
STATE OF WEST VIRGINIA

BOARD OF
PROBATION AND PAROLE

EIGHTEENTH ANNUAL REPORT

July 1, 1971 --- June 30, 1972



TWENTY - SECOND OF THE DEPARTMENT

3786922



ARCH A. MOORE JR.
GOVERNOR

ROBERT L. HOLLAND
CHAIRMAN

WEST VIRGINIA
BOARD OF PROBATION AND PAROLE
ROOM 711 - STATE OFFICE BUILDING NO. THREE
CHARLESTON 25305

J. KENNETH SHAVER
MEMBER-SECRETARY

FRANCIS P. WARDER
MEMBER

July 31, 1972

The Honorable Arch A. Moore, Jr.
Governor of West Virginia
State Capitol
Charleston, West Virginia

Dear Governor Moore:

We have the honor to submit herewith the Eighteenth
Annual Report of the Board of Probation and Parole for the
period July 1, 1971 through June 30, 1972.

Respectfully,

Robert L. Holland
ROBERT L. HOLLAND
Chairman

J. Kenneth Shaver
J. KENNETH SHAVER
Member-Secretary

Francis P. Warder
FRANCIS P. WARDER
Member

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P R E F A C E

As a result of the enactment of the Enrolled Committee substitute for House Bill No. 607 (Chapter 42, Acts of the Legislature of West Virginia, 1965), the duties or functions of the West Virginia Board of Probation and Parole are limited to determinations relating to the release of inmates from penal institutions through the parole process, and the subsequent determinations as to the continuance on, or the revocation of, paroles granted.

As a further result of said legislation, the Board, a quasi-judicial body, and a separate and distinct statutory entity, is placed in the peculiar position, in administering its statutory duties, of being dependent upon the Commissioner of Public Institutions, through the Division of Correction, for employment, supervision and control of the Board's clerical staff; and, also, in having no administrative assistant to conduct the routine business of the Board during its many necessary absences from the Board's offices.

Despite its formal title, or name, BOARD OF PROBATION AND PAROLE, the Board now has no duty or function in connection with the probation system in the State of West Virginia.

After the Board decides to grant parole in a particular case, the actual physical release of the person paroled is within the province of, and is effected by, the Division of Correction, Department of Public Institutions. The field supervision of the parolee is also a function of the Division of Correction and the Board of Probation and Parole has no jurisdiction or authority in this matter.

This Board of Probation and Parole, the Division of Correction and the Department of Public Institutions have been cooperating to the fullest extent to insure the continued advancement of the parole and correctional systems in the State of West Virginia.

STATE OF WEST VIRGINIA

ARCH A. MOORE, JR.

GOVERNOR

BOARD OF PROBATION AND PAROLE

MEMBERS

Robert L. Holland
Chairman

J. Kenneth Shaver
Member-Secretary

Francis P. Warder
Member

OFFICE PERSONNEL

Lucille W. Bachman
Secretary to the Chairman

Ocie M. Parsons
Secretary

Juanita Pryor
Secretary

Isabelle Martin
Clerk

SELECTION AND ORGANIZATION OF THE PAROLE BOARD

The West Virginia Board of Probation and Parole consists of three members appointed by the Governor, by and with the advise and consent of the Senate, to serve at the will and pleasure of the Governor. Not more than two of the members shall at any one time belong to the same political party.

The Board is organized with a Chairman, Member-Secretary and Member. The Chairman of the Board is designated by the Governor. The Member-Secretary is named by the Board members. The main office of the Parole Board is located at 1800 Washington Street, East, Charleston, West Virginia.

REQUIREMENTS OF WEST VIRGINIA PAROLE LAW

The Legislature in enacting parole laws set up certain requirements. These provide, among other things:

1. That the inmate appear in person before the Parole Board.
2. That the inmate shall have served the minimum term of his indeterminate sentence, or shall have served one-third of his definite term, as the case may be.
3. That the inmate shall not be under punishment or in solitary confinement for any infraction of prison rules.

