT	30		4549	A
09/01/2008	09/30/2008	STAT	20		4529	A
09/01/2008	09/30/2008	WK_ADJ_C	10	1A PORTER	4519	A
09/01/2008	09/30/2008	WORK	0		4519	A
10/01/2008	10/31/2008	FLAT	31		4488	A
10/01/2008	10/31/2008	STAT	20		4468	A
10/01/2008	10/31/2008	WK_ADJ_C	10	U1A PORTOR	4458	A
10/01/2008	10/31/2008	WORK	0		4458	A
11/01/2008	11/30/2008	FLAT	30		4428	A
11/01/2008	11/30/2008	STAT	20		4408	A
11/01/2008	11/30/2008	WK_ADJ_C	10	U1A PORTOR	4398	A

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Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590		Sentence: 1		Counts: 1			
Current Earned Expiration Date: 06/24/2017							
CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	OY 240M OD	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
11/01/2008	11/30/2008	WORK	0		4398	A
12/01/2008	12/31/2008	FLAT	31		4367	A
12/01/2008	12/31/2008	STAT	20		4347	A
12/01/2008	12/31/2008	WK_ADJ_C	10	1A PORTER	4337	A
12/01/2008	12/31/2008	WORK	0		4337	A
01/01/2009	01/31/2009	FLAT	31		4306	A
01/01/2009	01/31/2009	STAT	20		4286	A
01/01/2009	01/31/2009	WK_ADJ_C	10	U1A PORTER	4276	A
01/01/2009	01/31/2009	WORK	0		4276	A
02/01/2009	02/28/2009	FLAT	28		4248	A
02/01/2009	02/28/2009	STAT	20		4228	A
02/01/2009	02/28/2009	WK_ADJ_C	10	1A PORTER	4218	A
02/01/2009	02/28/2009	WORK	0		4218	A
03/01/2009	03/31/2009	FLAT	31		4187	A
03/01/2009	03/31/2009	STAT	20		4167	A
03/01/2009	03/31/2009	WK_ADJ_C	10	1A PORTER	4157	A
03/01/2009	03/31/2009	WORK	0		4157	A
04/01/2009	04/30/2009	FLAT	30		4127	A
04/01/2009	04/30/2009	STAT	20		4107	A
04/01/2009	04/30/2009	WK_ADJ_C	10	1A PORTER	4097	A
04/01/2009	04/30/2009	WORK	0		4097	A
05/01/2009	05/31/2009	FLAT	31		4066	A

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Report Name: NVRCHS

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Reference Name: NOTIS-RPT-OR-0077.15

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN, JOHN C 84590

Sentence: 1    Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
05/01/2009	05/31/2009	STAT	20		4046	A
05/01/2009	05/31/2009	WK_ADJ_C	10	1A PORTER	4036	A
05/01/2009	05/31/2009	WORK	0		4036	A
06/01/2009	06/30/2009	FLAT	30		4006	A
06/01/2009	06/30/2009	STAT	20		3986	A
06/01/2009	06/30/2009	WK_ADJ_C	6	U1A PORTER/PER LCC	3980	A
06/01/2009	06/30/2009	WORK	0		3980	A
07/01/2009	07/31/2009	FLAT	31		3949	A
07/01/2009	07/31/2009	STAT	20		3929	A
07/01/2009	07/31/2009	WK_ADJ_C	3	ORIENTATION	3926	A
07/01/2009	07/31/2009	WORK	0		3926	A
08/01/2009	08/31/2009	FLAT	31		3895	A
08/01/2009	08/31/2009	STAT	20		3875	A
08/01/2009	08/31/2009	WORK	0		3875	A
09/01/2009	09/30/2009	FLAT	30		3845	A
09/01/2009	09/30/2009	STAT	20		3825	A
09/01/2009	09/30/2009	WK_ADJ_C	10	STUDENT	3815	A
09/01/2009	09/30/2009	WORK	0		3815	A
10/01/2009	10/31/2009	FLAT	31		3784	A
10/01/2009	10/31/2009	STAT	20		3764	A
10/01/2009	10/31/2009	WK_ADJ_C	10	STUDENT	3754	A
10/01/2009	10/31/2009	WORK	0		3754	A

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**State of Nevada**  
**Department of Correction**  
*Credit History By Sentence*  
**MAXIMUM TERM**

MELIKIAN,JOHN C 84590

Sentence: 1 Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
11/01/2009	11/30/2009	FLAT	30		3724	A
11/01/2009	11/30/2009	STAT	20		3704	A
11/01/2009	11/30/2009	WK_ADJ_C	10	STUDENT	3694	A
11/01/2009	11/30/2009	WORK	0		3694	A
12/01/2009	12/31/2009	FLAT	31		3663	A
12/01/2009	12/31/2009	STAT	20		3643	A
12/01/2009	12/31/2009	WK_ADJ_C	10	STUDENT	3633	A
12/01/2009	12/31/2009	WORK	0		3633	A
12/14/2009	12/15/2009	MR_ED_GED	60	LCC GED	3573	A
01/01/2010	01/31/2010	FLAT	31		3542	A
01/01/2010	01/31/2010	STAT	20		3522	A
01/01/2010	01/31/2010	WK_ADJ_C	10	STUDENT	3512	A
01/01/2010	01/31/2010	WORK	0		3512	A
02/01/2010	02/28/2010	FLAT	28		3484	A
02/01/2010	02/28/2010	STAT	20		3464	A
02/01/2010	02/28/2010	WORK	10		3454	A
03/01/2010	03/31/2010	FLAT	31		3423	A
03/01/2010	03/31/2010	STAT	20		3403	A
03/01/2010	03/31/2010	WORK	10		3393	A
04/01/2010	04/30/2010	FLAT	30		3363	A
04/01/2010	04/30/2010	STAT	20		3343	A
04/01/2010	04/30/2010	WORK	10		3333	A

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Entries in Blue are future credits that have not been earned yet

Report Name: NVRCHS

Page 12 of 20

Reference Name: NOTIS-RPT-OR-0077.15

Run Date: DEC-07-11 08:20 AM



# State of Nevada Department of Correction

## Credit History By Sentence

### MAXIMUM TERM

MELIKIAN,JOHN C 84590

Sentence: 1 Counts: 1

Current Earned Expiration Date: 06/24/2017

CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
05/01/2010	05/31/2010	FLAT	31		3302	A
05/01/2010	05/31/2010	STAT	20		3282	A
05/01/2010	05/31/2010	WORK	10		3272	A
06/01/2010	06/30/2010	FLAT	30		3242	A
06/01/2010	06/30/2010	STAT	20		3222	A
06/01/2010	06/30/2010	WORK	10		3212	A
07/01/2010	07/31/2010	FLAT	31		3181	A
07/01/2010	07/31/2010	STAT	20		3161	A
07/01/2010	07/31/2010	WORK	10		3151	A
08/01/2010	08/31/2010	FLAT	31		3120	A
08/01/2010	08/31/2010	STAT	20		3100	A
08/01/2010	08/31/2010	WORK	10	09/03/2010 Education/Student - 10	3090	A
09/01/2010	09/30/2010	FLAT	30		3060	A
09/01/2010	09/30/2010	STAT	20		3040	A
09/01/2010	09/30/2010	WORK	10	10/05/2010 Porter - 10	3030	A
10/01/2010	10/31/2010	FLAT	31		2999	A
10/01/2010	10/31/2010	STAT	20		2979	A
10/01/2010	10/31/2010	WORK	10	11/02/2010 Porter - 10	2969	A
11/01/2010	11/30/2010	FLAT	30		2939	A
11/01/2010	11/30/2010	STAT	20		2919	A
11/01/2010	11/30/2010	WORK	10	12/02/2010 Offender Specific - 3 education 12/06/2010 Porter - 10	2909	A

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**State of Nevada  
Department of Correction**

**Credit History By Sentence**

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590		Sentence: 1		Counts: 1			
Current Earned Expiration Date: 06/24/2017							
CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
12/01/2010	12/31/2010	FLAT	31		2878	A
12/01/2010	12/31/2010	STAT	20		2858	A
12/01/2010	12/31/2010	WORK	10	01/03/2011 Porter - 10	2848	A
01/01/2011	01/31/2011	FLAT	31		2817	A
01/01/2011	01/31/2011	STAT	20		2797	A
01/01/2011	01/31/2011	WORK	10	02/02/2011 Porter - 10	2787	A
02/01/2011	02/28/2011	FLAT	28		2759	A
02/01/2011	02/28/2011	STAT	20		2739	A
02/01/2011	02/28/2011	WORK	10	03/02/2011 Porter - 10	2729	A
02/07/2011	05/02/2011	MR_CP_VAE	15	Victim Awareness/ Empathy	2714	A
02/28/2011	04/04/2011	MR_CP_CTCI	15	Commitment to Change Core Program Phase I Volumes 1-3	2699	A
03/01/2011	03/31/2011	FLAT	31		2668	A
03/01/2011	03/31/2011	STAT	20		2648	A
03/01/2011	03/31/2011	WORK	10	04/05/2011 Porter - 10	2638	A
04/01/2011	04/30/2011	FLAT	30		2608	A
04/01/2011	04/30/2011	STAT	20		2588	A
04/01/2011	04/30/2011	WORK	10	05/02/2011 Porter - 10	2578	A
05/01/2011	05/31/2011	FLAT	31		2547	A
05/01/2011	05/31/2011	STAT	20		2527	A
05/01/2011	05/31/2011	WORK	10	06/01/2011 Education/Student - 10	2517	A
06/01/2011	06/30/2011	FLAT	30		2487	A
06/01/2011	06/30/2011	STAT	20		2467	A

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**State of Nevada  
Department of Correction**

*Credit History By Sentence*

**MAXIMUM TERM**

MELIKIAN,JOHN C 84590		Sentence: 1		Counts: 1			
Current Earned Expiration Date: 06/24/2017							
CASE	SENTENCE DT	RETRO DATE	MAX TERM	DAYS OWED	PED	PEXD	STATUS
187203	01/12/2005	01/05/2004	0Y 240M 0D	7305	01/05/2007	09/16/2014	Active

FROM DATE	TO DATE	ADJUST CODE	ADJUST DAYS	COMMENTS	DAYS REMAINING	STATUS
06/01/2011	06/30/2011	WORK	10	07/01/2011 Porter - 10	2457	A
07/01/2011	07/31/2011	FLAT	31		2426	A
07/01/2011	07/31/2011	STAT	20		2406	A
07/01/2011	07/31/2011	WORK	10	08/01/2011 Porter - 10	2396	A
07/11/2011	07/11/2011	MR_CP_CTCII	15	Commitment to Change Core Program Phase II Volumes 4-6	2381	A
07/21/2011	07/21/2011	MR_CP_NB	30	New Beginnings	2351	A
08/01/2011	08/31/2011	FLAT	31		2320	A
08/01/2011	08/31/2011	STAT	20		2300	A
08/01/2011	08/31/2011	WORK	10	09/07/2011 Porter - 10	2290	A
08/09/2011	08/09/2011	MR_ED_HSD	90	High School Diploma	2200	A
09/01/2011	09/30/2011	FLAT	30		2170	A
09/01/2011	09/30/2011	STAT	20		2150	A
09/01/2011	09/30/2011	WORK	10	10/04/2011 Offender Specific - 8 ORIENTATION 10/04/2011 Porter - 10	2140	A
10/01/2011	10/31/2011	FLAT	31		2109	A
10/01/2011	10/31/2011	STAT	20		2089	A
10/01/2011	10/31/2011	WORK	3	11/02/2011 Offender Specific - 2 UNIT 5A 11/14/2011 Yard Labor/Trash Crew/Fire Safty - 3	2086	A
11/01/2011	11/30/2011	FLAT	30		2056	A
11/01/2011	11/30/2011	STAT	20		2036	A
11/01/2011	11/30/2011	WORK	10		2026	A
12/01/2011	12/31/2011	FLAT	31		1995	A

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# Las Vegas Metropolitan Police Department

Vision To be the safest community in America

## Complaints

The Las Vegas Metropolitan Police Department regards the investigation of all complaints as important to its overall mission. If you feel that you have a complaint against an employee of the Las Vegas Metropolitan Police Department, please use the form below. It is very important that you fill out as much information as possible to insure an accurate investigation. If the allegation requires follow-up, an investigator will contact you if you have provided contact information. The Internal Affairs Bureau will make every effort to insure that the information provided to us is held in the strictest confidence.

