

# PAROLE BOARD POLICIES AND PRACTICES

*Revised March 22, 2024*

## **1. C-3 and D-free** *(April 12, 2019)*

An inmate will not be granted or released to parole unless their classification is C3 or lower and he has been free of A-level disciplinaries for at least 90 days, B-level for 60 days, and C-level for 30 days or less. This applies to parole to a consecutive sentence or to the community. In extraordinary circumstances, including but not limited to parole to a longer sentence at another correctional facility, the board may parole a C-4 inmate upon a determination that justice will be served and the public protected.

## **2. Setbacks for parole violations** *(April 12, 2019)*

For a first violation of parole on the sentence currently or concurrently being served, the setback shall be 90 days unless a greater or lesser time is permitted under RSA 651-A:19. For a second violation, the standard setback shall be 6 months. For a third or more violation the standard setback shall be one year. Deviations from the standard setbacks will be permitted if the board determines that a different setback will aid in the rehabilitation of the inmate or protect the public.

## **3. Delay of release for disciplinaries.** *(April 12, 2019)*

A reconsideration hearing shall be held when an inmate receives a disciplinary writeup incurred after parole has been granted but prior to release. The standard setback is 90 days for an A-ticket, 60 days for a B-ticket and 30 days *or less* for a C ticket. These standards may be waived where justice so requires.

## **4. Mandatory programs for parole violators** *(April 12, 2019) (rev. January 28, 2022)*

When recommended by prison staff, inmates will be required to successfully complete any programming including, but not limited to, Thinking for a Change, Sex Offender Treatment, Substance Abuse, and Mental Health prior to release, unless DOC staff present to the board a valid reason for not doing so. The board reserves the discretion to add language regarding a setback that requires release after a certain number of days, notwithstanding DOC program recommendations.

## **5. Recusal** *(April 12, 2019)*

A board member who has a direct interest in the outcome of the hearing or any connection with or knowledge of the parties that would be likely to improperly influence their judgment shall not participate in a parole hearing. (This will result in the loss of a quorum and the hearing will be rescheduled when a different member is sitting.) If the member has connection with or knowledge of the parties but believes they can make an impartial judgment, they shall disclose it on the record and give the inmate the opportunity to have the hearing rescheduled.

**6. Medical Parole conditions** *(April 12, 2019)*

An inmate granted medical parole will be confined to their residence or healthcare facility except for medical treatments and doctor visits. Every three months they will be required to submit results of a medical examination by a licensed physician to the director of medical and forensic services and to the board indicating whether they continue to have a terminal, debilitating, incapacitating, or incurable medical condition or syndrome.

**7. Out of State Parole Violations** *(March 25, 2022)*

Tolled time ends on the date that the receiving state makes the parolee available for return to the sending state.

*(Prior 7. Medical Parole for Hep C Treatment- withdrawn January 28, 2022)*

**8. Six-month reviews under RSA 651-A:19, VI** *(October 27, 2017) (rev. January 28, 2022)*

Inmates will serve their full setback unless at the time of the revocation the board had set certain conditions (such as completion of a program) which, if met, would result in earlier release or if justice so requires.

**9. Effect of disciplinary tickets and reclassification on 90-day mandatory setbacks**

*(November 17, 2017) (rev. January 28, 2022)*

Setbacks and upgrades for violations of institutional rules run independently of any setback imposed by the parole board. Any upgrade to C4/C5 and any guilty finding on a disciplinary ticket will result in the mandatory release converting to a discretionary release.

**10. Announcing names of attendees at parole hearings** *(December 15, 2017)*

At a public meeting those who are merely observing are not required to identify themselves. Going forward staff will announce the names of the presiding officer and board members, the inmate, the PPO, and attorney. Any witnesses, or others making statements or testifying will be asked their name for the record.

