

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
537**

PAROLE AND PARDONS: REPORT REQUIREMENTS

Supersedes: AR 537 (Temporary, 03/05/10)
Effective Date: 05/20/10

AUTHORITY

NRS 209.131; 209.351; NRS Chapter 213

RESPONSIBILITY

The Administrator of the Offender Management Division is responsible to provide to the Board of Parole Commissioners a Parole Application Agenda listing inmates who will become eligible for a regular or mandatory parole application hearing.

Wardens/Facility Managers are responsible to ensure reports are completed in a timely and accurate manner and inmates appear before the parole commissioners as scheduled.

537.01 GENERAL PROCEDURES

1. Paroles and pardons are an act of grace of the State. It is not intended that the establishment of this regulation creates any right or interest in liberty or property.
2. The Agenda and/or the Progress Report shall satisfy any legal requirements for a formal application from the inmate.
 - A. Further application by the inmate is permissible but not required.
 - B. With regard to pardons, a hearing will not be considered unless the inmate submits an application.

537.02 PAROLE PROCEDURES

1. Creation and Distribution of the Parole Agenda
 - A. A monthly agenda will be developed and distributed 45 to 60 days in advance of the actual hearing date by designated staff of the Offender Management Division (OMD).

(1) An inmate is eligible to appear on an Agenda when they have satisfied the legal minimum for the initial hearing or, subsequently, the length of the denial ordered by the Board.

(2) An inmate may not waive a parole hearing.

B. A complete copy of the statewide Agenda will be provided to the Executive Secretary, and to the Division of Parole and Probation.

(1) Institutions and facilities will be provided with an Agenda that lists inmates at their specific locations only.

(2) The Offender Management Division will determine the mode of distribution.

2. Preparation of the Progress Report and Related Release Documents.

A. Appropriate Staff at the institution or facility where the inmate is physically housed when the agenda is distributed are required to complete the progress report and obtain any release documents required by the Division of Parole and Probation.

B. The inmate's assigned caseworker will prepare the report and ensure the completion of the related release documents.

(1) Release documents are to be completed and attached to the report so that, in the event a parole is granted, the investigation of the release plan will not be delayed.

(2) The report and release documents should be provided to the Parole Board as soon as possible after the Agenda is published but no later than 30 days prior to the hearing.

(3) Inmates may submit multiple release plans.

(4) Inmates applying for a parole to a consecutive sentence are exempt from this requirement.

C. If the parole plan approved by the Board differs from the plan contained in the release documents, revised forms from the inmate will be obtained.

D. All input from staff should be collected by the caseworker and summarized in the report.

E. While not on duty and as a private citizen, Staff are permitted to write personal letters on behalf of or opposed to the parole of an inmate.

F. Reports for inmates on the out-of-state count will be completed jointly by the host state and the Offender Management Division, or an institution designated by the Offender Management Division.

G. The requirements of this section apply equally to regular parole and mandatory parole.

H. Regular or routine transfers should be avoided if the inmate is on a published Agenda but has not yet had a hearing.

(1) If urgent or essential circumstances require that an inmate be transferred, it is the responsibility of the sending institution/facility to immediately notify the Parole Board that an inmate on their Agenda has been transferred.

(2) If the inmate transfers after the list is distributed and before the report is completed, the sending location should complete the report and provide it to the receiving location.

3. Parole Progress Report.

A. The Progress Report is a standardized document produced from NOTIS.

(1) The report writer should ensure that historical representations concerning inmate locations, assignments, custodies and disciplines as contained in NOTIS, are complete and accurate. If not, the data will be entered and/or corrected before moving on.

B. A sample format of the Parole Progress Report is included as an attachment to this regulation.

(1) An inmate's disciplinary history from NOTIS, should be included as an attachment to each report.

(2) A new report will be prepared for each new hearing.

C. The Caseworker, Associate Warden or Warden will not include recommendations for or against parole, or engage in speculation regarding an inmate's potential for recidivism.

D. The Parole Progress Report includes the following:

(1) The Vital Data section includes the inmate's name, age, ethnicity, county of commitment, commitment type, and commitment date. It is completed automatically by the system when the ID number is selected.

(2) The Sentence Structure section includes a description of each of the sentences, concurrent and consecutive, finished and unfinished, associated with the particular inmate.

(a) This section makes it possible to tell where an inmate is at in terms of satisfying a series of sentences.

(b) This section is completed automatically by the system.

(3) Offense Summary(ies) for those inmates who have entered the Department since the initiation of automated intake processing, the narrative of the inmate's offenses is resident in the system and available for inclusion in the report.