While the LVMPD will accept any complaint, please be aware that anonymous complaints can sometimes be difficult to investigate as an investigator may need additional information and the complainant may be the only source available. For this reason, please consider providing contact information when submitting your complaint.

Each complaint is taken very seriously and will always be fairly and impartially investigated. It is impossible to put a time limit on any investigation, as the seriousness of the allegations vary, but be assured that every effort will be made to update specific complainants about specific cases. The Internal Affairs Bureau can be reached anytime between 8:00 A.M. and 4:00 P.M., Monday through Friday at (702) 828-3422 or fax your complaint at (702) 828-1642.

Thank you for calling our attention to this matter. Your comments are always welcome.

**NOTE:** Disposition letters are sent to citizens reference complaints. Therefore, it is important that you provide your name and current address.

Date of Occurrence (if known): 2006

Time of Occurrence (approximate): \_\_\_\_\_

Name (optional): Nubia Go Melikian

Date of Birth: 2-16-1951

Address (optional): 3682 W. Cotton Wood Lane

City (optional): Fresno

State (optional): California

Zip (optional): 93711

Home Phone (optional): 0

Cell Phone (optional): 559-681-1706

Email (optional): 0

Complaint Type: Violating the ethical code of a profession.

Name(s) of Employee(s): Laura L. Anderson

Badge/Personnel Number: \_\_\_\_\_

Location of Incident: Las Vegas, Nevada

Details That Might Help Identify the Employee: \_\_\_\_\_

Specific Complaint: Falsification of information.

Event Number and/or Citation Number: \_\_\_\_\_

Witness(es): \_\_\_\_\_

\* required

*Detective Postell  
Internal Affairs  
702-828-3422  
7/9/14 called Nubia Melikian  
and said Nubia Melikian  
was NOT responsible  
they cared about how  
was a detective Anderson  
with LVMPD depo. +  
RM*

6/30/2014

INTERNAL  
AFFAIRS

Las Vegas,  
Nevada

April 16, 2014

John Melikian #  
5155 N. Fresno St 186  
Fresno, Ca. 93710

Nevada Board of Parole  
Commissioners

215 E. Bonanza Road  
Las Vegas, Nevada 8910

Nevada Board  
of Parole  
Letter  
Requesting  
hearing to  
be scheduled

Copies of this request to be  
present at the Lifetime Supervision  
Hearing (to be scheduled 90 days  
before completing Parole) are being  
sent to the following P & P persons

Agent Ronnie Sims

Agent Derriek Carraway

Agent Ryan Smith

Agent Patricia Tuman

Poc Social Worker Maria Sandoval  
LCSW

Address:

Division of Adult Parole Operation  
2150 G Street  
Fresno, Ca 93706

Phone # 559-445-6431 Ext 259

FAX # 559-445-6449

4/1/03 John Accused - After John called Shayna's father before he was arrested. John at the time thought the parents should know about the daughter's (Shayna) lies to both the parents and him. See defendant State ment

Timeline

4/22/03 Pre-Sentence Report - Complete Positive Psychosexual evaluation. Complete five years (5) Probation. The State of Nevada has no opposition to JOHN MELIKIAN withdraw his plea and plead guilty to Coercion and Statutory Sexual Seduction and receive credit for time served.

4/30/03 Positive Evaluation - Low Range Risk Assessment

5/17/03 Sentencing Memorandum - The defendant JOHN MELIKIAN, pled guilty to Lewdness with a minor upon the agreement that if he successfully completes a probationary period THAT THE CHARGE will be amended to a Non-Sexual Charge.

John was released on probation

John left Nevada w/o permission and moved to Fresno California to live with his father. John was born & raised in Fresno

5/27/04 Fresno Arrest date / Returned to Nevada

1/25/05 Amended Judgement of Conviction - Attempted Lewdness with a child under age of Fourteen Twenty years / minimum of Three year

9/13/06 Parole is Denied until 1-04-2009

10/08/08 Parole is Denied - Note: Somehow it was put on JOHN'S FILE BETWEEN 9/13/2006 - 7/17/10 THAT JOHN WAS a Gang Member. It was not removed until 5/21/2010.

1/12/12 Parole is GRANTED - Parole Expiration date 10/17/2014

4/16/2014

14 yrs 5/2005 Shayna Anderson passed away

Shayna Anderson

Shayna Marie Anderson, 16, of Las Vegas, passed away Friday, May 20, 2005. She was born March 24, 1989, in Ft. Worth, Texas, and was a lifelong resident of Las Vegas. Shayna was a sophomore at Shadow Ridge High School. Shayna is survived by her dad, Raymond M. Anderson; mom, Laura L. Anderson; sister, Danielle R. Anderson; grandparents, William and Bonnie Pfersching; grandmother, Linda Vanoordt; grandfather, Raymond Anderson; stepgrandmother, Debbie Reynolds; stepgrandfather, Edward Cantrell; great-grandmothers, Laura Hammock, Helen Pfersching and Opal Brawley; step great-grandmother, Shirley Brown; uncles, Robert Pfersching, William Pfersching Jr., and Andrew and Cody Anderson; aunts, Kristi Smith and Lee SchAAF; and boyfriend, Adam Jenkins. Visitation will be from 2-7 p.m. Sunday, May 22. Services will be at 4 p.m. Monday, May 23, both at Palm Mortuary, 1600 S. Jones Blvd. All friends and family are welcome. . .

Laura L. Anderson works with the Las Vegas Metropolitan Police Department

5/2004 John Melikian is returned to Nevada from Fresno, California

1/2005 Amended Judgement of Conviction Twenty years / minimum of three years

1/9/2006 Channel 8 News 702-792-8888 7am tells Debra Melikian that John Melikian is not in compliance and is broadcasting on the news show all over the city of Las Vegas that John is missing.

important Timeline



John is at High Desert Prison - Debra Melikian calls Lorette Smith @ 775-687-1600 ext 253 and she tells me she does NOT know why(?) the alert was broadcasting.

sometime between 9/2006 and 7/2007

someone put on John's file he was a "White Supremesis Gang Member Associate" 7/2007, 11/2007, 12/2007, 7/2008, 5/2010 (All dates on copies Debra Melikian has proof of)

John Melikian sent Request Forms to the Gang Investigator at Love Lock asking for this to be researched and removed from his case file. 3 1/2 years it was on his file.

5/2010 De-VALIDATED with John Melikian being told by the Gang Investigator NO Back-up/No Comments were on file.

9/2006 Parole denied Risk Level moderate?  
10/2008 Parole denied Risk Level High?  
11/2012 Parole Risk Level Highest?

April 16, 2014

Mr. John C. Melikian  
5155 N. Fresno St. #186  
Fresno, Ca. 93710  
Ph # 559-301-6377

## Board of Parole Commissioners

This letter is to request to be present at the Lifetime Supervision Hearing (to be scheduled My Parole Expiration) date is 10/17/2014.

Attached you will see back-up information I would like you to consider. I would like you to know I am more mature than I was 11 years ago. I know I should of done things differently. The Sentencing Memorandum (May 7, 2003) shows I did call the parents to tell them the daughter (Shayna Anderson) was not telling the truth to them or missed. Also attached is the Affidavit of the friend with Shayna - Courtney Kostzuta

GENERAL  
DCC

The affidavit backs up my Defendant's Statement dated 4/01/03

Please see the Psychosexual Evaluation dated 4/30/2003.

(Mr. Melkian) does not present a significant risk to re-offend, IF in fact he has "offended" at this point.)

Victoria Cash Gray LCSW

Also attached Psychological Evaluation dated 5/05/2003.

(For the current case the Static-99 yielded a score of 3, which corresponds to a medium low risk to reoffend. The behavior associated with the charged offense appears to have represented a series of poor judgements on his part that are not likely to be replicated in the future.)

Mark J. Chambers, Ph.D

The time line attached shows Judge Gates released me to 5 (five) years probation in Las Vegas, Nevada.

I made the wrong decision to move back to Fresno, Ca. (Birth Certificate attached). My father, uncles, aunts and cousins are in Fresno. I really did not understand the consequence (not mature but I do today).

As of today I have completed my education diploma dated July 5, 2011. The past two years I have been on Parole:

1. Worked full time and part time Jobs.
2. Rented my own apartment and paid all bills on time.
3. Have my own car and car insurance.
4. Checking and Savings account with Fresno County Credit Union.
5. Married to Mrs. Ashoua Melikian and we both care for our two dogs!

6. Attend Church.

7. Have not violated any of the conditions of the Parole agreement.  
Parole Expiration Date 10/17/21

Please consider my request to grant me relief from the requirement to register as a sex offender.

The law here in California (Prop 83) requires certain high risk child and violent sex offenders to be monitored through GPS devices for the remainder of their life. I am none of these. I have given (11) eleven years of my life for this bad judgement on my part.

The ankle monitor is too uncomfortable to wear daily on a long term basis, such as in a lifetime.

If I am not granted relief from the requirements to register then my wife and I will have to move back to Las Vegas Nevada. Our support system - her mom and her brothers and sisters - her job - my mom and brothers family - aunts, uncles and cousins are all in Fresh California! We do not want to move back to Nevada and not have our family.

Please review the information I have provided. If you require more information please call or write me and it will be sent to you ASAP.

Thank you for your consideration  
John M. M. M.

559-301-6377

Defendant  
Statement

4/1/2003

DEFENDANT'S STATEMENT

In words the circumstances of your offense. Why you committed the offense, your present situation and why you may be suitable for probation. A copy of this statement will be sent to the judge. Write or print clearly. If using a pencil, please write as dark as possible.

I was dating a girl named Rebecca who was 17 years old. Her friend Shayna calls me at 2:00 AM in the morning and asked me if she and a girl named Cortney could spend the night at my house. Cortney is 17 to. Shayna tells me she is 17 as well. They come to my house at 2:30 AM drunk. Shayna and I go in my room and talk, Cortney is to. Cortney leaves. Shayna lays on my bed and we start kissing. Then we have sex. I wake up the next morning and she tells me bye. Later on my friend Kerry tells me her real age. I get freaked out and call her dad. Her dad tells me he's going to break my neck and he already called the Police. 4 days later I am in Jail. If I would have known her real age I would have never. I repeat never would have even thought of having sex with her. I am a 20 year old young man that is now realizing you can't trust what someone tells you because it very well could be a lie. I am sorry though for all this.

