



**LOUISIANA  
BOARD OF PARDONS AND PAROLE**

**Number: 11-1113-POL**  
**Date: March 17, 2014**  
**Page: 1 of 4**

**BOARD POLICY**

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**SUBJECT: REVOCATION HEARING AND PROCESS**

**PURPOSE: To describe revocation proceedings**

**AUTHORITY: LAC Title 22, Part XI, Chapter 11; La. R.S. 15:574.2**

**REFERENCE: ACA Standards 2-1117, 1118, and 1119**

**POLICY:**

It is the policy of the Committee to provide an offender with due process when he has been accused of violating the conditions of parole supervision. When the Division of Probation and Parole has found probable cause and a preliminary hearing has been conducted, a revocation hearing shall be scheduled, unless the offender waives his right to a final revocation hearing. The revocation hearing shall be conducted within sixty (60) calendar days after the offender's return to prison (arrest or detainment). Any delay for good cause must be approved by a Committee member. The purpose of the revocation hearing is to determine if one or more conditions of parole have been violated by the offender, and if such violation(s) are serious enough to warrant re-incarceration of the offender to serve the balance of his sentence.

**PROCEDURES:**

**I. Due Process**

1. The revocation hearing is a public hearing and shall be conducted as outlined in Board Policy 05-501, "Public Hearings/Videoconferencing."
2. The same procedural and substantive rights which are afforded to an offender at a preliminary hearing are afforded at the revocation hearing.
3. At the hearing, the panel chairperson shall inform the parolee of the allegations against him and take his plea on the record.
4. The parolee:
  - a. must be present for the hearing (except as outlined in Section VI below for automatic revocation for a new felony conviction);

- b. may be represented by an attorney; and
- c. may normally have one witness testify on his behalf.
  - 1. For good cause shown, the panel may permit the parolee to present additional witnesses.
  - 2. Reliable documentary evidence is admissible at the hearing.
  - 3. The offender may be allowed to present mitigating circumstances.

## **II. Violation Report**

A copy of the violation report with attachments will be provided to each panel member prior to the hearing, along with any other pertinent documents which may be submitted to the panel prior to or at the hearing.

## **III. Proceedings**

- 1. The chairman of the panel, or his designee, shall:
  - a. ensure the identification of the parolee; and
  - b. obtain an acknowledgment that the parolee understands his rights related to the hearing.
- 2. The alleged violations will be read and the parolee will be asked to respond to each with "guilty" or "not guilty."
- 3. The parolee will be encouraged to speak for himself and to make a statement on his own behalf.
- 4. The parolee's attorney may speak on his behalf and/or advise him at any time throughout the hearing.
- 5. The district attorney or his or her representative may speak on behalf of the prosecution.
- 6. The board may request oral testimony from all participants present who have specific knowledge of the revocation violation(s).

#### **IV. Panel Decision**

1. The panel may make one of the following decisions:
  - a. revocation of parole;
  - b. reprimand and restore to parole supervision with or without special conditions imposed;
  - c. unsatisfactory termination of parole if full term date of parole supervision has passed;
  - d. participation in a transitional work program for up to six months in lieu of revocation;
  - e. as an alternative to incarceration, in lieu of revocation, be committed to a community rehabilitation center or a substance abuse treatment program operated by, or under contract with, the Department of Public Safety and Corrections for period of time not to exceed six months, provided that the period of such commitment does not extend beyond the full parole term.
  - f. as an alternative to incarceration, in lieu of revocation, participation in other specific therapeutic programs as approved by the Department of Public Safety and Corrections and/or the Division of Probation and Parole.
  - g. do not revoke, continue on supervision
2. The panel may elect to vote to continue or recess the hearing until certain testimony which was not available at the preliminary hearing can be heard or further evidence can be verified and presented.
3. The panel may also vote to recess and defer a decision until the outcome of pending charges. In this case, the parolee may be allowed to make bond on pending charges if so ordered by the panel. The board may then render a decision after receipt of additional evidence or after the disposition of the pending charge(s).

#### **V. Notification of Panel Decision**

1. At the conclusion of the hearing, the panel will advise the offender orally of its decision and he will be furnished with a copy of the Parole Revocation Decision Form. The offender shall be advised, in writing, of his/her eligibility to apply for re-parole.
2. A copy of each Parole Revocation Decision Form will also be forwarded to the Probation and Parole District Office assigned supervision of the offender.

**11-1113-POL**

March 17, 2014

Page 3 of 4

**VI Automatic Revocation for New Felony Conviction**

A final revocation hearing will not be held if the parolee has been convicted of a new felony while on parole, as revocation is required by law. Such revocation will be handled by the Committee by a single-member panel as described in Board Policy 05-513, "Single Member Action."

**SHERYL M. RANATZA, CHAIRMAN**

*\*Signature on file*

*This policy replaces and supersedes Board Policy 11-1113, dated February 19, 2013.*