

**Nebraska Board of Parole Rules
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Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

1. Chapter 1
General Provisions, Board Business Meetings, and
Procedures for Promulgating Rules

§ 1-101. Statement of intent.

The Nebraska Legislature has affirmed the importance of parole as a program for the supervised release of inmates making the transition from confinement to responsible citizenship. The Legislature has stated its intent that committed offenders who are eligible for parole have the opportunity to complete the final stages of their sentences on parole.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-187.01

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-102. Statement of purpose.

These rules govern the general management of the Nebraska Board of Parole (“Board of Parole” or “Board”) in its operations, including but not limited to, consideration and adoption of Board of Parole rules, and other necessary rules, covering Board of Parole practices and administration of parole supervision and services. The purpose of these rules is to ensure equal applicability of laws regarding parole decision-making to all committed adult offenders and the provision of parole supervision and services to all persons subject to the jurisdiction of the Board of Parole.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-103. Authority.

The Official Parole Board Rules and Miscellaneous Parole Board Rules (collectively, “Parole Board Rules”) are adopted and promulgated in accordance with Nebraska Revised Statutes sections 81-1848, 81-1850, and 83-188 through 83-1,127.01.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-104. Applicability.

The Parole Board Rules apply to all persons committed to the Department of Corrections or under the jurisdiction of the Board of Parole. The Parole Board Rules shall not be construed as limiting in any way the power and authority of the Board of Parole to establish policies and procedures for the administration of Parole Board Rules.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-201. Definitions.

In these rules, unless the context or subject matter otherwise dictates:

- (A) “Official Parole Board Rules” refer to the codified Nebraska Board of Parole Rules, Chapters 1 through 11, and amendments thereto.
- (B) “Miscellaneous Parole Board Rules” refer to other Board of Parole rules not part of the codified “Official Parole Board Rules” including, but not limited to, guidelines, policies, procedures, directives, and best practices, and any amendments thereto, which are of general application relating to the operation of the adult parole system and subject to the approval of the Nebraska Board of Parole.
- (C) “External Rules” refer to rules and rule amendments of other entities that may be subject to the approval of the Nebraska Board of Parole.
- (D) “Board Business Meeting” refers to meetings under the Nebraska Open Meetings Act (Neb. Rev. Stat. § 84-1407 through 84-1414) at which the Board of Parole conducts public business, takes action on matters of public policy, or exercises its rule-making authority pursuant to the Nebraska Treatment and Corrections Act (Neb. Rev. Stat. § 83-170 *et seq.*).

STATUTORY REFERENCE: NEB. REV. STAT. §§ 84-1407 THROUGH 84-1414, 83-170 ET SEQ.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-202. Board Business Meetings.

- (A) The Nebraska Board of Parole shall hold a Board Business Meeting at such times as may be requested by the Chairperson, Vice-Chairperson, or three Board members.
- (B) Except when it is necessary to hold an emergency meeting without reasonable advance publicized notice, notice of the time and place of Board Business Meetings shall be given by publication in the *Lincoln Journal-Star*, the Board of Parole website at <http://www.parole.nebraska.gov/>, and the Public Meeting Calendar on www.nebraska.gov at least 7 days in advance of each meeting. The Board shall maintain a list of the news media entities requesting notification of Board Business Meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at the meeting pursuant to Neb. Rev. Stat. § 84-1411(4).
- (C) The Board will release an agenda for its Board Business Meeting at least 7 days in advance. The Board Business Meeting agenda will be available on the Board of Parole website at <http://www.parole.nebraska.gov/> and also available for inspection at the offices of the Board of Parole.
- (D) Board Business Meetings are open to the public and shall be conducted in accordance with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 *et seq.*
- (E) A quorum of the Board of Parole shall be required in order to hold a Board Business Meeting. Attendance by 3 voting members of the Board constitutes a quorum pursuant to Neb. Rev. Stat. § 83-196.
- (F) All motions before the Board shall require the affirmative vote of a majority of voting members present at the Board Business Meeting pursuant to Neb. Rev. Stat. § 83-196. All votes shall be taken by roll call.
- (G) The Board shall keep minutes of all Board Business Meetings showing the time, place, members present and absent, how notice was provided, the substance of all matters discussed, and all actions taken by the Board as provided in Neb. Rev. Stat. §§ 83-196 and 84-1413.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 84-1407 THROUGH 84-1414, 83-196

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-203. Rules consideration.

- (A) Requests to consider the creation, amendment, or repeal of any rule as defined by § 1-201(A), (B), or (C) may be initiated by action of the Board of Parole or by any interested party, unless an existing rule contains specific language providing for procedure for amendment. A request from a party outside of the Board of Parole shall be submitted to the Chairperson of the Board. The proposed rule or amendment shall be submitted in a document separate from the request form, both in hard copy paper form and in electronic format as an attachment to the following e-mail address at NBOP.rulesrequest@nebraska.gov. The electronic version of a request and attachment shall be in a Microsoft Word compatible format. In the attachment containing a proposed new rule or amendment, any language that creates a rule or is to be added to a rule shall be underscored, and any language to be deleted from a rule shall be overstruck. If a request to the Chairperson fails to comply with the requirements set forth above, such request shall be rejected and returned to the requesting party.
- (B) Upon receipt of a request conforming to the requirements set forth in subsection (A) of this rule, the proposed rule or amendment shall be placed on the agenda for the next scheduled Board Business Meeting for Board action. If the request for a proposed rule or amendment is received within seven days of the next scheduled Board Business Meeting, Board action will be taken at the second Board Business Meeting following receipt of the request for proposed rule or amendment.
- (C) In the event the Board determines that additional public comment is warranted before taking action on the proposed rule or amendment, the Board may opt to allow for a formal written comment period. Notice of the proposed rule or amendment and solicitation of written comment will be publicized in the *Lincoln Journal-Star* and on the Board of Parole website at <http://www.parole.nebraska.gov/>. The timeframe for submitting formal written comments under this subsection shall be for the period of time specified by the Board in its notice. After the specified period for formal written comments expires, the proposed rule or amendment will be placed on the agenda for the next Board Business Meeting.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-204. Rules publication and availability.

After adoption or approval by the Board of any new rule or amendment in the “Official Board of Parole Rules,” “Miscellaneous Board of Parole Rules,” or “External Rules,” Board of Parole staff shall make any necessary and appropriate changes to the rules as maintained on the Board of Parole’s website. “Official Parole Board Rules,” “Miscellaneous Parole Board Rules,” as well as other “External Rules,” recent amendments to such rules, and proposed amendments pending for comment, shall be available on the Board’s website at <http://parole.nebraska.gov/>. Any person requesting a complete or partial printed copy of the Board’s rules from the office of the Board of Parole may be charged a fee as established by the Board and postage required for mailing such copies pursuant to Neb. Rev. Stat. §§ 84-712 and 84-712.01.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 84-712 AND 84-712.01

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-205. Limitations.

Nothing in the rules shall limit the Board of Parole from enacting such rules or adopting such procedures as it deems necessary on an emergency basis.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 1: General Provisions, Board Business Meetings,
and Procedure for Promulgating Rules

§ 1-206. Exempt from Administrative Procedures Act.

The provisions of the Administrative Procedures Act shall not apply to the Board of Parole or to the exercise of its functions.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-199

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 2: Definitions

2. Chapter 2
Definitions

§ 2-101. Defined Terms.

In these rules, unless the context or subject matter otherwise dictates:

- (A) Absconding parole supervision means a parolee has purposely avoided supervision for a period of at least two weeks and reasonable efforts by a parole officer and staff to locate the parolee in person have proven unsuccessful;
- (B) Administrative Sanction means additional parole requirements imposed upon a parolee by his or her parole officer, with the full knowledge and consent of the parolee, designed to hold the parolee accountable for substance abuse or technical violations of conditions of parole, including, but not limited to:
 - 1. Counseling or reprimand by the Division of Parole Supervision;
 - 2. Increased supervision contact requirements;
 - 3. Increased substance abuse testing;
 - 4. Referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;
 - 5. Imposition of a designated curfew for a period to be determined by the division; and
 - 6. Travel restrictions to stay within his or her county of residence or employment unless otherwise permitted by the division;
- (C) Board means the Board of Parole;
- (D) Committed offender means any person who, under any provision of law, is sentenced or committed to a facility operated by the department or is sentenced or committed to the department other than a person adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247 by a juvenile court;
- (E) Custodial sanction means confinement in a correctional facility or contract facility as a consequence for violating a condition of parole;
- (F) Department means the Department of Correctional Services;
- (G) Director of DPS means the Director of Parole Supervision and Services appointed pursuant to section 83-1,101;
- (H) Director of NDCS means the Director of Correctional Services;
- (I) Facility means any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by the Department;
- (J) Good time means any reduction of sentence or custodial sanction granted pursuant to sections 47-502, 83-1,107(2)(a), 83-1,107(2)(b), and 83-1,108;

Nebraska Board of Parole Rules
Chapter 2: Definitions

- (K) Levels of supervision means the determination of the following for each person on parole:
1. Supervision contact requirements, including the frequency, location, methods, and nature of contact with the parole officer;
 2. Substance abuse testing requirements and frequency;
 3. Contact restrictions;
 4. Curfew restrictions;
 5. Access to available programs and treatment, with priority given to moderate-risk and high-risk parolees; and
 6. Severity of graduated responses to violations of supervision conditions;
- (L) Maximum term means the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;
- (M) Minimum term means the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;
- (N) Pardon authority means the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;
- (O) Parole term means the time from release on parole to the completion of the maximum term, reduced by good time;
- (P) Person committed to the Department means any person sentenced or committed to a facility with the Department;
- (Q) Restrictive housing means conditions of confinement that provide limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week;
- (R) Risk and needs assessment means an actuarial tool that has been validated in Nebraska to determine the likelihood of the parolee engaging in future criminal behavior;
- (S) Solitary confinement means the status of confinement of an inmate in an individual cell having solid, soundproof doors and which deprives the inmate of all visual and auditory contact with other persons
- (T) Substance abuse violation means a parolee's activities or behaviors associated with the use of chemical substances or related treatment services resulting in a violation of an original condition of parole, including:
1. Positive breath test for the consumption of alcohol if the parolee is required to refrain from alcohol consumption;
 2. Positive urinalysis for the illegal use of drugs
 3. Failure to report for alcohol testing or drug testing; and
 4. Failure to appear for or complete substance abuse or mental health treatment evaluations or inpatient or outpatient treatment

Nebraska Board of Parole Rules
Chapter 2: Definitions

- (U) Technical violation, which does not include absconding parole supervision, means a parolee's activities or behaviors which create the opportunity for re-offending or diminish the effectiveness of parole supervision resulting in a violation of an original condition of parole and includes:
1. Moving traffic violations;
 2. Failure to report to his or her parole officer;
 3. Leaving the state without permission of the Board of Parole;
 4. Failure to work regularly or attend training or school;
 5. Failure to notify his or her parole officer of change of address or employment;
 6. Frequenting places where controlled substances are illegally sold, used, distributed, or administered; and
 7. Failure to pay fines, court costs, restitution, or any fees imposed pursuant to section 83-1,107.01 as directed.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-170, 83-1,100.02, AND 83-1,119

History: Adopted September 22, 2016
Amended October 23, 2018

**3. Chapter 3
Agency Organization, Authority, and Responsibility**

§ 3-101. Created, how construed, employees.

- (A) Pursuant to article IV, section 13 of the Nebraska State Constitution, the Legislature created the Board of Parole in Neb. Rev. Stat. § 83-188. For administrative purposes only, the board shall be with the Board of Pardons. Nothing in the Nebraska Treatment and Corrections Act shall be construed to give the Director or the Board of Pardons any authority, power, or responsibility over the Board of Parole, its employees, or the exercise of its functions under the provisions of the act. The employees of the Board of Parole shall be covered by the State Personnel System.
- (B) Employees of the Board of Parole shall consist of the following:
1. The administrative staff necessary to assist the Board with parole reviews, revocations, and hearings;
 2. At least one legal counsel;
 3. At least one fiscal analyst, policy analyst, or data analyst; and
 4. At least one staff member to assist with the daily supervision and training of employees of the Board.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-188

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 3: Agency Organization, Authority, and Responsibility

§ 3-102. Board members, appointment, qualifications.

The Board of Parole shall consist of five full-time members to be appointed by the Governor. The members of the Board shall be of good character and judicious temperament. The members of the Board shall have all the powers and duties of the Board members commencing on the date of appointment. The appointments shall be subject to the confirmation by the Legislature at its next regular session following the appointments. At least one member of the Board shall be of an ethnic minority group, at least one member shall be female, and at least one member shall have a professional background in corrections.

One of the five members of the Board shall be designated as chairperson by the Governor. In addition to the chairperson's duties as a member of the Board as prescribed in subsection (1) of section 93-192, he or she shall supervise the administration and operation of the Board and shall carry out the duties prescribed in subsection (2) of such section.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-189

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 3: Agency Organization, Authority, and Responsibility

§ 3-103. Board members, terms, removal, procedure.

The members of the Board of Parole shall have terms of office of six years and until their successors are appointed. The successors shall be appointed in the same manner as provided for the members first appointed, and a vacancy occurring before expiration of a term of office shall be similarly filled for the unexpired term. A member of the Board may be reappointed. The member of the Board may be removed only for disability, neglect of duty, or malfeasance in office by the Board of Pardons after a hearing. The Board of Pardons shall promptly file in the office of the Secretary of State a complete statement of the charges, its findings and disposition, and a complete record of the proceedings.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-190

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 3: Agency Organization, Authority, and Responsibility

§ 3-104. Board members, restriction on activities, salary.

The members of the Board of Parole shall devote full time to their duties with such Board and shall not engage in any other business or profession or hold any other public office. No member shall, at the time of his or her appointment or during his or her tenure, serve as the representative of any political party or of any executive committee or governing body thereof or as an executive officer or employee of any political party, organization, association, or committee. A member shall resign from the Board upon filing as a candidate for any elective public office. Each member of the Board shall receive an annual salary to be fixed by the Governor and, according to statute, such salaries shall be paid in equal monthly portions.

Pursuant to the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat. § 49-1493, Board Members shall file with the Nebraska Accountability and Disclosure Commission a statement of financial interest on or before April 1 of each year, for the preceding calendar year in which the Member served on the Parole Board. The statement of financial interest shall be on a form prescribed by the Nebraska Accountability and Disclosure Commission and contain the information required by Neb. Rev. Stat. § 49-1496.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-191; NEB. REV. STAT. §§ 49-1493 AND 49-1496.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 3: Agency Organization, Authority, and Responsibility

§ 3-201. Board duties.

The Board of Parole shall:

- (A) Determine the time of release on parole of committed offenders eligible for release;
- (B) Fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole;
- (C) Determine the time of mandatory discharge from parole;
- (D) Visit and inspect any facility, state or local, for the detention of persons charged with or convicted of an offense and for the safekeeping of such other persons as may be remanded to such facility in accordance with the law.
- (E) Implement the utilization of a validated risk and needs assessment in coordination with the Department of Correctional Services and the Division of Parole Supervision. The assessment shall be prepared and completed by the department or the division for use by the board in determining release on parole;
- (F) Review the record of every parole-eligible committed offender annually when he or she is within three years of his or her earliest parole eligibility date.
- (G) Appoint and remove all employees of the Board as prescribed by the State Personnel System and delegate appropriate powers and duties to them, except that the Director of Supervision and Services is hereby delegated the power to appoint and remove employees within the Division of Parole Supervision in accordance with applicable rules, regulations, and labor contracts under the State Personnel System;
- (H) Adopt and promulgate rules and regulations;
- (I) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the Nebraska Treatment and Corrections Act.
- (J) Keep a record of its acts and notify the Director of Correctional Services of its decisions relating to offenders who are or have been committed; and,
- (K) Recommend in appropriate cases that a committed offender be authorized for furlough, work release, or community-based treatment and programming privileges pursuant to Neb. Rev. Stat. § 83-184.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-184 AND 83-192

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 3: Agency Organization, Authority, and Responsibility

§ 3-202. Cooperation with Federal, State, and Regional Agencies.

The Board of Parole will cooperate with federal, state, and regional criminal justice planning efforts. This cooperation may include, but is not limited to, participation in organizations such as the Association of Parole Authorities International, American Probation and Parole Association, and the Nebraska Correctional Association.

History: Adopted September 22, 2016

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§ 3-203. Budget Preparation and Review.

