Nevada Parole Guidelines
Aggravating and Mitigating Factors Definitions Rev – April 30, 2024

These instructions were developed to assist the Parole Board in applying aggravating and mitigating factors in a consistent manner. The Board defines and determines how to apply each factor and whether to apply any factor. (*See* NRS 213.10885; NAC 213.518(1)). This document does not restrict the Board's ability to determine that the circumstances warrant the application of a factor in a manner inconsistent with these instructions. *See* NRS 213.10885(7)(a); NAC 213.560(2). The Board may apply any other factor as it deems appropriate, and in the manner in which it deems appropriate, pursuant to NAC 213.518(2)(p) and NAC 213.518(3)(m). The Board is not required to indicate every potential aggravating or mitigating factor that may apply to a case and may select only those factors it deems most relevant to the hearing.

Aggravating Factors:

Prior prison term did not deter future criminal activity
This factor may be indicated if the inmate served a separate period of incarceration not related to the current period of incarceration. 'Prior prison term' does not include periods of incarceration as a result of parole violations on the current period of incarceration. A 'period of incarceration' includes sentences that are served consecutively.

Prior conviction or delinquency adjudication for a sexual offense
This factor may be indicated if the inmate has a prior sexual conviction or delinquency adjudication.

Prior conviction or delinquency adjudication for a violent offense
This factor may be indicated if the inmate has a prior violent conviction or delinquency adjudication. Convictions for weapons possession are not counted as violent offenses.

Repetitive similar criminal conduct
This factor may be indicated if there are two or more prior convictions or delinquency adjudications resulting from separate periods of similar criminal conduct. Prior repetitive conduct need not be similar to the instant offense. Do not count the instant offense as one of the prior convictions. Do count misdemeanor, gross misdemeanor and felony convictions or delinquency adjudications, i.e., multiple property convictions and/or delinquency adjudications, multiple drug convictions and/or delinquency adjudications.

Significant prior criminal history
This factor may be indicated if the offender has two or more prior felony convictions or delinquency adjudications related to separate periods of criminal activity. For example, three prior property convictions or delinquency adjudications related to the same crime spree should be counted as one event.

Disruptive institutional behavior
This factor may be indicated if the inmate has engaged in disruptive institutional behavior within 36 months of the hearing month. Examples include, but are not limited to:

- Aggravated Escape
- Use of Weapon in Custody
- Propelling
- Rioting
- Assault or Battery

NRS 213.1214 assessment results in a high risk to reoffend sexually
This factor may be indicated if the inmate was assessed pursuant to NRS 213.1214, and the risk result is above an average risk to reoffend sexually.

Multiple prior parole or probation revocations
This factor may be indicated if the inmate has a cumulative history of three or more parole or probation revocations (felony or gross misdemeanor), or revocations of delinquency adjudications that result in re-commitment. Do not consider misdemeanor revocations. Also, do not count when a deferred sentence or diversion term is rescinded as a revocation. Revocations that occur on the same date for multiple concurrent convictions should only be counted as one instance.

Nature of criminal record is increasingly more serious
This factor may be indicated if criminal conduct of the person has escalated over time to include violence toward victims or others, or the scale of criminal activity has increased over time. This factor is used as a possible indicator of serious activity in the future. Crimes that carry a mandatory felony term (i.e. 3rd DUI or 3rd Domestic Violence/Battery) should not be counted as increasingly more serious.

Crime was targeted against a child, or person of greater vulnerability, because of age or disability
This factor may be indicated if the age of the victim was under 18 years old or over age 65, or if the pre-sentence investigation (PSI) indicates that the victim suffered from a mental or physical disability prior to the crime. This factor may be used when the age of the victim is stated in the PSI even if the actual conviction does not take into consideration the age of the victim.

Impact on the community and each victim of the crime
This factor may be indicated if the offense caused the death or disability to a person, or if a victim was threatened, assaulted, or injured whether deliberately or accidentally. Indicate this factor if the financial loss to a victim was substantial. Indicate this factor if the crime significantly impacted the community.

The extreme or abnormal aspects of the crime for which parole is being considered
This factor may be indicated when the details indicate that the crime was conducted in such a manner that shows sophistication in planning or carrying out an offense. This factor may also be indicated when the nature of the conduct is shocking to the community in such a way as to cause significant public outrage and contempt toward the offender. Examples may include but are not limited to: Mutilation or abuse of a corpse following a murder; serial murder; serial sexual assault or numerous victims of a sex offender; or the torture of a person or animal.

Refused to participate in or was terminated for cause from treatment
This factor may be indicated if there is evidence that the inmate refused to participate in appropriate treatment or was terminated for cause from treatment. Termination from treatment due to medical issues, housing change or determination by a counselor that the treatment was not necessary or not appropriate is not considered cause.

Removal from a correctional program for reentry or program of work release on current period of incarceration
This factor may be indicated if the inmate has been released to a community supervision program such as the 305, 184 or 317 program, Casa Grande/Northern Nevada Transitional Housing, and has been returned to custody because of program failure. Consider the current period of incarceration only. A program failure should not include a removal for reasons other than those caused by acts or omissions of the inmate that occurred during the program participation (i.e., the inmate is removed from participation because a new sentence is imposed for prior criminal activity which changed the inmate's eligibility for participation).

