


Idaho Commission of Pardons and   Parole	<b>Standard Operating Procedure</b>	Title: <b>Parole Violation Overview Amended</b>		Page: 1 of 5
		Control Number:  <b>301</b>	Version: <b>1.1</b>	Adopted: 06/20/2025

Christine Starr, Executive Director, approved this document on 06/30/2025.

Open to the public: ☒ Yes ☐ No

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## SCOPE

This Standard Operating Procedure (SOP) applies to all violations department staff and shall provide guidelines for staff when a parolee has allegedly violated parole.

Revision Summary
Revision date (03/07/2018) version 1.1. Amended to change title of Violation Hearing Officer to Parole Investigator.

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## **COMMISSION OF PARDONS AND PAROLE IDAPA RULE NUMBER**

IDAPA 50.01.01.400

## **POLICY CONTROL NUMBER**

301

## **PURPOSE**

This SOP provides a general overview of the Parole Violation process.

## **RESPONSIBILITY**

This SOP applies to all Violation staff.

## **GENERAL REQUIREMENTS**

### **1. Report of Violation/Warrants**

#### **Agent's Warrant**

The parole officer (PO), with section supervisor approval, may arrest a parolee using an Agent's Warrant (AW), wherein one or more alleged parole violations are identified

If the alleged parole violation is technical in nature, the parolee may request a preliminary hearing to determine if probable cause for the arrest exists. The preliminary hearing, if requested, will be conducted within five (5) business days of arrest by a PO other than the parolee's supervising officer. If probable cause is found, the parolee will remain in custody to continue with the violation process. If no probable cause is found, the parolee will be released back to parole.

The Commission may decline to issue a Commission Warrant (CW) and encourage the supervising PO to utilize other options. Should the Commission elect not to issue a CW, the AW must be quashed and the parolee must be released from custody to continue on parole.

#### **Commission Warrant**

Within fifteen (15) calendar days of arrest on a CW, the parolee shall be served with the ROV and any supporting evidence. The parolee will receive the Return of Service (ROS), advising of procedural rights and privileges, and outlining the violation hearing. Proof of service will be documented on the ROS and submitted to the Commission.

If a parolee is arrested out of state, the Commission may file a request for detainer with the holding facility or other jurisdiction. Once it has been determined that the parolee is available for transport and has waived extradition, the Commission will initiate the transport process to return the parolee to Idaho for parole violation proceedings. Depending on the length of any sentence imposed for a

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new criminal conviction in another state, the parolee may be eligible to waive the right to appear for a violation or revocation hearing and have the revocation hearing conducted in absentia (see section #4). If the parolee refuses extradition to Idaho, it may be necessary to request a Governor's Warrant.

If the location of the offender is unknown, the CW will be entered into NCIC or other law enforcement database. The CW will designate from which states the Commission will extradite the parolee, once arrested. The Executive Director or designee may change the area of extradition at any time.

Any parolee in Fugitive/Absconder status at the time of arrest will automatically forfeit all time in such status, i.e., from the date the Commission Warrant was issued to the parolee's arrest on said warrant.

If the parolee is on Interstate Compact (IC) in another state, the receiving state can request a CW from the Commission. When the CW is issued, if there are no pending charges in the receiving state, arrangements will be made to transport the parolee back to Idaho to proceed with the parole violation process. If there are pending charges in the receiving state, a detainer may be issued before the charges are resolved.

. For each new violation the Violations Records Coordinator (VRC) or designee will create a corresponding folder in the Virtual Offender File (VOF), and the VRC will retain electronic copies of all legal documents related to the violation in the VOF. If a CW is approved, the VRC or designee will create and issue the CW, and Notice of Rights (NOR), for service on the parolee.

## **2. Case Assignments**

Violation cases located in District 3 and District 4 that require a parole violation hearing will be dispersed on a weekly basis. The cases will be divided evenly among the Violation Hearing Officer (VHO) keeping in mind the location of the parolee and the assigned PO.

Violation cases located in Districts 5, 6, 7, are the East travel caseload. Violation cases located in Districts 1 and 2 are the North travel caseload. The VHO will be assigned the East and North caseloads on a rotating basis. When possible, the -VHO will not travel with fewer than five (5) scheduled hearings, unless approved by the supervisor.