The Board shall be informed on matters relating to the budget. Budget discussions and approval of the budget will occur during Board Business Meetings. The Chairperson shall be responsible for testifying to the Legislature on budget matters and may designate other Board employees to provide and present testimony as needed.

History: Adopted September 22, 2016

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§ 3-204. Legislative Liaison.

Every Board Member shall cooperate to the fullest extent with the Legislature on any proposed legislation that pertains to the Board of Parole. Requests for information or testimony at Legislative hearings shall be treated as a high priority by Board Members and Board employees. The Chairperson shall appear and testify in person at Legislative hearings when necessary to represent the Board. The Chairperson may designate another member of the Board, Legal Counsel for the Board, or the Director of Supervision and Services to testify at Legislative hearings.

History: Adopted September 22, 2016

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§ 3-205. Chairperson duties.

The chairperson of the Board shall:

- (A) Supervise the administration and operation of the Board;
- (B) Serve in an advisory capacity to the Director of NDCS in administering parole services within any facility;
- (C) Interpret the parole program to the public with a view toward developing a broad base of public support;
- (D) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;
- (E) Recommend parole legislation to the Governor;
- (F) Adopt and promulgate rules and regulations for the administration and operation of the board; and
- (G) Exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-192

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-206. Vice Chairperson or Acting Chairperson.

The Chairperson of the Board shall designate another Board Member as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall conduct hearings and Board Business Meetings. The Chairperson or the Vice Chairperson shall be present at all Parole Hearings and Review of Parole Hearings. At other hearings or Board Business Meetings, if the Chairperson and the Vice Chairperson are both absent, the Chairperson may designate another Board Member as Acting Chairperson.

History: Adopted September 22, 2016

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§ 3-207. Board jurisdiction limited.

The Board of Parole shall not have jurisdiction over persons who are committed to the Department of Correctional Services after being found neglected, dependent, delinquent or in need of special supervision in accordance with the provisions of Chapter 43, article 2.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-193

History: Adopted September 22, 2016

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§ 3-208. Board to advise Board of Pardons.

- (A) The Board of Parole shall, when requested by the Board of Pardons, advise the Pardons Board concerning applications requesting the exercise of pardon authority and shall make such investigation and collect such records as may bear on such applications.
- (B) It is the policy of the Board of Parole to advise the Board of Pardons concerning pardon applications only upon request from the Board of Pardons.
- (C) It is the policy of the Board of Parole to advise the Board of Pardons concerning commutations of sentences only upon request from the Board of Pardons.
- (D) Offenders seeking early discharge from parole must apply to the Board of Pardons. If the parolee has successfully completed one (1) year of parole supervision, the Board of Parole may advise the Board of Pardons concerning early discharge from parole upon request from the Board of Pardons.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-194

History: Adopted September 22, 2016

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§ 3-209. Board duties relating to sentencing and supervision, reports.

- (A) The Board, in consultation with the department, shall adopt and promulgate rules and regulations to reduce the number of inmates under the custody of the department who serve their entire sentence in a correctional facility and are released without supervision. The rules and regulations shall establish clear guidelines and procedures to ensure that each parolee is subject to a minimum of nine months of supervision and shall place priority on providing supervision lengths that enable meaningful transition periods for all offenders. The rules and regulations shall ensure that each inmate eligible for parole is assessed for risk of reoffending using a validated risk and needs assessment provided by the department and shall incorporate into the release decision an inmate's assessed risk of reoffending, past criminal history, program completion, institutional conduct, and other individual characteristics related to the likelihood of reoffending into parole release decisions.
- (B) By February 1 of each year, the Board and the department shall submit a report to the Legislature, the Supreme Court, and the Governor that describes the percentage of offenders sentenced to the custody of the department who complete their entire sentence and are released with no supervision. The report shall document characteristics of the individuals released without supervision, including the highest felony class of conviction, offense type of conviction, most recent risk assessment, status of the individualized release or reentry plan, and reasons for the release without supervision. The report also shall provide recommendations from the department and board for changes to policy and practice to meet the goal of achieving a reduction in the number of inmates under the custody of the department who serve their entire sentence in a correctional facility and are released without supervision. The report to the Legislature shall be submitted electronically.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,100.03

History: Adopted September 22, 2016

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§ 3-301. Board powers.

- (A) In the performance of its duties, the Board of Parole, or any member thereof, shall have the power to issue subpoenas, to compel the attendance of witnesses and the production of books, papers, and other documents pertinent to the subject of an inquiry, and to administer oaths and take the testimony of persons under oath. Subpoenas so issued may be served by any sheriff, constable, police officer, or peace officer in the same manner as similar process in the district court. Any person who knowingly testifies falsely, submits any false affidavit or deposition, fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before the district court is subject. Any district court of this state, upon application by the Board, may compel the attendance of such witnesses, the production of such material, and the giving of testimony before the Board by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such court. Every person shall attend as a witness when subpoenaed anywhere within the state and shall be entitled to the same fees, if requested, as a witness in the district court and mileage as provided in section 81-1176 for state employees. Fees, mileage, and actual expense, if any, necessarily incurred in securing the attendance of witnesses shall be paid by the Board.
- (B) The Board of Parole shall have the power to direct the Director of Correctional Services to keep records concerning committed offenders which the Board deems pertinent to its functions.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-195 AND 83-197

History: Adopted September 22, 2016

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§ 3-302. Prohibited acts against the Board.

A person shall be guilty of a Class IV felony if he or she threatens or attempts to threaten harm to a member or an employee of the Board of Parole with the purpose to influence a decision, an opinion, a recommendation, a vote or any other exercise of discretion as a member or employee of the Board or if he or she privately addresses to any member or employee of the Board any representation, entreaty, argument or other communication designed to influence the outcome of any matter which is or may come before the board on the basis of considerations other than those authorized by law.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-198

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-303. Department of Correctional Services to provide services to Board of Parole.

The department, subject to available resources, shall provide all accounting, budgeting, and payroll services to the Board of Pardons and the Board of Parole at no expense to such boards.

STATUTORY REFERENCE: NEB. REV. STAT. 83-1,127.01

History: Adopted September 22, 2016

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§ 3-304. Board Policies.

Formulation of public policy will take place at Board Business Meetings pursuant to the Open Meetings Act. All policy and procedure decisions shall be by a majority vote of the Board and shall specify an effective date. If no effective date is specified, the new policy or procedure shall be effective on the date approved.

Board policies shall be maintained and kept current on the Board's website and shall be available for inspection at the Board's office.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 84-1407 THROUGH 84-1414.

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3 - 305. Board of Parole Strategic Planning.

The Chairperson shall designate times through the year when the Board Members and staff shall meet and plan for publication of the Board's annual report.

History: Adopted April 5, 2017
Amended October 23, 2018

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§ 3-401. Division of Parole Supervision.

- (A) Pursuant to Neb. Rev. Stat. § 83-1,100, the Nebraska Legislature created the Division of Parole Supervision. The employees of the division shall consist of the Director of Supervision and Services, the field parole service officers, and all other division staff. The division shall be responsible for the following:
1. The administration of parole services in the community;
 2. The maintenance of all records and files associated with the Board of Parole;
 3. The daily supervision and training of staff members of the division, including training regarding evidence-based practices in supervision pursuant to section 83-1,100.02; and
 4. The assessment, evaluation, and supervision of individuals who are subject to parole supervision, including lifetime community supervision pursuant to section 83-174.03.
- (B) Parole officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities, including employees of the Office of Probation Administration. This subsection shall apply only to field parole service officers and support staff and shall not apply to the Director of Supervision and Services or any other management-level position.
- (C) This section does not prohibit the division from maintaining daily records and files associated with the Board of Pardons.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,100

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-402. Division of Parole Supervision duties.

- (A) The Division of Parole Supervision shall establish an evidence-based process that utilizes a risk and needs assessment to measure criminal risk factors and specific individual needs.
- (B) The risk and needs assessment shall be performed at the commencement of the parole term and every six months thereafter by division staff trained and certified in the use of the risk and needs assessment.
- (C) The validity of the risk and needs assessment shall be tested at least every five years.
- (D) Based on the results of the risk and needs assessment, the division shall target parolee criminal risk and need factors by focusing sanction, program, and treatment resources on moderate-risk and high-risk parolees.
- (E) The division shall provide training to its parole officers on use of a risk and needs assessment, risk-based supervision strategies, relationship skills, cognitive behavioral interventions, community-based resources, criminal risk factors, targeting criminal risk factors to reduce recidivism, and proper use of a matrix of administrative sanctions, custodial sanctions and rewards developed pursuant to section 83-1,119. All parole officers employed on August 30, 2015, shall complete the training requirements set forth in this subsection on or before January 1, 2017. Each parole officer hired on or after August 30, 2015 shall complete the training requirement set forth in this subsection within one year after his or her hire date.
- (F) The division shall provide training for chief parole officers to become trainers so as to ensure long-term and self-sufficient training capacity in the state.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,100.02

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-403. Director of Supervision and Services.

The Board of Parole shall appoint a Director of Supervision and Services who shall be a person with appropriate experience and training including, but not limited to, familiarity with the implementation of evidence-based processes for utilizing risk and needs assessments to measure criminal risk factors and specific individual needs.

The Director of Supervision and Services shall report to the full Board at Board Business Meetings; participate in board subcommittees as needed, and meet individually with board members upon request.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,101

History: Adopted September 22, 2016
Amended May 22, 2018
Amended October 23, 2018

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§ 3-404. Director of Supervision and Services duties.

The Director of Supervision and Services shall:

- (A) Supervise and administer the Division of Parole Supervision;
- (B) Establish and maintain policies, standards, and procedures for the field parole service and the community supervision of sex offenders pursuant to section 83-174.03;
- (C) Divide the state into parole districts and appoint district parole officers and such other employees as may be required to carry out adequate parole supervision of all parolees, prescribe their powers and duties, and obtain division offices for staff in each district as may be necessary;
- (D) Cooperate with the Board of Parole, the courts, the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice, and all other agencies, public and private, which are concerned with the treatment or welfare of persons on parole;
- (E) Provide the Board of Parole and district judges with any record of a parolee which the board or judges may require;
- (F) Make recommendations to the Board of Parole or district judge in cases of violation of conditions of parole, issue warrants for the arrest of parole violators when so instructed by the Board or district judge, notify the Director of Correctional Services of determinations made by the Board, and upon instruction of the Board, issue certificates of parole and of parole revocation to the facilities and certificates of discharge from parole to parolees;
- (G) Organize and conduct training programs for the district parole officers and other employees;
- (H) Use the funds provided under section 83-1,107.02 to augment operational or personnel costs associated with the development, implementation, and evaluation of enhanced parole-based programs and purchase services to provide such programs aimed at enhancing adult parolee supervision in the community and treatment needs of parolees. Such enhanced parole-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs that address a parolee's vocational, educational, mental health, behavioral, or substance abuse treatment needs, including evidenced-based peer and family support programs;
- (I) Ensure that any risk or needs assessment instrument utilized by the system be periodically validated;
- (J) Report annually to the Governor and electronically to the Clerk of the Legislature beginning January 1, 2015, the number of parole revocations and the number of technical violations of parole; and
- (K) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,102

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History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-405. Statutory Cash Funds.

- (A) Parole Program Cash Fund. The Parole Program Cash Fund was created pursuant to Neb. Rev. Stat. § 83-1,107.02. All funds collected pursuant to Neb. Rev. Stat. § 83-1,107.01 shall be remitted to the State Treasurer for credit to the fund. The fund shall be utilized by the Division of Parole Supervision for the purposes stated in Neb. Parole Bd. R. § 3-404(H) (Neb. Rev. Stat. § 83-1,102(8)). Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
- (B) Parole Grant Awards Cash Fund. The Board of Parole Grant Awards Cash Fund was created pursuant to Neb. Rev. Stat. § 83-192.01. All funds received by virtue of public grants awarded to the Board of Parole shall be remitted to the State Treasurer for credit to the fund. The fund shall be utilized by the board for the purposes stated in the individual grant applications and awards. Any money available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,107.02 AND NEB. REV. STAT. § 83-192.01

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-406. Field parole service, general.

The field parole service, consisting of district parole officers working under the direction of the Director of Supervision and Services or district judge, shall be responsible for the investigation, supervision, and assistance of parolees, probationers, or individuals subject to community supervision under section 83-174.03. The field parole service shall be sufficient in size to assure that no district parole officer carries a case load larger than is compatible with adequate parole investigation or supervision.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-407. Parole officer duties.

A district parole officer shall:

- (A) Make investigations, prior to a committed offender's release on parole, in cooperation with institutional caseworkers and the Board of Parole to determine the adequacy of parole plans and make reasonable advance preparation for release on parole;
- (B) Assist a committed offender who requests assistance prior to release or a parolee to comply with the conditions of parole and to make a successful adjustment in the community, including facilitating the transitional needs of housing and employment, access to and participation in job training services in the community, access to mental health services, assisting with application for health care coverage or ensuring that the committed offender or parolee knows how to apply for and obtain health care coverage, and assisting with enrollment in the medical assistance program established pursuant to the Medical Assistance Act, if eligible, to ensure that the committed offender or parolee has access to such program close to the time of release or soon thereafter;
- (C) Supervise parolees by keeping informed of their conduct and condition, utilizing global positioning systems and other monitoring technology as needed during the period of supervision;
- (D) Make such reports as required by the Director of Supervision and Services or district judge to determine the effectiveness of the parole system or the progress of an individual parolee;
- (E) Cooperate with social welfare agencies;
- (F) Observe the work of any parole officer under his or her supervision from time to time;
- (G) Inform the Director of Supervision and Services when, in his or her opinion, any eligible parolee's conduct and attitude warrant his or her discharge from active supervision or when any parolee's violation of the conditions of parole is of sufficient seriousness to require action by the Board of Parole or district judge and whenever necessary exercise the power of arrest as provided in section 83-1,119;
- (H) Delegate in his or her discretion any of the above responsibilities to a parole officer under his or her supervision; and
- (I) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,104

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 3-408. Director of Supervision and Services Contracts for Service Providers.

The Director of Supervision and Services is given authority to enter into contracts for operational or personnel costs associated with the development, implementation, and evaluation of enhanced parole-based programs and to purchase services to provide such programs aimed at enhancing parole client supervision in the community and treatment needs of parole clients. Such enhanced parole-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs that address a parole client's vocational, educational, mental health, behavioral, or substance abuse treatment needs. The authority conferred pursuant to this Rule is limited to contracts that meet the following criteria: (1) the contract is limited to one annual term; (2) the total contract amount is less than \$50,000; and (3) the cumulative amount for all contracts does not exceed the total sum of the Legislative appropriation line item received for "Services." This authority is in addition to that which is already conferred statutorily to the Director of Supervision and Services pursuant to Neb. Rev. Stat. § 83-1,102 regarding the use of statutory Parole Program Cash Funds.

History: Adopted July 11, 2017
Amended October 23, 2018

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§ 3 - 501. Physical Property Inventory.

(A) Inventory Coordinator

1. Neb. Rev. Stat. § 81-1118.01 requires all agencies, boards, and commissions to keep an inventory of physical property. Accurate inventory records are essential for the maximum control and utilization of state-owned equipment. It is essential that these records be updated for each equipment acquisition, disposal, or relocation.
2. The Chairperson will designate an inventory coordinator. This individual will be responsible for all additions, transfers, changes, and deletions of inventory items. All physical property inventories are maintained in the CICS computer program, Job 059, which is administered by the Department of Administrative Services-Central Data Processing.

(B) Property Tagging Requirements

1. \$1,500 or More: A \$1,500 purchase cost criteria will be used to determine if items are to be placed on the statewide inventory system. These items will be gold tagged numerically.
2. Less than \$1,500: All property items of purchase cost less than \$1,500 but more than \$100 will require a silver non-numbered tag.
3. A capital outlay report will give instructions on the appropriate tag to be used.

(C) Statewide Inventory Listing

1. A Statewide Inventory Listing Request must be filed with the Materiel Division Administrator by August 31st of each year. This listing is to be complete and accurate at the time of filing with DAS. A documented review of the Additions and Retirements Fixed Asset report will be completed annually.
2. A physical inventory will be performed by the inventory coordinator, and validated by the immediate supervisor, at least once each year.
3. A record of all updated transactions (additions, changes, transfers, deletions) will be available upon request of a History File Listing. This report should be requested by an individual other than the designated inventory coordinator periodically to insure accuracy.

(D) Statewide Inventory Manual

- (E) All inventory control transactions, including the surplus or transfer of equipment, will be completed in accordance with the Materiel Division's Statewide Inventory Manual.

