

RULES AND REGULATIONS GOVERNING
THE GRANTING OF PAROLES AND
RELATED PROCEDURES

28880



Missouri Board of Probation and Parole
P. O. Box 267
211 Marshall Street
Jefferson City, Missouri 65101

This booklet has been revised and amended as a result of changes in several Board policies. The previous booklet of a similar nature, printed with a blue cover and issued in February, 1968, is obsolete.

TO: THE INMATE OF THE MISSOURI DEPARTMENT OF CORRECTIONS: HIS FAMILY, RELATIVES AND FRIENDS.

This booklet is provided to help you understand and answer many questions you may have regarding the parole laws of the State of Missouri, and the policies and procedures that have been officially adopted by the Board of Probation and Parole. You will find references to specific statutes of the State of Missouri under which the Board must operate. We have endeavored to clearly define the policies and procedures that apply to a number of the most frequently asked questions about parole eligibility and parole hearings.

WHAT IS THE PAROLE BOARD?

The Board is composed of three (3) full-time members, one of whom is designated as Chairman of the Board by the Governor of Missouri. The Board has the authority under law to consider for parole release under supervision any inmate committed to the Missouri Department of Corrections Adult Penal Institutions.

1. How often are parole hearings conducted, and where are they held?

- A. Parole hearings are conducted each month at the Missouri State Penitentiary for Men (Jefferson City), Algoa Intermediate Reformatory (near Jefferson City), Missouri Training Center for Men (near Moberly), State Correctional Center for Women (Tipton), and the Honor Camp (near Fordland).
- B. Parole hearings may be held once every two months at the State Correctional Center for Women and the Fordland Honor Camp, if there is an insufficient number to be heard on a monthly basis. If this occurs, those inmates scheduled for a hearing in the second month will have their hearing moved up to the first month.

2. How soon can I appear before the Parole Board?

- A. The Missouri Statute which governs parole hearing eligibility is as follows:

"Any person who has been committed to a penal or correctional institution of the department of corrections, who has served either one-third of his time or twelve months of the time for which he was sentenced, whichever is a shorter period, in an orderly and peaceable manner without having any infraction of the rules or laws of the institution recorded against him shall be eligible to make application for a parole and shall be given a hearing. Any person who has served two-thirds of his time or two years of the time for which he was sentenced, whichever is the shorter period, shall be eligible to make application for parole

and shall be given a hearing. Paroles may be granted, however, before the minimum period specified has been served." (549.261 RSMo 1969)

- (1) Thus, an inmate will be eligible for a parole hearing when he has served one year or one-third of his sentence, whichever is less.
- (2) An inmate need not make an application for a parole hearing, since he will be automatically scheduled by the Parole Board within the time prescribed in accordance with the below Board policies.
- (3) Inmates with sentences of **six (6) years or more must make a written request to the Board if they desire a parole hearing prior to the schedule as stated in Item B.**

B. The following will be observed for the scheduling of parole hearings, based on length of sentence and the number of months served on the sentence:

Length of Sentence	Number of Months to Be Served
2 years	6 months
3 years	8 months
4 years	10 months
5 years	12 months
6 years	14 months
7 years	16 months
8 years	18 months
9 years	20 months
10 years	22 months
11 years and over	24 months

(Refer to Question No. 3 in regard to jail time.)

- (1) An inmate will receive his first written notice from the Parole Board within about thirty (30) days **after** he has been assigned to an institution by the Division of Classification and Assignment. This notice will inform him of the month and year in which his parole hearing will be held.
- (2) An inmate may request that his parole hearing be scheduled for a later date. **A request for a set-back of less than six (6) months will not be accepted by the Board.**
- (3) Any inmate who, after receiving the notice of the month during which his parole hearing is scheduled, has further questions regarding his hearing date, should contact his Institutional Parole Officer. If

he does not receive a satisfactory answer, he should direct his question or request in writing to the Parole Board.

