

Pardon and Parole Board

Frequently Asked Questions About Administrative Parole

1. What is administrative parole?

The Oklahoma legislature passed and the Governor signed several criminal justice reforms in May 2018. As a part of these reforms, administrative parole creates a streamlined parole consideration process for inmates convicted of nonviolent offenses who: 1) are substantially compliant with their Department of Corrections case plan; 2) meet specific requirements regarding misconducts; and, 3) do not receive a protest by a victim or district attorney on behalf of the victim.

In 2022, administrative parole was expanded to include inmates who are six (6) calendar months from their discharge dates.

2. What are the eligibility criteria for an inmate to be considered under the administrative parole?

The specific statutory eligibility criteria requires inmates convicted of a non-violent offense to:

- 1) be substantially compliant with the Department of Corrections case plan;
- 2) not receive a primary Class X infraction within two (2) years of the parole eligibility date;
- 3) not receive a secondary Class X infraction within one (1) year of the parole eligibility date;
- 4) not receive a Class A infraction within six (6) months of the parole eligibility date; and
- 5) not receive protest from a victim or district attorney on behalf of the victim

OR

- 2) be within six (6) calendar months of their discharge date and not receive a protest from a victim or district attorney on behalf of the victim.

3. What is a case plan?

Case plans are developed for each inmate by the Department of Corrections upon entry at the Assessment and Reception Centers. Individual needs are identified based on assessment instruments, assigned custody level, and feedback from the assessment staff.

4. What does it mean to be substantially compliant with a case plan?

Substantially compliant means that an inmate has not had a program failure misconduct in the six months prior to the parole eligibility date and 1) has completed programming; or 2) is currently enrolled in one or more programs; or 3) is on a waitlist for programming.

5. What is considered an infraction as mentioned in the eligibility criteria?

A primary Class X infraction refers to the X1 to X11 misconducts as identified by the Department of Corrections. Secondary Class X infractions are X12 to X24 misconducts. More information on the specific misconducts is available through the Department of Correction's Policy OP-06125 and can

be found on the Department of Corrections website. A list of the Class A misconducts is also available on the website.

6. Who determines if an inmate is eligible for administrative parole?

The Department of Corrections identifies which inmates have met the eligibility criteria.

7. How will the Pardon and Parole Board be notified of inmates who are eligible for administrative parole?

The Department of Corrections will forward the list of eligible inmates to the Pardon and Parole Board ninety (90) days prior to the monthly docket for which the inmate is to be considered. The administrative staff of the Board will notify any victims registered with the Pardon and Parole Board and District Attorneys. If there are no protests, the inmate will be placed on the next available administrative parole docket.

8. Are inmates convicted of a violent offense or serving a sentence of life without the possibility of parole eligible for administrative parole?

No, inmates in the custody of the Department of Corrections who are serving a sentence of life without the possibility of parole or that have been convicted of an offense designated as a violent offense by Section 571 of Title 57, any crime listed in Section 13.1 of Title 21 of the Oklahoma Statutes, or any offenses designated by the Pardon and Parole Board as violent are not eligible for administrative parole.

9. Can the victim or the district attorney on behalf of the victim protest the consideration of administrative parole for the inmate?

Yes, any person who is registered with the Pardon and Parole Board's Victim Notification Program or a district attorney on behalf of a victim may protest an inmate's administrative parole consideration. If a victim is not registered with the Pardon and Parole Board, more information is available for victims on the registration process in the Frequently Asked Questions for Victims on the Pardon and Parole Board's website. Information is also available on the notification processes and the process to protest an administrative parole consideration. Victims may also contact the administrative office to obtain help.

10. Can an inmate become ineligible for an administrative parole consideration after the Department of Corrections has submitted the list?

Yes, an inmate can become ineligible for administrative parole if: 1) the victim or the District Attorney on behalf of the victim protests the administrative parole consideration or 2) if the inmate receives a disqualifying misconduct at any time before release.

11. Will the inmate appear before the Board for administrative parole?

No, per statute, inmates considered for administrative parole will not have a personal appearance before the Board. The Board will vote on each inmate based upon the list of qualifying inmates provided by the Department of Corrections.

12. What does it take for administrative parole to be granted?

The Board shall, by majority vote, grant administrative parole to the inmate if they meet the eligibility criteria for administrative parole.

13. What does it mean when an inmate waives administrative parole?

After November 1, 2022, Oklahoma law prohibits inmates from waiving administrative parole. The Pardon and Parole Board will not accept waivers for administrative parole after this date.

14. When and where are administrative parole meetings held?

Board meetings are held monthly at the Ted R. Logan Conference Center, located at 3300 N. Martin Luther King Avenue in Oklahoma City.

15. Are Board meetings open to the public?

Yes, Pardon and Parole Board meetings are open to the public pursuant to and conducted in accordance with the Oklahoma Open Meeting Act. The Pardon and Parole Board conducts meetings once per month over several days at the Ted R. Logan Conference Center in Oklahoma City. Since this is a Department of Corrections facility, all visitors are subject to search in accordance with the Department of Correction's policies and procedures. Visitors must bring a photo identification. Meetings are also subject to capacity limitations for the meeting facility. The Board reserves the right to deny entrance to any attendee once that capacity is reached.

16. How will family members or friends be notified of the date of the inmate's administrative parole consideration?

The inmate is notified by the Department of Corrections case manager of the parole meeting date. It is the responsibility of the inmate to convey this information to family members and/or friends.

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

No, family members or friends, often referred to as delegates, cannot communicate one-on-one with a Board member outside of a Board meeting to advocate on behalf of the inmate. All business must be conducted in compliance with the Open Meeting Act.

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

No, not for an administrative parole consideration.

19. If an inmate is granted administrative parole, what happens next?

A parole certificate is prepared and posted for the facility to retrieve and obtain the inmate's signature. The parole is pending until: 1) the certificate is signed by the inmate; 2) a valid home offer is verified by the Department of Corrections; and, 3) there is a check for any detainers or warrants. Pending paroles are verified weekly for completion of these requirements except for the week following the Board meeting. Once all requirements are complete, the inmate is placed on the next available probable list for release.

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

The probable list is the mechanism for releasing inmates who have been granted parole. The probable list is sent on Monday morning to the Department of Corrections facility where the inmate is located. The facilities have until 2:00 p.m. on Tuesday to send a response verifying that the inmate can be paroled and the pre-release tasks have been completed. The final releasing memo is sent Wednesday morning for the inmate to be released. Inmates are released weekly with the exception of the week after the Pardon and Parole Board meetings.

21. If parole is denied, does the Board provide a reason?

The Board provides reasons when denying an inmate for regular parole. If an inmate is denied administrative parole then it is because they do not meet the statutory requirements.

22. If an inmate is disqualified from administrative parole due to a protest or a misconduct, is the inmate considered for their regular parole?

Yes, the inmate would return to their regularly scheduled or next available parole date.

23. How is "six (6) calendar months" from discharge date calculated?

Six (6) calendar months from discharge is based on the inmate's projected release date as determined by the Department of Corrections, and is based on the inmate's earned credit level at the time the docket is generated.