

WHERE IT SHALL BE DETERMINED WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PAROLEE HAS IN FACT COMMITTED AN ACT WHICH WOULD CONSTITUTE A VIOLATION OF THE CONDITIONS OF PAROLE. THE PAROLEE SHALL BE GIVEN ADEQUATE AND TIMELY WRITTEN NOTICE OF THE ALLEGED VIOLATION. THE PRELIMINARY HEARING SHALL TO THE EXTENT FEASIBLE BE HELD AT OR REASONABLY NEAR THE PLACE OF THE ALLEGED VIOLATION AND SHALL BE CONDUCTED PROMPTLY AFTER THE ALLEGED VIOLATION. THE PAROLEE SHALL BE ALLOWED TO APPEAR PERSONALLY AT THE PRELIMINARY HEARING, TO SPEAK IN HIS OWN BEHALF, TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE, TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES AND TO BE REPRESENTED BY AN ATTORNEY OR ANY OTHER QUALIFIED PERSON. THE PRELIMINARY HEARING MAY BE CONDUCTED BY A MEMBER OF THE BOARD OR A PRELIMINARY HEARING OFFICER WHO SHALL MAKE A WRITTEN SUMMARY OF THE PROCEEDINGS. THE BOARD MAY ISSUE A WARRANT TO RETAKE AND CONFINE A PAROLEE FOR A PRELIMINARY HEARING IF THE PAROLEE FAILS TO APPEAR FOR A PRELIMINARY HEARING WHEN NOTIFIED TO DO SO.

(B) IF IT IS DETERMINED AT A PRELIMINARY HEARING THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PAROLEE HAS COMMITTED AN ACT WHICH CONSTITUTES A VIOLATION OF THE CONDITIONS OF PAROLE, THE BOARD SHALL PROMPTLY CONDUCT A PAROLE REVOCATION HEARING TO DETERMINE WHETHER THE PAROLEE SHOULD BE REIMPRISONED OR WHETHER ALTERNATIVE STEPS SHOULD BE TAKEN FOR THE PROTECTION OF THE COMMUNITY AND THE REINTEGRATION OF THE PAROLEE INTO THE COMMUNITY. THE BOARD MAY ISSUE A WARRANT TO RETAKE AND CONFINE A PAROLEE FOR A PAROLE REVOCATION HEARING IF THE BOARD DETERMINES THAT THERE IS A SUBSTANTIAL REASON TO BELIEVE THAT THE PAROLEE WILL NOT APPEAR FOR THE HEARING. THE BOARD SHALL NOT ISSUE A WARRANT OR RETAKE, IMPRISON OR OTHERWISE HOLD IN CUSTODY A PAROLEE WHO HAS BEEN ADMITTED TO BAIL OR OTHERWISE RELEASED BY THE COURT HAVING JURISDICTION OVER A CRIMINAL OFFENSE, THE COMMISSION OF WHICH CONSTITUTES AN ALLEGED VIOLATION OF THE CONDITIONS OF PAROLE.

(C) PRIOR TO ANY PAROLE REVOCATION HEARING, THE BOARD SHALL PROVIDE THE PAROLEE WITH ADEQUATE AND TIMELY WRITTEN NOTICE (1) OF THE PLACE, DATE AND TIME OF THE HEARING, (2) OF THE ALLEGED VIOLATION OF THE CONDITIONS OF PAROLE AND OF THE EVIDENCE AGAINST THE PAROLEE, AND (3) THAT THE PAROLEE OR HIS REPRESENTATIVE SHALL BE ALLOWED, UPON REQUEST, TO EXAMINE AND INSPECT PRIOR TO THE PAROLE REVOCATION HEARING, ANY FILE, REPORT, OR OTHER DOCUMENT NOT OTHERWISE PRIVILEGED, OR ANY PORTION THEREOF, TO BE USED BY THE BOARD IN MAKING ITS DETERMINATION. THE PAROLEE SHALL BE ALLOWED TO APPEAR PERSONALLY AT THE PAROLE REVOCATION HEARING, TO SPEAK IN HIS OWN BEHALF, TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE, TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES