

Commonwealth of Virginia

# VIRGINIA PAROLE BOARD

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## ADMINISTRATIVE PROCEDURES MANUAL



# PAROLE PROCESS

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# **ADMINISTRATIVE PROCESS**

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## PAROLE PROCESS

### *Administrative Process*

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.101**

Subject

**Expungement of Case File Materials**

Effective Date:  
**August 21, 1989**

Revision Date:  
**January 31, 1996**

**POLICY:**

The Case Analyst shall review all case files when there is a request to expunge information from parole records.

**PROCEDURE:**

When notification is received from the Department of Criminal Justice Services to expunge information from a case file, the Case Analyst will obtain the file to review. The designated information to be expunged shall be removed from the record and placed in a sealed file and labeled by a Central Criminal Records Exchange number or other identifying numbers. The sealed record should be marked "Expunged Record to be Unsealed Only by Order of the Circuit Court of the City of \_\_\_\_\_ (respective city)".

If there is other information listed on page or form that is not to be expunged, then the expunged information shall be deleted to the point where it is no longer legible. A notation as to the reason for this act shall be placed next to the expungement.

**AUTHORITY:**

Code of Virginia, Section 19.2-392.2  
Department of Criminal Justice Services regulations relating to criminal  
history records information use and security

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.102**

Subject

**Subpoena of Inmate Files**

Effective Date:  
**July 1, 1987**

Revision Date:  
**April 22, 1996**

**POLICY:**

The Chairman's office shall review all parole information included in any case file subpoenaed by a court to determine if there is basis to enlist the aid of the Attorney General to seek exception to the subpoena.

**PROCEDURE:**

The Chairman's office will obtain the case file for the review when there is notice of a subpoena.

The Chairman's office will review or delegate the review of all parole information to determine if information is present that the Board would not want read into a court record (i.e., Board member notations, confidential and/or sensitive mental health evaluations in which health care professionals have indicated the contents would be detrimental to the health of the individual evaluated if made known to that party, etc.).

If there are any materials the Chairman's office believes should not be made available to the court, the Chairman will request the Attorney General's office to petition the court to quash the subpoena.

If no sensitive material is apparent, the Chairman's office responds to the subpoena request by giving written indication that the file has been reviewed.

**AUTHORITY:**

No statutory requirement.



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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.103**

Subject  
**Affidavits**

Effective Date:  
**July 1, 1987**

Revision Date:  
**April 22, 1996**

**POLICY:**

The Chairman's office is responsible for reviewing and approving all affidavits requiring the Chairman's signature and for maintaining files regarding affidavits and other legal correspondence from the Attorney General's office.

**PROCEDURE:**

Upon receipt of affidavits from the Attorney General's office, secure file and log in to the Chairman's office.

Each case file will be reviewed by the Chairman's office to verify information contained in the affidavits (dates, charges, etc.) correspond with the same information contained in the case file. A pink slip is attached to indicate the file is ready for the Chairman's signature. A notary is required to witness the signing of all copies of the affidavits as verified by the presence of a notary seal.

When affidavits are signed by other Board members or staff, the file copy of the affidavit goes to the Chairman's office for filing, consistent with the above procedures for legal papers.

One (1) signed copy of the affidavit (with an accompanying pink slip stapled to it) is maintained in the administrative files in the Chairman's file room under the caption, "Attorney General Office (Affidavits)." File copies are never placed in the case files. Remaining signed and notarized copies are hand delivered to the Attorney General's office, either by Parole Board staff or by the interagency messenger service.

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.104**

Subject  
**Death Sentence Case**

Effective Date:  
**July 1, 1987**

Revision Date:  
**April 22, 1996**

**POLICY:**

The Chairman's office is responsible for notifying the Secretary of the Commonwealth of death sentence cases.

**PROCEDURE:**

A local Probation and Parole Officer is assigned to investigate and prepare a Pre-Sentence Investigation Report (PSI) for the court prior to the defendant being sentenced. In the event the defendant is sentenced to death, the Probation and Parole Officer must forward copies of the Pre-Sentence Investigation Report to the Pre-Sentence Investigation Unit within two (2) weeks after trial disposition. After appropriately coding the report, PSI Unit personnel forward two copies to the Virginia Parole Board.

Upon receipt at the Parole Board, an appropriate cover letter is prepared by the Chairman's secretary to the Secretary of the Commonwealth. One copy of the Pre-Sentence Investigation Report is forwarded with the cover letter. A second copy is maintained in the Parole Board's administrative files.

**AUTHORITY:**

Executive Order

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.105**

Subject

**Extraditions**

Effective Date:  
**July 1, 1987**

Revision Date:  
**April 22, 1996**

**POLICY:**

All extraditions are handled by the Chairman.

**PROCEDURE:**

Upon receipt of the case file and information prepared by the Post Release Unit, the Chairman reviews the compilation of related materials initiating the extradition of the parolee.

If extradition is warranted, extradition papers are prepared by the Post Release Unit. Extradition papers are taken by the Chairman to the Deputy Clerk of the Richmond City Circuit Court for execution.

After processing by the Deputy Clerk of the Court, the case file is returned to the Post Release Unit with notification that the extradition has been executed.

**AUTHORITY:**

Executive Order

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.106**

Subject

**Executive Clemency/Pardon Reviews**

Effective Date:  
**July 1, 1987**

Revision Date:  
**May 21, 1996**

**POLICY:**

The Chairman's office or designated Parole Board support staff will evaluate requests for executive clemency/pardons received from the office of the Secretary of the Commonwealth.

**PROCEDURE:**

Upon receipt of executive clemency/pardon requests, the Chairman's office or designated Parole Board support staff secures all required information, and all related file material along with an Executive Clemency Review Form (see attachment). The Chairman's office or designated Parole Board support staff completes the review form and returns it and all related file materials to Board for review and recommendation.

Upon receipt of a report from the Assessment Committee, a designated staff member of the Parole Board will review the report and attached materials to ensure compliance with the criteria outlined in the "Governor's Policy for Responding to Petitions of Clemency for Terminally Ill Inmates." Verification of the review will be documented in writing, and added to the official report. Specifically, the reviewer will confirm that:

- a) In the independent opinion of at least two physicians, death can be expected, on the average, to result from the terminal illness within ten to twelve months of the date of the medical examination.
- b) If a conclusion is reached that the inmate is terminally ill, then a determination should be made whether death is imminent. For the purpose of this policy, death shall be considered to be imminent if, in the independent judgment of the treating physician and an independent non-treating physician, or two independent non-treating physicians, the patient, on the average, has three months or less to live.

- c) Only one of the afore mentioned physicians may be employed by the Department of Corrections, and both physicians must verify in writing that they have personally reviewed the inmate's medical file.

If not already included with the assessment committee's report, a request will be made to receive the most current last two pages of the offender-patient's diagnostic chart(s) to include entries from both physicians and nurses.

The physicians responsible for diagnosing the offender-patient will confirm, in writing, their diagnoses that the illness is terminal and/or that death is imminent pursuant to the definition given in the Governor's policy.

If any of the above conditions are not met, the Virginia Parole board will not review the case, and will return it to the assessment committee advising the committee and the Secretary of Public Safety of whatever discrepancies prevented them from reviewing the case for possible executive action.

In the event the Governor chooses to grant an executive clemency, at the Governor's discretion, the official documents designating the executive action will be delivered by the Chairman's office to the inmate being granted executive clemency.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section 7, Subsection B  
Code of Virginia, Section 53.1-231

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.107**

Subject  
**Telephone Inquiries**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**

To respond to telephone inquiries.

**PROCEDURE:**

*Designated* Parole Board Support staff shall respond to telephone inquiries from legislators, attorneys, counselors, family members and interested parties, the Attorney General's office, DOC personnel and other staff members regarding parole information on inmates within the jurisdiction of the Virginia Parole Board. *Inquiries requiring policy interpretation or other sensitive inquiries should be referred to the Chairman's office.* Interested parties will be required to submit inquiries regarding the status of an inmate in writing to the Chairman of the Virginia Parole Board.

**AUTHORITY:**

N/A

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.108**

Subject  
**File Retrieval for Staff**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**

To secure files for staff members.

**PROCEDURE:**

Designated Parole Board Support staff shall secure all files from the Department of Corrections File Maintenance and Storage Unit for use by the staff. The individual requesting the file is responsible for all file tracking computer entries.

In addition, all files being transferred to the Board and staff for use must be brought to the attention of the Office Services Specialist for proper distribution. The individual to whom the file is being transferred is responsible for all file tracking computer entries.

**AUTHORITY:**

N/A

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.109**

Subject

**Priority "A"**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**

To locate and secure inmate files which have been designated as high priority or "A Priority" by the Parole Board and staff, as well as to secure on a priority A basis, those files which are being used by the Board, but are needed by DOC personnel.

**PROCEDURE:**

Designated Parole Board Support staff shall locate and secure priority "A" files for use by the Board and staff within the same day requested.

In addition, those files being used by the Board and staff, but which are needed for priority use by DOC personnel, must be secured as promptly as possible.

**AUTHORITY:**

N/A



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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.111**

Subject  
**Letters of Support**

Effective Date:  
**February 26, 1990**

Revision Date:  
**November 14, 1994**

**POLICY:**

In accordance with the provisions of the Virginia Parole Board Policy Manual, Section I, Subsection N, Page 5, the Virginia Parole Board in determining whether an individual should be released on parole is guided by a number of factors, one of which is information from interested parties.

**PROCEDURE:**

Letters from interested parties on behalf of inmates are read to identify content for response, and a synopsis of letter is entered in the inmate's electronic file by the Correspondence Program Technician within thirty (30) days of receipt.

