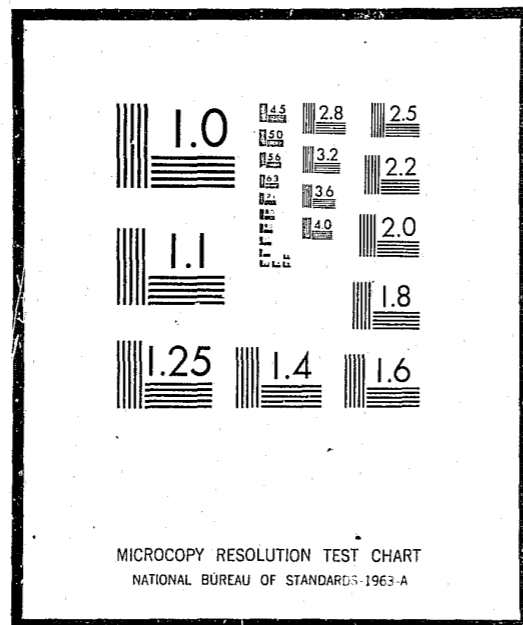


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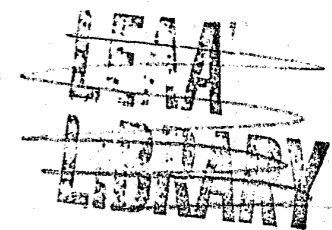
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FUNCTIONS

of

THE UNITED STATES BOARD OF PAROLE



Washington, D. C.

STATUTORY AUTHORITY

Federal statutes provide for a Board of Parole, including a Youth Correction Division, and authorize it to exercise parole authority over federal prisoners serving 181 days or longer wherever confined. Federal prisoners may be classified into three general types as follows:

1. regular adult violators of the criminal laws of the United States,
2. youth offenders committed under the provisions of the Federal Youth Corrections Act,
3. juvenile delinquents committed under juvenile procedure in the United States courts.¹

The Board has the following major powers as defined by statute:²

1. to determine the date of parole eligibility for adult prisoners committed under the so-called "indeterminate sentencing statutes,"
2. to grant parole at its discretion,
3. to prescribe terms and conditions to govern the prisoner while on parole or mandatory release status,
4. to issue warrants for the retaking of parole and mandatory release violators,
5. to revoke parole or mandatory release and to modify the conditions of supervision,
6. to re-parole or re-release on mandatory release.

¹ Juveniles committed by the District of Columbia Juvenile Court to the National Training School for Boys also come under the paroling authority of the Board's Youth Correction Division.

² An unrelated duty of the United States Board of Parole is the administration of the Labor-Management Reporting and Disclosure Act of 1959 which contains a provision that persons convicted of certain offenses may not assume a position of leadership in a labor organization, or represent management in labor negotiations for a period of five years following the conviction or a term of imprisonment, if any. An exception is possible, however, if the Board of Parole issues a Certificate of Exemption. Upon application by a person so affected, the Board will conduct a hearing following which a determination is made relative to the requested certificate. The hearing is more formal and is conducted under procedures required in the Federal Administrative Procedure Act.

The Board's Youth Correction Division has additional responsibilities dealing with the treatment and control of youths committed under the Youth Corrections Act.

The Board is an autonomous body and exercises independent judgment within the statutes on parole matters, but is a part of the Department of Justice and subject to the Attorney General for administrative purposes.

COMPOSITION OF THE BOARD

The Board of Parole consists of eight members appointed by the President by and with the advice and consent of the Senate. They serve overlapping six-year terms and are subject to re-appointment. There are no statutory or other requirements for membership on the Board, but most appointments have been primarily of those employed in the professional correctional field or in related professions dealing with human behavior. The Attorney General assigns certain of the members to the Youth Correction Division and also designates one of the members as the chairman of the Board and another as the chairman of the Division.

The Board maintains a headquarters office in Washington, D. C. and employs a relatively small staff consisting of professionally trained assistants and clerical personnel. This staff processes for the Board all cases of prisoners who become eligible for parole and who are released to the community under the Board's jurisdiction. The Board is also served by the caseworkers and administrative personnel in the various federal correctional institutions over the country and by the United States Probation Officers who are employed by each of the federal district courts. The officials in the former group furnish reports and perform related duties for the Board prior to release, and the officers in the latter group act as field agents for parolees and others who are released under supervision to the community.

ELIGIBILITY FOR PAROLE

A federal prisoner sentenced to a term of at least 181 days becomes eligible for possible parole according to the type of commitment he received from the court. A person committed

under the regular adult sentencing statutes may reach his parole eligibility date in three ways depending on the type of commitment. If the court sentences in the traditional manner to a definite term, the parole eligibility date occurs after one-third of the maximum term imposed by the court has been served. The court may, however, state what the minimum term to be served shall be (such minimum not to exceed one-third of the maximum); or the court may specify that the Board of Parole is to determine the parole eligibility date.³ In such cases, the Board sets the eligibility date at any time but not later than one-third of the maximum imposed by the court. In all sentences of this type, the Board conducts an initial hearing soon after commitment, primarily to obtain information upon which to arrive at a determination of the parole eligibility date.

