

## Parole Hearings:

*(Revised/Approved July 28, 2021& September 29, 2021)*

1. The Board does not determine who is eligible for parole, nor does it calculate sentence expiration dates. These are functions of the Nevada Department of Corrections (NDOC) which also records statutory good time and other credits earned by inmates. Inquiries regarding credits earned, parole eligibility and expirations of prison and parole terms shall be directed to the NDOC offender management division, which is responsible for maintaining accurate timekeeping records.
2. All parole hearings conducted by the Board are open to the public in accordance with NRS 213.131(3). Persons attending parole hearings may do so as **in-person** observers only. ~~with the exception of~~ However, the Board at its discretion may allow victims, direct family members of victims, supporters, representatives of the inmate, judges, district attorney representatives, law enforcement, defense counsel, or any other party to present verbal testimony. This testimony will be provided in person at the hearing unless the Board has granted accommodations. ~~and inmate representatives, who are sometimes permitted to speak at these hearings.~~ The Board may ask questions of anyone in attendance and may allow brief statements from a supporter (or a spokesperson for a group of supporters) as time allows. Any supporter of the inmate who wishes to provide testimony must be present at either the Parole Board office conducting the hearing or at the institution where the inmate is housed.
3. Individual votes of all Commissioners and recommendations of hearing representatives on all decisions shall be recorded.
4. Parole hearings may be conducted by panels in accordance with NRS 213.133.
5. The results of the Board's deliberations will not be announced until four members **agree** ~~are in agreement~~, and the applicable institutions, facilities, victims, and inmates are notified of the decision. This ratification process will take place as soon as practical, with notification generally taking place within 10 working days from the ratification of the vote.
6. Under the provisions of NRS 213.131(5), the Board may deliberate in private following a public hearing held to consider an applicant for parole. The Board often considers confidential information, including information obtained by parole and probation officers, employees of the Board, and victim information (NRS 213.1075).
7. Parole is an act of grace by the State of Nevada and the release of an inmate from confinement after serving a portion of their sentence is discretionary. While on parole, the inmate remains subject to the jurisdiction of the Board, under the supervision of the Nevada Division of Parole and Probation until they have completed their sentence or have been granted early discharge.
8. Parole hearings on eligible inmates generally are conducted three months in advance of

minimum parole eligibility dates. In the event an inmate is not seen during the month in which their name appears on an eligibility list, the inmate will be rescheduled once their name is re-submitted by NDOC to the Board on an eligibility list. The Board will not add the name of an inmate onto an agenda unless their name appears elsewhere on that month's published eligibility list. The Executive Secretary or Parole Board Chairman may exempt this requirement if proper public notice can be accomplished.

9. Parole hearings are generally scheduled to occur at one of the offices of the Parole Board and video conferenced to the institution where the inmate is housed. Parole hearings may also take place in person or via a telephonic hearing directly with the inmate per the needs of the Board. If a scheduled inmate has been moved to another institution, the parole hearing may be held at the new institution if the NDOC is able to coordinate and establish either a video link or a telephonic connection to the new institution, there are no known victims or other interested persons interested in the outcome of the hearing, and the inmate indicates that the move has not interfered with their ability to prepare for the hearing. When a hearing cannot take place, the panel scheduled to conduct the hearing may only make a recommendation to grant parole or take no action and cause the inmate's hearing to be rescheduled to a future month.

10. The Parole Board may take action to deny parole if an inmate refuses to attend a hearing or refuses to sign the notice of the hearing provided that the notice was served in accordance with NAC 213.534.

11. All inmates eligible for parole under Nevada Statutes shall be considered for parole.

12. The Board will not act or rule on claims of inaccuracies in pre-sentence investigation reports. Any claims of inaccuracies in a pre-sentence investigation report should be addressed to the Division of Parole and Probation who is responsible for the preparation of these reports.

13. As directed in NRS 213.131, during hearings to consider inmates for parole, the Board shall allow inmates to have a representative present to confer with and to speak on their behalf if they wish. This representation may include an attorney, family member, friend, or another inmate. The presence of the representative will be at the inmate's expense. Inmates with physical communication disabilities, i.e., deaf/mute, are entitled to services of an interpreter at public expense.

14. Inmates who are made immediately eligible for parole by action of the State Board of Pardons Commissioners will not be considered by the Board until the 30-day notification required by law can be effected (NRS 213.1085(5)).

