
Parole 101

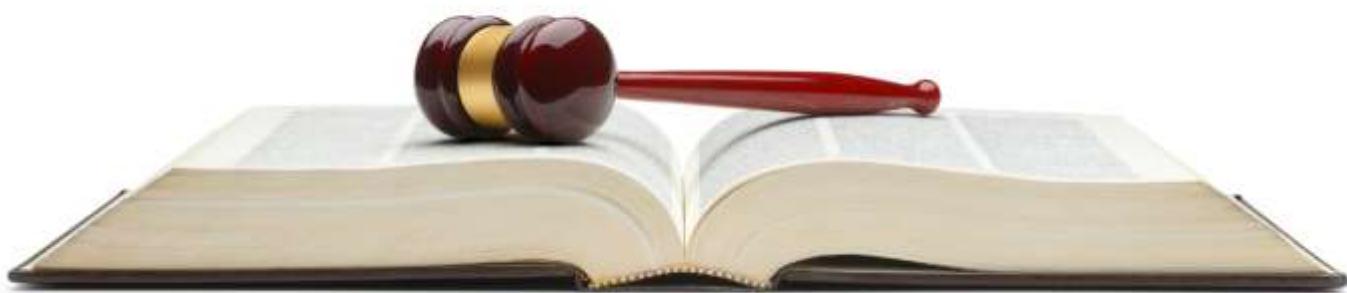


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Parole and Corrections Consolidation

On October 19, 2017, a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the Pennsylvania Parole Board (Board) resulted in the combining of the agencies' similar, shared and overlapping resources and functions.

Under the MOU, both agencies remained separate from each other. Community supervision of parolees and all other reentry services were combined under a new, centralized chain of command within DOC that everyone in those areas reported to and now follow. The MOU involved reentry tasks, such as but not limited to inmate/parolee records, inmate/parolee reentry planning, parolee placement and supervision, and parole violation management and return process.

DOC and Board personnel combined within the new organization structure fell within direct supervision of that new structure, but have remained employees of the respective agencies. Employees have continued fulfilling the duties and responsibilities of their respective agencies.

The MOU also consolidated the agencies' business administration offices, internal affairs and investigative offices, and communications/public information offices. Through previous MOUs, the agencies' information technology and the management of data and research were already consolidated.

The Board remained independent and has continued to exercise its exclusive and independent decision-making role with regard to decisions to parole, re-parole, commit and recommit for violations of parole and to discharge persons sentenced by any court at any time to imprisonment in a correctional institution.

On June 30, 2021, the Governor signed Act 59 of 2021 which placed all of the pre-established MOU language into law.

Additionally, the Office of Victim Advocate and the Sexual Offenders Assessment Board remained independent from DOC as well.

Parole serves a very important role in the criminal justice system. Most inmates who have been sentenced to prison will be released from incarceration at some point and return to the community. Criminal justice experts agree that it is better for society if most individuals are reintegrated into the community on a gradual basis and under parole supervision rather than being released without it.

What is parole?

Parole is the release of an inmate from prison prior to his or her sentence's maximum date, but after the minimum sentence date, to continue serving the balance of the sentence under supervision in the community. Probation is a sentence that does not include a period of incarceration; it is served in the community rather than jail. The sentencing judge always makes the decision regarding a person's probation conditions and violations. However, a judge may request the Pennsylvania Department of Corrections (DOC) to supervise certain county inmates with the judge retaining decision-making power; however, these are known as "special probation" cases.

PAROLE



PROBATION



Parole is also different from a pardon or a commutation. The Governor may grant a pardon or commutation if the Board of Pardons, which is separate from the Board, recommends that one be granted.

The Parole Board has paroling authority over sentences with a maximum date of two or more years that are served in state correctional institutions. A maximum sentence less than two years is a county sentence and county parole.

There is no right to parole under state or federal law. Parole decisions in Pennsylvania are not subject to judicial review unless the prisoner asserts a constitutional challenge to the denial of parole or seeks a writ of mandamus to compel the Board to exercise its discretion. The Parole Board does not have the authority to parole from sentences of life imprisonment or death.

Minimum and maximum sentence dates are calculated by the DOC. The minimum sentence date is a parole eligibility date, not a guaranteed release date. Contrary to popular misconception, Pennsylvania inmates are not required to serve 85% of their maximum sentence to be released on parole.

An order by a sentencing judge that grants or denies parole to a person serving a maximum sentence in excess of two years is a nullity. A sentencing judge may make recommendations as to the length of confinement and conditions of parole; however, these orders are advisory and are not binding on the Parole Board.

Sentence Definitions, RRRI, Boot Camp Releases and Short Sentence Parole

Sentencing

Original Sentence: The sentence comes from the original conviction. It is from this sentence the Board paroles the inmate and the parolee serves the remaining time in the community unless recommitted by the Board for a parole violation.

Aggregate Sentence: Two or more consecutive sentences that have been combined.

Consecutive Sentence: A sentence to be served immediately following the termination or completion of another sentence.

Concurrent Sentence: Sentences being served simultaneously.

How is the length of a sentence determined?

Mandatory Sentence: The court cannot impose a sentence less than required by a mandatory minimum provision established in statute. When the guideline range is lower than required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than required by a mandatory sentencing statute, the court shall consider the guideline recommendations.

Minimum Sentence (MIN): An inmate in state prison must serve the entire minimum sentence prior to becoming eligible for parole. The MIN date is NOT an inmate's parole date.

Maximum Sentence (MAX): The court must impose a maximum sentence that is at least double the minimum sentence, but the maximum sentence cannot exceed the period of time authorized. After an inmate is paroled, the balance of the sentence (until the maximum is reached) is served on parole.

Sentencing Guidelines

Courts consider the sentencing guidelines in determining the appropriate sentence for individuals convicted of, or pleading guilty or *nolo contendere* to, felonies and misdemeanors.

Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the higher-graded offense. Guidelines do not apply to the following: certain diversion programs, contempt or revocations, summary convictions, violations of local ordinances or current juvenile adjudications of delinquency.

Recidivism Risk Reduction Incentive (RRRI)

- Enables eligible, non-violent offenders to reduce their minimum sentences if they complete recommended programs and maintain a positive prison adjustment (good conduct and remain misconduct free during incarceration)
- Is a public safety initiative to reduce recidivism and victimization

- Seeks to provide more access to crime-reducing drug/alcohol treatment programs and to provide incentives to less violent offenders to complete programs that will provide them with tools to help them become productive, law-abiding
- Applies to sentences received on/after November 24, 2008

How does RRRI work?

At sentencing, the court makes the determination whether the defendant is an eligible offender. The prosecuting attorney has an opportunity to argue eligibility, and the victim has a right to provide input. The court will prescribe two minimum sentences: one is the RRRI minimum; the other is the regular minimum.

Example: A less violent offender who is eligible for the incentive receives a typical 2-4 year sentence. The RRRI minimum would be 18 months, and the regular minimum 2 years.

Who is eligible for RRRI?

Generally, only less serious offenders (defined as those who have not committed a personal injury crime, a sex crime, a crime with a firearm and are not considered to be a key player in the drug trade) are eligible for RRRI. These offenders are generally drug and/or alcohol dependent, which is the primary motivating factor that has led to their crime. Certain offenses, current or prior, affect eligibility, and these are determined by the courts.

Quehanna Boot Camp Releases

Inmates assigned to the military-style motivational boot camp undergo a rigid six-month disciplinary and training program. In addition to the Boot Camp program, the facility accommodates individuals sentenced to State Intermediate Punishment and houses both male and female inmates.

Eligibility

The judge determines whether or not a person meets the following legislative requirements for Boot Camp Program eligibility:

- Sentenced to state confinement;
- Serving a term of confinement, the minimum of which is not more than 2 years and the maximum of which is 5 years or less, OR is serving a term of confinement, the minimum of which is not more than 3 years and the inmate is within 2 years of completing his/her minimum sentence;
- Has not reached 40 years of age at the time he/she is approved for participation;
- Is not subject to a sentence, the calculation of which included a deadly weapon enhancement under the sentencing guidelines;
- Is **not** serving a sentence for one or more of the following offenses:

<ul style="list-style-type: none"> ▶ Murder ▶ Voluntary Manslaughter ▶ Drug Delivery Resulting in Death ▶ Kidnapping ▶ Rape ▶ Involuntary Deviate Sexual Intercourse ▶ Sexual Assault ▶ [18 Pa. C.S. 7508 (a)(1)(iii), (a)(2)(iii), (a)(3)(iii), (a)(4)(iii)] The judge must indicate on the sentencing order and the guideline sentence form that he/she wishes to have the person considered for the Boot Camp Program. All inmates who have been identified by the judge as 	<ul style="list-style-type: none"> ▶ Aggravated Indecent Assault ▶ Arson [(a)(1)(i)] ▶ Burglary [Home/Person Present] ▶ Robbery [F1] ▶ Robbery of a Motor Vehicle ▶ Drug Trafficking
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eligible will go through an expedited classification process. Both male and female offenders are eligible for admission to the Boot Camp program.

