

Victim Information for Parole Hearings

This document is intended to provide information regarding the general parole hearing process with respect to crime victims in Nevada. Nevada law protects and provides specific rights to victims at parole hearings.

Parole hearings are open to the public¹. In an effort to balance the need to protect personal victim information in a public forum, we have prepared this document to enable victims to make informed decisions regarding participation in the parole hearing process.

The Nevada Constitution defines a victim as:

“...Any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim’s estate, member of the victim’s family or any other person who is appointed by the court to act on the victim’s behalf...”

Nevada Revised Statutes defines a victim as:

NRS 213.005

3. “Victim” includes:

- (a) A person, including a governmental entity, against whom a crime has been committed;**
- (b) A person who has been injured or killed as a direct result of the commission of a crime; or**
- (c) A relative of a person described in paragraph (a) or (b).**

For the purposes of this paragraph, a “relative” of a person includes:

- (1) A spouse, parent, grandparent or stepparent;**
- (2) A natural born child, stepchild or adopted child;**
- (3) A grandchild, brother, sister, half brother or half sister; or**
- (4) A parent of a spouse.**

The Parole Board considers both of these definitions when determining whether an individual is a victim.

ATTENDANCE & TESTIMONY AT PAROLE HEARINGS

Parole hearings are open to the public. Parole release hearings are generally video teleconferenced from one of the parole board offices (Las Vegas or Carson City) to the prison location where the inmate is housed.

Visitors (victims, supporters, press or other interested persons) may attend parole release hearings at either the designated panel location or at the prison location where the inmate is housed. The Board does not conduct “three-way” video hearings or allow persons to “call-in” to submit testimony. All

¹ NRS 213.131(3)

participation in the parole hearing process must take place by attending at either the designated panel location or the video conference location where the inmate is housed.

Parole violation hearings are generally held at the prison where the alleged parole violator is housed. These locations are typically prison intake centers located reasonably close to the location where the inmate was being supervised when the alleged violation occurred. The three Nevada prison intake facilities where parole violation hearings are held are located at Northern Nevada Correctional Center (NNCC) in Carson City, Nevada; High Desert State Prison (HDSP) located in Indian Springs, Nevada; and Florence McClure Women's Correctional Center (FMWCC) located in Las Vegas, Nevada.

Visitors attending parole hearings should indicate to the Parole Board staff if they are a victim of an offender being considered for parole. Victims will be provided information related to the parole hearing process and should indicate to the Board whether they plan to testify or not. A victim who is also a supporter of an offender should still identify themselves to the Parole Board as a victim. Victims are afforded certain constitutional and statutory rights whether they intend to oppose or support the release of an offender on parole and the Board shall afford all victims the same rights whether they oppose or support the parole of a prisoner.

Victims attending a parole hearing at a prison location must inform the correctional staff upon arrival that they are a victim of the offender being considered for parole. This allows their information can be relayed to the board through the caseworker so we can ensure the rights afforded to victims are accommodated at the video conference location.

Since parole hearings are open to the public, the attendance of a victim at a parole hearing cannot be confidential.

TESTIMONY IN GENERAL

Parole hearings will be conducted with respect and decorum by all participants. Visitors in attendance must refrain from overtly reacting to statements made during a hearing.

The Parole Board Panel Members will conduct the hearing with the inmate and the inmate's representative (if any) prior to permitting any other testimony. Once all general parole hearing discussion has concluded, one representative of any supporters of the inmate in attendance (in the hearing room and/or at the inmate location) will be permitted to testify.

Upon the conclusion of any supporter testimony, any victims in attendance (in the hearing room or at the inmate location) will be permitted to speak on the record.

When appropriate, the panel may ask questions of any person testifying at a parole hearing and may also reopen a dialog with the inmate following any public testimony. The Board will not generally permit an inmate to respond or provide input to the Panel regarding any supporter or victim testimony.

All public testimony must be directed to the parole hearing panel members, and not to the inmate or toward other persons in attendance. The Panel may terminate the testimony of a person if the testimony violates the good order and decorum of the hearing.

WHEN A VICTIM DOES NOT WANT TO TESTIFY PUBLICLY

When a victim does not want to testify publicly, the victim will be allowed to submit any information deemed confidential to the Panel prior to the onset of the hearing. The Panel may provide information relative to the hearing and parole process, protection of victim information or other general information to the victims at this time. Once the hearing has concluded, the Panel may explain the post hearing processes to the victims and answer any questions victims may have. Information relative to the case that is not personal victim information is not permitted to be discussed privately.

