

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p>	<p><b>Volume III Chapter 3</b></p> <p><b>Procedure 03.02.03</b></p>	<p><b>Date Revised: Replaces 3.2</b> 03/11/02 04/30/04 2/09/12, 9/1/15 08/10/16, 1/26/12</p>
<p><b>Chapter Title</b> <b>CASE RECORDS. DECISIONAL PROCESSING</b></p>		<p><b>Date of Issue</b> <b>5/1/17</b></p>
<p><b>Subject</b> <b>CASE REVIEW AND RELEASE PROCESSING</b> <b>DOCKET MANAGEMENT</b></p>		<p><b>Effective Date</b> <b>5/8/17</b> <b>PUBLIC</b></p>

I. AUTHORITY

The chairman of the board is granted the authority to “direct the operations of the Board and fulfill the functions established by the act... including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

II. PURPOSE

The purpose of this procedure is to set forth a process to schedule an offender to be interviewed by the board.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

See Procedure 03.02.01 Glossary.

V. POLICY

It is the policy of the board to provide a uniform paroling process for eligible offenders.

VI. PROCEDURE

A. Creating a Docket

1. Placing cases on the docket. The board under its own motion interviews offenders for parole, however, the board is under no legal obligation to interview anyone without an application for parole.

- a. Minimum cases

Inmates are added to the docket eight (8) months prior to the minimum sentence date. Offenders are seen for minimum interview with the parole board four (4) months prior to their minimum sentence date. Cases are docketed through the Institutional Case Management Automation application (ICMA). For additional information refer to 3.04.01 Docket and Rescheduling.

b. Review cases

Reviews are processed according to the offender's board action. The board action will specify the month and year the offender is to be interviewed. For example, "Refuse/Review on/after July 2011", the offender is placed on the July docket.

c. Parole review cases

Parole reviews are added to the docket three (3) months prior to the expiration date of the parole eligibility month. Upon receipt of the board action, the offender is added to the docket three (3) months prior to the month/year cited in the board action. For example, "Not eligible for parole until January 2012", the offender is placed on the October 2011 docket.

d. Act 122 Re-Parole Reviews

1. Technical parole violators recommitted under Act 122 will be subjected to automatic parole within 6, 9, or 12 months unless they fail to comply with certain requirements. Placement of these offenders can be at a community corrections center/facility, contract county jail, or state correctional institution.
2. If such an offender is transferred from one facility to another, Institutional parole staff covering the facility from which an offender is being moved shall transfer the case in ICMA unless the case is not yet available for transfer in ICMA. In this case, institutional parole staff shall send an E-mail advising of the transfer to the institutional parole staff covering the facility to where the offender is being transferred. Staff shall also transfer any existing case file/folder to the receiving institutional staff.
3. In instances where 6, 9, or 12 month Act 122 commitments fail to comply with requirements for automatic parole by refusing programming or work assignments; spending more than 90 days (cumulative) in segregated housing due to one or more disciplinary infractions; and/or committed any disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or controlled substances (not including alcohol), institutional parole staff shall consult 03.03.14 to determine the appropriate course of action. If these offenders receive a rescinding board action, they shall be placed on the docket in the month stipulated or on the next available docket if no month is stipulated.
4. The Department of Corrections (DOC) may recommend that an offender be paroled earlier than his/her 6, 9, or 12 month automatic parole date. DOC staff shall submit to PBPP institutional staff covering the respective facility a TPV Early Release Recommendation form to request early parole. PBPP institutional staff shall submit these requests to the Office of Board Secretary via PM, OBS Case

Analysis. PBPP institutional staff need not take additional action on these requests to release these offenders prior to their automatic parole date unless they receive such direction from the board.

e. RRRI cases

RRRI cases will be docketed four (4) months prior to the RRRI minimum date. Offenders are placed on the docket in accordance with their controlling minimum date of sentence. Although these offenders may be docketed and interviewed prior to completing programming, they cannot be released without certification of required programming.

