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NEVADA BOARD OF PAROLE COMMISSIONERS

To: Board of Parole Commissioners
From: David M. Smith, Hearings Examiner II
Subject: Requested change to the template of the current parole agreement
RE: January 29, 2018 Agenda Item VI

The wording of the “search” clause in the current parole agreement allows a parolee to be searched with or without cause by a “Parole Officer or any other Peace Officer.” Prior to the current wording, parolees were authorized to be searched by a “Parole Officer or its agent.” The term “agent” was substituted with “any other Peace Officer” to be clear that only sworn officers could search parolees. The Division of Parole and Probation (P&P) has confirmed that only sworn officers are authorized to conduct searches.

P&P recently contacted the Board requesting that the “search” language on the parole agreement be modified because of a statewide concern within P&P that the current search clause could be abused by local law enforcement agencies taking it upon themselves to conduct unnecessary searches of parolees. As such, the following change to the current parole agreement template is recommended (new language in blue italics).

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 *who has received authorization to perform a search from a sworn officer employed by the Division.* 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.

If the Board approves this change, Staff recommends that in addition to modifying this on all future parole releases, that it orders this change to be applied to all current parolees under the supervision of P&P.