



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Parole Revocation

Section – Policy Number:

A: General Administration – 13.0

Supersedes:

II-F-2.3 (10/05)
II-F-2.3 (12/02)

Effective Date:

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Date of Last Revision:

09/30/2020

Related Standards and References:

- [ORS 420.045](#) (Parole; discharge; revocation of parole)
- [ORS 420.905](#) through ORS 420.915 (Apprehension of Escaped, Absent or Paroled Youth Offenders)
- [ORS 420A.115](#) (Parole of youth offenders)
- [ORS 420A.120](#) (Suspension of parole or conditional release; rules)
- [OAR 416, Division 300](#) (Parole and Revocations)
- [OYA policy](#): III-D-1.1 (Juvenile Parole-Probation Agreement)
 III-A-2.1 (Youth Legal Assistance - Community)
 II-F-3.6 (Legal Materials and Assistance - Facility)
 II-F-1.1 (Youth Grievance Process - Facility)
- [JJIS forms](#): OYA 3001 (Juvenile Parole/Probation Agreement)
 OYA 3024 (Notice of Preliminary Hearing)
 OYA 3025 (Election on Formal Revocation Hearing)
 OYA 3026 (Hearing Officer's Report on Preliminary Hearing)
 OYA 4040 (YCF Request for Warrant)

Related Procedures:

- None

Policy Owner

Community Services Assistant
 Director

Approved:


 Fariborz Pakseresht, Director

I. PURPOSE:

This policy provides general guidelines for the parole revocation process of youth on OYA parole.

II. POLICY DEFINITIONS

Due process: The process to which a youth is entitled when the youth's conditional release on parole is at risk of being revoked.

The minimum requirements for due process are:

- (1) Written notice to the youth of the alleged violations of parole;
- (2) Disclosure of evidence against the youth;
- (3) An opportunity to be heard in person and to present witnesses and documentary evidence;
- (4) A right to confront and cross-examine adverse witnesses (unless a hearing officer specifically finds good cause for not allowing confrontation);

- (5) A neutral and detached hearing officer; and
- (6) A written statement by the hearing officer as to the evidence relied on and reasons for revoking parole.

Formal parole revocation hearing: A hearing to determine whether parole should be revoked that is conducted after a preliminary parole revocation hearing has resulted in a recommendation for revocation or another sanction.

Formal parole revocation hearing committee: A committee comprised of three OYA staff selected by the superintendent who did not charge the youth with the parole violation.

Juvenile Parole/Probation Agreement: A written agreement between a paroling youth and the Oregon Youth Authority that establishes the youth's conditions of parole.

Parole: The conditional release of a youth from a youth correctional facility subject to the director's authority to revoke parole.

Parole Revocation: An act of rescinding a youth's parole.

Preliminary parole revocation hearing: An administrative hearing to determine if probable cause exists to believe a youth has violated one or more conditions of parole, and it is in the best interests of the youth and the community to revoke parole.

Preliminary parole revocation hearing officer: A person designated by the OYA director who is someone other than the person(s) bringing allegations against the youth that may result in the youth's parole revocation.

Youth Correctional Facility (YCF): An OYA facility used for the confinement of youth placed in the legal or physical custody of OYA (includes secure facilities and transition camps).

III. POLICY

The OYA director or designee has the authority to conditionally release on parole a youth who is committed to the legal custody of OYA and placed in a youth correctional facility. Youth paroled into the community are not restored full freedom and must follow prescribed conditions documented in a written parole agreement (OYA 3001 Juvenile Parole/Probation Agreement).

A youth's failure to comply with the conditions of parole may result in a recommendation of sanctions, including a parole revocation. OYA has established its parole and parole revocation standards and procedures in OAR 416, division 300, consistent with due process and other law requirements.

The following are general standards for OYA staff to follow when initiating a youth's parole revocation process.

IV. GENERAL STANDARDS

A. Request for Parole Revocation

1. Staff must base the request to revoke parole on verifiable facts that clearly demonstrate:
 - a) A serious violation of one or more of the youth's parole agreement;
 - b) No less restrictive placement options or sanctions are available to address the youth's violations; and
 - c) Continuation of current placement is not in the best interest of the youth or the community.
2. The youth's JPPO must provide a written report outlining the verifiable facts that support a youth's alleged violation(s) and why continued placement in the community is not in the youth or community's best interest.
3. The JPPO's field supervisor must review the written report and determine if the request for revocation is warranted or if alternative actions may be taken.
4. If the request for revocation is authorized by the field supervisor, the JPPO must schedule a preliminary revocation hearing with the designated parole revocation hearing officer.

B. Preliminary Parole Revocation Hearing

1. The JPPO must give the youth and the youth's parent/guardian (if applicable) written notice of the intent to revoke parole prior to the preliminary revocation hearing. This notice must be in compliance with [OAR 416-300-0050](#).
2. Prior to the preliminary parole revocation hearing, the JPPO must provide the preliminary parole revocation hearing officer and the youth all documentary evidence that will be used to support the parole revocation recommendation.
3. The preliminary parole revocation hearing officer will conduct a preliminary revocation hearing according to OAR 416-300-0050 to determine if probable cause exists to believe parole has been violated.
4. Sanctions other than parole revocation

If it is determined that probable cause exists to believe parole has been violated and the JPPO and the preliminary parole revocation

hearing officer agree to impose a sanction other than parole revocation, the hearing officer may impose such a sanction.