Case assignments will be documented in the Case Assignment log located in the WP/PVinfo/Case Assignments folder. The assignments will also be entered into the Database by the individual responsible for assigning the cases.

The VHO is responsible for entering all pertinent information for their assigned case(s) to the corresponding record within the Database, and the VHO will make timely changes and updates to the record to ensure the case information is as current as is reasonably possible.

## **3. Diversion Options for Parole Violations**

A reported violation not resulting from a formal charge of a new felony, with the exception of problem solving courts, may be addressed through a Diversion in lieu of a parole revocation pursuant to Section 20-1010, Idaho Code.

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When a PO submits an ROV to the Commission, the PO will make a recommendation revocation of parole, or Diversion.

#### **4. Parole Violation Hearings/Due Process/Reinstatement**

For each case assignment, the VHO will review the case to ensure procedural rights and process requirements have been satisfied. The VHO will then schedule a parole violation hearing. For technical violations, the VHO shall schedule and conduct an on-site parole violation hearing within thirty (30) calendar days from the date of service, as reflected on the ROS. On-site hearings shall be conducted within a reasonable distance from where the violation(s) occurred, unless the parolee waives such right. Time and location limitations will not apply to non-technical violators; however, the VHO will make a reasonable effort to conduct the hearing as close to 30 days from the date of service as possible.

The VHO will prepare a written NOH which shall describe the date, time, and location of the hearing, to be served on the parolee by a PO or designee. The VHO should ensure they receive the signed NOH prior to the PV hearing. The parolee may continue the hearing for the purpose of obtaining legal representation, for case preparation, to await adjudication of pending charges, or for other reasons, at the discretion of the VHO, by completing the continuance section in the NOR. The VHO will schedule a new hearing approximately thirty (30) days following the date of continuance, except where the parolee has specifically requested that the hearing be postponed until pending charges are adjudicated.

The parolee may request a continuance or waiver, when served with the NOR of any parole violation or revocation hearing which is subject to the final determination of the VHO, Executive Director, or the Commission,

The alleged parole violator may waive any violation hearing. Further the alleged parole violator may admit one or more of the violation allegations. If the parolee chooses to waive the parole violation hearing, the parolee shall sign the Waiver of Violation/Revocation Hearings and Request to be Passed from Parole Consideration (Top) form. Once the Top form is signed, the parole violation hearing will not be conducted and the VHO will prepare a Parole Violation Findings Top Report (Top Report) for the Commissioners' consideration. Further, the parolee will not appear before the Commissioners for a revocation hearing and the case will be heard in absentia.

If a parolee is sentenced on a new felony, the parolee may waive the right to appear at a violation or revocation hearing and have a revocation hearing conducted in absentia. The parolee must sign the Parole Revocation Hearing in Absentia form in order to be considered for an absentia.

The VHO will conduct a fact finding parole violation hearing and will make a finding of guilt or innocence on each allegation, and may dismiss some or all allegations, based on a preponderance of the evidence. The parolee is entitled to a verbal or written decision within twenty (20) days of the violation hearing. The VHO, at the conclusion of the hearing, will determine whether the parolee will be brought before the Commission for a dispositional hearing, or be reinstated to parole (only if all allegations are dismissed).

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## 5. Findings Reports and Scheduling for Revocation Hearing

Upon determination a parolee should appear before the Commission for a dispositional hearing, the VHO will complete a written findings report. The report will outline the allegations, evidence used for the findings, and the outcome of each allegations.

The VHO will schedule the parolee for a Commission Hearing during the next available session. This information will be entered by the PI into the Database. The VHO will strive to schedule the hearing for a session no more than 4 months from the date of arrest. In the case where the parolee continues the hearing, the VHO will schedule the hearing no more than 3 months from the date of assignment.

A copy of the fact finding report will be saved in the VOF and in the Commissioner's Report folder U/Commissioners Reports under the appropriate hearing session for revocations. . The VHO will scan the complete PV file into the VOF under the month and year of the violation.

## REFERENCES

Idaho Code 20-1007

Idaho Codes 20-1008; 20-1009; 20-1010

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