

MSR Revocation Hearings

Know Your Rights

If you violate a condition of your mandatory supervised release (MSR) term, the Prisoner Review Board (PRB) can revoke your parole.

Preliminary Hearing vs. Revocation Hearing

Most people are entitled to both a preliminary hearing and revocation hearing. However, if your parole violation involved a new criminal charge, you may not receive a preliminary hearing if (1) a court has already found probable cause that you violated a criminal statute OR (2) you have already been convicted of a new criminal charge.

Preliminary hearings are conducted by a hearing officer designated by the PRB. The purpose of a preliminary hearing is to determine if there is probable cause that you violated one or more conditions of your MSR term. If no such cause is found, you will be released back onto MSR. Otherwise, you will be scheduled for a revocation hearing. At the preliminary hearing, you can ask the hearing officer to recommend that you be released back to supervision pending the final hearing. This is similar to pre-trial release. The hearing officer can recommend release, but it is up to the Board to decide.

Revocation hearings are conducted by a PRB member via Webex. During the hearing, you will have the chance to discuss your alleged violations and any other details you would like to share about your time on MSR. After the hearing, the PRB member who conducted the proceeding will share their notes and impressions with two other PRB members. As a group, they will decide whether to revoke your MSR, resume your MSR (with or without additional conditions), discharge you from MSR, or release you pending the approval of a housing plan. If your MSR is revoked, you will typically serve the remainder of your MSR term in prison.

Your Rights at Revocation Hearings

At your revocation hearing, you have the right to...

Be screened for an appointed attorney.

You have the right to consult with an attorney and be represented by counsel during your revocation hearing. If you do not have a paid attorney, you have the right to request and be screened for appointed counsel.

The PRB is supposed to appoint a lawyer if: (1) you have a colorable claim that you did not violate the conditions of your MSR; (2) you violated the conditions of your MSR, but there was some kind of justification or mitigation for the violation, and the reasons are complex or difficult to present without an attorney; OR (3) you are incapable of representing yourself (for example, you can't read or write, or you have a disability that limits your ability to speak on your own behalf).

In practice, the PRB doesn't appoint attorneys to many people who probably do qualify to have one appointed. You should ask for an attorney as soon as you are served with your violation papers and at every chance you can after that. In other words, each time you have contact with anyone from the PRB, ask for an appointed attorney!

Call witnesses on your behalf

You have the right to present witnesses and question them at your revocation hearing. When you get your violation report from your parole agent, you should also receive a form where you can list the names and phone numbers of anyone you would like to serve as a witness at your revocation hearing. However, the PRB may not actually contact these witnesses. If you get to your revocation hearing and see that your witnesses are not present, you have the right to ask for the hearing to be postponed to a later date so that you can have more time to contact them.

Witnesses can attend virtual revocation hearings. *Email the PRB at PRB.FinalRevocation@illinois.gov with your name, the name of the person who's incarcerated, and the location of the hearing (IDOC facility) you want to attend.*

Present evidence on your behalf

You have the right to present physical evidence (photographs, video footage, emails, paperwork, etc.) at your revocation hearing. You are responsible for obtaining this evidence and sharing it with the PRB. This can be difficult to do while incarcerated, and you will likely have to coordinate with family and friends on the outside.

Cross-examine any adverse witnesses

You have the right to question any witnesses who testify against you, although this rarely comes up as an issue.

Remain silent regarding any pending criminal charges

You are NOT required to share any details about your arrest or the events leading up to it. If the PRB member conducting your hearing asks about a pending criminal case, remind them of this right!

Postpone your hearing or have it that day

You have the right to continue your hearing to a later date or have the hearing that day. You may want to continue your hearing if (1) you have an attorney, but they had a scheduling conflict on your hearing date; (2) you do not have an attorney but would like to be screened for one; OR (3) you have witnesses or evidence you want to present at your hearing but were unable to contact or gather them in time.