If the JPPO and the preliminary parole revocation hearing officer do not agree on a sanction, the preliminary parole revocation hearing officer must recommend a parole revocation.

5. Parole revocation recommended

- a) When the preliminary revocation hearing officer determines probable cause exists to believe parole has been violated and the recommendation is to revoke a youth's parole, the field supervisor or designee must notify the appropriate intake facility of the youth's name, estimated date and time of arrival and any known behavior or health concerns.
- b) The JPPO handling the revocation must arrange transportation for the youth's return to the appropriate facility.

The JPPO must ensure the following documents are delivered to appropriate staff at the receiving facility:

- 1) Hearing officer's report;
- 2) Notice of Preliminary Hearing (OYA 3024);
- 3) Election on Formal Revocation Hearing (OYA 3025);
and
- 4) Supporting documents.

C. Formal Parole Revocation Hearing Youth Waiver

Any youth revoked to a youth correctional facility is entitled to a formal parole revocation hearing. The youth may choose to waive the formal parole revocation hearing after a preliminary parole revocation hearing officer has recommended parole revocation.

1. Staff must ensure the youth is provided an Election of Formal Revocation Hearing (OYA 3025), to inform the youth of the youth's rights, including the right to speak with an attorney (at the youth's expense) prior to making a decision about a waiver.
2. **Staff must not influence the youth to waive or not waive a formal parole revocation hearing.**
3. The superintendent or designee may review a waiver any time after the waiver has been made. The superintendent or designee may cause a formal parole revocation hearing to be held if the superintendent or designee believes such hearing is in the youth's best interest.

D. Formal Parole Revocation Hearing

Each OYA facility must designate staff to serve on the facility's formal parole revocation hearing committee.

If a youth does not waive the formal revocation hearing, or the superintendent believes such hearing is in the best interest of the youth, the following procedures must be followed:

1. The superintendent must designate one of the facility's formal parole revocation hearing committee members as the chairperson, and convene the committee.
2. A formal parole revocation hearing must be held within 60 days of a youth's return to a youth correctional facility.

Exception: If a petition has been filed charging the youth with new law violations, formal parole revocation hearing procedures must be suspended if the parole violation is contingent upon the outcome of the charges. The formal revocation hearing must be held within 60 days of the disposition of the charges.

3. Within a reasonable time before the formal parole revocation hearing is scheduled to occur, the hearing committee chairperson must provide notice to the youth and the youth's parent/guardian (if applicable) according to [OAR 416-300-0060](#). Written notice must be given to the youth explaining how the hearing will be conducted.
4. Staff must follow OAR 416-300-0060(3) if the youth requests to subpoena witnesses.
5. The formal parole revocation hearing must be conducted before the parole revocation hearing committee in accordance with the procedures listed in OAR 416-300-0060.
 - a) An audio or video recording must be made of all oral testimony and presentations. The recording may be reviewed by the parole revocation hearing committee before any findings are determined, or in the event of a judicial review.
 - b) OYA must keep the recording at least 120 days after the final order is issued.
6. Hearing outcome

The committee chairperson must issue to the superintendent a proposed order from the hearing committee that contains the following:

- a) A written summary of what occurred at the hearing, including the substance of the documents or testimony given in support of revocation and the youth's response and presentation;
- b) Ruling on admissibility of offered evidence;
- c) Findings of fact; and
- d) Recommendations for action by the superintendent or designee.

7. Superintendent's review

The superintendent or designee must provide the youth a copy of the proposed order with the hearing committee's findings of fact and recommendations.

The superintendent or designee must notify the youth of the youth's right to file a written objection to the proposed order within 10 days of receiving the proposed order. The youth may present objections verbally, at the discretion of the superintendent.

8. Final order

After reviewing any exceptions and objections presented by the youth, the superintendent or designee must issue a final order.

- a) The final order must include the action taken by the superintendent or designee and either incorporate the recommendations of the revocation hearing committee or set forth the superintendent's or designee's own findings of fact, conclusions, and rulings on admissibility of evidence and other matters.
- b) The superintendent's or designee's final order must also set forth the youth's right to petition for reconsideration or rehearing of the final order, and the statutes under which the final order may be appealed.
- c) The superintendent or designee must immediately notify the committing court of the final order.
- d) The superintendent or designee must give the youth a copy of the final order.

9. The youth may file a petition for reconsideration or rehearing of a final order with the superintendent or designee in accordance with OAR 416-300-0060(7).

E. Designated staff must record the appropriate JJIS Decision Points to include:

1. Preliminary parole revocation hearing; and
2. Formal parole revocation hearing.

V. LOCAL OPERATING REQUIRED: NO