The inmate must apply to the DOC for admission into the program. DOC makes the final determination as to who will be admitted into the program. Criteria considered by DOC in this determination include the following: history of escapes, psychological and physical health, prior violent offenses and detainers.

After successful completion of the 6-month program, the inmate is released on intensive parole supervision. Participants are **not** interviewed by any of the Board's decision makers prior to release. By identifying an inmate as eligible for the Boot Camp Program, the judge is agreeing to allow the inmate to be released prior to the expiration of the minimum sentence.

Short Sentence Parole (SSP)

Under Act 115 of 2019 (or the Justice Reinvestment Initiative 2 (JRI2)), Short Sentence Parole allows the Parole Board to parole an individual without requiring an interview at the end of the person's minimum date or RRRI minimum date, whichever is shorter. If the person eligible for SSP was committed to a DOC facility after the expiration of his/her minimum date, the Parole Board will approve the person for parole without requiring an interview within 30 days after commitment to the facility.

Assessments and Programming

Department of Corrections (DOC) assessments include:

- Risk Screen Tool (RST): risk of reoffending and program indicator
- Criminal Sentiments Scale-Modified (CSS-M): measures criminal attitudes
- Texas Christian University Drug Screen (TCU): substance abuse treatment
- Personality Assessment Inventory: guides future clinical interviews and programming, including violence indicator
- Psychological Assessment Interview: screen for clinical pathology and risk and mental health issues
- Test of Adult Basic Education (TABE)

DOC's cognitive behavioral programming addresses treatment needs that have been proven to reduce recidivism:

- Thinking for Change: addresses criminal thinking
- Violence prevention: low, moderate and high intensity
- Batter's intervention: addresses domestic violence
- Sexual offender programming: low and moderate/high
- Drug and alcohol treatment: based on TCU score (outpatient or therapeutic community)

The Decision Makers

For voting purposes, the Parole Board uses these groups based on the inmate's current offense:

Group 1 – Majority Vote Offenses (i.e. murder, homicide by vehicle, sex offenses and involuntary/voluntary manslaughter)

The majority of the Parole Board Members must vote YES for the person to be paroled. For these types of cases, inmates are interviewed jointly by two Parole Board Members, OR one Parole Board Member and one Hearing Examiner. Typically, these cases take longer to process Board Actions because of the individual reviews that must be done by multiple Decision Makers to reach a majority of positive votes to parole.

Group 2 – Panel Offenses

Individuals need two YES votes from a panel of Parole Board Decision Makers. A Panel consists of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

Group 3 – Recidivism Risk Reduction Incentive (RRRI)

RRRI-eligible inmates may be paroled if they receive a YES vote from a Hearing Examiner.

Validity of Risk Assessment

There are two types of risk factors: static and dynamic.

Static risk factors may include: the person's age, number of past offenses committed, intellectual disabilities, victimology, age at first conviction, gender, race, social status, criminal history and childhood trauma. Some static factors cannot be changed by correctional efforts but may change naturally, such as age. Not all tools incorporate all factors. For example, many tools are constructed to be race and gender neutral.

Dynamic risk factors are conditions and attributes related to the person that may be changed by programs, treatment, counseling and other interventions. Examples include: marital distress, skill deficits, substance abuse, pro-crime attitudes, companions, mental health, low educational attainment and antisocial supports and peer association.

The Levels of Service Inventory Revised (LSI-R) is a risk-screening instrument that has 54 questions, with 10 criminogenic categories that are considered as part of the parole interview process. The LSI-R is also used to set supervision levels if a person is released to parole supervision.

LSI-R 10 Criminogenic Categories

Criminal History

Any arrests under age 16 | number of arrests | number of adult convictions | number of current and past offenses | prison misconducts

Education/Employment

Years of high school education | any school expulsions or suspensions | participation in school activities | interactions with peers and authority figures | current employment status | length of time jobs have been held

Financial

Reliance on social assistance | personal financial issues

Family/Marital

Criminal history of family | feelings toward family members/distant relatives/spouse

Accommodation

Satisfaction with residence | number of address changes in past 3 years | high crime neighborhood

Leisure/Recreation

Absence of organized activity(ies) | use of time

Companions

Social isolation | number of criminal acquaintances/friends | number of anti-criminal acquaintances/friends

Alcohol/Drug Problem

Past/present drug or alcohol personal issues | law violations | marital/family issues | school/work/medical issues

Emotional/Personal

Mental health treatment past/present | psychological assessments | non-active/active psychosis

Attitudes/Orientation

Supportive of crime | attitude toward sentence and parole supervision

The Parole Board uses this valid and reliable risk and needs assessment instrument to assist with parole decisions, as well as other nationally recognized assessments.

Offender Risk and Manageability

The Parole Board's Decision Makers consider the following as paroling decisions are made:

- ▶ Has the inmate's risk been mitigated?
- ▶ Does the inmate pose an acceptable risk?
- ▶ Is public safety likely compromised by release under parole supervision (versus longer period of incarceration or serving maximum term in prison)?
- ▶ Can the criminogenic needs be addressed through transitional services (community correction center, continuation of care)?
- ▶ Has the inmate successfully completed required treatment and can articulate positive personal change?
- ▶ Has the inmate developed (with the institutional parole agents) a reentry plan that will address continuing criminogenic issues?
- ▶ Are there other individual compelling factors related to the inmate's appropriateness for release?

The parole interview is conducted:

1. To address with the inmate both criminal history and institutional conduct and program participation and consider needs and risks.
2. To assess the adequacy of treatment or programming while incarcerated, at the point of reentry and on an ongoing basis in the community.

RISK is the likelihood an inmate might commit another crime. The Board tries to determine how much an inmate's risk has been reduced.

Human behavior is difficult to predict. Risk assessment is a statistical tool that does not predict which individual will re-offend, but identifies groups likely to re-offend. Risk assessment may place an inmate in a high-risk group, but specifically which inmate in the group will re-offend is difficult to identify.

According to §6135(a) of the Parole Code, the Parole Board shall consider the following factors when a person is eligible for parole:

- ▶ The nature and circumstances of the crime for which the inmate was convicted, his/her entire criminal history, including any juvenile arrests or adjudications;
- ▶ Information regarding the general character and background of the inmate;
- ▶ Notes on the sentencing hearing testimony;
- ▶ Emotional stability: physical, mental and behavioral condition and history of the inmate;
- ▶ Family history of violence;
- ▶ Recommendation of the sentencing judge and prosecuting attorney;
- ▶ Input from the victim and the victim's family; and
- ▶ Recommendation from the warden or superintendent of the facility where the inmate is incarcerated.

Other requirements considered are the status of program completion and the inmate's adjustment to prison. The Board looks at all misconducts, but concentrates on those that occurred within the past 2 years.

PB 361 – Page 1

PBPP 361 (3/2012)

Parole Decisional Instrument

Instant Offense: Violent Non Violent

Name: _____ Parole No.: _____ Inst. No.: _____
 SID No.: _____ Institution: _____
 Custody Level at Time of Interview: _____ Age at Interview: _____
 Type of Interview: _____ Date of Interview: _____
 Total Sentence: _____ Minimum Date: _____ Maximum Date: _____
 Supt/Warden Recommendation: Yes No

I. Calculation of Primary Weighted Factors

Violence Indicator by Category		Risk/Needs Assessment			Sex Offender Risk Assessment (Static 99)	
1. OVRT Category		2. Level of Service Inventory - Revised		3. Institutional Programming		
Cat 1	<input type="checkbox"/> +1	Raw Score	High Risk	<input type="checkbox"/> +2	High Risk	<input type="checkbox"/> +3
Cat 1 *	<input type="checkbox"/> +2	Medium Risk	<input type="checkbox"/> +1	Medium Risk	<input type="checkbox"/> +2	
Cat 2	<input type="checkbox"/> +3	Low Risk	<input type="checkbox"/> +0	Low Risk	<input type="checkbox"/> +1	
Cat 3	<input type="checkbox"/> +4					

Institutional Adjustment

3. Institutional Programming

High Risk Violent Offender, Sex Offenders, Multiple DUI's, Murder II and Murder III, Domestic Violence

High Risk Non-Violent Offender
Medium Risk Violent or Non-Violent Offender

- +0 Completion of Required Program
- +1 Participation in Required Program
- +2 Waiting List for Required Program
- +3 Unwilling to Participate in Required Program

- +0 Waiting List, Participation, Completion in Required Program
- +3 Unwilling to Participate in Required Program

Low Risk

- +0

4. Institutional Behavior

- 1. Crimes Code Violation - Criminal charges pending in which probable cause has been established or a conviction has occurred from an offense that was committed while serving sentence currently under consideration for parole; and/or
- 2. Drug/Alcohol Offense - Determined to be in possession of any controlled substance and/or positive test result of drugs or alcohol; and/or
- 3. Assaultive Behavior - Verbal or physical aggression which is documented by the Department of Corrections or the Board of Probation and Parole; and/or
- 4. Community Corrections Residency (CCR) Failure - Return to institution as a result of inappropriate behavior occurring while in prerelease status; and/or
- 5. Pattern of Institutional Misconducts - Three or more misconducts of any class or two or more class 1 misconducts.

