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# PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

A publication by the Robina Institute of Criminal Law and Criminal Justice

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**ROBINA INSTITUTE**  
OF CRIMINAL LAW AND CRIMINAL JUSTICE

# PROFILES IN PAROLE RELEASE AND REVOCATION:

## Examining the Legal Framework in the United States

### Nevada

By

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The authors would like to thank David M. Smith, Hearing Examiner for the Nevada Board of Parole Commissioners, for comments on an earlier draft of this report.

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Suggested citation: Alexis Lee Watts, Edward E. Rhine, Steven Graziano, Robina Inst. of Crim. Law & Crim. Just., *Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States: Nevada* (2018).

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### 1. Background; Sentencing System

#### a. Sentencing Framework

Felony sentences in Nevada have both a minimum and a maximum term, unless a definite term is required by statute.<sup>1</sup> In 2017, legislation was passed creating the Nevada Sentencing Commission. The Commission has many statutory duties, including formulating statutory sentencing guidelines to be enacted by the legislature.<sup>2</sup>

Nevada's first Pardons Board was created in 1867. The Board was granted the power to parole inmates in 1909.<sup>3</sup> In 1989, Nevada passed legislation that required the Board to create standards for parole release and revocation. Nevada also signed justice reinvestment legislation in 2007, which increased incentives for parolees to comply with supervision and expanded alternatives to incarceration.<sup>4</sup>

#### b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the Nevada Board of Parole Commissioners.<sup>5</sup>

<http://parole.nv.gov/>

#### c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

The Department of Public Safety's Division of Parole and Probation.<sup>6</sup>

<http://npp.dps.nv.gov/>

#### d. Which Agency Has Authority Over Parole Revocation?

The Nevada Board of Parole Commissioners.<sup>7</sup>

### 2. Parole Release and Other Prison-Release Mechanisms

#### a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

*General rules of release eligibility.* Only felons are eligible for parole in Nevada because they are the only offenders sent to prison. A person sentenced for a crime committed on or after July 1, 1995 may be paroled when they have served the minimum term.<sup>8</sup> Each felony sentence has a minimum and maximum term unless a definite term is required by statute.<sup>9</sup> If an individual is sentenced to consecutive terms of imprisonment, the court must aggregate the minimum terms of imprisonment to determine release eligibility. If an individual is sentenced to concurrent terms of imprisonment, eligibility for parole occurs after the longest of the minimum terms has been served.<sup>10</sup> In some cases, good time may be deducted from the minimum term and hasten parole eligibility.<sup>11</sup>

Permissible felony sentences are listed below (for example, a judge could sentence a category B felon to a punishment of one to 20 years or to a punishment of seven to eight years, either would fall within the statutory guidelines).<sup>12</sup>

Category of Felony	Min. Sentence	Max. Possible Sentence	Max. Fine
<b>Class A</b> <sup>13</sup>	(see statute for crime)	Life without parole; Death	Unspecified
<b>Class B</b>	1 year	20 years	Unspecified
<b>Class C</b>	1 year	5 years	\$10,000
<b>Class D</b>	1 year	4 years	\$5,000
<b>Class E</b> (likely to be a suspended sentence)	1 year	4 years	\$5,000

***Mandatory release on parole.*** Any offender sentenced to three or more years who has not previously been released on parole and is not otherwise ineligible for parole must be released on parole 12 months prior to the end of his or her maximum term or maximum aggregate term. However, the Board may deny mandatory parole for public safety reasons.<sup>14</sup>

***Habitual offenders.*** Any felon who has previously been convicted of two other felonies may be sentenced as a Category B felon and serve a term with a minimum of not less than five years and a maximum of not more than 20 years. Any felon who has previously been convicted of three other felonies may be sentenced to life without parole, life with parole with eligibility for parole after a minimum of ten years served, or for a definite term of 25 years with eligibility for parole after a minimum of ten years served.<sup>15</sup>

***Life sentences.*** If an individual is serving a life sentence with the possibility of parole, discretionary release on parole may occur after they have served their minimum sentence, which varies depending on the crime. For example, a person convicted of second-degree murder must serve at least 10 years before being eligible for release.<sup>16</sup> Mandatory release on parole is available only to those who were sentenced to life with the possibility of parole at less than 16 years of age, if they have served their minimum term and met other statutory requirements.<sup>17</sup>

***Recurring eligibility after denial of release.*** If parole is denied, a subsequent release hearing must be held within three years. However, if a prisoner has more than 10 years of their sentence remaining, the next hearing must be held within five years.<sup>18</sup>

## **b. Good Time, Earned Time, and Other Discounts**

Prisoners who have had no serious infractions and who perform in a “faithful, orderly and peaceable manner” the duties assigned are allowed a deduction of 20 days of credit for each month of prison they serve. Prisoners may receive up to an additional 10 days of credit for each month served for diligence in labor and study.<sup>19</sup> They may also receive a deduction of 60 days from the maximum term for completing certain programming, including vocational and drug and alcohol programming.<sup>20</sup>

Finally, prisoners can receive credit for educational degrees earned while incarcerated:

- 60 days for a GED or equivalent;
- 90 days for a high school diploma;
- 120 days for a first associate’s degree;
- Up to 90 days for each additional degree of higher education.<sup>21</sup>

Offenders who have been convicted of a violent felony, a sexual offense punishable as a felony, certain violations of work zone regulations, DUIs that result in bodily harm or death, or category A or B felonies may only earn credit that is deducted from their maximum sentences. Offenders who have not been convicted of these types of crimes may have credit deducted from their minimum sentences, thus making them eligible for parole sooner. However, individuals who are serving a sentence for a crime committed after July 1, 2014 cannot have a minimum term reduced by more than 58%.<sup>22</sup>

## **c. Principles and Criteria for Parole Release Decisions**

***General statutory standard for release decisions.*** The Board is required by statute to adopt its own standards for release. However, these standards must be based on objective criteria for determining the person’s probability of success on parole. In addition, they must provide for greater punishment of a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious.<sup>23</sup>

***Statutory factors the board must consider.*** In determining whether to release a prisoner on parole, the Board must consider:

- Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;
- Whether the release is incompatible with the welfare of society;
- The seriousness of the offense and the history of criminal conduct of the prisoner;
- The standards adopted by the Board and the recommendation, if any, of the Chief Parole and Probation Officer; and
- Any documents or testimony submitted by a victim.<sup>24</sup>

The statute that mandates the Board to develop standards also lists a number of factors that must be considered within the standards, including:

