

§ 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 ~~is the~~ 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;~~
- ~~2.1.~~ 2.1. The adequacy of the offender's parole plan, including sufficiency of residence, employment history, and employability;
- ~~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;~~
- ~~10.2.~~ 10.2. 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;~~
- ~~12.3.~~ 12.3. ~~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;~~ The offender's institutional behavior. 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.

~~13.4.~~ The offender's ~~behavior and attitude during any~~ previous experience ~~of on~~ probation or parole and how recent such experience is;

~~14.5.~~ Whether the offender has completed a ~~The~~ risk and needs assessment completed pursuant to section 83-192; and

~~15.6.~~ Any ~~other factors the Board determines to be relevant~~ testimony or written statement by a victim as provided in section 81-1848.

- (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