To ensure that the synopsis is cited in the electronic file at the time of the Board review and decision, letters must therefore be received by the Board thirty (30) days prior to the parole review.

Upon completion of the above-described process, the letters will be filed in the Department of Corrections Central Inmate file, which is available to the Board.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section I, Subsection N

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.112**

Subject

**Board Appointments**

Effective Date:  
**September 17, 1991**

Revision Date:  
**September 11, 2002**

**POLICY:**

The Parole Board will schedule a time to meet with victims in order to receive information relative to an inmate at its discretion. The Board, in its discretion may schedule a time to meet with inmate families and interested parties. Such appointments may be conducted by Board members or designated executive staff. *Parole advocacy parties may schedule a meeting with a member of the Parole Board to present oral or documentary information pertaining to the parole determination of inmates eligible for such consideration in accordance with provisions of Sec. 53.1-151. Such meetings may be scheduled only at every other annual parole review.*

**PROCEDURE:**

Requests for Board appointments are screened to ensure that:

1. Appointments must be related to inmates who are within six (6) months of parole eligibility. Board appointments should be scheduled the calendar quarter prior to the quarter of the interview or during the quarter of the interview.
2. Any individual who has failed to keep a Board appointment without good reason will not be permitted to schedule additional appointments for this review period.
3. No more than five (5) persons may participate in the appointment and persons representing any News Media are prohibited, at the discretion of the individual conducting the interview.
4. Individuals with a severe physical disability, or who reside in an extreme geographic distance from the Virginia Parole Board, or whose job obligations makes it difficult to attend a Board appointment in person, may be granted a telephone interview or regional interview as determined by the Board Appointment Secretary, Board Member or executive staff.

PROCEDURES (Cont'd):

5. Requests for Board appointments pursuant to appeals and requests for reconsideration of decisions not to grant parole must be approved by the Parole Process Manager. Those individuals representing inmates pursuant to appeal or reconsideration must submit an Appeal or Reconsideration form signed by the inmate identifying the authorized representative and a written statement (and any related documents) citing the basis for the appeal or the request for reconsideration. This information will be screened by the Parole Process Manager who will determine if there is basis for an appeal or reconsideration Board Appointment according to the Board's established criteria (see Administrative Policy and Procedure 1.215) and inform in writing the parties involved of that ruling.
6. Board Appointments will be granted to victims in accordance with Administrative Policy and Procedure 1.225. Victims notified under Section 1.225 procedures will have access to a Board Appointment with a Board Member as needed. The previous procedures do not apply to victims under Section 1.225

Members of the Parole Board may at their discretion schedule appointments pursuant to reconsideration/appeal of decisions not to grant parole or to revoke parole. Such appointments will be conducted by the Board member who schedules the appointment. If the Board member conducting the appointment determines that the request/appeal has merit as defined in Administrative Policy and Procedure No. 1.215 or in their judgment, there are other grounds or there is a compelling reason to reconsider the decision, the following procedures will be implemented:

- a) The hearing member will cause the case to be circulated to the Board members who voted not to grant. Appeals of decision to revoke parole that are deemed to have merit are processed as set forth in Administrative Policy and Procedure No. 1.312.
- b) The person requesting the Board appointment will be notified in writing of the decision by the appropriate Board Member.
- c) Notification to the inmate of the outcome of the reconsideration decision will be by a second Not Grant letter or Order of Release

**AUTHORITY:**

Virginia Parole Board Manual, Section II, Subsection F

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.113**

Subject

**Appointment of Attorney**

Effective Date:  
**July 1, 1985**

Revision Date:  
**April 22, 1996**

**POLICY:**

An attorney may be appointed to represent an indigent delinquent parolee or an inmate for a rescission hearing if such a request is made by the parolee/inmate, or if the Board member or Board representative so chooses. Any such appointment shall be based on a determination that the case involves complexities beyond the capabilities of the parolee/inmate to adequately represent himself/herself, and that the parolee/inmate lacks sufficient resources to retain an Attorney.

**PROCEDURE:**

Upon request that an attorney be appointed to represent an alleged delinquent parolee or an inmate for a rescission hearing, the Chairman's secretary will request the Commonwealth's Attorney in the jurisdiction where the person is being housed, to ask the Judge to appoint an attorney to represent the person in question, if an attorney has not previously been appointed for that jurisdiction. Included in the request, the attorney is requested to call the Scheduling Unit to coordinate a mutually convenient date. Fees will be paid pursuant to provisions of Code Section 53.1-165.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

# **DECISION PROCESS**

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## ***PAROLE PROCESS***

### ***Decision Process***

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- 1.202 Preparing Interview Dockets
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- 1.204 Courtesy Parole Interviews of Interstate Corrections Compact Inmates
- 1.205 Assessment and Parole Consideration of Youthful Offenders
- 1.206 Decision Process for Inmates Serving Life Sentence for First Degree Murder Consideration
- 1.207 Declination of Discretionary Parole Consideration
- 1.208 Special Conditions
- 1.209 ***DELETED 3/20/95***
- 1.210 Parole Decision Process for Parole Eligible Inmates with Pending Criminal Charges
- 1.211 ***DELETED 1/31/96***
- 1.212 Mandatory Release on Parole
- 1.213 Board Review Docket
- 1.214 Rescission/Suspension of Parole Grant
- 1.215 Appeals/Requests for Reconsideration
- 1.216 Certification of Virginia Parole Board Decision
- 1.217 Decision Procedure for Work Release Participants
- 1.218 Parole Guidelines Procedure
- 1.219 ***DELETED 5/21/96***
- 1.220 Deferred Parole Reviews

***Decision Process (continued)***

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1.221 Parole Review of Virginia Inmates Incarcerated in Other Jurisdictions

1.222 Appeal Review of Parole Ineligibility

1.223 Reconsideration of Inmates in Referred Status

1.224 Delay of Mandatory Release

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1.226 Consideration of Early Release of Geriatric Offenders from Prison

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.201**

Subject

**Parole Interview Schedule**

Effective Date:  
**January 22, 1990**

Revision Date:  
**May 21, 1996**

**POLICY:**

In accordance with the provisions of the Code of Virginia, Section II, Section C, the calendar year is divided into calendar quarters for purposes of parole consideration scheduling and to conduct parole interviews prior to the date of eligibility. Those inmates in both Department of Corrections and local facilities who have been identified for a first parole consideration on the current commitment shall be interviewed for parole according to their parole eligibility date and the calendar quarter of that interview shall be their regular parole interview quarter for purposes of subsequent parole considerations (Virginia Parole Board Policy Manual, Section II, Subsection C, Paragraph 4).

**PROCEDURE:**

All Department of Corrections and jail inmates who have been assigned a DOC number and their sentence computed to determine discretionary parole eligibility and mandatory parole release dates will be so identified by the Parole Process Division of the Virginia Parole Board from the DOC's Inmate Data Base. Those inmates who are identified as eligible for their first parole interview on the current commitment will be scheduled for parole interview and consideration according to their parole eligibility date as determined by the Virginia Department of Corrections at that time.

**AUTHORITY:**

Section 53.1-154, Code of Virginia  
Virginia Parole Board Policy Manual, Chapter II, Section C



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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.202**

Subject

**Generation of Interview Dockets**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**

The Parole Process Division will prepare dockets of inmates scheduled to be interviewed pursuant to review and decision by the Virginia Parole Board.

**PROCEDURE:**

The Scheduling Program Manager generates and disseminates tentative interview/hearing dockets at the beginning of each month, tentative weekly dockets no later than two weeks prior to scheduled dates, and final weekly dockets each Thursday prior to the week of interviews. Implements daily operations processes including identifying eligible inmates on a daily basis, preparing Parole Examiners' data by finalizing all dockets and preparing them for Examiner weekly download. These processes are executed through the following activities: Quarterly Evaluation, Assign Inmates, Loading Dockets and Preparing Downloads, and Faxing Dockets.

**AUTHORITY:**

N/A

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.203**

Subject  
**Parole Interviews**

Effective Date:  
**February 21, 1989**

Revision Date:  
**January 31, 1996**

**POLICY:**

The Virginia Parole Board will conduct interviews with parole eligible inmates in accordance with statutory requirements and Parole Board policy.

**PROCEDURE:**

The Parole Examiners will conduct a personal interview with parole eligible inmates as identified by a docket generated by the Parole Process Division.

The interview process will consist of the following activities:

1. Verify the eligibility of the inmate according to available information.
2. Research the institutional file.
3. Review progress report/consult with counselor.
4. Conduct personal interview with inmate, providing inmate opportunity to make relevant statements pursuant to parole consideration, ask questions and present relevant documents.
5. Assess inmates suitability for parole using Guideline Model and other salient factors.
6. Record recommendation to grant or not to grant, citing reasons.

**AUTHORITY:**

Code of Virginia, Section 53.1-151 - 53.1-155

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ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.204**

Subject

**Courtesy Parole Interviews of Interstate  
Corrections Compact Inmates**

Effective Date:  
**April 16, 1990**

Revision Date:  
**May 21, 1996**

**POLICY:**


In accordance with the provisions of Section 53.1-216, Chapter IX, Article 4, Paragraph F of the Code of Virginia, the Virginia Parole Board will conduct parole interviews of Interstate Corrections Compact inmates upon the written request of the sending state/jurisdiction of origin in accordance with standard operating procedure.

**PROCEDURE:**

Upon the written request of the sending state/jurisdiction of origin, Interstate Corrections Compact inmates will be interviewed by a Parole Examiner who will construct an interview/case summary in accordance with Virginia Parole Board standard operating policy and procedure, incorporating any additional requirements requested by the sending state/jurisdiction. The summary will conclude with a recommendation to grant or not to grant. This summary and any other pertinent material will be forwarded to the sending state/jurisdiction of origin to be utilized in their decision-making process.

