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NEVADA BOARD OF PAROLE COMMISSIONERS

November 28, 2016

To: Board of Parole Commissioners

Subject: Conditions of Parole

RE: Agenda Item V - Review and approval of language for general and special conditions of parole for use on future parole orders. The Board may also consider imposing a condition prohibiting of the use of recreational marijuana by all current and future parolees.

In 2014, the Board approved changes to the standard conditions of parole after a series of meetings between the Parole Board, the Division of Parole and Probation and the Department of Corrections. The meetings were facilitated by representatives of the National Institution of Corrections (NIC).

Currently, the Board only indicates on its orders any special conditions applicable to the person being released on parole. We have a request to modify the parole orders in the NOTIS system maintained by the Department of Corrections (NDOC) to return all the conditions set by the Board on the order rather than listing only the special conditions.

This agenda item requests the approval of changes to the standard conditions made in 2014, changes to the wording of the special conditions most often imposed by the Board, and adds a condition prohibiting the use of recreational marijuana.

If this agenda item is approved, we request that the conditions become effective in conjunction with the change-over to the new order in NOTIS.

1. Suggested changes to the 2014 standard conditions.

- a) Change to the payment of restitution and fees condition.

The wording on the current restitution condition has resulted in a misinterpretation at the Division with respect to the minimum monthly payment. The Board intended that if restitution was owed, the monthly restitution payment would be equal to an amount that would result in the full payment of restitution by the end of the period of supervision.

When the Board set this condition, the Division asked the Board to place a minimum payment requirement of \$50 in the event the calculation of the monthly payment was less than \$50. The Division explained that this was to facilitate an accounting requirement.

Personnel changes at the Division over time have resulted in a misinterpretation of the condition wording "... but no less than a monthly amount of \$50.00" to mean that a monthly payment of \$50.00 is an acceptable, even if the required monthly payment is determined to be more.

The suggested wording change clarifies the Board's intent as follows:

2014 Condition wording:

You shall pay court ordered restitution on a monthly basis in the amount equal to the total amount of restitution owed as determined by the Division of Parole and Probation at the projected date of release on parole, divided by the number of months to be served on parole, but no less than a monthly amount of \$50.00. The total amount of restitution owed is \$ _____. The monthly payment amount for restitution is \$ _____.

Suggested Change:

You shall pay any court ordered restitution by making payments until the balance is paid in full. The minimum monthly payment shall be established by dividing the balance owed at the time of release on parole by the number of projected months to be served on parole. If, after dividing the total restitution owed by the number of projected months to be served on parole the monthly payment is equal to an amount less than \$50, the monthly payment shall be \$50 until the balance is paid in full.

- b) Change to the wording of the "Conduct" condition.

The Parole Agreement includes language waiving extradition and submitting to search, but these provisions are not specifically listed as "conditions" of parole. In order to ensure the Division is able to enforce these other provisions, the following change is recommended:

2014 Condition Wording:

Conduct: Your conduct shall justify the opportunity granted to you by this community supervision.

Suggested Change:

Conduct: You shall cooperate with all the provisions stated on the parole agreement and your conduct shall justify the opportunity granted to you by this community supervision.

2. Addition of a new condition related to recreational marijuana.

The Nevada Marijuana Legalization Initiative (Question 2) passed on Election Day and will take effect on January 1, 2017. Question 2 legalized the recreational use of one ounce or less of marijuana by individuals 21 years of age or older.

With the legalization of marijuana in Nevada, it is recommended that the Board consider the recreational use of marijuana in the same light as the use of alcohol.

The Board currently prohibits most parolees from consuming alcohol whatsoever during their period of parole. In some cases, the Board allows parolees to consume alcohol, but in these cases they are prohibited from drinking alcohol to excess. Excess is defined as having a blood alcohol level of .08 or higher (the level of legal intoxication with respect to driving under the influence).

Unlike alcohol, there is not a “social” or casual component of using marijuana where the user does not become “intoxicated.” Because of this, it is recommended that any and all recreational marijuana be prohibited by parolees.

Suggested New Condition:

Recreational Marijuana: You shall not purchase, consume or have under your control marijuana in any form, except when such use is prescribed for use as a medicine in accordance with the provisions of chapter 453A of NRS.

3. Review of the special conditions of parole.

Included with this memo is a list of the current special conditions and the proposed changes. Many of the conditions listed on the special conditions list are no longer used. These changes provide a more current list which, if approved, will be incorporated on new hearing worksheets.

