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## NEVADA BOARD OF PAROLE COMMISSIONERS

January 11, 2012

To: Lorne Malkiewich, Director, Legislative Counsel Bureau

From: Connie S. Bisbee, Chairman

RE: Parole Board Quarterly Report of Actions October 1, 2010 through December 31, 2010.

Please find attached the Quarterly Report of Parole Board Actions for the period October 1, 2010 through December 31, 2010. 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 that resulted in the rescission of a parole as a result of ineligibility, are also displayed in the chart below.

	<b>Male</b>	<b>Female</b>	<b>Total</b>
Discretionary Parole Hearings	1189	181	1370
Discretionary Paroles Granted	685	160	845
Discretionary Paroles Denied	504	21	525
Mandatory Parole (MPR) Hearings	462	40	502
Mandatory Paroles Granted	292	33	325
Mandatory Paroles Denied	170	7	177
Discretionary Parole Violations Hearings	161	24	185
Discretionary Paroles Continued (Reinstated)	35	8	43
Discretionary Paroles Revoked	126	16	142
MPR Release Violation Hearings	1	1	2
MPR Violators Continued (Reinstated)	0	1	1
MPR Violators Revoked	1	0	1
<b>Total Decisions</b>	<b>1813</b>	<b>246</b>	<b>2059</b>
<b>Total Grant/Continued</b>	<b>1012</b>	<b>202</b>	<b>1214</b>
<b>Total Denied/Revoked</b>	<b>801</b>	<b>44</b>	<b>845</b>
Hearings with No Action	135	9	144
Rescissions (not eligible)	11	0	11

### **Percentage of Action by Gender**

<b>Percent of Action by Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Percent of Discretionary Parole Granted	57.6%	88.4%	61.7%
Percent of Mandatory Parole Granted	63.2%	82.5%	64.7%
Total Discretionary/MPR Grant Rate	59.2%	87.3%	62.5%

## 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.

### Discretionary Parole Actions by Guideline Recommendation

	Granted	Denied	% Granted
Parole at Initial	158	13	92%
Parole at 1st or 2nd	430	93	82%
Consider Factors	240	235	51%
Deny Parole	17	179	9%

	Granted	Denied	% Granted
Parole at Initial	26	3	90%
Parole at 1st or 2nd	157	21	88%
Consider Factors	130	69	65%
Deny Parole	12	81	13%

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

A guideline deviation occurs when the parole guideline recommendation suggests a specific parole action be taken, and the Board acts contrary to the recommendation.

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:	12
Total Number of Denials:	525
Percent of Deviation:	2.3%

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:	16
Total Number of Grants:	845
Percent of Deviation:	1.9%

## 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 include 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>
Discretionary Parole	133	389	254	446	57	91	<b>1370</b>
Discretionary Parole Granted	60	162	205	316	49	53	<b>845</b>
Percent Favorable	45%	42%	81%	71%	86%	58%	<b>62%</b>
MPR Hearings	34	187	67	144	34	36	<b>502</b>
MPR Granted	15	106	52	96	32	24	<b>325</b>
Percent Favorable	44%	57%	78%	67%	94%	67%	<b>65%</b>
Total Parole Hearings	167	576	321	590	91	127	<b>1872</b>
Total Parole Grants	75	268	257	412	81	77	<b>1170</b>
Percent Favorable	45%	47%	80%	70%	89%	61%	<b>63%</b>
PV Hearings	14	30	45	74	7	17	<b>187</b>
PV's Reinstated	2	9	10	19	1	3	<b>44</b>
Percent Favorable	14%	30%	22%	26%	14%	18%	<b>24%</b>
Total	181	606	366	664	98	144	<b>2059</b>
Total Favorable	77	277	267	431	82	80	<b>1214</b>
Percent Favorable	43%	46%	73%	65%	84%	56%	<b>59%</b>

## Section 5: Reasons for Each Parole Action

### ***Reason(s) for Denying Mandatory Parole***

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.