**AUTHORITY:**

Section 53.1-216, Chapter IX, Article 4, Paragraph F of the Code of Virginia.

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	<p>Section: <b>Parole Process</b></p>	<p>Number: <b>1.205</b></p>
	<p>Subject</p> <p><b>Assessment and Parole Consideration of Youthful Offenders</b></p>	
	<p>Effective Date: <b>May 21, 1990</b></p>	
	<p>Revision Date: <b>January 31, 1996</b></p>	

**POLICY:**

In accordance with the provisions of Chapter 18, Article 2, Sections 19.2-311 - 19.2-316 of the Code of Virginia, the Virginia Parole Board will participate in the assessment and parole consideration of indeterminate commitment inmates.

**PROCEDURE:**

Upon conviction, but prior to disposition, the offender is committed to either the Southampton Reception Center or the Virginia Correctional Center for Women Receiving Unit. At the Receiving Unit, the offender undergoes an evaluation to determine classification. Department of Corrections personnel will decide whether the offender is suitable for assignment to the Youthful Offender Program. If it is determined that the offender meets classification requirements, the offender is then transferred to the Youthful Offender Program. Once at the Youthful Offender Program, the offender begins a 60 day evaluation period. During the evaluation, the offender is monitored and evaluated for program suitability. Near the end of the 60 day evaluation, a Parole Examiner conducts an initial assessment interview which is summarized in standard Parole Board format.

An assessment team consisting of a Virginia Parole Examiner and Department of Corrections staff (with a single consensual vote) must concur on admission prior to the offender being accepted in the program in accordance with Section 19.2-311(c) of the Virginia Code. The respective decisions are recorded (approval or disapproval) on the Youthful Offender Review Form. The Parole Board Member in the assessment process establishes the parole review date (contingent upon imposition of an indeterminate sentence) based on the treatment needs of the offender. The assessment process will address (1) nature of the offense, (2) prior juvenile criminal record, (3) the individualized treatment plan, (4) rationale for it, and (5) the basis for determining the parole consideration date which will require the concurrence of three(3) Parole Board Members.

The judge of record is notified of the assessment team's recommendation in writing by the Department of Corrections pursuant to execution of sentencing options. If the offender is sentenced to the Youthful Offender Program, he or she is immediately eligible for discretionary parole consideration.

Subsequent parole interviews will be implemented in accordance with Virginia Parole Board standard operating policy and procedure. The reviewing Members will remain constant, however. After a decision is reached, the file will be returned to the Board's Youthful Offender Program representative. Offenders removed from the Youthful Offender Program under Section 53.1-65 (security risk) will be scheduled for an interview three (3) months after being transferred. Offenders removed from the Youthful Offender Program under Section 53.1-66 (intractable behavior) will be scheduled for an interview six (6) months after being transferred.

Youthful offender parolees whose paroles are revoked for technical violation only (excluding absconders) shall be considered for parole again no later than that part of the calendar year falling six (6) months subsequent to that part of the calendar year in which they are revoked in accordance with Virginia Parole Board policy relative to all parolees in this status.

**AUTHORITY:**

Chapter 18, Article 2, Sections 19.2-311 - 19.2-316, Code of Virginia

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.206**

Subject

**Decision Process for Inmates Serving a Life Sentence for First Degree Murder**

Effective Date:  
**June 19, 1989**

Revision Date:  
**January 31, 1996**

**POLICY:**


The Parole Board will consider for release on parole all inmates eligible for such consideration as determined by Chapter IV, Article 3, Sections 53.1-151 - 53.1-154, and Parole Board policies as set forth in the Parole Board Policy Manual, Sections I, II, and III.

**PROCEDURE:**

Parole eligible inmates serving a life sentence for First Degree Murder shall be so identified in the electronic file. A decision to grant will require four concurring votes. These cases will otherwise be processed in accordance with standard operating procedure.

**AUTHORITY:**

Chapter IV, Article 3, Sections 53.1-151 - 53.1-154 of the Code of Virginia and Sections I, II, and III of the Parole Board Policy Manual

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	Section: <b>Parole Process</b>	Number: <b>1.207</b>
	Subject <b>Waiver of Parole Interview/Refusal to Accept Parole</b>	
	Effective Date: <b>May 22, 1989</b>	
	Revision Date: <b>April 22, 1996</b>	

**POLICY:**

No formal request for parole interview is necessary. All eligible inmates shall be initially docketed for consideration for parole upon notification by the Department of Corrections to the Board of their eligibility and place of confinement.

Inmates are not required to participate in the parole interview or to accept discretionary parole if granted.

**PROCEDURE:**

Waiver of Interview:

- When an inmate wishes to waive a parole interview as they are declining discretionary parole consideration or they wish to be considered but do not wish to participate in an interview, they will be asked to appear before the interviewer and so state orally in addition to signing the PB Form 16 (See Appendix). In the event that the inmate refuses to appear before the interviewer and make an oral statement, the interviewer will attempt to secure the inmate's signature on a PB Form 16 by custodial staff.
- When the interviewer is satisfied that waiver of the interview and declination of discretionary parole consideration is the true intent of the inmate or if the inmate wishes to be considered for parole but not to participate in an interview, it will be recorded in the electronic case file.

- If the inmate wishes to be considered but not interviewed, the electronic case file will be processed according to standard operating procedure. If the inmate declines consideration for discretionary parole and their mandatory parole release date is within 12 months, the case will go to the Board for review pursuant to imposition of special conditions upon mandatory release. If inmates who decline discretionary parole consideration are not within 12 months of their mandatory release date, the case will not go to the Board for review.
- The Quality Assurance Unit will certify no Parole Board action and notify the inmate in writing in all cases declining parole consideration. These actions will be taken on the basis of the notation in the electronic file. The PB Form 16 will be included in Section V of the paper case file maintained by the Department of Corrections as official documentation.

Refusal to Accept Parole:

- Upon notification to the Parole Board that an inmate in parole granted status refuses to accept discretionary parole release, the inmate will be interviewed by a Parole Examiner who will submit a summary of that interview to the Case Analyst.
- If the Case Analyst's findings verify that refusal is the intent of the inmate and that such refusal is of the inmate's own volition, the Case Analyst will rule the Order of Release null and void and inform the Quality Assurance Unit who will inform the inmate and the Department of Corrections of such action by letter. Although the Parole Board action is vacated, that action will be retained in the case record. The date of the re-interview and subsequent action will be cited in the case record according to standard procedures.
- If the Case Analyst determines that refusal is not the intent of the inmate, the inmate will continue in granted status and the findings of the Case Analyst will be reported to the Community Release Unit for further case handling, i.e., development of plan if needed and release.

Refusal of Special Condition:

- If the Case Analyst determines that the refusal to accept discretionary parole is in fact a refusal of a Special Condition of parole, they will direct the case record to the members who imposed the Special Condition. The Case Analyst will inform the inmate that the refusal to accept the Special Condition may result in a not grant decision.



- These voting members may at their discretion change or rescind the special condition(s) and the decision to grant shall continue in effect.
- These voting members may at their discretion on the basis of the refusal of the special condition(s) consider such refusal as a declination of discretionary parole and vote not to grant parole. Such action shall not require a rescission hearing.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section II, Subsection C, Paragraph 5 and 6

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.208**

Subject

**Special Conditions of Parole**

Effective Date:  
**December 17, 1991**

Revision Date:  
**May 21, 1996**

**POLICY:**

Special conditions of parole governing the supervision of persons released on parole by the Board are at the discretion of the Board.

**PROCEDURE:**

The Board will impose special conditions of parole only regarding health, safety, and welfare of the parolee or society. Special conditions not at the discretion of the Parole Officer require the concurrence of no less than three members of the Board. Special conditions at the discretion of the Parole Officer which do not conflict with the non-discretionary conditions may be imposed by any individual Virginia Parole Board Member.

The Board delegates to the manager of the Parole Release Unit the authority to modify special condition imposed on mandatory parole releases that are determined to be not feasible. The modifications may be from "not at the discretion of the Parole Officer" to "at the discretion " or to the next most restrictive level. For example, if HEM is not feasible, the Parole Release Unit will impose Intensive Supervision; inpatient to outpatient, etc.

**AUTHORITY:**

Code of Virginia, Section 53.1-136  
Virginia Parole Board Policy Manual, Section IV, Subsection A, paragraph 4

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.210**

Subject

**Parole Decision Process for Parole Eligible  
Inmates with Pending Criminal Charges**

Effective Date:  
**April 16, 1990**

Revision Date:  
**May 21, 1996**

**POLICY:**

The Parole Board will consider for release on parole all inmates eligible for such consideration as determined by Chapter IV, Article III, Sections 53.1-151 - 53.1-155 of the Code of Virginia and Parole Board policies as set forth in the Parole Board Policy Manual, Sections I, II and III.

**PROCEDURES:**

Parole eligible inmates who have been interviewed and are under parole consideration in accordance with their current discretionary parole eligibility date who have pending criminal charges in the Commonwealth of Virginia will be removed from the discretionary parole consideration process by and on the authority of the first reviewing Board Member. This action will be denoted as decision deferred pending adjudication and disposition of pending criminal charges and the inmate notified of this action by letter. These cases will remain in a deferred status pending ultimate disposition of all criminal charges, but not exceeding six (6) months. At six months, the Parole Board will review the case for Board action. If disposition of the pending criminal charges does not change the inmate's discretionary parole eligibility date in excess of six (6) months, the case will be processed for Board decision in accordance with standard operating procedure.