Statement  
4/1/2003

John C. McWhorter

Signature

John C. McWhorter

Date 4/1/03

Sentencing  
Memorandum  
May 7, 2003

MARCUS D. COOPER, PUBLIC DEFENDER  
NEVADA BAR No. 2290  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

FILED

2003 MAR 25 A 8:45

*Christy B. Pennington*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

12 JOHN CLIFFORD MELIKIAN,

13 Defendant.

CASE NO. C187203X

DEPT. NO. VIII

DATE: May 7, 2003  
TIME: 9:00AM

SENTENCING MEMORANDUM

16 COMES NOW Robert H. Thompson, Deputy Public Defender and submits the  
17 attached Sentencing Memorandum in the above-captioned case.  
18 DATED THIS 24<sup>th</sup> day of March, 2003.

MARCUS D. COOPER  
CLARK COUNTY PUBLIC DEFENDER

By: *[Signature]*  
Robert H. Thompson, Bar No. 0806  
Deputy Public Defender

20 Sentencing  
21 Memorandum  
22 Please read  
23 AFFIDAVIT  
24 Also.  
25 *Tom K-400*

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3 with a Minor upon the agreement that if he successfully completes a probationary period th  
4 charge will be amended to a non-sexual charge. The Defendant is 20 years old and the victim  
5 13 years old at the time of the incident. The Defendant's position was that he received a teleph  
6 call from the alleged victim, Shayna Anderson, in the evening who asked to stay at Mr. Melik  
7 apartment with his roommate for the evening along with her girlfriend, Courtney Kost  
8 Courtney and Shayna then went into his bedroom and, at some point, John and Shayna, who  
9 previously advised John she was 17 which was Courtney's age also, began kissing. Courtney left  
10 room and John and Shayna stayed in the bedroom and a sexual relationship occurred. When Shay  
11 told another friend of hers within the next two days that she was not a willing participant, her b  
12 friend called Shayna's parents who then called the police. John cooperated fully with the police an  
13 told them exactly what happened including the sexual relationship. Chris Pella and his mother wer  
14 neighbors whom all the kids in the area seemed to gravitate to their home and in particular their  
15 garage which was kept open and became a meeting place for a lot of the local kids. Both Chris Pella  
16 and his mother were prepared to present testimony that Shayna, while boasting about her prior  
17 sexual encounters, was warned by Mrs. Pella of the possible consequences of a 17 year old  
18 promiscuous young lady. Mrs. Pella would then have testified that she was shocked to learn that  
19 Shayna was only 13 since Shayna had previously told Mrs. Pella that she was 17 years old.  
20 Shayna Anderson, the victim, admitted that she had lied to her parents about staying  
21 at her friend Vicki's home that evening and instead went to Chris Pella's house and was denied the  
22 opportunity to spend the evening at the Pella's residence and subsequently she admitted to calling  
23 John Melikian and asking to stay the evening. She then told various stories to the police and at  
24 preliminary hearing which ranged from she stayed on the couch and was suddenly surprised by John  
25  
26  
27  
28

JUL 23 1972  
INSPECTOR GENERAL  
DCC

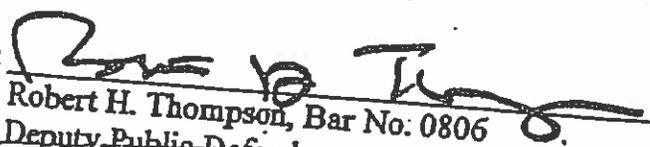
1 to where she was in the bed with John for the evening and that Courtney was on the couch  
2 subsequently that Courtney was in another room with four other boys having an orgy. There  
3 only two boys there at the apartment, John and Gregg. Shayna also stated that during the eve  
4 after the sexual relationship had occurred she went into the bathroom and then came back into  
5 bed with John. The bathroom in the apartments are three rooms away from John's and next  
6 Gregg's room. Courtney admitted she said nothing to anyone about the situation the next morn  
7 nor the next day.

8  
9 *Shayna's  
Best Friend*

10 Courtney Kostzuta had been a runaway and it appeared that she might be unavailab  
11 for trial. She was in fact found the day of trial and agreed to fly in from Oklahoma with her father  
12 and she gave an Affidavit (see attached as Exhibit A). In her Affidavit, Courtney supports the fact  
13 that Shayna called John Melikian and asked if the two girls could stay overnight. She and Shayna go  
14 into John's bedroom and at some point Courtney uses the restroom and returns to find John and  
15 Shayna kissing and lying on the bed together. Courtney then goes to the living room couch outside  
16 the bedroom and subsequently goes into Gregg's room. In her Affidavit, Courtney states that  
17 Shayna and John were mutually affectionate and that Shayna and John were found asleep in the bed  
18 fully clothed the next morning. She and Shayna left the apartment and Shayna seemed happy and  
19 said nothing that there was any type of problem.  
20

21 DATED THIS 24<sup>th</sup> day of March, 2003.

22  
23 MARCUS D. COOPER  
24 CLARK COUNTY PUBLIC DEFENDER

25 By:   
26 Robert H. Thompson, Bar No: 0806  
27 Deputy Public Defender  
28

AFFIDAVIT

2 MARCUS D. COOPER, PUBLIC DEFENDER  
3 NEVADA BAR No. 2290  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

10 v.

11 JOHN CLIFFORD MELIKIAN,

12 Defendant.

CASE NO. C187203X

DEPT. NO. VIII

AFFIDAVIT

15 STATE OF NEVADA )

16 COUNTY OF CLARK ) ss:

17 *shayna's*  
18 *Best Friend* v

18 COURTNEY KOSTZUTA, having been first duly sworn, deposes and says:

19 I really don't remember how I met up with Shayna and I told her my problem about  
20 being kicked out of my house and I told her I was probably going to stay the night at Beca's house  
21 and Shayna told me not to stay the night at Beca's house and that she was going to stay with me.  
22 Shayna called her mom and told her mom she was going to stay the night at Vikki's house. We  
23 really didn't have any plans to do anything really just stay around the neighborhood. After she  
24 called her mom we met up with Tesa and walked around the neighborhood and then we went to  
25 Chris Pella's house and Chris asked us if we wanted to go to the skate park and around this time it  
26 was around 10:00 so Chris took his mom's car without her knowing and me, Chris, Tesa and Shayna  
27 went to the skate park for a while till 12:00 a.m. because Tesa had to be in at that time. After we  
28

EXHIBIT A

2 and talk and I asked Chris if I could have one beer and Chris said yes so I took one then  
3 grabbed one. When we were drinking Chris had told us we could stay the night and it was ok  
4 his mom. I got another beer which was my second one. Shayna was still on her first one  
5 even halfway gone. After my second one, Chris wouldn't let me have anymore so I drank the  
6 Shayna's. Her's still was not even halfway gone. It felt like she had like three drinks at it, so I  
7 it. Me and Shayna was getting ready to go to sleep and me and Shayna were going to sleep  
8 Chris's room and Chris was gonna sleep on the couch. Well Chris had said something funny and  
9 and Shayna laughed and I guess we woke up his mom and she got mad and told Chris to tell u  
10 leave, so we left out. I wasn't drunk and neither was Shayna. So we walked around  
11 neighborhood. It was around 2:00 a.m. We sat in the desert and we were talking about where  
12 stay and I wanted to go to Beca's house and she didn't and I told her I wasn't going to sleep in  
13 desert. Shayna said Johnny. I said ok, we could sleep on the couch but I told her I didn't have h  
14 number and Shayna said she had it. I don't know how she got it. I didn't ask but I guess she had i  
15 memorized before we called Johnny. We walked around the Eagle Crest Apartments for awhile then  
16 me or Shayna called him and asked him if we could stay the night over there because we had  
17 nowhere else to go. Johnny said yes, so we went over there around 2:30 a.m. John answered the  
18 door and we came in. All the lights were off. John said everyone else was sleeping so we went into  
19 John's room. I sat on the bed, John sat on the bed and Shayna stood up. We were just talking. I  
20 don't remember about what though and listening to music so I got up and got a beer. By this time  
21 we had been there about ten minutes. I came back and Shayna was sitting on the bed by John. We  
22 were still talking and listening to music. I got up and went to the bathroom. I wasn't gone for no  
23 more than like three minutes. I came back and Shayna and John were kissing. I still stayed in there  
24 and finished my beer. They were still kissing so I said Shayna I'm leaving. I told her twice, Shayna

1 I'm leaving. They were still kissing at that time when I left but the whole time I was in th  
2 with them no hands went anywhere and I wouldn't of left Shayna if she didn't want me to be  
3 her twice I was leaving and she didn't say anything. I left to the living room to the couch to  
4 sleep and ten minutes later John put his door up. He couldn't shut it because it wasn't attach  
5 a little while after he put his door up, I went to wake Greg up to get a cigarette from him. I sta  
6 Greg's room and watched TV. I fell asleep and around 5:00 a.m. I woke up to go to the bath  
7 and John had the door off so I went in there to check on Shayna and her and John were sleeping  
8 their clothes on. John was by the wall and Shayna was on his right side on her side with her an  
9 his chest so I left and went back to sleep in Greg's room. Around 9:00 a.m. Shayna woke me up  
10 told me it was time to go because she had to check in at 9:30 and she had to call from Vikki's ho  
11 so we left. On our way home, she told me she had sex with John. I told her I wouldn't say anyth  
12 to Beca because that's her place to because John was Beca's boyfriend at that time. She had  
13 hickey from him but she told me if anyone asks who gave it to her I was to say I didn't know.  
14 asked her on the way home if he was any good in a joking way but she didn't say anything. She wa  
15 smiling and seemed happy. When we got into the neighborhood, we seen Vikki and Ann Marie.  
16 wasn't really listening to what they were saying but she called her mom and checked in from Vikki's  
17 house. She waited with me for about ten minutes outside to see if I could be allowed back into my  
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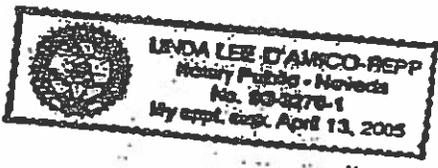
outside later that day and she said ok and I went inside and I guess she went home.

FURTHER AFFIANT SAYETH NAUGHT.

*Courtney Kostzuta*  
COURTNEY KOSTZUTA

SUBSCRIBED AND SWORN to before me  
this 19<sup>th</sup> day of March, 2003.

*Linda Lee D'Amico-Repp*  
Notary Public in and for said  
County and State.



