

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 3</p> <p>Procedure 3.02.07</p>	<p>Replaces: Chapter 2C.6 3.6 Issued 2/26/02, 4/30/04; 3.02.07 Issued 1/23/12, 1/01/13, 3/14/13</p>
<p>Chapter Title CASE RECORDS, DECISIONAL PROCESSING</p>		<p>Date Issued 07/29/14</p>
<p>Subject: CASE REVIEW AND RELEASE PROCESSING BOARD ACTIONS</p>		<p>Effective Date 08/12/14 PUBLIC</p>

I. AUTHORITY

The chairman of the board is granted the authority to “[d]irect the operations, management and administration of the board” and to “[p]erform all the duties and functions of chairperson, 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 direct staff on how to interpret and distribute board actions.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

See Procedure 3.02.01 Glossary.

V. POLICY

It is the policy of the board to ensure that board actions are processed and distributed in a timely and efficient manner.

VI. PROCEDURE

Upon completion of an offender interview, hearing or rescission hearing, the board may vote to grant parole, recommit, reparole, refuse, rescind, continue pending additional information or continue on parole.

A. Type of Board Actions

1. Parole/Reparole

When parole/reparole has been granted, it is generally subject to

- a. an approved plan, or

- b. placement in a community corrections center, or
 - c. a detainer, or
 - d. service of another sentence.
2. Refuse
- a. Refusal to grant parole/reparole may be classified under four (4) categories as follows:
 - 1) Refusal with a specific month of review.
 - 2) Refuse and review on next available docket. These should be interviewed no later than three (3) calendar months from the date the board action is received at the institution.
 - 3) Refusal with a stipulation to serve the unexpired maximum sentence.

If the offender has a concurrent, under/overlapping or consecutive probation that falls under the supervision of an adult county probation department or has been accepted by the board as a special probation/parole case, institutional parole staff shall notify the sentencing court of the board decision through a Transmittal Letter (PBPP-331).

Immediately upon receipt of the board action, institutional parole staff shall prepare, address and send the Transmittal Letter (PBPP-331) to the court and attach a copy of the board action along with any other pertinent documentation. The following recommendation is made on the PBPP-331 *“For your information/consideration. Please advise of any action directed by the court.”* For additional information, reference section D, Notifications to the Court.

- 4) Refusal with the additional stipulation to review early under these circumstances:
 - a) The DOC requests an early review based on, but not limited to, completion of required programming, extraordinary circumstances, new or additional documented information and/or serious illness. **This requires institutional staff to submit a memo to the board detailing the reason for review.**
 - b) The board action stipulates to review early if recommended by the DOC. **In these situations, institutional staff will place the offender on the next available docket.**
 - c) Offender may make an application for parole/reparole to the Office of the Board Secretary. Applications can only be filed one year or later than the date of the most recent parole refusal.

3. Continue Pending Additional Information

- a. When requested information has been obtained, institutional parole staff shall forward the information with a memo to the [PM, OBS Case Analysis](#). This information is presented to the board for their review and decision
- b. If the required information cannot be obtained within three (3) months of the board action date, the offender will be listed on the next available docket, unless the interview was based on a parole application. For these interviews, the board is required to issue a decision within six (6) months.

4. Continue on Parole

As the result of a rescission hearing, parole violation hearing and/or revocation hearing, the board may take action to continue the offender on parole. This action requires that the offender be released from incarceration as soon as possible but no later than within four (4) business days of the board decision. This decision is relayed by the Office of the Board Secretary's staff by phone/email to all appropriate field and institutional parole staff. The parole supervision staff who issued the board warrant, must send an Order to Release the Warrant (PBPP-140) to the appropriate DOC / county prison records office. A recorded board action will follow.

5. Recommitment

When an offender is recommitted as a technical parole violator (TPV) and/or as a convicted parole violator (CPV), the automated offender record (ICMA) will be updated.

- a. Recommit as CPV or CPV/TPV and Review: This recommitment action will specify the expiration of the recommitment period. **These offenders will be docketed three (3) months prior to the eligibility date.**
- b. Recommit as CPV or CPV/TPV and Reparole: This recommitment action indicates the month and year the offender will be reparaoled.
- c. Recommit to an SCI or **contract** county jail (CCJ) as TPV and Reparole: This recommitment action will indicate that the offender will **up to** serve 6, 9, or 12 months pursuant to Act 122 of 2012 and will indicate the day, month and year the offender will be reparaoled.