- 1) When institutional parole staff deems an offender both a Rebuttable and RRRI case, docket as a RRRI to honor the earliest minimum date and seek Rebuttable Certification prior to the interview.
- 2) If an offender has a RRRI and non-RRRI sentence, the interview should be docketed based on the controlling minimum sentence.
- 3) If a RRRI case is decertified, institutional parole staff shall re-docket it as a minimum case based on the true minimum date.

f. Rebuttable Parole cases

Offenders with a rebuttable eligible tag in the DOCNET banner must be CERTIFIED, DECERTIFIED or determined to be NOT ELIGIBLE prior to interview scheduling. Offenders are placed on the docket in accordance with their controlling minimum date of sentence.

- g. Recommit and review board actions will be added to the docket three (3) months prior to their parole eligibility date. If the offender is past the parole eligibility date, the offender will be placed on the next available docket.
- h. Board actions to review next available docket should be placed on the docket as soon as possible but no later than three (3) calendar months from the date the board action is received at the institution. For example: If the board action is received in October then the case should be listed no later than the January docket. Cases shall be added to the docket earlier if all required documentation is available.

i. Other Docket Interview Types

Reference the Institutional Clerical Desk Reference, 3.04.01 Docket and Rescheduling, for information on other docket interview types.

2. Special Situations

a. Transfers

In the event of an offender being transferred, the notification of transfer is delivered through ICMA. Receiving institutional staff will also receive an

E-mail advising them to accept the case. The institutional file shall be immediately forwarded to the receiving institution. Upon notification of transfer, the offender is placed on the next available docket as soon as possible but no later than three (3) calendar months from the date that the transfer is received.

b. Parole Applications

Offenders may submit a parole application at any time. The board secretary/designee will review the application to determine eligibility. If eligible, the institutional parole staff will be notified to schedule on the next available docket. All applications for parole must be disposed of within six (6) months from the initial date of application. Institutional staff shall request DOC/CCJ materials.

c. Boot Camp Cases

Offenders incarcerated at the boot camp are released on parole upon graduation from the boot camp program. Even though the offender is not interviewed by the board for parole, a boot camp offender is entered into ICMA as a "B" type of interview upon receipt at the boot camp, with the month and year of his scheduled release displayed as the date of interview.

- 1) Boot camp cases who commit a technical violation shall be governed by Act 122 of 2012.
- 2) Boot camp offenders who commit a new crime before their minimum date shall not be released before their minimum date. Institutional parole staff shall be docket them as minimum cases unless the board directs that they be docketed at a later time.
- 3) Boot camp offenders who commit a new crime after their minimum date shall be docketed in accordance with the board Action.

d. ICE Cases Eligible for Early Parole Consideration

Per Act 122 of 2012, all non-violent ICE cases with deportation orders are eligible for consideration for early parole to the deportation order. DOC records staff is responsible for identifying eligible cases and notifying institutional parole staff by providing a copy of the deportation order. Institutional parole staff shall place these offenders on the next available docket only after they have an actual copy of the deportation order. If an offender falling within this category applies for interview prior to his/her minimum date, he/she shall be processed as all other parole application cases as stipulated in section 2. b).

e. Parole/Re-parole Reviews when Inmate Requests to Serve Max

If an inmate who has already had a minimum review requests to serve the maximum unexpired balance of his/her sentence, institutional staff shall notify the unit manager for the offender's assigned housing unit and send a signed Request to Serve Max (PBPP-17) form along with a memo outlining the offender's desire to serve max and any reasons provided to

the Office of Board Secretary. Institutional staff shall receive further direction regarding whether or not the board will honor the request and any required docketing changes via a new board action.

f. Exigent/Special Circumstances

The Office of Board Secretary provides direction on unique cases and how they should be handled.

B. Finalizing the Docket

Six (6) months prior to the interview month, the tentative docket is printed and distributed to the DOC to serve as notification that the listed offenders are identified to be interviewed. The docket shall be updated and changes shall be distributed to SCI/CCJ staff as needed.

