

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, NV 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CONNIE S. BISBEE, *Chairman*
TONY CORDA, *Member*
ADAM ENDEL, *Member*
SUSAN JACKSON, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
BRIAN SANDOVAL
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, NV 89119
<http://parole.nv.gov>
(702) 486-4370
FAX (702) 486-4376

CONNIE S. BISBEE, *Chairman*
ED GRAY, JR., *Member*
MICHAEL KEELER, *Member*
MAURICE SILVA, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

December 26, 2013

Brenda Erdoes, Legislative Counsel
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701-4747

Subject: Comprehensive Review of Parole Standards (NRS 213.10885) and Annual Report to the Legislature.

On or before January 1 of each even numbered year, the Board of Parole Commissioners (Board) is required to perform a comprehensive review of the standards adopted pursuant to NRS 213.10885(6).

The Board held a public meeting on December 17, 2013 where it decided not to make any changes to current procedures. This decision was made after Board members reviewed an analysis of changes to the Board's Guideline Recommendations that had been implemented in November, 2012. Said changes were predicated on recommendation by Dr. James Austin of JFA Associates.

Please do not hesitate to contact me should you have any additional questions. I may be reached at cbisbee@parole.nv.gov or (775) 687-5049.

Sincerely,

Connie S. Bisbee
Connie S. Bisbee, Chairman
Nevada Board of Parole Commissioners

cc.: Members of the Board

Table of Contents

Comprehensive Review of Parole Standards - NRS 213.10885(6)3
Bi-annual Report of Parole Board Activities and Decisions - NRS 213.10885(7).....4

- (a) The number and percentage of the Board’s decisions that conflicted with the standards.....4
- (b) The results and conclusions from the Board’s review pursuant to subsection 6, whether the standards will be effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.....5
- (c) Any changes in the Board’s standards, policies, procedures, programs or forms that have been or will be made as a result of the review.....6

Comprehensive Review of Parole Standards - NRS 213.10885(6)

NRS 213.10885 requires that standards be adopted to assist the Board in determining whether to grant or revoke parole. These standards are to be based on objective criteria for determining the each inmate's probability of success on parole.

In establishing the standards, the Board is required to consider factors that are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. These factors include, but are not limited to, the following:

- a) The severity of the crime committed;
- b) The criminal history of the person;
- c) Any disciplinary action taken against the person while incarcerated;
- d) Any previous parole violations or failures;
- e) Any potential threat to society or to the convicted person; and
- f) The length of his or her incarceration.

The standards must also provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

NRS 213.10885(5) requires that if a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole, and that other standards should be adopted.

Bi-annual Report of Parole Board Activities and Decisions - NRS 213.10885(7)

The information in the next three subsections is required by NRS 213.10885 (7):

(a) The number and percentage of the Board's decisions that conflicted with the standards.

Table 1 shows parole actions that deviated from Guideline Recommendation for the quarters after the new Guideline Recommendations were adopted. The Total Hearings figure excludes "No Actions" and Rescissions that were made because an inmate became ineligible for parole.

Table 1: Parole Actions that Deviated - New Guideline Recommendations * #

<i>Quarter</i>	<i>Favorable (Under)</i>		<i>Unfavorable (Over)</i>		<i>Total Hearings</i>
	<i>Actions</i>	<i>%</i>	<i>Actions</i>	<i>%</i>	
FY 13 – Qtr 2 (Oct 12 – Dec 12)	10	1.40%	32	5.90%	1,769
FY 13– Qtr 3 (Jan 13 – Mar 13)	1	0.10%	23	4.50%	1,673
FY 13 – Qtr 4 (Apr 13 – Jun 13)	1	0.20%	25	4.20%	1,743
FY 14 – Qtr 1 (Jul 13– Sep 13)	4	0.60%	26	4.90%	1,723
Total or % Average	16	.58%	106	4.88%	6,908

The second quarter of FY13 includes one month of actions under the prior set of guidelines. The second quarter's actions are broken out in Table 2. Differences in %'s in FY13 Qtr 2 and the breakout below are because of rounding.

