

Criminal justice assignment

Law



While in the community, supervision will be oriented toward reintegrating the offender as a productive member of society. How does the Commission determine if someone is eligible for Parole? A criminal offender comes eligible for parole according to the type of sentence received from the court. The “ parole eligibility date” is the earliest time the offender might be paroled. If the Parole Commission decides to grant parole, it will set the date of release, but the date must be on or after the “ eligibility” date. The process begins at sentencing. Unless the court has specified a minimum time for the offender to serve, or has imposed an “ indeterminate” type of sentence, parole eligibility OCCURs upon completion of one-third of the term. If an offender is serving a life sentence or a term or terms of 30 years or more e or she will become eligible for parole after 10 years. How does one apply for parole? To apply for parole, the offender has to fill out and sign an application furnished by a case manager. Everyone except those committed under juvenile delinquency procedures who wish to be considered for parole must complete a parole application.

In some instances, the offender may not wish to apply for parole ??” if this is the case, the offender is provided a waiver as opposed to an application. How is one notified of hearings? A case manager notifies the offender when his or her parole hearing is scheduled. The initial hearing will usually take place within a few months after arrival at the institution. The only exception to this rule is if the offender is serving a minimum term of ten years or more, in which case the initial hearing will be scheduled six month prior to the completion of ten years.

What happens at a parole hearing? A parole hearing is an opportunity for the offender to present his or her side Of the Story, and express their own thoughts as to why they feel they should be paroled. Many subjects come up during the course of the hearing. These typically include the details of the offense, prior criminal history, the deadlines which the Commission uses in making their determination, the offender's accomplishments in the correctional facility, details of a release plan, and any problems the offender has had to meet in the past and is likely to face again in the future.

The Commission is interested in both the public safety as well as the needs of the individual. When is a decision made about pa role? A Parole Examiner reviews the case file before the hearing occurs. A recommendation relative to parole is made at the conclusion of the hearing and in most instances the offender is notified of that recommendation. If a recommendation is not provided, the Examiner may refer the case to the Commission's Office for further review. All recommendations made at the hearing are only tentative as another examiner review is required before a final decision is made.

Usually it takes about 21 days for the offender to receive a Notice of Action advising them of the official decision. Is it possible to appeal the parole decision? Certainly. Within 30 days of the date on the Notice of Action, the offender may file an appeal with the National Appeals Board. Case Managers will have a copy of the form used for appeal. After receiving the appeal, the National Appeals Board may affirm, reverse or modify the Commission's decision, or may order a new hearing. A decision by the National Appeals Board is final.

Decisions granting or denying parole for prisoners sentenced under the District of Columbia Code may not be appealed to the Commission. D. C. Offenders may appeal decisions revoking their parole or supervised release. What kind of job can a parolee get? In most cases, any legitimate employment is normally acceptable. Full time work is preferable to part time work; work done continuously at one location is generally better than work in which it is necessary to travel. It is expected that the job will provide enough income to support dependents. In some cases, the Parole Commission may prohibit certain types of employment.

If, for example, the original offense behavior involved abuse of a certain occupational position and there might be a likelihood of further criminal conduct if returned to such employment, then that employment may be denied. What does a parolee do if he or she has no home to go to? The U. S. Parole Commission is interested in parolees having a suitable place to live. Sometimes this is with family or relatives, but in other cases, the Commission may consider an independent living agreement more suitable to the parolees' and the community's needs.

There is no rigid rule that requires parolees to reside in their home, if they have one, or that they cannot be paroled if they do not. Is parole the same as probation? NO. Probation is a period of supervision in the community imposed by the court as an alternative to imprisonment. Parole is the release of a prisoner to supervision in the community after he/she has completed a part of his/her sentence in an institution. Can an offender be allowed to see his or her file before the hearing? The Notice of Hearing form will tell the offender that he or she may review their institutional file before the hearing.

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Certain parts of the file are exempted by law from being shown. Such exempted parts will be summarized, however, and the summary furnished to the offender if asked. If the offender asks to see his or her file, or part of it, he or she may inspect any documents, except the exempted ones, which the Parole Commission uses as a basis for its decision about parole. The Case Manager can explain what types of material are exempted by law, and can assist in requesting files for review. He/she can also discuss the possibility of reviewing the offender's file at some time other than just before the parole hearing.

May the offender bring someone into the hearing room? The Notice of Hearing form provides a place for the offender to name someone as his or her representative at the hearing. The representative should be given timely prior notice by the offender to allow adequate time to prepare for the hearing. This representative would, with the final approval of the examiner conducting the hearing, ordinarily be allowed to enter the hearing room and make a brief statement on the offender's behalf. The offender may elect to waive representation by initialing the appropriate section on the Notice of Hearing form.