History: Adopted April 5, 2017

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4. Chapter 4
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§ 4-101. Notice of offender parole eligibility.

The chief executive officer of a facility shall regularly report all good time and all forfeitures, withholdings, and restorations of good time to the director. On the basis of such report, the director shall inform the Board and the Director of Supervision and Services of all committed offenders who are expected to become eligible for release on parole within the next three months.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,109.

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-102. Parole eligibility.

- (A) Every committed offender shall be eligible for parole when the offender has served one-half the minimum term of his or her sentence as provided in sections 83-1,107 and 83-1,108. The Board shall conduct a parole review not later than sixty days prior to the date the a committed offender becomes eligible for parole as provided in this subsection, except that if a committed offender is eligible for parole upon his or her commitment to the department, a parole review shall occur as early as is practical. No such reduction of sentence shall be applied to any sentence imposing a mandatory minimum term.

- (B) Every committed offender sentenced to consecutive terms, whether received at the same time or at any time during the original sentence, shall be eligible for release on parole when the offender has served the total of one-half the minimum term as provided in sections 83-1,107 and 83-1,108. The maximum term shall be added to compute the new maximum term which, less good time, shall determine the date when discharge from the custody of the state becomes mandatory.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,110

History: Adopted September 22, 2016

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§ 4-103. Reductions in sentence and parole term.

- (A) **Mandatory.** The department shall reduce the term of a committed offender by six months for each year of the offender's term and pro rata for any part thereof which is less than a year.
- (B) **Meritorious.** In addition the reductions granted pursuant to Neb. Rev. Stat. § 83-1,107(2)(a), the department shall reduce the term of a committed offender by three days on the first day of each month following a twelve-month period of incarceration within the department during which the offender has not been found guilty of (i) a Class I or Class II offense or (ii) more than three Class III offenses under the department's disciplinary code. Reductions earned under this subdivision shall not be subject to forfeit or withholding by the department.
- (C) The total reductions under subsections (A) and (B) of this section shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted from the maximum term, to determine the date when discharge from the custody of the state becomes mandatory.
- (D) **Parole.** The Board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,107 AND 83-1,108

History: Adopted September 22, 2016

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§ 4-104. Forfeiture, withholding, restoration of sentence and parole term reductions.

- (A) While the offender is in the custody of the department, reductions of terms granted pursuant to Neb. Rev. Stat. § 83-1,107(2)(a) may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been notified regarding the charges of misconduct.
- (B) While the offender is in the custody of the Board, reductions of terms granted pursuant to Neb. Rev. Stat. § 83-1,107(2)(a) may be forfeited, withheld, and restored by the director upon recommendation from the board after the offender has been notified regarding the charges of misconduct or breach of the conditions of parole.
- (C) Reductions of the parole terms may be forfeited, withheld, and restored by the board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,107 AND 83-1,108

History: Adopted September 22, 2016

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§ 4-201. Key review.

A review that takes place within twenty-four months (2 years) prior to a committed offender's parole eligibility date or any review that occurs after a committed offender's parole eligibility date is a Key review. At a Key review, the Board Member or person(s) conducting the review shall advise the committed offender of specific tasks, action steps and recommendations that will give the committed offender his or her best chance at being granted parole. Such tasks and steps include, but are not limited to, completion of department programming, final risk and needs assessments, behavioral and reentry planning requirements, and maintaining a clean department discipline record.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,100.03

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-202. Offender review, general.

- (A) A committed offender serving an indeterminate sentence under which he or she may become eligible for parole shall be interviewed and have his or her record reviewed by two or more members of the Board of Parole or a person designated by the Board within sixty days before the expiration of his or her minimum term less any reductions as provided in section 83-1,110.
- (B) If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole and has a potential parole term of no less than one month, the Board of Parole shall schedule a public hearing before a majority of its members. At such hearing the offender may present evidence, call witnesses, and be represented by counsel.
- (C) If, in the opinion of the reviewers, the review indicated the offender should be denied parole, the offender may request an additional review by a majority of the members of the Board.
- (D) A review by the majority of the members of the Board may be conducted not more than once annually.
- (E) Offender reviews shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.
- (F) The Board shall render its decision regarding the committed offender's parole status within a reasonable time after the review, not to exceed ten days. The decision shall be by majority vote of the Board and shall be based on the entire record before the Board, including the opinion of the person(s) who conducted the review.
- (G) If the Board defers the case for later consideration, the committed offender shall be afforded a parole review at least once a year until a release date is fixed. The Board may order a reconsideration of the case at any time.
- (H) The release of a committed offender on parole shall not be upon the application of the offender, but by the initiative of the Board of Parole. No application for release on parole made by a committed offender or on his or her behalf shall be entertained by the Board. The Director of Correctional Service is not prohibited, however, from recommending to the Board that it consider an individual offender for release on parole.
- (I) Offender reviews are not subject to the Open Meetings Act and are therefore not open to the public. Decisions made by the Board Member offender review team may be announced verbally at the time of the review. Written notice of the Board decision consequent to an offender review shall be sent to the offender within 14 days. Disclosure of the Board's decision to anyone other than the offender prior to the Board's written notice is prohibited.
- (J) An offender may waive the opportunity to appear and participate in the Board's offender review. A waiver form developed by the Board of Parole and signed by the offender is required. Once an offender has voluntarily signed a waiver form, the offender will not appear before the Board for an offender review. If an

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offender wishes to withdraw his or her waiver, a written request must be submitted to the Board at least 14 days prior to the scheduled offender review.

- (K) Offender reviews may be conducted remotely through video conferencing from the institution where an offender resides. In the event video conferencing technology malfunctions or there is a power failure, the offender review shall be rescheduled and completed at that time.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,111

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-203. Notice of offender review.

- (A) The Board shall set the schedule for offender reviews based on information provided by and contained in the electronic records system maintained by the Department of Correctional Services. The Board will provide notice to the offender of the scheduled offender review through the Department of Correctional Services.

- (B) The Board of Parole shall also provide notice to the Attorney General, the Nebraska State Patrol, the prosecuting county attorney, and the county attorney in the county in which such individual is incarcerated or committed within five days after scheduling a parole hearing for an individual who is required to register under section 29-4003.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174(2)

History: Adopted September 22, 2016

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§ 4-204. Offender review, timing.

- (A) The record of every parole-eligible committed offender shall be reviewed annually when he or she is within three years of his or her earliest parole eligibility date.
- (B) The review schedule shall be based on court-imposed sentences or statutory minimum sentences, whichever are greater. The Board is not required to review the record of a committed offender when the committed offender's parole eligibility date is within one month of his or her mandatory discharge date. Nothing in such schedule shall prohibit the Board from reviewing a committed offender's case at any time.
- (C) Offender reviews of newly committed offenders who are immediately parole eligible will be scheduled by the Board only after the Department of Correctional Services has completed its evaluation and classification of the offender.
- (D) If an offender is serving a determinate sentence the offender is not eligible for parole. If an offender's indeterminate sentence has a minimum term equal to the maximum term, the offender is not eligible for parole. The Board will not conduct offender reviews for inmates who are not eligible for parole.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-192

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-205. Offender review, material and factors considered.

- (A) The Board shall use its Decision Guidelines Instrument in connection with a Key Review and, pursuant to its discretion, may consider any other permissible factor it deems relevant in conducting offender reviews.
- (B) Reports regarding the offenders conduct, employment and attitude shall be accessible to the Board through the electronic records systems maintained by the Department of Correctional Services. These reports shall be kept current for each offender who is scheduled for review and has not waived his or her appearance.
- (C) A copy of all psychological evaluations performed shall be forwarded to the Board of Parole. In the case of offenders serving sentences for first degree murder, second degree murder, or manslaughter convictions, the Board shall request a psychological evaluation of the offender from the Nebraska Department of Correctional Services – Mental Health team. Additionally, the Board may request a psychological evaluation from the Department of Correctional Services – Mental Health team in the following cases: the risk assessment indicates a level of criminally diverse and the offender is serving a sentence for a violent offense; the offender has a history of violent behavior in the institution; or the offender is serving a sentence for a violent offense. Psychological evaluations shall be requested and performed within 3 months of a Key review before scheduling the offender for a parole hearing.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-192

History: Adopted September 22, 2016
Amendment deferred January 16, 2018
Amended January 30, 2018
Amended October 23, 2018

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§ 4-206. Offenders Scheduled for Execution.

- (A) Offenders sentenced to death for conviction of First Degree Murder who have an execution date set shall be afforded an interview with the Board of Parole prior to the execution date if an interview is requested by the Board of Pardons, the offender, or the offender's legal counsel.
- (B) The interview will be held at a separate time from scheduled Offender Board Reviews or Parole Hearings. Questions may be provided by the Board of Pardons, the offender's legal counsel, and the members of the Board of Parole. Questions may include, but are not limited to, the following:
 - 1. Societal and economic background of the offender;
 - 2. Educational attainments of the offender subsequent to incarceration;
 - 3. Psychological information and profile of the offender;
 - 4. The offender's behavior and conduct while incarcerated;
 - 5. The offender's rehabilitative efforts since incarceration;
 - 6. The offender's ability to contribute meaningfully to society;
 - 7. Individuals who have had an effect on the offender since incarceration and how these individuals have influenced the offender;
 - 8. The offender's attitude and feelings about the crime for which he or she has been sentenced.
- (C) The Board of Pardons and the offender's legal counsel will be notified of the interview and the offender's legal counsel may be present at the interview. The interview will be video recorded. The video recording will be made available to the Board of Pardons and the offender's legal counsel.
- (D) The offender may waive participation in the interview.
- (E) The Board of Parole may make a recommendation for commutation or may remain silent on the issue of commutation.

History: Adopted April 5, 2017

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§ 4-207. Offender Board Review Schedule.

- (A) At the discretion of the Board, the Board may split into two (2) teams when the number of scheduled Offender Board Reviews exceeds 35 individuals at a single facility. The decision to split into teams for a single facility is based on the following factors: 1) Adequate number of Board members or designated individual(s) are present; 2) Availability of staff to assist in making an informal record of the reviews conducted; and 3) Availability of an additional room at the designated facility.

- (B) At the discretion of the Board, the Board may split into two (2) teams and conduct Offender Board Reviews at separate facilities on the same day. The decision to split into teams for separate facilities is based on the following factors: 1) Volume of Offender Board Reviews scheduled for a given month; 2) Availability of staff to assist in making an informal record of the reviews conducted; 3) Transportation needs; and 4) Availability of room(s) at the designated facilities.

History: Adopted April 5, 2017

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§ 4-301. Parole hearing.

- (A) If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole, and has a potential parole term of no less than one month, the Board of Parole shall schedule a public hearing before a majority of its members. The parole hearing will be set no sooner than 30 days from the time of review to allow the offender adequate time to develop an appropriate parole plan.
- (B) At the parole hearing, the offender may present evidence, call witnesses, and be represented by counsel.
- (C) Parole hearings shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.
- (D) The Board shall render its decision regarding the committed offender's release on parole within a reasonable time after the hearing. The decision shall be by a majority vote of the board. The decision shall be based on the entire record before the board, which shall include the opinion of the person(s) who conducted the review. The Board may inform the offender of its decision verbally at the time of the parole hearing with written notification to follow within 14 days.
- (E) If the Board denies parole, written notification listing the reasons for such denial and the recommendations for correcting deficiencies which cause the denial shall be given to the committed offender within thirty days following the hearing.
- (F) If the Board fixes the release date, such date shall not be more than six months from the date of the committed offender's parole hearing, or from the date of last reconsideration of his or her case, unless there are special reasons for fixing a later release date.
- (G) If the Board defers the case for later reconsideration, the committed offender shall be afforded a parole review at least once a year until a release date is fixed. The Board may order a reconsideration or a rehearing of the case at any time. A parole hearing may be deferred at the discretion of the Board.
- (H) Parole hearings are open to the public pursuant to the Open Meetings Act.
- (I) An offender may waive the opportunity to appear and participate in his or her parole hearing. A waiver form developed by the Board of Parole and signed by the offender is required. Once an offender has voluntarily signed a waiver form, the offender will not appear before the Board for a parole hearing. If an offender wishes to withdraw his or her waiver, a written request must be submitted to the Board at least 14 days prior to the scheduled parole hearing.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,111

History: Adopted September 22, 2016
Amended April 24, 2018
Amended October 23, 2018

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§ 4-302. Notice of Parole hearing.

- (A) Public notice of scheduled parole hearings shall be provided to the following at least 15 days prior to the date of the scheduled hearing: (1) county attorney's office of the sentencing court; (2) official county newspaper of the sentencing court; (3) law enforcement agencies involved in the investigation, arrest, or court proceedings of the offender; (4) victim and witness units; (5) national wire services; (6) Director of the Department of Correctional Services; and (6) any other members of the public who has requested notification.
- (B) The legal Notice of Hearing and parole hearing roster will be kept continually current and will be available for inspection at the Board of Parole offices and also on the Board's website.

History: Adopted September 22, 2016

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§ 4-303. Parole plan.

- (A) Each committed offender eligible for parole shall, in advance of his or her parole hearing, have a parole plan in accordance with the rules of the Board of Parole. Whenever the board determines that it will facilitate the parole hearing, it may furnish the offender with any information and records to be considered by it at the hearing.
- (B) The process for formulating a parole plan must commence at least 90 days before the offender's parole hearing.
- (C) The parole plan shall include, but is not limited to, the residence at which the offender plans to live, plans for employment or seeking out gainful employment, and the programming in which the offender will participate and complete while on parole.
- (D) An offender shall be permitted to advise with any person whose assistance he or she desires, including his or her own legal counsel, in preparing for a hearing before the Board of Parole.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,112

History: Adopted September 22, 2016

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§ 4-304. Access to offender and reports.

The Board of Parole and its employees shall have access at all reasonable times to any committed offender over whom the Board may have jurisdiction and shall have means provided for communication with and observing the committed offender. The Board shall be furnished such reports as it may require concerning the conduct and character of any committed offender and any other information deemed pertinent by the Board in determining whether a committed offender should be paroled.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,113

History: Adopted September 22, 2016

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§ 4-305. Parole proceedings under the Interstate Corrections Compact.

Any hearing or hearings to which an inmate confined pursuant to this Compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending State, or of the receiving State, if authorized by the sending State. The receiving State shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending State. In the event such hearing or hearings are had before officials of the receiving State, the governing law shall be that of the sending State and a record of the hearing or hearings as prescribed by the sending State shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending State. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving State shall act solely as agents of the sending State and no final determination shall be made in any matter except by the appropriate officials of the sending State.

STATUTORY REFERENCE: NEB. REV. STAT. § 29-3401, ART. IV (F).

History: Adopted September 22, 2016

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§ 4-401. Parole decisions, factors considered.