Persons committed by the court under the provisions of the Youth Corrections Act and those committed as juvenile delinquents are eligible for parole at any time after the term begins. In youth offender cases, the Board's Youth Correction Division conducts an initial hearing soon after commitment. Juveniles are heard by the Youth Correction Division according to a schedule adopted by the Division.

Prior to a hearing, the Board requires adult prisoners desiring parole to complete an application for parole. A form for the purpose is furnished by institution officials where the prisoner is held. Youth offenders and juveniles do not apply for parole and may not waive hearings.

At least one personal hearing is conducted by the Board with each prisoner in a federal institution serving a term of more than one year. The hearing occurs near the time he becomes eligible for parole if he applies or at the time of the initial hearing which normally occurs within two months after commitment. In order to conduct the hearings, a Board member or an appointed examiner travels on schedule to all of the Bureau of Prisons institutions, the Public Health Service Hospitals where federal prisoners are confined, and to the District of Columbia Youth Center where federal youth offenders are confined. Certain institutions where young persons predominate are designated as "youth institutions,"

³ Sec. 4208(a)(2), Title 18, U. S. Code

and the members assigned to the Youth Division generally hold the hearings in those particular institutions.

Available in the prisoner's file at the time of the hearings are the reports from the investigative agency such as the FBI, the Post Office, the Narcotics Bureau, the Internal Revenue Division, or other agency which was active in the prisoner's apprehension. Also in the file are reports from the prosecuting attorney and the probation officer in the court where the prisoner was convicted and sentenced. The classification summary prepared immediately after arrival in the institution is also available, as well as an up-to-date parole progress report. These last two reports summarize information received from other agencies and persons, and incorporate the family and social information and the institutional adjustment and training data relative to the prisoner since his confinement began.

Present at the hearing, in addition to the Hearing Member and the prisoner, are the institutional caseworker and a stenographer. Other persons (except occasionally persons with a professional interest in parole) are not permitted to attend. At the hearing, the member studies each prisoner's file, interviews him, and dictates a summary of the facts in the case and his impressions, including a recommendation. Upon return to headquarters, he and his colleagues further consider the file and vote for or against parole.

GRANTING OF PAROLE

Voting Procedure

A quorum of five members is normally required for a vote relative to parole, but three members of the Youth Division constitute a quorum when voting on cases of youth offenders and juveniles. Any member of the Board, however, may conduct hearings and vote on any type case when needed. A majority vote of the quorum constitutes an official Board action. Voting is done on an individual basis by each member and the Board does not sit as a group for this purpose. Each member studies the prisoner's file and places his name on the official order form to signify whether he wishes to grant or deny parole. The reasoning and thought which led to his vote are not made a part of the order,

and it is therefore impossible to state precisely why a particular prisoner was or was not granted parole.

Release Planning

Every grant of parole is conditioned on the development of a satisfactory release plan. The primary responsibility for developing the plan rests with the prisoner, although he is assisted in this by caseworkers in the institution. The suggested plan is forwarded to the United States Probation Officer in the area where the prisoner hopes to reside. The probation officer investigates the various elements of the plan for living after release and reports his findings and impressions. Where planning is difficult, the probation officer may also be of assistance in helping the prisoner work out a plan. The final decision regarding the plan's adequacy rests with the Board of Parole, and no certificate of release will be issued by the Board until an acceptable plan has been developed and investigated, even though the effective date for the parole grant may have passed. A satisfactory release plan ordinarily contains at least the following elements: an adequate residence, a qualified citizen who will act as adviser and will assist the releasee, and an offer of suitable employment. With Board approval, the probation officer may act as the releasee's adviser, and if there are sufficient financial resources or other extenuating circumstances, the Board may waive the requirement that employment be obtained prior to release.

Parole to other official jurisdictions

In some cases a prisoner is wanted by local law officials after release from a federal institution. The presence of a detainer, or a "hold order" itself is not a bar to parole if the prisoner is otherwise deemed suitable for release, but any grant of parole is to the detaining authority. In some instances the Board will grant parole only on condition that the detaining authorities take custody; in other instances the grant will remain in effect even though the detaining authorities may drop the "hold order."

Alien prisoners are often deported by the United States Government, or are wanted by immigration authorities for that purpose. In such cases, the Board may grant parole on condition that the prisoner be actually deported or may grant parole to the

custody of the immigration authorities to take official action as indicated in the particular case.

