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## NEVADA BOARD OF PAROLE COMMISSIONERS

March 5, 2013

To: Richard Combs, Director, Legislative Counsel Bureau

From: Connie S. Bisbee, Chairman

RE: Parole Board Quarterly Report of Actions October 1, 2012 through December 31, 2012.

Please find attached the Quarterly Report of Parole Board Actions for the period October, 2012 through December, 2012. (Q2 – FY 2013.) This report is prepared in accordance with NRS 213.10887: “Board to compile, maintain, organize and tabulate information concerning decisions regarding parole.”

This report is organized by sections as follows:

- Section 1: Summary of all parole decisions during the reporting period. Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions.
- Section 2: Summary of parole actions based on the parole guideline recommendation.
- Section 3: Summary of parole actions that deviate from the guideline recommendation.
- Section 4: Summary of parole actions by offense group.
- Section 5: Summary of the reasons for parole actions, including reasons for deviating from the parole guideline recommendation. Reasons for actions on individual cases are on file at the Carson City Office of the Parole Board and are available upon request.

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## Section 1. Summary of all parole decisions during the reporting period

### Quarterly Totals

Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions. Hearings that resulted in 'No Action' being taken and hearings resulting in the rescission of a parole as a result of ineligibility are also displayed in the following table.

	Male	Female	Total
Discretionary Parole Hearings	1116	163	1279
Discretionary Paroles Granted	602	131	733
Discretionary Paroles Denied	514	32	546
Mandatory Parole (MPR) Hearings	443	47	490
Mandatory Paroles Granted	265	34	299
Mandatory Paroles Denied	178	13	191
Discretionary Parole Violations Hearings	205	29	234
Discretionary Paroles Continued (Reinstated)	50	5	55
Discretionary Paroles Revoked	155	24	179
MPR Release Violation Hearings	17	0	17
MPR Violators Continued (Reinstated)	0	0	0
MPR Violators Revoked	17	0	17
Total Decisions	1781	239	2020
Total Grant/Continued	917	170	1087
Total Denied/Revoked	864	69	933
Hearings with No Action	176	10	186
Rescissions (not eligible)	3	0	3
Total Hearings	1,960	249	2,209

### Percentage of Action by Gender

Percent of Action by Gender	Male	Female	Total
Percent of Discretionary Parole Granted	53.9%	80.4%	57.3%
Percent of Mandatory Parole Granted	59.8%	72.3%	61.0%
Total Discretionary/MPR Grant Rate	55.6%	78.6%	58.3%

## Section 2: Statistics of parole actions based on the parole guideline recommendation

The following charts represent discretionary and mandatory parole actions based on the discretionary parole guideline. The MPR actions appear as reference only. The guideline for consideration for release under NRS 213.1215 (Mandatory Parole) is whether there is a reasonable probability that the prisoner would be a danger to public safety. When an inmate being considered for release under Mandatory Parole is denied, the underlying reason is the determination that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.

<b>Discretionary Parole Actions by Guideline Recommendation</b>			
	Granted	Denied	% Granted
Parole at Initial	180	26	87%
Parole at 1st or 2 <sup>nd</sup> Hearing	335	149	69%
Consider Factors	208	232	47%
Deny Parole	10	139	7%
Total	733	546	57%
<b>Mandatory Parole Actions by Guideline Recommendation</b>			
	Granted	Denied	% Granted
Parole at Initial	38	11	78%
Parole at 1st or 2 <sup>nd</sup> Hearing	139	41	77%
Consider Factors	111	66	63%
Deny Parole	11	73	13%
Total	299	191	61%

### **Section 3: Summary of parole actions that deviated from the discretionary parole guideline**

The following represents the number of inmates who were denied parole when the guideline recommended parole should be granted (denials when the guideline recommends parole be granted at 1st or 2nd hearing would become a deviation when parole is denied at the 2nd hearing):

# of Actions to Deny Parole that Deviated:	32
Total Number of Discretionary Denials:	546
Percent of Deviation:	5.9%

The following represents the number of inmates who were granted parole when the guideline recommended parole should be denied:

# of Actions to Grant Parole that Deviated:	10
Total Number of Discretionary Grants:	733
Percent of Deviation:	1.4%

## Section 4: Summary of parole actions by offense group

The following charts represent parole actions by offense group as defined by the Department of Corrections. Offenses appearing in the "Sex" category include offenses such as "Prostitution with HIV," "Pandering" and "Failure to Register as a Sex Offender." Offenses that involved violence during the commission of the offense, but with an actual conviction title that would not by itself appear to be violent will not appear in the "Violence" offense group (i.e. a Burglary conviction that included striking a resident would appear in the "Property" offense group). Offenses appearing in the "Other" offense group includes offenses that can not be readily categorized into one of the other offense groups (i.e. Habitual Criminals, gaming related offenses and Victim over 65 Enhancement which could be a property or violent offense).