- C. These Board policies will apply except when an inmate is serving consecutive sentences. After he is heard on his first sentence, if he wishes to have a parole hearing on subsequent sentences, **he will have to make written application for this hearing.** Otherwise, his case will be reviewed* by the Board at the expiration of each consecutive sentence.

3. Does my jail time count toward my hearing?

- A. Jail time is granted only by the court that sentenced the person, and only for the number of days or months that the court has allowed at the time of the sentence.

*See Question 10 pertaining to "reviews."

- B. Jail time as granted by the sentencing judge is deducted from the sentence in the scheduling of the hearing date.

4. How will I be notified of my hearing date?

- A. The first written notice the inmate receives from the Parole Board indicates only the month in which the hearing is scheduled.
- B. Approximately forty-five (45) days before his personal appearance before the Parole Board he will receive a second written notice informing him of the exact date of his hearing.

5. May I have delegates at my parole hearing?

- A. A delegate is any person who is interested in the inmate; has information about him that may be

helpful to the Parole Board; or is in a position to give him help and assistance if he should be granted a parole.

- B. An inmate may have delegates appear in his behalf immediately following his parole hearing, subject to the following conditions:

- (1) The delegates must be limited to not more than three (3) adults. Children will not be permitted at the hearing.

- (2) The Parole Board does not have statutory authorization to require persons to appear in behalf of an inmate. The Board has no funds to pay any expenses incurred by any delegate.

- (3) Since the inmate will have been informed in writing approximately forty - five (45)

days before the exact date of his parole hearing, **it is his responsibility** to notify any person who he may wish to appear as his delegates, as to the exact date and place of the hearing.

- C. The Board of Probation and Parole wants to make it very clear that **delegates in behalf of any inmate at the time of the parole hearing are not necessary for his parole release consideration. However, the delegates will be welcome if they desire to appear before the Board immediately following the inmate's hearing.**

6. What is the purpose of a Parole Hearing?

- A. The Missouri Statute governing parole hearings and the granting of paroles is as follows:

"Before ordering the parole of any prisoner, the Board shall have the prisoner appear before it and shall interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. A prisoner shall be placed on parole only when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be subject to the orders of the Board.

"The Board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct

of parole hearings or conditions to be imposed upon parolees. Whenever an order for parole is issued it shall recite the conditions thereof." (549.261 RSMo 1969)

B. Parole Hearings are conducted for these purposes:

I. To allow the inmate the opportunity to:

- (1) Present to the Parole Board in person his own version of the present offense;
- (2) To discuss his own problems and needs;
- (3) To discuss his evaluation of the progress he has made toward his rehabilitation while confined;
- (4) To present his reasons why he thinks he is ready for parole release consideration;

(5) To present his plans for the future;

(6) To present and discuss any other matters that are appropriate for consideration for his parole release.

II. To provide the Parole Board the opportunity to:

- (1) Review all available reports and case history material pertinent to his case: such as, social history; medical, psychological and psychiatric reports; prior record of arrests and circumstances thereto; past and present patterns of behavior;
- (2) Review his institutional adjustment, conduct, and progress as such reflects upon his attitude and preparation to resume his life in free society;

- (3) Evaluate him as a person and as an individual in regard to his readiness for parole release.

7. Just what does the Parole Board consider at my hearing?

- A. All decisions of the Parole Board will be based upon the inmate's total situation, taking into account the Board's two-fold responsibility: to protect society and to offer the inmate maximum assistance toward his rehabilitation.
- B. The most important factors to be considered by the Parole Board in determining readiness for parole release will be:
 - (1) The type of crime and the length of sentence.
 - (2) The number of previous offenses and the circumstances pertaining thereto.