RECORDED  
JUL 23 2004  
INSPECTOR GENERAL  
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1 RECEIPT OF COPY of the foregoing Sentencing Memorandum and Exhibit A is  
2 hereby acknowledged this 25 day of March, 2003.  
3

4 OFFICE OF THE DISTRICT ATTORNEY

5 By [Signature]  
6

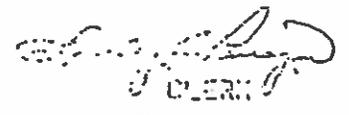
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1 JOCP  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 200 South Third Street  
6 Las Vegas, Nevada 89155-2211  
7 (702) 455-4711  
8 Attorney for Plaintiff

FILED

2005 JAN 25 A 9 21



DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 JOHN CLIFFORD MELIKIAN,  
12 #1668554

13 Defendant.

Case No: C187203

Dept No: VIII

84590

AMENDED JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

16 The Defendant previously appeared before the Court with counsel and entered a  
17 of guilty to the crime(s) of ATTEMPT LEWDNESS WITH A CHILD UNDER THE A  
18 OF FOURTEEN (Felony), in violation of NRS 193.330, 201.230; thereafter, on the 12th  
19 of January, 2005, the Defendant was present in court for sentencing with his coun  
20 CRAIG CREEL, Deputy Public Defender, and good cause appearing,

21 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and,  
22 addition to the \$25,00 Administrative Assessment Fee, \$700,00 Psychosexual Evaluati  
23 fee, \$150,00 DNA Analysis fee and \$1,480,40 Restitution, the Defendant is sentenced  
24 follows: to a MAXIMUM of TWENTY (20) YEARS and a MINIMUM of THREE (C  
25 YEARS in the Nevada Department of Corrections (NDC). Defendant to receive 373 days

26 //  
27 //  
28 //

Amended

REC-  
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INSPECTION GENERAL

1 credit for time served. Defendant to submit to Lifetime Supervision and to register as  
2 offender within 48 hours of being released from custody.

3 DATED this 24 day of January, 2005.

4  
5 LEE A. GATES  
6 DISTRICT JUDGE

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mmw/SVU

BRIAN SANDOVAL  
Governor  
CATHERINE CORTEZ MASTO  
Attorney General  
ROSS MILLER  
Secretary of State



STATE OF NEVADA  
DEPARTMENT OF CORRECT.

Inspector  
General

BRIAN SANDOVAL  
Governor  
MRS G. COX  
Director

Northern Administration  
P.O. Box 7011, Carson City, NV 89702  
Phone: (775) 887-3285 - Fax: (775) 887-3138

Southern Administration  
3955 W. Russell Rd., Las Vegas, NV 89118  
Phone: (702) 486-9938 - Fax: (702) 486-9971

*Inspector General  
scanned and dated  
all information I  
sent them. DW*

Date: July 24, 2014  
To: Debra J. Melikian  
From: Nancy Flores, CPS  
Subject: Request to remove lifetime supervision requirement from John C. Melikian

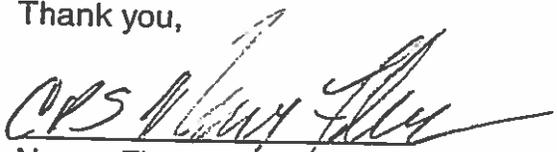
Good afternoon Mrs. Melikain.

Inspector General office staff received your packet request to remove the lifetime supervision requirement for your son, John C. Melikian. I wanted to respond to your request on behalf of them to advise you that the Inspector General's office has nothing to do with any kind of adjustment to person's Judgment of Conviction.

The stipulation for lifetime supervision for case number C187203 is stipulated on his Judgment of Conviction and cannot be changed except through the court from where he was sentenced.

The only other avenue that he may want to pursue, is applying to the Nevada Board of Parole Commissioners. I have enclosed some information for you and Mr. Melikain to review with regard to their function on lifetime supervision review; and the respective Nevada Revised Statute. I also invite you to review their web site at, <http://parole.nv.gov>.

Thank you,

  
Nancy Flores,  
Classification and Planning Specialist

Lebra J. Melikian  
3682 W. Cottonwood Lane

July 21, 2014 Fresno, Ca. 93711

559-681-1706 cell

559-600-3843 work

Nevada Department of Corrections  
Office of the Inspector General  
P.O. Box 7011  
Carson City, Nevada 89702

Office of the Inspector General,

I have been trying to go up  
the chain of command, and  
no one will take responsibility.

I work for the County of  
Fresno California and work  
with clients (Department of  
Social Services) that depend  
on my professional responsibility  
to handle their case informatio  
correctly. It affects their  
quality of life.

This letter is being  
written on behalf of my  
son John Clifford Melikian

John had a ruff start in life and made some wrong decisions. Today he is working one full time & one part time job. He is renting his own apartment and married to a beautiful young woman. I am very proud of his accomplishments.

1. April 16, 2014 I tried to notify the Nevada Board of Parole Commissioners.

The hearing (phone conference) concern was not addressed.

2. June 30, 2014 wrote to Las Vegas Metropolitan Police Department Internal Affairs Bureau.

Detective Postell Internal Affairs (702-828-3422) called July 9, 2014 and told me his "Agency" was not responsible.

He said that the NDOC was responsible.

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JUL 12 2014  
INSPECTOR GENERAL  
EDC

From the time line I have put together it shows someone added to Johns file at Lovelock Correctional Center. This "White Supremes Gang Member Associate" tag added six more years to Johns time at Lovelock. You will see on Inmate Request Form dated 12-28-07 the gang investigator at Lovelock - it would not effect the parole hearing!?!?

See letter dated November 21, 2008 from the Board of Parole Commissioners - signed by E. Gray  
Parole Board  
Commissioner

It says the NDOC had him coded & validated as a White Supremist!

You will see the back up information - John followed all rules - took all classes - and had a job at Lovelock.

2018-01-10  
CORRECTIONAL CENTER  
2018

This gang tag was removed in 2010 with no explanation as to why by the gang investigator at Lovelock Correctional Center.

Maybe the tag did come from Las Vegas Metro. You will see the Pre Sentence Report also has wrong dates and wrong information

1. The Nevada Board of Parole Commissioners depend on the information given to them from THE Nevada Dept of Correction

2. The Nevada Department of Correction depend on the information from COURT OF ORIGINAL JURISDICTION

3. The Court depends on the information from the PRE-SENTENCE REPORT

Dates and information were falsified.

Please consider John's request to grant him relief from the Life time Supervision. He is not a high risk violent sex offender that needs to be monitored through GPS devices for the remainder of his life. (PROP 83)

The six years that this wrong (falsified) information added to his sentence should be enough.

John made mistakes but he always told the truth.

The Department made mistakes.

Please release my son so he can move on with his life.

Parole Agent Patricia Cuman

Phone # 559-445-6431  
ex. 259

Thank you for your consideration,  
Debra Jo Milian

PRE-SENTENCE



RICHARD KIRKLAND  
Director

\*\*\*\*\*  
Chief  
AMY H. WRIGHT

1301  
RENO,  
77

A. A. CA  
215 E. BONANZA ROAD  
LAS VEGAS, NEVADA 89101  
(702) 486-3001

3920 E. IDAHO STREET  
ELKO, NEVADA 89801  
(775) 738-4088

119 E. LONG STREET  
CARSON CITY, NEVADA 89701  
(775) 687-5045

PAROLE AND PROBATION

1445 Hot Springs Road, Suite 104  
Carson City, Nevada 89706

Telephone (775) 687-5040 Fax (775) 687-5402  
www.ps.state.nv.us

Pre-Sentence Report  
April 22, 2003

The Honorable LEE A. GATES  
Department VIII  
8th Judicial District

Pre Sentence

MAY 5 1 26 PM '03  
# 6498

Prosecutor: James Sweetin, DDA  
Defense Attorney: James A. Ornoz, DPD  
Robert H. Thompson, DPD

I. CASE INFORMATION

Defendant: John C. Melikian  
Date of Birth: 06-07-1982  
SS#: 569-71-8811  
Address: 3318 North Decatur #2053  
Las Vegas, Nevada 89130  
Phone: 702 655-1561  
Driver's License #: Unknown  
State: Nevada  
Status: Unknown  
POB: Fresno, California  
United States Citizen: Yes

Age: 20  
Case #: C187203  
ID #: 1668554  
PCN #: 19857328  
P&P Bin #: 1000237901  
FBI #: 238 045 HB1  
SID #: NV03338152  
SID #: CA11518190

II. CHARGE INFORMATION

Shayna Anderson  
WAS 14 years old

Offense: LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN (FELONY)  
NRS: 201.230  
NOC: 00191

Category: A

Penalty: By imprisonment in the Nevada Department of Corrections for LIFE with a minimum parole eligibility after TEN (10) years has been served.

Plea Date: 03-18-2003, Guilty Plea *How can there be a guilty plea before April 2003?!*  
Sentencing Date: 05-07-2003

THIS REPORT NOT TO BE REPRODUCED OR  
RELEASED WITHOUT THE AUTHORIZATION OF  
ST. OF NV. DEPT. OF PAROLE AND PROBATION  
RELEASED TO: \_\_\_\_\_

unemployed  
employed  
See letter from  
Parole Board

III. DEFENDANT INFORMATION

**Physical Identifiers:**

Sex: M Race: W Height/Weight: 6'00/160  
Hair/Eyes: Blond/Blue  
Scars/Tattoos: None

**Social History:** The following information is as related by the defendant and is unverified unless otherwise noted.

**Childhood:** The defendant relates a problematic childhood in that his biological father would utilize violence against him. He attended counseling for approximately a six month period to address this issue.

**Marital Status:** Single

**Children:** None

**Custody Status of Children:** N/A

**Employment Status:** Unemployed due to arrest. Skills as a cook, clerk and bus person.

**Income:** None Listed

**Other Sources:** None Listed

**Assets:** None Listed

**Debts:** None Listed.

**Education:** Completed the eleventh grade at Cimarron Memorial High School, Las Vegas, Nevada 1999.

**Military:** N/A

**Discharge:** N/A

**Health:** Non-problematic

**Mental Health:** Pursuant to the dictates of NRS 176.133, 176.135, and 176.139, the defendant is required to submit to a Psychosexual Evaluation provided by the Division of Parole and Probation. On April 26, 2003, the defendant met with Victoria Cash Graff, a contract, licensed clinical social worker for this Division. Ms Graff initiated various assessment tools to provide clinical impressions and provided the following conclusions: The defendant represents in the low range to sexually re-offend.

**Substance Abuse:** Daily use of marijuana since age fifteen and a casual use of alcohol.

IV. CRIMINAL RECORD

Records of the Las Vegas Metropolitan Police Department and the Federal Bureau of Investigations reflect the following information:

JUVENILE:

Arrest Date:	Offense:	Disposition:
08-18-1996 (Fresno, California)	Vandalism	Warned and Released
04-21-1998 (Fresno, California)	Burglary	Referred to Juvenile Hall
11-23-1999 (LVMPD)	1. Take Vehicle Without Consent 2. Reckless Driving 3. Curfew	02-16-2000. Commitment order
11-23-1999 (LVMPD)	Drive Without License	NCF

John took my car (mother)

PRE-SENTENCE REPORT

JOHN C. MELIKIAN

CC#: C187203

01-10-2000  
(LVMPD)

- 1. Grand Larceny
- 2. Possession Narcotic Paraphernalia

MOTHER Reported  
took mothers items to Pawn shop  
01-14-2000. Commitment order

MOTHER Found Pot seed in house  
and reported to police

ADULT:

Arrest Date:

Offense:

Disposition:

10-02-2001  
(LVMPD)

- 1. Cit- Possession of Controlled Substance (M)
- 2. Cit-Non Medical Possession of Controlled Substance Less Than One Ounce (M)

CC#C-0504538A. On 11-02-2001, the defendant pled guilty to Count 2. Sentenced 35 days incarceration and fined.

04-15-2002  
(LVMPD)

- 1. Malicious Destruction of Property (F)
  - 2. Apply Graffiti to Structure (F)
- FTA: 07-10-2002

CC#02F06878B. On 08-13-2002, the defendant pled guilty to Malicious Destruction of Property (M). Sentenced Community Service and fined.