RECONSIDERATIONS

The Board has several procedures whereby it may reconsider the case of a prisoner who has been denied parole. Some reconsideration is done on the basis of reviews scheduled by the Board, and some on the basis of requests from the prisoner or his family, friends, or other persons interested in him.

Institutional Progress Reports

Under established Board procedure, each prisoner serving a term of more than three years is reviewed annually during the anniversary month of his parole eligibility. This Board review is made upon the receipt of the annual progress report submitted by the officials of the institution where he is confined. In addition to the annual reviews, a member of the Board may request that a special progress report be submitted at some specified time. When it is received, the Board makes a special review of the case. When the facts warrant it, the warden of the institution may also submit a special progress report for Board consideration.

Requests for Reconsideration

Any prisoner may write directly to the Board at any time, and his mail is not censored. The Board studies each such letter received and may re-open the prisoner's case for further study where indicated. Each letter receives a reply from the Board. Family members and friends of the prisoner also write to the Board and careful consideration is given to such letters.

Upon request and within the established procedure, a relative, friend, or attorney of a prisoner who has been denied parole may appear before some the Board members in Washington. Such appearances must be scheduled well in advance, and an appointment will not be scheduled unless there is good cause for possible reconsideration and unless there has elapsed sufficient time since the Board's last consideration or review of the case.

Hearings Following the Initial Hearing

Adult prisoners who are sentenced under statutes providing that the Board is to set the parole eligibility date receive an initial hearing shortly after they are sentenced and are usually later accorded a second personal hearing. This second hearing, which is the parole hearing, occurs at about the time of the eligibility date set by the Board. In some cases final action relative to parole is taken on the basis of the initial hearing, but the usual procedure is to hold two hearings for these classes of prisoners.

Persons committed under the Youth Corrections Act receive subsequent review hearings following the initial hearing as scheduled by the Youth Division. An exception may occur when the Youth Division takes final action on the basis of the initial hearing. In the discretion of the Youth Division, a review on the basis of an institutional progress report may be substituted for one or more of the personal hearings. Juveniles are also accorded personal review hearings as scheduled by the Youth Division.

Special Interviews and Special Summary Reviews

At the time of the Board's quarterly business meeting, it considers cases presented to it where there has been a request for a special interview with the prisoner. Such request may originate either from a warden or one of the members of the Board. If the Board approves, a member will conduct a special personal hearing with the prisoner. Also presented to the Board at the quarterly meeting are cases of prisoners serving sentences of forty years or more who have been denied parole. The Board gives special attention to these cases and may initiate the holding of a special interview. As a regular Board procedure, every prisoner is accorded a special interview at least every five years during his sentence until he is released.

MANDATORY RELEASE

An adult prisoner or juvenile may shorten the period of his confinement, even in the absence of parole, if he maintains a satisfactory adjustment to institutional rules and procedures. The federal statutes contain a schedule of "good time credits" which serve to decrease the length of the term of sentence. The amount

of such credits vary according to the maximum term imposed by the court, but in long-term cases may amount to ten days for every month. The period of confinement may be further shortened by "extra good time" through exceptionally meritorious behavior or by receiving an assignment to a Prison Industries job or to a minimum security camp. All such prisoners are released by action of the warden but by statute⁴ are supervised in the community "as if on parole," and are subject to the jurisdiction of the Board of Parole after release. The period of community supervision is shortened by 180 days in these cases. In the case of a juvenile, however, the term is not so shortened, and he remains under community supervision to the maximum term date.

A committed youth offender is not mandatorily released, but must, by law, be paroled no later than two years from the end of his sentence. Since most are sentenced to a six-year term, the mandatory parole date usually is after four years of confinement. The term of a youth offender is not shortened by law and he remains under the Youth Division's jurisdiction for the entire term unless discharged earlier by the Division.

SUPERVISION IN THE COMMUNITY

All federal parolees and mandatory releasees remain under the jurisdiction of the Board of Parole until the supervision period is completed or until the Board discharges the releasee from further supervision. United States Probation Officers, acting as the Board's parole agents, provide the personal supervision over the releasees, according to general procedures formulated by the Board pursuant to statute.⁵

Conditions of Release

Parolees and mandatory releasees must abide by identical regulations as a condition of continued community supervision. The conditions somewhat restrict the travel outside the supervision district, require an effort to remain employed, forbid association with known criminals, require regular and periodic reports to the probation officer, and encourage similar activities designed to

⁴ Sec. 4163, Title 18, U. S. Code
⁵ Sec. 3655, Title 18, U. S. Code

help the releasee to remain free of further law violations. The probation officer is instructed to notify the Board of any infractions of the release regulations or of any arrests.

Modifications of the Conditions of Release

When there is justification, the Board may waive one or more of the established conditions of release. It may also impose a special condition where it is deemed necessary for a particular prisoner.

