



**LOUISIANA
COMMITTEE ON PAROLE**

Number: 11-1105-POL
Date: August 20, 2019
Page: 1 of 2

BOARD POLICY

SUBJECT: **PRELIMINARY HEARING FOR DETAINED PAROLE VIOLATORS**

PURPOSE: To establish a policy statement regarding preliminary hearings for Offender's accused of violating the conditions of parole.

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

REFERENCE: PNP Manual, Chapter 2, ACA Standard 2-1111

POLICY:

It is the policy of the Committee to afford an offender due process when the offender is accused of violating the conditions of parole. The preliminary hearing shall be conducted by a hearing officer designated by the Division of Probation and Parole. The hearing officer shall have no direct knowledge of the parolee and the circumstances surrounding the allegations.

PROCEDURES:

- A. Preliminary Hearing: The purpose of the preliminary hearing is to determine if there is probable cause that the parolee has violated the conditions of his parole.
- 1) A finding of probable cause may support the continued detention of the parolee pending a final revocation hearing.
 - 2) The allegations and findings presented in the preliminary hearing documents will be the foundation for revocation or other specified action.
 - 3) The preliminary hearing will be conducted within a reasonable time following detention and in the locale or vicinity close to where the alleged violation occurred so that the offender has access to both favorable and adverse witnesses.
 - 4) Prior to the preliminary hearing, written notification will be furnished to the parolee advising him of:
 - a. The charges pending against him;
 - b. His rights at the hearing; and

- c. The date, time, and place of the hearing.
- 5) The parolee may request deferral of the preliminary hearing pending disposition of new felony charges. The parolee may also request the deferral of the preliminary hearing for a period of six months pending disposition of a misdemeanor domestic abuse battery.
- 6) The parolee may retain an attorney, or, if eligible, be represented by appointed counsel.
- 7) Documentary evidence and oral testimony may be taken from all participants present at the hearing, including witnesses and the parolee's friends and family.
- 8) At the conclusion of the hearing, the hearing officer will issue a ruling as to probable cause.

B. Findings by the Hearing Officer

- 1) The hearing officer who presides at the preliminary hearing will issue a finding of probable cause or no probable cause.
 - a. If no probable cause is found, the hearing officer shall order the parole violation detainer to be lifted and the alleged violator released from custody.
 - b. If probable cause is found, the Division of Probation and Parole will make one of the following recommendations to the Committee:
 - 1. That the parole violator be detained;
 - 2. That the parole violator be allowed to make bond, if new charges are pending, while awaiting a final decision from the Committee;
 - 3. That the parole violator remain incarcerated, without bond, pending disposition of the charge; or
 - 4. That the parole violator be reprimanded and continued under parole supervision.
 - c. If probable cause is found, the parole revocation questionnaire will be completed and forwarded to the Committee
- 2) A copy of the finding will be given to the parolee and a copy forwarded to the Committee.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes policy 11-1105, "Pre-Revocation Hearing for Detained Parole Violators" dated February 19, 2013.