**AUTHORITY:**

Chapter IV, Article III, Sections 53.1-151 - 53.1-155, Code of Virginia  
Virginia Parole Board Policy Manual, Sections I, II and III

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.212**

Subject

**Mandatory Release Relative to Discretionary Parole**

Effective Date:  
**February 16, 1990**

Revision Date:  
**May 21, 1996**

**POLICY:**

In accordance with the provisions of Title 53.1, Chapter IV, Sections 53.1-151 through 53.1-154 and Virginia Parole Board Policy, Section II, Subsections A and C, all persons eligible for discretionary parole consideration will be interviewed and considered in accordance with Virginia Parole Board procedures except those persons scheduled for mandatory release (Section 53.1-159) within forty-five (45) days of the scheduled interview date for the facility where such persons are incarcerated.

**PROCEDURE:**

A quarterly parole interview schedule will be developed for all DOC facilities and city and county jails in the Commonwealth. In conjunction with the development of the quarterly interview schedule, all persons eligible for discretionary parole consideration will be screened to determine the proximity of their mandatory release date relative to the date scheduled for parole interviews at the facility/jail where such persons are incarcerated. If that screening determines that the mandatory release date is within forty-five (45) days of the scheduled interview date, those persons shall be automatically eliminated from discretionary parole consideration. Those persons who are interviewed for discretionary parole consideration but whose mandatory release date is within (30) days and there is no decision will be withdrawn from the discretionary parole consideration process and informed by letter that they are not being granted discretionary parole consideration on the basis of proximity of mandatory release.

The Parole Release Unit of the Department of Corrections will be notified of the termination of the discretionary parole review process by copy of the letter to the inmate.

**AUTHORITY:**

Title 53.1, Chapter IV, Sections 53.1-151 - 53.1-154; Section 53.1-159, Code of Virginia  
Virginia Parole Board Policy Manual, Section II, Subsections A and C

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.213**

Subject

**Board Reviews with Progress Reports**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**


The Virginia Parole Board may review parole eligible inmates with a current Virginia Department of Corrections Progress Report at such times as provided by policy.

**PROCEDURE:**

Upon identification of Work Release inmates, technical parole violators and other cases to be reviewed with a current Progress Report at the Virginia Parole Board's discretion, the Scheduling Program Manager requests current Progress Reports at such times as provided by Virginia Parole Board policy and directs such cases to the Virginia Parole Board for review and decision. Requests for Progress Reports are made 30 days prior to the designated interview date.

**AUTHORITY:**

N/A

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	Section: <b>Parole Process</b>	Number: <b>1.214</b>
	Subject <b>Reconsideration/Inmates in Granted Status</b>	
	Effective Date: <b>June 19, 1989</b>	
	Revision Date: <b>May 21, 1996</b>	

**POLICY:**

When an inmate is convicted of a law violation, or is found to have violated one or more institutional rules, or where other problems exist before release to parole, the Board may suspend its granted action, and may thereafter rescind the grant decision to take such other action as deemed appropriate. Upon notification to the Virginia Parole Board or agency staff that the release of an inmate in granted status may be inappropriate for any of the reasons cited above, the decision to grant may be reviewed by the three concurring members who acted to grant. Prior to a decision to rescind parole, the inmate shall be afforded an opportunity to be heard by a Board member or other designated representative of the Board. The inmate may be represented by an attorney at such hearing and may present relevant evidence through witnesses and documents.

**PROCEDURE:**

Reconsideration reviews shall be implemented as follows:

- The documentary information will be given to the Virginia Parole Board or designated staff who will direct a letter to the inmate with copies to the Parole Release Unit of Department of Corrections, the institution and the central file that release is being delayed pending further action by the Parole Board.
- The Virginia Parole Board or designated staff will enter a summary of the review/grant decision action, identify the concurring members in sequential voting order and a summary of the documentary information in the notes field of Screen A of the inmate's electronic file.
- The Virginia Parole Board or designated staff will direct the electronic file to the first Board member who acted to grant. The successive reviewing Board members will direct the file according to the original voting order.

- The Board's decision following the reconsideration review will be implemented according to standard operating procedure.
- If the decision is to suspend the granted action pending the findings of a rescission hearing, the inmate will be notified by letter with copies disseminated as cited above.
- The hearing will be conducted in accordance with due process. The hearing official will construct a summary of the hearing, citing their findings and recommendation. Rescission Hearing cases will be processed as a first priority.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section II, Subsection I



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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.215**

Subject

**Appeals/Requests for Reconsideration of Not Grant Decisions**

Effective Date:  
**February 19, 1991**

Revision Date:  
**May 21, 1996**

**POLICY:**

In accordance with Virginia Parole Board Policy Manual, Section II, Subsection K, paragraphs 1 and 2, pages 11 and 12, appeal of or a request for reconsideration of a decision no to grant parole may be submitted to the Parole Board within 60 days of the date of the decision.

**PROCEDURE:**

A. Request for reconsideration or appeal of decisions not to grant parole:

1. shall be made by the inmate or his/her representative.
2. shall be made in writing on forms furnished by the Board and signed by the inmate. A cover letter and additional information may accompany the form.
3. must include specific reasons and evidence for the appeal or reconsideration in accordance with the criteria outlined in this procedure.
4. must be delivered to the Board within sixty (60) days of the date of the decision letter or, if mailed, must be postmarked no later than 60 days after the date of the decision letter.
5. shall be limited to one such request per decision not to grant parole.
6. may include a request for a Board appointment where inmate's representative can present information related to the reconsideration or appeal to a Board member or Board staff person.

B. Appeals shall be based on

1. significant errors in the application of Board policy and/or procedures in arriving at the decision.
2. significant errors in the factual basis for at least one of the reasons given by the Board for its decision, e.g., prior offense history when there are no prior convictions.

C. Appeals shall not be based on disagreement with the Board's judgment of the degree of the reason. Examples of judgment issues are the Board's determination of "seriousness" of the crime or "extensiveness" of offense history, "insufficient improvement" in deficits or that a longer period of development is needed.

D. Reconsiderations shall be based on

1. significant information that existed at the time of parole consideration but was not available to the Board, e.g., change in the sentence through a court appeal.
2. significant new or different information from that before the Board when the case was decided, e.g., inmate's death is imminent due to a terminal illness<sup>1</sup>, successful appeal of an institutional infraction when one of the reasons cited for not granting parole was poor institutional conduct.

E. Reconsideration shall not be based on changes in factors which are automatically reviewed at each annual parole consideration. Examples of such factors are parole plans, education or program achievements, and inmate marital status.

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<sup>1</sup> Terminally ill is defined as an illness which, in the independent opinion of at least two physicians, can be expected, on the average, to result in death within ten to twelve months of that date of the medical examination. If a conclusion is reached that the inmate is terminally ill, then a determination must be made whether death is imminent. Death is imminent if, in the independent judgment of the treating physician and an independent non-treating physician, or two independent non-treating physicians, the patient, on the average, has no longer than three months to live.


F. Requests for reconsideration or appeals shall be processed as follows

1. All requests for reconsideration or appeal will be logged in by the designated Parole Board staff and reviewed for adherence to the 60 day time frame and the one request per decision limit.
  - a) requests submitted after the time frame or after an earlier request will not be considered further and the individual submitting the request will be notified in writing of the decision
  - b) requests meeting the time and quantity requirements will be forwarded to the designated Parole Board Support staff.
2. Requests will be reviewed, along with file material by designated Parole Board Support staff to determine if they meet the Board criteria for reconsideration or appeal.
3. If there is no basis for reconsideration or appeal the requester will be notified in writing.
4. Requests that merit reconsideration or appeal will be circulated with the file to the Board members who previously voted not to grant for reconsideration of that decision and vote to grant or not to grant.

Appeals of decisions to revoke parole that are deemed to have merit are processed as set forth in Administrative Procedure No. 1.309.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section II, Subsection K, paragraph 1 and 2.

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	<p>Section: <b>Parole Process</b></p>	<p>Number: <b>1.216</b></p>
	<p>Subject</p> <p><b>Certification of Virginia Parole Board Decisions</b></p>	
	<p>Effective Date: <b>August 19, 1996</b></p>	
	<p>Revision Date: <b>May 21, 1996</b></p>	

**POLICY:**


In accordance with the provisions of Section II, Subsection G, paragraph 1, page 9 of the Virginia Parole Board Policy Manual, Board decisions to grant or not to grant parole shall be so certified upon the concurrence of the designated number of Board Members as prescribed by Parole Board policy.

**PROCEDURE:**

Upon concurrence of the designated number of Board Members as prescribed by Parole Board policy, the decision to grant or not to grant parole will be certified as the official action of the Virginia Parole Board. Dissenting minority votes will be recorded as part of the official record of the Board's action, but are inoperative in any subsequent action by the Board as the result of reconsideration, appeal or Board review.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section II, Subsection G, paragraph 1

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	<p>Section: <b>Parole Process</b></p>	<p>Number: <b>1.217</b></p>
	<p>Subject</p> <p><b>Work Release Referral and Review Procedure</b></p>	
	<p>Effective Date: <b>August 19, 1991</b></p>	
	<p>Revision Date: <b>May 21, 1996</b></p>	

**POLICY:**

Upon any discretionary parole consideration review resulting in a decision not to grant parole, the Parole Board may recommend to the Department of Corrections that the inmate be reviewed for assignment to the Department of Corrections' Work Release Program. Such referrals shall require the concurrence of three members of the Parole Board. If such recommendations result in assignment to the Department of Corrections' Work Release Program, all subsequent parole reviews shall be by the three members who concurred in the recommendations for work release in the sequential order of the initial review.