- The severity of the crime committed;
- The criminal history of the person;
- Any disciplinary action taken against the person while incarcerated;
- Any previous parole violations or failures;
- Any potential threat to society or to the convicted person; and
- The length of his or her incarceration.<sup>25</sup>

*Special standard for sex offenders.* The Department of Corrections must assess sex offender risk before release. The Board must consider the results of this assessment when granting parole.<sup>26</sup>

*Special standards for mandatory parole.* The Board may not release a prisoner on mandatory parole if there is a reasonable probability that they will be a danger to public safety. The Board must consider:

- The risk level assigned to the prisoner;
- If the prisoner has been convicted of certain sex offenses, whether the prisoner has been certified as not presenting a high risk to reoffend;
- Whether the prisoner has made any statements indicating that the prisoner will refuse to comply with the terms and conditions of parole;
- Whether the prisoner has made any threats to harm others;
- The number and nature of any prior convictions of the prisoner, including, without limitation, whether the prisoner has a history of conviction for violent crimes;
- Whether the prisoner has engaged in violent behavior while incarcerated;
- Whether the prisoner has been convicted of multiple felony offenses involving driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;
- Whether the prisoner has previously failed to successfully complete probation or parole and whether that failure was the result of violent or criminal actions by the prisoner;
- Whether the criminal history of the prisoner indicates that the crimes committed by the prisoner have increased in severity over time;
- Whether the prisoner has demonstrated an attitude or behavior which indicates that the prisoner favors a criminal lifestyle, including, without limitation, whether

the prisoner has been actively involved in a criminal gang, the planning of prison escapes or other criminal activity; and

- Any other factor which demonstrates a reasonable probability that the prisoner will be a danger to public safety while on parole.<sup>27</sup>

#### d. Parole Release Guidelines

*Parole release guidelines used for most offenders (other than sex offenders).* The Board is required by statute to develop objective release standards. While the standards are advisory and the Board retains discretion to deviate from them, the Board must report deviations to the legislature each year. By statute, the Board must publish a sample of the form that they use to consider the probability that a person will live and remain at liberty without violating the law if they are granted parole.<sup>28</sup>

The current guidelines matrix takes into account the severity of the offense and the risk level, which is based on the Nevada Risk Assessment (discussed in §2e). In addition to the matrix recommendation, the Board may take into account aggravating and mitigating factors listed on the worksheet.<sup>29</sup>

*Parole release guidelines for sex offenders.* Prior sex convictions are an aggravating factor considered in parole release; however, there is no separate system of standards for sex offenders.<sup>30</sup>

#### e. Risk and Needs Assessment Tools

*Statutory mandate.* The Board is mandated to make an objective set of standards for parole release. Although a risk assessment was incorporated into those standards, this was not a statutory requirement.

*Risk instruments utilized.* The Board utilizes the Nevada Parole Risk Assessment, which consists of both static factors (such as age at first arrest and current offense) and dynamic factors (such as active gang membership and current custody level) to assess the risk presented by each inmate.<sup>31</sup>

*Transparency.* The Nevada Risk Assessment instrument is available to the public online.<sup>32</sup>

*Sex offenders.* The Department of Corrections primarily uses the Static-99R when evaluating sex offenders.<sup>33</sup>



## **f. Medical or Compassionate Release**

Residential confinement or other supervision in the community by the Division of Parole and Probation is available to certain ill or incapacitated inmates. The Director of the Department of Corrections must make a release determination based on the opinion of at least two physicians. Victims must be notified of the intention to release inmates for medical reasons; they are allowed to submit documents to the Division of Parole and Probation related to the release. If the inmate escapes or violates any conditions of supervision, they may be returned to incarceration.<sup>34</sup>

## **g. Executive Clemency Power**

Nevada has a State Board of Pardon Commissioners that consists of the governor, the justices of the state supreme court, and the attorney general. This Board examines applications for remission, commutation, and pardon.<sup>35</sup> The Board may commute a death penalty, but is prohibited by law from commuting a death sentence or a sentence to life without parole to a sentence that would allow parole.<sup>36</sup>

## **h. Emergency Release for Prison Crowding**

While there is a provision related to overcrowding in local detention facilities (i.e. city and county jails), there is no such provision for state prisons.<sup>37</sup>

# **3. Parole Release Hearing Process**

## **a. Format of Release Hearings**

By law, the Board must conduct meetings on parole release at least semiannually; these meetings are open to the public. However, the Board may deliberate in private after the meeting has ended.<sup>38</sup> In practice, parole hearings are generally conducted three months in advance of an inmate's minimum parole eligibility date.<sup>39</sup> The Board must provide the prisoner a hand-delivered written notice of their parole consideration at least five days before the meeting (or 21 days if the notice is mailed).<sup>40</sup> The Board can grant parole without a meeting; however, it may not deny parole, unless a prisoner has been given adequate notice and the opportunity to be present at the meeting.<sup>41</sup>

The Board can choose to hear a case or to delegate the case to a panel, taking into account the complexity of the case at hand. For the purposes of release, a panel of

the Board must consist of two or more Board members (two of whom constitute a quorum) or one member of the Board who is assisted by a case hearing representative.<sup>42</sup> If a case involves a person who committed a capital offense, is serving a life sentence, has been convicted of a violent sexual offense, is a habitual criminal, or who has had their sentence commuted by the State Board of Pardon Commissioners, the case must be heard by at least three Board members.<sup>43</sup> All panel recommendations are subject to ratification by a majority of the Board.<sup>44</sup>

## **b. Information Before the Board; Factors the Board May Consider**

The Department of Corrections compiles information for the Board to consider at a release hearing.<sup>45</sup> The Department compiles parole progress reports, which include offense details, sentencing information, program participation, disciplinary history, summary of criminal history, release plans, and a risk assessment.<sup>46</sup>

If a prisoner committed a crime of violence that resulted in bodily harm against a victim, and if photographs that depict the injuries of the victim or the scene of the crime were admitted at trial or were part of the presentence investigation and are reasonably available, a representative sample of the photographs must be included with the information submitted to the Board.<sup>47</sup>

The Board's policy also adds that they are "sensitive to the problems of members of the family of those convicted of crime, but must deal primarily with the offender and the offense. Family circumstances, business affairs, hardship, need, and other problems shared almost universally by prisoners are not usually considered adequate reasons for advancement."<sup>48</sup>

## **c. Prisoners' Procedural Rights**

All prisoners eligible for parole under the Nevada statutes must be considered for parole.<sup>49</sup> At a parole meeting, the Board must allow the prisoner to have a representative present at his or her own expense. They must also allow the prisoner to speak on their own behalf or allow a representative to speak for them.<sup>50</sup> The Supreme Court of Nevada recently ruled that prisoners do not have the right to be provided with every document the Board considers with regard to parole release.<sup>51</sup>



