



PROBABLE CAUSE ADMINISTRATIVE RULE

UTAH BOARD OF PARDONS AND PAROLE

INTRODUCTION

1 STATUTE AND RULE

Utah Code Ann. § 77-27-11. Revocation of parole.
Utah Administrative Code [R671-510-1](#)

2 BOARD PROCESS

Probable cause process

3 CASE LAW

Morrissey v. Brewer, 408 U.S. 471

STATUTE AND RULE

- Utah Code 77-27-11 and Utah Admin. R. 671-510-1 are harmonious with each other

UTAH CODE 77-27-11(3)

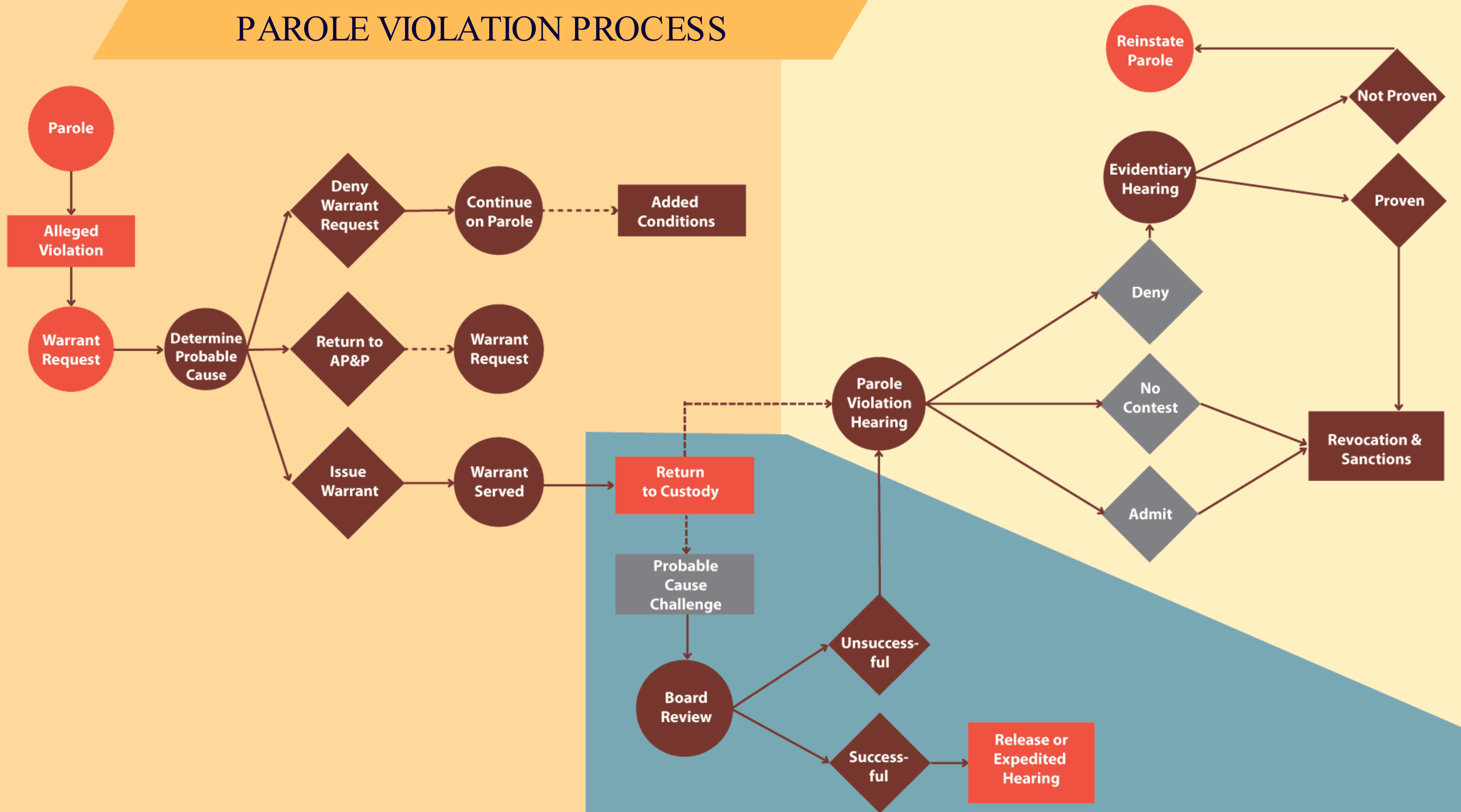
Any member of the board may:

- (a) issue a warrant based upon a certified warrant request to a peace officer or other persons authorized to arrest, detain, and return to actual custody a parolee; and
- (b) upon arrest of the parolee, determine, or direct the department to determine, if there is probable cause to believe that the parolee has violated the conditions of the parolee's parole.

UTAH ADMIN. R. 671-510-1

- (1) Board Warrants shall be issued only upon a showing that there is probable cause to believe that a parole violation has occurred.
- (2) A certified Warrant Request shall be submitted by the parole agent setting forth facts that establish probable cause to believe that the parolee committed specific parole violations. All facts supporting probable cause shall be contained in the body of the warrant request, as supplementary reports or information may not be considered.
- (3) Upon approval of the request by the Board, a Warrant of Arrest shall be issued to arrest, detain, and return the parolee to custody.

PAROLE VIOLATION PROCESS



CASE LAW

- *Morrissey v. Brewer*, 408 U.S. 471.
- Sets two-stage due process requirement for parole revocation

CASE LAW

- *Morrissey* requires a minimal inquiry to be conducted

CASE LAW

- First stage compliance - Arrest
 - Initial probable cause determination
 - Probable cause challenge
 - Parole violation hearing

CASE LAW

- Second stage compliance - Revocation
 - Neutral hearing officer
 - Written notice
 - Disclosure of evidence
 - Opportunity to be present and heard
 - Opportunity to present evidence
 - Right to cross examination
 - Right to counsel

SUMMARY

- Needed changes?
- The Board does not recommend a statutory or administrative rule change at this time



Thank You