Permission must be granted from this individual, and he or she must be given enough time to plan to attend the hearing. The representative may enter the hearing room with the offender and make a brief statement on his or her behalf. Should the offender decide not to have a representative, he or she will be asked to initial the waiver section on the Notice of Hearing form.

Who else will be present at the parole hearing? Generally, a Hearing Examiner from the Parole Commission will conduct the hearing. The Case

Manager generally also will attend the hearing. Observers may ask to come into the hearing room occasionally.

These are usually members of the institution staff or personnel of the Parole Commission. A person who wishes to speak in opposition to an offender's parole may also appear at the hearing. Are the hearings recorded? Yes, the interview is recorded. The offender may request a copy of the recording by submitting a request under the Freedom of Information Act. Does the judge or other court official make a recommendation to the Commission regarding parole? The Judge who sentenced the criminal offender, the Assistant United States Attorney who prosecuted the case and the defense attorney may make recommendations regarding parole.

These recommendations are generally submitted to the Commission before the first hearing and become a part of the material the Commission considers. The Judge's recommendation and the defense attorney's recommendation will be made on Form AY-235. The Assistant United States Attorney's recommendation will be on Form USAGES. Does the Hearing Examiner usually follow the recommendations made by the institution staff? Institution staff recommendations if provided are given thoughtful consideration but are not always followed, as they are only one of the several factors considered by the Examiner and the Commission.

How do any of the following situations affect parole? A. Institution misconduct. The prisoner is expected to observe the rules of the institution in which confined to be eligible for parole. Misconduct resulting in forfeited or withheld good time indicates that institution rules have not been observed

and is a poor argument for parole, but does not automatically disqualify the applicant from Commission consideration. B. Presence of a detained. A detained does not of itself constitute a basis to deny parole. A prisoner may be paroled to a detained indicating an actual release to the custody of another jurisdiction.

If the detained is dropped, the parole will occur, with an approved plan, directly to the community. In some circumstances, parole may be to the detained only and if the detained is roped, further action regarding parole will not occur, pending additional review by the Commission. C. Alien subject to deportation. In some cases, the Commission grants parole on condition that the alien be deported and remain outside the United States. In other cases, the Commission merely grants parole to an immigration detained.

In such instances the individual does not leave the institution until the immigration officials are ready to receive him. D. Case in court on appeal. All persons have the right by law to appeal their conviction and sentence. The Parole Commission recognizes this right and the existence of a court appeal has no bearing whatever on parole decisions. Will parole be granted if there is an unpaid committed fine? A fine for which an offender is to “ stand committed” must be taken care of in some way before the Commission can take action on the “ time portion” of the sentence. The usual way to take care Of a fine is to pay it.

If an offender cannot do so, he or she may apply to take an “ indigent prisoner’s oath” if the offender can show that there are no funds or assets in his or her possession. A Case Manager can help the offender apply to take

this oath. If the offender can neither pay the fine nor qualify for the oath, the Warden or Magistrate might determine that the offender needs all of his or her money or assets to support dependents. In some cases the offender may be able to pay part of the fine and the Warden or Magistrate will determine that he or she needs the remainder of the assets for the support of dependents.

In such cases, however, the offender still has a civil requirement to pay the fine at some later date. If the offender has sufficient money or assets to pay the committed fine but fails to do so, the offender will not be paroled. Are reasons provided if parole is not granted? Yes, the Hearing Examiner will discuss the recommendation with the offender at the time of the hearing, and the Notice of Action will state the reasons for the decision. If parole is not granted at the initial hearing, will the offender be given another hearing?

By law, if a sentence is less than seven years the offender will be granted another hearing after 18 months from the time of his or her last hearing. If the sentence is seven years or more the next hearing is scheduled 24 months from the time of the last hearing. The first Statutory Interim Hearing may be delayed until the docket preceding eligibility if there is more than 18 or 24 months between the initial hearing and the eligibility date. If the Commission does not parole the offender earlier, can he or she be paroled later on near the end of the term?

If the sentence is five years or longer, the law provides that the offender will be granted mandatory parole by the Commission when he or she has served two-thirds of the term or terms, unless the Commission makes a finding

either that (1) the offender has seriously or frequently violated institution rules and regulations, or (2) there is reasonable probability that the offender will commit a further crime. If an offender is serving a life term or consecutive terms, a Case Manager can explain the law in relation to parole at the two-thirds point. Will an offender be given a hearing just before the “two-thirds” date?

If an offender is serving a sentence of five years or larger, the case will be reviewed on the record shortly before the “two-thirds” date arrives. If the offender is not granted mandatory parole on the basis of a “record review,” he or she will be scheduled for a hearing when the Hearing Examiner next visits the institution. A decision about parole will then follow that hearing. May an offender waive parole at the two-thirds point of the sentence? Yes. If the offender chooses to waive parole at this point, release will occur at the mandatory release date of the sentence.