(A) In making its determination regarding a committed offender's release on parole, the Board shall give consideration to its decision guidelines as set forth in its rules and regulations and shall take into account each of the following factors:

1. The offender's personality, including his or her maturity, stability, and sense of responsibility and any apparent development in his or her personality which may promote or hinder his or her conformity to law;
2. The adequacy of the offender's parole plan;
3. The offender's ability and readiness to assume obligations and undertake responsibilities;
4. The offender's intelligence and training;
5. The offender's family status and whether he or she has relatives who display an interest in him or her or whether he or she has other close and constructive associations in the community;
6. The offender's employment history, his or her occupational skills, and the stability of his or her past employment;
7. The type of residence, neighborhood, or community in which the offender plans to live;
8. The offender's past use of narcotics or past habitual and excessive use of alcohol;
9. The offender's mental or physical makeup, including any disability or handicap which may affect his or her conformity to law, however, in making its parole decisions, the Board does not discriminate on the basis of any disability or handicap that will not affect an individual's conformity to law;
10. The offender's prior criminal record, including the nature and circumstances, dates, and frequency of previous offenses;
11. The offender's attitude toward law and authority;
12. The offender's conduct in the facility, including particularly whether he or she has taken advantage of the opportunities for self-improvement, whether he or she has been punished for misconduct within six months prior to his or her hearing or reconsideration for parole release, whether any reductions of term have been forfeited, and whether such reductions have been restored at the time of hearing or reconsideration;

Reports regarding the offenders conduct in the facility as stated above shall be accessible to the Board through NICaMS / PIMS and shall be kept current for each offender who is scheduled for review and has not waived his or her appearance.
13. The offender's behavior and attitude during any previous experience of probation or parole and how recent such experience is;

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14. The risk and needs assessment completed pursuant to section 83-192; and
 15. Any other factors the Board determines to be relevant.
- (B) Before making a determination regarding a committed offender's release on parole, the Board of Parole shall consider the following:
1. A report prepared by the institutional caseworkers relating to his or her personality, social history, and adjustment to authority, and including any recommendations which the staff of the facility make;
 2. All official reports of his or her prior criminal record, including reports and records of earlier probation and parole experiences;
 3. The presentence investigation report;
 4. Recommendations regarding his or her parole made at the time of sentencing by the sentencing judge;
 5. The reports of any physical, mental, and psychiatric examinations of the offender, including all handicap and disability information collected by or contained in the records maintained by the Department;
 6. Any relevant information which may be submitted by the offender, his or her attorney, the victim of his or her crime, or other persons;
 7. The risk and needs assessment completed pursuant to section 83-192; and
 8. Such other relevant information concerning the offender as may be reasonably available.
 9. If an offender incurs a Class I Drug / Intoxicant Abuse misconduct report after being scheduled for a parole hearing, the Department of Correctional Services' substance abuse staff shall review the facts surrounding the misconduct report and shall submit a report to the Board at least one (1) week prior to the scheduled parole hearing, setting forth any additional treatment recommendations of the staff. In the event the report is not timely received by the Board, the offender's parole hearing shall be deferred for one (1) month and rescheduled accordingly so that the Board has adequate time to review the report.
 10. If an offender is scheduled for a parole hearing and incurs a misconduct report for escape, the offender's parole shall be denied and will be reset to review status.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,114 AND 83-1,115

History: Adopted September 22, 2016
Amended October 23, 2018
Amended May 21, 2019

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§ 4-402. Parole of Foreign Nationals.

- (A) Offenders who hold citizenship status in a foreign country are not precluded from parole consideration. Foreign nationals may be paroled to the offender's country of citizenship with the offender's consent.
- (B) Offenders who hold citizenship in a foreign country may also be paroled to a Federal Immigration Detainer with the Federal Government whereby the offender could be deported.
- (C) The Board of Parole will impose appropriate special conditions for offenders who parole to a foreign country or to a Federal Immigration Detainer.
 - 1. Parole to Immigration Detainer. The following special condition of parole shall be listed on the parole certificate if a residence pending deportation proceedings is approved: "After being removed from the United States pursuant to a Warrant of Deportation, you are not to be found in the United States without received the consent of the Attorney General of the United States to reapply for admission to the United States. If you are found in the United States without the proper consent, it will constitute a violation of parole and may result in your return to the State of Nebraska to complete your sentence."
 - 2. Parole to Deportation. The following special condition of parole shall be listed on the parole certificate for an offender who is being paroled for deportation only: "The Board of Parole is paroling you on the premise that you will be deported to the country listed on your certificate. If for any reason you are not deported, or are found in the United States after deportation, it will constitute a violation of parole and may result in your return to the State of Nebraska to complete your sentence."

History: Adopted September 22, 2016

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§ 4-403. Decision Guidelines.

- (A) Commencing April 1, 2017, the Board will use the Decision Guidelines Form (Appendix A) in connection with all Key reviews and parole hearings. The Decision Guidelines Form and process was developed by the Board members in consultation with the Council for State Government. The Decision Guidelines incorporate the following weighted factors: offense severity; risk needs assessment performed by the Department; participation in core risk-reducing programming offered by the Department; institutional behavior; and Board member discretion as allowed under Neb. Rev. Stat. § 83-1,114.
- (B) It is the Board's policy that if an offender refuses to participate in the Decision Guidelines process, he or she will not be considered for parole. The offender's refusal to participate in the Decision Guidelines process will be documented and kept in the offender's file.
- (C) An offender's Decision Guidelines score shall be strictly confidential unless disclosure of it is ordered by the court for good cause shown.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,100.03

History: Adopted September 22, 2016
Amended March 7, 2017

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§ 4-404. Parole eligibility for offenders with multiple driving under the influence violations.

The Board shall require any person who is incarcerated pursuant to subdivision (9) or (10) of Neb. Rev. Stat. § 60-6,197.03 to complete all diagnostic evaluations provided by the department and all programming required by the department prior to being considered eligible for parole. If the programming required by the department cannot be completed during the person's period of incarceration but can be provided in the community, and the board in its discretion believes the incarcerated person will participate in programming available in the community, the board may waive the programming requirement of this section and, as a condition of parole, require that such programming be completed by the person during his or her parole term.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,112.01

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-405. Deferment of Parole.

Whenever the Board of Parole considers the release of a committed offender who is eligible for release on parole, it shall order his or her release unless it is of the opinion that his or her release should be deferred because:

- (A) There is a substantial risk that he or she will not conform to the conditions of parole;
- (B) His or her release would depreciate the seriousness of his or her crime or promote disrespect for law;
- (C) His or her release would have a substantially adverse effect on institutional discipline; or
- (D) His or her continued correctional treatment, medical care, or vocational or other training in the facility will substantially enhance his or her capacity to lead a law-abiding life when released at a later date.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,114

History: Adopted September 22, 2016

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§ 4-406. Rescinding Parole.

An offender who has been paroled with a future effective date may have his or her parole rescinded if the Board of Parole receives information that contradicts the offender's approved parole plan or if the offender is the subject of institutional misconduct reports. The Board shall hold a rescission hearing to discuss any new facts or circumstances at which the offender is entitled to personally appear. If the Board decides to rescind the offender's parole, the offender shall remain in custody, or be immediately taken into custody by the Department of Correctional Services.

History: Adopted September 22, 2016

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§ 4-407. Request for Rehearing.

- (A) **Applicability.**
Requests for Rehearing are limited to Parole Hearing and Review of Parole Hearing decisions. Offender Board Reviews are not subject to appeal.
- (B) **Procedure.**
1. An offender may request a rehearing by submitting a written request within seven (7) business days after the original hearing.
 2. The Board will deliver its decision on whether to grant or deny a rehearing in writing within 30 days after receipt of the offender's request.
 3. If the Board decides to grant a rehearing for the offender, the offender's case will be set for rehearing within 60 days.
- (C) **Petition in Error.**
There is currently no provision in the Nebraska Revised Statutes providing for an extension of time in which to file a petition in error sufficient to confer jurisdiction in the Nebraska State Courts if an offender desires to pursue such course of action.

History: Deferred April 5, 2017
Adopted May 2, 2017

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§ 4-501. Parole conditions set by the Board.

- (A) When a committed offender is released on parole, the Board shall require as a condition of parole that the offender refrain from engaging in criminal conduct and may require the offender to submit to periodic testing for drug and alcohol use. The Board may also require, either at the time of the offender's release on parole or at any time while the offender remains on parole, that the offender conform to any of the following conditions:
1. Meet specified family responsibilities;
 2. Devote himself or herself to an approved employment;
 3. Remain in the geographic limits fixed in the certificate of parole unless granted written permission to leave such limits;
 4. Report, as directed, to his or her district parole officer;
 5. Reside at the place fixed in the certificate of parole and notify his or her district parole officer of any change in address or employment;
 6. Submit himself or herself to available medical, psychological, psychiatric, or other treatment;
 7. Refrain from associating with persons known to him or her to be engaged in criminal activities, or without permission of his or her district parole officer, with persons known to him or her to have been convicted of a crime; and
 8. Satisfy any other conditions specially related to the cause of his or her offense and not unduly restrictive of his or her liberty or conscience, which are known as special conditions.
- (B) Parolees shall not participate in any activity with any law enforcement agency to act as a confidential informant, undercover agent, or employee. This special condition applies to all parolees within the State of Nebraska and extends to any Interstate Compact state to where a parolee may be approved to serve his or her parole term.
- (C) During the course of the parole hearing, the offender will be questioned as to whether he or she understands the general, specific, and special conditions of parole. Individuals will also be informed that release on parole shall not occur on a weekend or State-recognized holiday.
- (D) Before release on parole, a parolee shall be provided with a certificate of parole setting forth the conditions of parole, which must be signed by the parolee indicating his or her agreement to the conditions. If the parolee is unable to read the certificate, the certificate will be read to him or her prior to the parolee affixing his or her signature.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,116

History: Adopted September 22, 2016
Amendment Adopted May 22, 2018

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§ 4-502. Conditions regarding residence during parole.

The Board of Parole may in appropriate cases require a parolee, as a condition of parole, either at the time of his or her release on parole or at any time while he or she remains under parole supervision, to reside in a community guidance center, boarding facility, halfway house, hospital, or other special residence facility, for such period and under such supervision or treatment as the board may deem appropriate.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,117

History: Adopted September 22, 2016

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§ 4-503. Parole program plan.

- (A) Within thirty days after any committed offender has been paroled, all available information regarding such parolee shall be reviewed and a case plan document shall be drawn up and approved by the Division of Parole Supervision. The document shall specifically describe the approved case plan and the specific goals the division expects the parolee to achieve. The document shall also contain a realistic schedule for completion of the approved case plan. The approved case plan shall be developed with the active participation of the parolee. During the term of parole, the parolee shall comply with the approved case plan and the division shall provide programs to allow compliance by the parolee with the approved case plan. Programming may include, but is not limited to:
1. Academic and vocational education;
 2. Substance abuse treatment;
 3. Mental health and psychiatric treatment, including criminal personality programming;
 4. Constructive, meaningful work programs;
 5. Community service programs; and
 6. Any other program deemed necessary and appropriate by the division.
- (B) A modification in the approved case plan may be made to account for the increased or decreased abilities of the parolee or the availability of any program. Any modification shall be made only after notice is given to the parolee. Intentional failure to comply with the approved case plan by any parolee as scheduled for any year, or pro rata part thereof, shall cause disciplinary action to be taken by the division resulting in the forfeiture of up to a maximum of three months' good time for the scheduled year.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,107

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-504. Program fees.

- (A) Unless otherwise provided by Neb. Rev. Stat. § 83-1,107.01 or this rule, whenever an adult offender is paroled, the board shall require a parolee to pay a monthly programming fee.
- (B) Parolees under the supervision of the Division of Parole Supervision shall pay a monthly parole programming fee of twenty-five dollars, not later than the tenth day of each month, beginning the second month of parole supervision and continuing for the duration of the parole.
- (C) The Board shall waive payment of the monthly parole programming fee in whole or in part if after a hearing a determination is made that such payment would constitute undue hardship on the parolee due to limited income, employment or school status, or physical or mental handicap. Such waiver shall be in effect only during the period of time that the parolee is unable to pay his or her monthly parole programming fee.
- (D) When monthly parole programming fees are waived, in whole or in part, the parole officer, pursuant to rules and regulations adopted by the Board, may contract with the parolee to perform approved community service at the rate of five dollars per hour in lieu of payment of monthly programming fees. A parolee may be required to pay a participation fee in order to take advantage of community service programs. A parolee may not accumulate more than three months' advance credit for community service. The use of community service alternatives does not preclude the imposition of other intermediate measures.
- (E) No parolee shall be required to pay more than one monthly parole programming fee per month.
- (F) The imposition of monthly parole programming fees in this section shall be considered separate and apart from specific service delivery fees.
- (G) Any adult offender received for supervision pursuant to section 29-2637 or the Interstate Compact for Adult Offender Supervision shall be assessed a monthly parole programming fee during the period of time the offender is actively supervised by Nebraska parole authorities.
- (H) A parolee shall pay the fees described in this section to the Division of Parole Supervision. The division shall remit all fees to the State Treasurer for credit to the Parole Program Cash Fund.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,107.01

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-505. Parole program fees accrue during abscond.

Programming fees for parolees who abscond from supervision shall continue to accrue until the parolee's mandatory discharge date. If and when a parolee returns to the custody of the Department, the parolee shall be assessed the total amount of parole program fees that have accrued and remain unpaid. The assessment of parole program fees shall be included in the recommendations made by the Division of Parole Supervision in connection with the parolee's review of parole hearing.

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-506. Parole Conditions regarding Criminal Gang Affiliation.

- (A) The Parole Board may require, as a condition of release on parole, that any person documented as a Criminal Gang Member by the Nebraska Department of Correctional Services and Law Enforcement agencies submit to tracking under an electronic monitoring service or other appropriate technological service designed to track a person's location.
- (B) If a person has been documented as a Criminal Gang Member and they meet the criteria to be listed as a Hardcore Member, Member, or Suspect/Associate they may be required to submit to electronic monitoring for the duration(s) specified as follows:
 - 1. Hardcore Member- At least 180 days(6 months) of electronic monitoring supervision
 - 2. Member- At least 120 days (4 months) of electronic monitoring supervision
 - 3. Suspect/Associate- Will be determined on a case by case basis. If electronic monitoring is deemed appropriate in the interest of public safety the parolee will be placed on electronic monitoring for a minimum of 45days.
- (C) The Parole Board may require, as a condition of release on parole, the parolee be prohibited from associating with the members of a criminal gang except for the purposes of employment, education, required programming or in the case that the criminal gang member is also an immediate family member.
- (D) The Parole Board may require, as a condition of release on parole, a 10pm to 6am curfew except for the purposes of employment, education, required programming or as approved by the supervising parole officer.
- (E) Violation of any of the above conditions may result in the parolee being returned before the Parole Board for a review of parole hearing.

History: Adopted October 19, 2016

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§ 4-601. Medical parole, eligibility and conditions.

- (A) A committed offender who is not under sentence of life imprisonment, and who because of an existing medical or physical condition is determined by the Department to be terminally ill or permanently incapacitated may be considered for medical parole by the Board. A committed offender may be eligible for medical parole in addition to any other parole. The Department shall identify committed offenders who may be eligible for medical parole based upon their medical records.
- (B) The Board shall decide to grant medical parole only after a review of the medical, institutional, and criminal records of the committed offender and such additional medical evidence from board-ordered examinations or investigations as the Board in its discretion determines to be necessary. The decision to grant medical parole and to establish conditions of release on medical parole in addition to the conditions stated in subsection (3) of this section is within the sole discretion of the Board.
- (C) As conditions of release on medical parole, the Board shall require that the committed offender agree to placement for medical treatment and that he or she be placed for a definite or indefinite period of time in a hospital, a hospice, or another housing accommodation suitable to his or her medical condition, including, but not limited to, his or her family's home, as specified by the Board.
- (D) The parole term of a medical parolee shall be for the remainder of his or her sentence as reduced by any adjustment for good conduct pursuant to the Nebraska Treatment and Corrections Act.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,110.03

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 4-602. Medical parole, revocation.

- (A) If during the term of medical parole the medical condition of a medical parolee improves to the extent that he or she is no longer eligible for medical parole, the Board may order that he or she be returned to the custody of the department to await a hearing to determine whether the medical parole should be revoked.
- (B) If medical parole is revoked due to improvement in the medical condition of the parolee, he or she shall serve the balance of his or her sentence with credit for time served on medical parole and without forfeiture of any credits accrued for good conduct pursuant to the Nebraska Treatment and Corrections Act prior to medical parole.
- (C) If a medical parolee whose medical parole is revoked due to improvement in his or her medical condition would otherwise be eligible for parole or any other release program, he or she may be considered for such release program.
- (D) In addition to revocation of medical parole due to improvement in the medical condition of the parolee, medical parole may also be revoked for violation of any condition of the medical parole established by the Board.

NEB. REV. STAT. § 83-1,110.03

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 4: Parole Decisions

§ 4-701. Parole decisions regarding offender who was under eighteen when offense committed.

- (A) Any offender who was under the age of eighteen years when he or she committed the offense for which he or she was convicted and incarcerated shall, if the offender is denied parole, be considered for release on parole by the Board of Parole every year after the denial.
- (B) During each hearing before the Board of Parole for the offender, the Board shall consider and review, at a minimum:
1. The offender's educational and court documents;
 2. The offender's participation in available rehabilitative and educational programs while incarcerated;
 3. The offender's age at the time of the offense;
 4. The offender's level of maturity;
 5. The offender's ability to appreciate the risks and consequences of his or her conduct;
 6. The offender's intellectual capacity;
 7. The offender's level of participation in the offense;
 8. The offender's efforts toward rehabilitation; and
 9. Any other mitigating factor or circumstance submitted by the offender.

NEB. REV. STAT. § 83-1,110.04

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 4: Parole Decisions

§ 4-801. Warrant or detainer provisions.