#### d. Victims and Other Participants

No later than five days after the Board schedules a parole meeting, it must notify any victims of the date of the meeting. The victim may submit documents to the Board and may testify at the meeting. A prisoner may not be considered for parole until the Board has notified the victim of their rights and given the victim an opportunity to exercise those rights.<sup>52</sup> The Board must also notify all Nevada judges, district attorneys, and law enforcement agencies of the meeting 30 days in advance.<sup>53</sup>

All parole hearings are open to the public. According to Board policy, “people attending parole hearings may do so as observers only, with the exception of victims, direct family members of victims, and inmate representatives, who are allowed by Nevada law to speak at these hearings. The Board may ask questions of everyone in attendance and may allow brief statements from a supporter (or a spokesperson for a group of supporters) as time allows.”<sup>54</sup> In addition, “the Board welcomes all available information on prisoners 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 file.”<sup>55</sup>

#### e. Burden of Proof or Standards of Persuasion

There does not appear to be a specific burden of proof related to parole release.

#### f. Possible Outcomes at Parole Release Hearings; Form of Decisions

The Board must provide the prisoner with written notice of its decision no later than 10 working days after the meeting. The Board may grant or deny parole after a meeting.<sup>56</sup>

If parole is denied, the Board may also provide specific recommendations to improve the possibility of granting parole the next time release is considered.<sup>57</sup> Recommendations are not intended to create an expectation that the prisoner will be released, if compliant. The Board may recommend several courses of action to the prisoner, including that they:

- Not engage in misconduct which may lead to disciplinary action;
- Participate in a program that addresses the behavior of the prisoner which led to his or her incarceration;

- Participate in an educational, occupational or vocational program;
- Participate in a program which encourages the development of empathy for victims of crime;
- Avoid participation in, and association with, a criminal gang; or
- Take any other action, or refrain from any other action, which the Board deems appropriate.<sup>58</sup>

If a panel makes a recommendation that deviates from the parole release standards, the Board’s chair must concur in the recommendation.<sup>59</sup> If the Board chairperson vetoes the panel’s decision to release, the case will be referred back to the panel. The panel must then either agree to a set a rehearing date or accept the “default” parole denial period, which is one year after the current parole eligibility date. If the chairperson vetoes the panel’s decision to deny parole or decision to set a lengthy parole denial period, the panel will have to reconsider granting parole or setting a shorter period. Again, if no agreement is reached, the inmate is subject to the standard parole denial period of one year.<sup>60</sup>

#### g. Administrative or Judicial Review of Parole Denial

Prisoners may request reassessment of the severity level of a crime or of their risk level in writing no later than 45 days after the meeting at which the Board considered parole release. If, based on a lower reassessed risk or severity level, a new initial assessment indicates a different parole outcome the Board must schedule a meeting to reconsider whether to grant parole to the prisoner.<sup>61</sup>

Prisoners may also make a general request to reconsider denial of parole in writing no later than 45 days after the meeting. This request must be based on circumstances which existed at the time of the meeting. If the Executive Secretary of the Board finds that the Board did not have knowledge of the circumstances on which the request is based at the time it denied parole *and* that the circumstances relate to factors that the Board considers in determining whether to grant parole, the Secretary will submit a request to the Board. The majority of the Board then decides whether or not to schedule a meeting to reconsider parole.<sup>62</sup>

Judicial review of parole release may be available through a petition for a writ of mandamus,<sup>63</sup> a writ of habeas corpus,<sup>64</sup> or through a civil complaint.<sup>65</sup>

## h. Rescission of Parole Release Dates

Parole may be rescinded before a prisoner is released if the Board becomes aware of information (normally coming from the Department of Corrections) that is grounds for rescission. The Department of Corrections may delay the release of the prisoner for up to three working days after the date when the prisoner was scheduled to be released and provide written grounds for rescission to the Board. The Board may then further delay release to consider whether or not to rescind parole. A majority of the Board may decide to authorize the release of the prisoner, or may schedule a meeting to consider rescission.<sup>66</sup>

## 4. Supervision Practices

*Parole supervision rate.* In 2015, there were 246 parolees per 100,000 Nevada adults. This is lower than the 50-state average of 304 parolees per 100,000 residents.<sup>67</sup>

### a. Purposes of Supervision

The stated mission of the Nevada Department of Public Safety's Parole and Probation Division is to "[e]nhance public trust and community safety, and provide assistance to the Courts and the Parole Board by providing professional supervision of offenders to promote their successful reintegration into society."<sup>68</sup>

The Division claims that it "accomplishes its mission through two distinct strategies: (1) traditional law enforcement, such as sanctioning offender noncompliance and misconduct, search and surveillance, and arrest; and (2) community correctional services, such as drug testing and counseling, mental health services, employment and educational placement, and encouraging and supporting the offender's positive efforts to become a productive, law-abiding citizen. The Division is also sensitive to and supportive of victim's rights."<sup>69</sup>

### b. Are All or Only Some Releasees Placed on Supervision?

All parolees are initially placed on supervision; it is a standard condition of parole.<sup>70</sup>

### c. Length of Supervision Term

*Maximum supervision terms.* Parolees may remain on parole until the term of their sentence has expired. Parolees are then granted either an "honorable" or "dishonorable"

discharge from parole. An honorable discharge is granted to parolees who have fulfilled parole conditions for the entire period of parole, or have done so for the most part, but have been unable to make full restitution due to economic hardship. A dishonorable discharge is granted if the whereabouts of the parolee are unknown (and the parole term will end shortly), if the parolee has failed to make restitution without showing economic hardship, or the parolee has otherwise failed to qualify for an honorable discharge.<sup>71</sup> Some sex offenders are subject to lifetime supervision by the Department after the term of parole related to their sentence has ended.<sup>72</sup>

*Early termination.* The Board may petition the sentencing court for early discharge from parole based on a recommendation from the Parole and Probation Division after one half of the period of parole has been served. The court of original jurisdiction must grant this request, because it is considered a sentence modification. However, the court may not reduce the total time to be served in prison and on parole to beneath the minimum term prescribed by statute.<sup>73</sup>

*Extension of supervision term.* Parole cannot be extended beyond the term of the parolee's sentence.<sup>74</sup>

*Incentives; "goal parole."* An offender on parole after January 1, 2004 for a term less than life must be allowed a deduction of 20 days from their sentence for each month they serve, if they are current with any fee to defray the costs of supervision and with restitution payments. An additional deduction of 10 days per month may be granted to a parolee who is diligent in labor or study. All offenders sentenced after June 30, 1991 for crimes committed after July 1985 may also earn 10 days per month for good behavior. Thus, for most parolees, a total of 40 credit days per month can be earned for good behavior.<sup>75</sup>

### d. Conditions of Supervision

General conditions of parole include:

"1. Reporting/Release: Upon release from the institution, you are to go directly to the program approved by the Division of Parole and Probation, and shall report to the Supervising Officer or other person designated by the Division. You are required to submit a written Monthly Report to your Supervising Officer on the first of each month on forms supplied by the Division of Parole and Probation. This report shall be true and correct in all respects; in addition, you shall report as directed by your Supervising Officer.