- (3) The inmate's attitude toward society and toward himself. The Parole Board believes that before an inmate is released on parole there must be evidence of a change in his attitude.
- (4) The inmate's personal and family history before commitment to the institution.
- (5) The inmate's past and present capabilities, habits and emotional stability.
- (6) The inmate's progress and behavior during the period of confinement. What has the inmate done to improve himself academically and vocationally? Has he taken advantage of the various programs available in the institution to

better himself? Has he adjusted to the rules and regulations governing the institution?

- (7) The inmate's plans for his future. Are his goals and ambitions realistic for him?
- (8) The effect of the inmate's release upon the community in which he will live and work, and the community's willingness to accept him back into free society.
- C. The Board will give careful consideration to all of the available information concerning the inmate, taking into account the rehabilitation evidenced in the inmate and the protection of society before making any decision concerning parole.

8. What procedures will be followed at the time of my Parole Hearing before the Board?

- A. The inmate will appear by himself in person before the Parole Board.
- B. The delegates will appear before the Parole Board immediately following the inmate's hearing. The inmate will not personally be present when the delegates appear.
- C. Both interviews will be mechanically recorded, and the record will become a part of the inmate's permanent file.

9. What happens after my hearing?

- A. The Parole Board will reach a decision within five (5) working days from the date of the hearing, and the inmate will receive a written

notice of the Board's action as soon as the notice can be prepared and delivered.

B. All decisions of the Parole Board shall be determined by a majority vote of the Board.

C. Any one or several of the following decisions will be made:

(1) A denial of further parole consideration.

(2) A set-back for further parole consideration at a later date. A set-back or a continuance usually will not be longer than one year; **however in some instances, particularly those inmates serving lengthy sentences, a set-back may be up to a maximum of five (5) years.** (See Question 10)

(3) The Board may request a number of different kinds of investigation reports. These may include field investigations, institutional investigations, psychological and/or psychiatric evaluations.

(4) The Board may request the inmate's authorization to obtain any medical, psychological and/or psychiatric evaluations that may have been made in the past.

(5) The Board may request the inmate to submit a home and employment plan. In this instance, he will be contacted and assisted by the Institutional Parole Officer.

(6) The Board may place an inmate on "Parole Planning." This means that the inmate

and the Institutional Parole Officer will work together in order to develop a parole release plan that will be acceptable to the Board. It indicates that the Board is giving serious parole release consideration to the inmate, but actual release will be dependent on the approval of a parole plan by the Board.

- D. After the case has been evaluated by the Parole Board, the inmate will be notified in writing as to the Board's decision. This decision could be any one or several of the decisions as outlined in question 9, C; or scheduled for another personal hearing before the Parole Board.
- E. Inmates who are serving long sentences, and have received several continuances or set-backs,

shall be scheduled for a personal Parole Hearing before the Parole Board at least once every five (5) years following his first parole hearing.

10. What is a Review?

- A. If a parole is not granted or denied at the time of the first parole hearing, the inmate will be given a continuance or a set-back. This means that his case will be reviewed by the Board during the month and year as indicated on his Notification of Board Decision (MBPP-216).
- B. At the first of the month of the Review all such files are taken to the Parole Board. Each Board Member studies the information in the file, and each Member writes his decision.

- C. The inmate does not personally appear before the Parole Board, but he is interviewed by an Institutional Parole Officer prior to the review. His report, together with all information contained in the file, is carefully considered.
- D. The inmate will receive a notification of the Board's decision, and this will normally reach the inmate at some time during the month of the review.
- E. Any person wishing to appear before the Board in behalf of an inmate may do so by writing to the Board for a specific appointment. Such appointments should be made during the **first two weeks** of the Review month, or the last two weeks of the preceding month.

11. What if I do get home and job papers?

- A. The Board's Institutional Parole Officer is available to offer every possible assistance in helping the inmate obtain home and employment plans. The inmate should feel free to talk with the Institutional Parole Officer as often as necessary to try to develop a satisfactory parole release plan.
- B. The home may be with members of the family, including relatives, a half-way house, or through any recognized social agency that will agree to accept the inmate, or any reputable rooming house, hotel, etc.
- C. Employment may be offered to the inmate by any legitimate employer. Under some circumstances the Board may approve self-employment. The job must provide

steady employment and earnings adequate to meet the needs of the inmate and support his dependents.