+5

No occurrence within one year of the parole interview date or since date of last review, if review period is less than one year.

+0

Parole Suggestion

Notate cumulative score
from first four components

Suggests Parole
Suggests Parole Refusal

1 to 6
 7 or greater

Understanding the PB 361

The Parole Board uses the PB 361 to analyze individual cases and guide consistency in decision making. The instrument is a guide to advise the Decision Maker. It does not replace professional discretion and does not bind the Parole Board to grant or deny parole or create a right, presumption or reasonable expectation that parole will be granted. The PB 361 consists of four primary, weighted factors Decision Makers use to reach a parole decision: the inmate's risk to re-offend, violence, behavior in prison and program participation and completion.

I. Threshold Score

1. Violence Indicator by Category: OVRT Category

Offender Violence Risk Typology (OVRT) categorization used for parole consideration, offender programming and supervision levels.

Category 1	Non-Violent Instant Offense with no prior Violent History	All Levels of Risk
	Non-Violent Instant Offense with prior Violent History	Low Risk
	Violent Instant Offense with no prior Violent History	Low Risk
Category 2	Non-Violent Instant Offense with prior Violent History	Medium Risk
	Violent Instant Offense with no prior Violent History	
Category 3	Non-Violent Instant Offense with prior Violent History	High Risk
	Violent Instant Offense with no prior Violent History	
	Violent Instant Offense with prior Violent History	

The OVRT identifies the types of violent offenders from "least violent" to "most violent" and examines:

- ▶ Age of criminal onset (<16) highest risk
- ▶ Use/possession of weapon
- ▶ Prior violent history
- ▶ Level/type of risk

**A high risk reduces the likelihood of parole for the inmate.*

361 Section

Violence Indicator by Category

1. OVRT Category

Cat 1	<input type="checkbox"/>	+1
Cat 1 *	<input type="checkbox"/>	+2
Cat 2	<input type="checkbox"/>	+3
Cat 3	<input type="checkbox"/>	+4

2. Risk/Needs Assessment: LSI-R and the Static 99

This section is devoted to the inmate's actuarial assessment. It focuses on either the Level of Service Inventory Revised (LSI-R) or the Static 99 for sex offenders. It examines both dynamic and static factors, assesses risk and needs and guides parole condition setting as well as levels of supervision.

**A high risk reduces the likelihood of parole for the inmate.*

361 Section

Risk/Needs Assessment

2. Level of Service Inventory - Revised

Raw Score	—
High Risk	<input type="checkbox"/>
Medium Risk	<input type="checkbox"/>
Low Risk	<input type="checkbox"/>

Sex Offender Risk Assessment (Static 99)

Raw Score	—
High Risk	<input type="checkbox"/>
Medium Risk	<input type="checkbox"/>
Low Risk	<input type="checkbox"/>

3. Institutional Adjustment: Institutional Programming

Institutional programming is reported by the DOC. This section looks at the inmate's status regarding programming: completed, currently participating, waiting or refusal of programming. *Program completion greatly reduces risk. Cognitive behavioral programming is based on assessed needs. Program completion increases the likelihood of parole.

361 Section

Institutional Adjustment

3. Institutional Programming

High Risk Violent Offender, Sex Offenders, Multiple DUI's, Murder II and Murder III, Domestic Violence

- +0 Completion of Required Program
- +1 Participation in Required Program
- +2 Waiting List for Required Program
- +3 Unwilling to Participate in Required Program

Low Risk

- +0

High Risk Non-Violent Offender
Medium Risk Violent or Non-Violent Offender

- +0 Waiting List, Participation, Completion in Required Program
- +3 Unwilling to Participate in Required Program

4. Institutional Behavior

Institutional behavior is reported by DOC. It is predictive of an inmate's likelihood to commit another crime. *Serious misconduct(s) decrease the likelihood of parole.

361 Section

4. Institutional Behavior

- 1. Crimes Code Violation - Criminal charges pending in which probable cause has been established or a conviction has occurred from an offense that was committed while serving sentence currently under consideration for parole; and/or
- 2. Drug/Alcohol Offense - Determined to be in possession of any controlled substance and/or positive test result of drugs or alcohol; and/or
- 3. Assaultive Behavior - Verbal or physical aggression which is documented by the Department of Corrections or the Board of Probation and Parole; and/or
- 4. Community Corrections Residency (CCR) Failure - Return to Institution as a result of inappropriate behavior occurring while in prerelease status; and/or
- 5. Pattern of Institutional Misconducts - Three or more misconducts of any class or two or more class 1 misconducts.

+5

No occurrence within one year of the parole interview date or since date of last review, if review period is less than one year.

+0

Parole Suggestion

The addition of the scores generated in each of these four areas create the Threshold Score: either to parole with a score of 1-6 or to refuse parole with a score of 7 or higher.

361 Section

Parole Suggestion

Notate cumulative score from first four components

Suggests Parole
Suggests Parole Refusal

1 to 6
 7 or greater

II. Interviewer Notes

Interview notes:

- ▶ Are created by decision makers during interview preparation
 - ▶ Provide interview impressions
 - ▶ Look at criminogenic issues
 - ▶ Help focus on special issues
-

Value of the In-Person Interview: Decision maker assesses all aspects of inmate's readiness for parole

- ▶ Inmate's opportunity to communicate risk reduction activities
 - ▶ Board communicates expectations for risk reduction and communicate post-release expectations
-

Purpose of the Structured Interview: Assesses quantifiable, actuarial and qualitative information

- ▶ Reviews criminal history
 - ▶ Provides inmate assessment – risks and needs
 - ▶ Assesses benefit derived from programming
 - ▶ Assesses dynamic behavioral changes
 - ▶ Prepares for reentry
-

Professional judgment is the process of considering actuarial information and data of offender relative to the following:

- ▶ Public safety risk
 - ▶ Derived program benefits
 - ▶ Victim concerns
 - ▶ Community sensitivity
 - ▶ Prior supervision history
 - ▶ Judge/DA input
 - ▶ Other unique factors
-

Linking Interview Findings to Factors: Demonstrated motivation for change

- ▶ Insight and response to criminal record
- ▶ Assessment of parole challenges
- ▶ Overall risk
- ▶ Reentry plan

Professional Judgment

Insight and Response to Criminal Behavior	Demonstrated Motivation for Change	Overall Risk	Assessment of Parole Challenges	Home Plan and Reentry Services
Inmate perception of offense	Program compliance/completion	Analysis of risk domains	LSI-R problem domains	Satisfactory residence and reentry plan/options
Inmate perception of criminal lifestyle	Ongoing effort to make positive changes that would lead to success in the community	Actions to mitigate risk	Treatment/program evaluations	Availability of lawful employment and continuing education/vocational skills training
Acceptance of responsibility		Type of risk (theft vs. rape)	Reentry planning	
Expressed remorse		Judge/DA/Victim Input	Prior supervision compliance	
Non-minimization of offense	Acceptable prison conduct	Prior supervision	Risk: escalation – mitigation	Extent of criminal history
				Development of continuity of care plan

III. Board Action

Name	Parole #	Ind. #	Page 3
III. Board Action to Parole			
You are:			
<p><input type="checkbox"/> 1. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date to an approved plan upon condition that there are no misconducts.</p> <p><input type="checkbox"/> 2. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Upon completion of programming as indicated by recent DOC assessment to an approved plan. <input type="checkbox"/> b. Upon completion of Enter Program to an approved plan. <p><input type="checkbox"/> 3. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date to a</p> <ul style="list-style-type: none"> <input type="checkbox"/> Community Corrections Residency <input type="checkbox"/> Specified CCC with violence prevention programming. You shall enter into and actively participate in the community corrections residency until successfully discharged. You shall obey all the established rules of the community corrections residency. Any violation of the program rules or regulations may constitute a violation of parole and may result in sanctions and arrest. You must have an approved plan prior to release from the residency. <input type="checkbox"/> a. Upon completion of programming as indicated by recent DOC assessment <input type="checkbox"/> b. Upon completion of Enter Program. <p><input type="checkbox"/> 4. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date to inpatient treatment program. You shall enter into and actively participate in the inpatient treatment program until successfully discharged. You shall obey all the established rules of the inpatient treatment program. Any violation of the program rules constitutes a violation of parole and may result in sanctions and arrest. (You must sign appropriate release form for confidential information.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Alcohol and Other Drug (AOOD) <input type="checkbox"/> b. Alcohol and Other Drug with Dual Diagnosis Component <input type="checkbox"/> c. Other: Enter Other Inpatient Program. <p><input type="checkbox"/> 5. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date or earlier, if successful adjustment of three months in pre-release to an approved plan.</p> <p><input type="checkbox"/> 6. Paroled on or after <input type="checkbox"/> minimum eligibility date OR Date</p> <ul style="list-style-type: none"> <input type="checkbox"/> Upon completion of Enter Program. <input type="checkbox"/> b. To Board/back time detainer sentence only. <input type="checkbox"/> b. To State Detainer sentence. <ul style="list-style-type: none"> While confined must complete any remaining required correctional program(s) from current sentence <input type="checkbox"/> c. To other detainer, approved home to be available <input type="checkbox"/> Enter <ul style="list-style-type: none"> <input type="checkbox"/> County <input type="checkbox"/> Sentence <input type="checkbox"/> Unfiled Case <input type="checkbox"/> Other State <input type="checkbox"/> Federal <input type="checkbox"/> Sentence <input type="checkbox"/> Unfiled Case <input type="checkbox"/> Violation of Probation/Parole <input type="checkbox"/> Immigration and Customs Enforcement Detainer <input type="checkbox"/> Immigration and Customs Enforcement Deportation Order <input type="checkbox"/> Other: Enter Other Detainer. 			

