

## Palau National Parole Board Transition Report

### *Palau Parole Board*

*Under 18 PNC Section 1204 (Palau Parole Board; created; membership; Chairman), it states that there is hereby established, a Palau Parole Board that shall be comprised of five members known as “Board Members” and shall be appointed by the President, by and with the advice and consent of the Senate. The Board shall elect from among its members a Chairman and Vice Chairman. The President shall designate a member to serve as temporary Chairman until such time as the Board members shall elect a Chairman. Any three members of the Board shall constitute a quorum.*

Following is a brief summary of the Parole determination proceeding pursuant to 18PNC; Chapter 12.

In 2018, the board started working with the Office of the Attorney General who serves as the boards legal counsel and put in place a standard process for a convict to apply for a Parole Determination Hearing. Once the board gets confirmation from its counsel that the convict is eligible for a Parole hearing, the board will then issue a Notice of Parole Determination Hearing to a convict that applied, the notice will state when and where the hearing will take place and inform the convict that they may have the right to a counsel or retain one from the Public Defenders office. After the Parole Determination hearing, the board will then determine if they will grant or deny the parole request. In any case the Parole request is not granted, subsequent parole determination proceedings shall be held not less frequently than once every six (6) months in the case of a convict with a term or terms of less than seven (7) years or once every 24 months in the case of a convict with a term or terms of seven (7) years or longer. In any case the Parole request is granted, the board will impose conditions on the Parole Release order for the parolee to abide by at all times. Once the convict becomes a parolee, he/she will be under the jurisdiction of the board until the expiration of the full term or terms for which the parolee was sentenced. Except as otherwise provided in section Chapter 12 section 14, the jurisdiction of the Board over the parolee shall terminate no later than the date of the expiration of the maximum term or terms for which he was sentenced, except that such jurisdiction may terminate at an earlier date to the extent provided relating to early termination of parole supervision, 18 PNC Chapter 12 section 15.

If any parolee is alleged to have violated his parole, the Board or any board member is authorized to issue summons to appear at a Parole Revocation hearing or issue an arrest warrant to cause the return to custody of the parolee and await the notice of the revocation hearing that will be held within 30 days of arrest. Parolee will have a chance to a hearing and board finds a preponderance of evidence that the parolee has violated a condition of his parole, the Board may (1) restore the parolee to supervision, (2) reprimand the parolee (3) modify the parolee’s conditions of parole or (4) formally revoke parole, work release or study release. The Board will have twenty-one (21) days to provide the parolee with a written notice of its determination.

*Under 17 PNC Section 3204, Ministerial Review; It states that Upon receipt of the four copies of a petition, the Minister shall retain one, and shall send one to the Attorney General, one to the Director of the Bureau of Public Safety, and one to the Parole Board for their review and written recommendations. Each such recommendation shall be issued no later than 60 days following the receipt by the Minister, the copies of the petition.*

*Under 18 PNC Chapter 12 section 06 subsection (e); Pursuant to the procedures set forth in the Executive Clemency Act, the Board shall consider any proposal submitted for exercise of executive clemency. The Board shall prepare a written recommendation regarding clemency that is approved by a majority vote of the Board. The Board shall review and respond to the proposal for clemency in an impartial manner, free from any political influence and with some factors to consider.*

From January to November 2020, there have been nine estimated number of Parole Determination Hearings, this also includes regular board meetings and meetings with clients. There have been four revocation hearings that took place during this time and 15 estimated number of Executive Clemency recommendation request made. Currently, there are some pending Executive Clemency recommendation request awaiting board meeting and proposed to be done no later than end of December.

Parole Board members are currently working with Ministry of Justice, Bureau of Public Safety and the Division of Corrections with the monitoring of 32 parolees. Most or all of the parolees have already found jobs and improving their efforts toward the betterment of themselves.

The board consist of only one Administrative officer currently working at the office. There is not enough budget to hire more staff and or Parole Officers. Board recommends hiring of at least one Parole Officer to do monitoring, this will benefit the board greatly by having experienced, trained and certified personnel that can do what the Police officers do.