2. **Residence:** You shall not change your place of residence without first obtaining permission from your Supervising Officer, in each instance.
3. **Intoxicants:** You shall not drink or partake of any alcoholic beverages (whatsoever) (to excess). Upon request by any Parole or Peace Officer, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .10 blood alcohol or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase nor possess any narcotic drugs, nor any dangerous drugs, unless first prescribed by a licensed physician; you shall immediately notify your Supervising Officer of any prescription received. You shall submit to narcotic or drug testing as required by any Supervision Officer.
5. **Weapons:** You shall not possess, own, carry, or have under your control, any type of weapon.
6. **Associates:** You shall not associate with individuals who have criminal records or other individuals as deemed inappropriate by the Division. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by your supervising officer and the correctional institution.
7. **Cooperation:** You shall, at all times, cooperate with your Supervising Officer and your behavior shall justify the opportunity granted to you by this parole.
8. **Laws and Conduct:** You shall comply with all institutional rules, municipal, county, state and federal laws, and ordinances; and conduct yourself as a good citizen.
9. **Out-of-State Travel:** You shall not leave the State without first obtaining written permission from your Supervising Officer.
10. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission.
11. **Supervision Fees:** You shall pay monthly supervision fees while under supervision of the Division.
12. **Fines/Restitution:** You shall pay all Court-ordered fines, fees, and restitution on a schedule approved by the Division.
13. **Special Conditions:** [see below]
14. **Search:** You shall submit to a search of your person, automobile, or place of residence, by a Parole Officer, at any time of the day or night without a warrant, upon reasonable cause as ascertained by the Parole Officer.
15. **Your Parole Expiration Date is:**
16. **Credits:** You shall receive no credit, whatsoever, on this sentence should you be absent from supervision at any time and be considered an absconder."<sup>76</sup>

The Board may impose any conditions of parole that are reasonable to protect the health, safety, and welfare of the community. These may include:

- Requiring the parolee to remain in this state or a certain county within this state;
- Prohibiting the parolee from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the parolee's behalf;
- Prohibiting the parolee from entering a certain geographic area; and
- Prohibiting the parolee from engaging in specific conduct that may be harmful to his or her own health, safety or welfare, or the health, safety or welfare of another person.<sup>77</sup>
- Under a separate statute, prohibiting association with gang members.<sup>78</sup>

*Sex offenders.* Anyone convicted of a sexual offense (as defined in statute) faces certain mandatory conditions of parole, unless the Board finds that extraordinary circumstances are present. These conditions require the parolee to:

- (a) Reside at a location only if the residence has been approved by the parole officer assigned to the parolee, only live in a facility that houses more than three people released from prison if it is a licensed halfway house, and keep the parole and probation office informed of their current address.
- (b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his or her position of employment or position as a volunteer.
- (c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee.
- (d) Participate in and complete a program of professional counseling approved by the Division.
- (e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance.
- (f) Submit to periodic polygraph examinations as requested by the parole and probation officer assigned to the parolee.
- (g) Abstain from consuming, possessing, or having under his or her control any alcohol.
- (h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee, or solicit another person to engage in such contact or communication on behalf of the parolee, unless

approved by the Chief Parole and Probation Officer or his or her designee and a written agreement is entered into and signed in the manner set forth [by statute].

- (i) Not use aliases or fictitious names.
- (j) Not obtain a post office box, unless the parolee receives permission from the parole and probation officer assigned to the parolee.
- (k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sex offense is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact.
- (l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a parolee who is a Tier 3 offender.
- (m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.
- (n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee.
- (o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee.
- (p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee.
- (q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his or her enrollment at an institution of higher education.<sup>79</sup>

More conditions exist for certain sex offenders convicted of sexual offenses against children,<sup>80</sup> certain internet-related crimes such as stalking or possession of child pornography,<sup>81</sup> or those on lifetime parole.<sup>82</sup>

*Modification of conditions.* Parolees or parole officers may request modification of parole conditions with or without a violation of existing conditions. Some modifications can be made in absentia if all parties agree to the change; others may be modified after a hearing request.<sup>83</sup>

*Incentives; lighter conditions.* There is no incentive program involving lighter conditions.

## e. Fees and Other Financial Sanctions

*Parole supervision fees.* The Division of Parole and Probation must charge parolees a monthly fee to defray the cost of supervision; this is considered a condition of parole. In addition, the Division must charge parolees who are supervised through residential confinement a monthly fee of at least \$30. The Division may waive the fee in whole or in part if it determines that payment would create an economic hardship on the parolee.<sup>84</sup> The waiver may be granted upon condition of future payment; if this is the case, the parolee must pay back fees if at any time before the end of the term their income becomes sufficient enough to do so.<sup>85</sup> By regulation, the current parole supervision fee is \$30.<sup>86</sup>

*Payments for drug and alcohol testing and treatment.* While drug testing may be a condition of parole, and refusal to submit to a test may be grounds for revocation, it is unclear if there are fees associated with testing.<sup>87</sup>

*Restitution.* Unless restitution was made while the parolee was incarcerated, the Board must impose it as a condition of parole when appropriate.<sup>88</sup> The amount of restitution must be the amount set by the sentencing court. Nevada courts can consider the financial status of a defendant in setting restitution, as well as their other obligations such as child support and fines.<sup>89</sup> Failure to comply with a restitution requirement imposed by the Board is a violation of a condition of parole, unless the parolee's failure was caused by economic hardship resulting in his or her inability to pay the amount due. The parolee is entitled to a hearing to show the existence of hardship.<sup>90</sup>

*Child support.* Child support payments cannot be made a condition of parole.<sup>91</sup>

*Other financial obligations.* Parolees must pay court-ordered fines and fees as a condition of parole.<sup>92</sup>

*Incentives; reduction of economic sanctions.* There is no incentive program related to reduction of economic sanctions.