4. That the inmate shall have maintained a record of good conduct in prison for a period of at least three months immediately preceding the date of release on parole.
5. That the inmate shall have satisfied the Board that, if released on parole, he will conduct himself in a lawful manner and that his release is not incompatible with the best interests and welfare of society generally.
6. That the Board reach its written conclusion as to the desirability of granting parole to the prisoners.
7. The Board shall, with the approval of the Governor, adopt rules and regulations governing the procedure in granting of parole.

In carrying out its duties the Parole Board is charged with the holding of summary parole violation hearings in those cases referred by the Division of Correction. The information set forth on the following pages is an account of the activities of the Parole Board in carrying out the mandates of the parole laws.

THE PAROLE PROCESS

Parole, as a method of release from prison or jail, is not an inherent right bestowed upon the confined person. He has no "right" to be paroled, and it is not an act of clemency. Parole is a privilege granted

to an inmate permitting him to serve the remainder of his maximum time outside of the institution. The granting of parole rests upon two basic principles. The first and greatest of these is the protection of society. The second is rehabilitation of the criminal offender -- after physical and continuing rehabilitation made through incarceration and the planned program of the institution, and the further rehabilitation of the offender on return to society.

PAROLE INTERVIEWS

West Virginia parole law provides that as to any person sentenced to the State's penal institutions the Parole Board shall, as soon as such person becomes eligible, consider the advisability of his or her release on parole. That if, upon such consideration, parole be denied, the Parole Board shall at least once a year reconsider and review the case of every prisoner so eligible, which reconsideration and review shall be by the entire Parole Board. This, in substance, is the parole law on interview for the State of West Virginia.

The Parole Board conducts parole interviews for eligible prisoners at the following penal and correctional institutions of this State: the West Virginia Penitentiary, Moundsville; the Huttonsville Correctional Center, Huttonsville; and the West Virginia Prison for Women, Pence Springs.

The Parole Board carefully reviews all progress reports received from the confining institution together with reports of special medical, psychological and psychiatric examinations as are made available. Prisoners who have maintained satisfactory conduct and performance records during their period of confinement are personally interviewed by the Parole Board to determine their readiness and willingness to accept responsibilities to their families and to society. Release plans are proposed by those inmates who appear to be suitable prospects and are carefully investigated by the Division of Correction's staff for acceptability prior to release on parole, however, a suitable home or job plan is not a prerequisite to the granting of parole. Release on parole is granted to the inmate, after personal interview and explanation of rules and regulations of supervision, by representatives of the Division of Correction.

Between July 1, 1971 and June 30, 1972 the Board interviewed 639 prisoners.

PAROLES GRANTED

Of the 639 prisoners interviewed during this fiscal year 339 were granted parole. On a percentage basis 53.05 percent of those interviewed were granted parole, as compared with 40.35 percent for the 1970-1971 period and 49.26 percent for the 1969-1970 period.

The Board considers many factors prior to granting or denying parole. Among these are the prisoner's family background and social history in the

community, his school record, youthful pattern of behavior, employment record, marital situation, the crime committed, medical and psychological reports when available, past criminal record, probation or parole violations, prison conduct, constructive use of prison time, attitude toward crime, attitude toward the sentencing court and officials, local sentiment toward the prisoner's returning to the community, interest of family during confinement, and feasibility of a more desirable social adjustment in a different environment. These studies are made with a view of carefully screening those prisoners for release on parole who are less likely to revert to crime, thus affording as much protection to society as possible.

The Board occasionally interviews prisoners who have demonstrated their inability to assume the responsibilities of citizenship and, for the protection of society, should remain confined for the maximum period provided by law. However, in a few such cases, the Board has granted parole to inmates a short period of time before their expiration dates simply to have them placed under a period of parole supervision rather than that they be released "cold" without any supervision. Under supervision, hopefully, the released inmate is assisted in solving the immediate and often perplexing problems that occur during adjustment from a controlled life in the institution to the relative freedom in our competitive society.

At the time of interview the inmate is advised verbally of the Board's action, and in the event of denial, the reasons therefor. After the Board returns to the main office the prisoner receives a written notice of the Board's action.