D. In some situations, the requirement of an employment offer may be waived by the Parole Board. This would include such things as old age, serious illness, physical incapacity; or going into a training or apprenticeship program to obtain or better develop a job skill. In any of these kinds of situations the Board will require assurance that the treatment, care and needs of the inmate will be adequately provided for.

E. If an inmate is given favorable parole consideration, he will not be released until the plan has been investigated by our field staff and is approved by the Parole Board.

F. A detailed listing and explanation of the parole conditions is available in another booklet, entitled "Conditions of Parole" (MBPP-213-4-67). A copy of this booklet may be obtained from the Institutional Parole Officer, any Probation and Parole Officer of the Board's field staff, or from the central offices of the Missouri Board of Probation and Parole. A copy of this booklet will be given to each inmate prior to the time he is released from the institution under parole supervision.

12. Will I be sent to the Pre-Release Center before being paroled?

A. Inmates scheduled for the Pre-Release Center will be notified by means of the Notification of Board Decision form.

- B. Inmates confined at Alcoa Intermediate Reformatory and the State Correctional Center for Women (Tipton) most likely will **not** be sent to the Pre-Release Center. Any inmate of the Missouri State Penitentiary for Men, the prison farms, the Missouri Training Center for Men (Moberly), and the Fordland Honor Camp **may** be scheduled for the Pre-Release Center prior to parole release.
- C. Each inmate will be considered in the light of the benefits that he may be able to obtain by going through the Pre-Release Center program.
- D. The field staff will be investigating the inmate's parole release plans at the same time that the inmate is in the Pre-Release Center program.

13. Can I be paroled if I have a Detainer against me?

- A. Any inmate who has detainers on file against him will be given a parole hearing in the same manner and at the time normally scheduled.
- B. The Parole Board may consider release to an untried or prosecution type of detainer in any jurisdiction **inside or outside of the State of Missouri. In these instances, however, there must be an acceptable and approved parole release supervision plan available for the inmate.** Every effort should be made by the inmate, his family or friends in an attempt to satisfy the untried detainer or have it withdrawn. Official notice of any action taken on such detainers must be forwarded to the Department of Corrections.

- C. The Board will consider parole to a detainer if the inmate is wanted for confinement in some other jurisdiction, either within the State of Missouri, or outside of the State of Missouri.
- D. The Board will consider the granting of a dual or concurrent parole with another paroling authority.

14. I have filed a writ or an appeal in regard to my sentence. Can I be considered for and released on parole?

- A. Any inmate who has filed a writ or an appeal will be given a parole hearing or parole review in the same manner and at the time normally scheduled.
- B. Any court action pending in regard to the case of any inmate will not in itself prohibit favorable parole release consideration.

15. Can an inmate get a Medical Parole?

- A. The Board will consider a medical parole under the following conditions:

- (1) A specific recommendation to the Parole Board must be made by a competent medical, psychiatric or psychological practitioner for the treatment, care or custody of inmates who have serious physical, mental or emotional problems.

- (2) The Parole Board must determine that the inmate will be able to obtain and receive proper care and helpful attention outside of the institution.

- B. If a medical parole is granted, the inmate will, as far as possible and practicable, be required to comply with all the conditions of pa-

role, as set forth on the Parole Release document.

- C. An inmate who has been granted a medical parole will be under the same kind and degree of field supervision as any other paroled prisoner.
- D. An inmate may be granted a medical parole for the specific purpose of special care or treatment. Upon recovery, or at any time, the inmate shall be subject to return to the Missouri Department of Corrections or any other disposition as the Board of Probation and Parole may deem appropriate in his case.