## 5. Parole Revocation

*Parole revocation proceedings.* In Nevada in 2015, there were 255 parolees returned to incarceration through revocation and 465 returned to incarceration due to new criminal charges.<sup>93</sup>

*Absconders.* In Nevada in 2015, there were 52 absconders reported.

### a. Principles and Criteria of “When to Revoke”

*Policy considerations.* Nevada worked with the Council of State Governments from 2007 to 2008 because the state was experiencing “high failure rates” among its supervision population that were increasing the prison population. Nevada passed legislation in 2007 that increased incentives for parole compliance.<sup>94</sup> The bill also expanded access to home confinement in lieu of incarceration upon parole revocation.<sup>95</sup>

*Legal predicates.* Revocation is proper when the Board determines, through verified facts, that the parolee has violated the terms of his or her supervised release.<sup>96</sup>

*Statutorily enumerated factors.* By Board regulation, in determining whether to revoke the parole of a person for a violation of his or her parole, the Board may consider whether the person has, while on parole:

1. Been convicted of any crime committed after his or her release and, if so, whether the crime involved the use of a weapon or resulted in injury or substantial harm to the victim;
2. Engaged in a pattern of behavior similar to that which resulted in his or her imprisonment;
3. Used drugs or alcohol and whether confinement for counseling or classification is advisable;
4. Demonstrated an unwillingness to conform to the expectations and requirements of parole; or
5. Engaged in any other conduct that makes him or her a danger to the community and indicates a need for further treatment in a controlled environment.<sup>97</sup>

### b. Revocation Guidelines

There is not a revocation guidelines system in use in Nevada. The Board is required by statute to develop “standards” for revocation and report on deviations from those standards, but these appear to be a list of factors rather than more systematic guidelines.<sup>98</sup>

### c. Risk and Needs Assessment Tools

At revocation, the Board considers the Nevada Parole Risk Assessment.<sup>99</sup>

### d. Preliminary and Final Revocation Procedures

*Arrest or summons.* The Board’s written order acts as the warrant “for any parole and probation officer or other peace officer to arrest any conditionally released or paroled prisoner.” Parole officers can arrest a parolee without a warrant if there is probable cause to believe the parolee violated the terms of his or her release. After arrest, the parolee is to be placed in detention or residential confinement. If it is eventually determined that probable cause does not exist, the parolee is to be released.<sup>100</sup>

*Preliminary hearing.* At a preliminary hearing, an inquiring officer must determine whether there is probable cause to believe the parolee violated terms of his or her release.<sup>101</sup> This hearing must be held at or near the place of the alleged violation within 15 working days after the arrest.<sup>102</sup> If probable cause is found, this is sufficient to warrant continued detention and return to prison pending a Board hearing.<sup>103</sup>

If an inquiring officer has determined that there is probable cause for a hearing by the Board, the Chief Parole and Probation Officer may, after consideration of the case and pending the next meeting of the Board:

- (a) Release the arrested parolee again upon parole;
- (b) Order the parolee to be placed in residential confinement; or
- (c) Suspend his or her parole and return the parolee to confinement.<sup>104</sup>

*Final hearing.* Within 60 days of the confinement or residential confinement of a parolee, the Board must hold a final hearing. However, if the continued detention of the parolee is based on a new criminal charge, the Board may defer consideration for up to 60 days after the final adjudication of the new charge.<sup>105</sup> The Board “sits as an impartial hearing body at the final violation hearing and determines whether paroles previously granted will be revoked.”<sup>106</sup> Documents, letters, affidavits, other pertinent information or physical evidence may be presented by either the alleged violator or the probation and parole officer. The substance of pertinent reports from other agencies may be made available to the alleged violator.

### e. Offenders’ Procedural Rights

Parolees have a right to advance notice of a parole violation inquiry that includes what violations of the conditions of parole have been alleged. At both phases of the parole revocation process, they have the right to

appear and speak on their own behalf, and to present any relevant letters, other documents, or witnesses. They also have the right to confront and question any person who appears against the parolee, unless, in the opinion of the inquiring officer, the informant would be subject to a risk of harm by the disclosure of his or her identity.<sup>108</sup> If an adverse witness was not present and not previously noted on the notice of charges, the Board may grant a continuance to the parolee without being in violation of the 60-day rule. The parolee may hire an attorney, or may be represented during the hearing process by a public defender, if indigent.<sup>109</sup>

The Board can hold a violation hearing in absentia if the parolee is convicted of a new crime in another jurisdiction, or if the parolee waives the right to a personal hearing. In addition, some of the procedural rights listed above (such as the right to present evidence or witnesses) are not given to parole violators who have been convicted of a new crime at the revocation phase because of the due process protections that already exist for criminal defendants. However, they may present evidence in mitigation.<sup>110</sup>

#### **f. Victims and Other Participants**

Victims and other individuals involved in the original case are not normally involved in revocation proceedings unless they are witnesses to the violation. However, parole violation hearings are open to the public.<sup>111</sup>

#### **g. Burden of Proof or Standards of Persuasion**

"Substantial evidence" is required to prove that a parole violation occurred.<sup>112</sup>

#### **h. Revocation and Other Sanctions**

If parole is revoked, the Board may order the parolee to a term of residential confinement in lieu of confinement in a jail or prison.<sup>113</sup>

When parole is revoked, the former parolee forfeits all credits for good behavior previously earned during incarceration. More importantly, he or she must serve any portion of the original sentence as determined appropriate by the Board. The Board has the ability to restore any credits forfeited.<sup>114</sup> In addition, upon determining that a parolee has violated a condition of his or her parole, the Board must, if practicable, order the parolee to make restitution for any necessary expenses incurred by a governmental entity in returning the parolee to the Board for violation of his or her parole.<sup>115</sup>

#### **i. Issuing Parole Revocation Decisions**

The findings of the Board must be made a matter of record. The record must include all of the violations for which the parolee was held responsible, and a summary of the evidence relied on to reach those findings.<sup>116</sup>

#### **j. Administrative or Judicial Review of Parole Revocation Decisions**

While administrative appeal of parole release decisions is available, this is not available at the revocation phase.<sup>117</sup> Judicial review is available via writ of habeas corpus,<sup>118</sup> writ of mandamus,<sup>119</sup> or a writ of prohibition.<sup>120</sup>

#### **k. Re-Release Following Revocation**

Discretionary parole release may be considered after revocation at another release hearing.<sup>121</sup>

### **6. Parole Board; Institutional Attributes**

#### **a. Source of Authority and Jurisdiction**

The Nevada Board of Parole Commissioners was created by statute and has jurisdiction over parole release.<sup>122</sup>

#### **b. Location in Government**

The Board is located within the Department of Public Safety.<sup>123</sup>

#### **c. Purpose (Vision/Principles/Rationale)**

The Board describes its missions as follows:

In an effort to ensure public safety, the Board of Parole Commissioners (Board) renders fair and just decisions on parole matters based on the law, the impact on victims and the community, and the goal of successfully reintegrating offenders back into society.<sup>124</sup>

The Board describes its vision as follows:

The Board is committed to the improvement of the quality of the criminal justice system on behalf of all the citizens of Nevada. It seeks this through a deep concern for public safety, consideration of the victims of crime and the rehabilitation of offenders.

