COLORADO JUVENILE PAROLE BOARD	**PROCEDURE NUMBER**: I-114 PAGE: 1 of 3 REPLACES: I-114 Dated: 6/11/08
CHAPTER: Policies	**EFFECTIVE DATE**: November 10, 2010
SUBJECT: Parole Violation Dispositions	**RELATED MANDATES, STATUTES, STANDARDS, OR EXECUTIVE ORDERS:** Policy I-102 Procedure II-103 19-2-1002(5), C.R.S. 19-2-1004, C.R.S.
APPROVED BY: _____ Debbie Rose, Chairperson	

BACKGROUND/PURPOSE

To ensure a fair and equitable process for all juveniles who may have violated conditions of parole and to establish such guidelines for use by a Juvenile Parole Board hearing panel.

POLICY

In accordance with 19-2-1004, C.R.S., a parole officer may bring a juvenile before the Juvenile Parole Board for a violation hearing. The juvenile must be present for the violation hearing.

A hearing panel shall determine whether the parolee shall remain on parole in the community with the same or different conditions, or if his/her parole will be revoked and he/she will be returned to custody.

When making a parole violation disposition, the hearing panel shall consider the following:

A. The juvenile's adjustment or struggles in the community while on parole.
B. The juvenile's willingness to cooperate with parole supervision.
C. The seriousness of the violation of the conditions of parole.
D. Victim and community safety.
E. The existence of any pending charges and the possibility of any future recommitments on those charges.
F. The need for further institutional/community residential treatment.
G. The existence of a workable parole placement and/or an adequate program in the community.
H. The number and severity of any previous offenses.

Violation of Parole

An administrative action by a hearing panel that may find whether or not the juvenile has violated specified conditions of parole by a preponderance of the evidence.

If a violation of parole by the juvenile has <u>not</u> been found, the juvenile shall be returned to parole status.

If a violation of parole by the juvenile has been found, the hearing panel may modify, suspend, or revoke the juvenile's parole. The hearing panel may continue a violation hearing as outlined below.

A. Modification of Parole
Maintained on parole with the same or different conditions or components of the parole plan.

B. Suspension of Parole
A hearing panel may temporarily suspend the juvenile's parole for 30, 60 or 90 days.

1. At the time of the hearing, if the juvenile has not completed his/her commitment, this time period may not exceed 90 days or the remainder of the youth's commitment; whichever is shorter.
2. At the time of the hearing, if the juvenile has completed his/her commitment, this time period may not exceed 90 days or the remainder of the juvenile's parole time; whichever is shorter.

Within this time, a hearing panel must conduct a Review of Suspension Hearing, which will be scheduled at the violation hearing. The hearing panel may give the parole counselor discretion to re-schedule the hearing to an earlier date.

The hearing panel may also approve specific circumstances under which the Parole Officer may return the juvenile to parole status prior to the Review of Suspension Hearing being held. These circumstances shall be recorded on the Hearing Panel Disposition form.

At the Review of Suspension hearing, the hearing panel may vote to re-parole the juvenile with the same or different conditions of parole or to revoke parole. An additional suspension may occur for extenuating circumstances.

C. Revocation
If revoked, the juvenile shall be returned to institutional status. Consideration for re-parole before the end of the juvenile's commitment is at the discretion of the Client Manager.

1. <u>Parolees Who Have Not Completed Their Commitment</u>:
A re-parole hearing must be conducted before the end of the juvenile's commitment. Any youth commitment pursuant to 19-2-1002(5), C.R.S., whose parole is revoked, may be subject to a parole extension. If the violation hearing is within 30-days of the commitment end date, then a Post Commitment Re-Parole hearing may occur as part of the violation hearing.

2. Parolees Who Have Completed Their Commitment:
   If revoked, the juvenile will continue on post commitment parole status and be returned to a secure facility or community placement. Consideration for re-parole before the end of the juvenile's parole period is at the discretion of the parole officer. If the juvenile is again paroled, the expiration of his/her parole will remain the same, plus any escape time. Any youth, who is committed pursuant to 19-2-1002(5), C.R.S., whose parole is revoked, may be subject to a parole extension.

D. Continuation
   A vote by a hearing panel is an administrative action that continues the hearing for a specific period of time.

   1. Pending charges
      Pursuant to 19-2-1004(12), C.R.S., a hearing panel may not make a finding on an alleged pending charge. The alleged condition violation may be dropped or the hearing shall be continued until the disposition of that criminal proceeding.

   2. Failure to appear without a summons
      If a juvenile is unavailable for the hearing due to reasons such as failure to transport, the hearing panel may continue the hearing until the next available hearing date.

   3. The hearing panel may vote to continue the violation hearing for any other reason pursuant to Juvenile Parole Board Policy I-102.

E. Failure to Appear
   If a parolee is served with a summons to appear before the Juvenile Parole Board hearing panel and fails to appear as summoned, the hearing panel shall find this to be a violation of parole and may order the detention of the parolee. Per 19-2-1004(11), C.R.S., five days prior to the hearing, the parolee shall be served with an amended complaint, setting forth the details of the additional violation for failing to appear. The parolee shall be immediately rescheduled to appear before a hearing panel. If additional violations have occurred since the initial violation proceeding, then the violations may also be added to the complaint.