(a) Offense summaries may have to be entered. However, once in the NOTIS system, it may be used for all subsequent reports.

(b) An offense summary will be concise. The summary will include:

i. Who, what, where, when and how the offense occurred.

ii. Any relevant information concerning deviant sexual conduct, sexual abuse of the victim, injuries to the victim, use of weapons, and the means of capture if meaningful to the understanding of the crime.

(c) The original offense summary must be enlarged if the inmate was convicted of an additional offense while incarcerated.

(4) The Holds and Detainers section includes a description of each hold and/or detainer which the department has been notified of. It is completed automatically by NOTIS.

(5) The Location, Custody, Assignment History section is a historical representation of the inmate's housing, custody, and program/work participation. It is completed automatically by NOTIS.

(6) The Credit Earnings section details the amount of time served and earned on the current sentence. It is completed automatically by NOTIS.

(7) The Program Participation section is a text section which permits the caseworker or other staff to enter a narrative style description of the inmate's participation in programs of work, education, vocational training, and treatment in order to assess how productive the inmate has been in relation to satisfying his identified needs; and whether he possesses good or bad work habits.

(8) The Release Plans section is a text section which permits the caseworker or other staff to enter a narrative style description of the inmate's release plans.

- (a) If the inmate has previously appeared before the board, his earlier release plans will be available for editing or may be deleted and re-entered
 - (b) Release plans will include a thorough description of residence and employment including phone numbers, physical addresses, and the telephone number of contact persons.
 - (c) Caseworkers should be aware of incomplete plans or plans that are obviously unsuitable given the inmate's case factors. When this occurs, the inmate should be encouraged to correct the deficiencies in the plan.
 - (d) If the inmate is requesting a parole to a consecutive sentence it will be indicated in this section.
- (9) The summary section is a text section which permits the caseworkers or other staff to enter a narrative style evaluation of the inmate.
- (a) The evaluation should not repeat information which is detailed in other sections of the report.
 - (b) If the inmate has recently arrived, the evaluation from his intake processing may be available for editing.
 - (c) If the inmate has previously appeared before the board his earlier evaluation will be available for editing or, a completely new evaluation may be written.
 - (d) The evaluation section will include the following elements:
 - i. The First Paragraph should address the inmate's prior criminal history, observations concerning patterns of criminality, the number of prior parole appearances on the current sentence(s), any holds or detainers which may affect his release, and any pending charges.
 - ii. The Second Paragraph should address their institutional adjustment, including requirements for specialized housing, relationships with staff and inmates, and participation in disruptive groups or gangs.
 - 1. The specifics of an inmate's disciplinary history should not be transcribed in this section, as that information is contained in the disciplinary history which is to be included as an attachment to each report.
 - 2. It is appropriate to make general comments or characterizations about the disciplinary history.

iii. The Third Paragraph is an identification of significant factors related to personality, attitude, and behavior.

1. Factors to be discussed include chemical dependency, mental illness, mental retardation, psychopathic deviation, and intelligence.

2. This section should highlight significant strengths and weaknesses relevant to socially acceptable behavior.

(10) The Parole Progress Report and the release documents will be reviewed and approved by an Associate Warden/designee.

4. Pursuant to policies adopted by the Board of Parole Commissioners, the Department of Corrections will routinely prepare a mental health evaluation if the applicant is serving a sentence for a crime involving real or threatened violence.

A. Evaluations of inmates serving other, non-violent offenses will be prepared on a case-by-case basis, at the request of the Board.

B. All reports should be prepared in the manner and format prescribed by the Medical Director.

5. Each institution and facility will designate a staff member to act as the "Nevada Department of Corrections (NDOC) representative" at Parole hearings.

A. The NDOC representative is responsible for recording the actions for the institution/facility, and for coordinating the distribution of hearing results.

B. Except for custody supervision, other NDOC staff should not attend the hearings, or participate in the process unless invited by the Board and authorized by the Warden/Facility Manager.

6. Distribution of Results (Orders). The Executive Secretary or designee should mail or deliver the results of hearings as follows:

A. The inmate copy should be provided to the NDOC representative, not the inmate.

(1) Casework staff will determine the manner in which the results shall be presented to the inmate (i.e. Post Board Classification hearing, personal interview, etc.).

(2) In no case will the results be unnecessarily delayed.

(3) The results of in-absentia hearings for inmates on out-of-state count are routed to the inmate via the host caseworker, by the Offender Management Division.