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Despite the presence of a detainer filed against a prisoner by federal or local authorities, the Board may grant parole whenever the facts justify such action. Generally, such paroles are granted only when the Board feels the prisoner would be a "good risk" were the detainer lifted. In some instances, release on parole is authorized only on the specific condition that the prisoner be paroled to the detainer.

The data below indicates the Parole Board's activities as to interviews and the decisions granting or denying paroles for the 1971-1972 fiscal year:

	West Virginia Penitentiary	Huttonsville Correctional Center	West Virginia Prison for Women	TOTAL
Interviews Held	319	300	20	639
Paroles Granted	145	169	8	322
Paroles Denied	155	126	9	290
Placed Under Further Consideration	19	5	3	27
Further Consideration Cases Carried Over From Preceding Year				21

The placing under "further consideration" is a method used by the Parole Board in an interviewed case where all pertinent material is not then available and a full and fair decision cannot be reached until such material is available. The 48 "further consideration" cases shown in the chart, after further evaluations by the Parole Board, were decided in the following manner:

Granted Parole ----- 17
 Denied Parole ----- 28
 Pending ----- 3

TYPES OF CRIMES ON WHICH PAROLES WERE GRANTED

JULY 1, 1971 through JUNE 30, 1972

CRIMES	West Virginia Penitentiary Moundsville	Huttonsville Correctional Center Huttonsville	West Virginia Prison For Women Pence Springs	TOTAL
Breaking and Entering	43	70	0	113
Breaking Without Entering	2	2	0	4
Burglary	7	8	0	15
Grand Larceny	31	32	1	64
Receiving or Transferring Stolen Goods	0	7	0	7
Obtaining Property Under False Pretense	0	5	2	7
Embezzlement	1	0	0	1
Extortion	1	0	0	1
Forgery	16	8	3	27
Uttering a Forged Instrument	2	1	0	3
Giving Worthless Checks	1	1	0	2
Attempt to Utter a Forged Writing	0	1	0	1

TYPES OF CRIMES ON WHICH PAROLES WERE GRANTED

JULY 1, 1971 through JUNE 30, 1972

CRIMES	West Virginia Penitentiary Moundsville	Huttonsville Correctional Center Huttonsville	West Virginia Prison For Women Pence Springs	TOTAL
Armed Robbery	14	2	0	16
Robbery by Violence	1	0	0	1
Robbery Without Violence	8	0	0	8
Attempted Robbery	1	1	0	2
First Degree Murder	7	2	0	9
Second Degree Murder	3	1	1	5
Voluntary Manslaughter	4	7	2	13
Unlawful Assault	2	9	1	12
Malicious Assault or Maiming	2	5	0	7
Kidnapping	1	0	0	1
Habitual Criminal Act	3	0	0	3
Statutory Rape	1	0	0	1
Rape	2	0	0	2

TYPES OF CRIMES ON WHICH PAROLES WERE GRANTED

JULY 1, 1971 through JUNE 30, 1972

CRIMES	West Virginia Penitentiary Moundsville	Huttonsville Correctional Center Huttonsville	West Virginia Prison For Women Pence Springs	TOTAL
Attempts to Commit Rape	1	0	0	1
Adultery	1	0	0	1
Possession, Sale and/or Delivery of Dangerous Drugs	1	6	0	7
Conspiracy to Bomb	1	0	0	1
Escape	2	0	0	2
Bigamy	0	1	0	1
Possession of Firearms in Unlawful Sale of Whiskey	0	1	0	1
GRAND TOTALS	159	170	10	339

PAROLES DENIED

Parole was denied 318 out of the 639 prisoners interviewed. The Board was of the opinion that these individuals were not ready to be returned to society at that time for various reasons consistent with parole policy. However, they will continue to be interviewed annually until such time as release appears proper and to the best interests of both the prisoner and society. On a percentage basis 49.76 percent of those interviewed were denied parole.