The Board strongly believes in the parole process and is committed to the ethical, unbiased and professional performance of its duties, and will continually strive for excellence and consistent fairness.



The members of the Board value each Commissioner and fellow employee and respect the contribution each makes toward the successful completion of our mission. The Board strives for collegiality in its internal operations and full cooperation with external organizations with which it interacts.

The Board recognizes its responsibility, not only to the citizens of Nevada and the victims of crime, but also to the offenders who appear before it. With this in mind, the Board will render objective, just, and informed decisions that are free of improper external influences, while being mindful of the needs of the offender and the community.<sup>125</sup>

#### **d. Appointment and Qualifications of Board Members**

There are seven Board members appointed by the Governor. The Governor also appoints a Board chair.<sup>126</sup>

*Qualifications?* Each member of the Board must have a “bachelor’s degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than three years of experience working in one or several of these fields”; or “[f]our years of experience in one or several of the fields just mentioned.” When appointing to the Board, the Governor should appoint an individual who has experience in prisons, parole and probation, law enforcement, criminal law, or social work. However, the Governor may not appoint more than two members who are within the same field. If the appointee does not have experience in those fields, he or she should have experience in victims’ rights awareness if the other fields are satisfied by other members on the Board.<sup>127</sup>

#### **e. Tenure of Board Members, Ease of Removal**

Board members serve four-year terms.<sup>128</sup> Board members may not be removed at will by the Governor.<sup>129</sup>

#### **f. Training and Continuing Education**

Each member of the Board must complete orientation when they are appointed for a first term. Case representatives also must attend this orientation. The orientation must span 40 hours of training. The orientation must cover, but is not limited to, the following:

- A historical perspective of parole, including the objectives of and reasons for using parole within the criminal justice system;
- The role and function of the Board within the criminal justice system;

- The responsibilities of members of the Board and case hearing representatives;
- The goals and objectives of the Board;
- The programs administered by the Board;
- The policies and procedures of the Board; and
- The laws and regulations governing parole, including the standards for granting, denying, revoking, and continuing parole.<sup>130</sup>

Additionally, the Chair must create a written plan for the continuing education of board members and hearing representatives. Under the plan, each board member must attend not less than 16 hours of courses for continuing education during each year of the member’s term. In addition, each case hearing representative must attend not less than 16 hours of courses for continuing education during each year that the representative is on the list of persons eligible to serve as a case hearing representative. The continuing education requirement can be fulfilled by attending programs on any of a large number of topics.<sup>131</sup>

#### **g. Workload**

From April 1, 2016 through June 30, 2016, there were 1,189 discretionary parole hearings in which parole was granted for 578 (or about 49%) of the prisoners. There were also 569 mandatory parole hearings, in which mandatory parole was granted for 310 (or about 54%) of the prisoners. There were 195 parole violation hearings, and 58 mandatory parole violation hearings. There were 2,368 hearings in total.<sup>132</sup>

#### **h. Reporting and Accountability of Parole Board**

The Board publishes a detailed quarterly report online in accordance with state law.<sup>133</sup> The Board must also make their parole release risk assessment instrument available to the public. Finally, the Board develops standards for parole release. It must report to the legislature each year on any revisions to those standards and on how many departures from the standards the Board makes.<sup>134</sup>

The Board must adhere to public records laws, making as much information available to the public as is legally required.<sup>135</sup> However, all personal information from victims is considered confidential.<sup>136</sup>

