

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Commissioner of Public Institutions
Division of Correction

Chapter 25-1
Series I
(1970)

Subject: Procedures for Juvenile Parole Revocation

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 5/21/70

*absolute
no record of fact
required by
29A-2-5*

Section 1. Rules and Regulations

1.01. A Juvenile Review Board is hereby created. The Director of the Division of Correction, Gordon H. Faulkner, or his successor in office, shall be Chairman of the Board; the Deputy Director of Adult Services Probation and Parole, Luther L. Cook, or his successor in office, shall be Secretary of the Board; and, the Deputy Director Juvenile Services, Edward N. Supak, or his successor in office, shall be a Member of the Board.

1.02. The Commissioner of Public Institutions shall appoint six (6) Hearing Officers who shall be the six (6) Probation and Parole Area Supervisors located at Charleston, Moundsville, Fairmont, Romney, Beckley, and Fayetteville.

1.03. Upon release by parole from an institution, the parolee shall be provided a copy of the Juvenile Parole Agreement listing the rules, regulations and conditions of his parole. The paroled juvenile who becomes delinquent through or by violating these conditions or any of the terms of release on parole may be returned to the institution from which he was paroled. When so returned, he may be classified as a parole violator and may be required to serve the remainder of his commitment.

1.04. When a parolee is accused by a parole officer of being a parole violator, a warrant of arrest and hold shall be issued. A written notice

of a prompt and summary hearing shall be mailed special delivery to the accused violator in custody. The notice shall include the time and location of the hearing and specific charges against the parolee. In addition, the notice shall inform the accused violator of his right to counsel, the right to have witnesses in his behalf, and the right to cross-examine the witnesses against him. It is recognized that the accused parole violator may waive all the rights granted herein, including, but not limited to, the right to a hearing and notice thereof. Any waiver form shall be substantially the same as the form attached to these Rules and Regulations.

1.05. The summary hearing shall be conducted by at least one of the aforementioned hearing officers who has not had prior direct supervision or responsibility for this parolee.

1.06. The record of the proceedings and subsequent recommendation will be forwarded to the Juvenile Review Board, which has responsibility for final decision. In all cases at least a two-thirds (2/3) majority of the Juvenile Review Board is required for decision. The juvenile will receive prompt written notice of the Board's decision. If revocation is ordered, written notice will be forwarded to the institution advising of the revocation and place of confinement. If revocation is not so ordered, said parolee shall be promptly released and reinstated on parole. In addition, copies of the written notice of release will be sent to the said parolee, Sheriff, Juvenile Institution, Supervising Parole Officer, and the Central Office of the Division of Correction.

Section 2. Instructions to Officer in Charge for Waiver of Hearing
TO THE OFFICER IN CHARGE:

Before asking the parolee to sign the attached form, you MUST do the following:

- 2.01. Read the form to the parolee.
- 2.02. Ask the parolee if he understands what you have read to him.
- 2.03. Tell the parolee that he must not sign the form unless he says he is sure that he understands that by signing it, he waives his right to a parole violation hearing and all the other rights listed on this form.
- 2.04. Attempt to answer any questions the parolee may ask. It is suggested that you make a note of any questions and your answers on the back of the form or of this page.
- 2.05. It is suggested that you sign the form at the bottom and that you have someone else to witness the parolee's signature and to sign the form as a witness.

WAIVER OF HEARING ON
CHARGE OF PAROLE VIOLATION

I, _____, hereby waive my right to a hearing on the charge that I have violated the terms or conditions of my parole. I fully understand that I am entitled to a prompt and summary hearing and a written notice to include the time and location of the hearing as well as the specific charge against me. I understand that I have the right to present witnesses and evidence on my behalf at the hearing. I understand that I have the right to cross-examine the witnesses against me at the hearing. I understand that I have the right to engage legal counsel to represent me at the hearing. By signing this form I do hereby certify that I do not desire a hearing on this charge of parole violation and I waive each and every one of the rights set out above.

I affirm that I have read this form in its entirety and that the officer who has signed this form below has read and explained it to me.

Parolee

Witness

I, _____, certify that I read all of the contents of the foregoing form to the above-signed parolee and have asked him whether he understood it, to which he replied that he did. I further certify that I explained to the parolee that he must not sign this form unless he is sure that he understood that by signing it he (or she) waived his right to a parole violation hearing and all of the other rights which are set out above.

Signature

Title

Adm. Reg. 25-1
Series I

FILING OF ADMINISTRATIVE REGULATIONS

References are to Sections in W. Va. Adm. Reg. 25-1, Ser. I

Instructions to Officer, 2.01, 2.02, 2.03, 2.04, 2.05

Rules and Regulations, 1.01, 1.02, 1.03, 1.04, 1.05, 1.06