- B. The institution/facility copy will be provided to the NDOC representative.
- C. The copy for the administrative offices of NDOC will be provided directly to the Offender Management Division.
- D. If parole is granted, either to the community or to a consecutive sentence, a copy of the order, along with the Board File, is provided to the Pre-Release Operations Supervisor at the Division of Parole and Probation.

(1) The Board File will contain the Application Progress Report and related release documents.

(2) If parole is denied, the order is placed in the Board File and no further action is necessary.

537.03 PSYCH PANEL

1. The Board shall not release on a parole those inmates required by NRS 213.1214 to be certified by a panel. The panel is composed of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee, the Director of the Department of Corrections or his designee, and a psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State.

2. Certification for parole eligibility is offense specific, applying only to the singular sentence or concurrent sentences for which it was granted. An inmate needs to be certified under the following circumstances:

A. If an offender is serving a current sentence for one of the crimes listed in NRS 213.1214 and does not have any consecutive sentences to serve.

B. If an offender is serving a current sentence for one of the crimes listed in NRS 213.1214 and has a consecutive sentence to serve for a crime listed in NRS 213.1214, certification cannot be required before he is institutionally paroled to his consecutive sentence.

C. If an offender is serving a current sentence for one of the crimes listed in NRS 213.1214 and has a consecutive sentence to serve for a non-Psych Panel offense, certification is required before he is institutionally paroled to the consecutive sentence for the non-Psych Panel offense.

D. In the case of a "deadly weapons enhancement" the enhancement should be counted as a separate NRS 213.1214 crime.

3. Once per month the Offender Management Division should identify inmates on the Agenda who require a Psych Panel. A separate list of these inmates should be published, by the Offender Management Division, along with the monthly Agenda. The list of inmates needing certification by the Psych Panel will be provided to the Administrative Assistant assigned to the Psych Panel.

4. The results of the Psych Panel will be provided to the Board of Parole Commissioners at the conclusion of each Psych Panel session by Psych Panel staff.

5. Recertification may be required by the Parole Board when intervening misconduct or newly acquired information indicates a previous certification requires a review, or when the previous certification is older than one year, it is the policy of the Parole Board to require recertification in all such cases.

A. In order to comply with the Board's policy, the Department will take the following steps:

(1) With regard to the one year rule, the Department of Corrections will automatically schedule for recertification those inmates whose parole denial is greater than one year.

(2) With regard to misconduct or new information, during the preparation of the Application Progress Report, the assigned caseworker should review the record and attempt to determine if there has been misconduct of a sexual nature, evidence of psychological deterioration, or newly acquired information concerning the inmate's mental or personal history since he was last certified.

(a) If any of these conditions exist, the caseworker will present it to the Board, by making specific reference to it, and by indicating that the Board may wish to order that the inmate be recertified in light of new information.

(b) If the Board makes such an order, it (the Board) should reschedule the Parole hearing to a later date, and should notify the Offender Management Division of the need for recertification.

i. The Offender Management Division will include the names of any such inmates on the next Psych Panel list.

ii. Inmates included on this list will be identifiable from inmates requesting certification for the first time.

(c) If during a hearing for parole, the Board discovers that any of these conditions are present, and that they have been overlooked, the same procedure will be followed.

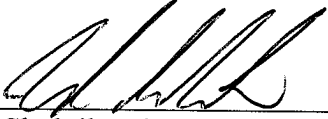
537.04 PARDON BOARD PROCEDURES

1. The Board of Pardons is scheduled to meet twice per year, in the Spring and Fall.
 - A. Applications are distributed by the Executive Secretary approximately three (3) months prior to the hearing date.
 - B. The deadline for submission of applications is two (2) months prior to the hearing date.
 - C. Any inmate may submit an application.
- 2.. Nominations will be made to the Director of the Department of Corrections.
 - A. The Medical Director may nominate cases for consideration on the basis of extreme medical hardship or terminal illness.
 - (1) Candidates will be screened first on the basis of public safety, and the extent to which the medical condition has diminished or eliminated any potential risk to the public.
 - (2) Financial hardship to the State and humanitarian gestures to the inmate will be secondary consideration after the first test is satisfied.
 - (3) Meritorious cases will be referred to the Executive Secretary.
3. The initial screening of inmate applicants is conducted by the Executive Secretary of the Pardon's board and an Associate Warden of the institution/facility the inmate is located..
 - A. Applicants without merit are rejected at this level.
 - B. The remaining list receives a second screening by the Executive Secretary and the Director of the Department of Corrections.
 - (1) Joined with this list are the medical nominations approved by the Director.
 - (2) To facilitate this second screening, a report is prepared by an Associate Warden.
 - (3) Inmates not accepted through this process may apply directly to any member of the Board.
4. Inmates remaining after the second screening constitute the "Department of Corrections Agenda."

