PAROLE VIOLATION HEARINGS (NRS 213.150-NRS 213.153, NAC 213.550):
(Revised/Approved March 31, 2021)

1. Violation of any rules or special conditions of parole can bring about revocation of parole and re-imprisonment.

2. The Division is responsible for the supervision of all parolees in the community. The Division is also responsible for monitoring those parolees who are residing in other states via Interstate Compact. The Division files charges of parole violation(s) and places holds on accused violators. They are also responsible for conducting preliminary inquiry hearings when necessary.

3. The Board sits as an impartial hearing body at the final violation hearing and determines whether paroles previously granted will be revoked.

4. At the Parole Violation hearing, the Board makes the final decision to reinstate all or part of the statutory good time which is lost upon revocation.

5. Parole violation hearings will be held in Northern and Southern institutions in Nevada, depending upon the location of the alleged parole violator. These hearings may be conducted in person, remotely via video conference, or by telephone, based on the needs of the Board.

6. The Board considers only those cases in which the alleged violators, and/or counsel, have received the Notice of Charges, and a copy of the allegations.

7. The parolee may at any time before or after the applicable time period, waive the preliminary inquiry hearing. Should the parolee not waive the preliminary inquiry hearing, and to allow adequate time for preparation, the Board prefers that the Division allow a period of five (5) days, excluding Sundays and holidays, after notification of charges, to conduct the preliminary hearing.

8. The Board shall consider the accused violator's case within 60 calendar days after their return to the custody of the Nevada Department of Corrections (NDOC) or placement in residential confinement. It is the Board's desire that accused violators are scheduled for a hearing as soon as possible upon their return to the custody of the NDOC. ~~If probable cause for continued detention of a paroled inmate is based on conduct which is the subject of a new criminal charge, the Board may consider the case within 60 days after their return to the custody of the NDOC or defer consideration until not more than 60 days after their return to NDOC following the final adjudication of the new criminal charge.~~ The alleged violator has a right to counsel at the violation hearing and may be represented by a private attorney of their choice at their expense, or a public defender if indigent. An inmate may waive their right to the presence of counsel if the waiver is knowing, intelligent, and voluntary. To be voluntary, the waiver must be non-coerced and, to be knowing and intelligent, the waiver must be made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. A thorough inquiry should be conducted to ensure that the inmate is aware of the dangers and disadvantages of self-representation and is competent to make such a waiver given the facts and circumstances of the case and the inmates background, experience, and conduct. All such inquiries and waivers should be made on the record. Please see "State of Nevada Board of Parole Commissioners Waiver of Right to Counsel at

Parole Violation Hearing" located in the appendix.

9. The alleged violator and/or defense counsel may, with good cause, request the violation hearing be continued if additional time is needed in the preparation of the case. A waiver, however, will not be allowed simply for the purpose of delaying the hearing. The Board may take action to revoke parole if an inmate refuses to attend a violation hearing.

10. Since transcripts of parole violation hearings may be subpoenaed for the purpose of impeaching the testimony of the parolee at criminal trials, continuations of violation hearings until pending charges are disposed of may be granted, if requested by the parolee and/or counsel.

11. Unless a new conviction is included in the violation charges, an alleged violator has the right to present witnesses on their own behalf at their expense, who can offer information pertinent to the violation charge. This does not include character witnesses.

13. An alleged violator has the right to confront adverse witnesses. However, they must indicate they wish to do so on the Notice of Charges in order for the Division to schedule the witness to appear. The Board may grant a continuance, without violating the "60-day rule" for prompt hearing, if the parolee and/or defense counsel requests to confront an adverse witness not present and not previously noted on the Notice of Charge.

14. When the violation is based on a new conviction, the accused parole violator may not present or confront witnesses or offer evidence to re-litigate the parolee's guilt or innocence on the new charge. The parolee may, however, offer testimony or documents which may mitigate against revocation or the duration of the revocation.

15. The Board, in the presentation of charges in parole violation cases, requires whenever practicable that witnesses against the accused violator, or the supervising parole officer, do not act as presenters of evidence.

16. Documents, letters, affidavits, or other pertinent information or physical evidence may be presented by either the alleged violator or the Division. Substance of pertinent reports from other agencies may be made available to the alleged violator.

17. The alleged violator must submit to the NDOC (if in prison custody), and the Division, a list of names and addresses of witnesses they wish to present on their own behalf. However, as noted earlier, when the violation is based on a new conviction, the alleged violator forgoes the right to present or confront witnesses in re-litigation of the facts of the new conviction.

18. All witnesses providing testimony at the violation hearing, except for the parolee and the presenting Division employee, must do so under oath, which will be administered by a member of the Board.

19. The findings of the Board will be made a matter of record, including a record of the violations for which the parolee was held responsible, and the evidence relied upon to reach these findings may be summarized. A copy of the findings will be supplied to the parole violator.

For related material, please see the "Parole Violations and Sanctions" document and the "Sentence Credit Earnings & Forfeitures and their Effect on Parole Eligibility and Sentence Discharge Dates" documents dated June 18, 2020, which are located in the appendix.