WHEN A VICTIM INTENDS TO TESTIFY PUBLICLY ON THE RECORD

A victim who wishes to testify publicly will be allowed to submit any information deemed confidential to the Panel prior to the onset of the hearing that they do not intend to submit publicly.

Victims will be permitted to testify at the conclusion of the hearing, after all other matters and testimony has taken place. Once a victim has testified, the hearing will conclude without any further comments or input unless expressly permitted by the Panel members.

TIME LIMITS ON TESTIMONY

The panel may limit testimony from any person to three minutes, particularly when testimony becomes repetitious or deviates from the subject at hand.

Nevada Law permits each victim of crime to testify at a parole hearing. As such, the Panel will not limit the number of victims speaking at a hearing.

When multiple victims are present and their testimony will be similar to each other, the Board may ask that a spokesperson represent and speak on behalf of all or most of the victims in attendance. While time constraints may still be imposed on a spokesperson, the panel will be more liberal with any time restrictions placed upon a victim spokesperson when multiple victims are in attendance.

The Parole Panel will generally limit the number of persons speaking in support of an offender to one spokesperson. The panel has the discretion to permit additional testimony from supporters when time permits, the additional testimony would not be repetitious and such additional testimony would aid in a parole decision.

PAROLE HEARING RESULTS

The recommendation of a parole hearing panel is subject to final approval by the affirmative action of a majority of the members appointed to the Board². Panel member votes and recommendations are not disclosed until a majority of the members of the Board have arrived at a final decision.

Final decisions are generally made and disclosed to the inmate and victim within approximately 2-3 weeks following the public hearing. Victims who have requested notification from the Parole Board will receive the results of the final decision in writing following the hearing.

² NRS 213.133(3)

VICTIMS OF CERTAIN SEXUAL OFFENSES.

The Parole Board video records its proceedings and recordings of parole hearings are publicly available. Nevada Statutes prohibit the Board from disclosing the identity³ (including a photograph) of victims of certain sexual offenses except when confidentiality is waived in accordance with NRS 200.3774. Victims of the following offenses should inform a Parole Board employee of their presence whether or not they plan to testify on a case involving any of the following offenses:

- Incest
- Sexual Assault
- Statutory Sexual Seduction
- Lewdness with a Child
- Sado-masochistic abuse
- Luring a child using a computer, system or network if punished as a felony
- An attempt of any of the above listed offenses

Victims of these certain sexual offenses will be provided a waiver to sign if they intend to testify publicly during a hearing.

PERSONAL INFORMATION IS CONFIDENTIAL

Subsection 8 of NRS 213.131 states:

All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

Written communications to the Board

All information contained in a written document submitted by a victim to the Board will be kept as confidential and not be disclosed directly or indirectly to anyone other than the Board, the judge, district attorney or others entitled to receive such information except when ordered by the Board or judge⁴. Offenders are not entitled to receive or review documents submitted by a victim at parole hearings.

Verbal Communications to the Board

Victims may submit personal information verbally in private to a panel of the Board prior to a hearing. Submitting personal information in this manner will not be recorded. Please note that since parole decisions require the votes of a majority of the members of the Board, and most cases are heard by panels that do not constitute a majority, any information submitted to a panel in this manner may not be shared with other voting members.

Verbal communications to the Board submitted during a parole hearing will be heard by any person present in the hearing including the offender and therefore will not be treated as confidential. Additionally, since parole hearings are recorded, any public testimony will be available for review by any person who requests it following the hearing.

³ NRS 200.3771, NRS 200.3772 & NRS 200.3773

⁴ NRS 213.1075

CONTACT

Most Parole Board staff can answer general questions related to parole hearing and decision matters. The Board does employ a full time staff member who coordinates victim notification matters and special requests and notifications by other interested persons. Interested persons are invited to contact the Parole Board victim services coordinator at 775-684-2684.

The Parole Board physical and mailing addresses are:

1677 Old Hot Springs Road, Suite A
Carson City, NV 89706
Phone: (775) 687-5049
Fax: (775) 687-6736

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DISCLAIMER:

This document was developed to provide information regarding the general parole hearing process with respect to crime victims in Nevada and may not be all inclusive. The information appearing in this document is for general informational purposes only and is not intended to provide legal advice to any individual or entity. With the exception of those rights or procedures specifically enumerated in the Nevada Constitution or the Nevada Revised Statutes, the Board reserves the right to alter these procedures as necessary to ensure order and efficiency. The establishment of this informational sheet it not intended to establish a cause of action or a basis to overturn the outcome of a hearing if strict adherence is not followed. This document may be revised from time to time without notice.