

PAROLE VIOLATION HEARINGS (NRS 213.150-NRS 213.153, NAC 213.550):

1. Violation of any rules or special conditions of parole can bring about revocation of parole and re-imprisonment.
2. The Division of Parole and Probation (P&P), is responsible for the supervision of all parolees in the community. P&P also is responsible for monitoring those parolees who are residing in other states, via Interstate Compact. P&P also That The Division files charges of parole violation(s) and places holds on accused violators. They are also responsible for conducting preliminary inquiry hearings when necessary.
3. The Board sits as an impartial hearing body at the final violation hearing and determines whether paroles previously granted will be revoked.
4. At the Parole Violation hearing, ~~violation hearing~~ the Board makes the final decision to reinstate all or part of the statutory good time which is lost upon revocation.
5. Parole violation hearings will be held in Northern and Southern institutions in Nevada, depending upon the location of the alleged parole violator. These hearings may be conducted in person, or remotely via video conference.
6. The Board considers only those cases in which the alleged violators, and/or counsel, have received the Notice of Charges ~~notice of charges~~, and a copy of the allegations ~~and evidence to be used against them~~.
7. The parolee may at any time before or after the applicable time period, waive the preliminary hearing. Should the parolee not waive the preliminary hearing and to allow adequate time for preparation, the Board prefers the Division allow a period of five (5) days, excluding Sundays and holidays, after notification of charges, to conduct the preliminary hearing.
- ~~7. Parolees will be allowed adequate time to prepare a defense to present at the preliminary hearing, after written notification of the parole violation charge. Accordingly, the Board prefers that P&P, unless the parolee at any time before or after the applicable time period waives the preliminary hearing, allow a period of five (5) days, excluding Sundays and holidays, after the notification of the charges, before conducting the preliminary hearing.~~
8. The Board shall consider the accused violator's case within 60 calendar days after their return to the custody of the Nevada Department of Corrections (NDOC) or placement in residential confinement. It is the Board's desire that accused violators are scheduled for a hearing as soon as possible upon their return to the custody of the NDOC. If probable cause for continued detention of a paroled prisoner is based on conduct which is the subject of a new criminal charge, the Board may consider the case within 60 days after their return to the custody of the NDOC, or defer consideration until not more than 60 days after their return to NDOC following the final adjudication of the new criminal charge.
9. The alleged violator may, with good cause, request the violation hearing be continued to the next scheduled hearing if additional time is needed in the preparation of the case. A waiver, however, will not be allowed simply for the purpose of delaying the hearing.
10. Since transcripts of parole violation hearings may be subpoenaed for the purpose of impeaching the testimony of the parolee at criminal trials, continuations of violation hearings until pending charges are disposed of may be granted.

~~11. It is the Board's desire that accused violators are scheduled for a hearing as soon as possible upon their return to the custody of the NDOC. This section was moved to be included in paragraph 8.~~

11. The alleged violator has a right to counsel at the violation hearing and may be represented by a private attorney of their choice at their expense, or a public defender if indigent.

12. Unless a new conviction is included in the violation charges, an alleged violator has the right to present witnesses on their own behalf at their expense, who can offer information pertinent to the violation charge. This does not include character witnesses.

13. An alleged violator has the right to confront adverse witnesses. However, they must ~~but must~~ indicate the wish to do so on the Notice of Charges ~~notice of charges~~ in order for P&P to schedule the witness to appear. The Board may grant a continuance, without violating the "60 day rule" for prompt hearing, if the parolee requests to confront an adverse witness not present and not previously noted on the Notice of Charges ~~notice of charges~~.

14. When the violation is based on a new conviction, the accused parole violator may not present or confront witnesses or offer evidence to re-litigate the parolee's guilt or innocence on the new charge. The parolee may, however, offer testimony or documents which may mitigate against revocation or the duration of the revocation.

15. The Board, in the presentation of charges in parole violation cases, requires whenever practicable that witnesses against the accused violator, or the supervising parole officer, do not act as presenters of evidence.

16. Documents, letters, affidavits, or other pertinent information or physical evidence may be presented by either the alleged violator or P&P. Substance of pertinent reports from other agencies may be made available to the alleged violator.

17. The alleged violator must submit to the NDOC (if in prison custody), and P&P, a list of names and addresses of witnesses they wish to present on their own behalf. However, as noted earlier, when the violation is based on a new conviction the alleged violator forgoes the right to present or confront witnesses in re-litigation of the facts of the new conviction.

18. All witnesses providing testimony at the violation hearing, ~~except for with the exception of~~ the parolee and the presenting P&P employee, must do so under oath, which will be administered by a member of the Board.

19. The findings of the Board will be made a matter of record, including a record of the violations for which the parolee was held responsible, and the evidence relied upon to reach these findings may be summarized. A copy of the findings will be supplied to the parole violator.

For related material, please see the "Parole Violations and Sanctions" document and the "Sentence Credit Earnings & Forfeitures and their Effect on Parole Eligibility and Sentence Discharge Dates" documents dated June 18, 2020, which is located in the appendix.