	<b>Sex</b>	<b>Violence</b>	<b>Drug</b>	<b>Property</b>	<b>DUI</b>	<b>Other</b>	<b>Total</b>
Reg Parole Hearings	119	348	238	423	54	97	1279
Reg Par Hearings Granted	49	143	187	271	35	48	733
Percent Favorable	41%	41%	79%	64%	65%	49%	57%

MPR Hearings	33	173	70	142	34	38	490
MPR Hearings Granted	16	89	56	93	21	24	299
Percent Favorable	48%	51%	80%	65%	62%	63%	61%

Total Parole Hearings	152	521	308	565	88	135	1769
Total Parole Grants	65	232	243	364	56	72	1032
Percent Favorable	43%	45%	79%	64%	64%	53%	58%

PV Hearings	18	47	47	110	6	23	251
PV's Reinstated	7	10	7	23	1	7	55
Percent Favorable	39%	21%	15%	21%	17%	30%	22%

Total	170	568	355	675	94	158	2020
Total Favorable	72	242	250	387	57	79	1087
Percent Favorable	42%	43%	70%	57%	61%	50%	54%

## Section 5: Reasons for each parole action

The following provides a summary of the reasons for each decision to grant, deny, continue or revoke parole, including reasons for deviating from the parole guideline recommendation.

When acting to grant or deny parole, more than one reason may be selected. Reasons for each specific case are available upon request in the Carson City office of the Board of Parole Commissioners.

When the "Other" reason is selected, written comments are manually entered. Those comments are also available upon request at the Carson City office of the Parole Board.

### ***Reasons for Granting Discretionary Parole Release:***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
498	The parole guideline recommends that parole be granted, and there are no serious reasons to deviate from the guideline recommendation.
144	The inmate has no prior or minimal criminal conviction history.
90	The inmate has a positive institutional record.
222	The inmate has participated in programs specific to addressing behavior that led to incarceration.
20	The inmate has adjusted in a positive manner to a work release program or other assignment as community trustee.
37	The inmate has successfully completed a prior period of parole or probation.
152	The inmate has stable release plans.
103	There is a detainer lodged by other jurisdiction.
106	The inmate must serve a consecutive sentence.
44	Case factors suggest parole may be appropriate at this time.
223	There is community and/or family support.
5	Other
1,644	Total

***Reasons for Denying Discretionary Parole Release***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
233	Prior prison term did not deter future criminal activity.
39	Prior conviction for a sexual offense.
185	Prior conviction for a violent offense.
245	Repetitive criminal conduct.
188	Significant prior criminal history.
35	Disruptive institutional behavior, or poor disciplinary record.
3	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
33	Multiple prior parole/probation revocations.
81	Nature of criminal record is increasingly more serious.
72	Crime was targeted against a child or person at greater vulnerability because of age/disability.
241	Impact on victim(s) and/or community.
9	The extreme or abnormal aspects of the crime.
4	Inmate has indicated an unwillingness to comply with the terms of parole.
147	Risk factors indicate the inmate is a high risk to commit a new felony.
1	Refusal to participate in a treatment program.
13	Removal from community supervision program.
99	Parole Guideline recommends parole denial and other factors do not indicate the Board should deviate from the guideline.
2	The inmate has a conviction for a sex offense, and there is insufficient risk information to indicate that there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws.
1	The Board does not have enough adequate information to allow it to make a decision to grant parole.
21	Other
13	Inmate refused to participate in the hearing process.
21	Inmate does not want parole, and requested to expire sentence.
35	Inmate was convicted of a new felony while serving a prior period of community supervision.
1,721	Total