Such reviews shall occur automatically upon four (4) months of employment in the community in a job within the purview of the Department of Corrections' Work Release Program or at any other time established by the Parole Board at the time of the decision not to grant parole. The review date shall be cited on the not grant decision letter. All such parole reviews shall be based on a current Progress Report unless otherwise directed by the Board through the concurrence of no less than three (3) members.

**PROCEDURE:**

The not grant letter citing the established review date and whether the review will be conducted on the basis of a current Progress Report or interview will be disseminated according to standard operating procedure.

The Scheduling Program Coordinator will request and monitor the receipt of the Progress Report. Upon notification of the receipt of the Progress Report, the Scheduling Program Coordinator will integrate the report into the electronic file and direct it to the reviewing members in accordance with the policy cited above.

The review and decision notification will be implemented according to standard operating procedure.

**AUTHORITY:**

N/A

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.218**

Subject

**Parole Guidelines Procedure**

Effective Date:  
**January 27, 1992**

Revision Date:  
**May 21, 1996**

**POLICY:**

The Virginia Parole Board will consider for release on parole all inmates eligible for such consideration as provided by Chapter IV, Article III, Sections 53.1-151 - 53.1-155 of the Code of Virginia and Virginia Parole Board Policy Manual, Sections I, II and III.

**PROCEDURE:**

Effective January 1, 1992, the Virginia Parole Board will employ Parole Decision Guidelines in the discretionary parole interview/consideration process in the case of all parole eligible inmates. The Parole Board will not render a decision in any case until such time that offender case data functionally sufficient for the application of the Parole Board's GUIDELINES are available to the Parole Board Members for review. Functionally Sufficient data are defined as known and obtainable factual information constituting the Four Components of the Virginia Parole Board's GUIDELINES.

1.

- (a) For the purpose of this administrative policy and procedure, the term terminally ill shall be defined as an illness which, in the independent opinion of at least two physicians, can be expected, on the average, to result in death within ten to twelve months of the date of the medical examination.
- (b) If a conclusion is reached that the inmate is terminally ill, then a determination must be made whether death is imminent. For the purpose of this administrative policy and procedure, death is imminent if, in the independent judgment of the treating physician and an independent non-treating physician, or two independent non-treating physicians, the patient, on the average, has three months or less to live. Both physicians must verify in writing that they have personally reviewed the inmate's medical file.

2. If not available at the time of the Parole Board's review, a request will be made to receive the most current last two pages of the offender-patient's diagnostic chart(s) to include entries from both physicians and nurses.
3. The physicians responsible for diagnosing the offender-patient will confirm, in writing, their diagnoses that the illness is terminal and/or that death is imminent pursuant to the definition given above.
4. If any of this information is not available or missing, the Board will refrain from rendering a decision until all information is available for review. Otherwise, if any of the above medical conditions are met, the Virginia Parole Board may review the offender for parole consideration pursuant to Section 53.1-154. Following their review, the Board has three options available to them.
  - (a) Grant based solely on medical conditions or in conjunction with standard reasons for granting including imposition of special conditions
  - (b) Deny parole and consider the offender again in accord with his or her established assessment schedule.
  - (c) If medical criteria are not met, what medical data were obtained will be placed in the file, and the offender will continue to be considered pursuant to his or her established consideration schedule.

**AUTHORITY:**

Code of Virginia, Section 53.1-155

Virginia Parole Board Policy Manual, Sections I, II, and III.



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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.220**

Subject

**Deferred Parole Reviews**

Effective Date:  
**January 1, 1993**

Revision Date:  
**July 15, 1997**

**POLICY:**

In accordance with the provision of Title 53.1, Chapter 4, Article 3, Section 53.1-154 of the Code of Virginia and Section II, Sub Section C, paragraph 1-7, pp. 6 & 7 of the Virginia Parole Board Policy Manual, The Virginia Parole Board may upon any review schedule the next review as much as three years thereafter on the basis of the reasons cited for not granting parole, provided there are ten years or more of life imprisonment remaining on the sentence in such case. Ten years is defined as 120 months difference between the amount of time served at the time of review and the mandatory parole release date (except for life sentences). Time to serve will include all multiple consecutive sentences and parole revocation with new time and time left to serve on a previous sentence. Except for life sentences, at least one sentence must be in the violent felony category. This policy applies to inmates serving such sentences for offenses committed after July 1, 1977.

**PROCEDURE:**

Upon an initial parole review, the Virginia Parole Board may schedule the next review one, two or three years later for those inmates who meet the statutory remaining sentence requirements and whose Mandatory Parole Release date is ten years or more from the date of review who are in either of the two crime/sentence categories cited below:

- A. Board members vote not to grant may upon any review establish by majority vote a lesser or greater review period not to exceed three years.
- B. A decision to defer for a period greater than one year requires the concurrence of two of the three members voting not to grant. If members agree to defer, but do not agree to defer for three years, the period of deferral will automatically be for two years.

- C. Inmates who by Board policy require four votes for a decision to grant parole will not be deferred if at least three members vote to grant parole.
- D. Inmates may appeal a decision to defer parole reviews beyond one year on the basis of any of the following:
- Misapplication of policy
  - Change(s) in sentence(s) to the extent that the policy is not applicable
  - Changes in time computation to the extent that the policy is not applicable
  - Post decision diagnosis of an irreversible incapacitating medical condition

Appeals must be submitted on a Virginia Parole Board appeal form with supporting official legal or medical documentation to the Virginia Parole Board. The appeal will be reviewed relative to the above criteria for an initial ruling by a designated Parole Board support staff. The designated Parole Board support staff's ruling against the Appeal is final. A ruling in favor of the Appeal will be forwarded to the members of the Parole Board who ordered the deferral. The final ruling of the appeal will be by majority vote of that panel of Board members.

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.221**

Subject

**Parole Review of Virginia Inmates Incarcerated  
in Other Jurisdictions**

Effective Date:  
**April 19, 1993**

Revision Date:  
**January 31, 1996**

**POLICY:**

Inmates serving a Virginia sentence incarcerated in other jurisdictions through the provisions of the Interstate Corrections Compact or any other system who are eligible for parole review as determined by the Virginia Department of Corrections will be reviewed for parole by the Virginia Parole Board in accordance with the requirements of the Code of Virginia and Virginia Parole Board policies.

**PROCEDURE:**

Requests for an interview summary and current Institution Progress Report are submitted to the holding jurisdiction by the Scheduling Program Manager who monitors receipt of the requested information.

As the Virginia Parole Board has no authority or control over any other jurisdictions in which an inmate is incarcerated, the Board cannot ensure that an interview will be conducted for the purpose of the Board's review.

If, therefore, no interview summary is received within 6 months of request, the case will be sent to Parole Board with the most current progress report/institutional data integrated in the electronic/Guidelines file by the Case Analyst. Progress Reports/institutional information will be obtained either directly from the holding jurisdiction or from the Virginia Department of Corrections' Interstate Corrections Compact Unit who receive same bi-annually.

No case will be sent to Parole Board for review and decision without the most current Institutional Progress Report and/or other pertinent institutional data.

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.222**

Subject

**Appeal Review of Parole Ineligibility**

Effective Date:  
**February 1, 1994**

Revision Date:  
**December 20, 1995**

**POLICY:**

In accordance with the provisions of Section 53.1-151 (B1), any person convicted of three separate felony offenses of (I) murder, (ii) rape, or (iii) robbery by the presenting of firearms or other deadly weapon, or a combination of the offenses specified in subdivisions (I), (ii) or (iii) when such offenses were not part of a common act, transaction, or scheme shall not be eligible for parole. If the Department of Corrections determines that an individual is not eligible for parole under this subsection, the Parole Board may in its discretion, review that determination, and make a ruling of eligibility pursuant to regulations promulgated by it for that purpose. Such rulings shall be by a majority vote of the Parole Board. Any determination by the Parole Board of eligibility shall supersede any prior determination of ineligibility by the Department of Corrections under this subsection.

All offenders who have been classified as ineligible for parole will be limited to one review unless significant information not previously considered by the Parole Board is presented.

Nothing contained herein shall create a right to parole.

**PROCEDURE:**

**Assessment Factors:**

The Parole Board shall determine the applicability of Section 53.1-151 (B1) based on such factors as:

- Multiple offenses perpetrated against the same victim in close succession in the same location

- Multiple victims were physically located together at the time of the offenses
- The offender purposely committed the said offenses against victims known to be related to one another
- Prior relationship between the offender and the victim(s) that suggests the offenses were part of a single premeditated plan.
- In the Board's judgment sufficient time had passed between offenses to indicate no commonality existed between offenses
- The offenses indicate a habitual pattern of premeditated criminal behavior or impulsive behavior
- Motive and/or intent
- The offender's relationship to the victim

**Mechanics:**

1. The Court and Legal Unit will notify the Parole Process Division of ineligibility rulings. The Parole Process Division will maintain a file record in a database of such cases which will remain inactive until an appeal is initiated by the inmate or their legal/authorized representative.
2. The Court and Legal Unit of the Department of Corrections will inform the inmate of the ineligibility ruling by current procedure. Additionally, the Department of Corrections will make available to inmates "Parole Ineligibility Appeal" forms provided by the Parole Board.
3. Appeals will be received by the Parole Process Division for an initial screening. Appeal forms submitted by inmates who are excluded from the ineligibility appeal process by this policy will be identified by Parole Process Division staff and those inmates will be informed of their exclusion by letter. Appeal forms not so excluded will be processed as prescribed in procedures enumerated below.

