

NOTICE OF PAROLEE RIGHTS DURING THE PAROLE REVOCATION PROCESS

YOU MAY REQUEST THAT THE DEPARTMENT OF CORRECTIONS REPRESENTATIVE READ THIS DOCUMENT TO YOU

I. OVERVIEW OF THE PAROLE REVOCATION HEARING PROCESS

You are being accused of violating the terms of your parole. Your parole violation report describes the violation(s) you are accused of committing. This document describes your rights during the parole revocation process. The revocation process is a two-step process. Before the Prisoner Review Board hears your case, you can have a preliminary revocation hearing—during that hearing, a hearing officer listens to the evidence and decides whether there is probable cause to believe that you violated your parole. If probable cause is found, then you proceed to a final revocation hearing.

During your final revocation hearing, the Prisoner Review Board will decide whether there is enough evidence to meet the “preponderance” standard. If the Prisoner Review Board believes there is enough evidence, it will find you in violation of your parole. If there is not enough evidence, depending on whether you have other charges pending against you, you may be released from custody.

You have the right to be represented by an attorney throughout this process. You may be represented by an attorney or choose to represent yourself. You may hire private counsel of your choosing to represent you at your own expense. You may be eligible to have an attorney appointed to represent you at no cost to you if you cannot afford one. To be eligible, you must have a timely and colorable claim that you did not commit the alleged parole violation or, if you committed the violation, you must have substantial reasons why your parole should not be revoked (these reasons are called mitigation) that are complex or otherwise difficult to develop or present..

If you would like to be screened to determine whether you are eligible to have an attorney represent you, please complete the attached Preliminary Parole Revocation Hearing Form.

What is probable cause?

During your preliminary revocation hearing, the hearing officer will determine whether probable cause exists to believe that you violated your parole. Probable cause is whether a reasonable person would think there is enough evidence to believe you may have violated the terms of your parole.

What does preponderance of the evidence mean?

During your final parole revocation hearing, the Board will decide whether it is more likely than not that you violated parole.

II. PAROLEE RIGHTS DURING SERVICE

You will receive a copy of your alleged parole violation and this Notice of Rights. This process is called service.

During service, you must make some decisions about your preliminary parole revocation hearing. You are entitled to a preliminary parole revocation hearing to determine whether there is probable cause to believe that you violated your parole.

You have the right to waive (or decide not to have) your preliminary revocation hearing. If you waive a preliminary revocation hearing, this does not mean that you have pled guilty to your parole violation. You will still have a final revocation hearing before the Prisoner Review Board.

During service you have to make four decisions about the preliminary parole revocation process:

- 1) Would you like to go forward with a preliminary parole revocation hearing or would you like to waive your right to a hearing?
- 2) Would you like to be screened to determine if you are eligible for an appointed attorney?
- 3) Would you like to postpone your hearing?
- 4) Would you like to identify witnesses to testify on your own behalf during the preliminary parole revocation hearing?

If you want to have witness testimony at your preliminary revocation hearing, you must include your witnesses' names and contact information on the Preliminary Parole Revocation Hearing Form and you must return it to a representative of the Illinois Department of Corrections. You may also bring the form with you to your preliminary revocation hearing.

Please complete the attached Preliminary Parole Revocation Hearing Form to indicate which decision(s) you have made.

III. PAROLEE RIGHTS DURING THE PAROLE HEARINGS

A hearing is a process during which the Prisoner Review Board or a hearing officer listens to the evidence and makes a decision. During a hearing you have the right to tell your side of the story. You have the right to show evidence during the hearing and to present witnesses. You have the right to attend your hearing and to ask questions of the people testifying against you.

During the preliminary and final parole revocation hearing, you have the right to:

- Receive a screening to determine if you are eligible for an attorney, and if you are eligible, be appointed an attorney at no cost to you.
- Remain silent regarding any potential criminal charges. You do not have to admit to any wrongdoing and you have the right to refuse to answer any questions about your alleged violation, if it relates to potential criminal charges.
- Tell your side of the story, if you think it will help your case.
- Present witnesses.
- Ask questions of anyone who testifies at the hearing, unless the hearing officer specifically finds there is good cause for not allowing cross examination.
- Present documents related to the alleged parole violation.

IV. PAROLE REVOCATION PROCESS TIMELINES

There are timelines built into the parole revocation process, to make sure that you do not have to wait too long for a decision about your parole violation. Below is a summary of these timelines:

Within **5 days** of your parole violation warrant being placed on record with the Illinois law enforcement entity that has physical custody of you(*i.e.*, the Illinois Department of Corrections or the County Sheriff), you will receive a copy of your alleged parole violation and this Notice of Rights. This process is called service.

If you are eligible for an appointed attorney, counsel will be appointed to you no less than **two business days before your preliminary parole revocation hearing**.

If you are in custody in Cook County you will have your preliminary parole revocation hearing within **10 business days** of service

If you are in custody outside of Cook County and request to be screened for an attorney you will have your preliminary parole revocation hearing within **20 business days** of service.

If you are in custody outside of Cook County and do not request to be screened for an attorney you will have your preliminary parole revocation hearing within **10 business days** of service.

*****All Parolees have a right to request that their preliminary parole revocation hearing be postponed for up to 30 days*****

If you did not have a preliminary parole revocation hearing or were not appointed counsel prior to your preliminary parole revocation hearing, you may request an attorney screening prior to your final parole revocation hearing. If you are found eligible, you will be appointed counsel **no less than two business days before your final parole revocation hearing**.

Your final parole revocation hearing will occur **within 90 days of service**, unless you request a continuance, refuse to appear, are required by writ to appear in court or other legal proceedings, are unavailable due to medical or mental health reasons, are not at the Department of Corrections facility where the hearings are conducted, or because other extraordinary circumstances exist.