

OKLAHOMA PARDON AND PAROLE BOARD FREQUENTLY ASKED QUESTIONS ON PAROLE

GENERAL QUESTIONS

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 who are eligible for parole.

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 and only 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.

4. What is parole?

Parole is a conditional release of an inmate who has served part of the term for which he or she was sentenced to prison or it allows the inmate to begin serving a consecutive sentence. A parole does not change the original sentence but rather suspends the execution of 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 while the inmate is incarcerated before they can be released on parole. A *condition* is a service or a program that the inmate must complete or participate in and/or a restriction or a limitation that applies to the inmate after he/she has been released on parole. There are standard conditions that apply to inmates. 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 violent parole. The Governor has full discretion to change, remove, or add stipulations and/or conditions to a recommended parole.

6. When is an inmate 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 for a parole consideration. Depending on when the inmate was convicted, inmates that are convicted of a non-violent crime become eligible for parole consideration after serving twenty-five percent or one-third of the prison sentence, depending on

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when the inmate was convicted. Most inmates 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. Inmates 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 inmate is eligible for parole?

As per Oklahoma statute, the type of crime and the date it was committed determines the minimum amount of time the inmate 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?

Parole dates are tentative and subject to change. There are a number of reasons why a parole date may change; including an audit of an inmate's file to correct a calculation or jail time correction, a change to the inmate's sentence due to post-conviction relief, order after appeal, or the granting of a commutation of sentence by the Governor. Also, an inmate that receives a misconduct within 60 days of a scheduled parole hearing can be stricken from the hearing docket. In this circumstance, the inmate's parole date would be passed to the next calculated docket. Additionally, an inmate may choose to waive parole.

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

An inmate may "waive" or choose to not be considered for parole. This means that the inmate will not be considered on the next parole eligibility date.

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 inmates 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) participation in prison programs; 4) whether the inmate has made significant behavioral changes while incarcerated; 5) length of time served as compared to the imposed sentence; 6) misconducts; 7) family and /or community support; and, 8) victim and/or District Attorney protests or opposition.

11. How are parole decisions made?

Board members review each case and consider the information presented at the hearing (if applicable) and in the inmate'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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PAROLE HEARINGS

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 inmate, to hear input from victims and District Attorneys, to hear input from the inmate's family or friends, and, in personal appearance instances, to question the inmate directly in order to make an assessment of the inmate and his/her readiness for parole.

13. When and where are parole hearings held?

The parole hearings are held monthly at the Oklahoma Health Care Authority building, located at 4345 N. Lincoln Blvd., 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 several days in Oklahoma City. All visitors are subject to search in accordance with PPB's security 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 inmate's parole?

Yes, a victim or victim's representative who wants to protest an inmate's parole release should contact the Pardon and Parole Board as soon as the inmate 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 inmate's personal appearance?

The inmate is notified by the Department of Correction's 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 inmate?

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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 inmate.

18. Can a family member or friend speak on behalf of the inmate 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 inmate during a Parole Board Meeting. If an inmate is scheduled for a “personal appearance” hearing, the one delegate can attend and present to the Board on the day of the inmate’s actual appearance before the Board. If an inmate is scheduled for a “jacket review” hearing and meets the criteria allowing delegates to attend and speak to the Parole Board, a delegate can present to the Board at the designated date and time. The Pardon and Parole Board meetings are held at the Oklahoma Health Care Authority building. The meetings are open to the public and all

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

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 inmate 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 inmate?

Letters may be typed or handwritten on one-side only. Handwritten letters must be legible. Please do not use staples. Letters must include the inmate'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, 4345 N. Lincoln, Suite 1082, Oklahoma City, Oklahoma 73105.

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23. Do family members or friends have to go to the Board meeting in person to speak on behalf of the inmate?

Family members and/or friends may attend the hearing at the Oklahoma Health Care Authority building where the Board meets or they may attend at the facility where the inmate is located if that inmate has a personal appearance. For inmates that have a jacket review where there is no personal appearance, family and/or friends will need to attend in person or via Zoom.

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

Only two (2) family members or friends are allowed to attend when appearing at the Oklahoma Health Care Authority. Whether attending in person or at 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. All visitors attending are subject to search of their person in accordance with the PPB's policies and procedures. Visitors must bring photo identification and cell phones are not allowed.

AFTER THE HEARING

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

The parole certificate is prepared and the facility obtains the certificate to get the inmate's signature. The parole is pending until: 1) the certificate is signed; 2) a valid home offer is verified by the Department of Corrections; 3) all stipulations are completed; and, 4) there is a verification of any detainers or warrants. Pending paroles are verified weekly for completion of these requirements. Once all requirements are complete, the inmate is placed on the next available probable list for release.

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

The parole certificate is prepared and the facility obtains the certificate to get the inmate's signature. The parole is pending until 1) the certificate is signed; 2) a valid home offer is verified by the Department of Corrections; and, 3) documents required by the Governor's office are verified. Once these tasks are complete, the inmate'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 contingent upon completion of any stipulations required by the Pardon and Parole Board and/or the Governor. Once all requirements are complete, the inmate is placed on the next available probable list for release.

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

When an inmate has been placed on the probable list it means the inmate 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 morning to the facility where the inmate is located. The facilities have until 2:00 p.m. on Tuesday to send a response that the inmate can be paroled. The final releasing memo is sent Wednesday morning for the inmate to be released. Inmates are released

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weekly with the exception of the week after the Pardon and Parole Board meetings.

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

No, the Board does not 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 inmates considered for parole again?

Inmates convicted of a non-violent offense are generally considered for parole annually. Inmates 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 on a violent crime.

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

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

32. Can an inmate 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 Compact for Adult Inmate Supervision, is an agency that coordinates the legal inmate 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 must meet guidelines, such as family residency, employment, or education. An inmate 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 inmate is paroled to a detainer?

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

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

When an inmate has a detainer from Immigration and Customs Enforcement (ICE), it means that the inmate has a hold placed on them by another country or that they will be removed from the United States.