***Reasons for Recommending Discretionary Parole Release when the Guideline Recommends Denial***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
2	The inmate has been infraction free for two years or more to hearing month.
5	The inmate has participated in programs specific to addressing the behavior that led to incarceration.
4	Community and/or family support
9	Pending CS sentence or detainer
2	Other
22	Total

***Reasons for Denying Discretionary Parole Release when the Guideline Suggests Parole Should be Granted***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
20	Prior prison term did not deter future criminal activity.
5	Prior conviction for a sexual offense.
10	Prior conviction for a violent offense.
18	Repetitive criminal conduct.
17	Significant prior criminal history.
2	Disruptive institutional behavior, or poor disciplinary record.
2	Multiple prior parole/probation revocations.
3	Nature of criminal record is increasingly more serious.
1	Crime was targeted against a child or person at greater vulnerability because of age/disability.
6	Impact on victim(s) and/or community.
1	The extreme or abnormal aspects of the crime.
1	Inmate has indicated an unwillingness to comply with the terms of parole.
2	Other
1	Inmate requested to expire sentence.
3	Inmate was convicted of a new felony while serving a prior period of community supervision.
92	Total

***Reasons for Granting Mandatory Parole Release***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
298	The inmate is eligible for release in accordance with NRS 213.1215 and the case factors do not suggest that the inmate would be a danger to public safety if released on parole.
2	The prisoner was under the age of 16 when he committed the crime which resulted in a sentence of life with parole, and the Board is required by statute to grant parole in accordance with NRS 213.1215(2).
300	Total

**Reasons for Denying Mandatory Parole Release (NRS 213.1215)**

<i>Frequency</i>	<i>Reason</i>
90	The parole guidelines indicate the prisoner is a high risk to re-offend.
3	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
15	The prisoner has made statements indicating he/she will refuse to comply with the terms and conditions of parole.
49	The prisoner has a history of convictions for violent crimes.
3	The prisoner has engaged in violent behavior while incarcerated.
5	The prisoner has been convicted of multiple felony offenses of driving under the influence of intoxicating liquor or a controlled substance.
5	The prisoner has previously committed crimes while on community supervision.
10	The criminal conduct of the prisoner has increased in severity over time.
1	The prisoner has demonstrated an attitude or behavior which indicates that the prisoner favors a criminal lifestyle (i.e. gang activities, planning escapes or other criminal activity, etc)
39	Other
220	Total

**Reasons for Taking No Action**

<i>Frequency</i>	<i>Reason</i>
21	Inmate was moved after hearing date was set. Will be rescheduled upon publication of new eligibility list.
7	Inmate not eligible due to new felony conviction. Inmate will be re-scheduled when eligible.
25	Inmate was not available at the time of the hearing.
32	No action taken due to lack of information needed to make a recommendation.
2	The inmate has been convicted of an offense listed in NRS 213.1214(8), or has a current/past conviction for an offense listed in NRS 213.1214(11)(c). The Parole Board has requested that an evaluation be conducted in accordance with NRS 213.1214. A parole hearing will be re-scheduled and conducted once the Board is in receipt of the evaluation.
2	Prior action to deny parole.
2	Prior action to grant parole.
3	Inmate not eligible due to change or correction in sentence structure or credits earned/lost per NDOC Records.
22	The inmate is in the custody of another jurisdiction and not enough information was provided to make an informed decision to grant or deny parole.
41	The inmate is pending new criminal charges. Will be rescheduled once the new charges have been adjudicated.
5	The attorney appointed to represent the inmate during parole revocation proceedings was not present at the scheduled time.
16	Inmate not given proper notice of the hearing.
2	Inmate not eligible for parole for reasons other than new sentence or credit adjustment
1	Inmate expired prior to eligibility.
10	Inmate or inmate's counsel requested a continuance
1	Inmate needs to be considered by three commissioners, and three were not available at the hearing.
14	Hearing continued until a psychological panel is conducted in accordance with NRS 213.1214.
3	Inmate expired after being scheduled, but before the hearing took place.

20	Other
26	No PSI, or specific information related to the offense was available to the Board at the time of the hearing
255	Total

Reasons for Revoking and Reinstating Parole are on file at the Carson City office of the Board of Parole Commissioners

cc: Mark Teska, Dept. of Public Safety  
Julie Strandberg, Department of Administration