



**NOTICE OF PAROLEE RIGHTS
STATE OF CONNECTICUT
BOARD OF PARDONS AND PAROLES**

BOPP MISC 001
REV 10/31/2019

Name of Parolee:

Numbers:

**NOTICE OF PAROLEE RIGHTS DURING THE PAROLE REVOCATION PROCESS
YOU MAY REQUEST THAT THE DEPARTMENT OF CORRECTION 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 – Notice of Parole Violation describes the violation(s) you are accused of committing. This document describes your rights during the parole revocation process. The revocation process is largely a two-step process. Before the parole revocation hearing, you can have a preliminary hearing—during that hearing, a hearing examiner 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 revocation hearing.

During your revocation hearing, a hearing examiner will decide whether there is enough evidence to meet the “preponderance” standard. If there is not enough evidence, depending on whether you have other charges pending against you, you may be released from custody. If the hearing examiner believes there is enough evidence, they will find you in violation of your parole and make a recommendation to a panel of board members as to whether your parole should be revoked and what, if any, sanction should be imposed.

After your revocation hearing, the hearing examiner’s recommendation will be administratively considered by a panel. If the panel wishes to impose a greater sanction than that recommended by the hearing examiner, a supplemental hearing will be held to provide you with an opportunity to speak to the panel members.

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.

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

NOTICE: Pursuant to Section 3 of Public Act 19-59, the Chief Public Defender has established a pilot program to provide representation to persons accused of violating the terms of their parole who cannot afford an attorney. After July 1st, 2019, all requests for screening to determine eligibility will be processed by the Division of Public Defender Services’ Parole Revocation Unit (PRU). In addition to completing the Preliminary Hearing Form, you may contact PRU by phone at (203) 596-4370



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Throughout the process, you also have the right to copies of the documents that will be introduced against you, unless a hearing examiner specifically finds there is good cause for their non-disclosure.

What is probable cause?

During your preliminary hearing, a hearing examiner 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 revocation hearing, a hearing examiner 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 hearing. You are entitled to a preliminary hearing to determine whether there is probable cause to believe that you violated your parole.

You may waive (or decide not to have) your preliminary hearing. Please note that the Board may require you to confirm this decision in the presence of a hearing examiner. If you waive a preliminary hearing, this does not mean that you have pled guilty to your parole violation. You will still have a revocation hearing before a hearing examiner.

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

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

If you want to have witness testimony at your preliminary hearing, you must include your witnesses' names and contact information on the Preliminary Hearing Form and you must return it to a representative of the Department of Correction or the Board of Pardons and Paroles.

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



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III. PAROLEE RIGHTS DURING THE PAROLE HEARINGS

A hearing is a process during which a hearing examiner 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 revocation hearings, you have the right to:

- Be referred for 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.
- 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 examiner 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:

Your preliminary hearing will occur within **14 business days from return to custody** , unless you request a continuance, waive your hearing, refuse to appear, are required to appear in court or other legal proceedings, are convicted for the violation(s) you are accused of committing, were returned on an absconder warrant, are unavailable due to medical or mental health reasons, or because good cause or other extraordinary circumstances exist.

Your revocation hearing will occur within **60 business days from return to custody** , unless you request a continuance, are required to appear in court or other legal proceedings, are unavailable due to medical or mental health reasons, or because other extraordinary circumstances or good cause exist.