ATTACHED  
See school paperwork  
then refer date

- 1. FTA: Resist Police Officer (M)
- 2. FTA: Petty Larceny (M)

CC#C-519636 and CC#C-520359. On 07-17-2002, the defendant pled guilty. Sentenced 35 days, concurrent 35 days incarceration.

Petty Larceny (M)

see defendant statement  
4/1/2003

- 1. Lewdness With A Minor Under 14 Years (F)
- 2. Statutory Sexual Seduction (F) 2 Counts

RMD: 09-25-2002 WHAT IS THIS??

- 3. Sexual Assault Victim Under 14 (F) 2 Counts
- 4. Coercion With Force (F) 2 Counts
- 5. Administrative Drug To Aid A Felony (F) 2 Counts

What is RMD  
9/25/2002?

...-2003, the  
...nced 97 days

#C187203

09-10-2002  
(LVMPD)

??

Because of his wrong date John is charged w/ under 14.

NO ASSAULT as per  
Sentencing memorandum  
And Affidavit  
NO DRUGS - see Affidavit

Additionally, the defendant was arrested or cited in Nevada and California for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed: Possession of Controlled Substance, Possession Narcotic Paraphernalia, Minor Consumption of Alcohol, Contributing to the Delinquency of a Minor, Cit- Minor Consumption of Alcohol.

SUPPLEMENTAL INFORMATION:

Additional Dates of Birth: 06-07-1981

Nowhere in this report  
is a report of contributing  
to the delinquency of  
a minor, Cit- minor  
consumption of alcohol.

Shayna Father → March 1989  
March 1989 →  
Shayna BIRTHDAY  
March 1989  
14 yrs  
Page 4 of 06

Also Uses: John C. Mecikian; John Melikian

V. OFFENSE SYNOPSIS

Please see the  
DATES are all wrong

Records of the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office reflect that the instant offense occurred substantially as follows:

On September 09, 2002, officers were notified of a possible sexual assault of a minor under 14. Officers interviewed the female victim (dob 03-24-1989) and she stated that she lied to her parents and told them that she was spending the night at a female friend's home. On September 07, 2003, the victim and her friend arrived at the defendant's residence where they drank beer and smoked marijuana. The defendant was identified as JOHN C. MELIKIAN. The victim's female friend went into a room with the defendant's roommate and the victim passed out on the couch. She awoke to find the defendant on top of her wearing only a pair of boxer shorts. As she screamed and kicked, the defendant held her down, pulled her pants down and slapped her on the face. The defendant forced his penis into the victim's vagina and engaged in sexual intercourse for approximately 30 minutes.

On September 09, 2002, the victim was examined at Sunrise Hospital for possible sexual assault. The results revealed a tear and an abrasion in her vagina. The defendant was arrested and transported to the Clark County Detention Center where he was booked accordingly.

VI. CO-DEFENDANT'S/OFFENDER'S INFORMATION

None

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VII. DEFENDANT'S STATEMENT → DATED 4/1/2003

The defendant was interviewed on April 09, 2003 at the Clark County Detention Center and has provided a written statement for the Court's consideration. He admits to engaging the victim sexually, however, denies the knowledge of her actual age.

VIII. VICTIM INFORMATION

On April 21, 2003, information received by the Division of Parole and Probation revealed that the victim is attending counseling to address the sexual assault committed by the defendant. She is exhibiting various behaviors related to the Instant Offense. The victim's father will address the Court at rendition of sentence. The victim's parents have spent \$170 in ongoing counseling fees (VC2131995).

Contact with Clark County Social Services reveals a monetary expenditure of \$1310.40 pursuant to medical expenses for the victim.

IX. PLEA NEGOTIATIONS

The State has agreed to retain the full right to argue at the time of sentencing. If the Defendant receives a positive psychosexual evaluation and the District Court grants him probation, and he successfully completes Five (5) years of that probation, the State has no opposition that he withdraw his plea and plead guilty to Coercion (Felony) and Statutory Sexual Seduction (Gross Misdemeanor) and receive credit for time served.

2002?  
2002?

X. CUSTODY STATUS/CREDIT 1

Custody Status: CCDC

CTS: 240 Days 09-10-2002 to 05-07-2003

XI. AGGRAVATING / MITIGATING FACTORS

A. Aggravating Factors:

- 1. Criminal history
- 2. History of violence → No History of Violence in documents
- 3. Offense involved a juvenile

B. Mitigating Factors:

- 1. Cooperative during interview

XII. RECOMMENDATIONS

In addition to the \$25 Administrative Assessment, \$700 Psychosexual Evaluation Fee and \$150 DNA fees, it is the recommendation of the Division of Parole and Probation that the defendant, JOHN C. MELIKIAN, be sentenced to a term of life in the Nevada Department of Corrections with a minimum parole eligibility after ten years has been served and further ordered to pay \$1480.40 restitution

The defendant shall submit to a test for genetic markers as required by statute. The Court shall include a special sentence of Lifetime Supervision to commence upon release from any term of probation, parole, or imprisonment.

RESPECTFULLY SUBMITTED,

AMY H. WRIGHT, CHIEF

*[Handwritten Signature]*

GEORGE K. JOHNSON/357  
Parole and Probation Officer  
District IV, Las Vegas, Nevada

GKJ  
126498

APPROVED:

*[Handwritten Signature]*

TONI GILLEN/554  
Unit Manager  
Court Services Unit V

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JUL 22 2003  
RESPECTFULLY SUBMITTED

1100K

1997



Clark County School District  
Student Support Service Division  
Las Vegas, Nevada  
Multidisciplinary Team Report  
CONFIDENTIAL

This report contains confidential information and is the property of Clark County School District  
Las Vegas, Nevada.

Name: Melikian, John  
Student ID: 268887  
MDT Date: 10/14/99  
Reevaluation Date: 10/14/2002  
Date Of Birth: 6/7/82  
Chronological Age: 17 years, 4 months  
Gender: Male  
Grade: Twelfth  
Home School: Mojave High School

See date  
2002 John  
is 17 yrs  
old

Team Members:

Name	Title
John Melikian	Student
Steve Barnson	General Education Teacher
Wendy Hagman	Special Education Teacher
Mavis Nigro	Special Education Teacher Facilitator
	School Psychologist

REASON FOR REFERRAL:

John was referred for initial evaluation on 9/17/99 for a 30-day evaluation due to him being new to the state of Nevada. John had been receiving services at his previous school district as a student with a Learning Disability.

EVALUATION PROCEDURES:

The assessment included all the components of a comprehensive evaluation required by state regulations, including information provided by John's parents or primary caregiver (if the student is younger than 18 years of age). Information regarding John's current classroom performance (observations and assessments), and the observations of his teachers and other providers of instructional or educational services were also included. John's primary language, racial, and ethnic background were considered prior to selection and interpretation of evaluation procedures and measures. All assessment procedures measure a limited sample of a person's total repertoire. The selected measures should only be interpreted within the limits of their measured validity.

The following procedures were components of the evaluation:

Developmental History	
Medical History	
Vision Screening	10/7/99
Hearing Screening	10/7/99
Interview of Mother	
Review of Previous Assessment Records	
Woodcock-Johnson, Tests Of Achievement - Revised (WJ-R)	9/24/99
BASC - Parent Rating Scales	10/14/99
BASC - Self-Report of Personality	10/14/99

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JUL 23 2004  
CONFIDENTIAL

## BACKGROUND INFORMATION:

### DEVELOPMENTAL HISTORY:

According to the Mother, John's prenatal history is educationally unremarkable. John's birth history was without complication and educationally unremarkable. Also, according to the Mother, John's neonatal history was without major incident.

John attained the motor milestones in the following fashion: sitting — within normal age limits; crawling — within normal age limits; standing — within normal age limits; and walking — within normal age limits. He attained the language milestones of speaking his first words at a delayed rate, and he spoke in sentences at a delayed rate.

Ms. Melikian reports that it took John a long time to start talking when he was young. In school, she first realized he was having difficulty learning because he had more difficulty than other students. He had trouble remembering his address and phone number before Kindergarten. He still has difficulty remembering the times tables.

John is reported as having a history of tobacco use, drug abuse, and stomach problems (aches). He went through a period of time when he was prone to accidents.

Due to some of his emotional difficulties, John has been receiving therapy for the past four years and has received drug education through court school.

Currently, John is reported by his mother as having turned his life around. He is currently doing well in school and has a job that he enjoys and is doing well at also.

### MEDICAL HISTORY:

John's general health could be described as good. John has no history of any prior medications that may impact his present academic performance or behavior.

EYE	NEAR	DISTANT
Left	20/20	20/20
Right	20/20	20/20
Both	20/20	20/20

On 10/7/99 John's vision and hearing were screened. Both vision and hearing screenings yielded results within normal limits. John has adequate vision and hearing for academic functioning. John does not require any accommodations be made for his vision or hearing.

John's health history is void of any conditions, which may affect academic performance.

### PRIOR EVALUATIONS:

John was previously evaluated on 11/29/98 while in Fresno Unified School District. His chronological age at that time was 16.

At that time the WISC - III was administered and resulted in the following: Verbal IQ = 75; Performance IQ = 94; Full Scale IQ = 81.

Reading skills were assessed with the WRAT-3 and John obtained a Standard Score of 61. Math skills were assessed via the WRAT-3 and John obtained a Standard Score of 52. Spelling skills were assessed with the WRAT-3 and John obtained a Standard Score of 66.

At that time the primary disability was Specific Learning Disability. Summary of this previous assessment was that John has an average intellectual ability. He has a deficit in auditory processing. A severe discrepancy was found between his ability level and in his achievement in math calculation and reasoning skills. He was found eligible for special education services as a student with a Learning Disability.

**TEST SESSION OBSERVATIONS:**

John's performance during formal testing did not appear to be adversely affected by failure or frustration. He did not require any adaptations or modifications to the standardized procedures. He did not require an excessive amount of reinforcement and praise. Overall, the results of the present testing and evaluation procedures appear to be valid for the purpose of addressing the reason for referral.

**ACADEMIC ACHIEVEMENT TESTS:**

**Woodcock-Johnson Tests of Achievement – Results:**

Test Name:	SS	G.E.	%ILE
Letter-Word Identification:	91	8.2	27
Passage Comprehension:	89	7.6	23
Broad Reading:	90		25
Calculation:	86	7.0	18
Applied Problems:	81	8.0	10
Broad Math:	88		21
Dictation:	75	4.9	5
Writing Samples:	80	4.4	9
Broad Written Language:	77		6

Subtests of the Woodcock-Johnson Tests of Achievement – Revised were administered to John on 09/24/99.

**Reading:**

When compared to other children his age John's letter-word identification skills were in the average range as reflected by a standard score of 91. This represents basic reading skills at or better than 27 percent of his age peers and represents a grade equivalent of 8.2. John obtained a passage comprehension standard score of 89 which reflects a percentile score of 23 and is in the low average range. His passage comprehension skills are at the 7.6 grade equivalent. When compared to other individuals John's age, he obtained a Broad Reading standard score of 90 which is in the average range of reading skills. His score reflects reading skills at or better than 25 percent of the children his age.

**Mathematics:**

John's calculation skills were in the low average range as reflected by a standard score of 86, representing skills at or better than 18 percent of his age peers and represents skills at the 7.0 grade equivalent. John's applied problems subtest. This is in the low average range compared to other individuals his age and is represented by a grade equivalent of 8.0. He obtained a Broad Math standard score of 88 which is in the low average range of math skills. This reflects overall math skills at or better than 21 percent of the children his age.