- A. Final reports are prepared by an Associate Warden.
 - B. A sample format is included as an attachment to this regulation.
 - C. All input from staff should be collected by an Associate Warden and summarized in the report.
 - D. While not on duty and as a private citizen, Staff are permitted to write personal letters on behalf of or opposed to the pardon of an inmate.
 - E. Each report should be reviewed and signed by the Warden.
 - F. Completed reports will be forwarded to the Offender Management Division Administrator/designee for presentation to the Director and delivery to the Executive Secretary.
5. Mental Health Evaluations should be prepared in the manner and format prescribed by the Medical Director and should be reviewed and approved by the Medical Director or his designee.
- A. Medical evaluations should be completed for each medical nomination, and for any case requested by the Executive Secretary.
 - B. Completed reports should be forwarded to the Offender Management Division Administrator/designee for presentation to the Director, and delivery to the Executive Secretary.
6. The appropriate Offender Management Division staff will attend the hearings of the Board and record the actions for the Department of Corrections.
- A. Except for custody supervision, other NDOC staff should not attend the hearing or participate in the process unless specifically authorized to do so by the Director of the Department of Corrections.
7. The results of hearings concerning NDOC inmates are mailed or delivered by the Executive Secretary.
- A. The Executive Secretary provides original copies to the Offender Management Division, the inmate, and the institution/facility. If necessary, the Offender Management Division will make modifications of the inmate's sentence, and arrangements for release, if applicable.

APPLICABILITY

1. This AR does not require an Operational Procedure for institutions/facilities.
2. This regulation requires an audit.



Howard Skolnik, Director

4/30/10

Date

-SAMPLE-

NEVADA DEPARTMENT OF CORRECTIONS
APPLICATION PROGRESS REPORT (PAROLE)
AGENDA: _____

VITAL DATA ((Data from NOTIS):

NUMBER: COUNTY:
NAME: COMMIT TYPE:
AGE: COMMIT DATE:
ETHNIC:

SENTENCE STRUCTURE (Data from NOTIS):

LVL STS DATE CASE OFFENSE SENT PAR MPR EXP

OFFENSE SUMMARY (Text):

HOLDS AND DETAINERS (Data from NOTIS):

Type: Narrative:

LOCATION, CUSTODY, ASSIGNMENT HISTORY (Data from NOTIS):

Location: Date: Custody: Date: Assignment: Date:

CREDIT EARNINGS (Data from NOTIS):

Flat: Stat: Work: Merit:

PROGRAM PARTICIPATION (Text):

RELEASE PLANS (Text):

SUMMARY (Text):

- Prior Offenses
- Patterns of Criminality
- Prior Hearings on Current Sentence(s)
- Characterizations of Institutional Adjustment
- Personality, Attitude, Behavior
- Chemical Dependency, Mental Illness, Mental Retardation
- Psychopathic Deviation, Intelligence
- Strengths, Weaknesses

REVIEW AND APPROVAL

SIGNATURES:

WARDEN

CASEWORKER

NOTED: _____
INMATE

-SAMPLE-

APPLICATION PROGRESS REPORT (PARDON)

_____ 20 _____ CALENDAR

NAME: _____ NDOC# _____ DATE: _____

SENTENCE STRUCTURE: (List all offenses and sentences, consecutive and concurrent. Underline the current offense and sentence. Brackets may be used to distinguish between cases, parenthesis may be used to distinguish between counts. The abbreviations "cc" and "cs" will be used to identify consecutive and concurrent relationships.)

LENGTH OF CONFINEMENT:
By the time the Pardons Board meets in _____, 20 _____.
(inmate name) will have served _____ years,
_____ months, _____ days.

OFFENSE:
(Paraphrase from PSI or DA's narrative)

PRIOR RECORD:
(List the year, place, crime and sentence for all felony convictions; misdemeanor offenses may be summarized.)

PRIOR PARDON'S BOARD ACTIONS:

FUTURE PLANS:
(In state, out-of-state, prevailing family relationships, residence, employment, names and addresses, letters or verification.)

EVALUATION: Evaluation should be in the same format as the Parole Progress Report except the following should be added:

First Paragraph – Include what the inmate is requesting, i.e. commutation of Life without to Life With. Any other changes made in subject's sentence, i.e., death sentence overturned.

Last Paragraph – Include a summary of what the Pardons Board's positive decision would make on the inmate, i.e., commutation would make him eligible to be seen by the Nevada Board of Parole Commissioners.

WARDEN SIGNATURE

RX: _____
DIRECTOR