## END NOTES

- <sup>1</sup> Nev. Rev. Stat. § 193.130.
- <sup>2</sup> 2017 Nev. Stat. ch. 583 § 5; See also Nev. Cts., *Nevada Sentencing Commission to Bring Consistency to Sentencing Practices of Nevada Judges* (Jun. 2017), [https://nvcourts.gov/Supreme/News/Nevada\\_Sentencing\\_Commission\\_to\\_Bring\\_Consistency\\_to\\_Sentencing\\_Practices\\_of\\_Nevada\\_Judges/](https://nvcourts.gov/Supreme/News/Nevada_Sentencing_Commission_to_Bring_Consistency_to_Sentencing_Practices_of_Nevada_Judges/).
- <sup>3</sup> Nev. Dep't of Pub. Safety, Parole and Probation, *Brief History of Parole and Probation*, <http://npp.dps.nv.gov/About/History/> (last visited Feb. 7, 2018).
- <sup>4</sup> Council of State Govs., *Nevada*, <https://csgjusticecenter.org/jr/nv/> (last visited Feb. 7, 2018).
- <sup>5</sup> See, e.g., Nev. Rev. Stat. § 213.1099.
- <sup>6</sup> Nev. Rev. Stat. § 213.1096.
- <sup>7</sup> Nev. Rev. Stat. § 213.150 - .153.
- <sup>8</sup> Nev. Rev. Stat. § 213.120(2).
- <sup>9</sup> Nev. Rev. Stat. § 176.033.
- <sup>10</sup> Nev. Rev. Stat. § 213.1213.
- <sup>11</sup> Nev. Rev. Stat. § 213.120 (Individuals who committed a crime before July 1, 1995, must serve 1/3 of the period of time to which they have been sentenced, less any credits earned).
- <sup>12</sup> Nev. Rev. Stat. § 193.130.
- <sup>13</sup> Note that the sentence for a Category A felony can be a range of years (e.g. 10 to 25 years) depending on the crime and is not always a "life" sentence. Correspondence with David M. Smith, Hearing Examiner II, Nev. Bd. of Parole Comm'rs (Oct. 2, 2017).
- <sup>14</sup> Nev. Rev. Stat. § 213.1215.
- <sup>15</sup> Nev. Rev. Stat. § 207.010.
- <sup>16</sup> Nev. Rev. Stat. § 200.030.
- <sup>17</sup> Nev. Rev. Stat. § 213.1215 (Requirements include completion of programming while in prison, avoiding major disciplinary infractions within the last 24 months, and not being identified as a member of a security threat group (i.e. a gang)).
- <sup>18</sup> Nev. Rev. Stat. § 213.142.
- <sup>19</sup> Nev. Rev. Stat. § 209.4465.
- <sup>20</sup> Nev. Rev. Stat. §§ 209.448, 208.449.
- <sup>21</sup> Nev. Rev. Stat. § 209.4465.
- <sup>22</sup> *Id.* (The 58% rule also applies to people who elect under Nevada law to have consecutive sentences aggregated for parole consideration purposes after July 1, 2014).
- <sup>23</sup> Nev. Rev. Stat. § 213.10885.
- <sup>24</sup> Nev. Rev. Stat. § 213.1099.
- <sup>25</sup> Nev. Rev. Stat. § 213.10885.
- <sup>26</sup> Nev. Rev. Stat. § 213.1214.
- <sup>27</sup> Nev. Admin. Code § 213.532(3).
- <sup>28</sup> Nev. Rev. Stat. § 213.10885.
- <sup>29</sup> Nev. Bd. Parole Comm'rs, *Discretionary Release Parole Guideline Worksheet* (Nov. 2012), [http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Discretionary\\_Release\\_Parole\\_Guideline\\_Worksheet.pdf](http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Discretionary_Release_Parole_Guideline_Worksheet.pdf).
- <sup>30</sup> *Id.*
- <sup>31</sup> Nev. Bd. Parole Comm'rs, *Nevada Parole Risk Assessment* (Nov. 2012), [http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/NV\\_ParoleRiskAssessmentForm.pdf](http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/NV_ParoleRiskAssessmentForm.pdf).
- <sup>32</sup> *Id.*
- <sup>33</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.
- <sup>34</sup> Nev. Rev. Stat. § 209.3925 (Note that inmates who qualify for this type of release must be either "1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or 2) In ill health and expected to die within 12 months and does not presently, and likely will not in the future, pose a threat to the safety of the public.").
- <sup>35</sup> Nev. Rev. Stat. § 213.010.
- <sup>36</sup> Nev. Rev. Stat. §§ 213.080, 213.085.
- <sup>37</sup> Nev. Rev. Stat. § 211.240.
- <sup>38</sup> Nev. Rev. Stat. § 213.131(3), (5).
- <sup>39</sup> Nev. Bd. Parole Comm'rs, *Operations of the Board*, 6 (Oct. 2012), <http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/OpsBoardOctober2012.pdf> [hereinafter *Operations of the Board*].
- <sup>40</sup> Nev. Admin. Code § 213.534.
- <sup>41</sup> Nev. Rev. Stat. § 213.131(9).
- <sup>42</sup> Nev. Rev. Stat. § 213.133 (Case hearing representatives must have at least a bachelors' degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than three years of experience in one or several of those fields; or, six years of experience in those fields); Nev. Rev. Stat. § 213.135.
- <sup>43</sup> Nev. Rev. Stat. § 213.133.
- <sup>44</sup> *Operations of the Board*, *supra* note 39, at 7.
- <sup>45</sup> Nev. Rev. Stat. § 213.131.
- <sup>46</sup> *Operations of the Board*, *supra* note 39, at 9.
- <sup>47</sup> Nev. Rev. Stat. § 213.131(2).
- <sup>48</sup> *Operations of the Board*, *supra* note 39, at 13.
- <sup>49</sup> Nev. Rev. Stat. § 213.040.
- <sup>50</sup> Nev. Rev. Stat. § 213.131(10) (The representative may be an attorney, a family member, a friend, or another prisoner). See *Operations of the Board*, *supra* note 39, at 6.
- <sup>51</sup> State, ex rel. Bd. of Parole Comm'rs v. Morrow, 255 P.3d 224 (Nev. 2011).
- <sup>52</sup> Nev. Rev. Stat. § 213.131(4).
- <sup>53</sup> Nev. Rev. Stat. § 213.1085; *Operations of the Board*, *supra* note 39, at 15.
- <sup>54</sup> Nev. Rev. Stat. § 213.131(3); *Operations of the Board*, *supra* note 39, at 5.
- <sup>55</sup> *Operations of the Board*, *supra* note 39, at 14.
- <sup>56</sup> Nev. Rev. Stat. § 213.131.
- <sup>57</sup> *Id.* at (11).
- <sup>58</sup> Nev. Admin. Code § 213.536.
- <sup>59</sup> Nev. Rev. Stat. § 213.133(7).
- <sup>60</sup> *Operations of the Board*, *supra* note 39, at 8.
- <sup>61</sup> Nev. Admin. Code §§ 213.522, 213.524.
- <sup>62</sup> Nev. Admin. Code § 213.526.
- <sup>63</sup> Morrow, 255 P.3d 224.
- <sup>64</sup> *Jimenez v. State of Nev. Bd. of Parole Comm'rs*, 367 P.3d 786 (Nev. 2010) (table); *Deeds v. Warden*, N. Nev. Corr. Ctr., 238 P.3d 806 (Nev. 2008) (table).
- <sup>65</sup> *Witherow v. State Bd. of Parole Comm'rs*, 167 P.3d 408 (Nev. 2007).
- <sup>66</sup> Nev. Admin. Code § 213.545.
- <sup>67</sup> Danielle Kaeble & Thomas P. Bonzcar, Bureau of Just. Stats., *Probation and Parole in the United States, 2015*, 20 (Appendix Table 4) (Dec. 2016), <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.
- <sup>68</sup> Nev. Dep't of Public Safety, Parole and Probation, *Mission*, <http://npp.dps.nv.gov/About/Mission/> (last visited Feb. 7, 2018).
- <sup>69</sup> Nev. Dep't of Public Safety, Parole and Probation, *Division Overview*, <http://npp.dps.nv.gov/About/Overview/> (last visited Feb. 7, 2018).
- <sup>70</sup> Nev. Bd. Parole Comm'rs, *Conditions of Parole*, <http://parole.nv.gov/FAQs/ConditionsOfParole/> (last visited Jan. 22, 2018) [hereinafter *Conditions of Parole*].
- <sup>71</sup> Nev. Rev. Stat. § 213.154; Correspondence with David M. Smith, Hearing Examiner II, Nev. Bd. Parole Comm'rs (Jan. 16, 2018).
- <sup>72</sup> Nev. Rev. Stat. § 213.1243.
- <sup>73</sup> Nev. Rev. Stat. § 176.033; *Operations of the Board*, *supra* note 39, at 14-15.
- <sup>74</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.
- <sup>75</sup> Nev. Rev. Stat. §§ 209.447(2), 209.4475.
- <sup>76</sup> Nev. Bd. of Parole Comm'rs, *Conditions of Parole*, <http://parole.nv.gov/FAQs/ConditionsOfParole/> (last visited Jan. 22, 2018).
- <sup>77</sup> Nev. Rev. Stat. § 213.12175.
- <sup>78</sup> Nev. Rev. Stat. § 213.1263.

