

INSTITUTIONAL PAROLE REVOCATION HEARINGS:

1. **Inmates** who are serving institutional paroles remain subject to the jurisdiction of the Board. Major violations of **Administrative Regulation 707 (AR707)** and Inmate Disciplinary **Process** may result in an institutional parole revocation hearing.

2. The **Nevada Department of Corrections (NDOC)** will coordinate with **the Division of Parole and Probation (Division)** to secure the proper documents needed to begin the revocation hearing process and schedule a **Review Previous Order (RPO) parole violation** hearing with the assistance of **the Division** or the Parole Board's Executive Secretary.

3. The Board operates under the Attorney General's **Opinion (AGO) 82-17** stating that no preliminary hearing is required when the parole violator is **already** in custody. **The AGO provides that "a preliminary inquiry is not required if a parolee/probationer is not arrested or detained on a parole/probation violation. Due process requires that an informal preliminary inquiry be conducted to determine whether probable cause exists to justify the loss of liberty occasioned by arrest or detention of an alleged parole/probation violator pending final revocation proceedings. Where no liberty is lost, a preliminary inquiry as to probable cause to 'hold' is not required."** 1982 Nev. Op. Att'y Gen. 64 (1982).

4. The result of a **NDOC** disciplinary hearing has the same result **as** a judgment of conviction in that the **inmate** had the opportunity to confront and cross examine adverse witnesses and **present** testimony. **At the RPO parole violation hearing, the inmate** may not present or confront witnesses or offer evidence to re-litigate guilt or innocence regarding the guilty finding at the **NDOC** disciplinary hearing. The **inmate** may, however, offer testimony or documents which may mitigate against revocation or **may affect** the duration of the revocation.

~~(See Operations of the Board (Parole Decisions) subsections 11 and 12 (page 9), and Prerelease Rescission/Review Previous Order NAC 213.545 (page 15)).~~