

Q. Can you tell me, does Nevada law state and/or does the parole board believe it is bound by the data with the National Crime Information Center? Can it only consider information that is included in the clearinghouse?

A. There is no law as you described, and the Board does not believe that it is bound by the data in the NCIC. When considering criminal conviction history, the Board relies on the pre-sentence investigation prepared for the Court prior to sentencing. Generally, when additional information related to criminal history is discovered after the PSI is created; the Division of Parole and Probation will provide a post-conviction report to the Board providing the information missing from the original PSI.

Q. Or could the board have decided based on other information that it wanted to consider the 1989 no contest plea to spousal abuse?

A. The Board only considers criminal history that is part of an official record because of the various legal remedies defendants have (depending on jurisdiction) to expunge, set aside, seal or have dismissed prior criminal actions. An official record does not have to be a post-conviction report and can be information submitted by any criminal justice agency regarding the disposition of a case. Since the Board is a quasi-judicial agency, conviction information must be reliable in order for the Board to consider it.