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**NEVADA BOARD OF PAROLE COMMISSIONERS**

September 29, 2010

To: Lorne Malkiewich, Director, Legislative Counsel Bureau

From: Connie S. Bisbee, Chairman

RE: Parole Board Quarterly Report of Actions July 1, 2009 through September 30, 2009.

Please find attached the Quarterly Report of Parole Board Actions for the period July 1, 2009 through September 30, 2009. This report is prepared in accordance with NRS 213.10887: "Board to compile, maintain, organize and tabulate information concerning decisions regarding parole."

This report is organized by sections as follows:

- Section 1: Summary of all parole decisions during the reporting period. Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions.
- Section 2: Summary of parole actions based on the parole guideline recommendation.
- Section 3: Summary of parole actions that deviate from the guideline recommendation.
- Section 4: Summary of parole actions by offense group.
- Section 5: Summary of the reasons for parole actions, including reasons for deviating from the parole guideline recommendation. Reasons for actions on individual cases are on file at the Carson City Office of the Parole Board and are available upon request.

**Section 1. Summary of all parole decisions during the reporting period.**

Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions. Hearings that resulted in 'No Action' being taken, and hearings resulting in the rescission of a parole as a result of ineligibility are also displayed in the chart below.

	<b>Male</b>	<b>Female</b>	<b>Total</b>
Discretionary Parole Hearings	1206	190	1396
Discretionary Paroles Granted	627	146	773
Discretionary Paroles Denied	579	44	623
Mandatory Parole (MPR) Hearings	550	57	607
Mandatory Paroles Granted	361	45	406
Mandatory Paroles Denied	189	12	201
Discretionary Parole Violations Hearings	126	17	143
Discretionary Paroles Continued (Reinstated)	19	4	23
Discretionary Paroles Revoked	107	13	120
MPR Release Violation Hearings	25	5	30
MPR Violators Continued (Reinstated)	0	0	0
MPR Violators Revoked	25	5	30
Total Decisions	1907	269	2176
Total Grant/Continued	1007	195	1202
Total Denied/Revoked	900	74	974
Hearings with No Action	133	8	141
Rescissions (not eligible)	0	0	0

<b>Percent of Action by Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Percent of Discretionary Parole Granted	52%	77%	55%
Percent of Mandatory Parole Granted	66%	79%	67%
Total Discretionary/MPR Grant Rate	56%	77%	59%

**Section 2: Statistics of parole actions based on the parole guideline recommendation.**

The following charts represent discretionary and mandatory parole actions based on the discretionary parole guideline. The MPR actions appear as reference only. The guideline for consideration for release under NRS 213.1215 (Mandatory Parole) is whether there is a reasonable probability that the prisoner would be a danger to public safety. When an inmate being considered for release under Mandatory Parole is denied, the underlying reason is the determination that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.

**Discretionary Parole Actions by Guideline Recommendation**

	Granted	Denied	% Granted
Parole at Initial	221	18	92%
Parole at 1st or 2 <sup>nd</sup> Hearing	367	168	69%
Consider Factors	183	276	40%
Deny Parole	2	155	1%

**Mandatory Parole Actions by Discretionary Guideline Recommendation**

	Granted	Denied	% Granted
Parole at Initial	58	3	95%
Parole at 1st or 2 <sup>nd</sup> Hearing	207	29	88%
Consider Factors	132	74	64%
Deny Parole	9	88	9%

**Section 3: Summary of parole actions that deviated from the discretionary parole guideline.**

A guideline deviation occurs when the parole guideline recommendation suggests a specific parole action be taken, and the Board acts contrary to the recommendation.