REVOCATION OF PAROLES

The statute provides that if at any time during the period of parole there shall be reasonable cause to believe that the parolee has violated any of the conditions of his parole, he may be arrested and lodged in jail. A warrant is issued by the Director of the Division of Correction which holds the parolee in custody without bond pending a parole violation hearing. As soon thereafter as practicable, a parole violation hearing is held by a member of the Parole Board and the results of this hearing are reported to the full Board for decision. The parole violation hearings are conducted in the various counties throughout the State where the accused parole violator is being held and the parolee may employ counsel and have witnesses present, if he wishes. There is no statutory provision, or funds available, for the furnishing of counsel for indigent prisoners in such

summary hearings. After carefully evaluating all facts and information relating to the particular case, the Board may revoke parole and return the prisoner to the institution from which released, or release again to continue under parole supervision.

During the fiscal year 1971-1972 the Board had a total of 91 parole violation hearing cases. Action in these cases and in 4 advisement cases carried over from the preceding year resulted in 56 revocations for technical reasons and 26 revocations for the commission of felonies. The Board released 9 parolees to be continued under supervision. In these cases, it was the opinion of the Board that the best interest of all concerned could be served by such action. Of the 91 parole violation hearing cases conducted and the advisement cases considered, 88 percent resulted in revocation of paroles. There were 4 cases under advisement and awaiting decision at the end of the year.

PAROLE VIOLATION HEARING CASES

The chart below indicates the number of parole hearings conducted and decisions made by the Parole Board.

FISCAL YEAR 1971 - 1972

Parole Violation Hearings conducted during 1971-1972 -----	91
Advisement cases carried over from preceding year -----	<u>4</u>
Total	95
Paroles revoked on technical grounds -----	36
Paroles revoked on felony grounds -----	<u>23</u>
Sub-total	82
Technical Violators continued under supervision --	9
Felony Violators continued under supervision -----	<u>0</u>
Sub-total	9
Cases awaiting decision (carried over to next year)	<u>4</u>
Sub-total	4
Total Hearing Cases	95

CRIMES COMMITTED BY FELONY PAROLE VIOLATORS

FISCAL YEAR 1971 - 1972

CRIMES	Committed in West Virginia*	Committed in Other States*	TOTAL
Grand Larceny	5	0	5
Armed Robbery	3	1	4
Robbery	1	1	2
Breaking and Entering	8	0	8
Entering Without Breaking	1	0	1
Auto Theft	0	1	1
Dyer Act	0	1	1
Burglary	0	1	1
Uttering a Forged Instrument	1	0	1
National Firearms Act	0	1	1
Unauthorized Use of a Motor Vehicle	0	1	1
GRAND TOTALS	19	7	26

* Number of parolees is shown.

PAROLE FROM CITY OR COUNTY JAILS

West Virginia parole law provides for release of a prisoner from any city or county jail by the Board of Probation and Parole:

"In the case of any person sentenced to or confined under sentence in any city or county jail in this State, the Board shall act only upon written application for parole. If such jail prisoner be under sentence on a felony conviction, the provisions hereof relating to penitentiary prisoners shall apply to and control his release on parole. If such person be serving time on a misdemeanor conviction, he shall be eligible for parole consideration, upon receipt of his written parole application and after time for probation release by the sentencing court or judge has expired."

The Board has been very careful in its decision to release prisoners in such cases, having in mind that such sentences are often given when the offense may be of a more serious nature, and only after careful consideration of all the facts and circumstances by the prosecuting attorney and sentencing judge.

During the 1971-1972 fiscal year the Parole Board reviewed sixteen applications from city or county jail prisoners. Nine prisoners were approved for release on parole; seven prisoners were denied release on parole.

CLEMENCY REPORTS

The Governor of West Virginia, under the Constitution of the State and laws made pursuant thereto, has the power to extend clemency in the form of a full and unconditional pardon, conditional pardon, commutation of sentence, respite and remission of fines.

A plea may be filed for clemency by any inmate or by someone in his behalf. When such petition is submitted to the Governor, he may request the Board, the Attorney General's Office, or the Office of the Department of Public Safety to make the investigation and report the findings to him.

The Board, at the Governor's request, made 229 such clemency reports to the Governor during the 1971-1972 fiscal year.

END