

WHAT YOU NEED TO KNOW ABOUT OPEN PAROLE HEARINGS

VICTIM'S RIGHTS

TRUTH IN SENTENCING

West Virginia has "good time" sentencing contingent upon inmate's institutional behavior. This means an inmate receives 1 day credit for each 1 day that is served. Thus 5 years really means that an inmate may only serve 2 ½ years. Inmate behavior in prison can effect "good time"

PAROLE IS :

The release of an inmate before his term has expired on condition of continued good behavior. The duration of such conditional release will not exceed the discharge date. The inmate will be under the supervision of a Parole Officer employed by the West Virginia Department of Corrections.

Parole hearings are held at the facility where an inmate is incarcerated. To attend Parole Board Hearings contact the Institutional Parole Officer at the correctional facility and/or regional jail where the offender is housed. Notify the Institutional Parole Officer at the facility where you will be attending parole hearings at least 7 days before the scheduled hearing.

PAROLE HEARINGS

- You may attend and give a statement
- You may submit a written statement.
- Please note, only the victim of the crime may speak, unless the victim is deceased, a minor or otherwise incapacitated.
- You may bring someone with you.
- There will be a Victim Services Representation available, at both on site and video teleconferencing, to meet with you prior to the hearing.
- They will accompany you to the hearing for moral support.
- Security Staff will be present at all times.
- Inmate will be present.
- You will have no direct contact with inmate.
- Inmate's family may be present.
- You will have no direct contact with inmate's family.
- Speak directly to the Parole Board and not to the inmate.

What can I expect when I arrive at the facility?

- Visitor's stop at the front gate before entering the facility.
- Visitors must provide two (2) forms of I.D. one of which must be a photo. (No credit cards).
- Visitors age eighteen (18) or older must have at least one I.D. All persons under age eighteen (18) must have a birth certificate. No children may visit any facility unless their parent/legal guardian is present.
- Attendance of minor children is discouraged.
- Visitors are subject to officer and/or canine search during processing.
- Visitors unable to clear the metal detector due to medical reasons (pacemaker, metal pins, etc.) will need to present a letter from a physician indicating this.
- Visitors are required to wear suitable, modest clothing (additional information will be provided prior to scheduled hearing).
- Each facility may have a different procedure for admittance.

If you do not want to attend, but still want your voice heard:

- Submit written statement regarding impact of the crime on you and your family. (This may be mailed, faxed or e-mailed to the Parole Board).
- You may also request an appointment with the Parole Board Chairman and designated Parole Board Members.

Victims who have requested, in writing, notification of an inmate's parole status will be always be notified of a parole hearing.

"Notification is an essential right and service for victims that can make a tremendous difference in their personal reconstruction in the aftermath of crime" – National Crime Victims Center Statement

Notification Information

Victims may submit a written request to be notified if an inmate:

- Has escaped
- Has died
- Is paroled or sentence discharged
- Is released
- Is placed on work release
- Is released due to reconsideration
- Is released under clemency
- Is released for medical respite
- Is released/paroled on detainer to another state

FOR OFFENDER INFORMATION,

CALL VINE

Toll-free (1-866-984-8463)

AM I A VICTIM?

A victim as defined by the West Virginia Parole Board, is an adult who suffers personal and/or property harm or death as a direct result of a crime; OR, if the victim is deceased, a designated family member of the victim; OR, if the victim is under the eighteen years old, the parent or legal guardian of the victim.

WAS THE CRIME COMMITTED AGAINST ME A "VIOLENT" CRIME?

The crimes the West Virginia Parole Board defines as "violent" include:

Abduction; arson; assault; burglary; carjacking; child abuse; escape; housebreaking; kidnapping; maiming and mayhem; manslaughter; (except involuntary manslaughter); murder; rape; robbery; sexual offenses; use of a deadly weapon; and attempts to commit (and assaults with intent to commit) certain crimes.

WHAT IS AN "OPEN" PAROLE HEARING?

It is the same as a "regular" parole hearing, except it has been opened to public attendance, by statute, since June, 1994. A panel of three Parole Board Members conducts all parole hearings with one Member being designated as the "lead interviewer" A determination, based on West Virginia Code 62-12-13, is made as to whether the offender should be released on parole.