The following represents the number of inmates who were denied parole when the guideline recommended parole should be granted (denials when the guideline recommends parole be granted at 1st or 2nd hearing would become a deviation when parole is denied at the 2nd hearing):

# of Actions to Deny Parole that Deviated:	23
Total Number of Discretionary Denials:	623
Percent of Deviation:	3.69%

The following represents the number of inmates who were granted parole when the guideline recommended parole should be denied:

# of Actions to Grant Parole that Deviated:	2
Total Number of Discretionary Grants:	773
Percent of Deviation:	0.26%

**Section 4: Summary of parole actions by offense group**

The following represents parole actions by offense group as defined by the Department of Corrections. Offenses appearing in the "Sex" category include offenses such as "Prostitution with HIV," "Pandering" and "Failure to Register as a Sex Offender." Offenses that involved violence during the commission of the offense, but with an actual conviction title that would by itself not appear to be violent will not appear in the "Violence" offense group (i.e., a Burglary conviction that included striking a resident would appear in the "Property" offense group). Offenses appearing in the "Other" offense group includes offenses that can not be readily categorized into one of the other offense groups (i.e., Habitual Criminals, gaming related offenses and Victim Over 65 Enhancement which could be a property or violent offense).

	<b>Sex</b>	<b>Violence</b>	<b>Drug</b>	<b>Property</b>	<b>DUI</b>	<b>Other</b>	<b>Total</b>
Discretionary Parole	159	549	308	318	47	15	<b>1396</b>
Discretionary Parole Granted	57	227	225	220	33	11	<b>773</b>
Percent Favorable	36%	41%	73%	69%	70%	73%	<b>55%</b>

MPR Hearings	44	313	106	113	24	7	<b>607</b>
MPR Granted	23	189	90	78	22	4	<b>406</b>
Percent Favorable	52%	60%	85%	69%	92%	57%	<b>67%</b>

Total Parole Hearings	203	862	414	431	71	22	<b>2003</b>
Total Parole Grants	80	416	315	298	55	15	<b>1179</b>
Percent Favorable	39%	48%	76%	69%	77%	68%	<b>59%</b>

PV Hearings	8	65	40	57	2	1	<b>173</b>
PV's Reinstated	2	13	3	5	0	0	<b>23</b>
Percent Favorable	25%	20%	8%	9%	0%	0%	<b>13%</b>

Total	211	927	454	488	73	23	<b>2176</b>
Total Favorable	82	429	318	303	55	15	<b>1202</b>
Percent Favorable	39%	46%	70%	62%	75%	65%	<b>55%</b>

### **Section 5: Reasons for Each Parole Action**

The following provides a summary of the cumulative reasons for parole decisions. When acting to grant or deny parole, more than one reason may be selected. Reasons for each specific case are available upon request at the Carson City Office of the Board of Parole Commissioners. When the "Other" reason is selected, written comments are manually entered onto the parole order, and are not depicted on this report. Those comments are also available upon request at the Carson City Office of the Parole Board.

#### **Reasons for Denying Mandatory Parole Release (NRS 213.1215):**

<b>Frequency</b>	<b>Reason</b>
120	The parole guidelines indicate the prisoner is a high risk to re-offend.
25	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
11	The prisoner has made statements indicating he/she will refuse to comply with the terms and conditions of parole.
1	The prisoner has made threats against another person and release to the community could jeopardize public safety.
33	The prisoner has a history of convictions for violent crimes.
12	The prisoner has engaged in violent behavior while incarcerated.
1	The prisoner has been convicted of multiple felony offenses of driving under the influence of intoxicating liquor or a controlled substance.
10	The prisoner has previously committed crimes while on community supervision.
16	The criminal conduct of the prisoner has increased in severity over time.
8	The prisoner has demonstrated an attitude or behavior which indicates that the prisoner favors a criminal lifestyle (i.e., gang activities, planning escapes or other criminal activity, etc).
30	Other:

**Reasons for Denying Discretionary Parole Release:**

<b>Frequency</b>	<b>Reason</b>
205	Prior prison term did not deter future criminal activity.
27	Prior conviction for a sexual offense.
160	Prior conviction for a violent offense.
218	Repetitive criminal conduct.
137	Significant prior criminal history.
82	Disruptive institutional behavior, or poor disciplinary record.
23	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
35	Multiple prior parole/probation revocations.
82	Nature of criminal record is increasingly more serious.
58	Crime was targeted against a child or person at greater vulnerability because of age/disability.
242	Impact on victim(s) and/or community.
15	The extreme or abnormal aspects of the crime.
5	Inmate has indicated an unwillingness to comply with the terms of parole.
156	Risk factors indicate the inmate is a high risk to commit a new felony.
21	Removal from community supervision program.
45	Parole Guideline recommends parole denial and other factors do not indicate the Board should deviate from the guideline.
21	Other:
5	Inmate refused to participate in the hearing process.
15	Inmate does not want parole, and requested to expire sentence.

