

OKLAHOMA PARDON AND PAROLE BOARD
FREQUENTLY ASKED QUESTIONS ON PAROLE

1. What is the Pardon and Parole Board?

The Pardon and Parole Board was established through Article VI, Section 10 of the Oklahoma Constitution in 1944. The five-member, part-time board is charged with making impartial investigations and reviews of applicants requesting pardons, commutations, and clemency or those eligible for paroles.

2. What is the role of the Pardon and Parole Board in granting or recommending parole?

In Oklahoma, the Pardon and Parole Board has statutory authority to grant paroles for non-violent offenses. For violent offenses, only the Governor can grant paroles after a favorable recommendation by the Pardon and Parole Board. The Governor has full discretion to approve a parole, deny a parole, or add additional stipulations or conditions to any parole approval.

3. Who is on the Pardon and Parole Board and how are they chosen?

Members of the Pardon and Parole Board are appointed. Three (3) members are appointed by the Governor. One (1) member is appointed by the Chief Justice of the Supreme Court and one (1) member is appointed by the presiding Judge of the Court of Criminal Appeals. The Board holds office coterminous with that of the Governor but members can be reappointed. Board members are removable only for cause in the manner provided by law for elective officers not liable to impeachment.

4. What is parole?

Parole is a conditional release of an offender who has served part of the term for which he or she was sentenced to prison or it allows the offender to begin serving a consecutive sentence. A parole does not change the original sentence but rather suspends the sentence upon certain stipulations or conditions being met. A parole can be revoked, i.e. the parolee can be returned to prison, to serve the remaining portion of the sentence if specific rules and conditions are not followed.

5. What are stipulations or conditions?

A stipulation is a service, program, or requirement that must be completed or a requirement that must be met while the offender is incarcerated. A condition is a service or a program that the offender must complete or participate in and/or a restriction or a limitation that applies to the offender after he/she has been released on parole. There are standard conditions that apply to offenders. However, the Pardon and Parole Board may attach additional stipulations or conditions to the approval of a non-violent parole or to the recommendation of a parole. The Governor has full discretion to change or add stipulations and/or conditions to a recommended parole.

6. When is an offender eligible for parole?

The legislature has the authority to set minimum mandatory periods of confinement which must be served by an inmate before being eligible to be considered for parole. Generally, offenders that are convicted of a non-violent crime become eligible for parole consideration after serving

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one-third of the prison sentence. Most offenders who have been convicted of a violent crime or another crime deemed more serious by the legislature must serve 85% of the sentence before becoming eligible for parole consideration. Offenders sentenced to a life without the possibility of parole or those under a death sentence are not eligible for parole.

7. Who determines when an offender is eligible for parole?

As per Oklahoma statute, the type of crime determines the minimum amount of time the offender must serve before being eligible for parole. A parole date is calculated using the length of the inmate's court ordered sentence, minus any jail time credited to the inmate by DOC upon commitment. An inmate's parole date is calculated by a parole investigator.

8. Why would a parole date change?

There are a number of reasons why a parole date may change including a change to the inmate's sentence due to a court's granting of post-conviction relief or order after appeal, or due to the granting of a commutation of sentence by the Governor. Also, an offender that receives a misconduct within 60 days of a scheduled parole hearing can be stricken from the hearing docket. In this circumstance, the offender's parole date would be passed to the next calculated docket. Additionally, an offender may choose to waive parole.

9. What does it mean when an offender waives parole?

An offender may "waive" or choose not to be considered for parole. This means that the offender will not be considered on the set docket month, but will continue to serve time in the Department of Corrections until the next parole date is set or until the sentence is discharged.

10. What factors do Board members consider when deciding to grant or recommend parole?

In making their decisions, members of the Pardon and Parole Board constantly strive to balance public safety, protecting victims' rights, and providing offenders with the opportunity for positive change. There are a number of factors which are considered in the granting or recommending of parole, including: 1) nature of the offense; 2) prior criminal history; 3) prison program participation; 4) whether the offender has made significant behavioral changes while incarcerated; 5) length of time served as compared to the imposed sentence; 6) misconducts; 7) demonstration of appropriate behavior while in prison; 7) family and /or community support; and, 8) victim and/or District Attorney protests or opposition.

11. How are parole decisions made?

Release on parole is a privilege not a right. Board members review each case and consider the information presented at the hearing (if applicable) and in the offender's file. Board members, one after another, review and vote on the matter independently until a final decision is reached. Pursuant to statute, a majority of the Pardon and Parole Board, or three (3) members, must vote favorably for parole to be granted for non-violent offenses or recommended to the Governor for violent offenses.