- (A) If a warrant or detainer is placed against a committed offender by a court, parole agency, or other authority of this or any other jurisdiction, the Director of DPS shall inquire before such offender becomes eligible for parole whether the authority concerned intends to execute or withdraw the warrant or detainer when the offender is released.
- (B) If the authority notifies the Director of DPS that it intends to execute the warrant or detainer when the offender is released, the Director of DPS shall advise the authority concerned of the sentence under which the offender is held, the time of parole eligibility, any decision of the board relating to the offender, and the nature of the offender's adjustment during imprisonment and shall give reasonable notice to such authority of the offender's release date.
- (C) The Board may parole an offender who is eligible for release to a warrant or detainer. If an offender is paroled to such a warrant or detainer, the Board may provide, as a condition of release, that if the charge or charges on which the warrant or detainer is based are dismissed, or are satisfied after conviction and sentence, prior to the expiration of the offender's parole term, the authority to whose warrant or detainer the offender is released shall return the offender to serve the remainder of the parole term or such part as the Board may determine.
- (D) If a person paroled to a warrant or detainer is thereafter sentenced and placed on probation, or released on parole in another jurisdiction, prior to the expiration of the parole term less good time in this state, the Board may permit the person to serve the remainder of the parole term or such part as the Board may determine concurrently with the person's new probation or parole term. Such concurrent terms may be served in either of the two jurisdictions, and supervision shall be administered in accordance with the Interstate Compact for Adult Offender Supervision.
- (E) It is the policy of the Board that before paroling an otherwise parole-eligible offender to a detainer, including county, state, federal, and immigration-related, the offender must have a backup residence identified and verified at the time of the offender's parole hearing. Failure to have a backup residence identified and verified at the time of a parole hearing may result in a denial of parole for the offender.
- (F) If an individual proposes an out-of-state residence plan after satisfying any outstanding detainers to which he/she is paroled, the Board shall schedule the individual for a parole hearing no less than 90 days after the date of the offender review.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,125

History: Adopted September 22, 2016
Amendment Deferred March 7, 2017
Amended May 2, 2017
Amended May 22, 2018
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 4: Parole Decisions

§ 4-802. Waiver of extradition for out-of-state detainees.

- (A) An offender may be paroled to an out-of-state detainer to resolve a pending obligation that other state and in order to facilitate the reintegration of the offender into the community.
- (B) The Board shall include as a special condition of parole that an offender waive extradition proceedings in order to return to the requesting state, as necessary.
- (C) When waiver of extradition is required, documentary evidence of the offender waiving extradition, including attestation by a state's witness, shall be furnished to the Board prior to the offender being released to an out-of-state detainer.
- (D) When waiver of extradition is required, the Board shall notify the Department in writing when the offender has been set for a parole hearing at least three (3) weeks in advance of the hearing.
- (E) If the waiver of extradition process is not complete at least 2 (two) weeks prior to the offender's parole hearing, the Board may defer the offender's parole hearing until such time as the waiver of extradition process is completed.
- (F) If an offender refuses to waive extradition, the Board may decline to release the offender on parole.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
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§ 4-901. Board decisions regarding furlough and work release.

Factors that the Board will consider when making recommendations regarding a committed offender's suitability for furlough or work release privileges include the following:

- (A) The committed offender and the general society of the state will benefit from the person's furlough or work release;
- (B) There is reason to believe that interests of the people of the state and the committed offender will be served by the person's furlough or work release; and
- (C) The committed offender has not refused or self-terminated from Department recommended programming, including, but not limited to, Residential Treatment Center, Substance Abuse Unit, and Work Ethic Camp.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-184

History: Adopted September 22, 2016

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§ 4-902. Discharge from Parole.

- (A) If, in the opinion of the Board, upon receipt of information from the Director of Supervision and Services, a parolee has shown suitable compliance with his or her parole programming plan, the board may reduce the level of supervision for a parolee that is commensurate with the protection of the public.
- (B) The Board shall discharge a parolee from parole when the time served in the custody of the department and the time served on parole equal the maximum term less god time.
- (C) Upon completion of the lawful requirements of the sentence, the department shall provide the parolee or committed offender with a written notice regarding his or her civil rights. The notice shall inform the parolee or committed offender that voting rights are restored two years after completion of the sentence. The notice shall also include information on restoring other civil rights through the pardon process, including application to and hearing by the Board of Pardons.
- (D) The Board of Parole may discharge a parolee from parole when such parolee is under the supervision of another state's correction institution and such offender has reached the expiration date of his or her Nebraska parole term.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,118

History: Adopted October 23, 2018

Nebraska Board of Parole Rules
Chapter 5: Parole Supervision and Services

5. Chapter 5
Parole Supervision and Services

§ 5-101. Abscond.

- (A) The Nebraska Legislature defines absconding parole supervision as when a parolee has purposely avoided supervision for a period of at least two weeks and reasonable efforts by a parole officer and staff to locate the parolee in person have proven unsuccessful.
- (B) In the event that a parolee purposely avoids supervision for a period of less than two weeks, the Board will authorize and issue arrest warrants if there is reasonable cause to believe that:
 - 1. The parolee has violated or is about to violate a condition of parole; and
 - 2. The parolee will attempt to leave the jurisdiction or will place lives or property in danger.
- (C) When the statutory definition of absconding parole supervision has been met, the parolee will be charged with an abscond violation and Neb. Rev. Stat. § 83-1,123 will be applied to recalculate the parolee's remaining term of commitment and/or supervision.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,119 AND 83-1,123

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 5: Parole Supervision and Services

§ 5-102. Law Enforcement Requests for Electronic Monitoring Information.

The Division of Parole Supervision may disclose electronic monitoring information related to a specific parole client to law enforcement personnel, and other state entities with a legitimate interest, upon receipt of a valid and enforceable subpoena and in cases where a parole officer has reasonable cause to believe that a parole client has violated or is about to violate a condition of parole and that the parole client will attempt to leave the jurisdiction or will place lives or property in danger.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,119

History: Adopted July 11, 2017
Amended October 23, 2018

**6. Chapter 6
Parole Compliance**

§ 6-101. Matrix of rewards and sanctions.

The Division of Parole Supervision shall develop a matrix of rewards for compliance and positive behaviors and graduated administrative sanctions and custodial sanctions for use in responding to and deterring substance abuse violations and technical violations. A custodial sanction of thirty days in a correctional facility or a contract facility shall be designated as the most severe response to a violation in lieu of revocation.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,119

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-102. Substance abuse or technical violation, low flight or danger risk.

Whenever a parole officer has reasonable cause to believe that a parolee has committed or is about to commit a substance abuse violation or technical violation while on parole, but that the parolee will not attempt to leave the jurisdiction and will not place lives or property in danger, the parole officer shall either:

- (A) Impose one or more administrative sanctions based upon the parolee's risk level, the severity of the violation, and the parolee's response to the violation. If administrative sanctions are to be imposed, the parolee shall acknowledge in writing the nature of the violation and agree upon the administrative sanction. The parolee has the right to decline to acknowledge the violation. If he or she declines to acknowledge the violation, the parole officer shall take action pursuant to subdivision (B) of this section. A copy of the report shall be submitted to the Board of Parole; or
- (B) Submit a written report to the Board of Parole, outlining the nature of the parole violation, and request the imposition of a custodial sanction of thirty days in a correctional facility or a contract facility. On the basis of the report and such further investigation as the Board may deem appropriate, the Board shall determine whether and how the parolee violated the conditions of parole and may:
 - 1. Dismiss the charge of violation; or
 - 2. If the Board finds a violation justifying a custodial sanction, issue a warrant if necessary and impose a custodial sanction of up to thirty days in a correctional facility or a contract facility.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,119

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-103. Procedure for custodial sanctions.

The purpose of this section is to provide the Board of Parole and the Division of Parole Supervision with a procedure to ensure prompt consideration and determination of requests to impose custodial sanctions upon parolees.

- (A) When a parole officer alleges that a parolee has violated a condition of parole that subjects the parolee to potential custodial sanctions, the parole officer shall present his or her report and request for custodial sanctions to the parolee within 48 hours. The request for custodial sanctions shall include the following information: date and time to report for custodial sanction; institutional location; and duration of custodial sanction.
- (B) The parolee shall either:
 - 1. Acknowledge the violation, waive his or her right to a hearing, and consent to the custodial sanction as requested in the parole officer's report; or
 - 2. Deny the violation and contest the imposition of a custodial sanction. Failure to acknowledge the violation and consent to the custodial sanction within 24 hours constitutes a denial.
- (C) All requests to impose a custodial sanction must be submitted to the Board within two working days following the parolee's acknowledgement or denial of the violation and request for a custodial sanction.
- (D) Upon receipt of an uncontested violation report requesting a custodial sanction, the Board, within three working days, shall take one of the following actions:
 - 1. Approve the custodial sanction as requested and issue a commitment order with instructions as to time, date, institutional location, and duration of the custodial sanction;
 - 2. Schedule a hearing before the full Board, to occur within fifteen working days, for the Board to: 1) determine whether the terms of the requested custodial sanction are appropriate under the circumstances; and 2) issue a commitment order with instructions as to date and time to appear, institutional location, and duration of custodial sanction that, in the board's judgment and discretion, comports with the acknowledged violation; or
 - 3. Deny the requested custodial sanction.
- (E) Upon receipt of a contested violation report and request for a custodial sanction, a hearing before the full Board shall be immediately scheduled. Such hearing shall occur within fifteen working days following receipt of the violation report and request for a custodial sanction. If the parolee does not have counsel retained at his or her own expense, the parolee may be entitled to appointed counsel if the following conditions are met:
 - 1. The parolee is indigent;

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2. The parolee makes a timely and colorable claim that he or she has not committed the violation charged, or that there are substantial reasons that justified or mitigated the violation, which make custodial sanctions inappropriate, and
 3. The reasons involved are complex or otherwise difficult to develop or present, thereby preventing the parolee from speaking effectively on his or her own behalf.
- (F) Notice of the hearing before the full Board on a violation report and request for a custodial sanction shall be made by personal service upon the parolee by the supervising parole officer no less than five working days before the hearing date.
- (G) The Board shall receive into evidence the parole officer's violation report in support of a custodial sanction along with any documentary or testimonial evidence provided by the parolee. An assigned parole officer shall appear at the hearing and may provide evidence on behalf of the Division of Parole Supervision.
- (H) After the hearing, if the Board determines that the parolee has violated his or her parole and that a custodial sanction should be imposed, the Board shall issue a commitment order with instructions as to time, date, institutional location, and duration of the custodial sanction.
- (I) If after the hearing the Board determines that the parolee has violated his or her parole, but that a custodial sanction should not be imposed, the Board may, in its discretion order that:
1. The parolee receive a reprimand and warning;
 2. Parole supervision and reporting be intensified;
 3. Good time granted pursuant to 83-1,108 (parole good time) be forfeited or withheld; or
 4. The parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with the Nebraska Treatment and Corrections Act.
- (J) If after the hearing the Board determines that the parolee has not violated his or her parole, the request to impose a custodial sanction shall be denied.
- (K) Parolees under supervision in Nebraska, but on parole from other states, are also subject to the application of custodial sanctions while being supervised in Nebraska pursuant to the Interstate Compact for Adult Offender Supervision which requires that parolees transferred between states be supervised as would parolees in the state in which they are supervised.

History: Adopted September 22, 2016
Amended March 7, 2017
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-104. Non-technical violation, low flight or danger risk.

Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of parole by a violation other than a substance abuse violation or a technical violation and the parole officer has reasonable cause to believe that the parolee will not attempt to leave the jurisdiction and will not place lives or property in danger, the parole officer shall submit a written report to the Board of Parole which, on the basis of such report and such further investigation as it may deem appropriate, may:

- (A) Dismiss the charge of violation;
- (B) Determine whether the parolee violated the conditions of his or her parole;
- (C) Impose a custodial sanction of up to thirty days in a correctional facility or a contract facility;
- (D) Revoke his or her parole in accordance with the Nebraska Treatment and Corrections Act; or
- (E) Issue a warrant for the arrest of the parolee.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,119

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-105. Violation, increased flight or danger risk.

Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of parole and that the parolee will attempt to leave the jurisdiction or will place lives or property in danger, the parole officer shall arrest the parolee without a warrant and call on any peace officer to assist him or her in doing so.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,119

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-106. Detention of parolee.

Whenever a parolee is arrested with or without a warrant, he or she shall be detained in a local jail or other detention facility operated by the Department of Correctional Services pending completion of review of parole proceedings by the Board of Parole. Immediately after such arrest and detention, the parole officer shall notify the Board of Parole and submit a written report of the reason for such arrest. A complete investigation shall be made by the Division of Parole Supervision and submitted to the Board. After prompt consideration of such written report, the Board shall order the parolee's release from detention or continued confinement to await a final decision on imposition of a custodial sanction or the revocation of parole.

STATUTORY REFERENCE: NEB. REV. STAT. 83-1,119

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-107. On-Call Board Member.

- (A) For each month of the year, the Chair shall designate a member of the Board to act in an “on-call” capacity for the purpose of initiating and obtaining the requisite number of signatures on documents that require Board approval including, but not limited to, travel permits, arrest warrants, furloughs, work release applications, discharge certificates, and “buck slips” from the Division of Parole Supervision.
- (B) The on-call Board member is hereby given express authority to approve the issuance of arrest warrants during non-business hours when the interest of public safety dictates that issuance of such warrant cannot wait until the next business day. In these circumstances, the on-call Board member may give verbal and/or electronic authorization to issue the arrest warrant and will memorialize such verbal and/or electronic authorization on the warrant instrument at his or her first opportunity during the next business day and obtain the requisite signatures of other Board members.

History: Adopted March 7, 2017
Amended October 23, 2018

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§ 6-107. Failure to Pay Programming Fees.

- (A) The Division of Parole Supervision with the approval of the Board of Parole shall implement sanctions if a parolee defaults in the payment of monthly parole programming fees or any installment thereof as established by Neb. Rev. Stat. § 83-1,107.01(2), except that parole shall not be revoked nor shall the parolee be imprisoned for such nonpayment if the parolee is financially unable to make the payment.
- (B) If the Board determines that the default in payment described in subsection (A) above was not attributable to a deliberate refusal to obey the order of the board or to failure on the parolee's part to make a good faith effort to obtain the funds required for payment, the board may allow the parolee additional time for payment, reduce the amount of each installment, or revoke the fees or the unpaid portion in whole or in part.

STATUTORY REFERENCE: NEB. REV. STAT. 83-1,107(5), (6).

History: Adopted October 23, 2018

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Chapter 6: Parole Compliance

§ 6-201. Alleged violation, preliminary hearing, petition and notice.

- (A) Whenever a parole officer has just cause to believe a parolee has violated the conditions of parole, including arrest on a separate charge, the parole officer shall file a petition with a hearing officer employed by the Board of Parole.
1. The petition shall request a preliminary hearing;
 2. The petition shall state the names of the parties involved; and
 3. The petition shall state facts that cause the parole officer to believe a preliminary hearing is necessary.
- (B) Upon receipt of a petition alleging that a parolee has violated the conditions of parole, including arrest on a separate charge, a preliminary probable cause hearing will be scheduled. The hearing will be held at or reasonably near the place of the alleged violation or arrest as promptly as practical, but shall take place within ten business days
- (C) The parolee shall be given written notice that a preliminary hearing has been scheduled.
1. The notice shall state that the purpose of the hearing is to determine if probable cause exists that the parolee violated the conditions of parole; and
 2. The notice shall state the specific conduct that is alleged to be a violation of parole.

LEGAL AUTHORITY: *MORRISSEY V. BREWER*, 408 U.S. 471 (1972)

History: Adopted September 22, 2016

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§ 6-202. Alleged violation, preliminary hearing, hearing officer.

- (A) The preliminary hearing shall be conducted by an impartial hearing officer not directly involved in supervision of the parolee.
- (B) The hearing officer shall conduct preliminary hearings in a fair, impartial, and orderly manner and have the following authority and duties:
 - 1. To rule on all procedural matters, objections, and motions;
 - 2. To make evidentiary rulings and admit relevant evidence;
 - 3. To hear testimony and question any witnesses that appear in order to develop facts necessary to fairly and adequately determine whether there exists probable cause to support the alleged parole violation;
 - 4. To make a finding of whether there exists probable cause and provide written notice of his or her findings, including a summary of the preliminary probable cause hearing, to the Director of DPS;
 - 5. To recognize and take notice of Federal Law and State Law that bears upon the alleged violation or arrest, if any, and;
 - 6. To take any other action necessary and authorized by the Parole Board Rules and law.