4. Screenings shall consist of a review of the Department of Correction's central file, including the PSI(s), Court Orders, Court and Legal documents, etc. The Parole Process Division will prepare a Review Summary citing the qualifying offenses with dates, a narrative of the circumstances, a preliminary finding and the basis for that finding.
5. Following the initial screening, the review summary, the appeal form, the Department of Corrections' central file, the Parole Board's electronic file and all other pertinent information will be directed to all Board members.
6. The final ruling by the Parole Board will be disseminated to the inmate, the Court and Legal Services Unit, and the institution in letter form.

**Definition of Terms:**

Common act or transaction are multiple convictions determined to have arisen from a single event or occurrence which may involve one or more victims. Common scheme is defined as multiple undertakings that tend to show a system or uniform plan from which motive, criminal intent or knowledge may be inferred. As such, the crimes considered to be part of a common scheme must be both closely related in time and show a general scheme or guilty knowledge and intent. Due to the broad conceptual nature of act, transaction and scheme, the Parole Board reserves the right to determine the applicability of these terms to individual cases as part of its review.

**AUTHORITY:**

Code of Virginia, Section 53.1-151(B1)

COMMONWEALTH  
OF  
VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.223**

Subject

**Reconsideration of Inmates in Referred Status**

Effective Date:  
**July 18, 1994**

Revision Date:

**POLICY:**

The Parole Board may, prior to certification of a decision to grant or not grant parole, refer the case to the Department of Corrections Division of Community Corrections for placement screening for Home Electronic Monitoring, any residential or inpatient treatment program and designated parole plan.

**PROCEDURE:**

All Such referrals will be made by memorandum to the community Release Unit.

The inmate will be notified in writing that special placement is being pursued.

Upon verification of acceptance, Parole Process Technician will certify the decision to grant. The decision date will be the date the case is certified as meeting special conditions.

If the time between the Board referral decision date and the current date exceeds six (6) months, the case will automatically be referred back to the voting Board members for a decision. This applies only to discretionary decisions.

Upon verification that such placement is not feasible, the case will be returned to the referring Board member for a final decision. If that decision is not to grant, no rescission hearing is required.

**AUTHORITY:**

Virginia Code §53.1-156, 53.1-155 (A)

COMMONWEALTH  
OF  
VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.224**

Subject

**Delay of Mandatory Release**

Effective Date:  
**March 20, 1995**

Revision Date:  
**April 22, 1996**

**POLICY:**

In accordance with the provisions of Title 53.1-1, Chapter IV, Section 53.1-159 and Virginia Parole Board Policy, Section II, Sub-Section J(2), if new information is presented to the Board which gives the Board reasonable cause to believe that the scheduled release of a person pursuant to Section 53.1-159, poses a clear and present danger to the life or physical safety of any person, the Board may delay the release for up to six months to investigate the matter and refer it to law enforcement, mental health or other appropriate authorities for investigation and any other appropriate action by such authorities.

**PROCEDURE:**

Upon receipt of the above mentioned information, the following actions shall be taken:

The Chairman will review the information. Upon determination that a delay of mandatory release may be warranted under the general criteria cited in Section 53.1-159, the Chairman will prepare a memorandum directing a hearing and stating the reason(s), to the manager of the Parole Process Division. The manager will schedule a hearing before a Parole Examiner within five (5) working days.

The hearing will be informal, consisting of oral notification to the inmate that the Board may delay mandatory parole release and the reasons for such possible action. The inmate will be afforded an opportunity to respond. The Parole Examiner will prepare a written summary of the hearing with a recommendation for or against delay. The central file with the summary of the hearing and related documents will be circulated to the Board for review. Decisions to delay requires the concurrence of three (3) members of the Board.



Under extraordinary circumstances, a decision to delay by the concurrence of three (3) members of the Board may be prior to such a hearing. The hearing will be scheduled no later than five (5) working days from the date of the decision. In such cases, the summary of the hearing, any related documents and the central file will be sent to the Board for review. At this time, the Board may direct the continuance of the delay or rescind the delay. Such decisions will require the concurrence of three (3) members of the Board.

The Board's decision will be disseminated in writing to the inmate, the Community Release Unit, the Court and Legal Unit, the corrections facility and the Department of Correction's Director of Victim Services, when appropriate, citing reasons for the decision.

The Community Release Unit will submit 30 day status reports with a recommendation for continuance or rescission of the delay to the Chairman.

At any time prior to the expiration of sentence the Board may rescind the action to delay mandatory release and direct the Department of Corrections to release the inmate under such terms and conditions as the Board deems appropriate.

The Chairman shall authorize such action by written directive, establishing a release date 10 working days from the date of the written directive. Copies of this directive will be disseminated to the inmate, the correctional facility, the Community Release Unit, the Court and Legal Unit and the Department of Correction's Director of Victim Services, when appropriate.

The Department of Correction's Director of Victim Services shall inform any concerned victim(s) of the Board actions cited above at the time of such action in writing and/or through whatever other medium the Director of Victim Services may deem appropriate. The Department of Corrections will notify the victim(s) of the release date as required by statute.

**AUTHORITY:**

Code of Virginia, Section 53.1-159

Virginia Parole Board Manual, SectionII, Subsection J, Paragraph 2

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.225**

Subject

**Victim Input**

Effective Date:  
**August 19, 1991**

Revision Date:  
**November 14, 1995**

**POLICY**

The Victim Input Program is designed to ensure an opportunity for input by victims regarding the parole consideration of an offender and to ensure the prompt decisions, and releases when such information has been requested in accordance with the provisions and requirements of Sec. 53.1-155, Cov.

A victim is defined as a person who has suffered physically, emotionally or economically as the direct result of a crime for which an offender has been convicted. Family members of victims of violent crimes and the parents of a minor child who is a victim are also included in this definition.

**PROCEDURE:**

- Victim Input will become a permanent part of the Virginia Parole Board electronic and inmate file.
- Victim Input will be summarized and noted in the electronic file by Department of Correction's Victim/Witness Program Coordinator. Letters and other related materials will be placed in the inmate file according to Department of Correction guidelines. Material too bulky or not allowed to be placed in the inmates file will be placed in an appropriate file. Board members may request the hard copy file to review the information submitted.
- Victims currently enrolled in the Victim Input Program will remain at whatever notification level they have chosen until they request a change.

- Victims currently enrolled in the Victim Input Program as of 7/1/95 will receive their annual notification.
- If enrolled victims receive a not grant decision, the option of being notified only of a grant decision will be offered if the MPRD is at least one year away by Department of Correction's Victim/Witness Program Coordinator.
- When the notice of the Board's action is sent, the victim will be advised of the new options available to them under SB611 and the Victims Bill of Rights by the Department of Correction's Victim/Witness Program Coordinator.

If a victim has requested to be notified of a decision to grant only, the victim will be notified by the Department of Correction's Victim/Witness Program Coordinator. The victim will be notified of the pending grant decision and advised that they have 50 days (allows for mail, etc.) to respond. At the end of sixty days, the designated MIS support unit will prepare a list of pending grant decisions for review by the case analyst and the Department of Correction's Victim/Witness Program Coordinator. If no victim input, the file will be noted and the case certified by the Case Analyst. If victim input is received, the appropriate information will be entered in the electronic file by Parole Support Technician and inmate file and the case recirculated to the voting member by the Case Analyst.

- The electronic file and systems will be modified to:
  - To note "Victim Input".
  - To hold any grant decision for sixty days with a victim request to be notified of grant only.
  - To provide mechanism for release of decision and for recirculating to Board members by the Case Analyst.
- Board members will be available to conduct any Board appointments for victims to present their input. Every effort will be made to conduct the appointment within the sixty day hold period. The electronic file will also be noted of pending Board appointment. Any review of a case after the sixty day period will include a review for a pending Board appointment or receipt of letters and related material by a Parole Support Technician.

- VPB/DOC will develop information material to advise victims, Parole offices, Victim/Witness Directors of the options available.
- Individual cases that have a mandatory release date within the sixty day hold period or during the period of case is being recirculated will be removed from consideration under Administrative Procedure 1.212 by a Parole Support Technician.
- A parole revocation case with an alert card marked for notification of decision should be forwarded to the Victim Input Coordinator by scheduling unit staff following an official revocation by the Parole Board and following notification of the offender. The victim shall be advised of the parole revocation.
- Victims contacting the Board for a Board appointment will be scheduled according to standard operating procedure with members of the Board as provided by Administrative Procedure No. 1.112.

**AUTHORITY:**

Cov. Sec. 53.1-155

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.226**

Subject

**Conditional Release of Geriatric Inmates**

Effective Date:  
**November 14, 1995**

Revision Date:  
**July 15, 2001**

**POLICY:**

The Virginia Parole Board shall review all petitions for Conditional Release submitted in accordance with the requirements and provisions of §53.1- 40.01. The Virginia Parole Board may deny the petition on a review of the record. Petitions not denied on review of the record shall be considered through the procedures enumerated below. This policy shall not apply to those individuals sentenced for a Class 1 felony.

**PROCEDURE:**

*Application*

The inmate may submit a petition not earlier than 90 days prior to the earliest potential conditional release date. Petitions submitted earlier will be returned as not qualified for consideration of conditional release.

Inmates may receive only one consideration for release, either discretionary parole or conditional release, in any 12 month period. However, this does not preclude the Board from considering an inmate for discretionary parole under its statutory authority §53.1-154.

Initial Review

The inmate must petition the Virginia Parole Board on forms provided by the Board to verify inmate's age and portion of sentence served to comply with the statutory requirements. The inmate must also identify compelling reasons for conditional release. The members of the Virginia Parole Board will review such petitions, the Virginia Department of Correction's central file and any other pertinent information. The petition may be denied upon such review by majority vote of the Board. If the petition is not denied, it will automatically be advanced to the next level of review.