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12. What is the purpose of a parole hearing?

A parole hearing provides the Board an opportunity to review all available reports and materials pertinent to the offender, to hear input from victims and District Attorneys, to hear input from the offender's family or friends, and, in personal appearance instances, to question the offender directly to make an assessment of the offender and his/her readiness for parole.

13. When and where are parole hearings held?

The parole hearings are held monthly at the Kate Barnard Community Correctional Center in the Ted R. Logan Conference Center, located at 3300 N. Martin Luther King Avenue in Oklahoma City. To determine specific dates or individual parole docket times, contact the Pardon and Parole Board at 405/521-6600.

14. Are parole hearings open to the public?

Yes, Pardon and Parole Board hearings are open to the public pursuant to and conducted in accordance with the Oklahoma Open Meeting Act. The Pardon and Parole Board conducts meetings once per month over a period of three (3) to four (4) days at the Kate Barnard Community Corrections in Oklahoma City. Since this is a Department of Corrections facility, all visitors are subject to search in accordance with DOC's policies and procedures. Visitors must bring photo identification. Cell phones are not allowed. Meetings are also subject to capacity limitations for the meeting facility. The Board reserves the right to deny entrance to any attendee once capacity is reached.

15. Are victims or victim's representatives able to protest an offender's parole?

Yes, a victim or victim's representative who wants to protest an offender's parole release should contact the Pardon and Parole Board as soon as the offender has been scheduled for a docket. More detailed information specifically for victims or victim's representatives is available on the website in the Frequently Asked Questions for Victims and Victims Representatives.

16. How will family members or friends be notified of the date of the offender's personal appearance?

The offender is notified by the Department of Corrections case manager of the parole hearing date. It is the responsibility of the inmate to convey this information to family members and/or friends. Due to ongoing changes in inmates' housing assignments, dockets times and dates are not set until five (5) days prior to the meeting. To determine specific dates or individual parole docket times, contact the Pardon and Parole Board at 405/521-6600.

17. Can a family member or friend talk to a board member directly on behalf of an offender?

No, family members or friends, often referred to as delegates, cannot communicate one-on-one with a Board member outside of a Board meeting. However, at certain stages of parole, family or friends may write letters of support to be included with the information considered by the Board or may speak at a Board meeting on behalf of an offender.

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18. Can a family member or friend speak on behalf of the offender at the Parole Board hearing?

Yes, under certain circumstances family or friends, often referred to as delegates, may speak to the Board on behalf of an offender during a Parole Board Meeting. If an offender is scheduled for a “personal appearance” hearing, the delegates can attend and speak to the Board on the day of the inmate’s actual appearance before the Board. If an offender is scheduled for a “jacket review” hearing and meets the criteria allowing delegates to attend and speak to the Parole Board, delegates can attend and speak to the Board on a designated date and time. The Pardon and Parole Board meetings are held at the Kate Barnard Correctional Center. The meetings are open to the public and all interested parties can attend – given facility capacity; however, only two (2) delegates are allowed to appear before the Board on the offender’s behalf. Only the designated delegate will be able to speak for two (2) minutes on behalf of the offender. Persons wishing to speak to the Board must notify the Pardon and Parole Board and obtain a confirmation number by the deadline by calling the administrative offices at 405/521-6600.

19. Will the Board make a decision when a family member or friend attends the Parole hearing?

For personal appearances, the inmate will be excused from the meeting and the Board will vote. The inmate must check with the case manager for the results. The family or friends will know the tentative results but votes are not final until the meeting is adjourned on the last day. In addition to the results posted on the website, family members or friends may call the administrative offices after 2:00 p.m. on the Monday following the week of the Board meeting.

20. If a family member or friend cannot attend the parole hearing, can a written letter or email in support of the offender be submitted to be reviewed by the Pardon and Parole Board members?

Yes, instead of appearing before the Board, a family member or friend can submit a letter or email to the Board for review.

21. Does a letter or email need to be sent to each Board member?

No, an individual letter to each board member is not required or even encouraged. The sent letter/email will be distributed to all board members.

22. What information is needed to submit a support letter/email on behalf of an offender?

Letters may be typed or handwritten on one-side only. Handwritten letters must be legible. Please do not use staples. Letters must include the offender's name, DOC number, and docket month and year on top of the each page and on the back of the envelope. In order to be processed and forwarded to the Board, letters or emails must to be submitted by 5:00 p.m. on the Tuesday one-week prior to the Board meeting. Emails should be sent to: boardcommunications@ppb.ok.gov. Letters can be sent via U.S. mail, postage paid, to the Oklahoma Pardon and Parole Board, Attn: Board Communications, 2915 N. Classen, Suite 405, Oklahoma City, Oklahoma 73106.