LEGAL AUTHORITY: *MORRISSEY V. BREWER*, 408 U.S. 471 (1972)

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 6-203. Alleged violation, preliminary hearing, proceedings.

- (A) Evidence
1. The Nebraska Rules of Evidence do not apply to preliminary probable cause hearings for alleged parole violations or arrests, but the hearing officer shall give consideration to Chapter 27 of the Nebraska Revised Statutes in relying on proffered evidence;
 2. All relevant evidence shall be admissible;
 3. Upon objection to evidence based on relevance, such evidence may be received and the matter of any objections thereto may be taken under advisement;
 4. The hearing officer may, subject to his or her discretion, exclude inadmissible evidence, even if no objection is raised;
 5. Objections to evidence shall be stated with specificity at the time such evidence is offered.
- (B) No person may appear in a representative capacity at a preliminary hearing except the following:
1. The parolee may appear and participate on his or her own behalf;
 2. Attorneys who are licensed to practice before the courts of the State of Nebraska; and
 3. Any authorized representative of the State of Nebraska. This person need not be an attorney.
- (C) At the hearing, the parolee may present evidence to rebut the petition by:
1. Speaking on his or her own behalf;
 2. Offering letters, documents, and other relevant information;
 3. Testimony from individuals who can provide relevant information; and
 4. Requesting permission to confront and cross-examine individuals who have provided information adverse to the parolee. If the hearing officer determines that an adverse witness would be subjected to risk of harm by disclosing his or her identity, that individual need not be made available for confrontation and cross-examination by the parolee or his or her attorney.
- (D) The parolee may waive his or her participation in the preliminary hearing.
- (E) The hearing officer may, at his or her discretion, continue the preliminary hearing and fix a date for the introduction of additional evidence or presentation of additional argument, if it is in the public interest or in the interest of justice, or upon notice by the parolee or his or her counsel.
- (F) The hearing officer may conduct hearings by teleconference or video conference. The hearing officer shall conduct in person or by video conference in the following situations:

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1. The alleged violations are contested and the offender or the offender's attorney shows that the witness's credibility, including observation of the witness's demeanor is necessary;
2. Physical exhibits may be part of the record, viewing the exhibits is essential, and the exhibits cannot be viewed in some other manner;
3. There are unusual circumstances not covered by the section as determined at the hearing officer's discretion.

LEGAL AUTHORITY: *MORRISSEY V. BREWER*, 408 U.S. 471 (1972)

History: Adopted September 22, 2016
Amended March 7, 2017

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§ 6-204. Alleged violation, preliminary hearing, findings.

- (A) Within a reasonable period of time after the preliminary hearing, not to exceed 10 days, the hearing officer shall make a determination whether or not there is probable cause to believe that violation of parole has occurred.
- (B) The hearing officer shall provide written notice of his or her findings, including a summary of the preliminary probable cause hearing, to the Director of DPS.
- (C) Upon a finding of no probable cause, the hearing officer shall immediately notify the Board of the finding and request the parolee's release from custody.
- (D) A finding of probable cause is sufficient to warrant the parolee's continued detention and return to the Department of Correctional Services pending a Review of Parole hearing and a final decision by the Board.

LEGAL AUTHORITY: MORRISSEY V. BREWER, 408 U.S. 471 (1972)

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-301. Review of parole hearings.

Whenever a parolee is charged with a violation of his or her parole, he or she shall be entitled to a prompt hearing on such charge by the Board of Parole, which in no event shall occur more than thirty days after receipt of the parole officer's written report.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,120

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 6: Parole Compliance

§ 6-302. Review of parole hearings, proceedings.

At the review of parole hearing before the Board of Parole, the parolee shall be informed by written notice of the claimed violations of parole and the evidence against him or her. The parolee shall be permitted to be present, to testify, to produce witnesses, to cross-examine adverse witnesses, and to introduce such other evidence as may be pertinent.

Review of parole hearings are open to the public pursuant to the Open Meetings Act. An offender may waive the opportunity to appear and participate in his or her review of parole hearing. A waiver form developed by the Board of Parole and signed by the offender is required. Once an offender has voluntarily signed a waiver form, the offender will not appear before the Board for a review of parole hearing. If an offender wishes to withdraw his or her waiver, a written request must be submitted to the Board at least 14 days prior to the scheduled review of parole hearing.

LEGAL AUTHORITY: *MORRISSEY V. BREWER*, 408 U.S. 471 (1972)

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,120

History: Adopted September 22, 2016
Amended October 23, 2018

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§ 6-303. Review of parole hearings, parolee right to request counsel.

The parolee shall be informed of his or her right to request counsel, or retain counsel at his or her own expense, at the review of parole hearing. If the board finds that the parolee appears incapable of speaking effectively for himself or herself, but has submitted a timely and colorable claim that: (1) he or she has not committed the alleged violation of the conditions upon which he or she is at liberty, or (2) even if the violation is a matter of public record or is uncontested, there are substantial reasons which justified or mitigated the violation and make revocation inappropriate and the reasons are complex or otherwise difficult to develop or present, the board in the exercise of sound discretion may provide counsel to the parolee. In every case when a request for counsel is refused, the grounds for refusal shall be stated in the record.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,120

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

7. Chapter 7
Parole Violations

§ 7-101. Parolee in legal custody of board until recommitted.

A committed offender while on parole shall remain in the legal custody and control of the Board of Parole. The Board may at any time revoke the parole of an offender or recommit him or her to the custody of the Department of Correctional Services, with or without cause.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,121

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

§ 7-102. Violation of parole, board action.

- (A) If the Board finds that the parolee has engaged in criminal conduct, the Board may order revocation of the parolee's parole.
- (B) If the Board finds that the parolee violated a condition of parole but is of the opinion that revocation of parole is not appropriate, the Board may order that:
 - 1. The parolee receive a reprimand and warning;
 - 2. Parole supervision and reporting be intensified;
 - 3. Good time granted pursuant to 83-1,108 (parole good time) be forfeited or withheld;
 - 4. The parolee served a custodial sanction of up to thirty days in a correctional or a contract facility as defined in section 83-1,119; or
 - 5. The parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with the Nebraska Treatment and Corrections Act.
- (C) Cumulative custodial sanctions in a correctional facility or a contract facility under this section and section 83-1,119 shall not exceed sixty days. If a parolee has previously received sixty days of cumulative custodial sanctions before the current violation, the board shall either order revocation of the parolee's parole or one or more of the other sanctions described in subsection (B) above.
- (D) Time spent in custodial sanctions under this section and section 83-1,119 shall be credited to the parolee's sentence.
- (E) The parolee shall be informed verbally at the Review of Parole hearing of the Board's decision, with written notice to follow within 14 days.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,122

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

§ 7-103. Revocation of parole.

- (A) A parolee whose parole is revoked shall be recommitted to the Department until discharge from the custody of the state becomes mandatory or until reparaoled by the Board.
- (B) The time from the date of the parolee's declared delinquency until the date of arrest for the custody of the Board shall not be counted as any portion of the time served.
- (C) A parolee whose parole has been revoked shall be considered by the Board for reparole at any time in the same manner as any other committed offender eligible for parole.
- (D) Except in the case of a parolee who has left the jurisdiction of his or her place of residence, action revoking a parolee's parole and recommitting the parolee for violation of the conditions of parole must be taken before the expiration of the parole term less good time. A parolee who has left the jurisdiction of his or her place of residence shall be treated as a parole violator and, when apprehended, shall be subject to recommitment or to supervision for the balance of the parole term as of the date of the violation.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,123

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

§ 7-104. Forfeiture and Restoration of Parole Good Time.

Upon the filing of an alleged parole violation, good time earned while on parole pursuant to Neb. Rev. Stat. § 83-1,108 may be forfeited, withheld and restored by the Board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,108

History: Adopted April 5, 2017

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

§ 7-201. Failure to pay restitution.

The Board of Parole may revoke the parole of a parolee who fails to comply with a court order to pay restitution. In determining whether to revoke parole, the Board of Parole shall consider the parolee's earning ability and financial resources, the willfulness of the parolee's failure to pay, and any special circumstances affecting the parolee's ability to pay. Parole may not be revoked unless noncompliance with the restitution order is attributable to an intentional refusal to obey the order or a failure to make a good faith effort to comply with the order.

STATUTORY REFERENCE: NEB. REV. STAT. § 29-2284

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 7: Parole Violations

§ 7-202. Parolee unauthorized leaving of state. (Abrogated by Repeal of Statute)

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,124

History: Adopted September 22, 2016

Abrogated July 19, 2018 pursuant to 2018 LB 841

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

8. Chapter 8
Victim / Witness Protocol

§ 8-101. Victims defined.

Victim means a person who, as a result of a homicide under sections 28-302 to 28-306, a first degree sexual assault under section 28-319, a first degree assault under section 28-308, a sexual assault of a child in the second or third degree under section 28-320.01, a sexual assault of a child in the first degree under section 28-319.01, a second degree assault under section 28-309, a first degree false imprisonment under section 28-314, a second degree sexual assault under section 28-320, or a robbery under section 28-324, has had a personal confrontation with the offender and also includes a person who has suffered serious bodily injury as defined in section 28-109 as a result of a motor vehicle accident when the driver was charged with a violation of section 60-6,196 or 60-6,197 or with a violation of a city or village ordinance enacted in conformance with either section.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 29-119 AND 81-1848

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

§ 8-102. Victim rights.

Victims as defined above and in Neb. Rev. Stat. § 29-119 shall have the following rights in connection with parole decisions and parole supervision and services:

- (A) To examine information which is a matter of public record and collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of issuance of arrest warrants, arrests, detentions, indictments, charges by information, and other formal criminal charges. Such information shall include any disposition arising from such arrests, charges, sentencing, correctional supervision, and release, but shall not include intelligence or investigative information;
- (B) To be notified as provided in Neb. Rev. Stat. § 81-1850, to testify before the Board of Parole or submit a written statement for consideration by the Board, and to be notified of the decision of and any action taken by the Board; and
- (C) To submit a written statement for consideration at any conditional release proceedings, Board of Parole proceedings, pardon proceedings, or commutation proceedings. Conditional release proceeding means a proceeding convened pursuant to a Department of Correctional Services' decision to grant a furlough from incarceration for twenty-four hours or longer or a release into community-based programs, including educational release and work release.

STATUTORY REFERENCE: NEB. REV. STAT. § 81-1848

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

§ 8-103. Victim and witness rights.

Victims as defined above and in Neb. Rev. Stat. § 29-119, along with witnesses of crimes, shall have the right to be notified pursuant to Neb. Rev. Stat. § 81-1850 whenever the defendant in a felony case is released from custody.

STATUTORY REFERENCE: NEB. REV. STAT. § 81-1848

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

§ 8-104. Victim request for notification.

Upon request of the victim and at the time of conviction of the offender, the county attorney of the jurisdiction in which a person is convicted of a felony shall forward to the Board of Parole the name and address of any victim, as defined in Neb. Rev. Stat. § 29-119, of the convicted person. The Board shall include the name in the file of the convicted person, but the name shall not be part of the public record of any parole hearings of the convicted person. Any victim, including a victim who has waived his or her right to notification at the time of conviction, may request the notification prescribed in this section, as applicable, by sending a written request to the Board or if the person is under the jurisdiction of the Department of Health and Human Services, within the three-year period after the convicted person is no longer under the jurisdiction of the Board.

STATUTORY REFERENCE: NEB. REV. STAT. § 81-1850

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

§ 8-105. Board duties regarding victims.

- (A) A victim whose name appears in the file of the convicted person as set forth in § 8-104 of these rules shall be notified by the Board of Parole of the following information:
1. Within ninety days after conviction of an offender, of the tentative date of release and the earliest parole eligibility date of such offender;
 2. At least 7 days in advance of any parole hearings or proceedings;
 3. Within 14 days of any decision of the Board of Parole;
 4. Within 3 days after a convicted person who is on parole is returned to custody because of parole violations; and
 5. Within 1 day after a person who has been adjudged a mentally disordered sex offender or is a convicted sex offender is released from custody or treatment.
 6. Within 1 day after a convicted person absconds from custody and supervision of the Board and again when the convicted person is returned into custody.
- (B) Such notification shall be given in person, by telecommunication, or by mail.

STATUTORY REFERENCE: NEB. REV. STAT. § 81-1850

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 8: Victim / Witness Protocol

§ 8-106. Victim's contact information exempt from disclosure.

The victim's address and telephone number maintained by the Board of Parole pursuant to subsection Neb. Rev. Stat. § 81-1850(1) shall be exempt from disclosure under public records laws and federal freedom of information laws, as such laws existed on January 1, 2004.

STATUTORY REFERENCE: NEB. REV. STAT. § 81-1850

History: Adopted September 22, 2016

**9. Chapter 9
Sex Offender Lifetime Community Supervision**

§ 9-101. Applicability.

Any individual who, on or after July 14, 2006, (a) is convicted of or completes a term of incarceration for a registrable offense under section 29-4003 and has a previous conviction for a registrable offense under such section, (b) is convicted of sexual assault of a child in the first degree pursuant to section 28-319.01, or (c) is convicted of or completes a term of incarceration for an aggravated offense as defined in section 29-4001.01, shall, upon completion of his or her term of incarceration or release from civil commitment, be supervised in the community by the Division of Parole Supervision for the remainder of his or her life.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174.03

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-102. Notice to Division of Parole Supervision.

Notice shall be provided to the Division of Parole Supervision by an agency or political subdivision which has custody of an individual required to be supervised in the community pursuant to Neb. Rev. Stat. § 83-174.03 (1) at least sixty days prior to the release of such individual from custody.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174.03

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-103. Risk assessment and evaluation.

Individuals required to be supervised in the community pursuant to subsection (1) of this section shall undergo a risk assessment and evaluation by the Division of Parole Supervision to determine the conditions of community supervision to be imposed to best protect the public from the risk that the individual will reoffend.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174.03

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-104. Conditions of community supervision.

Conditions of community supervision imposed on an individual by the Division of Parole Supervision may include the following:

- (A) Drug and alcohol testing if the conviction resulting in the imposition of community supervision involved the use of drugs or alcohol;
- (B) Restrictions on employment and leisure activities necessary to minimize interaction with potential victims;
- (C) Requirements to report regularly to the individual's community supervision officer;
- (D) Requirements to reside at a specified location and notify the individual's community supervision officer of any change in address or employment;
- (E) A requirement to allow the division access to medical records from the individual's current and former providers of treatment;
- (F) A requirement that the individual submit himself or herself to available medical, psychological, psychiatric, or other treatment, including, but not limited to, polygraph examinations; or
- (G) Any other conditions designed to minimize the risk of recidivism, including, but not limited to, the use of electronic monitoring, which are not unduly restrictive.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174.03

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-105. Violation of community supervision conditions.

An individual who violates one or more of the conditions of community supervision established for him or her pursuant to section 83-174.03 shall undergo a review by the Division of Parole Supervision to evaluate the risk posed to the public by the violation in question. The division may take any of the following actions in response to a violation of conditions of community supervision:

- (A) Revise or impose additional conditions of community supervision in order to minimize the risk to the public from the continued presence of the individual in the community;
- (B) Forward to the Attorney General or the county attorney in the county where the individual resides a request to initiate a criminal prosecution for failure to comply with the terms of community supervision; or
- (C) Forward to the county attorney or Attorney General a recommendation that civil commitment proceedings be instituted with respect to the individual.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-174.04

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-201. Parole officer duties relating to sex offender lifetime community supervision.

A parole officer assigned to supervise individuals subject to lifetime community supervision pursuant to Neb. Rev. Stat. § 83-174.03 shall:

- (A) Make investigations, prior to an individual subject to community supervision being released from incarceration, in cooperation with institutional caseworkers at prisons, mental health facilities, and county jails, to determine the community supervision conditions necessary to protect the public and make reasonable advance preparation for release into the community;
- (B) Assist individuals subject to community supervision to comply with the conditions of supervision and to make a successful adjustment in the community;
- (C) Supervise individuals subject to community supervision by keeping informed of their conduct and condition;
- (D) Make reports as required by the Director of DPS to determine the effectiveness of community supervision in protecting the public or the progress of an individual subject to community supervision;
- (E) Cooperate with social welfare agencies and treatment providers to ensure that individuals subject to community supervision receive any necessary services or treatment;
- (F) Inform the Director of DPS when, in the opinion of the community supervision officer, an individual is in violation of the conditions of his or her community supervision, and whenever necessary exercise the power of arrest as provided in Neb. Rev. Stat. § 83-1,102;
- (G) Conduct periodic reviews of the conditions of community supervision imposed on an individual as required by the Director of DPS; and
- (H) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103.01

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-202. Administrative duties relating to sex offender lifetime community supervision.