The probation officer submits periodically to the Board a summary-type review of the adjustment of all paroled youth offenders and juveniles, and all adult parolees who have a substantial period of time to serve on parole. The reports describe the nature and degree of adjustment the parolee has made to his environment since release from an institution. On the basis of these reports, the Board may issue special instructions to the probation officer. It may amend the requirement that the releasee submit monthly supervision reports and permit him to submit such reports on a less frequent basis. In especially deserving cases, the reporting requirement might be waived altogether, although the releasee remains subject to the Board's jurisdiction, with continued regular reporting required if necessary. The Youth Division has additional authority under the Youth Corrections Act, in that it may, at any time after one year of parole, terminate the supervision of a youth offender completely. Upon taking such action, the Division must issue a certificate setting aside the youth's conviction.

REVOCATION OF PAROLE OR MANDATORY RELEASE

Warrant Issuance

Whenever the Board is in possession of information that one or more of the conditions of release have not been met, any member may sign a warrant for the releasee's arrest. The warrant is sent to a United States Marshal who takes steps to take the releasee into custody. When the releasee has previously been charged with or convicted of a criminal offense, the marshal will usually file the warrant as a detainer to be executed after final disposition of the court action or after confinement on any new conviction.

When another federal sentence is imposed, the warrant is returned to the Board which forwards it to the appropriate warden who executes it after the subsequent term is completed. The Board may, however, order the warrant executed at any time after its issuance. In no case does the time spent in the community on parole or mandatory release prior to the date the violator warrant is executed count as part of the sentenced term. When the releasee is taken into custody on the warrant, the unexpired portion of his term starts to run. If the Board subsequently orders his parole or mandatory release revoked, he is required to serve the balance of his term, less any "good-time credits" he may earn from that date, unless he is re-paroled or re-mandatorily released by the Board.

Revocation Procedure

When a United States Marshal takes a releasee into custody, either following service of a term in a state or local institution or after apprehension by himself or other law enforcement officials, he notifies the Board of Parole. The appropriate United States Probation Officer is then asked to conduct a preliminary interview with the alleged violator to ascertain if he admits his guilt, has been convicted of a crime, or whether he desires to arrange for local representation by an attorney or have witnesses appear voluntarily in his behalf. A report of the preliminary interview is sent to the Board. Depending on the circumstances, the alleged violator is then either transferred to a federal institution to await a revocation hearing before the Board or arrangements are made to conduct a revocation hearing in the community. When the revocation hearing is conducted in the federal institution, opportunity is also given for attorney representation or for voluntary witnesses. Following the revocation hearing by a member or examiner, the Board at headquarters votes in the usual manner relative to revocation or reinstatement of parole or mandatory release, and it also considers possible release at some future date. Further Board reconsideration of possible re-release takes place at least annually thereafter.

THE BASIS FOR PAROLE

Almost every prisoner eventually is returned to society, either by expiration of sentence, or by way of parole. The Board of Parole must judge in each case whether society and the prisoner will benefit by using parole as the vehicle for return. A prisoner is sentenced by the court to a fixed or a maximum term. The parole laws permit the serving of a portion of that term under supervision in the community if the Board concludes that there is sufficient cause or justification. Under the federal parole statutes, parole is not granted to a prisoner unless it appears to the Board "that there is a reasonable probability that such prisoner will live and remain at liberty without violating the laws and if in the opinion of the Board such release is not incompatible with the welfare of society."⁶

The Board feels that in some cases parole would be futile and that the prisoner should serve all or most of his term in order to protect society and also to allow as long a period as possible for the prisoner to avail himself of the rehabilitative opportunities in the institution. In other cases, the risk to society is slight or practically non-existent and the Board feels that the prisoner could profitably serve a portion of the term in the community where he will reside. During that period, there are assistance and counseling by federal officers and there is opportunity to use other community resources. An early beginning can be made toward strengthening family relationships which often deteriorate during confinement. The community benefits financially since the cost of parole supervision is much less expensive than the cost of confinement. More importantly, the prisoner usually is able to resume his obligation to support himself and his family. He also is able to contribute to society as a productive worker and taxpayer. Taking all things into account, release under some form of official supervision and control is more likely to achieve success than outright release without such supervision and control.

In arriving at its decision to grant or deny parole, the Board considers all the known pertinent facts concerning the prisoner. These include his personal history in such areas as education, employment, family relationships, personal habits, etc. The Board

⁶ Sec. 4203, Title 18, U. S. Code

gives appropriate weight to the nature of the offense committed, as well as any previous record of law violation. The degree of adjustment and rehabilitation during confinement is closely studied. Lastly, the plans formulated for the future are evaluated and weighed against the backdrop of the past. Each member of the Board who considers a case makes his own decision on the basis of the facts and votes accordingly—with agreement of a majority constituting an official Board action.

END