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23. Do family members or friends have to go to Kate Barnard Community Corrections facility to speak on behalf of the offender?

Family members and/or friends may attend the hearing at Kate Barnard Community Corrections Center where the Board meets or they may attend at the facility where the offender is located if that offender has a personal appearance. For offenders that have a jacket review where there is no personal appearance, family and/or friends will need to attend at Kate Barnard Community Corrections Center.

24. What does a family member of friend need to know when going to another facility to speak on behalf of the offender?

Only two (2) family members or friends are allowed to attend when appearing a correctional facility other than Kate Barnard Community Corrections (KBCC). Whether attending at KBCC or another correctional facility, family members and/or friends wishing to speak must obtain a confirmation number from the Pardon and Parole Board prior to the meeting. Since these are facilities of the Department of Corrections, all visitors attending are subject to search of their person in accordance with the policies and procedures of DOC. Visitors must bring photo identification and cell phones are also not allowed.

25. If an offender convicted of a non-violent offense is granted parole, what happens next?

The parole certificate, which includes rules and conditions of parole, is prepared and sent to the facility where the offender is located for the offender's signature. The parole is pending until the following occurs: 1) the certificate is signed; 2) a valid home offer is obtained; 3) any recommended stipulations are completed; and, 4) there is a verification of any detainers and warrants. Pending paroles are verified weekly for completion of these tasks. Once stipulations are complete, the offender is placed on a probable list for release.

26. If an offender that is convicted of a violent offense is recommended for parole, what happens next?

The parole certificate, which includes rules and conditions of parole, is prepared and sent to the facility where the offender is located for the offender's signature. The parole is pending until the following occurs: 1) the certificate is signed; 2) a valid home offer is obtained; and, 3) documents required by the Governor's office are verified. Once complete, the offender's file is sent to the Governor's Office for action. The Governor has thirty (30) days to approve or deny the recommendation of parole. If approved, the parole is tentatively approved and contingent upon any stipulations placed on the parole by the Pardon and Parole Board and/or the Governor. Once stipulations are complete, the offender is placed on a probable list for release.

27. What does it mean when an offender is placed on a probable list for release?

When an offender has been placed on the probable list it means the offender has completed the Board and/or the Governor's recommended stipulations, has a valid home offer, and has signed the Parole Certificate. The probable list is sent on Monday afternoon to the facility where the inmate is located. The facilities have until 2:00 p.m. on Tuesday to send a response that the offender can be paroled. The final releasing memo is sent Wednesday morning for the offender

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to be released. Offenders are released weekly with the exception of the week of the Pardon and Parole Board meetings.

28. If parole is denied, does the Board have to provide a reason?

No, the Board does not have to provide a reason for denying a parole.

29. Can a parole be denied just because someone protests it?

A protest of a parole is one of many factors that the Board considers.

30. If a parole is denied, are offenders considered for parole again?

Offenders convicted of a non-violent offense are generally considered for parole annually. Offenders convicted of a violent offense will have a parole hearing every three years; however, the Pardon and Parole Board may vote to delay the next consideration for up to five (5) years.

31. What does it mean if an offender is paroled to a consecutive case?

If an offender has consecutive cases, it means that the offender has two or more terms of imprisonment in which the terms are served one after the other. When an offender is paroled to a consecutive case, the offender is being paroled to start serving their next term of imprisonment.

32. Can an offender be paroled to another state?

Yes, however, the Pardon and Parole Board is not involved in that process. An Interstate Compact will need to be obtained. Known by the acronym ICAOS, the Interstate Commission for Adult Offender Supervision, is an agency that coordinates the legal offender transfer agreement between member states, as authorized by the respective state's legislature. An Interstate Compact provides for the formal transfer of probation or parole supervision from one state to another. Interstate transfers of the offender must meet compact guidelines, such as family residency, employment, or education. An offender that is coming out of prison must have family in the receiving state that qualify and meet residency requirements for the previous six months. For more information, call 405/525-4511 or email okdoc.interstate@doc.ok.gov.

33. What does it mean if an offender is paroled to a detainer?

Paroled to detainer means that the Department of Corrections is releasing the offender to a different county, state, or country because the offender has outstanding warrants or sentences, unrelated to the term of incarceration being served or he/she has a hold from Immigration. Once paroled, the Department of Corrections will notify the detaining authority to take custody of the offender.

34. What does it mean if an offender has an ICE detainer?

When an offender has a detainer from Immigration and Customs Enforcement (ICE), it means that the offender has a hold placed on him/her by another country or he/she will be removed from the United States.