Name	Parole #	Ind. #	Page 4
III. Board Action to Refuse Parole			
Board Action to Refuse Parole			
You are:			
<p><input type="checkbox"/> a. To be reviewed on or after <input type="checkbox"/> Month / Year</p> <p><input type="checkbox"/> b. To be reviewed upon completion of programming as indicated by recent DOC assessment.</p> <p><input type="checkbox"/> c. To be reviewed on or after <input type="checkbox"/> Month / Year, or earlier, if recommended by the Department of Corrections/County Prison Staff.</p> <p><input type="checkbox"/> d. To serve your unexpired maximum sentence 8/31/2023, or to be reviewed earlier, if recommended by Department of Correction/County Prison Staff due to appropriate adjustment and program completion.</p> <p><input type="checkbox"/> e. To serve your unexpired maximum sentence 8/31/2023 due to your negative intent in parole. Review only upon application.</p> <p><input type="checkbox"/> f. To serve your unexpired maximum sentence 8/31/2023</p>			
Requirements for Next Review			
At your next interview, the Board will review your file and consider:			
<p><input type="checkbox"/> a. Whether you have successfully participated in/successfully completed a treatment program for</p> <ul style="list-style-type: none"> <input type="checkbox"/> 1. Sex Offenders <input type="checkbox"/> 2. Substance Abuse <input type="checkbox"/> 3. Batterer's Intervention <input type="checkbox"/> 4. Thinking for a Change or Other CBT Program <input type="checkbox"/> 5. Violence Prevention <input type="checkbox"/> 6. Continu IEP per DOC <input type="checkbox"/> 7. Other: Enter Other Program <p><input type="checkbox"/> b. Your compliance with DOC ordered mental health services.</p> <p><input type="checkbox"/> c. Whether you have <input type="checkbox"/> received <input type="checkbox"/> maintained a favorable recommendation for parole from the DOC.</p> <p><input type="checkbox"/> d. Whether you have <input type="checkbox"/> received <input type="checkbox"/> maintained a clear conduct record.</p> <p><input type="checkbox"/> e. Whether you have completed the Department of Corrections' prescriptive program(s).</p> <p><input type="checkbox"/> f. The following shall be available at the time of review: Enter information to be available</p> <p><input type="checkbox"/> g. Other: Enter other factors.</p>			
Continuance - Decision Pending			
A decision in your case is pending for the following reason(s):		Information Received:	
Select continuance reason:		DM Initials:	Enter initials
Enter continuance explanation:		Date Received:	Select Date
		DM Initials:	Enter initials
		Date Received:	Select Date

IV. Decisional Factors

IV. Decisional Factors		How Did Factor Relate to Parole Decision:		Tech Codes
	List of Factors	Approved	Refused	
A. Weighted Factors				
1. Violence Indicator:	Violent Non-Violent			
2. Program Completion:	Your reasonable efforts to comply with prescribed institutional programs. Your current involvement in prescribed institutional programs. Your participation in and completion of prescribed institutional programs. Your unacceptable compliance with prescribed institutional programs. Your need to participate in and complete additional institutional programs.	<input type="checkbox"/>		PN
		<input type="checkbox"/>		PN
		<input type="checkbox"/>		PD
		<input type="checkbox"/>		RX
		<input type="checkbox"/>		RN
3. Institutional Behavior:	Your institutional behavior, including reported misconducts. Your positive institutional behavior.		<input type="checkbox"/>	RN
		<input type="checkbox"/>		PT
4. Risk Assessment (Lith/Static-99):	Your risk and needs assessment indicating your level of risk to the community.	<input type="checkbox"/>	<input type="checkbox"/>	RT
B. Non-Weighted Factors				
5. Recommendations: DOC/County Warden	The positive recommendation made by the Department of Corrections. The positive recommendation made by the Warden of the County jail. The negative recommendation made by the Department of Corrections. The negative recommendation made by the Warden of County jail.	<input type="checkbox"/>		PF
		<input type="checkbox"/>		PD
		<input type="checkbox"/>		RG
		<input type="checkbox"/>		RH
6. Prior Supervision History:	Your prior satisfactory parole supervision history. Your prior unsatisfactory parole supervision history.	<input type="checkbox"/>		PI
		<input type="checkbox"/>		RH
7. Evaluations/Assessments:	Reports, evaluations and assessments/level of risk indicates your risk to the community.	<input type="checkbox"/>	<input type="checkbox"/>	RJ
8. Interview Responses:	Your demonstrated motivation for success. Your failure to demonstrate motivation for success.	<input type="checkbox"/>		PN
		<input type="checkbox"/>		RJ

Name:	Period #	Page #	Page #
8. Offender Perception of Offense:			
Your acceptance of responsibility for the offense(s) committed.	<input type="checkbox"/>	PA	
Your stated remorse for the offense(s) committed.	<input type="checkbox"/>	PB	
Your minimization/ denial of the nature and circumstances of the offense(s) committed.	<input type="checkbox"/>	SA	
Your refusal to accept responsibility for the offense(s) committed.	<input type="checkbox"/>	RB	
Your lack of remorse for the offense(s) committed.	<input type="checkbox"/>	RC	
9. Detainers:			
The existence of a pending detainer sentence filed against you: □ Federal □ State □ County	<input type="checkbox"/>	<input type="checkbox"/>	PP RP
The existence of detainers filed against you: □ Federal □ State □ County	<input type="checkbox"/>	<input type="checkbox"/>	PK RK
The existence of detainers filed against you: □ An ICE Detainer □ Deportation Order	<input type="checkbox"/>	<input type="checkbox"/>	PL RL
10. Your placement in a treatment program in the community.	<input type="checkbox"/>	PS	
11. The approved transfer of your parole supervision to another state.	<input type="checkbox"/>	PT	
12. Your negative history in parole.	<input type="checkbox"/>	HQ	
14. Release Planning:			
Your development of a parole release plan.	<input type="checkbox"/>	PQ	
Your failure to develop a parole release plan.	<input type="checkbox"/>	RD	
15. Other factors deemed pertinent in decision			
Enter Other Factors:	<input type="checkbox"/>	<input type="checkbox"/>	RR
16. Judicial Input:			
The negative recommendation by the trial judge.	<input type="checkbox"/>	<input type="checkbox"/>	RE
The positive recommendation by the trial judge.	<input type="checkbox"/>	<input type="checkbox"/>	PO
17. Prosecuting Attorney Input:			
The negative recommendation by the prosecuting attorney.	<input type="checkbox"/>	<input type="checkbox"/>	RF
The positive recommendation by the prosecuting attorney.	<input type="checkbox"/>	<input type="checkbox"/>	PE

