

# Audit Highlights



Highlights of Legislative Auditor report on the Board of Parole Commissioners issued on December 8, 2010. Report # LA10-21.

## Background

The mission of the Board of Parole Commissioners (Board) is to conduct prompt, fair, and impartial hearings on parole applications and parole violation matters and take appropriate action. The Board consists of a chairman and six commissioners appointed by the Governor to 4-year terms. The chairman is responsible for administration and management of the agency. Parole hearings are held at the agency's offices in Las Vegas and Carson City by video conference with the prison facilities where the inmates are housed. The Board also conducts parole violation hearings to determine whether to revoke parole previously granted.

The Board was authorized 28 positions for fiscal year 2010, including the commissioners. As of October 2010, three positions were vacant. The Board has one budget account funded by General Fund appropriations. Total expenditures for fiscal year 2010 were about \$2.5 million.

Parole is the early release and supervision of an inmate who has served time in prison. NRS 213.10705 declares that the release of an inmate on parole is an act of grace and that no person has a right to parole. State laws establish the rules and factors that determine when an inmate is eligible to be considered for parole. The Board held about 7,600 parole hearings during fiscal year 2010, and granted parole about 61% of the time.

## Purpose of Audit

The purpose of our audit was to evaluate whether the Board of Parole Commissioners conducted parole hearings in accordance with state laws, regulations, policies, and procedures. Our audit focused on parole hearings conducted in fiscal year 2010, and included activities through October 2010 for certain areas.

## Audit Recommendations

This audit report contains one recommendation to reduce the risk of future problems with parole eligibility dates. The Board of Parole Commissioners should work with NDOC to develop a process to help ensure future statutory changes affecting parole eligibility are properly implemented.

The Board accepted the one recommendation.

## Status of Recommendations

The Board's 60-day plan for corrective action is due on March 8, 2011. In addition, the six-month report on the status of audit recommendations is due on September 8, 2011.

# Board of Parole Commissioners

## Results in Brief

The Board of Parole Commissioners conducted parole hearings in fiscal year 2010 in accordance with state laws, regulations, policies, and procedures. However, we noted a problem with parole eligibility dates that is not within the Board's control. This problem can impact the Board's ability to achieve its mission to conduct prompt hearings on parole applications and take appropriate action.

Specifically, parole eligibility dates provided by the Nevada Department of Corrections (NDOC) to the Board were incorrect for some inmates. The errors occurred when NDOC's computer system was not correctly modified to reflect changes to state laws in 2007 related to when inmates become eligible for discretionary parole hearings. This led to delays for some inmates' discretionary parole hearings. As a result, certain inmates granted parole based on incorrect eligibility dates were released from prison later than their actual parole eligibility dates. Delaying the release of inmates has a fiscal impact on the State. In October 2010, NDOC indicated it corrected the problems with eligibility dates in its computer system. To reduce the risk of future problems, the Board needs to work with NDOC to develop a process to help ensure future statutory changes affecting parole eligibility are properly implemented.

## Principal Findings

The Board of Parole Commissioners conducted parole hearings in fiscal year 2010 in accordance with state laws, regulations, policies, and procedures. The Board notified victims and law enforcement agencies of inmates scheduled for hearings, conducted hearings timely upon notice from NDOC that inmates were eligible for parole consideration, assessed inmates' parole risk, made hearing decisions in accordance with established guidelines, ensured sex offenders were cleared by a psychiatric panel before being released, and notified victims of hearing decisions.

Parole eligibility dates provided by NDOC to the Board were incorrect for some inmates. For these inmates, their discretionary parole hearings were delayed. As a result, parole release was delayed for inmates affected by this error that were granted parole. Based on information provided by NDOC, the average delay was 24 days. Delaying the release of inmates has a fiscal impact on the State. Determining the fiscal impact depends on the assumptions made about which costs could have been reduced if the inmates' releases were more timely. According to NDOC, the average cost of housing an inmate in fiscal year 2010 was \$58.58 a day. However, NDOC indicated the estimated incremental cost of delaying an inmate's release was \$6.64 a day, which consists of food and medical costs. Using this amount, expenditures of about \$71,000 could have been avoided if the errors with parole eligibility dates had not occurred.