16. Suppose I have had a serious conduct violation prior to my parole hearing and have been placed on 3/4 or

12/12 time by the institution's disciplinary board or committee. Will I have a parole hearing? Can I be granted a parole?

- A. Regardless of an inmate's status with the institution, he will be given a parole hearing in the same manner and at the time normally scheduled for the hearing.
- B. It is unlikely that an inmate who has been "flattened-out" will be granted a parole. However, the granting or denial of a parole is solely within the judgment of the Parole Board.

17. If I have several consecutive sentences, how does this affect my parole consideration?

- A. Inmates who have one or more consecutive sentences will be given a parole hearing in the same

manner and at the time normally scheduled for a hearing, the same as any other inmate who does not have consecutive sentences. The hearing will be conducted during the time the inmate is serving time on the first one of his consecutive sentences.

- B. Unless the inmate is granted a parole at the time of this hearing, he will be given a continuance or a set-back and scheduled for a review, or any of the other possible Board decisions as outlined in question 9, C.
- C. At the time of the first parole hearing or at the time of any subsequent Board decisions the Parole Board may grant a parole. The parole will apply to the particular sentence on which the inmate is currently serving time, and consecutive paroles will be

granted to apply to any remaining consecutive sentences the inmate is to serve.

18. An inmate has escaped from the institution and has been returned. How does this affect his parole status?

- A. When an inmate escapes, the time served on his sentence stops at the time of escape and does not begin again until he is returned to the institution.
- B. If an inmate has **not** been granted a parole hearing prior to the time of his escape, Section 549.261 RSMo 1969 (see question 2) applies. Therefore, the inmate will be scheduled for a parole hearing after he serves 2/3rds of his time, or two years, whichever is less.
- C. If an inmate **has had** a parole hearing and escapes after the

hearing, the Board shall schedule him for a parole review at any time within one year from the month of his return to the Missouri Department of Corrections.

- D. Since an escape is almost always followed by prosecution for a new offense, and if convicted a consecutive sentence is imposed, the rules and regulations relating to consecutive sentences (see question 17, items B and C) will also apply.

19. I have been given favorable parole consideration, but between the time I was given home and job papers and before my actual release from the institution, I received a conduct violation. What does this do to my parole release?

- A. A conduct violation incurred while awaiting release after home and

job papers have been issued will be carefully studied by the Parole Board. Based on the circumstances and the seriousness of the violation, the Board can decide to:

- (1) Make no change and continue with parole release planning.
- (2) Cancel parole release at this time.
- (3) Make any other decision that the Board might make at the time of a parole hearing or a parole review. (see question 9, item C)

20. How long will I be under parole supervision?

- A. Any inmate paroled from the Missouri Department of Corrections Adult Penal Institutions will be subject to parole supervision until he has completed his 3/4th sentence time.

B. An inmate who is serving a long sentence and whose 3/4ths time will be five (5) years or more after he has been released on parole, will be considered for a discharge from parole supervision at the end of this five (5) years under parole supervision.

(1) Discharge from supervision after five years **is not automatic**. The Board will carefully review the parolee's file, including his community adjustment and all other factors. If the Board's decision is favorable, the Board will recommend a commutation of sentence to the Governor.

(2) Discharge from parole supervision cannot and will not take effect until the Governor has approved and signed a commutation of sentence.

21. Does time served on parole count as time served on my sentence?

A. Yes. However, there are two exceptions to this rule based on a new law that became effective October 13, 1967.

(1) Parolees who abscond from parole supervision are not given credit for time served while an absconder.

(2) Parolees who violate parole and receive a new sentence to a correctional institution outside the Missouri Department of Corrections will not be given credit on their parole for the time served under the new conviction.

B. For a detailed explanation and the applicable statutes involved, see "Rules and Regulations Governing Parole Violators and Related Procedures," (MBPP-213C-7-70).