Commission of a crime while incarcerated, on bail, on escape status, eluding, or while under parole or probation supervision
This factor may be indicated if the inmate has ever been convicted of a crime committed while incarcerated, on bail, on escape status, or while under gross misdemeanor or felony probation, or parole, or lifetime supervision. This factor may be indicated if the inmate eluded or attempted to elude capture during a prior or current offense. Count misdemeanors, gross misdemeanors, and felony convictions or delinquency adjudications.

Housed in disciplinary housing within 24 months of the parole hearing
This factor may be indicated if the inmate has been housed in disciplinary housing for any period of time during the 24 months prior to the month the hearing will take place.

Mitigating Factors:

No prior or minimal history of criminal convictions or delinquency adjudications
This factor may be indicated if the offender has no prior gross misdemeanor or felony convictions, no misdemeanor convictions or delinquency adjudications for indecent exposure or violence, and no more than three prior non-violent misdemeanor convictions or delinquency adjudications. Failure to appear, civil protective custody and traffic offenses are excluded. Do not include felony convictions on the current period of incarceration.

Infraction free, and not in disciplinary segregation, for 24 months or more prior to the hearing month
This factor may be indicated if the inmate has been infraction free within the last 24 months from the hearing month and has not been housed in disciplinary segregation during that time.

Participation in programs specific to addressing the behavior that led to their incarceration
This factor may be indicated if the report or documentation provided by the NDOC indicates that the inmate has successfully participated (or is currently participating) in a program that specifically addresses behaviors that led to incarceration. For example, an inmate serving a sentence for a drug related crime who has participated in a DOC certified substance abuse program, or a sex offender who has received specific sex-offender therapy. If an inmate has been returned to NDOC custody due to a parole revocation, do not consider any programming completed prior to the last grant of parole. Only consider new programming completed upon return to custody on a parole revocation. This factor may be used even if program completion does not qualify to reduce points per the risk assessment rules.

Positive adjustment to a correctional program for reentry or program of work release on current period of incarceration
This factor may be indicated if reports from the NDOC or the Division indicate that the person being considered for parole is adjusting favorably to a community supervision program such as the 305, 184, or 317 programs; Casa Grande/Northern Nevada Transitional Housing; work release program; or position as a community trustee.

Previous successful completion of parole or probation supervision other than summary or court-based supervision
This factor may be indicated if the inmate has successfully completed (honorable discharge only) a period of parole or probation (other than summary or court-based supervision). If the type of discharge is not indicated or indeterminable, this factor may be indicated unless there is evidence of criminal conduct during the period of supervision.

Stable release plans
This factor may be indicated if there is documentation indicating that the inmate has a job opportunity as well as a place to reside. Transition through a residential treatment program counts as a stable release plan, if the inmate has provided proof of having been accepted by said program. A panel member may award this mitigator at a hearing should it be determined that both employment and residence are substantiated.

Detainer is lodged by another jurisdiction
This factor may be indicated if the inmate has a detainer from another jurisdiction that would cause the continued detention or possible deportation of the inmate in the event parole was granted.

Pending a consecutive sentence
This factor may be indicated if the inmate has a consecutive sentence to serve.

Community or family support
This factor may be indicated if the progress report or other documentation indicate community support, such as family, church, friends, etc. This factor may also be indicated if there is no documentation, but supporters attend the parole hearing.

The instant offense involved lesser involvement than co-offenders
This factor may be indicated if there are co-offenders who received similar penalties, and the involvement of the inmate being considered for parole was markedly less than that of the co-offenders. An example is a person who acts as the driver of a get-away vehicle for a botched burglary which results in the murder of the victim. Although the driver in this example did not participate in the actual killing of the victim, Nevada's felony murder rule could result in the driver being convicted of 1st Degree Murder.

NRS 213.1214 assessment results in a low risk to reoffend sexually
This factor may be indicated if the inmate was assessed pursuant to NRS 213.1214 and the risk result is below an average risk to reoffend sexually.

Consistent in managing their mental illness as recommended by professionals if the mental illness may be a contributing factor to criminal behavior
This factor may be indicated when applicable, when there is evidence that the offender has been consistent in properly managing their mental illness.

Case history demonstrates remorse
This factor may be indicated if the pre-sentence investigation indicates that the offender demonstrated immediate remorse. Examples of this are, the offender immediately turned themself in to authorities, or immediately sought treatment or paid restitution. This type of action should be completely voluntary, and not as a result of any negotiation or other impending action. Weight to this factor is given to the display of remorse prior to arrest as opposed to subsequent to arrest.

Crime was situational and without evidence of intent to harm according to the presentence investigation report
This factor may be indicated if the presentence investigation indicates evidence that the crime was situational and there was no evidence that the inmate intended to cause harm. An example is a person who is convicted of DUI with injury, without any prior convictions or delinquency adjudications for DUI.

OTHER FACTORS

Other Factors are those factors that aggravate or mitigate parole consideration. These factors are written as a free flow text included on the final Order.

Other Mitigating Factor: Other mitigating factors that may tend to support a parole grant.

Other Aggravating Factors:
Other aggravating factors that tend to support a parole denial and may include, but are not limited to:

- Psychological evaluations/prognosis.
- Substantive statements including threats of harm against another person upon release, or other information provided during interview that concerns the Board that the inmate may be a risk to public safety if released on parole.