**Reasons for Rescinding a Previous Action to Grant Parole and Denying Parole Release:**

<b>Frequency</b>	<b>Reason</b>
5	Having been found guilty of serious disciplinary misconduct since the granting of parole.
1	The inmate is no longer eligible for parole due to a new controlling sentence. A new hearing will be scheduled when the inmate is eligible.
2	Other:

**Reasons for Denying Parole when the Guideline Suggests Parole Should be Granted:**

<b>Frequency</b>	<b>Reason</b>
14	Prior prison term did not deter future criminal activity.
1	Prior conviction for a sexual offense.
11	Prior conviction for a violent offense.
17	Repetitive criminal conduct.
11	Significant prior criminal history.
4	Multiple prior parole/probation revocations.
6	Nature of criminal record is increasingly more serious.
5	Impact on victim(s) and/or community.
2	Removal from community supervision program.
4	Other:

**Reasons for Granting Mandatory Parole Release:**

<b>Frequency</b>	<b>Reason</b>
402	The inmate is eligible for release in accordance with NRS 213.1215 and the case factors do not suggest that the inmate would be a danger to public safety if released on parole.
12	Other:

**Reasons for Granting Discretionary Parole Release:**

<b>Frequency</b>	<b>Reason</b>
555	The parole guideline recommends that parole be granted, and there are no serious reasons to deviate from the guideline recommendation.
83	The inmate has no prior or minimal criminal conviction history.
81	The inmate has a positive institutional record.
187	The inmate has participated in programs specific to addressing behavior that led to incarceration.
37	The inmate has adjusted in a positive manner to a work release program or other assignment as community trustee.

- 19 The inmate has successfully completed a prior period of parole or probation.
- 254 The inmate has stable release plans.
- 137 There is a detainer lodged by other jurisdiction.
- 122 The inmate must serve a consecutive sentence.
- 6 Case factors suggest parole may be appropriate at this time.
- 265 There is community and/or family support.
- 4 Other:

**Reasons for Taking No Action:**

**Frequency Reason**

- 9 Inmate was moved after hearing date was set. Will be rescheduled upon publication of new eligibility list.
- 5 Inmate not eligible due to new felony conviction. Inmate will be re-scheduled when eligible.
- 16 Inmate was not available at the time of the hearing.
- 15 No action taken due to lack of information needed to make a recommendation.
- 4 Inmate is a sex offender (NRS 123.107), and the panel does not have adequate information related to the risk to reoffend in a sexual manner, to allow it to make a recommendation.
- 2 Prior action to deny parole.
- 1 Prior action to grant parole.
- 1 Inmate not eligible due to change or correction in sentence structure or credits earned/lost per NDOC Records.
- 3 The inmate is in the custody of another jurisdiction and not enough information was provided to make an informed decision to grant or deny parole.
- 18 The inmate is pending new criminal charges. Will be rescheduled once the new charges have been adjudicated.
- 11 The attorney appointed to represent the inmate during parole revocation proceedings was not present at the scheduled time.
- 2 The inmate needs an interpreter and one was not available for the hearing.
- 36 Inmate not given proper notice of the hearing.
- 3 Inmate not eligible for parole for reasons other than new sentence or credit adjustment
- 2 Inmate expired prior to eligibility.
- 10 Inmate or inmate's counsel requested a continuance
- 10 Hearing continued until a psychological panel is conducted in accordance with NRS 213.1214.
- 1 Inmate expired after being scheduled, but before the hearing took place.

**Reasons for Granting Discretionary Parole Release when the Guideline Recommends Deny:**

**Frequency Reason**

- 1 Community and/or family support

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- 1 Stable release plans.
- 1 Pending CS sentence or detainer
- 1 Other Factors:

Reasons for Revoking and Reinstating Parole are on file at the Carson City office of the Board of Parole Commissioners.

cc: Mark Teska, Dept. of Public Safety  
Julie Strandberg, Department of Administration