Suggested Motions:

Since the recommendation to prohibit recreational marijuana would be applied to current and future parolees, this condition should be stated as a separate motion, and be written as an order of the Board to current parolees.

1. I move that the standard and special conditions of parole be approved as submitted or with the following changes (state the changes on the record) and that their use become effective as soon as the IT changes for the parole grant orders and worksheets are implemented in the NOTIS system.

2. I move that the Parole Board issue an Order prohibiting the use of recreational marijuana to all current parolees, and future parolees who are released prior to this condition being stated on each Order granting parole.

Recommended Changes to Standard Conditions

General Conditions to be applied in all cases except when not relevant:

Directives: You shall follow the directives of the Division of Parole and Probation to include the following:

- A. You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation.
- B. You shall report in person to the Division of Parole and Probation as instructed by the Division or its agent. You shall submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
- C. You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
- D. You shall pay any court ordered restitution by making payments until the balance is paid in full. The minimum monthly payment shall be established by dividing the balance owed at the time of release on parole by the number of projected months to be served on parole. If, after dividing the total restitution owed by the number of projected months to be served on parole the monthly payment is equal to an amount less than \$50, the monthly payment shall be \$50 until the balance is paid in full.
- E. Pay all applicable fines and fees on a schedule determined by the Division of Parole and Probation.
- F. You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
- G. You shall not associate with convicted felons, persons who are engaged in criminal activity, or other persons with whom your supervising officer instructs you not to associate.
- H. You shall follow all the directives of your assigned Parole Officer.

Controlled substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall refrain from the use and possession of any synthetic/designer drug or any mind and/or body altering substance. You shall submit to drug testing as required by the Division or its agent.

Recreational Marijuana: You shall not purchase, consume or have under your control marijuana in any form, except when such use is prescribed for use as a medicine in accordance with the provisions of chapter 453A of NRS.

Intoxicants: You shall not purchase, consume or have under your control any alcohol beverage, unless specifically permitted by special condition of the Board. Upon the direction of the Division of Parole and Probation, you shall submit to a medically recognized test for blood/breath content.

Weapons: You shall not possess, have access to, or have under your control, any type of weapon unless the item is used in conjunction with the duties of legitimate employment and has been approved in writing by the Division of Parole and Probation or its agent.

Conduct: You shall cooperate with all the provisions stated on the parole agreement and your conduct shall justify the opportunity granted to you by this community supervision.

Laws: You shall comply with all institutional rules, municipal, county, state, and federal laws and ordinances.

