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NEVADA BOARD OF PAROLE COMMISSIONERS

September 25, 2019

To: Board of Parole Commissioners
From: David M. Smith, Hearings Examiner II
Subject: Procedure for the In-Absentia Review of Parole Cases

I prepared two draft documents for the Board to review regarding the in-absentia review of Parole Cases (AB 117's).

Scenario 1 is drafted based on a case being rejected for further review if two members at the initial reviewing location (assigned location) do not vote to grant parole without a hearing. Subsequent to the initial review, a case would only be rejected if three votes against granting in-absentia accumulate before three votes to grant in absentia accumulate. In case of a 3-3 tie, the Chair would review to determine whether to grant in-absentia or to schedule an in-person hearing.

Scenario 2 is drafted based on a case being circulated and reviewed by Board Members until either three votes to grant in-absentia accumulate, or three votes against granting in-absentia accumulate. If three votes against granting in-absentia accumulate at any time before three votes to grant, the file will immediately be given to the Executive Secretary to schedule an in-person hearing.

The two scenarios have different impacts on the agency.

- Scenario 1 would allow for the faster scheduling of cases being rejected in-absentia.
- Scenario 2 allows for additional review before rejecting a case, but would slow down the identification of cases that are likely to be ultimately rejected for in-absentia grant.

The Board may also consider additional changes to the procedure outside of the two scenarios presented.