## Board Communications:

*[Revised/Approved January 28, 2021]*

1. The Parole Board sits as an arm of the sentencing court. Board members derive their authority from their function as a Board and do not have individual power to grant or deny parole. Just as it is never proper for someone to contact a sentencing judge outside the context of a hearing, it is inappropriate for inmate family or supporters to meet with individual Board members in an attempt to persuade specific action. Commissioners will not personally discuss specific cases with or accept input from persons who are not the specific victim of the inmate.
2. Parole commissioners will make themselves available by appointment to personally accept confidential information from victims of crime. (See NRS 213.131)
3. The Board welcomes all available information on ~~prisoners~~ inmates being considered for parole, favorable and unfavorable. Recommendations for or against parole should be made in writing so they may be placed in the ~~prisoner's~~ inmate's file. However, the Board at its discretion may allow victims, direct family members of victims, supporters, inmate representatives, judges, district attorney representatives, law enforcement, defense counsel, or any other party to present verbal testimony. **(Note: Written documentation larger than 50 pages that is submitted by email or fax is generally not accepted. For documentation larger than 50 pages, hard copies should be delivered to the Parole Board office conducting the hearing. Staff should notify the sender if packets larger than 50 pages are received by email or fax so that alternative means of delivery can be provided.)**
4. The victim of any person being considered for parole may submit documents to the Board and may testify at the meeting held to consider parole. All personal information, including, but not limited to, a current or former address, which pertains to a victim, and which is received by the Board is confidential. The Board may meet with a victim in private ~~immediately~~ prior to or after a parole hearing to allow for the input of confidential personal information.
5. All protected information submitted by a victim to the Board shall remain strictly confidential and may not be disclosed to any person other than the Board, employees of the Board, counsel to the Board, and when ordered by the court. The Board and its employees shall neither acknowledge the presence or absence of any victim, or victim input, nor shall it discuss any input from a victim during a public meeting unless the victim is present during the hearing and or authorizes such discussion.
6. Any victim who advises the Board in writing of their desire to be notified of specific parole hearings and results, and keeps the Board advised of their current mailing address will be notified. (See NRS 213.131) The Board is not responsible if notification information is not current.
7. The views of Nevada judges, district attorneys, and law enforcement are welcomed by the

Board, and are duly considered when the decision to either grant or deny parole is made.

## **Violation Hearings In Absentia (NRS 213.15187/AB80):**

*(Revised/Approved January 28, 2021)*

1. If a parolee is convicted of and incarcerated for a new crime in a jurisdiction outside of the Nevada Board of Parole Commissioners authority (federal, out of state, tribal, etc.), the time during which the prisoner is incarcerated in the other jurisdiction is not time served on his or her term of imprisonment in this state, until the completion of the sentence imposed in the other jurisdiction (if the new offense was committed on or after March 16, 1999).
2. Upon notification of a new conviction outside the jurisdiction of the Nevada Board of Parole Commissioners jurisdiction, the Division of Parole and Probation will provide any pertinent documents to the parolee and advise them of their rights. Upon receipt of a signed waiver, the Division of Parole and Probation will schedule a parole violation hearing as soon as practical, the timing of which should not exceed 60 days from the date of receipt of the signed waiver. If the parolee refuses to sign a waiver, they will be scheduled for an in-person parole violation hearing within 60 days of being returned to the custody of the NDOC.
3. If the parolee waives their right to an in-person violation hearing, the Board may:
  - a. Take action to revoke the parole of the prisoner immediately and allow the time during which the prisoner is incarcerated in the other jurisdiction to be time served on his or her imprisonment term in this state;
  - b. Take action to revoke the parole of the prisoner at a later date that the Board specifies and allow the time during which the prisoner is incarcerated in the other jurisdiction after the date on which parole is revoked to be time served on his or her imprisonment in this state;
  - c. Take action to continue the parole of the prisoner immediately and allow the parole of the prisoner to run concurrently with the time served in the other jurisdiction;
  - d. Take action to continue the parole of the prisoner at a later date that the Board specifies and allow the parole of the prisoner to run concurrently with the time served in the other jurisdiction after the date on which parole is continued; or
  - e. Take no action at all. If the Board chooses to take no action, the parolee will not earn time on the Nevada sentence and will be scheduled to appear before the Board for an in-person Parole Violation Hearing within 60 days of their return to the NDOC. For inmates serving a life sentence of parole, the Board will generally take No Action at the scheduled in absentia violation hearing. As such, the Division should only schedule a parole violation hearing for anyone serving a life sentence once the parolee has been returned to the custody of the Nevada Department of Corrections.