22. What is meant by loss of Civil Rights; and are my Civil Rights restored when I am discharged from parole?

- A. Loss of some civil rights is the additional penalty imposed by society upon a person who has been convicted of a criminal offense. Some of these rights that are lost include: hold any public office of honor, profit or trust; vote at any type of public election; or serve as a juror in any criminal case.
- B. Missouri law provides that in some instances civil rights will be restored at the time a person is discharged from parole supervision. This applies only to persons who have had only one felony conviction. If the parolee is entitled to restoration of civil rights at the time of discharge from parole supervision, a certificate of restoration, signed by the Board of Pro-

bation and Parole, will be given to him, together with his discharge from parole certificate.

- C. If the parolee is not entitled to restoration of civil rights at the time of discharge from parole supervision, a period of two years must elapse between his discharge from parole (or his discharge from the institution without benefit of parole) and his application for restoration. Application for restoration of civil rights forms can be obtained by requesting this form from the Missouri Board of Probation and Parole.
- D. At the time of discharge from parole supervision if a certificate of restoration of civil rights is not given to the parolee, he is urged to discuss this matter with his parole officer.

We hope the information in this booklet has given you the answers to many of the questions most frequently asked by inmates, members of their families, relatives and friends. In the final analysis each person must be considered individually, and the parole decisions that the Board must make must be tailored to each person as an individual.

Further information concerning any parole matter may be obtained from the Institutional Parole Officers, the Probation and Parole Officers of the field staff, or from the Board of Probation and Parole. Family members, relatives and interested friends of any inmate may discuss his case with Members of the Board of Probation and Parole in the Board offices at Jefferson City. It is advisable that an appointment be made in advance.

This booklet and the information contained therein has been officially adopted by the Missouri Board of Probation and Parole effective July 1, 1970.

BOARD OF PROBATION AND PAROLE

Central Offices

211 Marshall Street, Jefferson City, Missouri 65101
(P.O. Box 267)

(This is located one block south and one block west of the Missouri State Penitentiary, and six blocks east and one block south of the State Capitol.)

Institutional Parole Offices

(These offices are located in the administration buildings of the various institutions)

Missouri State Penitentiary, Jefferson City, Missouri
65101 (P.O. Box 267)

Missouri Intermediate Reformatory, Alcoa, near Jefferson City (P.O. Box 267)

Missouri Training Center for Men, near Moberly,
Missouri 65270 (P.O. Box 297)

Institutional Parole Office for the Prison Honor Camp at Fordland, Missouri, Correctional Center for Women, Tipton, Missouri, the Pre-Release Center, and the Farms of the State Penitentiary are located in the Institutional Office, Missouri State Penitentiary.

District Field Probation and Parole Offices

- District #1—113 N. 5th Street, St. Joseph, Missouri
64501
- District #2—516 Park Center, Chillicothe, Missouri
65601 (P.O. Box 605)
- District #3—Rendlen Building, 223A Broadway, Hannibal, Missouri 63401
- District #4—Room 567, State Office Building, 615 E. 13th Street, Kansas City, Missouri 64106
- District #5—706 North College, Warrensburg, Missouri
64093 (P.O. Box 413)
- District #6—800 N. Providence Road, Columbia, Missouri 65202
- District #7—900 Chestnut, St. Louis, Missouri 63103
(City Office)
- District #8—1500 S. Big Bend Boulevard, St. Louis, Missouri 63117 (County Office)
- District #9—2413 Fairlawn Drive, Carthage, Missouri
64836 (P.O. Box 676)
- District #10—851½ Boonville Avenue, Springfield, Missouri 65806
- District #11—713a Pine, Rolla, Missouri 65401 (P.O. Box 366)
- District #12—200 S. Henry, Farmington, Missouri
63640 (P.O. Box 389)
- District #13—228 W. Main, West Plains, Missouri
65775 (P.O. Box 802)
- District #14—Dexter Medical Arts Bldg. Route 3, Dexter, Missouri 63841 (P.O. Box 188)

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