Recommended Changes to Special Conditions

Additional/Special Conditions and/or instructions

1. Standard Conditions	No Additional Special Conditions
2. House Arrest Program NTE ____ days	The Board directs intensive supervision with an initial period of electronic supervision not to exceed ____ days unless extended by the Board following a written recommendation by the Chief Parole and Probation officer.
3. Maximum Supervision	The Board directs the maximum level of supervision established by the Division that does not include electronic monitoring.
4. Drinking Permitted	You are permitted to consume alcoholic beverages but not to excess. Upon the direction of the Division of Parole and Probation, you shall submit to a medically recognized test for blood/breath content. Test result of .08 blood alcohol or higher shall be sufficient proof of excess. <i>(when selected, delete intoxicants general condition)</i>
5. Mand SA eval, length ADN by subst abuse evaluator.	You must complete a substance abuse evaluation within 30 days of release from NDOC. Participate in treatment as instructed until released by a qualified treatment provider.
6. No Entry Bar Employ okay	You are not permitted to enter a bar or lounge for any purpose except employment.
7. Mand M/H Eval w/in 30 days. Treatment ADN by evaluator.	You must complete a Mental Health assessment within 30 days of release from NDOC. Participate in treatment as instructed until released by a qualified treatment provider.
8. DNR until MH med mgmt is coord'ted w/provider in comm.	Inmate is not to be released on parole until mental health medication management and treatment is coordinated with a provider in the community. Participate in any treatment as instructed until released by a qualified treatment provider. <i>(Use this when the offense occurred when the offender was off meds/likely caused because the person was off meds or because of their mental health disorder, and/or the person is taking meds in prison).</i>
9. No Victim Contact.	You may not contact or communicate with a victim of the offense or solicit another person to contact or communicate with a victim on your behalf unless approved in writing by the Division of Parole and Probation.
10. No contact w/gang members and no gang paraphernalia.	You may not contact or associate with gang members and you may not possess gang paraphernalia.
11. Release through HWH that includes drug/alc treatment.	Release only to a halfway house that specializes in the treatment for recovering alcohol and drug abusers. Duration of treatment as determined by the substance abuse treatment provider.
12. Enroll Anger Mgmt program w/in 30 days.	You must enroll in anger control management counseling within 30 days of release. You must actively participate in, and successfully complete any treatment as instructed by the treatment provider.
13. Enroll Dom. Violence program w/in 30 DOR	You must enroll in domestic violence counseling within 30 days of release. You must actively participate in, and successfully complete any treatment as instructed by the treatment provider.
14. No driving whatsoever	No driving whatsoever during term of parole. <i>(Consider this for any multiple DUI cases or DUI with death).</i>
15. No driving w/o approval	No Driving during term of parole except when authorized in writing by your supervising officer after presenting proof of legal authorization to drive and proof of insurance <i>(all other DUI offenders).</i>
16. Gambling Self Help	Mandatory self-help attendance to address gambling addiction.
17. DNE Casino/gaming	No gambling whatsoever, and do not enter a gaming establishment except for employment purposes, if employment is authorized in writing by your supervising officer.
18. Reentry Participation	Actively participate and/or complete any aftercare program prescribed by NDOC treatment program.
19. Reentry Court Compliance	Participate in and successfully complete a District Court Reentry program pursuant to NRS 209 & NRS 213.
20. Parole to CS	Apply Standard Institutional Parole Conditions
21. Sex Offender Conditions	Apply Sex Offender Conditions From Worksheet & include community notification condition. <i>"If the offender has been convicted of an offense listed in NRS 179D.097, do not release under the Central Repository for Nevada Records of Criminal History has been provided an opportunity to give the notice required pursuant to NRS 179D.475 (community notification)."</i>
28. Free Flow Text	

Current Special Conditions

1. Standard Conditions	No Special Conditions. Standard Conditions Only.
2. House Arrest NTE 90 days	The Board directs intensive supervision with an initial period of electronic supervision to be determined by the Division of Parole and Probation but not to exceed 90 days unless approved by the Parole Board.
3. Mand S/H for Alc/Subst abuse	Mandatory self help attendance to address alcohol/substance abuse.
4. Mand S/H for Gambling	Mandatory self help attendance to address gambling addiction.
5. No entry gaming for any purpose	Do not enter any gaming establishment for any purpose.
6. No entry gaming-employ OK	Do not enter any gaming establishment for any purpose except for employment.
7. No gambling whatsoever	No gambling whatsoever during term of parole.
8. No drinking whatsoever	For P&P: Indicate "no drinking whatsoever" under the standard condition of parole regarding intoxicants.
9. No entry bar or lounge	Do not enter any bar or lounge for any purpose.
10. No entry bar Employ OK	Do not enter any bar or lounge for any purpose except for employment.
11. Res HWH ADN by P&P	Residential halfway house as deemed necessary by P&P.
12. HWH for alc/drug abusers	Halfway house for recovering alcohol and drug abusers.
13. HWH for drug/alc. Duration	Halfway house for recovering alcohol and drug abusers. Duration determined by subst. abuse evaluator.
14. DNA/Polygraph	Submit to polygraph/DNA testing as deemed necessary by P&P
15. No Victim Contact	May not contact or solicit another to contact the victim or victim's family w/out permission from P&P.
16. No Gang Assn/materials	No contact or association with gang members and no possession of gang paraphernalia.
17. Mand IPSAC - Duration eval	Mandatory inpatient treatment for abuse of alc. or drugs. Duration determined by treatment evaluator.
18. IPSAC ADN P&P	Facility for the treatment of abuse of alcohol or drugs (inpatient) as deemed necessary by P&P.
19. OPSAC	Outpatient substance abuse counseling program.
20. Mand OPSAC Duration eval	Mandatory outpatient substance abuse counseling. Duration determined by substance abuse evaluator.
21. Satisfy Warrants	Must satisfy any or all warrants within ___ days of parole date without fail.
22. Anger Mgt ADN P&P	Attend anger control management counseling as deemed necessary by Parole and Probation.
23. Mand M/H eval prof treat	Mandatory mental health evaluation. Treatment as deemed necessary by Mental Health Professional.
24. Mand M/H Counseling	Mandatory mental health counseling.
25. No Driving	No driving of a motor vehicle during term of parole.
26. No Driving except	No driving during term of parole except for employment, counseling and/or supervision purposes only.
27. Sex offender conditions	Comply with special conditions for sex offenders (see attached).
28. Free Flow Text	
29. No Computer	Not to own or use a computer, including w/out limitation, use electronic mail, a chat room or Internet.
30. Mand SA eval, prof treat	Mandatory subst. abuse evaluation. Participation & treatment until released by qualified provider.
31. Mand MH eval, prof treat	Mandatory mental health evaluation. Treatment as deemed necessary by Mental Health Professional.
32. Reentry Participation	Actively participate and/or complete any aftercare program prescribed by NDOC treatment program.
33. Domestic Violence Couns.	Mandatory counseling for domestic violence. Duration as deemed necessary by treatment counselor.
34. Re-entry Court Compliance	Participate in and successfully complete a District Court Re-entry program pursuant to NRS's 209 & 213.
35. House Arrest insert # of days	The Board directs intensive supervision with an initial period of electronic supervision not to exceed _____ days unless extended by the Board following a written recommendation by the Chief Parole and Probation officer.
36. To CS Sent.	If applicable, four months prior to release to the community, contact the Division of Parole and Probation, Pre-release, and establish a viable release plan. The Board will impose any special conditions regarding community release at that time. It is the Order of the Board that the inmate is not to be released to the community until any proposed release plans are investigated and approved by the Division of Parole and Probation.

