

REOPENINGS

When an offender receives notice that the parole panel's decision is revocation, he or she will have 60 days from the date of the decision to request a reopening of the case for any substantial error in the revocation process or upon newly discovered information.

A request to reopen the revocation hearing or reinstate supervision submitted later than 60 days from the date of the parole panel's revocation decision will not be considered unless under exceptional circumstances including but not limited to:

- judicial reversal of a judgment of conviction of a criminal offense where the offense constituted an underlying factor in the initial revocation decision
- judicial order requiring a hearing
- initial revocation effected without opportunity for a hearing or waiver as required under law.

Any such request for reopening made under this section must be in writing and delivered to the board or placed in the United States mail (certified, return receipt requested) and addressed to the Texas Board of Pardons and Paroles, Board Administrator, P.O. Box 13401, Austin, Texas 78711.



Texas Board of Pardons and Paroles
P.O. Box 13401, Capitol Station
Austin, Texas 78711



**TEXAS
BOARD OF
PARDONS AND
PAROLES**

**HEARING
PROCESS**



TYPES OF ADMINISTRATIVE REVOCATION HEARINGS

Some alleged parole violators are legally entitled to both a preliminary hearing and a revocation hearing, others to only a revocation hearing. The purpose of a preliminary hearing is to determine whether probable cause exists when a violation of law is alleged. In these cases, if probable cause is found, a second hearing, called a revocation hearing, may be held. Following the revocation hearing, in order for the Board to revoke an offender's parole or mandatory supervision, there must be an affirmative finding. This is based upon a preponderance of credible evidence, that one or more conditions of release have been violated.

PRELIMINARY HEARING

After a pre-revocation interview, if the offender is so entitled, the parole officer will schedule a preliminary hearing and notify the offender of the scheduled date and time of the preliminary hearing.

A hearing officer will conduct the preliminary hearing and review all the information and evidence presented at the hearing. A determination will be made as to whether there is probable cause to believe a violation has occurred. The probable cause determination will determine how the case will be processed.

If probable cause is found for at least one allegation, the hearing officer will decide if the case should proceed to a revocation hearing and afford the offender an opportunity to either be heard at the revocation hearing, or to waive the hearing. If the offender decides to have the revocation hearing, a date will generally be scheduled at the conclusion of the preliminary hearing and all parties will be notified at that time.

If the preliminary hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the parole panel for disposition. A parole panel analyst will review the waiver. If there is probable cause to believe a violation has occurred, the panel analyst may refer the case to a parole officer to schedule a revocation hearing; or may present the case to a parole panel for disposition.

REVOCATION HEARING

After the initial pre-revocation interview, the parole officer will schedule a revocation hearing if the offender is not entitled to a preliminary hearing, and the revocation hearing is requested. The parole officer will

notify the offender of the scheduled date and time of the hearing.

A hearing officer who acts as the Board's representative will conduct the revocation hearing. The hearing officer will review all the information and evidence presented at the hearing to determine if there is a preponderance of credible evidence to believe a violation has occurred. If it is determined that such evidence exists regarding at least one condition of parole or mandatory supervision, the hearing officer will proceed to the mitigation phase of the hearing.

Within a reasonable time after the close of the hearing, the hearing officer will forward a report summarizing the evidence, all documents and information received at the hearing to the parole panel for final disposition. If revoked, the supervising parole officer will provide the offender a copy of the report of the hearing officer and notice of the right to submit a petition to reopen the hearing.

If the revocation hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the parole panel for disposition. A parole panel analyst will review the waiver and attachments to determine if there is a preponderance of evidence that a condition of parole or mandatory supervision has been violated. The analyst will present the case to a parole panel for final disposition.