**Language:**

John's dictation skills were in the low range as reflected by a standard score of 75, representing skills at or better than 5 percent of his age peers and represents skills at the 4.9 grade equivalent. John's writing sample was in the low average range as reflected by a standard score of 80, representing skills at or better than 9 percent of his age peers and represents skills at the 4.4 grade equivalent. On the Written Language subtests John's performance was in the low range. He obtained a standard score of 77. Overall, John's writing skills are at or better than 6 percent of the individuals his age.

**SOCIAL-EMOTIONAL TESTS:**

**Behavior Assessment System for Children – Results**

Self-Report of Personality	T-Score	%ile
Composite		
School Maladjustment	43	25
Clinical Maladjustment	51	53

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**Parent Rating Scale**

Debra Melikian - Mother

Composite	T-Score	%ile
Externalizing Problems	46	34
Internalizing Problems	41	19
Behavior Symptoms Index	47	40
Adaptive Skills	58	79

The Self-Report of Personality of the Behavioral Assessment System for Children was completed by John. This self-report assessment yields scores for a number of clinical and adaptive scales as well as three composite scores and a global indicator called the Emotional Symptoms Index. Generally speaking, the clinical scales measure maladjustment and therefore, high scores suggest a high degree of negative or undesirable behavior and low scores reflect higher functioning. The SRP provides composite scores for School Maladjustment, Clinical Maladjustment, and Personal Adjustment and an Emotional Symptoms Index.

Before interpreting John's composite scales and their components a determination of the validity must be made. The BASC contains several scales useful for validity determinations. These are the F-Index, L-Index and the V-Index. The F-Index and L-Index scores are in the normal range. John does not appear to be "faking-good" or "faking-bad" in an attempt to influence the results of the SRP. The anxiety scale assesses generalized fears, over-sensitivity, and worries that typically are irrational and poorly defined. John's anxiety score is very low and may suggest an inflated sense of well being.

John's attitude to school score of 5 suggests relative satisfaction with school. His attitude to teachers of 62 suggests he views teachers as uncaring, unfair or unmotivated to help students.

The Atypicality Scale evaluates unusual perceptions, behaviors and thoughts. John obtained an Atypicality Score of 49 suggesting he has typical perceptions, behaviors and thoughts. John's depression score of 43, which is in the average range, suggesting few if any feelings of loneliness, sadness, or pessimism. His locus of control score of 65 suggests that he feels somewhat helpless to his situation. He may have a "What is the point of trying?" attitude and believe strongly in luck. The need for varied, new, and complex sensations and experiences and the willingness to take risks to obtain such sensations and experiences is measured by the Sensation Seeking Scale. John's score on this scale was 66 indicating a tendency to be bored easily, have a high energy level and willingness to engage in risk-taking behavior.

The Sense of Inadequacy Scale assesses a lack of belief in the ability to achieve at expected levels. John's score of 51 is in the average range suggesting he has adequate confidence in his ability. John's feelings of tension and stress in social situations are not a problem for him. The interpersonal relations scales assesses success at relating to others and enjoyment doing so. John feels comfortable with his ability to relate with others. He is satisfied with his level of importance in his family, his relationship with his parents, and the degree of parental trust. John appears to be satisfied with his physical and intra-psychic characteristics. He may be seen by others as warm, open, and self-assured. He appears to be confident in his ability to make decisions. He is probably not fearful of his emotions and well controlled by internal principles.

**Parent Rating Scales:**

The Parent Scales (PRS) of the Behavior Assessment System for Children was completed by Debra Melikian, his Mother on 10/14/99. The PRS requires the respondent to rate the child on 138 behaviors that are grouped into domains. The rating scales yields composite scores for Externalizing Problems and Internalizing Problems. These scores comprise the Behavioral Symptoms Index and this index reflects the overall level of problem behavior. These PRS ratings are in the average range based on a Behavioral Symptoms Index of 47 and a percentile rank of 40. An Adaptive Skills composite is also calculated consisting of prosocial, organizational, study and otherwise adaptive skills. The Adaptive Skills composite is the opposite of the clinical composites. His Adaptive Skills composite is in the average range with a score of 58 which is at the 79 percentile.

Because rating scales are samples of one person's opinion of another person's behavior, caution should be exercised if there is any reason to question the validity of the results. When rating John the Mother does not appear to have answered the items with a negative response set. The Externalizing Problems Composite of the Parent Rating Scales consists of the Hyperactivity, Aggression, and Conduct Problems scales. These types of behaviors may be described as "undercontrolled" behavior (Achenbach & Edelbrock, 1978). John obtained an Externalizing Problems composite of 46, which is in the average range, and a percentile rank of 34. The Internalizing Problems composite is made up of the Anxiety, Depression, and Somatization scales. Because these types of problems are not typically disruptive they are often missed and go unidentified. John's Internalizing Problems composite of the Parent Rating Scales was in the average range with a score of 41 which is at the 19th percentile, when compared to his age peers.

**SUMMARY:**

John continues to show academic needs in the area of written expression. He has made much improvement in the other academic areas. John's emotional and behavioral difficulties appear to be his control at this time. There have been no problems recently and Ms. Melikian reports that he appears to have turned his life around.

**SPECIAL EDUCATION DETERMINATION:**

Based upon the information obtained during the course of this evaluation, no educational, environmental, economic disadvantage or cultural, ethnic difference is considered to be the primary factor influencing John's educational difficulties.

Furthermore, also based on the results of this evaluation, John appears to demonstrate an educational disability -- specifically, Specific Learning Disability. John exhibits a deficit in Auditory Discrimination. This deficit is considered the primary cause of a severe discrepancy between his predicted and actual achievement in written expression. These Discrepancies are not due to another disability, or environmental, cultural difference or economic disadvantage; lack of instruction in reading or math and limited English proficiency. Intervention strategies have been previously implemented, but they did not remedy the deficit.

**Instructional Recommendations:**

Regardless of actual placement, areas which may require specific goals include:  
Improve Functional Written Language Skills

**RECOMMENDATIONS:**

1. John appears to be eligible as a student with a Learning Disability in written language.
2. John will need modifications for his written expression difficulties. When necessary, allow him to present written assignments on tape or orally, allow another to copy down work so he can dictate his ideas to facilitate concept formation. It helps to focus on what John has mastered and not the quantity of written work produced.
3. Consultation with the school psychologist should be made available to John's caregivers.
4. To minimize distractibility, allow John to move to a quieter area of the room. Ask John privately to determine if anything in the classroom environment is presenting a problem.

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WILSONVILLE MEMORIAL  
SCHOOL

John Melikian 10/14/99  
Student Date

Cynthia Wink

General Education Teacher

Date

Steve Barnson 10-14-99

Steve Barnson

Date

Special Education Teacher

W Hagman 10/14/99

Wendy Hagman

Date

Special Education Teacher Facilitator

Ma'vis Nigro 10/14/99

Ma'vis Nigro

Date

School Psychologist

I have reviewed this report and received a copy. I understand that I can submit a written response or propose changes to this report. I have been notified that I may request to review the information used as the basis for this report.

Petra Melkian

Parent Signature

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INSPECTOR GENERAL  
CALIF.

D-1026

Kaiser Permanente Medical Center  
7300 North Fresno Street  
Fresno, California 93720-2942

4785 North First Street  
Fresno, California 93726-0513  
(209) 448-4500

Edward S. Glavis  
Vice President/Area Manager

Larry L. Coble, M.D.  
Physician-in-Chief



line



DATE: 06/23/97

TO: WHOM IT MAY CONCERN

REF: John Melikian CP 0479156

It is to confirm that John is evaluated by me and is under my care. He was evaluated for difficulties related to care. Problem, other problem, poor impulse control and low frustration tolerance

John is currently prescribed Zmigra-mine medication and will be monitored.

JUL 23 2004

INSPECTOR GENERAL  
DCC



B. Rao Tripuraneni, M.D.

Chief, Department of Mental Health

Board Certified in Child and Adolescent, Adult and Geriatric Psychiatry

nente Medical Group, Inc.  
First Street  
ifornia 93726-0513

Medication Line: (209) 448-4783  
Reception: (209) 448-4620  
Cancellation Line: (209) 448-4779

recycled paper

*B. Rao Tripuraneni*  
B. RAO TRIPURANENI, M.D.  
Child & Adol. Psychiatrist

Parent Information on  
Tricyclic Antidepressants

John  
medicine  
Started  
6/18/97

What are tricyclic antidepressants?

The medicines in this group are:

Brand Name	Generic Name
Tofranil	Imipramine
Norpramin or Pertofranc	Desipramine
Elavil or Endep (or others)	Amilriptyline
Pamelor or Aventyl	Nortriptyline
Anafranil	Clomipramine

Father (A. Melikian)  
Stopped medicine  
12/9/97  
Refused to take  
John to doctor.

They were developed to treat depression, but are now also used for children and adolescents with enuresis (bedwetting), attention-deficit hyperactivity disorder (ADHD), school phobia, panic disorder, obsessive compulsive disorder, and some sleep disorders.

How can these medicines help?

They can (decrease depression, anxiety (nervousness), panic, obsessions and compulsions, bedwetting, night terrors or sleep walking, hyperactivity, impulsivity, and inattention. The medicines in this group differ in which symptoms they seem to be best for. When treating depression, the medicine may take several weeks to work.

How will the doctor monitor this medicine?

A test of heart rhythm (electrocardiogram - EKG) is done usually before starting the medicine, except when very small amounts are to be used to treat bedwetting or sleep problems. The EKG may be repeated as the dose is increased, and occasionally as long as the medication is prescribed. The pulse and blood pressure will be checked before starting the medicine, at significant dose increases, and every so often as long as the medicine is given. These checks are precautionary; it is very rare for problems with pulse or blood pressure or heart function to develop.

There is not general agreement on the use of blood levels of these medications. They seem to be most useful in the treatment of depression and when the doctor suspects the dose of medicine may be too high or too low. To get the most accurate level, blood is drawn in the morning, after at least 5 days on the same dose, approximately 12 hours after the last dose of medicine on the previous day and before any morning dose.

Diploma

# Coal Canyon High School Washing County School

Lobelock, Nevada  
This Certifies That

**John Melikian**

has satisfactorily completed a Course of Study as prescribed by  
the State of Nevada for Graduation from High School and  
is therefore awarded this Diploma

July 5, 2011



*[Signature]*  
Principal

*[Signature]*  
President of Board

*[Signature]*  
Member

*[Signature]*  
Clerk of Board

*[Signature]*  
Member

*[Signature]*  
Member

EVALUATIONS



Family And Child Treatment  
of Southern Nevada  
A UNITED WAY AGENCY

1050 SOUTH RAINBOW BLVD.  
LAS VEGAS, NEVADA 89145  
TELEPHONE: 702-258-5855  
FAX: 702-258-9767

EVAL

PSYCHOSEXUAL EVALUATION

IDENTIFYING DATA

Name:	John Clifford Melikian
Aliases/former names:	None known
Date of Birth:	June 7, 1982
Social Security Number:	[REDACTED]
Age:	20
Ethnic Background:	Russian - Armenian
Current Placement:	Clark County Detention Center
Home Address:	None
Family Members and Ages:	None locally
The Honorable Judge Gates Department VIII	
Sentencing Date:	
Case #	May 7, 2003
Date Evaluation Submitted:	C187203
Probation Officer:	April 30, 2003
Cost for evaluation:	George Johnson \$700.00

JUL 23 2003  
INSPECTOR GENERAL  
203

THE FOLLOWING IS ONLY PART OF A PSYCHOSEXUAL EVALUATION COMPLETED ON THIS CLIENT. THE REPORT SHOULD BE REVIEWED IN ITS ENTIRETY.