State of Nevada
Board of Parole Commissioners
PAROLE AGREEMENT

_____ was sentenced in the State of Nevada to imprisonment in the Nevada Department of Corrections for the crime of _____. The Board of Parole Commissioners, by virtue of the authority vested in it by the laws of the State of Nevada, hereby authorizes the Director of the Department of Corrections to allow said _____ on the _____ day of _____, _____, or as soon thereafter as a satisfactory program can be arranged and approved by the Division of Parole and Probation, to go upon parole outside the prison buildings and enclosure, subject to the following conditions:

- 1. Directives: You shall follow the directives of the Division of Parole and Probation to include the following:
- You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation.
- You shall report in person to the Division of Parole and Probation as instructed by the Division or its agent.
- You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission.
- You shall pay court ordered restitution on a monthly basis in the amount equal to the total amount of restitution owed as determined by the Division of Parole and Probation at the projected date of release on parole, divided by the number of months to be served on parole, but no less than a monthly amount of \$50.00.
- Pay all applicable fines and fees on a schedule determined by the Division of Parole and Probation.
- You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
- You shall not associate with convicted felons, persons who are engaged in criminal activity, or other persons with whom your supervising officer instructs you not to associate.
- You shall follow all the directives of your assigned Parole Officer.
2. Controlled substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional.
3. Intoxicants: You shall not purchase, consume or have under your control any alcohol beverage, unless specifically permitted by special condition of the Board.
4. Weapons: You shall not possess, have access to, or have under your control, any type of weapon unless the item is used in conjunction with the duties of legitimate employment and has been approved in writing by the Division of Parole and Probation or its agent.
5. Conduct: Your conduct shall justify the opportunity granted to you by this community supervision.
6. Laws: You shall comply with all institutional rules, municipal, county, state, and federal laws and ordinances.
7. Special Conditions:

Credits: You shall receive no credit on this sentence during any period of time that you are absent from supervision and deemed to be an absconder. The projected parole expiration date is based upon the assumption that you will earn the maximum number of credits available to be earned while on parole. If you fail to work and/or program diligently, fail to keep current with any payments toward restitution and supervision fees or fail to comply with the terms of parole, you may not receive the additional credits off your sentence that have been projected on this document. The Nevada Department of Corrections (NDOC) is responsible for calculating and applying credits to the sentences of inmates and parolees. The projected parole expiration date on this document is subject to change based on credit earnings and/or adjustments as determined by the NDOC. Credits for good time earned on parole may be forfeited if you are found guilty of a violation. Pursuant to NRS 213.15185, all good time credits previously earned to reduce your sentence are forfeited upon revocation of parole.

This parole is granted to and accepted by you, subject to the conditions stated herein, and with the knowledge that the Board of Parole Commissioners has the power, at any time, in case of violation of the conditions of parole to cause your detention and/or return to prison.