**11. Disciplinary sanctions** *(August 24, 2018)*

Disciplinary sanctions will be imposed starting on the date of the disposition unless justice requires otherwise. Extra work hours required as a disciplinary must be completed before release on Parole. The hearing panel may waive all or a portion of the work hour requirements in the interests of justice and/or for good cause. (2<sup>nd</sup> sent. eff. February 1, 2024)

**12. Pleadings Policy:** *(March 25, 2022)*

Motions and related pleadings are limited to approximately 1250 words unless justice otherwise requires. *(Prior 12. Warrant for Parole Violators Discharge from Drug Treatment-withdrawn January 28, 2022)*



**13. Parole supervision fee.** *(November 26, 2018) (rev. January 28, 2022)*

Pursuant to RSA 504-A:13, the Parole Board sets the monthly parole supervision fee as follows:

Monthly income	Supervision fee
\$0 - 249.99	\$0
\$250 - \$499.99	\$10
\$500 - \$749.99	\$25
\$750 and higher	\$40

All or part of the fee may be waived by the Board, Chairman or Vice Chairman for good cause shown.

**14. Victim statements and letters** *(December 1, 2015) (rev. January 28, 2022)*

Parole Board Policy on Victim Impact Statements and Letters

- Victims who have requested notification with DOC Victim Services or the Office of Victim/Witness Assistance or meet the intent of RSA 21-M have the right to make a statement at parole hearings in the presence of the inmate.
- At the hearing, the victim or designee may make an oral statement or have one read to the Parole Board by the victim or by the victim advocate. Any written statement will be retained in the Victim Services or Victim/Witness Assistance records and will not become part of the inmate's parole file.
- Letters received by the Parole Board office from registered victims will be delivered to the appropriate victim advocate office.

**15. Drug Court Policy** *(August 2017) (rev. January 28, 2022)*

The Parole Board supports the drug court program.

- ~~2. The screening and acceptance process for the drug court will be determined by the drug court team.~~
- ~~3. The PPO will notify the Parole Board by email when a parolee is sentenced to drug court as part of his probation sentence.~~
- ~~4. The Parole Board will defer the imposition of sanctions for violations of drug court conditions to the program or court.~~
- ~~5. The PPO will notify the Parole Board if the parolee is unsuccessfully discharged (terminated) from the program and consider the need for a parole warrant at that time.~~

**16. Sober House Stay** *(March 25, 2022)*

When a parolee is going to be residing at a Sober House upon parole, the parole board will require residence at the sober house for at least 90 days and then at the PPO's discretion.

*(Prior 16. Parolees who abscond from Drug Court -withdrawn January 28, 2022)*

**17. Medical Paroles in nonpublic session** *(May 10, 2019)*

Those portions of medical parole hearings that deal with sensitive and protected medical information will be conducted in nonpublic session, unless the inmate waives confidentiality. The hearing will be opened in public session and if going into nonpublic session will continue according to the procedure described in RSA 91-A:3, I. Family, friends or victims wish to speak may do so before or after the nonpublic session. When announcing the decision to release on medical parole, the board will make clear

that all the criteria for medical parole have been met and that the periodic reporting requirements for continued eligibility are being imposed.

**18. Criteria for reduction of maximum sentence** *(July 26, 2019) (November 20, 2020) (rev. January 28, 2022) (Revised March 25, 2022)*

- A parolee must be free of any adversely adjudicated technical parole violation for at least one year, and two years for any drug violation or other crime and have completed any court ordered or board-imposed treatment or other programs.
- Unless there are extraordinary circumstances, the board will not grant a reduction of more than three years off the maximum sentence, notwithstanding RSA 651-A:12, recognizing that continued supervision may aid in the rehabilitation of a parolee.
- The board will evaluate the restitution obligation on a case-by-case basis based on the parolee's payment history and financial capacity.
- Victims should not have veto power, but the board should consider the advisability of continued geographic or no contact restrictions in deciding whether to grant reduction of maximum sentence.

**19. Policy on Review of Notifications** *(September 27, 2019) (rev. January 28, 2022)*

The Chairman or Vice Chairman will review notifications submitted by PPOs pursuant to RSA 651-A:16 to determine if the offender presents a public safety risk. If so, the Chairman or Vice Chairman shall notify the PPO whether a warrant should be prepared and submitted for a board member's signature or whether the PPO's recommendation for continued supervision in the community is appropriate.

