



Utah Board of Pardons & Parole

Parole Violation Handbook

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INTRODUCTION

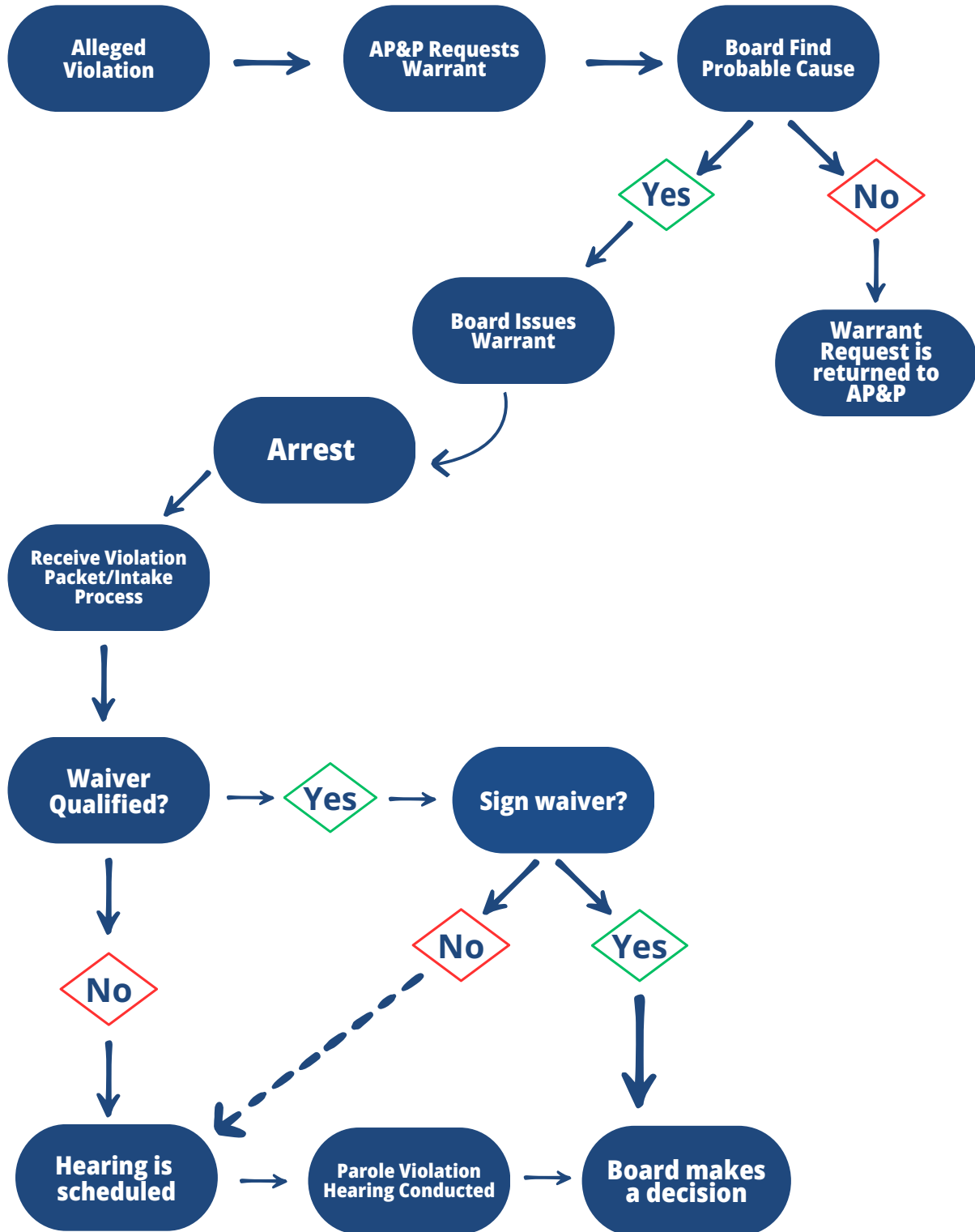
This handbook is a guide to the parole violation process in Utah. If you have been arrested on a Board Warrant for allegedly violating the terms of your parole, this guide will explain the steps, your rights, and the decisions the Board of Pardons and Parole (the Board) may make. Our goal is to ensure a fair and just process for everyone involved.

For information about other parts of the parole process please refer to *An Inmate's Guide to the Utah Board of Pardons & Parole*.

PAROLE VIOLATION &



WAIVER OVERVIEW



Key Terms

- **AP&P:** Adult Probation and Parole, the division of the Utah Department of Corrections that supervises individuals on parole.
- **Board of Pardons and Parole:** The agency that has decision-making authority over parolees.
- **Board Warrant:** An arrest warrant issued by the Board for an alleged parole violation.
- **Probable Cause:** A reasonable basis for believing a crime or violation may have been committed.
- **Waiver:** An option for an eligible individual to admit to their violation and waive the right to a formal hearing, which allows for a quicker decision from the Board.