Inmates qualifying for such petitions under the terms of §53.1-40.01 who are denied conditional release may resubmit petitions annually unless deferred by the Virginia Parole Board for a period of 2 or 3 years as specified by the Virginia Parole Board.

#### Assessment Review

A member of the Virginia Parole Board or designated staff shall conduct a personal assessment interview with the petitioner. The interviewing Board member or designated staff shall compose a written assessment of the inmate's suitability for conditional release and recommend to grant or not grant a conditional release with supporting reasons. If a Board member conducts the review, the member shall record a vote to grant or not grant a conditional release. All factors in the parole consideration process including Board appointments and Victim Input shall apply in the determination of Conditional Release. The case shall then be directed successively to the other members of the Board for review and decision. The decision shall require the concurrence of no less than three (3) members of the Board. In the case of life sentences, a decision to grant conditional release shall require the concurrence of four (4) members of the Board.

Victim Services consisting of receipt and recording of comments and notification as required by §53.1-155 of the Code of Virginia and Virginia Parole Board Administrative Procedure No. 1.225 will be provided.

If an inmate petitions for a conditional release and is determined to be qualified for consideration, any crime victim who has requested to be notified will receive a written notification that an inmate has petitioned for conditional release. The crime victim(s) will be afforded 60 days to provide comments and concerns to the Virginia Parole Board. A crime victim may submit information in written form, a Board Appointment, or telephonic Board appointment. Consideration of any conditional release will be suspended until a crime victim has had the 60-day period to provide comments.

Once a final decision has been made on a conditional release the crime victim will be notified of the action taken.

#### Conditions of Release

The terms and conditions of release shall be at the discretion of the Board. Such terms may be similar or identical to the general Conditions of Parole with community supervision provided by the Virginia Department of Corrections' Division of Probation and Parole Services. The Board may additionally impose such special conditions as deemed appropriate and the Board shall establish the period of supervision.

For cause shown of the violation of one or more terms of the Conditional Release, the Virginia Parole Board may order the arrest and reincarceration of the Conditional Releasee. Whereas conditional releasees are under the direct supervision of probation and parole officers, such releasees shall be subject to arrest for violation of any terms of such release as provided by §53.1-145, §53.1-158, §53.1-161, §53.1-162, §53.1-163, §53.1-164 and §53.165 of the Code of Virginia. Such action shall be executed through the Major Violation Procedure for parolees and pardoners and related policies set forth in the Virginia Parole Board Policy Manual of July, 1997.

Review Following Revocation of Conditional Release

Conditional Releasees whose release is revoked may be considered upon petition at the discretion of the Board.

COMMONWEALTH  
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VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.227**

Subject

**Reconsideration of Suitability of Parole Status**

Effective Date:  
**April 22, 1996**

Revision Date:

**POLICY:**

When information relevant to the parole review process is determined after release to parole to have been unknown to the Board at the time of review and the decision to grant was based on incomplete information, and which questions the parolee's suitability for parole, the Board may rescind the grant decision or take such other action as deemed appropriate.

Upon notification to the Virginia Parole Board that the parole supervision of a parolee in community supervision status may be inappropriate, the decision to grant may be reviewed by the three concurring members who acted to grant. Prior to a decision to rescind parole, the parolee shall be afforded an opportunity to be heard by a Board member or other designated representative of the Board. The parolee may be represented by an attorney at such a hearing and may present relevant evidence through witnesses and documents. The parolee is not required to be in custody at the time of the suitability hearing.

**PROCEDURE:**

- Upon notification to the Chairman or any member of the Board that a parolee's suitability for parole is in question, the Chairman or member may direct the Case Analyst to enter a summary of the documentary information in the notes field of Screen A of the parolee's electronic file and direct it to the concurring members in sequential voting order.
- The Quality Assurance Unit will direct the electronic file to the first Board member who acted to grant. The successive reviewing Board members will direct the file according to the original voting order.



- The Board's decision following the reconsideration of suitability review shall be to: (1) take no further action or (2) modify the conditions of parole supervision or (3) direct that a rescission hearing be held.
- If the decision is to conduct a rescission hearing, the parolee will be notified by letter with copies to the probation and parole district office and the Post Release Unit.
- The hearing will be conducted in accordance with due process. The Parole Board member or representative of the Parole Board conducting the hearing will construct a summary of the hearing, citing their findings and recommendation. Rescission Hearing cases will be processed as a first priority.

# **VIOLATION PROCESS**

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## PAROLE PROCESS

### *Violation Process*

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- 1.301 Warrant and Other Violation Requests
- 1.302 Cancellation of Board Warrants
- 1.303 Release on Personal Recognizance
- 1.304 Parole Revocation Hearings
- 1.305 Hearsay Evidence
- 1.306 Recording of Parole Revocation Hearings
- 1.307 Empowerment of Parole Examiners to Withdraw Board Warrants and Direct Continuance on Parole with Imposition of Specific Sanctions
- 1.308 ***DELETED 3/20/95***
- 1.309 Decisions of the Board Following a Revocation Hearing
- 1.310 Violation Based on Conviction Later Reversed
- 1.311 Six Month Automatic Review (Revocations)

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.301**

Subject

**Warrant and Other Violation Requests**

Effective Date:  
**July 1, 1987**

Revision Date:  
**June 18, 1996**

**POLICY:**

All requests from Probation and Parole field services for Board actions, including warrant requests regarding violations, are forwarded to the Chairman's office for review and action.

**PROCEDURE:**

Warrants and other requests for action are logged in on a daily log sheet in the Chairman's office by a representative of the issuing support unit. Generally all requests are accompanied by the case file. Warrants submitted for the Chairman's signature need not be accompanied by a case file, however, a Parole Casework Review and Recommendation Form (PPS-43) must be attached to all warrants. Priority warrants and requests for other action necessitating immediate response are to be marked by color coded dots to ensure expeditious handling. In the absence of the Chairman, the Vice Chairman, or any other Board member, should be asked to sign.

Approval of a warrant is designated by one of the aforementioned signatures. Following approval of the original, remaining copies are to be stamped with the appropriate signature stamp. In the event the warrant is disapproved, a PPS-43 form (attached) is initialed with Denials of other requests for action are handled through a signature or initial on the request with any additional notation. Following the Board's action to approve or disapprove warrants and other requests both the original documents and corresponding copies are returned to the appropriate issuing support unit.

**AUTHORITY:**

N/A

COMMONWEALTH  
OF  
VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.302**

Subject

**Cancellation of Board Warrants**

Effective Date:  
**November 27, 1989**

Revision Date:  
**June 18, 1996**

**POLICY:**

The Parole Board for good cause may cancel a Board warrant that has been duly issued and executed.


**PROCEDURE:**

In those cases in which the Statement of Charges and Notice of Parole Violation has been served and a hearing date set, the cancellation of the Board warrant requires the concurrence of three (3) Members of the Board.

In those cases in which no Statement of Charges and Notice of Parole Violation Hearing has been served and no hearing date set, the cancellation of the Board warrant may be at the direction of and on the authority of a Board Member.

**AUTHORITY:**

Code of Virginia, Section 53.1-165  
Virginia Parole Board Policy Manual, Section IV, Subsection F, and Section V, Subsection A, paragraph 1.

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	Section: <b>Parole Process</b>	Number: <b>1.303</b>
	Subject <b>Release on Personal Recognizance</b>	
	Effective Date: <b>November 27, 1989</b>	
	Revision Date: <b>June 18, 1996</b>	

**POLICY:**

In accordance with the provisions of Section 53.1-161, any Member of the Parole Board may authorize and direct the withdrawal of a Board warrant that has been duly executed, and authorize and direct the release of the parolee on a personal recognizance bond pending disposition of the alleged parole violation(s).

**PROCEDURE:**

Upon receipt of a request by the parolee and his/her attorney for release pending adjudication and disposition of law violations and/or alleged violations of parole which were the basis for the issuance of the warrant, the case will be directed to a Member of the Board for review. The Board Member will review the violation report and any other relevant file material which was considered at the time of the issuance of the warrant. The Board Member will consider the circumstances of the alleged violations, including the probability of conviction. Additionally, the Board Member will consider the parolee's overall adjustment to parole supervision, focusing on such factors as general communal stability, continued employment, undue disruption to the family unit, continued participation in a structured treatment program, continuation of educational pursuits and an assessment of risk/potential threat to society. Following this review of the request, the Board Member will rule that either the Board warrant continue in full force and effect, or, for good cause, that the Board warrant be withdrawn and the parolee released on a personal recognizance bond pending final adjudication/disposition of all alleged violations.

In those cases in which the Statement of Charges and Notice of Parole Violation Hearing has been served and a hearing date set, a decision to release on a personal recognizance bond requires the concurrence of three (3) Members of the Board.

**AUTHORITY:**

Section 53.1-161, Code of Virginia

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.304**

Subject

**Parole Revocation Hearings**

Effective Date:  
**June 19, 1989**

Revision Date:  
**June 18, 1996**

**POLICY:**

The Parole Board, or a designated representative thereof, shall conduct a hearing relative to charges of parole violations prior to a determination that the parole has been violated.