V. Conditions of Parole

V. Special Conditions of Parole			
Imposed - Mandatory:			
EDUCATION/EMPLOYMENT: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> You shall maintain <input type="checkbox"/> Employment <input type="checkbox"/> Vocational Training <input type="checkbox"/> Educational Training <input type="checkbox"/> <input type="checkbox"/> Other: Enter Other as approved by parole supervision staff. If unemployed, you shall engage in an active job search and provide verification as directed by the parole supervision staff.			
FINANCIAL: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> You shall not open, maintain, write checks on, make withdrawals from, make deposits to, or charge expenses to any checking, savings, or credit card account in your or another's name, unless approved in advance and in writing by parole supervisor staff.			
<input type="checkbox"/> <input type="checkbox"/> You shall utilize a wage attachment for your court ordered financial obligations if available through your employer.			
FAMILY/MARITAL: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> You shall comply with supervision under the domestic violence protocol.			
<input type="checkbox"/> <input type="checkbox"/> You shall support your dependents, if any.			
ACCOMMODATION/LIVING CONDITION: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> You shall submit to electronic monitoring for Less than 8 of Days days following release from incarceration, including any time spent in a community corrections center, inpatient program or detoxification status, and during periods of unemployment.			
<input type="checkbox"/> <input type="checkbox"/> You shall obey curfew restrictions as determined appropriate by field supervisor staff.			
<input type="checkbox"/> <input type="checkbox"/> You shall not operate a motor vehicle without a valid PA driver's license, proof of insurance, vehicle registration and supervising agent's prior written permission.			
COMPANIONS: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> You shall not directly or indirectly have contact or associate with co-defendant(s), gang member or other persons named, for any reason.			
<input type="checkbox"/> <input type="checkbox"/> You shall not directly or indirectly have contact or associate with persons who sell or use drugs outside a treatment setting or possess drug paraphernalia.			
ALCOHOL/DRUG/MENTAL HEALTH/SEX OFFENDER: L40D level of need = L40 level of need =			
<input type="checkbox"/> Outpatient <input type="checkbox"/> Drug/Alcohol <input type="checkbox"/> Sex Offender <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: Enter Other treatment is a special condition of your parole supervision until the treatment source and/or parole supervisor staff determines it is no longer necessary. You shall be required to sign the appropriate release form for confidential information.			
<input type="checkbox"/> Upon your release on parole, you shall submit to an evaluation to determine your need for <input type="checkbox"/> Drug/Alcohol <input type="checkbox"/> Sex Offender <input type="checkbox"/> Mental Health <input type="checkbox"/> Cvr <input type="checkbox"/> Other: Enter Other treatment. If treatment is recommended, you must enroll and successfully complete all treatment recommended. You shall sign the appropriate release form for confidential information.			
<input type="checkbox"/> You shall attend a community support group program (i.e. Twelve Steps, Alcoholics Anonymous, Narcotics Anonymous or secular alternative program) as directed by field staff or treatment provider. Enter Other			
<input type="checkbox"/> You shall achieve negative results in screening tests randomly conducted by the Board to detect your use of controlled substances and designer drugs, as designated by the Controlled Substance, Drug, Device and Cosmetic Act, or to detect your use of alcohol, or both. You are responsible for all testing costs.			
<input type="checkbox"/> You shall not consume or possess alcohol under any conditions or for any reason.			
<input type="checkbox"/> You shall not enter establishments that sell or dispense alcohol (except as approved by the supervisor staff).			

<input type="checkbox"/>	<input type="checkbox"/>	You shall take psychotropic medicine if prescribed by your doctor.	
		<input type="checkbox"/> Sex offender protocol: <input type="checkbox"/> All 34 Standard Special Conditions <input type="checkbox"/> Choose from 6 Optional Conditions	
Optional Special Conditions for Sex Offenders: L30-SP mid level =			
<input type="checkbox"/> You must not have any contact with anyone under the age of 18 years old without the prior written approval of probation/parole supervisor staff and if applicable, in agreement with your treatment provider. You must immediately report any of these contacts to your parole agent. Contact is defined as follows: (1) actual physical touching; (2) writing letters, sending messages, buying presents, sending email, sending instant messages, sending text messages, calling on a telephone/cell phone/blackberry; (3) verbal communication, such as talking, as well as non-verbal communication, such as body language (crying, gesturing, smiling); sign language and facial expressions; (4) direct or indirect contact through a third party.			
<input type="checkbox"/> You must not reside in any residence where a person under the age of 18 years old resides. Persons under the age of 18 years old must not visit or be present in the residence in which you reside or in the property without the prior written approval of probation/parole supervisor staff and if applicable, in agreement with your treatment provider.			
<input type="checkbox"/> You must not leave, attend, visit, or participate in events where the primary activity at such locations involve person under the age of 18 years without the prior written approval of probation/parole supervisor staff and if applicable, in agreement with your treatment provider. These areas include but are not limited to the following places: playgrounds, youth recreation centers, youth clubs, encampments, summer camps, child daycare centers, elementary schools, high schools, elementary/high school bus stops, Special Olympic events, Boy Scout/Girl Scout meetings or events, county or community fairs and carnivals or any similar areas where person under the age of 18 years old commonly congregate.			
<input type="checkbox"/> You must not form an intimate or romantic/sexual relationship with any person who has full or partial physical custody, including visitation rights, of anyone under the age of 18 years old without prior written approval of probation/parole supervisor staff and if applicable, in agreement with your treatment provider.			
<input type="checkbox"/> You must not participate, directly or indirectly, in any child sponsorship-type organizations or activities without the prior written approval of probation/parole supervisor staff. These activities include but are not limited to the following: Big Brother/Big Sister, Boy Scout/Girl Scout, Foster child programs, fundraiser events conducted for or by persons under the age of 18 years, sponsoring/providing financial support to needy children overseas, sponsoring a child in a walkathon or marathon event etc.			
<input type="checkbox"/> You must not purchase or possess items designed to appeal primarily to person under the age of 18 years old, without the prior written approval of probation/parole supervisor staff. This includes, but is not limited to the following items: children's clothing, toys, games, books, dolls, stuffed animals, child-oriented videos, etc.			
ATTITUDES/ORIENTATIONS: L30F mid-domestic level of need =			
<input type="checkbox"/> <input type="checkbox"/> Removal or termination from the <input type="checkbox"/> inpatient program <input type="checkbox"/> community corrections residency or <input type="checkbox"/> contract facility for any reason, other than successful completion may result in sanctions or a violation of your parole.			
<input type="checkbox"/> <input type="checkbox"/> You shall not directly or indirectly have contact with victim(s), or victim's families, including correspondence, telephone contact, or communication through third parties. <input type="checkbox"/> without prior written permission of parole supervisor staff			
<input type="checkbox"/> <input type="checkbox"/> You shall not travel or reside in <input type="checkbox"/> voluntary/ <input type="checkbox"/> involuntary <input type="checkbox"/> for any reason. <input type="checkbox"/> without prior written permission of parole supervisor staff			

Name:	Parole #:	Ins. #:	Page #
<input type="checkbox"/> <input type="checkbox"/> All above/previously imposed parole conditions apply to every sentence for which you are not on parole, constructive or otherwise.			
<input type="checkbox"/> <input type="checkbox"/> In the event you are issued a final order of removal, and you willfully fail or refuse to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of court, then you shall be deemed in violation of the conditions of your parole.			
<input type="checkbox"/> <input type="checkbox"/> In the event you are under a final order of removal and you willfully fail or refuse to make timely application in good faith for travel documents necessary to your departure, then you shall be deemed in violation of the conditions of your parole. You shall abide by the rules and regulations of the institution.			
<input type="checkbox"/> <input type="checkbox"/> You shall not possess ammunition under any condition or for any reason.			
<input type="checkbox"/> <input type="checkbox"/> You shall abide by the rules and regulations of the institution (This applies to detainer cases only).			
<input type="checkbox"/> <input type="checkbox"/> Other: Enter other condition			

Special Instructions to Parole Supervision Staff

Enter Special Instruction

Special Instructions to Central Office Staff

Enter Special Instruction

Central Office Staff Notes

Enter Special Instruction

VI. The Voting Record

Name:		Parole #:		Inst. #:		Page 10	
VI. Board Decision Maker Voting Record							
						Violent	
						Parole/Reparole	Refuse
1.	Hearing Officer	Signature <i>/s/</i> DATE:		<input type="checkbox"/>		<input type="checkbox"/>	
2.	Board Member	SIGNATURE: <i>/s/</i> DATE:		<input type="checkbox"/>		<input type="checkbox"/>	
3.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
4.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
5.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
6.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
7.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
8.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
9.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	
10.	Board Member	SIGNATURE: Select BM Signature DATE: Select Date Signed		<input type="checkbox"/>		<input type="checkbox"/>	

After the Interview

After the decision to grant or refuse parole is recorded on the PB 361, a Board Action, or the official parole document, is generated. The Board Action is the public record that documents the decision of the Board to grant or deny parole. The Board Action contains the decision to either: **parole** with the reasons for granting parole and the conditions of supervision or **refuse parole** with specific requirement(s) to be fulfilled by the time of the next parole review and the reasons for denying parole.

The Parole Decision

The Parole Board frequently clarifies the misunderstanding that the minimum sentence date is the parole release date. Public perception is they are one and the same. The minimum sentence date represents the minimum amount of time a person must be incarcerated under DOC's control. An inmate becomes eligible for parole release after he or she has served the minimum sentence.

Additionally, an inmate's family and friends mistakenly believe after their loved one has been granted parole, the inmate is immediately released. This is not the case as a positive Board Action triggers numerous other events that must take place before the inmate is released on parole.

Explanation of Parole Denial

If the parole denial contains a general statement that says the inmate does not demonstrate a motivation for success, it means that neither the completion of programs nor the interview statements show the inmate seems prepared to succeed as a law-abiding citizen.

If the parole denial contains a general statement regarding risk and needs assessment, it means the inmate has a high risk of re-offending according to his/her evaluations.

If the parole denial contains a general statement regarding lack of remorse or not taking responsibility for the crime(s), it means the statements and actions during the parole interview, including the inmate's written statement, gave the impression the inmate does not care about the impact of his/her actions on other people and society.

Explanation of Parole Approval

If the parole decision grants parole, the Board Action will highlight the reasons for the approval. The Board Action also spells out the individual's parole conditions.

If the Board Action contains "parole to detainer" language, this means the inmate is not being released. It is a grant of parole to a detainer sentence, which is a sentence separate from the one the inmate is currently serving. The detainer ensures when the inmate has been paroled on the present sentence, the inmate will be turned over to the authority imposing the detainer sentence to serve the next sentence, rather than being released from confinement. It means the inmate is allowed to start serving the other Pennsylvania sentence while on parole or will be sent to the other jurisdiction, which lodged the detainer, to address that situation.

A "when available" Board Action is language indicating that an incarcerated individual is not yet available to begin serving the backtime imposed for his/her parole revocation. After he/she returns to the SCI, his/her status will be examined and an updated PV Max date will be calculated.

Parole release is not immediate when an inmate receives a Board Action granting parole. There are several things that need to occur before the inmate is released to parole supervision. After parole is granted, the inmate needs to work with the institutional parole agent to determine what criteria must be met before release.

If the Board Action contains conditions that must be fulfilled before an inmate is released, they must complete them before any release processing will begin. Inmates must also remain misconduct free. Any detainers or new charges may delay or invalidate an inmate's parole.

The Release Checklist includes:

- Crime Victims' Compensation Fund Payment
- DOC RRRI Certification
- Victim Awareness Class Completion (if applicable)
- DNA Sample (if a past or present felony conviction exists)
- Sex Offender's Law Registration (if required)
- Completed Programming (if noted)
- Urinalysis (test results are good for 45 days from the date collected)
- Community Corrections Center (CCC) Bed Available Date
- Approved Home Plan (An in-state, Pennsylvania home plan is valid for 150 days; an out-of-state home plan is valid for 120 days)
- Release Orders from the Board
- Release Date from DOC's Parole Institutional Parole Office

Community Corrections Centers (CCCs)

A CCC, often called a halfway house, is a residency under the jurisdiction of the DOC. To be placed in a CCC, DOC must approve an inmate's placement and provide a bed date. This will be requested for the inmate by the DOC institutional parole staff if the Board Action/Decision states the inmate is to be paroled to a CCC. DOC is responsible for placing inmates at CCCs. The Parole Board always encourages each inmate to work with his/her institutional parole agent to develop an approved home plan in order to expedite placement.

Legally, an inmate cannot be released on parole prior to the minimum sentence date. If an inmate has completed all required programming, is a non-violent, has an approved home plan or CCC bed date, and has no detainers, release may occur within a short time frame.

Parole Supervision

There are two types of parole conditions: general and special. General conditions of parole apply to every individual under parole in the state of Pennsylvania. Special conditions of parole are specific and individualized conditions placed on a parolee by the Parole Board, the sentencing court and/or DOC field supervision staff. Special conditions are in addition to general conditions, and all must be followed by the individual in order to be in parole supervision compliance.

The main objectives for setting parole conditions are as follows:

- ▶ Enforces continuum of care for criminogenic needs
- ▶ Addresses potential mid and high-risk issues as guided by LSI-R
- ▶ Structures transitional period:
 - Time management
 - Treatment
 - Associates
 - Behavior
 - Obligations

- ▶ Provides direction to field supervision for offender management

General Conditions of Parole

1. Report in person to the district office or sub office specified by the Board and not leave that district without prior written permission of the parole supervision staff.
2. Live at the residence approved by the Board at release and not change residence without the written permission of the parole supervision staff.

3. Maintain regular contact with the parole supervision staff by:

Reporting regularly as instructed and following written instructions of the parole supervision staff.

Notifying the parole supervision staff within 72 hours of one of the following:

- ▶ Arrest
- ▶ Receipt of a summons or citation for an offense punishable by imprisonment upon conviction
- ▶ Change in status including but not limited to employment, on the job training and education

4. Comply with municipal, county, state and federal criminal statutes, as well as the Vehicle Code and the Liquor Code.

5. Additionally:

- ▶ Abstain from the unlawful possession or sale of narcotics and dangerous drugs and abstain from the use of controlled substances within the meaning of The Controlled Substance, Drug, Device and Cosmetic Act without a valid prescription
- ▶ Refrain from owning or possessing firearms or other weapons
- ▶ Refrain from assaultive behavior

6. Pay fines, costs, and restitution imposed by the sentencing court. Establish with appropriate county authorities within 30 days of release from prison a payment schedule for the fines, costs and restitution owed for those cases for which each individual is now on state parole. Thereafter, each person shall:

- ▶ Pay these obligations according to the established payment schedule or as ordered by the court;
- ▶ Provide proof of such payment to parole supervision staff; and
- ▶ Keep the parole supervision staff and the court informed of any changes in the parolee's financial ability to pay fines, costs and restitution.

Parole agents are peace officers. However, they are also permitted to perform these functions:

- They can impose special parole conditions on any parolee in their caseload if they determine it is warranted.
- They have police power and authority throughout Pennsylvania to arrest without warrant, writ, and rule or process any parolee or probationer under the supervision of the Board for failing to report as required by the terms of their probation or parole or for any other violation of the probation or parole.
- They are authorized to search on a reasonable suspicion standard without a warrant. Any item found in the parolee's possession that is a violation of parole/reparole from the search may be used as evidence in the parole revocation process.
- They can also supervise county parolees and probationers.

The DOC parole agent is a parolee's first point of contact for any problems the individual may encounter while on parole. The parole agent is responsible for helpful guidance and also for enforcing parole conditions.

Violations of Parole

There are two types of state parole violators: technical and convicted.

Technical Parole Violator (TPV)

A TPV is a person under parole supervision who violates the terms and conditions of parole. TPV examples include: breaking curfew, moving without permission, failing to report as instructed, or unauthorized contact with a victim. Some of these violations may be sanctioned by additional parole restrictions, treatment program participation or be recommitted to prison, depending on the severity and frequency of the violation

Convicted Parole Violator (CPV)

A CPV is a parolee who violates parole by committing a new crime while on parole OR while delinquent on parole.

Individuals are detained in prison under a Department of Corrections' warrant until his/her new criminal charges have been settled – even if the person posts bail. If the crime is a non-violent offense, the Parole Board has the discretion to take "street" time the person spent on parole supervision. For a violent offense, the person loses all "street" time spent on parole, which leads to a sentence recalculation and a parole violation maximum expiration date.

Violation Hearings

You have a right to both a first and second level hearing as part of your due process rights. You may also waive these rights to these hearings.

For each of the four types of hearings, you are given the rights below both verbally and in writing. You have the right to:

- Disclosure of evidence in support of the violations charged against them.
- Speak, have voluntary witnesses appear on their behalf and present affidavits and other evidence.
- Cross-examine adverse witnesses.
- Be represented by counsel. If a person cannot afford counsel, they may request counsel from the public defender of the county in which they are incarcerated. There is no penalty for requesting counsel.
- Request a continuance of the hearing for a good cause.



FIRST LEVEL HEARING - Preliminary Hearings

What is a Preliminary Hearing?

A first level hearing held for individuals with technical parole violations.

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a hearing must be held before a parolee can be detained for a violation of parole.

When are these hearings held?

They are held within 14 days of the person's detention on the Department of Corrections' warrant.

Who makes the decision in this type of hearing?

A Hearing Examiner. A Hearing Examiner is a Parole Board decision maker empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board.

How long does it take to reach a decision and how is it given to the inmate?

If the hearing is held, a decision on probable cause is announced at the conclusion of the hearing and the written decision confirming the probable cause decision is completed within a few days. A Board Action is typically NOT issued following a preliminary hearing. If the Hearing Examiner finds that none of the alleged violations were supported by probable cause, you will be released as soon as possible. If the Hearing Examiner determines that probable cause exists, a violation (second level) hearing will be scheduled to determine if you are guilty of the violations.

Can the decision be appealed?

The decision after a Preliminary Hearing **CANNOT** be appealed. The Parole Board regulation authorizing requests for administrative relief only applies to parole revocation decisions and recalculations based on those actions.

**FIRST LEVEL HEARING - Detention Hearings****What is a Detention Hearing?**

A first level hearing held for individuals with new criminal charges that would be a violation of parole.

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a hearing must be held before a parolee can be detained for a violation of parole.

When are these hearings held?

They are held within 30 days of the person's detention on the Department of Corrections' warrant.

A detention hearing is not required to be held by the Parole Board if a district justice conducts a criminal preliminary hearing or the person waives a criminal preliminary hearing and the new charges are held for court. Also, if the individual has already been convicted of the new criminal offense, a hearing is not required to be held.