- (A) Prior to the release from incarceration of an individual subject to lifetime community supervision pursuant to section 83-174.03, the Division of Parole Supervision shall:
1. Notify the individual in writing that he or she is subject to community supervision upon completion of his or her criminal sentence;
 2. Inform the individual subject to community supervision of the process by which conditions of community supervision are determined and his or her right to submit relevant information to the division for consideration when establishing the conditions of supervision;
 3. Determine the individual's risk of recidivism if released into the community, utilizing a validated risk assessment tool;
 4. After considering the information required in Neb. Rev. Stat. § 83-1,103.01(e), determine the conditions of supervision which will most effectively minimize the risk of the individual committing another sex offense. The conditions shall be the least restrictive conditions available, in terms of the effect on the individual's personal freedom, which minimize the risk of recidivism and are compatible with public safety; and
- (B) Upon completion of the risk assessment and the determination of the conditions of community supervision and no later than thirty days prior to the completion of the individual's criminal sentence, the division shall issue a certificate of community supervision to the individual containing the conditions of community supervision he or she will be required to comply with upon the completion of his or her criminal sentence. The Director of DPS shall include with the certificate written information on how to appeal the determination of the conditions of community supervision.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103.02

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-203. Setting conditions for sex offender lifetime community supervision.

In determining the conditions of supervision to be imposed, the Division of Parole Supervision shall consider the following:

- (A) A report prepared by the institutional caseworkers relating to the individual's personality, social history, and adjustment to authority and including any recommendations which the staff of the facility may make;
- (B) All official reports of the individual's prior criminal record, including reports and records of earlier probation and parole experiences;
- (C) The presentence investigation report;
- (D) The reports of any physical, mental, and psychiatric examinations of the individual;
- (E) Any relevant information which may be submitted by the individual, his or her attorney, the victim of the crime, or other persons; and
- (F) Such other relevant information concerning the individual as may be reasonably available.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103.02

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-204. Annual review of conditions for sex offender lifetime community supervision.

- (A) The Division of Parole Supervision shall review the conditions of community supervision imposed on an individual pursuant to section 83-174.03 on an annual basis and shall provide the individual the opportunity to submit written materials to the division for consideration during such review.
- (B) If the division determines, after reviewing the individual's conduct while under supervision and any other relevant facts, that one or more of the conditions of community supervision imposed upon the individual is no longer necessary to reduce the risk of the individual reoffending or is no longer the least restrictive condition compatible with public safety, the division shall revise the conditions of community supervision so that the individual's freedom is not unnecessarily restricted.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103.03

History: Adopted September 22, 2016
Amended October 23, 2018

Nebraska Board of Parole Rules
Chapter 9: Sex Offender Lifetime Community Supervision

§ 9-205. Revised conditions for sex offender lifetime community supervision, appeal.

- (A) Whenever a determination or revision of the conditions of community supervision is made by the Division of Parole Supervision, the individual subject to the conditions shall be entitled to an appeal. The appeal shall be heard by the district court in the county where the individual resides. The individual shall be informed of his or her right to request counsel, and if counsel is requested the court shall determine if the individual is indigent. If the court finds the individual to be indigent, it shall appoint counsel from the public defender's office to represent the individual during the appeal.

- (B) In an appeal contesting the determination or revision of the conditions of community supervision, the burden of proof shall be on the individual subject to community supervision to show by clear and convincing evidence (a) that the conditions in question will not reduce the risk of the individual reoffending or otherwise protect the public or (b) that the condition is overly restrictive of the individual's freedom and a less restrictive condition is available which is equally or more effective in reducing the risk of the individual reoffending.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,103.04.

History: Adopted September 22, 2016
Amended October 23, 2018

**10. Chapter 10
Public Information**

§ 10-101. Criminal History Record Information.

- (A) Criminal history record information means information collected by the Board of Parole on individuals consisting of identifiable descriptions and notations of issuance of arrest warrants, arrests, detentions, indictments, charges by information, and other formal criminal charges, and any disposition arising from such arrests, charges, sentencing, correctional supervision, and release.
- (B) Complete criminal history record information maintained by the Board of Parole shall be a public record open to inspection and copying by any person during normal business hours.
- (C) Requests for inspection and copying of criminal history record information collected and maintained by the Board of Parole shall be made in writing. If the information requested is not available at the time an applicant asks to examine it, the Board will notify the applicant of such fact. If requested to do so by the applicant, the Board shall set a date and hour within three working days at which time the record shall be available for inspection.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 29-3506, 29-3520, 29-3522

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 10: Public Information

§ 10-102. Public Records.

- (A) Records as defined by Neb. Rev. Stat. § 84-712 and otherwise exempt records that are the subject of or are disclosed in connection with the Board of Parole’s public hearings and meetings are available for public inspection and copying in accordance with Neb. Rev. Stat. § 84-712.05.
- (B) Requests for information contained within files under the control and custody of the Department of Correctional Services will not be entertained by the Board. The Board will refer such requests to the Department.
- (C) Upon receipt of a written request for access to or copies of a public record, the Board will provide to the requester within four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten business days to review the estimated costs, including any special service charge, and request the Board to fulfill the original request, negotiate with the Board to narrow or simplify the request, or withdraw the request. If the requester does not respond to the Board within ten business days, the Board shall not proceed to fulfill the request. The four business days shall be computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, a Sunday, or a day during which the Board of Parole offices are closed.
- (D) Current costs for public records from the Board of Parole files are as follows:
 - 1. Photocopied pages\$1.00 per page
 - 2. Audio files.....\$10.00 per CD
 - 3. Shipping and handling \$5.00 per package
 - 4. Certification Statement Included in costs
- (E) Copies will be provided at no cost to the requester when ordered by the court. Copies may be provided at no cost to criminal justice agencies or other government agencies.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 84-712 AND 84-712.05

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 10: Public Information

§10-103. Public Information and Outreach.

The Board of Parole will participate in efforts to educate the public on the Board of Parole and its role in criminal justice. Efforts may include, but are not limited to, the following:

- (A) Informational brochures and pamphlets;
- (B) Speaking engagements;
- (C) Participating in training with other related fields;
- (D) Press releases and press conferences; and
- (E) Information regarding parole on its website.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 10: Public Information

§ 10-104. Communicating with the public.

- (A) The Chairperson shall be the official spokesperson for the Board of Parole to news media and government agencies, except when the Chairperson authorizes another Board member to serve as temporary spokesperson.
- (B) Other Board members are not precluded from responding to individual requests from the news media or government agencies; however, all media contacts shall be timely reported to the Board. The content of any statements to the news media should be approved by the Chairperson or Vice Chair prior to release.
- (C) In all cases, the Chairperson and/or designee will express views that are consistent with approved policies and procedures formulated by the majority of the Board.
- (D) Board members shall refrain from expressing their personal opinions as being Board policy. Board members are required to clearly state whether the statement is an expression of a personal opinion or is a statement of board policy.

History: Adopted September 22, 2016

Nebraska Board of Parole Rules
Chapter 10: Public Information

§ 10-105. Information Related to Parole Decisions.

Information on which parole and review of parole decisions are based shall be available for review by each offender upon written request, except that which is deemed “confidential” by statute or Board of Parole rules. Confidential information includes, but is not limited to, psychiatric evaluations, confidential juvenile records, informant names, plea bargains made by co-defendants, Executive Sessions of the Board, and presentence investigations.

History: Deferred April 5, 2017
Adopted May 2, 2017

§ 10-105. Parole Board and Division of Parole Supervision Files Confidential.

- (A) The Board of Parole and the Division of Parole Supervision may maintain an individual file for each person who is under the jurisdiction of the Board of Parole. Such file may be maintained electronically and shall include, when available and appropriate, the following information on such person:
1. Admission summary;
 2. Presentence investigation report;
 3. Classification reports and recommendations;
 4. Official records of conviction and commitment along with any earlier criminal records;
 5. Progress reports and admission-orientation reports;
 6. Reports of any disciplinary infractions and their disposition;
 7. Risk and needs assessments;
 8. Parole plan and parole placement and investigation worksheets;
 9. Decision guideline scores;
 10. Parole case plan;
 11. Parole progress reports and contact notes;
 12. Arrest and violation reports, including disposition;
 13. Parole proceedings orders and notices;
 14. Other documents related to parole supervision;
 15. Correspondence; and
 16. Other pertinent data concerning his or her background, conduct, associations, and family relationships.
- (B) Any decision concerning release on or revocation of parole or imposition of sanctions shall be made only after the individual file has been reviewed. The contents of the individual file shall be confidential unless disclosed in connection with a public hearing and shall not be subject to public inspection except by court order for good cause shown. The contents of the file shall not be accessible to any person under the jurisdiction of the Board of Parole. A person under the jurisdiction of the board may obtain access to his or her medical records by request to the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the fact that such medical records may be a part of his or her parole file. The board and the Division of Parole Supervision have the authority to withhold decision guideline scores, risk and needs assessment scores, and mental health and psychological records of a person under the jurisdiction of the board when appropriate.

Nebraska Board of Parole Rules
Chapter 10: Public Information

- (C) (3) Nothing in this section limits in any manner the authority of the Public Counsel to inspect and examine the records and documents of the board and the Division of Parole Supervision pursuant to sections 81-8,240 to 81-8,254, except that the Public Counsel's access to the medical or mental health records of a person under the jurisdiction of the board shall be subject to his or her consent. The office of Public Counsel shall not disclose the medical or mental health records of a person under the jurisdiction of the board to anyone else, including any other person under the jurisdiction of the board, except as authorized by law.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-1,125.01712

History: Adopted October 23, 2018

**11. Chapter 11
General Policies**

§ 11-101. Governing Rules and Contracts.

Employees of the Board of Parole are subject to and covered by the State Personnel System including any labor contracts by and between the State of Nebraska and the Nebraska Association of Public Employees, if applicable or otherwise non-exempt. The following rules in this section are intended to only supplement the rules, regulations, and contractual provisions of the Nebraska State Personnel System to the extent necessary as applied specifically to the Board of Parole.

STATUTORY REFERENCE: NEB REV. STAT. §§ 81-1301 ET. SEQ.:

OTHER REFERENCES: NEBRASKA ADMINISTRATIVE CODE, TITLE 273:

LABOR CONTRACTS BY AND BETWEEN THE STATE OF NEBRASKA AND THE NEBRASKA ASSOCIATION OF PUBLIC EMPLOYEES LOCAL 61 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (NAPE/AFSCME)

History: Adopted March 7, 2017

Nebraska Board of Parole Rules
Chapter 11: Personnel Policies
(Cite as Neb. Parole Bd. R. § ____)

§ 11-102. Employee Awards.

- (A) The Board has authorized and approved an employee recognition program. The Board will recognize the following annual service awards with up to a \$100 bonus for each, if within the budgeted appropriations of the Board: Staff employee of the year, Parole Officer of the year, and Supervisor of the year. These bonuses will be awarded in accordance with the Nebraska Classified System Personnel Rules Chapter 18, Section 001.
- (B) The Board may discontinue the employee recognition program at any time.

History: Adopted March 7, 2017

Nebraska Board of Parole Rules
Chapter 11: Personnel Policies
(Cite as Neb. Parole Bd. R. § ____)

§ 11-103. Acceptable Use Policy for Computer, Electronic Device, and Internet Use.

- (A) **Acceptable Use.** Equipment owned by the State of Nebraska and provided to Parole Board Members and employees of the Nebraska Board of Parole may be used for the following acceptable purposes:
1. To provide and simplify communications with other state agencies, units of government, and citizens.
 2. To communicate and exchange professional development information, including online discussion or debate of issues in a field of knowledge.
 3. To exchange communications in conjunction with professional associations, advisory committees, standards activities, or other purposes related to the user's professional capacity.
 4. To apply for or administer grants or contracts for work-related applications.
 5. To carry out regular administrative communications in direct support of work-related functions.
 6. To announce new products or services within the scope of work-related applications.
 7. To access databases or files for purposes of work-related reference or research material.
 8. To post work-related questions or to share work-related information.
 9. To communicate to children, teachers, doctors, day care centers, babysitters, or other family members to inform them of unexpected schedule changes, and for other minimal personal business. The use of the State's telecommunications systems for personal business shall be kept to a minimum and shall not interfere with the conduct of state business. Personal use of electronic communications resources shall be kept to a minimum and shall not adversely affect the performance. Such personal use shall not (i) directly or indirectly interfere with the Board of Parole's operation of electronic communications resources; (ii) interfere with the user's employment or other obligations to the Board of Parole; or (iii) burden the Board of Parole with additional costs.
- (B) **Unacceptable Use.** Equipment owned by the State of Nebraska and provided to Parole Board Members and employees of the Nebraska Board of Parole may be NOT used for the following unacceptable purposes:
1. Violation of the privacy of other users and their data. For example, users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or represent themselves as another user unless explicitly authorized to do so by that user.

Nebraska Board of Parole Rules
Chapter 11: Personnel Policies
(Cite as Neb. Parole Bd. R. § ____)

2. Violation of the legal protection provided by copyright and licensing laws applied to programs and data. It is assumed that information and resources available via the State Data Communications Network (SCDN) are private to those individuals and organizations owning or holding rights to such information and resources, unless specifically stated otherwise by the owners or holders, or unless such information and resources clearly fall within the statutory definition of a public record. It is unacceptable for an individual to use the SDCN to gain access to information or resources not considered a public record without the granting of permission to do so by the owners or holders of rights to such information or resources.
3. Downloading or installation of unauthorized software or hardware in violation of license agreements.
4. Violation of the integrity of computing systems. For example, users shall not intentionally develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.
5. Use of the SDCN for fund-raising or public relations activities unrelated to an individual's employment with the Nebraska Board of Parole.
6. Use inconsistent with laws, Nebraska Board of Parole rules and policies, regulations, or accepted community standards. Transmission of material in violation of any local, state, or federal law or regulation is prohibited. It is not acceptable to transmit or knowingly receive threatening, obscene, or harassing material,
7. Malicious or disruptive use, including use of the SDCN or any attached network in a manner that precludes or significantly hampers its use by others. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer worms or viruses, and use of the SDCN to make unauthorized entry to any other machine accessible via the network.
8. Unsolicited advertising, except for announcement of new products or services as described in item No. 6 under "Acceptable Uses."
9. Use of the SDCN for recreational games.
10. Use in conjunction with for-profit activities, unless such activities are stated as a specific acceptable use.
11. Use for private or personal business ventures such as second sources of income, other family member personal business interests, et cetera.
12. Misrepresentation of one's self, the Nebraska Board of Parole, or the State of Nebraska when using the SDCN.
13. Contacting senators, lobbyists, and coworkers regarding legislative matters, unless requested as part of a unified strategy to do so. Communication via SDCN to contact senators or lobbyists regarding

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personal issues or the advancement of legislation for the sole benefit of a specific employee group (e.g., salary bills, retirement benefits) and not the court as a whole.

- (C) Remedial Action. Remedial action for violations of this Acceptable Use policy may include disciplinary proceedings against the individual or individuals responsible for the violation of this policy, including termination of employment or reporting to the appropriate disciplinary authority. If, in the judgment of the Board of Parole, it is believed that criminal activity has taken place within the SDCN infrastructure, the Board will notify the proper authorities and will assist in any investigation of any offense.
- (D) Reimbursement for Non-incident Personal Use. Any additional costs for personal use of a State-provided electronic communications resource must be reimbursed by the employee furnished with the resource.
- (E) Data Security and Confidentiality. Employees are hereby advised that all records related to the purchase, use and disposition of State-owned electronic communications equipment, including cell phone statements, are the property of the Nebraska Board of Parole and are potentially subject to disclosure under the Nebraska Public Records Act.

History: Adopted March 7, 2017

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§ 11-104. Training Programs for Board Members and Staff.

(A) Board Members.

1. The Chairperson shall be responsible for orientation of new Parole Board Members.
2. The Parole Board Members will participate in training to keep updated on trends and changes in the behavioral and social sciences, and also the law. Each Board Member shall attempt to participate in at least 24 hours of training each year. Expenses for Board Member training will be paid out of the Board's budget with prior approval of the Chairperson.
3. The Board will recognize credit hours by attendance at correctional institutes, conferences, and college courses. Recognized sponsoring organizations include the American Probation and Parole Association, the Association of Paroling Authorities International, and the National Institute of Corrections, and any other Board-approved program.
4. Board Members will complete a Record of Training Form within 10 days following the training attended. The Administrative Assistant will maintain a record of training attended by each Board Member.