CLINICAL IMPRESSIONS

Mr. Melikian comes out in the low range for risk assessment on the RRASOR and the medium low range on the STATIC-99. He has no prior convictions for inappropriate sexual behavior or non-sexual violence. He admits he had sexual intercourse with Shayna Anderson and that she spent the night at his apartment. However, he states she told him she was 17 years old, she represented to other people in the neighborhood and they believed her to be 17 years old, she called his home on the night of the incident and asked

to come over at approximately 2:00 am and she was a willing participant in the sexual activities. He said that initially she said no but then agreed to have sex.

This evaluator reviewed three separate interviews conducted by the police with the victim, Shayna Anderson. In each of the interviews, there appeared to be inconsistencies that were questioned and Shayna was unable to give plausible and/or clear answers in clarification. In the sentencing memorandum prepared by Robert H. Thompson, Deputy Public Defender, the many discrepancies in Shayna Anderson's version of the incident were pointed out and the defendant's version of events from the evening were corroborated in the affidavit of Courtney Kostzuta, Shayna's companion during the evening of the incident.

Mr. Melikian said he was home with his roommate and did not solicit or encourage Shayna to call him. She asked to come over and he said yes. He thought she was 17. Others who knew her thought she was 17 raising the question of whether or not she intended to deceive others, including the defendant, about her age. She did not report the incident for several days. She did not leave his apartment after being attacked and what she described as raped even though her abuser had fallen asleep leaving her the opportunity to flee. She implied that her friend was engaged in an "orgy" with four males when there were no other males besides Mr. Melikian and his roommate in the apartment.

*John called her 3att*

Mr. Melikian may have broken a law by having sex with a child of 13 but the evidence in the case seems to indicate he was led to believe she was over the age of consent for Nevada. He admits she told him no and he continued to engage in sexual contact with her and she admits she eventually said yes and gave in to his advances. We do not know how hard he pushed but we do know that his statements are consistent with others involved in the case and hers are not.

### SUMMARY AND CONCLUSIONS

#### DSM-IV Diagnostic Impression:

Axis I	Attention Deficit Disorder by history
Axis II	799.9 Deferred
Axis III	Nothing by history
Axis IV	Stress related to charges
Axis V Current GAF	75

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NOTICE TO PROSECUTOR

Mr. Melikian does not present a significant risk to re-offend, if in fact he has "offended" at this point. He admits to sexual contact maintaining he was led to believe she was over the age of consent. He has no prior accusations or convictions for inappropriate sexual behavior and he has no history of non-sexual violent behavior.

It is difficult when the accuser is a child who says they have been sexually assaulted but we must look at all the elements and determine the level of honesty of the victim, as well as

that of the abuser. The good works of advocates to have victims be heard and protected can easily be undone by the unjust punishment of people who have become victims of their accusers.

RECOMMENDATIONS

1. Mr. Melikian should submit to a complete substance abuse evaluation and complete any recommended treatment.
2. Mr. Melikian should complete a diploma or certificate program for high school equivalency.
3. Mr. Melikian should complete vocation or technical training to increase his employment opportunities.
4. Mr. Melikian should attend individual therapy to address appropriate sexual boundaries and complete treatment on abuse issues from his childhood.

Respectfully Submitted,

*Victoria Cash Gruff LCSW*  
Victoria Cash Gruff, LCSW  
Executive Director

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DOC



MARK J. CHAMBERS, P.H.D., L.L.C.  
CLINICAL PSYCHOLOGIST

Psychological Evaluation

NAME: John Clifford Melikian  
D.O.B.: 6/7/82  
CASE NO.: C187203X  
DATE INTERVIEWED: 5/5/03  
SUBJECT: Risk to reoffend

EVAL

5/5/2003

SOURCES OF DATA:

Interview of defendant by Mark J. Chambers, Ph.D.; guilty plea agreement; Las Vegas Metro Police Department arrest report; 2<sup>nd</sup> amended information.

REFERRAL AND BACKGROUND INFORMATION:

Mr. Melikian was referred for evaluation by his court-appointed attorney, Robert Thompson, of the Clark County Public Defender Office, for an evaluation to determine if he is a high risk to reoffend. According to available documents, the defendant was initially charged with lewdness with a minor and statutory sexual seduction in connection with a 9/7/02 incident involving Shayna Anderson, DOB: 3/24/89. Shayna originally told police that she and a friend, Courtney, had gone to the home of the defendant and his roommate on the date in question after lying to her parents about where she was going. At the defendant's home, she said, she, Courtney, and the two males drank beer and smoked marijuana. Courtney reportedly went into another room with the roommate, Shayna said, and she fell asleep on the couch.

On 9/9/02, Shayna told police that she awakened to find the defendant on top of her. She stated that she screamed and started kicking him, but he held her down and put his hand over her mouth. She bit his hand, she said, and he pulled off her pants and slapped her on the face. He then had vaginal sex with her, she said, not using a condom, and afterward went back into his room. Shayna told police she then went into the bathroom and vomited, after which she returned to sleep on the couch.

Later on the same day of the above report, Shayna spoke with a Detective Barrett, to whom she gave a very different account of events. She told Detective Barrett that the defendant did not hold her down, did not slap her hard enough to hurt her, and that she did not scream. She also said that she vomited because she had too much to drink, and she told Detective Barrett that she had eventually consented to have sex with the defendant "after his numerous requests and advances."

Police also interviewed the defendant, who stated that at the time of the incident, he was unaware that Shayna was only 13 years old. He stated that the incident with Shayna occurred in his

John Melikian  
May 6, 2003

Page 2

bedroom, not on the living room couch, and he admitted that Shayna initially rejected his advances, telling him "no" when he attempted to kiss her or touch her breasts. Twice she pulled her pants back up when he pulled them down, he reportedly told police, but eventually she pulled her panties down to her knees herself. He admitted that he did not use a condom during sex but pulled out prior to ejaculating. Shayna slept in his bed that night, he said, and when he attempted to have sex with her again in the morning she told him "no."

On 9/10/02, Shayna was again interviewed by Detective Barrett. On this occasion she admitted that the sexual acts had occurred in the defendant's bedroom and that she had eventually consented to the sex. Based on this information, the defendant was arrested and booked on the above charges. He has since entered a guilty plea on one count of lewdness with a child under the age of fourteen as part of a plea agreement and is currently awaiting sentencing.

Mr. Melikian was interviewed for the present evaluation at the Clark County Detention Center. Prior to the start of the interview, he was informed of the purpose of the evaluation and the limits of confidentiality. He indicated that he understood these instructions and verbally consented to proceed with the evaluation.

#### MENTAL STATUS:

Mr. Melikian communicated somewhat effectively during his interview, although in the early stages of the evaluation his answers were somewhat guarded and evasive. His affect (emotional demeanor) was generally appropriate, although at times he was agitated and tearful, particularly during an upsetting line of questioning regarding his conduct during the incident related to this case. There were no obvious indications of clinical depression or suicidal ideation. While no formal assessment of the defendant's intellectual ability was conducted, he appeared to be of grossly normal or low normal intelligence. He appeared to have minor problems with remote memory, having trouble linking events with a particular date or age, but he appeared to be oriented to time, person, and place. No thought disorder, active hallucinations, or delusional thinking were noted.

#### ACCOUNT OF CURRENT OFFENSE:

The defendant was initially somewhat evasive and defensive when asked why, by his own admission, he persisted in attempting to have sex with Shayna after she said "no" to him multiple times. He responded to such questions by simply asserting that he did not rape her and did nothing wrong. Eventually, he explained that Shayna's protestations were playful and not intended to be serious. Her only reservation, he said, was because he had a girlfriend. Had she struggled, screamed, or bit his hand as she originally claimed, he said, he would not have continued, and he acknowledged that if he had, such actions would certainly qualify as rape.

Mr. Melikian stated that he had met Shayna through a friend of his girlfriend, but he admitted that he did not know her well. She had told him that she was 17 years old, he said, and he believed this, as she looked older than she really was. He also noted that her friend, Courtney, was 17,

John Melikian  
May 6, 2003

Page 3

making it seem more likely that Shayna was telling the truth. On the night of the incident, he said, Shayna called him at 2 a.m. and asked to come over. He does not know how she obtained his telephone number, he said. He also did not know why she wanted to come over, but he consented. He denied giving her beer or marijuana as she originally told police, claiming that she had been drinking prior to her arrival. He repeated his assertion that she wanted to have sex with him, and he could only explain why he had sex with her despite having a girlfriend by stating that he is "a 20-year-old male." He asserted that he would never have had sex with her if he had known her age and probably would not have even allowed her into his home.

### PSYCHOSOCIAL HISTORY:

The defendant stated that he was born and raised in Fresno, California. His only sibling is an older brother. His father worked as a foreman in public works but recent retired. His parents divorced when he was about 16 years old, he said, in part because his father was abusive to him, his brother, and his mother. He lived with his father for about a year after the divorce, he said, but he returned to his mother after his father began hitting him again.

The defendant described being successful in sports but stated that he had a learning disability and earned poor grades in school. He was treated for ADHD with Remeron, he said, but he discontinued this medication after a couple of years because his father felt he did not need it. He failed to graduate from high school, dropping out in the 12<sup>th</sup> grade, he said, because he had a job as the head busboy at Macaroni Grill. He lost this job, he said, when he and friends failed to return home from a road trip in time for him to return to work. His has also worked for two other restaurants and an art supply store. In addition, he reported, he worked for 3 months going from town to town selling magazines. Just prior to his arrest he had been laid off from his job as a substitute cook. After his release from custody, he plans to join his mother in Idaho and take a job digging wells.

The defendant stated that following his parents' divorce, his mother put him and his brother in therapy. He continued with the therapy at his mother's urging for three years, he said. He denied having any history of suicide attempts or serious suicidal ideation. He began using marijuana at the age of 14 or 15, he said, and last used the drug within a month of his arrest. He also uses alcohol, he said, but he described himself as being an occasional drinker, having alcohol less than once a week.

When asked about his prior arrest history, the defendant indicated that he has been ticketed for various violations in the past but arrested only once. Around the year 2000 he was apprehended after stealing food from a store, he said, but he was only given a citation. He failed to appear in court for the citation and had a bench warrant issued for him, he said. In 2001, he and a friend were caught using marijuana when the friend, who was driving, was pulled over by police. Again, the defendant was given only a citation, and again he failed to appear in court, resulting in another bench warrant. In that same year he was cited for underage drinking at a party in the Rio Hotel, he said, and once more he failed to appear in court. Finally, in 2002, he reported, he and a friend were arrested for "tagging" and spent 8 days in jail. He indicated that he did not make a court

John Melikian  
May 6, 2003

Page 4

~~appearance in that case.~~

The defendant indicated that his first sexual experience was at age 15 or 16 and he estimated that he has had a total of 25 to 30 sexual partners total. His longest relationship, he said, lasted about 18 months and ended when he left California to move to Las Vegas. He denied having any history of deviant sexual activity, and he said that he has had no prior accusations against him of sexual impropriety, other than two girls who he said, falsely accused him of getting them pregnant.