## END NOTES

- <sup>79</sup> Nev. Rev. Stat. § 213.1245.  
<sup>80</sup> Nev. Rev. Stat. § 213.1255.  
<sup>81</sup> Nev. Rev. Stat. § 213.1258.  
<sup>82</sup> Nev. Rev. Stat. § 213.1243 (However, note that the Board is prohibited from setting additional conditions of supervision for lifetime parolees than are enumerated by statute). See *McNeill v. State*, 375 P.3d 1022 (Nev. 2016).  
<sup>83</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.  
<sup>84</sup> Nev. Rev. Stat. § 213.1076.  
<sup>85</sup> Nev. Admin. Code § 213.260.  
<sup>86</sup> Nev. Admin. Code § 213.230.  
<sup>87</sup> Nev. Rev. Stat. § 213.123.  
<sup>88</sup> Nev. Rev. Stat. § 213.126.  
<sup>89</sup> Nev. Rev. Stat. §§ 179.225(2), (3).  
<sup>90</sup> Nev. Rev. Stat. § 213.126 (7).  
<sup>91</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.  
<sup>92</sup> *Conditions of Parole*, *supra* note 76.  
<sup>93</sup> Kaebler and Bonzcar, *supra* note 67, at 24 (Appendix Table 6).  
<sup>94</sup> Council of State Govs., *Nevada*, <https://csgjusticecenter.org/jr/nv/> (last visited Feb. 7, 2018).  
<sup>95</sup> See 2007 Nevada Laws Ch. 525 (A.B. 510).  
<sup>96</sup> *Anaya v. State*, 96 Nev. 119, 122 (1980) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 484 (1972)) (“Due process requires, at a minimum, that a revocation be based upon ‘verified facts’ so that ‘the exercise of discretion will be informed by an accurate knowledge of the behavior.’”); *Anaya* discusses probation, but is applied extended to parole revocation in *Hornback v. Warden, Nevada State Prison*, 97 Nev. 98 (1981)).  
<sup>97</sup> Nev. Admin. Code § 213.550.  
<sup>98</sup> Nev. Rev. Stat. § 213.10885.  
<sup>99</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.  
<sup>100</sup> Nev. Rev. Stat. § 213.151.  
<sup>101</sup> Nev. Rev. Stat. § 213.1511 (The inquiring officer cannot be directly involved in the case, cannot have been the individual who reported the violation, and cannot have recommended revocation. However, there is no requirement that they be a judicial officer).  
<sup>102</sup> *Id.*  
<sup>103</sup> Nev. Rev. Stat. § 213.1515.  
<sup>104</sup> Nev. Rev. Stat. § 213.1517.  
<sup>105</sup> *Id.*  
<sup>106</sup> *Operations of the Board*, *supra* note 39, at 16.  
<sup>107</sup> *Id.* at 18.  
<sup>108</sup> Nev. Rev. Stat. § 213.1513.  
<sup>109</sup> *Operations of the Board*, *supra* note 39, at 17.  
<sup>110</sup> *Id.* at 18.  
<sup>111</sup> Oct. 2017 Correspondence with David M. Smith, *supra* note 13.  
<sup>112</sup> *Id.*  
<sup>113</sup> Nev. Rev. Stat. § 213.152.  
<sup>114</sup> Nev. Rev. Stat. § 213.1519.  
<sup>115</sup> Nev. Rev. Stat. § 213.153.  
<sup>116</sup> *Operations of the Board*, *supra* note 39, at 18.  
<sup>117</sup> See, e.g., Nev. Admin. Code § 213.526.  
<sup>118</sup> See, e.g., *Clay v. State*, 2016 WL 312246 (Nev. Ct. App., Jan. 21, 2016); *Baca v. Meegan*, 2015 WL 632153 (Nev., Feb. 11, 2015).  
<sup>119</sup> See, e.g., *Hughes v. Nevada*, 2016 WL 3586729 (Nev. Ct. App., Jun. 22, 2016) (The issue in *Hughes* was whether or not the Department of Corrections and the Board correctly calculated the remainder of the sentence after revocation); *Meegan v. Cox*, 2015 WL 754445 (Nev., Feb. 18, 2015) (This was brought as a petition for a writ of mandamus, or in the alternative a petition for a writ of prohibition).  
<sup>120</sup> *Sells v. State*, 2014 WL 2086612 (Nev. May 14, 2014) (The issue in *Sells* was whether or not a parole revocation hearing was being held in violation of the double jeopardy clause).  
<sup>121</sup> Nev. Rev. Stat. §§ 213.142, 213.1519(3)(c).  
<sup>122</sup> Nev. Rev. Stat. §§ 213.108, 213.10885.  
<sup>123</sup> Nev. Rev. Stat. § 213.108.  
<sup>124</sup> Nev. Bd. Parole Comm’rs, *Mission*, <http://parole.nv.gov/About/Mission/> (last visited Feb. 7, 2018).  
<sup>125</sup> Nev. Bd. Parole Comm’rs, *Vision*, <http://parole.nv.gov/About/Vision/> (last visited Feb. 7, 2018).  
<sup>126</sup> Nev. Rev. Stat. § 213.108.  
<sup>127</sup> *Id.*  
<sup>128</sup> Nev. Rev. Stat. § 213.1087.  
<sup>129</sup> Jan. 2018 Correspondence with David M. Smith, *supra* note 71.  
<sup>130</sup> Nev. Rev. Stat. § 213.1088.  
<sup>131</sup> *Id.*  
<sup>132</sup> Nev. Bd. Parole Comm’rs, *Parole Board Quarterly Report of Actions April 1 Through June 30, 2016*, 3, <http://parole.nv.gov/uploadedFiles/parolenvgov/content/Information/Q4FY2016-Apr-Jun%202016.pdf> (last visited Jan. 22, 2018).  
<sup>133</sup> Nev. Rev. Stat. § 213.10887.  
<sup>134</sup> Nev. Rev. Stat. § 213.10885.  
<sup>135</sup> Nev. Rev. Stat. § 239.010.  
<sup>136</sup> Nev. Rev. Stat. § 213.131(8).