Who makes the decision in this type of hearing?

A Hearing Examiner conducts this hearing. A Hearing Examiner is a Parole Board decision maker empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board. The final decision requires a second vote from a Parole Board Member.

How long does it take to reach a decision and how is it given to the inmate?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility.

Can the decision be appealed?

The decision after a Detention Hearing **CANNOT** be appealed. The Parole Board regulation authorizing requests for administrative relief only applies to parole revocation decisions and recalculations based on those actions.

The burden of proof for both preliminary and detention hearings is “probable cause.” This means there is a reasonable basis to find that you violated your parole. These hearings may not be needed under certain circumstances.



SECOND LEVEL HEARING - Violation Hearings

What is a violation hearing?

It is a second level hearing to determine whether or not a parolee violated the general or special conditions of their parole (technical parole violator).

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a parolee is entitled to due process before they can be recommitted for a violation of parole.

When are these hearings held?

This hearing is held within 120 days of the preliminary hearing. A parolee may waive this hearing.

FICTIONAL EXAMPLE: If John had his preliminary hearing on 01.02.2021 or waived it on that day, the Parole Board has 120 days from that date to hold his violation hearing (i.e. 05.01.2021). If the 120th day falls on a legal holiday or a weekend, the last day to hold the hearing is the next business day. Please note: This is a general rule. Some limited exceptions may change this timeframe.

Who makes the decision in this type of hearing?

The hearing is presided over by a Hearing Examiner OR a panel consisting of a Hearing Examiner and a Board Member. The decision is made in panels of two. If there is a disagreement in the revocation panel, the case is decided by Board Members appointed by the Chairperson or the Chairperson's designee with two of the Board Members not on the original hearing panel.

How long does it take to reach a decision?

A decision is usually completed within 8 weeks of the hearing.

What does the date listed in the Board Action mean?

In the Board Action, an automatic reparole date will be listed: YOU ARE REPAROLED AUTOMATICALLY WITHOUT FURTHER ACTION OF THE BOARD ON MM/DD/YYYY. This date is the automatic reparole date. A technical parole violator will be released no later than the automatic reparole date unless their automatic reparole is rescinded.

How is the decision given to the inmate?

This varies based upon the hearing and decision made. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility. According to policy, the inmate must receive a copy of the final Board Action first before it can be released to the general public, even if those requesting a copy are family or friends.

Can the decision be appealed?

Either you or your attorney may appeal a revocation/recalculation decision – no family members, loved ones or friends may do so. You have 30 days from the mailing date of the Parole Board's order to appeal this decision to the Parole Board. When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.



SECOND LEVEL HEARING - Revocation Hearings

What is a revocation hearing?

This type of hearing is required by the U.S. Constitution and the Parole Board's regulations.

This hearing is held for individuals who have committed a criminal act while on parole or while delinquent on parole (convicted parole violator) and are convicted or found guilty by a judge or jury or to which the person pleads guilty or no contest in a court of record of a crime punishable by imprisonment.

When are these hearings held?

This hearing is held EITHER within 120 days from the date the Parole Board receives official verification of the plea of guilty, no contest plea or guilty verdict at the highest trial court level OR within 120 days of the date the Parole Board receives official verification of your return to a Pennsylvania state correctional institution depending on the circumstances. The 120-day "clock" for official verification begins when the Parole Board receives the paperwork that verifies an individual was convicted – NOT when the person goes back to prison on the violation. You may waive this hearing right.

FICTIONAL EXAMPLE: John returned to an SCI on 01.02.2021 and is sent out on writ (formal written document used to elicit a hearing by the court) to the county prison on 01.30.2021. John is convicted of Robbery (F1) on 01.31.2021 and returned to the SCI on 01.31.2021. The supervising agent learns of the conviction on 02.07.2021 but does not receive paperwork attesting to the conviction from the court until 02.12.2021. Based on these facts, the Parole Board has 120 days from the date the agent received the

paperwork attesting to the conviction to conduct the revocation hearing (i.e. 06.11.2021). If the 120th day falls on a legal holiday or a weekend, the last day to hold the hearing is the next business day.

Please note: This is a general rule. Some limited exceptions may change this timeframe.

Who makes the decision in this type of hearing?

The hearings can be presided over by a Hearing Examiner alone or a panel consisting of a Hearing Examiner and a Parole Board Member.

How long does it take to reach a decision?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility. According to Parole Board policy, you must receive a copy of the final Board Action first before your family members, loved ones or friends.

What does the date listed in the Board Action mean?

In the Board Action, a line in the document will state: NOT ELIGIBLE FOR REPAROLE UNTIL [a date listed by MM/DD/YYYY]. This date is **NOT** the date when the inmate is being released on reparation. It is the date when the recommitment term imposed by the Parole Board in the prior Board Action ends. The Parole Board may review the inmate again on or after that date, but it does not create any right to be released on that date. After the review by the decision makers, another Board Action must be generated that will either grant or deny parole to the inmate.

How is the decision given to the inmate?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility.

Can the decision be appealed?

Either you or your attorney may appeal a revocation/recalculation decision – no family members, loved ones or friends may do so. You have 30 days from the mailing date of the Parole Board's order to appeal this decision to the Parole Board. When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.

The burden of proof for both violation and revocation hearings is “preponderance of the evidence.” This means there is a reasonable basis to find that it is more likely than not that the event took place and you violated your parole.

Challenges to Parole Decisions

Under Pennsylvania law, parole is a privilege, not a right. Courts have consistently stated that **a denial of parole is not able to be appealed through the Parole Board's administrative appeal process or the court system.**

If a problem happens or a question needs answered about the conditions of parole/reparole for a person on parole supervision in the community, he/she needs to talk with the parole supervision staff,

starting with his/her assigned DOC parole agent or other parole supervision staff. The DOC parole agent will assist with any explanations of individual parole/reparole conditions.

The Parole Application

A Parole Application (PB 41) is a written request seeking parole consideration from the Parole Board by an inmate/parolee. The inmate/parolee or his/her attorney should use the Parole Board's official Parole Application Form (PB 41) for submission.

The Parole Board is not required to consider an application that is submitted: (1) six months prior to the inmate's minimum sentence date; or (2) within periods specified by the date a Board Action was recorded after a parole interview or hearing, per 61 Pa.C.S. § 6139.

Three-year review crimes include: murder, voluntary manslaughter, kidnapping, trafficking in individuals, involuntary servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, incest and individuals designated as a sexually violent predator under 42 P.a. C.S. Ch. 97 Subch. H (sex offender registration) or I (continued sex offender registration).

Five-year review crimes include: inmate sentenced under 18 PA. C.S. § 1102.1 (sentence of persons under the age of 18 for murder, murder of an unborn child, and murder of a law enforcement officer).

The Parole Application (PB 41) should be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104. After the application is received, it will be reviewed for eligibility.

Parole Violations

If a person is arrested on new criminal charges, the Parole Board has the authority to lodge a detainer against the parolee which will prevent his/her release from custody, pending disposition of those charges, even though the person may have posted bail or was released on his/her own recognizance from those charges.

If a person violates a condition of parole/reparole and, after the appropriate hearing(s), the Parole Board decides that he/she is in violation of a parole/reparole condition, the person may be recommitted to prison for a period of time specified by the Parole Board.

If a person is convicted of a crime committed while on parole/reparole, the Parole Board has the authority, after an appropriate hearing, to recommit the person to serve the balance of the sentence(s) which he/she was serving when paroled/reparoled, with no credit for time at liberty on parole.

If a person thinks any of his/her rights have been violated as a result of their parole supervision, the person needs to submit a timely complaint in writing, first to the district director of the district office where the person is under parole supervision. If the complaint is not resolved to a person's satisfaction, a complaint may be submitted in writing to the Department of Corrections, Office of Parole Field Services, 1101 South Front St. Suite 5400, Harrisburg, PA 17104-2520.

Administrative Remedies Process

If the Board Action text states the following, it is language that involves the Administrative Remedies Process:

THIS DECISION INVOLVES AN ISSUE THAT IS SUBJECT TO THE BOARD'S ADMINISTRATIVE REMEDIES PROCESS. SEE 37 PA. CODE SEC. 73. FAILURE TO ADMINISTRATIVELY APPEAL THE DECISION MAY AFFECT YOUR LEGAL RIGHTS. IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS (30) OF THE RECEIPT OF THE BOARD DECISION BY THE INMATE. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASES FOR THE ALLEGATIONS. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. YOU MAY BE ENTITLED TO COUNSEL FROM THE PUBLIC DEFENDER'S OFFICE AT NO COST.

Administrative Appeal

An administrative appeal is an administrative remedy limited to challenges of a Parole Board Revocation Decision; evidentiary Decision on Confinement Credit (i.e. *Cox* decision), Evidentiary Decision on Bail Issues (i.e. *Pierce* decision); and Rescission Hearings (after the inmate has been released on parole).