**PROCEDURE:**

At least ten days prior to a revocation hearing, a parolee is to be given written notice of the hearing on forms (PB Form 4) provided by the Parole Board. When the parole delinquent is scheduled for a parole revocation hearing at a DOC institution, the counselor will forward to the Parole Board, via the Post Release Unit, a fully completed, signed and witnessed 'NOTICE OF ARRAIGNMENT/PAROLE REVOCATION HEARING' form (PB Form 4) seven days prior to the scheduled hearing. When the parole delinquent is scheduled for a parole revocation hearing to be held at a jail, the Probation and Parole Officer having current jurisdiction over the case will present to the parole delinquent the "NOTICE OF ARRAIGNMENT/PAROLE REVOCATION HEARING" form (PB form 4) ten days prior to the scheduled hearing and forward to the Parole Board, via the Post Release Unit, the fully completed, signed and witnessed copy of PB Form 4 seven days prior to the hearing. The parole delinquent may waive the ten day notification time frame.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

Virginia Parole Board Policy Manual, Section V, Subsection A, paragraph 1



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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.305**

Subject  
**Hearsay Evidence**

Effective Date:  
**December 18, 1989**

Revision Date:  
**June 18, 1996**

**POLICY:**

To ensure compliance with the minimal requirements of Due Process and the Morrissey vs. Brewer decision specifically relative to the absolute right of confrontation, the Parole Board defines Hearsay Evidence as the written statements offered in support of alleged violation(s).

Neither statutory nor case law requires the application of the Hearsay Rule as defined in criminal jurisprudence to the parole violation hearing as it is a quasijudicial/administrative law hearing inherently exempt from a strict application of the Rules of Evidence. The Parole Officer's testimony and evidence, therefore, may include the statements of others who may not be required to be present at the hearing as witnesses unless subpoenaed by the Virginia Parole Board or the delinquent parolee. The admissibility of these statements presented as evidence by the Parole Officer will be contingent upon these individuals having direct knowledge and information of the delinquent parolee's conduct and behavior relative to noncompliance with the Conditions of Parole.

**PROCEDURE:**

If the Notice of Parole Violation Hearing cites that the delinquent parolee intends to admit the alleged violation(s) and he/she confirms this posture during the parole violation hearing in response to arraignment, the hearing officer will accept these uncorroborated written statements as valid evidence and proceed with the hearing accordingly. If in response to arraignment, the delinquent parolee recants their previous written statement of admission of the alleged violation(s), the hearing will be continued and the Parole Officer's presence requested.

If the Notice of Parole Violation Hearing cites that the delinquent parolee intends to deny the alleged violation(s), the Parole Board will require the presence of the Parole Officer to give

under oath oral or the written statements offered in support of the alleged violation(s) is valid evidence. If in response to arraignment, the delinquent parolee recants their previous written denial and states they admit the alleged violation(s), the hearing will proceed with the presence of the Parole Officer waived and without the evidence and testimony of the Parole Officer at the discretion of the hearing officer.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

Virginia Parole Board Policy Manual, Section V, Subsection A, paragraph 1

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.306**

Subject

**Recording of Parole Revocation Hearings**

Effective Date:  
**May 22, 1989**

Revision Date:  
**June 18, 1996**

**POLICY:**

The Parole Board, or a designated representative thereof, shall conduct a hearing relative to charges of parole violation prior to a determination that parole has been violated.


**PROCEDURE:**

The parole revocation hearings will be electronically recorded. The electronic recording of the hearing will not normally be transcribed; however, the recording will be maintained by the Board in storage for two years.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

Virginia Parole Board Policy Manual, Section V, Subsection A, paragraph 1

<p>COMMONWEALTH OF VIRGINIA</p>  <p>VIRGINIA PAROLE BOARD</p> <p>ADMINISTRATIVE PROCEDURE</p>	Section: <b>Parole Process</b>	Number: <b>1.307</b>
	Subject	
	<b>Empowerment of Parole Examiners to Direct Continuance on Parole</b>	
	Effective Date: <b>April 22, 1991</b>	
		Revision Date: <b>June 18, 1996</b>

**POLICY:**

In accordance with the provisions of Section 53.1-165 of the Code of Virginia and Section 5, Subsection A, Paragraph 1, page 20 of the Virginia Parole Board Policy Manual, the Virginia Parole Board Member or representative thereof may restore to/continue on parole any parolees in a state of violation with imposition of specific parole violation sanctions developed and established by the Board.

**PROCEDURE:**

As duly authorized representatives of the Virginia Parole Board, Parole Examiners conducting a parole violation hearing are empowered by the Board upon completion of the adjudicatory phase of the hearing to order the withdrawal of the Parole Board warrant and direct restoration to/continuance on parole with imposition of specific parole violation sanctions developed and established by the Virginia Parole Board. The authority of the Parole Examiners to direct such action is limited to those cases charged with technical violations and/or traffic convictions and/or class 2, 3, and 4 misdemeanors other than crimes against persons resulting in an aggregate time to serve of no more than six (6) months.

This action will be directed on forms prescribed by the Board which will be completed and executed by the Parole Examiner. Copies of this statement of action will be provided the parole delinquent, the holding authority (Department of Corrections institution or jail), the supervising district office, and the Post Release Unit.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

Virginia Parole Board Policy Manual, Section V, Subsection A, paragraph one

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.309**

Subject

**Appeal Of Violation Decision**

Effective Date:  
**March 19, 1990**

Revision Date:  
**June 18, 1996**

**POLICY:**

Any delinquent parolee may appeal the adjudication and/or disposition of their case on the grounds that there was procedural error in the parole violation hearing. Such appeals must be perfected on forms furnished by the Virginia Parole Board.

**PROCEDURE:**

The designated Parole Board Support Staff will review the appeal to determine if there is a basis for Board review. If there is no basis, this ruling will be cited on the form and returned to the parolee. If there is basis, a three member panel of the Virginia Parole Board, will review such appeals. The panel will review and consider the transcript of the hearing, all related documents and any other information that may be required at the discretion of the panel. Reversals of decisions must be by concurrence of no less than two members of the panel.

**AUTHORITY:**

Code of Virginia, Section 53.1-165

COMMONWEALTH  
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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.310**

Subject

**Violation Based on Conviction Later Reversed**

Effective Date:  
**May 22, 1989**

Revision Date:  
**January 31, 1996**

**POLICY:**

The Board shall review a case file when parole has been revoked due to a new criminal offense conviction that is later reversed by appeal.

**PROCEDURE:**

If parole is revoked for a new criminal conviction and the conviction is later reversed on an appeal, the case file will be circulated to the Board member(s) who acted to revoke for review and action. The Board Member who acted initially will receive the case file first.

**AUTHORITY:**

N/A

## **TERMINATION PROCESS**



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# PAROLE PROCESS

## Termination Process

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1.401 Voluntary Returns

1.402 Discharge Dockets

1.403 Administrative Discharges of Delinquent Parolees

COMMONWEALTH  
OF  
VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.401**

Subject

**Voluntary Returns**

Effective Date:  
**May 22, 1989**

Revision Date:  
**June 18, 1996**

**POLICY:**

In the event a parolee desires to voluntarily return to prison to serve the balance of his/her sentence, the Parole Officer will ensure the return is voluntary and that no reasonable alternative exists. Any such return shall be reported to the Board for review. This policy shall include those mandatorily released to supervision pursuant to Section 53.1-159 of the Code of Virginia.

**PROCEDURE:**

Upon receipt of "Request to be Removed from Parole and For Re-imprisonment" (Form PPS 44), a member of the Board or a designated representative of the Board shall conduct a Due Process hearing within ten calendar days of receipt of the request to determine if there is any viable alternative to re-imprisonment or if reincarceration is warranted. Following the hearing, the Board Member or designated representative of the Board conducting the hearing will report their finding in writing with a recommendation for re-imprisonment or re-release to parole supervision.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section V, Subsection G

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VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.402**

Subject  
**Discharge from Parole**

Effective Date:  
**July 1, 1987**

Revision Date:  
**January 31, 1996**

**POLICY:**

To issue all certificates of discharge for all parolees eligible for termination.

**PROCEDURE:**

Discretionary - Certificates of Discharge are prepared and distributed appropriately by Department of Correction's MIS staff.

Mandatory - Certificates of Discharge are prepared and distributed appropriately by Department of Correction's MIS staff.

Administrative - When the Board elects to administratively discharge a parolee, an administrative discharge memorandum is prepared and distributed by designated Parole Board Support Staff. An Administrative Discharge is issued in any case prepared for discharge in which a Parole Board warrant has been issued or is otherwise in a delinquent status.

**AUTHORITY:**

Virginia Parole Board Policy Manual, Section VI, Subsection D, and Section VII, Subsection E

COMMONWEALTH  
OF  
VIRGINIA



VIRGINIA PAROLE BOARD  
ADMINISTRATIVE PROCEDURE

Section:  
**Parole Process**

Number:  
**1.403**

Subject

**Administrative Discharges of Delinquent Parolees**

Effective Date:  
**August 23, 1993**

Revision Date:  
**June 18, 1996**

**POLICY:**

To ensure and maintain the integrity of the parole system with an attentiveness to public safety and social issues, the Virginia Parole Board, therefore, in accordance with the provisions of Section 53.1-136, paragraph 4, shall issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society.

**PROCEDURE:**

Upon the dispositional review of any parole violation case, the reviewing member of the Parole Board may order and direct the Administrative Discharge of any delinquent parolee in accordance with the following criteria:

1. Time left to serve does not exceed 6 months.
2. The Minimum Expiration Date of Supervision has passed or is within 60 days of the date of the Board review.
3. The violation(s) of parole do not consist of any crime(s) against a person or breaking and entering in the nighttime or involve the possession or distribution of any illegal drug, narcotic or controlled chemical substance.
4. The delinquent parolee was released on parole from a sentence(s) for offenses other than crimes against persons, breaking and entering in the nighttime and crimes involving the possession and/or distribution of any illegal drug, narcotic or controlled chemical substance.

If the reviewing Board member orders the Administrative Discharge of any parolee who does not meet one or more of the criteria cited above, the member shall stated the reasons for such action on the Parole Violation Hearing Record of Disposition Form