If someone is paroled after two-thirds of a sentence, must they comply with the parole conditions like any other parolee? Yes. A parolee must abide by the conditions of release, and parole may be revoked if any of them are violated. Parolees will remain under supervision until the expiration of his or her sentence unless the Commission terminates supervision earlier. The reduction of supervision time by 180 days provided by the mandatory release laws does not apply to this type of parole. If parole is not granted to an offender at any time during his or her sentence, when does he or she get out?

Unless the offender has forfeited all statutory good time, he or she will be released via Mandatory Release. The Mandatory Release date is computed by the institution officials according to how much statutory good time the offender is entitled to and how much “extra” good time is earned. The law states that a mandatory releases “shall upon release be treated as if released on parole and shall be subject to all provisions of the law relating to the parole of United States prisoners until the expiration of the maximum term or terms for which he was sentenced, less 180 days. This means a parolee should have a release plan as if he or she were going out on parole. The releases will be supervised by a United States probation Officer as if on parole until 180 days before the expiration date of the sentence provided the releases does not violate the conditions of release, in which case the Commission retains jurisdiction to the original full term date of the sentence. If an offender is not paroled and has less than 180 days left on a sentence when they are released, they will be released without supervision. However, if a special parole term is being served, supervision will terminate at the full term date.

The 180-day date does not apply. If the Parole Commission grants parole, when will a parolee be released? If a parolee’s parole plan is complete and has been approved by the Parole Commission following an investigation by the United States Probation Officer, release will be on the date set by the Commission (assuming, of course, that the parole is not retarded or ascended for misconduct or for some other reason). If the plan is not approved, release may be delayed regardless of the effective date which the

Commission set when it granted parole. What type of release plan must be in order?

A release plan should normally include a suitable residence and a verified offer of employment. A parole advisor is necessary only if the Commission or the United States Probation Officer specifically says that one should be obtained. There are exceptions. For example, a definite job is sometimes neither necessary nor possible. The Commission always considers the individual's situation and may waive this or any other standard requirement if it sees fit to do so. On the other hand, special requirements may be added and must be met before release. How can a parolee get a job while still in the institute Zion?

Relatives, friends, and social agencies in the community where a parolee wishes to live or former employers are likely contacts. If a parolee is released through a Community Corrections Center this is also a time during which he or she may find employment. The United States Probation Officer to whom the parolee reports investigates job offers, and that officer reports back to the institution and the Parole Commission. Must a parolee return to the community from which he or she came? In most instances, a parolee will be released to the Judicial District in which he or she was convicted or the Judicial District of legal residence.

The parolee's former community may offer the best opportunity for the help and support that will be needed. If the Commission believes, however, that the chance of success on parole is greater in another community, it may order residence in a different Judicial District. After a parolee is released, to

whom and when does the parole port? Unless a parolee is released to a detained, he or she will go to an approved residence and report within three days to the United States Probation Office shown on the release certificate.

The parolee will continue to report to a Probation Officer in person as instructed by the officer. In Commission retain: parole, nee “ ill a and has been apart seer who offer of employer the United S: ate; P raining[There are Encyclicals situation and must . NET b. Through a Common the Institution and corn impurity from WI rear??, De the Judi best opportunity of greater in Lengthen District Tater a par(approved residence Probation Off CE SSH report to a Probation addition, monthly written reports are required as long a under supervision on your sentence.

Upon what condition released on parole or mandatory release? The condition release certificate presented to the parolee when he or the Notice of Action. If the prisoner is denied parole, he released at a date provided by deducting the sum total from the full term date. The conditions of supervision w certificate of mandatory release. May any of the condition(changed by the Commission? If a parolee believes the c Certificate of Release are unfair, he or she may ask the appeal form and submit it to the Regional Commissions release.

The Commission will consider the appeal and TTL- notified of the decision. While the appeal is pending the continue to abide by the conditions imposed. After a pal any of the conditions be changed? Can additional ones t Probation Officer or the Commission itself may propose to the conditions. The parolee will be notified of any such allowed up to ten days to make any written

comments form for this purpose is made available to the parolee, comments. The parolee may write directly to the Commission (or her Probation Officer) if he or she wishes to have amended or deleted.

May a parolee be required to go in or undergo some course of treatment for drug or alcohol(supervision? Federal law permits the Commission to require a parolee to participate in any of the programs mentioned for all or supervision. In most cases, a parolee will be notified in writing and may submit comments about the proposal to the Commission before a decision is made. May a parolee own, use or possess a firearm released? Except in very rare situations, federal law prohibits a parolee who has ever been convicted of a felony from possessing a firearm. Generally, therefore, parolees will not be permitted to own a firearm or ammunition.