The Administrative Appeal request must be received at the Parole Board's Central Office within 30 days of the mailing date on the Board Action. The request must be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104.

The request may be submitted on the Administrative Remedies Form (PB 40) or any legible paper source that contains the same information as Form PB 40. The request may only be submitted by the inmate/parolee or the inmate/parolee's attorney. The request must present factual and/or legal claims the inmate/parolee wants the Parole Board to consider with accuracy, brevity, clearness and specificity (including any supporting documentation).

When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal. The scope of review of an appeal is limited to whether the decision is supported by substantial evidence, an error of law has been committed or there has been a violation of constitutional law.

The failure to file an appeal with brevity, accuracy, and clarity of what is essential to an adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the appeal. Subsequent or second appeals that are not filed in a timely manner will not be received.

Petition for Administrative Review

Petition for Administrative Review (PAR) is defined as challenges of sentence credit, order of sentences, and re-parole eligibility dates, as well as authority/jurisdiction claims, requests for evidentiary hearings or challenges of credit for time in Community Correction Centers, and presumptive range challenges.

The PAR must be received at the Parole Board's Central Office within 30 days of the mailing date on the Board Action. The request must be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104.

The request may be submitted on the Administrative Remedies Form (PB 40) or any legible paper source that contains the same information as Form PB 40. The request may only be submitted by the inmate/parolee or the inmate/parolee's attorney. The request must present factual and/or legal claims the inmate/parolee wants the Parole Board to consider with accuracy, brevity, clearness and specificity (including any supporting documentation).

When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.

The failure to file an appeal with brevity, accuracy, and clarity of what is essential to an adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the appeal. Subsequent or second appeals that are not filed in a timely manner will not be received.

Recommitments and Sentence Recalculations

CPVs are not entitled to credit for time at liberty on parole; however, the Parole Board has discretion to award credit unless the new criminal offense is one of the crimes specified in 6138(a)(2.1) which include:

- Murder - 3rd Degree
- Voluntary Manslaughter
- Manslaughter of a Law Enforcement Officer
- Murder - 3rd Degree Involving an Unborn Child
- Aggravated Assault of an Unborn Child
- Aggravated Assault, graded as a felony of the 1st Degree
- Assault of Law Enforcement Officer
- Use of Weapons of Mass Destruction
- Terrorism
- Kidnapping
- Drug Delivery Resulting in Death
- Trafficking of Persons
- Rape
- Involuntary Deviate Sexual Intercourse
- Arson Endangering Persons
- Burglary
- Robbery, graded as a felony of the 1st Degree
- Robbery of a Motor Vehicle
- Sexual Assault
- Aggravated Indecent Assault
- Ecoterrorism
- Incest
- Criminal Attempt, Conspiracy or Solicitation to Commit any of the offenses listed here
- Any crime requiring registration under 42 P.A.C.S. Cha. 97 (relating to registration of sexual offenders)

TPVs shall be given credit for the time served on parole, but with no credit for delinquent time.

Act 122 of 2012

As a result of Act 122 of 2012, there are three tracks for management of a technical parole violator.

TRACK 1

Reentrants whose recommitment (by a recorded Parole Board decision) that occurred before January 1, 2013, are NOT affected by Act 122. These reentrants may be recommitted to serve the remainder of their sentence.

TRACK 2

If any of the following types of violations occur, the reentrant will be detained in or recommitted to a state correctional institution (SCI) or a contracted county jail (CCJ). A reentrant recommitted for any of these violations can be recommitted for up to six months for the first recommitment, up to nine months for the second recommitment, and up to one year for the third and subsequent recommitments:

1. The violation was sexual in nature.
2. The violation involved assaultive behavior or a credible threat to cause bodily injury to another.
3. The violation involved possession or control of a weapon.
4. The reentrant absconded, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility or contracted by the Department.
5. There exists an identifiable threat to public safety, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.
6. The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility or any secured facility operated or contracted by the Department of Corrections.

At the end of the commitment period, the reentrant is automatically re-paroled, unless during the commitment the reentrant committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon or controlled substances; spent more than 90 days in segregated housing due to one or more disciplinary infractions; or refused programming or a work assignment.

TRACK 3

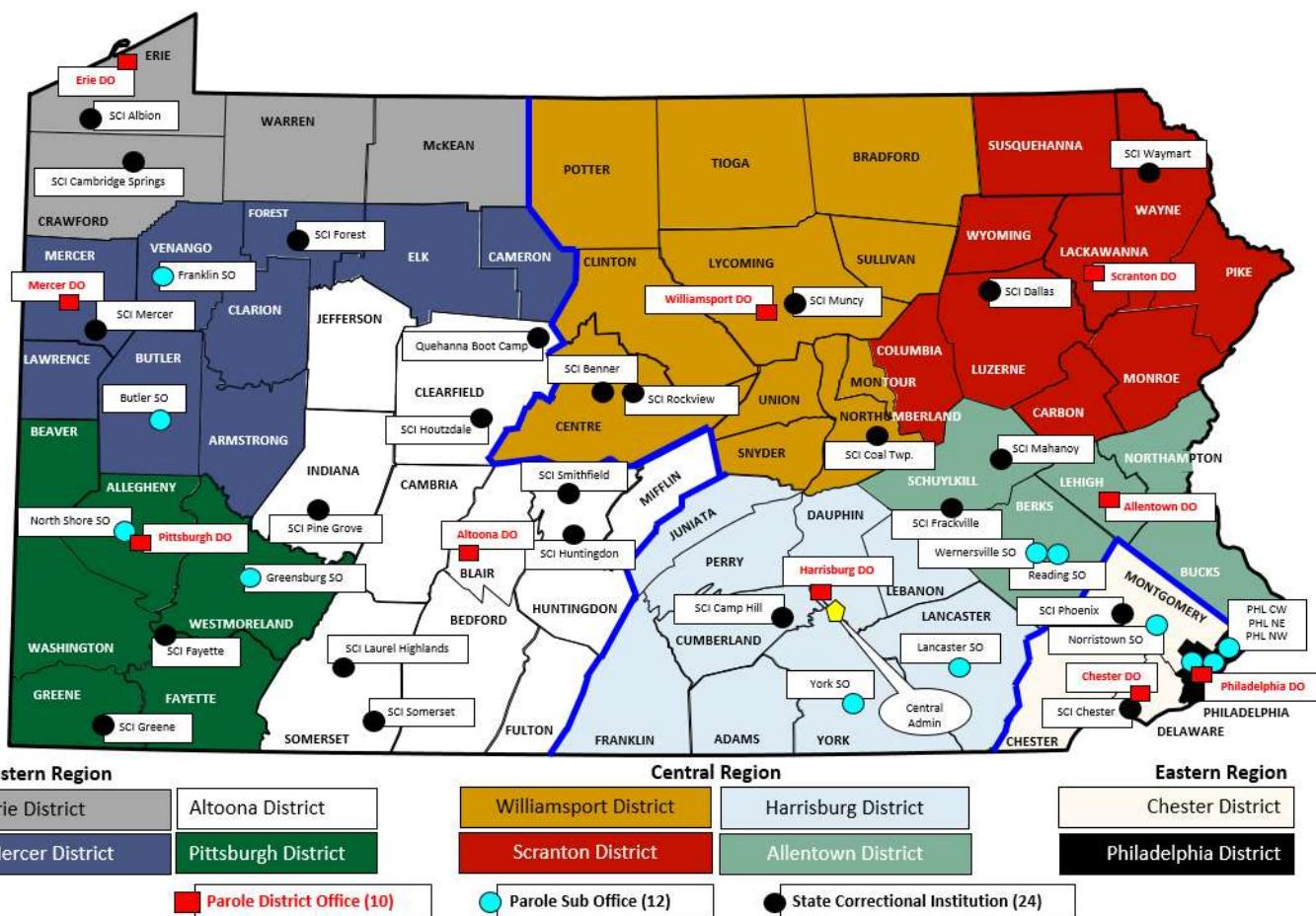
Technical parole violators will be placed in a secure parole violator center (PVC). In a parole violator center, reentrants are not permitted to leave the center without an official escort.

PVCs are designed to focus on providing immediate treatment and programming that is specific to each reentrants circumstance. The goal of parole supervision is to quickly address the circumstances that caused the reentrant to violate the conditions of parole and to facilitate behavior change in order to help reentrant's successfully complete parole and lead a law-abiding lifestyle.

The length of stay is dependent on reentrant programming needs and commitment to satisfying the requirements of the program and satisfactory adjustment while at the center. The maximum period of custody is six months.

If you refuse programming assessment or are refusing programming a memo will be sent to the Parole Board and your automatic reparole date may be revoked.

DOC Parole Supervision District and Sub Offices and State Correctional Institution Locations



Website: www.parole.pa.gov

Facebook: Pennsylvania Parole Board

Twitter: @PAParole