



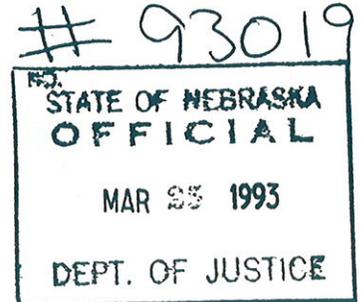
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DON STENBERG
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DATE: March 24, 1993
SUBJECT: Legal Offenders on Escape Status
REQUESTED BY: Ethel Landrum, Chairperson
Nebraska Board of Parole
WRITTEN BY: Don Stenberg, Attorney General
Marie C. Pawol, Assistant Attorney General



You have inquired whether the Nebraska Board of Parole can deny parole to an offender who is on escape status at the time of his or her scheduled parole hearing.

The answer to your question is yes. Ample statutory authority exists to support denial of parole under such circumstances.

Neb. Rev. Stat. § 83-1,114 (1987) provides in pertinent part:

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

(a) There is a substantial risk that he will not conform to the conditions of parole;

(b) His release would depreciate the seriousness of his crime or promote disrespect for law;

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(c) His release would have a substantially adverse effect on institutional discipline;

* * *

(2) In making its determination regarding a committed offender's release on parole, the Board of Parole shall take into account each of the following factors:

(a) The offender's personality, including his maturity, stability, sense of responsibility and any apparent development in his personality which may promote or hinder his conformity to law;

* * *

(c) The offender's ability and readiness to assume obligations and undertake responsibilities;

* * *

(k) The offender's attitude toward law and authority;

* * *

(n) Any other factors the board determines to be relevant.

In our view, an offender who is on escape status has demonstrated an unwillingness to conform to the law and poses a substantial risk of nonconformity to the conditions of parole which might be set. Further, the release on parole of an offender on escape status would promote disrespect for the law and negatively affect discipline in our prisons.

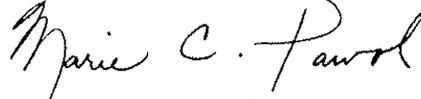
Certainly, therefore, adequate grounds to deny parole exist for any offender who is on escape status at the time of his or her scheduled parole hearing. Under such circumstances, the Board may deny parole and defer the offender to mandatory discharge, or

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schedule the offender for a future board review, presuming the offender is returned to custody.

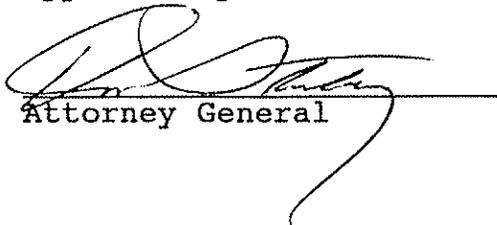
Sincerely,

DON STENBERG
Attorney General



Marie C. Pawol
Assistant Attorney General

Approved By:



Attorney General

23-350-8.6