Your Projected Parole Expiration Date based on maximum credit earning is: _____
Your maximum Parole Expiration Date based upon not earning any credits is: _____

_____ Dated: _____
Chief Parole Officer

AGREEMENT BY PAROLEE

I do hereby waive extradition to the State of Nevada from any state in the United States, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or the State of Nevada. I shall submit my person, property, place of residence, vehicle, or areas under my control to search at any time of the day or night, with or without a search warrant or with or without cause, for evidence of a crime or violation of parole by a Parole Officer or any other Peace Officer. I have read or had read to me, the conditions of my parole, and I fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I, in any manner, violate the foregoing conditions.

Parolee: _____ Date: _____ Witness: _____ Date: _____

The form design and parole conditions specified herein are approved by the Board of Parole Commissioners in accordance with the order authorizing parole. Information specific to the individual named on this form including sentence details, restitution owed, case number and projected expiration dates have been compiled by the Division of Parole and Probation, and do not necessarily reflect the approval of the Board of Parole Commissioners. Inquiries related to suspected errors in projected expiration dates or case/sentencing information should be addressed to the Department of Corrections or the Division of Parole and Probation.

Current Institutional Parole Conditions

State of Nevada
Board of Parole Commissioners

INSTITUTIONAL PAROLE AGREEMENT

NDOC No. _____

File No. _____

CC No. _____

_____ Nevada _____

On the ____ day of _____, _____, _____ was sentenced by _____, District Judge of the ____ Judicial District Court, to imprisonment in the Nevada Department of Corrections, for the crime of _____

The Board of Parole Commissioners, by virtue of the authority vested in it by the laws of the State of Nevada, hereby authorizes the Director of the Department of Corrections to allow said _____ on the ____ day of _____, _____, to begin serving parole institutionally with the following conditions:

1. **Disciplinary Conduct:** You shall comply with NDOC Administrative Regulation 707 (Inmate Disciplinary Process) and conduct yourself accordingly during the period of institutional parole.
2. **Intoxicants:** You shall not possess or consume any alcohol beverages or other prison-made alcohol.
3. **Controlled substances:** You shall not possess or consume any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional.
4. **Weapons:** You shall not possess, have access to, or have under your control, any type of weapon, including any object that is determined to be a weapon by the NDOC.
5. **Directives:** You shall follow the directives of the Division of Parole and Probation and the Department of Corrections.
6. **Laws:** You shall comply with all institutional rules, municipal, county, state, and federal laws and ordinances.
7. **Release:** If applicable, four months prior to release to the community, contact the Division of Parole and Probation, Pre-release, and establish a viable release plan. The Board will impose any special conditions regarding community release at that time. You may not be released to the community on parole until any proposed release plans are investigated and approved by the Division of Parole and Probation.
8. **Restitution:** You shall make payments toward any restitution owed if it is determined that you have the ability to pay.
9. **Special Conditions:** _____

Credits: You shall receive no credit on this sentence during any period of time that you are absent from supervision and deemed to be an escapee/absconder. The projected parole expiration date is based upon the assumption that you will earn the maximum number of credits available to be earned while on institutional parole. The Nevada Department of Corrections (NDOC) is responsible for calculating and applying credits to the sentences of inmates and parolees. The projected parole expiration date on this document is subject to change based on credit earnings and/or adjustments as determined appropriate by the NDOC. Credits for good time earned on parole may be forfeited by law if you are found guilty of a violation of parole. All good time credits previously earned to reduce your sentence may be forfeited upon revocation of parole.

This parole is granted to and accepted by you, subject to the conditions stated herein, and with the knowledge that the Board of Parole Commissioners have the authority, in case of violation of the conditions of parole, to revoke your parole.

Your Projected Parole Expiration Date based on maximum credit earning is: _____

_____ Dated: _____
Chief Parole Officer

AGREEMENT BY PAROLEE

I do hereby waive extradition to the State of Nevada from any state in the United States, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or the State of Nevada.

I have read or had read to me, the conditions of my parole, and I fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I, in any manner, violate the foregoing conditions.

Parolee: _____ Date: _____

Witness: _____ Date: _____

The form design and parole conditions specified herein are approved by the Board of Parole Commissioners in accordance with the order authorizing parole. Information specific to the individual named on this form including sentence details, case number and projected expiration dates have been compiled by the Division of Parole and Probation, and do not necessarily reflect the approval of the Board of Parole Commissioners. Inquiries related to suspected errors in projected expiration dates or case/sentencing information should be addressed to the Department of Corrections or the Division of Parole and Probation.