(B) Staff.

1. Training of new staff members will be performed by the existing staff under the supervision of the Administrative Assistant.
2. Full-time employees shall attempt to receive a minimum of 16 hours of relevant training and education annually, depending on adequate budget appropriations sufficient to reimburse staff training expenses.
3. Staff will be responsible for training in operation of the agency, offender files, State Personnel Rules and Regulations, and any other relevant subjects.
4. Expenses for training will be paid by the agency with prior approval by the Chairperson.
5. Each staff person shall complete a Record of Training Form within 10 days following the training attended. The form shall be given to his or her immediate supervisor for recording.

History: Adopted March 7, 2017

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§ 11-105. Security and Storage of Inmate Files.

Physical documents and material relating to an offender or parole client shall be clearly identified and placed in a file folder to be kept on file in the Records area of the Parole Board offices. Parole files may be checked out by a Board member or other authorized staff. Files that are checked out must be kept and stored in a secured area until they are returned to the Records area of the Parole Board offices. At no time will parole file information that is confidential be left in an unsecured area.

History: Adopted March 7, 2017

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§ 11-106. Seat Belt Use Required.

All Board Members and employees of this agency are required to use an approved seat belt while driving or riding in any motor vehicle while on State business. Use of seat belts and other safety restraints that the motor vehicle is equipped with is required by the operator and all passengers when operating and riding in State-owned vehicles, including the rear seats.

History: Adopted April 5, 2017

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§ 11-107. Service Contracts.

- (A) No personnel of the Board of Parole shall attempt to influence, participate in, or assume any responsibility in the evaluation of any proposals or selection of contractors when participation would constitute a conflict of interest.
- (B) No information, technical or price competitive, shall be given to any bidder that would give a direct or indirect advantage or disadvantage to that bidder. All bidders shall receive the same information regarding material or services required.
- (C) All contracts executed by this agency will contain Equal Opportunity and Disadvantaged Business Enterprise statements to ensure compliance with State and Federal government requirements associated with Title VI and Title VII of the Civil Rights Act of 1964 and other appropriate Equal Opportunity procurement policies.
- (D) Any contract/vendor doing business with the Nebraska Board of Parole must file a written drug free work place policy with the State Purchasing Department.

History: Adopted April 5, 2017

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§ 11-108. Computer Software.

Installation of outside software by staff members of this agency must be approved by their immediate supervisor prior to installing. Installation of outside software by a Board Member must be approved by the Chairperson prior to installing.

History: Adopted April 5, 2017

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§ 11-109. Drug-Free / Smoke-Free Workplace.

- (A) The Nebraska Board of Parole affirms that it is unlawful to illegally manufacture, distribute, dispense, possess or use a controlled substance in the work place. Therefore, it is the policy of the Nebraska Board of Parole that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in this work place is prohibited. Any employees violating this policy will be subject to discipline up to and including termination and referral to a law enforcement agency.
- (B) All employees and each new hire will receive a copy of this policy along with a Drug Abuse Awareness Form which states that it is unlawful to manufacture, distribute, possess, or use a controlled substance in the work place. Each employee will sign and date this statement certifying that they understand and will abide by the Drug Free Work Place Policy, and that they have knowledge of disciplinary actions which may be imposed for violations of the Drug Free Work Place Policy. The signed and dated statement will be permanently maintained in the employee's personnel file.
- (C) All current employees and new hires will receive drug abuse awareness training which will include a definition of drug abuse; information on specific drugs and the effects of drug abuse; dangers of drug abuse in the work place; availability of counseling and treatment services; and disciplinary actions which may be imposed on employees for violations of this policy.
- (D) If an employee violates the drug free work place policy, disciplinary action may be imposed according to established rules and regulations of the State Department of Personnel or applicable labor agreements.
- (E) If an employee is convicted of violating any criminal drug statute while in the work place, they will be subject to discipline up to and including termination. Alternatively, the Board may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
- (F) Each employee is required to inform their immediate supervisor within five (5) days after they are convicted for violation of any federal or state criminal drug statute where such violation occurred in the work place. A conviction means a finding of guilty (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
- (G) Smoking is not permitted in any agency area, including State vehicles. There are no designated smoking areas in or near Board of Parole offices or campuses. "No Smoking" signs will be posted in agency offices.

History: Adopted April 5, 2017

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§ 11-110. Balancing of Vacation Leave.

All employees' accumulated vacation time in excess of 280 hours (35 days) shall be forfeited as of December 31st of each calendar year. In special and meritorious cases, when it would cause hardship for an employee to take earned vacation leave before December 31st, excess carryover leave may be approved by the Board. In these cases, the Board shall assure hours carried over shall be used within the next six (6) months. In no case shall approved carryover vacation continue from year to year.

History: Adopted April 5, 2017

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§ 11-111. Employee Tuition Assistance Program.

- (A) Consistent with the Nebraska Classified System Personnel Rules Chapter 15, Section 002, employees of the Parole Board, other than temporary, may, with the approval of the Board by majority vote, receive reimbursement for up to 100% of tuition costs for the completion of a course of instruction of a related field through an accredited university, college, technical school or community college. Prior to the class starting date, employees must complete a "Request for Tuition Assistance" form, in the number of copies prescribed by the Chairperson of the Board of Parole, for final approval (including reimbursement rate) or disapproval by the Board. All copies of the "Request for Tuition Assistance" form shall be retained at the Board of Parole level.
1. Employees will be limited to twelve (12) credit hours per fiscal year or the equivalent number of quarterly hours.
 2. Employees enrolling in a course may do so either by correspondence or attendance at classes during working or non-working hours. Employees granted permission by the Board to attend classes during working hours shall arrange their work schedule so that they continue to work their normal number of hours per week. The Chairperson may approve the use of earned compensatory time, vacation time, or leave without pay to attend classes during working hours.
 3. Employees successfully completing the approved course or courses with a passing grade (C or above) shall be reimbursed for whatever rate is indicated on the form. The rate may be up to 100% of the tuition cost. Tuition cost shall be the cost per credit hour and shall not include fees or the cost of the books. Amount of tuition refund will be no more than the tuition hour cost at the University of Nebraska, Lincoln and Omaha campuses.
 4. Employees eligible for other educational reimbursements through other governmental programs shall use these programs first. If the cost on an approved course is more than the amount available from other sources, the state may reimburse the employee for up to 100% of the difference.
 5. Employees who receive tuition assistance may be asked by the Agency Head to reimburse the state if they leave employment of the state within one (1) year of the course completion date.
- (B) Employees shall be full-time personnel.

History: Adopted April 5, 2017

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NEBRASKA BOARD OF PAROLE
REQUEST FOR TUITION ASSISTANCE

Name: _____ Soc. Sec.# _____

School/Institution: _____

Course Title and Number: _____

Type of Course: _____ Day of Week Class Meets: _____

Day Classes _____ Mon. Tues. Wed. Thurs. Fri. Sat. Sun.

Evening Classes _____ Hours of Class: _____

Correspondence _____ _____

Date of Course: _____ Total Tuition: _____

I understand I will be eligible for reimbursement of up to 100% of the above tuition cost after submitting official evidence of course completion and passing grade. I further understand I am responsible for all other costs (matriculation, laboratory fees, textbooks, supplies, etc.). Provided I receive tuition assistance, I agree to remain in the service of the state for 12 months following completion of this course.

Date

Signature

_____ Recommend Approval _____ Recommend Disapproval.

Participation in this study _____ will _____ will not adversely affect performance of work. Work schedule or requirements _____ will _____ will not permit regular attendance of _____ classes.

Date

Employee Supervisor

_____ Approved _____ Disapproved

BOARD MEMBERS VOTING IN APPROVAL: _____ Date: _____

xc: Employee
Board File

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§ 11-112. Employee – Inmate/Parole Client Relationships.

- (A) Employees shall conduct themselves in a professional manner when dealing with inmates and parolees.
- (B) No employee of the Board of Parole will give, accept, or exchange property, services, gifts, gratuities, or favors with an inmate or parolee or with the friends or relatives of an inmate or parolee outside the scope of the employee's official duties.
- (C) No employees will fraternize with an inmate or parolee, or with friends or relatives of an inmate or parolee. If an employee has reason to believe that he or she may have violated one of the provisions of this policy, the employee shall immediately notify his/her supervisor in writing. The Chair may permit exceptions to the prohibitions set out in this paragraph, after considering all relevant information.
- (D) Employees shall refrain from discussing, in the presence of the inmate population, matters relating to Parole Board business.
- (E) Employees shall not work for the parole, pardon, commutation of sentence or other appeal of any inmates/parolees, write letters on their behalf in an unofficial capacity, or interest themselves in same without prior approval of the Chair.

History: Adopted April 5, 2017

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§ 11-113. Dress Standards.

It is important for Board of Parole members and staff to dress and groom themselves appropriately and in accordance with the following policy:

(A) Male Employees:

Normal attire will be business suits (or sports coats) or dress shirt and slacks. Footwear should be considered appropriate for wear with suitable business attire. Athletic shoes or house slippers are not appropriate footwear, unless authorized by the employee's supervisor based upon certified medical reasons.

(B) Female Employees:

Normal attire will be dresses, pant suits, slacks, blouses, etc. Denim material skirts and dresses are considered acceptable dress under these regulations. Athletic shoes or house slippers are not appropriate footwear, unless authorized by the employee's supervisor based upon certified medical reasons.

(C) All Employees:

All employees shall wear and undergarments while at work. All employees shall keep their clothing clean, pressed, and well maintained at all times. All employees are expected to keep their hair clean and well groomed.

(D) Blue denim jeans, t-shirts, and sweatshirts are not acceptable wear for the office. Colored denim jeans and capris are permissible when worn in the office, but unacceptable when accompanying the Parole/Pardons Board to public Hearings and Reviews.

(E) WHEN ATTENDING HEARINGS AND REVIEWS, ALL EMPLOYEES SHALL ABIDE BY THE DEPARTMENT OF CORRECTIONS' ADMINISTRATIVE REGULATION 205.2 ADDRESSING VISITOR ATTIRE which prohibits wearing shorts; skirts/dresses/skorts/culottes less than knee length; halter or tube tops or other clothing revealing bare shoulders, midriff, or any part of the breast; tights/leggings, stirrup pants; and see-through clothing.

History: Adopted April 5, 2017

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(Cite as Neb. Parole Bd. R. § ____)

§ 11-114. Volunteers and Interns.

- (A) The Nebraska Board of Parole may utilize the volunteer services of persons, both retired and working, as well as those of other persons with time available. This decision is based upon the understanding that these persons have skills, experiences, training, time available, and other characteristics while matching our organizational needs.
- (B) Nebraska Board of Parole volunteers are to be afforded dignity and respect by all full-time paid staff and Parole Board Members. They shall be treated by all employees as equals and/or valuable members of the organization working together to improve the services provided.
- (C) In that volunteers are to be treated as employees, the Board of Parole expects that volunteers shall perform their duties in a manner which reflects positively on themselves and the Board of Parole and its staff. Volunteers shall be responsible for complying with the Nebraska Board of Parole Policies and Procedures.
- (D) Volunteers are expected to perform their duties in a professional manner and shall be briefed about the confidentiality of their assigned position. They shall not discuss their assignments which may pertain to confidential records with anyone outside the organization. Good judgment must be used at all times by volunteer employees on when to exercise the confidentiality of all conversation.
- (E) Prior to beginning service, all volunteers will be screened by the Board of Parole/staff. Screening will include a criminal record check, a motor vehicle record check, and personal reference checks. Upon completion of this process, a volunteer program coordinator will schedule an interview between the volunteer and at least two (2) members of the Board of Parole, and one staff member who will be the volunteer's supervisor.
- (F) Each volunteer shall receive orientation and shall receive on-the-job training from the appropriate member of staff to ensure that the volunteer will be a professional/efficient member of our team.
- (G) The time/length of service of a Nebraska Board of Parole volunteer employee shall be determined on an "as needed" basis. The schedule shall be discussed in detail with the selected volunteer and a mutual agreement shall be reached at the time that the volunteer begins his/her duties; however, volunteer services may be discontinued at the discretion of the Board.

History: Adopted April 5, 2017

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§ 11-115. Inclement Weather Policy.

Parole Board Members and Employees of the Board of Parole. Agencies and departments of the State of Nebraska have a statutory responsibility to be open for the transaction of business from at least 8:00 a.m. to 5:00 p.m., Monday through Friday, except for state holidays.

- (A) Prior to the onset of inclement weather, agencies should determine how best to serve the public should a weather emergency arise. All employees should be made aware of the procedures developed for that agency.
- (B) The safety and welfare of our employees is of utmost concern, therefore each employee will determine for himself or herself his or her ability to drive to work safely, the condition of his or her vehicle, and the immediate road conditions.
- (C) If an employee chooses not to report to work, he or she should report their absence to their supervisor prior to the start of their work shift.
- (D) Employees choosing not to work during adverse weather conditions must use accrued vacation leave, earned compensatory time, or leave without pay.
- (E) If feasible, the Parole Board Chairperson or designee may allow employees to make up missed work time within the pay period.
- (F) Supervisors are directed to be as reasonable as possible in the approval of the use of vacation, compensatory time, or leave without pay. Also, if possible or necessary, supervisors are encouraged to allow the employees to make up any lost work time due to weather related conditions within the pay period.
- (G) The Parole Board Chairperson or designee and the Director of Supervision and Services may authorize employees to work from other locations.

History: Proposed March 7, 2017, Action: Deferred
Adopted May 2, 2017
Amended October 23, 2018

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(Cite as Neb. Parole Bd. R. § ____)

§ 11-116. Employment Applications and Interviews.

- (A) All employees of the Board of Parole applying for positions with any other State agency or any employer outside the State Personnel System must use personal time for applications and interviews.
- (B) Lunch periods may be adjusted or vacation leave requested prior to submission of applications or scheduled interviews. This time will be assessed as unauthorized absence, without pay, if this procedure is not followed.
- (C) Vacation leave need not be used for interviews for positions within the agency by existing staff.

History: Deferred April 5, 2017
Adopted May 2, 2017

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(Cite as Neb. Parole Bd. R. § ____)

§ 11-117. Board Member Leave.

- (A) Personal time out of the office. Board Members may be out of the office for the purpose of non-essential personal matters when such absence does not unduly interfere with the Board's ability to perform its statutory duties. A non-essential personal matter does not include health-related or weather-related absences, jury duty, or funeral attendance for close family members, as that term is defined by the Nebraska Personnel Rules. Board Members must communicate in advance with the Chairperson and coordinate with each other their scheduled out of the office time to the greatest extent possible so as to insure that a quorum of the Board is available to conduct Board business on any given day.

- (B) Health-related absences, jury duty, and funeral attendance. Health-related absences that will exceed 5 working days must be substantiated by written documentation from a health practitioner. To the greatest extent possible, scheduled health-related absences must be communicated in advance to the Chairperson. In the event a Board Member becomes incapable of carrying out his or her duties permanently, such Board Member should advise the Chairperson and the Governor of his or her intent to resign. Weather-related absences should be communicated to the Chairperson when weather conditions prohibit a Board Member from traveling to the Parole Board offices and/or the institution/facility scheduled for that day. Absences for jury duty should be communicated with the Chairperson after receipt of the jury summons. Absences to attend a funeral of a close family member, as that term is defined in the Nebraska Personnel Rules, should be communicated to the Chairperson in advance.

History: Adopted October 3, 2017

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§ 11-118. Providing Refreshments.

Food and refreshments may be purchased for an all-staff event approved by the Board Chairperson, but must be funded out of existing Board of Parole budget allocations. These should be at a level commensurate with the activity. Food and refreshments such as coffee, punch, cake and cookies and appropriate tableware are examples of acceptable items. Certain items are not acceptable, including but not limited to, flowers and decorations. Monetary limits for events for which food and refreshments are requested are limited to \$3.00 per person expected to attend. A request for funds is submitted through the Board Chairperson or the Director of Supervision Services to the Director of AS-Personnel in advance of the event. A copy of the request and approval shall then be forwarded to NDCS Accounting.

History: Adopted January 16, 2018

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(Cite as Neb. Parole Bd. R. § ____)

§ 11-118. Discretionary Compensatory Time Payout.

The Board and/or the Director of DPS in their discretion may approve a cash payout for overtime/compensatory time in cases of financial hardship upon request of an employee.

History: Adopted October 23, 2018