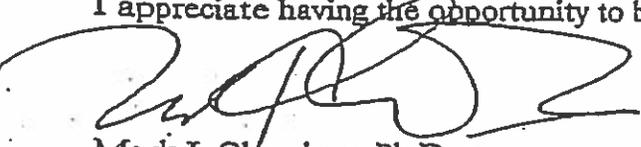
#### IMPRESSIONS AND CONCLUSIONS:

It should be noted that the prediction of future behavior, even by trained mental health professionals, is of notoriously low accuracy, particularly with respect to relatively low frequency behavior such as criminal offenses. However, an individual's relative risk for offending can be estimated by considering a number of factors that have been empirically identified to be associated with sexual offenses. This defendant's risk was assessed using the Static-99, an instrument that consists of factors found to be predictive of sexual and violent recidivism. For the current case, based on the information available, the Static-99 yielded a score of 3, which corresponds to a medium-low risk to reoffend. The factors contributing to this score were unrelated victim, young defendant, and single defendant.

The defendant's risk was also assessed using the SVR-20, an instrument that consists of 20 distinct variables such as sexual deviation, history of mental illness, and substance use problems. When the SVR-20 was applied to the current case, 3 of the 20 risk factors, victim of child abuse, past nonviolent offense, and extreme minimization of offense, were determined to be present, based on the information available. This also corresponds to a low to medium risk to reoffend.

Based on a thorough review of the above facts in this case, it does not appear that this defendant is at a high risk for repeated episodes of sexual offending. Rather, the behavior associated with the charged offense appears to have represented a series of poor judgments on his part that are not likely to be replicated in the future. This defendant appears to exhibit poor insight and limited coping skills, lacking a clear sense of the consequences of his actions. However, it appears that the current case, including the extended amount of time he has spent in jail, may have had an impact on his understanding of such consequences. If he is granted probation, it is recommended that he be held to a high standard with respect to the requirements of his supervision and that violations of the conditions of his probation be dealt with seriously, so that he will be encouraged to take responsibility for his actions.

I appreciate having the opportunity to be of assistance in this case.



Mark J. Chambers, Ph.D.  
Clinical Psychologist  
Diplomate, American College of Forensic Examiners

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JACK PALMER  
Warden

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS

*Leading Nevada Corrections Into the Future*  
*Lovelock Correctional Center*

*To Whom It May Concern;*

*John Melikian # 84590 attended Sex Offender treatment from July 2008 to February 2009. Treatment consisted of 150 group therapy hours at 6 hours per week. Mr. Melikian's attendance, participation and progress was above average.*

*Treatment topics covered were:*

*Victim Impact and Empathy*

*Cognitive Distortions*

*Relapse Prevention*

*Offense Cycles*

*Presentation in group of an autobiography to include a sexual history*

*Relationship Skills and Sexuality*

*If I can be of any further assistance, please feel free to contact me at:  
775-273-4281*

*ghandley@doc.nv.gov*

*Yours truly,*

*George H. Handley, MA, Psychologist II*

RECEIVED

JUL 26 2009

INSPECTOR GENERAL

1200 Prison Road  
PO Box 359  
Lovelock, NV 89419  
(775) 273-1300 Fax (775) 273-4277



Randy Shahbazian, M.D.

Psychiatrist

Diplomate, American Board of Psychiatry and Neurology

Post Office Box 7731, Fresno, California 93747

(559) 250-3521 • rjsusc@yahoo.com

DR. Shahbazian

June 14, 2014

To Whom It May Concern:

I am writing this letter to attest to the character of Mr. John Melikian. My name is Randy Shahbazian, and I am staff psychiatrist for the California Department of Corrections and Rehabilitation at North Kern State Prison in Delano, California.

John was serving a moderate length prison term in Nevada. As his parole was approaching, his mother Debra Melikian (a family friend of ours) contacted me to request that I correspond with John via mail in order to facilitate and to support the transfer of his parole from Nevada to Fresno County, California where his family resides. After obtaining proper clearance from my workplace supervisors, I began corresponding with John via mail in order to provide life skills advice but not any type of mental health treatment.

John was successful in having his parole transferred from Nevada to California. Since his return to Fresno, John has been doing quite well. His mother has provided excellent family support for him during this demanding time in his life. He has secured gainful employment, often working at two separate jobs at once. He is now married to his wife Pahoua, and they are planning to start a family together soon.

Since his return to Fresno, I have met with John at several family events. John and Pahoua attended our baby daughter's baptism ceremony and reception, and my family attended John and Pahoua's beautiful wedding reception in North Fresno. John and I additionally have interacted at informal family gatherings as well. John has always been polite and courteous to me and my family. He readily acknowledges his past legal transgressions and admits that he made a mistake regarding his teenaged behavior that led to his imprisonment. My three young children (ages 3, 2, and 10 months) have attended these family events in John's presence, and I have no qualms about their personal safety around him.

I believe that people should be held accountable for their actions and punished when necessary. However, I do not believe that people who have paid their debt to society should continue to be persecuted and ostracized from society for the rest of their lives. If



Randy Shahbazian, M.D.

Psychiatrist

Diplomate, American Board of Psychiatry and Neurology

Post Office Box 7731, Fresno, California 93747

(559) 250-3521 • rjsusc@yahoo.com

we truly believe that prison is indeed *correctional* and *rehabilitative*, then we must be intellectually honest in acknowledging a true success story when we see one.

I consider John Melikian to be at very low risk of reoffending, and I respectfully ask the Parole Board members to consider my assessment as they make their decision. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Randy Shahbazian, MD

RECEIVED  
JUL 18 2004  
INFORMATION SERVICES  
D-10

June 22, 2014

To Whom It May Concern:

Re: Letter of Support for John Melikian

My name is Paul Melikian, and I am the older brother of John Melikian. Two years ago I wouldn't have considered writing this letter, and have not written any previous support letters on behalf of my brother.

I have observed my brother since his release from prison. He assured me when he first returned home that he had finally turned his life around. However, based on his past track record I waited for his actions to speak for him. Almost two years later, he has done everything he promised me. He has gotten hired at several part-time jobs, winning praise from his employers, and quickly became one of their most dependable employees. I personally spoke with one of his supervisors who confirmed this.

After a time, John started dating a woman that he eventually proposed to. They were married this past year. She has a full-time job, comes from a stable family, and from everything that I can tell, is a wonderful woman for my brother.

John now holds a full-time job at Zacky Farms in Fresno. He works long hours, yet still finds the time and energy to continue working hours at one of his part-time jobs. His energy level and schedule remind me of myself from about 10 years ago.

I understand there is a hearing for John to determine if he is to retain some of the conditions of his release. I do not know the details surrounding his convictions, record, or specific conditions of release. However, given his remarkable progress and life he has started to build with his wife, I can now wholeheartedly recommend that you consider amending any conditions that would continue to impair his and that of his new family's life. As stated before, I do not know the full story about what he has done to get into this situation; but I do know he spent a lot of time in prison, and for that - and the past two years of remarkable living, I believe he has been fully rehabilitated.

Respectfully Submitted,

BROTHER

*Paul A. Melikian*

Paul A. Melikian  
Kingsburg, CA

RECEIVED  
JUN 25 2014  
KINGSBURG, CALIF.

Honorable  
Discharge  
from  
Parole.  
June 24, 2014

3740  
STATE OF NEVADA  
DIVISION OF PAROLE AND PROBATION  
215 E. Bonanza Road  
Las Vegas, Nevada 89101  
Return Service Requested

John Melikian  
3682 W. Cottonwood  
Fresno, CA 93711

2 FRESNO 93711

PRESORTED  
FIRST CLASS

Hasler  
07/07/2014  
USPS® \$00.46  
FIRST CLASS MAIL  
POSTNET  
ZIP 89101  
011012602493

RECEIVED  
JUL 23 2014  
POST OFFICE

State of Nevada  
DEPARTMENT OF PUBLIC SAFETY  
Division of Parole and Probation

**HONORABLE DISCHARGE FROM PAROLE**

To All to Whom These Presents Come... GREETINGS:

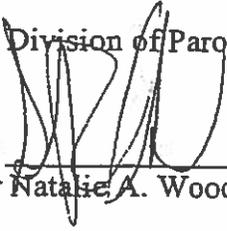
The Nevada Board of Parole Commissioners, through the Division of Parole and Probation, does hereby discharge from parole and further liability under his sentence MELIKIAN, JOHN CLIFFORD, who was, on the 7<sup>th</sup> day of May, 2003, convicted of the crime of: Count 1: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN, Criminal Case # 02C187203 in the District Court of the State of Nevada in and for the County of Clark and as legal punishment, therefore, was then in and by said Court, sentenced to imprisonment in the Nevada Department of Corrections for a maximum term of 20 years and a minimum term of 3 years, and on the 21<sup>st</sup> day of August, 2012 was paroled, from the said Nevada Department of Corrections, upon an order of the Board of Parole Commissioners, until the expiration date of June 24, 2014.

IT IS HEREBY ORDERED that said Parolee be honorably discharged from said parole.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person. Attached are documents explaining restoration of Civil Rights and Sealing of records.

Dated this 24<sup>th</sup> day of June, 2014.

Division of Parole and Probation

  
\_\_\_\_\_  
For Natalie A. Wood, Chief

RECEIVED

JUN 23 2014

WASH DC



## DIVISION OF PAROLE AND PROBATION

HEADQUARTERS  
1445 Old Hot Springs Road, Suite 104  
Carson City, NV 89706

June 24, 2014

John Melikian  
3682 W COTTONWOOD LANE  
FRESNO, CA 937111

Case Number: C187203  
Re: Outstanding Financial Obligations  
BIN Number: 1000237901

Mr. MELIKIAN:

You discharged/expired your term on June 24, 2014 . Your remaining unpaid balance due and payable within 30 days from the date of this letter is listed below:

Supervision Fees:	\$0.00
Restitution:	\$0.00
House Arrest:	\$0.00
Drug Test:	\$0.00
Psych Test:	\$0.00
Extradition:	\$0.00
DNA fee:	\$0.00
<b>Total Amount Due:</b>	<b>\$0.00</b>

Please remit payment in the form of a Money Order, Cashier's Check, or personal check made payable to: Division of Parole and Probation. Do not leave the payee line or the "Pay to the Order of" line blank. Alternatively, you may pay by e-check by calling (775) 684-2614 during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (closed on all public holidays). Please have your bank account and routing number available. Do not make payments with cash. Keep a copy of your payment for your records. Print your name and BIN number under your signature for proper identification.

Mail your payment to:  
**Division of Parole and Probation**  
**1445 Old Hot Springs Rd., # 104**  
**Carson City, NV 89706**

If the above total amount is not received by the Division of Parole and Probation within 30 days from the date of this letter, your account will be turned over to the State Controller and/or an independent collection agency as allowed by Nevada Revised Statutes (NRS) Chapter 353C. In addition, pursuant to NRS 353C.135, a collection agency may charge collection costs and fees up to 35% of the debt owed or \$50,000.00, which ever is less.

This is your final notice from the Division of Parole and Probation.

Respectfully,

Nevada Division of Parole & Probation  
Fiscal Services