DO I HAVE A RIGHT TO ATTEND A PAROLE HEARING?

Effective June, 1994, a victim has the right to attend a parole hearing and speak at the hearing. If the victim is deceased, is a minor, or is incapacitated, a representative for the victim shall be permitted to speak regarding the propriety of granting parole for the offender.

WHO CAN ATTEND AN OPEN HEARING?

Other persons permitted to attend may include members of the victim's or the offender's family, members of the media (with prior approval), or anyone who is interested and is at least eighteen years old. Seating may be limited, due to the accommodations provided at the designated correctional institution.

CAN SOMEONE ACCOMPANY ME TO THE PAROLE HEARING?

Yes. One companion who is at least eighteen years old can accompany any victim. If you are a victim under the age of eighteen, a companion who is your parent, guardian, or other person over eighteen years old **MUST** accompany you.

HOW DO I KNOW WHEN THE HEARING IS BEING HELD?

Following the sentencing of a person who has been convicted of murder, aggravated robbery, sexual assault in the first or second degree, kidnapping, child abuse resulting in injury, child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney shall prepare a "Parole Hearing Notification Form" which shall contain the names, addresses, and telephone numbers of the victims of the crime for which the offender was sentenced. At least 45 days prior to the date of the parole hearing, the West Virginia Board shall notify all persons who are listed on the "Parole Hearing Notification Form" of the date, time and place where the parole hearing will be held. Notices are sent by certified mail.

The West Virginia Parole Board also mails courtesy letters to those individuals who may be victims of any crime not mentioned above if they have mailed written requests to our office in order to be notified.

HOW DO I REQUEST TO BE PRESENT AT A PAROLE INTERVIEW?

All requests to attend a parole interview must be arranged through the Institutional Parole Officer (IPO) at the designated correctional institution and/or regional jail where the offender is housed. The Institutional Parole Officer (IPO) will determine the time and date the victim is to be present.

WHEN WILL I BE PERMITTED TO SPEAK AT A PAROLE HEARING?

The victim or victim's designee will be asked at the closing of the hearing if he/she has any comments regarding the offender being interviewed for parole consideration. *Again, only the victim of the crime may speak, and all comments must be directed to the Parole Board Members.

WHAT IF THE PAROLE HEARING IS NOT HELD?

Effective June 1999, an offender may waive his/her parole interview not less than 39 days prior to the hearing. Those who received a written parole hearing notification from the West Virginia Parole Board will be notified by mail of the postponement of the hearing. Other reasons for postponement include inclement weather and administrative emergencies; in these cases the parole hearing is automatically rescheduled.

WHAT HAPPENS AS A RESULT OF A PAROLE HEARING?

The West Virginia Parole Board issues three primary types of parole decisions:

- Denial of parole: The offender will remain incarcerated and shall not be re-interviewed for a stated period of time.
- Set-up: The offender will receive another hearing at a specified time (anywhere from one month to eleven months).
- Grant: The offender, upon meeting certain conditions, will be released to continue serving his/her sentence under parole supervision. Those victims whose names appear on the mandatory victim notification list will be notified in advance of the parole release date.

Victims who have requested, in writing, notification of an offender's parole status will always be notified of a parole interview and/or release of the offender.

WHAT IS VIDEO TELECONFERENCING?

The West Virginia Parole Board conducts parole interviews via video at designated sites. This enables the victim to be at a parole interview without facing the offender. Presence at a parole interview is scheduled through the West Virginia Parole Board of video conferencing is being used at the correctional institution and/or regional jail where the offender is being housed at that time. Victims will attend video hearings at the Regional Jail Authority's Central Office. The offender's family/friends attend at the facility where he/she is housed.

**FOR MORE INFORMATION ABOUT THE WEST VIRGINIA PAROLE BOARD,
OPEN PAROLE HEARINGS, OR TO INQUIRE ABOUT THE CASE THAT INVOLVES
YOU, PLEASE CONTACT:**

THE West Virginia Parole Board

1409 Greenbrier Street - Suite 220

Charleston, West Virginia 25311

1-304-558-6366; FAX: 1-304-558-5678