C. Scheduling the Monthly Docket for Interview

1. Parole Interview Days

Two (2) months prior to the docket month, hearing examiner interview days are assigned by the chief hearing officer based upon the number of non-violent cases to be interviewed by the docket month. Institutional parole staff should schedule no less than 7 and no more than 13 interviews per day. Institutional parole staff shall consult with the scheduled hearing examiner to determine if he/she is able to interview more than 13 cases if the institutional parole staff has additional cases prepared. The minimum of 7 cases is not applicable to docketing in county prisons. The chief hearing officer will schedule more parole Interview days if needed.

2. Panel Hearing Days

The combined number of interviews/hearings scheduled for panel days should not exceed 14 cases. The cases are prioritized by scheduling panel hearings first, followed by five (5) vote violent cases then by non-violent cases to fill the remaining slots available. Flexibility in scheduling less than 14 cases depends on the complexity and length of time a panel hearing could take to complete.

3. Board Interview Days, In Person

Institutional parole staff should schedule no less than 7 and no more than 14 interviews per day. If additional days are needed beyond the master board interview schedule, the institutional parole supervisor shall communicate this need to the board secretary's administrative assistant two (2) months prior to the docket month.

4. Reductions to the Number of Interviews Conducted

- a. For each detention hearing, preliminary hearing, rescission hearing or revocation hearing scheduled, the total number of interviews shall be

reduced by one (i.e. if there are three preliminary hearings on a non-panel day, then schedule 10 interviews instead of 13).

- b. For each violation hearing scheduled, the total number of interviews shall be reduced by two.
  - c. For each credit evidentiary hearing, the total number of interviews shall be reduced by three.
5. Board Interview Days, Video Conferencing – Reference Procedure 3.03.11
6. Cancellations
- a. Upon notification that a board member day must be cancelled, the institutional parole supervisor will immediately contact the board secretary's administrative assistant to request an additional board member day.
  - b. Upon notification that a hearing officer day must be cancelled. The institutional parole supervisor will immediately contact the chief hearing officer's administrative assistant and the local hearing coordinator.

#### D. Docket Post Interview

1. After the board interview has been conducted, institutional parole staff must enter the date of the interview and the initials of any and all interviewers (in-person and videoconferencing) into ICMA. This information must be entered by the close of business, the next business day. If the interview occurs in a county prison this information shall be entered by the appropriate hearing coordinator.
2. Prior to returning the board files to central office, the votes of the in-person decision maker must be entered by institutional parole staff into the Automated File Location System (AFLS) by scanning the bar code or manually entering the parole number.

For videoconference interviews, the executive office staff are responsible to enter the decision maker's vote into AFLS.

3. Rescheduling on the Docket
  - a. Any offender scheduled, but not interviewed, must be moved to the next docket by entering a new docket date in ICMA and indicating the appropriate reason not interviewed.
  - b. Any offender for which DOC information is not received by the 25<sup>th</sup> of the month two (2) months prior to the docket month shall be documented as "DOC Materials Received Late" on the "Cases Not Seen Report" and placed on the docket as soon as possible. If the offender is unable to be interviewed during the originally designated docket month, then institutional parole staff may move him/her to the next month's docket.

- c. Any offender scheduled but not interviewed due to being in disciplinary custody status must be moved to the docket three (3) months after his return to non-disciplinary custody status regardless of any reduction in sanction.
- d. Any offender who is scheduled and is Act 98 of 2000 non-compliant, must be moved ahead twelve (12) months. Act 98 non-compliant is the reason selected in ICMA.

## VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the chairman.

## VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

## IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all board staff.

## X. CROSS REFERENCES

### A. Statutes

- 1. Federal
- 2. State
  - a. 61 Pa.C.S. § 6112
  - b. 61 Pa.C.S. § 6132
  - c. 61 Pa.C.S. § 6137
  - d. 61 Pa.C.S. § 3907
  - e. 61 Pa.C.S. §§ 4506-4507

### B. PBPP Policies

3.04.01

### C. American Correctional Association

4-APPFS-2C-01

D. Management Directives

None

E. Report of the Reentry Policy Council

None