Table 2: Breakout of FY13, Qtr 2

<i>Quarter</i>	<i>Favorable (Under)</i>		<i>Unfavorable (Over)</i>		<i>Total Hearings</i>
	<i>Actions</i>	<i>%</i>	<i>Actions</i>	<i>%</i>	
October 2012 (Prior Guidelines)	4	1.6%	8	4.00%	647
November, 2012	5	2.0%	12	6.40%	611
December, 2012	1	0.50%	12	7.7%	511
Total or % Average	10	1.37%	32	6.03%	1,769

* Quarter 2 of FY13 includes one month of data (October, 2012) that was calculated using the old Guideline Recommendations

Source: Quarterly spreadsheets used to prepare reports submitted for FY13, FY14

Table 3 shows historical data that shows when decisions deviated from Guideline Recommendation for the two years prior to the new Guideline Recommendations adoption.

Table 3: Parole Actions that Deviated - Previous Guideline Recommendations**

<i>Quarter</i>	<i>Favorable (Under)</i>		<i>Unfavorable (Over)</i>		<i>Total Hearings</i>
	<i>Actions</i>	<i>%</i>	<i>Actions</i>	<i>%</i>	
FY 11 – Qtr 2 (Oct 10 – Dec 10)	16	1.90%	12	2.30%	1,872
FY 11 – Qtr 3 (Jan 11 – Mar 11)	8	1.00%	12	2.40%	1,792
FY 11 – Qtr 4 (Apr 11 – Jun 11)	14	1.80%	10	2.20%	1,698
FY 12 – Qtr 1 (Jul 11– Sep 11)	11	1.40%	16	3.10%	1,765
FY 12 – Qtr 2 (Oct 11 – Dec 11)	20	2.30%	19	4.00%	1,797
FY 12 – Qtr 3 (Jan 12 – Mar 12)	4	0.60%	18	3.40%	1,736
FY 12 – Qtr 4 (Apr 12 – Jun 12)	12	1.80%	12	2.50%	1,600
FY 13 – Qtr 1 (Jul 12– Sep 12)	18	2.60%	14	2.70%	1,686
Total or % Average	54	1.83%	63	3.15%	12,250

Table 4 shows that under the new guidelines the Board now acts more conservatively when taking action. The Board has

- Been about 68% less likely to deviate from the Guideline Recommendations when granting parole.
- Deviated almost 55% more often from the Guideline Recommendations when denying parole than in the previous two years.

Table 4: Comparison of Recent and Historical Deviations

<i>Item</i>	<i>% Favorable (Under)</i>	<i>% Unfavorable (Over)</i>
Recent History	.58%	4.88%
Prior two-year period	1.83%	3.15%
Percentage Change (RH-PP)/PP	-68.3%	54.9%

(b) The results and conclusions from the Board's review pursuant to subsection 6, whether the standards will be effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

A decision to parole is usually made three months in advance to allow for appropriate processing. Therefore, inmates who receive favorable decisions that were made in November, 2012 were not released until February, 2013. With about nine months of data, it is too early to tell whether the Board's actions will result in a lower recidivism rate.

(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

The Board conducted a public meeting on October 29, 2012. Dr. James Austin reviewed the current parole standards and made suggestions for change as he presented the JFA Institute's revalidation analysis.

NRS 213.10885(5) requires that if a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole, and that other standards should be adopted. Therefore, The Board made changes in the Guideline Recommendations in November, 2012. These changes were reflected in revisions to forms and by adjusting the programming of appropriate modules of the Northern Nevada Offender Tracking Information System (NOTIS).

As noted in section (b), above, additional actions may be appropriate after sufficient time has elapsed to evaluate the results of the changes that have implemented. No other changes are proposed at this time.