The Board Warrant and Arrest

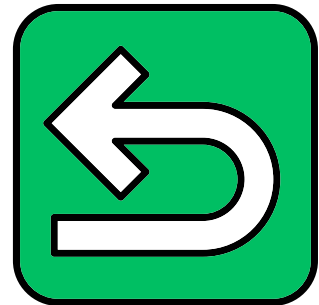


Board Warrant

If you are accused of violating your parole conditions, Adult Probation and Parole (AP&P) can ask the Board to issue a warrant for your arrest. This is called a "Board Warrant." A Board Member will review the request and, if they find sufficient evidence (probable cause), will issue the warrant.

Warrant Recall

A warrant can only be removed ("recalled") if AP&P submits a formal recall request to the Board. For example, AP&P may recommend recalling the warrant and having you enter a parole violator program instead of returning to prison.



The Parole Violation Packet

You will receive a packet of documents. This packet includes:

- A copy of the Board Warrant that includes the parole violation allegations and probable cause supporting each allegation.
- A "Challenge to Probable Cause" form, which you can use to dispute the information provided by AP&P.

The Parole Violation Waiver



How it Works



Signing the Waiver

If you sign, you are admitting to the violation. This allows you to waive a formal hearing and usually get a quicker decision from the Board.

Declining the Waiver

If you choose not to sign, simply write "Decline" on the form and return it. A Parole Violation Hearing will then be scheduled.

No Response

If you do not return the form, the Board will wait up to 30 days before moving forward with the hearing process.



What does this Mean?



A Waiver is a Choice

Carefully review the allegations before deciding whether to sign. Signing it resolves the matter faster, but it means you admit you violated your parole.

Waiver Eligibility

You may not be eligible for a waiver if the alleged violation involves:

- Sex Offender Conditions
- Domestic Violence
- Crimes Against a Person
- Firearms or Weapons

Other circumstances at the Board's discretion.
See Utah Admin. Code §R671-514



Attorney

The Board provides an attorney to assist individuals who do not waive their hearing at no cost.



You also have the right to hire your own attorney at your own expense.

They can represent you at both a Parole Violation Hearing and an Evidentiary Hearing.



Board Attorney will not be available to you if you choose to sign your waiver.

The Parole Violation Hearing

A Parole Violation Hearing is held before a Hearing Officer to address the alleged violations.

The hearing typically occurs within 60 days of your return to prison.

The hearing may be continued until the new charges are resolved in court.

At the hearing, you can admit, plead no contest, or deny each allegation.

If you admit to the violations, the Hearing Officer will hear statements and forward the case to the Board for a decision.

If you deny the violations, an Evidentiary Hearing may be scheduled.

See Utah Admin. Code §R671-516

Board Decisions

After a waiver or hearing, the Board will review your case and make a decision. The decision could be:

- **Grant Release:** Set a new parole date or terminate your sentence.
- **PV/Paper Review:** A continuance of your case. This usually happens when you have pending criminal charges, and the Board decides to wait for the court outcome before making a final decision.
- **Schedule an Evidentiary Hearing:** If you deny the allegations at your initial hearing.

Hearings may be continued so additional reports and information can be received.

The Evidentiary Hearing

An Evidentiary Hearing is a more formal, trial-like hearing that is scheduled only when you deny the parole violations to review evidence.

- A Board Member presides over the hearing, acting like a judge.
- The State (AP&P) is represented by an Assistant Attorney General.
- You can be represented by the Board-appointed attorney or an attorney you hire.
- You have the right to present evidence and question witnesses.

Preponderance of the Evidence

The purpose of this hearing is not to find you guilty of a new crime, but to determine if it is "more likely than not" that you violated your parole conditions. This is a lower standard of proof than "beyond a reasonable doubt," which is used in criminal court.

See Utah Admin.Code §R671-517

Violation Guidelines

Determining Time

If the Board determines you violated parole, the amount of time you serve is determined, in part, by the Utah Sentencing Commission Guidelines.

1st, 2nd and 3rd parole violations: The guideline is typically 0-180 days.

4th or subsequent violations: The Board has full discretion to hold you in prison until the expiration of your sentence.

The Board can go outside these guidelines by making an exception if certain aggravating circumstances exist.

Some examples of exceptions to the guideline include:

- The board finds a public safety exception
- Your hearing is continued until pending charges are resolved
- More information or a report is needed
- An evidentiary hearing is required
- Other exceptions noted in the Sentencing, Release and Supervision Guidelines

Interstate Compact

Parole in Another State

The Interstate Compact is a program that allows you to transfer your parole supervision to another state.

- This process is handled by UDC not the Board.
- If you violate your parole while in another state, you will typically be extradited back to Utah to go through the violation process.
- The chances of being approved for another interstate compact after a violation are substantially lower.