**20. Modification of parole conditions** *(April 24, 2020) (rev. January 28, 2022)*

Upon request of the PPO the Board, Chairman or Vice Chairman is authorized to amend the following parole conditions without consultation with the board: waiver of supervision fees, imposition or extension of intensive supervision, and GPS monitoring.

**21. Requests from Victim Services for modification of parole conditions** *(April 24, 2020)*

It is the policy of the board that when Victim Services requests a change in parole conditions after the original hearing, and the parolee disagrees, they can request a review hearing before a panel of the board which will make a final decision. Otherwise, the Chairman may grant the request without consultation with the board.

**22. Residential drug treatment** *(July 24, 2020)*

If the LADC recommends 3.5 "residential treatment" it means Focus unless the LADC specifically recommends "community residential treatment." The Board will override the recommendation only in extraordinary circumstances.

**23. Withdrawal of Warrants**

Warrants may be withdrawn upon request to the Chair or Vice Chair for good cause or as justice requires. *(March 22, 2024).*



#### **24. Discovery material** *(August 28, 2020)*

It is the policy of the Board that no discovery, including but not limited to, police reports, should be included in revocation packets.

#### **25. Victim statements at revocation hearings** *(August 28, 2020). (Rescinded December 18, 2020)*

~~It is the policy of the Board that victim statements are not allowed at revocation hearings. Victims can certainly attend, as can any member of the public, but they will not be permitted to address the board.~~

#### **26. International travel** *(April 2, 2021)*

It is a standard condition of parole that international travel is not permitted.

#### **27. Modifying parole conditions based on change in level of care after parole hearings** *(June 25, 2021) (rev. January 28, 2022)*

The Chairman or Vice Chairman may amend original parole conditions based on a change in level of care by DOC unless the Chairman or Vice Chairman finds that extraordinary circumstances require otherwise.

#### **28. Resident release synopsis** *(July 23, 2021) (withdrawn January 28, 2022)*

~~It is the policy of the Board that the Resident Release Synopsis must be thoroughly and entirely completed as directed in PPD 682 in order for the resident to be granted parole, either to the community or to a consecutive sentence, as applicable, or the parole hearing for that resident will be continued up to 30 days, unless justice requires otherwise. A consecutive sentence requires that only page one be thoroughly completed.~~

#### **29. Discharge summary post-treatment plans** *(July 23, 2021)(withdrawn January 28, 2022)*

~~It is the policy of the Board to continue any parole hearing if the Behavioral Health Services Discharge Summary does not specify all post-treatment plans including ASAM level of care, all mental health treatment, and all other applicable treatment. The hearing will be continued for up to 30 days unless justice requires otherwise.~~

#### **30. Waiver of supervision fees** *(July 23, 2021) (rev. January 28, 2022)*

~~It is the policy of the Board that the chairman or chairman's designee may waive supervision fees only if the chairman or chairman's designee has the parolee's payment history and current financial capacity to pay.~~

At a parole hearing the Board shall waive supervision fees until restitution is paid in full for any parolee who has been ordered to make restitution payments. The amount of any supervision fee so waived shall supplement restitution payments.

### **31. Administrative Reconsideration hearings (ARH)** *(October 22, 2021)*

Par 203.08 requires a reconsideration hearing for an inmate previously approved for parole who incurs a disciplinary report (A, B, or C ticket). The Board will hold in person hearings for A tickets as well as those B and C tickets highlighted on a Disciplinary Violations List maintained by the Board. For all other violations a hearing will be held in absentia as an administrative reconsideration hearing. (ARH).

### **32. PV Reconsideration hearings** *(October 22, 2021)*

In the absence of statutory or administrative rule provisions regarding reconsideration hearings for parole violators, it is the policy of the Board to conduct in person hearings for all A tickets and the B tickets highlighted on the Disciplinary Violations List. For all other non-highlighted violations, the Board will conduct in person hearings for those with mandatory release dates, and administrative reconsideration hearings for discretionary releases.

### **33. Completion criteria for Breaking Free** *(October 22, 2021)*

Since the GTL tablet program called Breaking Free has no end point, the Board will require a minimum of 10 hours of engagement to be considered as completing the program. (This is the same amount as the DOC requires for Earned Time Credit.)