<b>Frequency</b>	<b>Reason</b>
102	The parole guidelines indicate the prisoner is a high risk to re-offend.
28	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
14	The prisoner has made statements indicating he/she will refuse to comply with the terms and conditions of parole.
35	The prisoner has a history of convictions for violent crimes.
8	The prisoner has engaged in violent behavior while incarcerated.
2	The prisoner has been convicted of multiple felony offenses of driving under the influence of intoxicating liquor or a controlled substance.
7	The prisoner has previously committed crimes while on community supervision.
6	The criminal conduct of the prisoner has increased in severity over time.
6	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)
13	Other
221	Total

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

<b>Frequency</b>	<b>Reason</b>
185	Prior prison term did not deter future criminal activity.
35	Prior conviction for a sexual offense.
176	Prior conviction for a violent offense.
168	Repetitive criminal conduct.
123	Significant prior criminal history.
54	Disruptive institutional behavior, or poor disciplinary record.
33	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.
69	Nature of criminal record is increasingly more serious.
59	Crime was targeted against a child or person at greater vulnerability because of age/disability.
219	Impact on victim(s) and/or community.
4	The extreme or abnormal aspects of the crime.
4	Inmate has indicated an unwillingness to comply with the terms of parole.
204	Risk factors indicate the inmate is a high risk to commit a new felony.
9	Removal from community supervision program
127	Parole Guideline recommends parole denial and other factors do not indicate the Board should deviate from the guideline.
8	Other:
1	The prisoner has made threats against another person and release to the community could jeopardize public safety.
12	Inmate refused to participate in the hearing process.
16	Inmate does not want parole, and requested to expire sentence.
28	Inmate was convicted of a new felony while serving a prior period of community supervision community supervision.
1,567	Total



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

<b>Frequency</b>	<b>Reason</b>
563	The parole guideline recommends that parole be granted, and there are no serious reasons to deviate from the guideline recommendation.
142	The inmate has no prior or minimal criminal conviction history.
104	The inmate has a positive institutional record.
253	The inmate has participated in programs specific to addressing behavior that led to incarceration.
22	The inmate has adjusted in a positive manner to a work release program or other assignment as community trustee.
59	The inmate has successfully completed a prior period of parole or probation.
229	The inmate has stable release plans.
132	There is a detainer lodged by other jurisdiction.
122	The inmate must serve a consecutive sentence.
25	Case factors suggest parole may be appropriate at this time.
304	There is community and/or family support.
5	Other:
1,960	Total

**Reasons for Taking No Action**

<b>Frequency</b>	<b>Reason</b>
11	Inmate was moved after hearing date was set. Will be rescheduled upon publication of new eligibility list.
15	Inmate not eligible due to new felony conviction. Inmate will be re-scheduled when eligible.
9	Inmate was not available at the time of the hearing.
4	No action taken due to lack of information needed to make a recommendation.
1	Prior action to deny parole.
2	Prior action to grant parole.
1	Inmate refused to attend hearing.
1	Inmate not eligible due to change or correction in sentence structure or credits earned/lost per NDOC Records.
6	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.
40	The inmate is pending new criminal charges. Will be rescheduled once the new charges have been adjudicated.
13	The attorney appointed to represent the inmate during parole revocation proceedings was not present at the scheduled time.
1	The inmate needs an interpreter and one was not available for the hearing.
21	Inmate not given proper notice of the hearing.
5	Inmate not eligible for parole for reasons other than new sentence or credit adjustment
3	Inmate expired prior to eligibility.
4	Inmate or inmate's counsel requested a continuance
2	Inmate needs to be considered by three commissioners, and three were not available at the hearing.
6	Hearing continued until a psychological panel is conducted in accordance with NRS 213.1214.
2	Inmate expired after being scheduled, but before the hearing took place.
15	Other:
162	Total

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

<b>Frequency</b>	<b>Reason</b>
5	The inmate has no prior or a minimal criminal conviction history.
1	The inmate has been infraction free for two years or more to hearing month.
1	The inmate had a lesser involvement in the instant offense, but received a penalty similar to the cooffenders.
9	The inmate has participated in programs specific to addressing the behavior that led to incarceration.
1	Prior successful completion of supervision
7	Community and/or family support
2	Stable release plans.
13	Pending CS sentence or detainer
1	Other Factors:
40	Total

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

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