1) Reparole will be placed on hold¹ and a memo needs to be sent to the board if:

- a) Offender committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or controlled substances **(does not include alcohol)**; or

¹ 61 Pa.C.S. §6138(d)(5)

- b) Spent more than 90 days (cumulative) in segregated housing due to one or more disciplinary infractions; or
- c) Refused programming or work assignment.
- d. Recommit to a CCC/CCF/PVC as TPV and Reparole: This recommitment action will indicate the offender will serve up to six months pursuant to Act 122 of 2012 and will indicate the day, month and year the offender will be reparaoled provided the offender remains in good standing with the board.
 - 1) **Institutional parole staff shall submit a memo to the board as described in section C. within five business days when an offender, who has been recommitted to a CCC/CCF/PVC, has:**
 - a) **Been charged with a new criminal offense;**
 - b) **Absconded from a CCC/CCF/PVC;**
 - c) **Violated a CCC/CCF rule involving sexual misconduct, assaultive behavior, or possession or control of a weapon;**
 - d) **Been removed from a CCC/CCF for not complying with general rules and/or recommended programming;**
 - e) **Presented as an identifiable threat to public safety; and/or**
 - 2) **These offenders shall not be released automatically pending a review by the decision maker.**
 - 3) **Should these offenders refuse to sign or add comments or notations to “Conditions Governing Parole/Reparole,” they will generally remain in the release process. Institutional parole staff shall review exceptional cases with their chain of command for further direction.**
- e. Recommit and Serve Maximum: These actions recommit the offender to serve their maximum sentence.

6. **Detain Pending Disposition of Criminal Charges Pursuant to Act 122 of 2012**

Some offenders recommitted to an SCI or CCJ for 6/9/12 months will have open charges. In these situations, field supervision staff will monitor the open charges and facilitate all applicable and necessary hearings (See Procedure 4.3.10). Institutional staff will proceed with the release process up to the automatic parole date. Institutional staff will continue to coordinate the release pending the resolution of the charges with field supervision staff.

- a. **If the charges are disposed of in the offender’s favor, then refer to the technical recommit portion of the board action.**

b. If the offender is convicted, a revocation hearing may be held (See Procedure 3.3.05).

B. Processing of Board Actions

1. For offenders in a state correctional institution, electronic notification that the Notice of Board Decision (PBPP-15) is available to print is sent by central office to the institutional parole office where the offender is confined. The parole office copy must be date stamped upon printing of the action.
 - a. Advance notification of the board action must be given to institutions to allow them time to review the case for any security issues (i.e., hold inmates in from work detail, mental health, gang affiliations, etc.).
 - b. Within two (2) business days of the receipt of the board action, the institutional parole staff will deliver the offender's copy and explain the board action.
 - 1) Recommit actions are mailed directly to the offender.
 - c. The receipt and distribution dates of the Notice of Board Decision (PBPP-15) must be entered in the automated offender record. NOTE: In ICMA, to enter the correct distribution dates, type-over the default date.
 - 1) Date received at the institutional parole office;
 - 2) Date distributed to the DOC / county prison records office;
 - 3) Date delivered to the offender.
2. If the offender is not at a state correctional institution (SCI), their copy of the board action is mailed directly to the county prison or CCC/CCF. The warden's copy or CCC/CCF director's copy is mailed directly to their respective facility. The institutional agent must print a copy for the parole office file.
3. Parole violators recommitted to prison as technical/convicted parole violators are handled differently. In these cases, central office date stamps and mails the Notice of Board Decision (PBPP-15) directly to the offender, the superintendent or warden, the attorney of record, the institutional parole office and the district office responsible for the case. This procedure satisfies the appellate review process afforded to the offender. The institutional parole office copy is sent electronically to the appropriate institutional parole office PM, BA resource account, ie. [PM, BA SCI Albion](#) or [PM, BA Allentown IP](#).

C. Memos to the Board

1. The board needs to be advised of various status changes. "Memos to the Board" are generated in ICMA and reviewed and signed by the parole supervisor prior to being scanned/emailed to the Office of the Board

Secretary, Case Analysis Division at [PM, OBS Case Analysis](#). Institutional parole staff shall submit such memos to the board **within five business days**. Offender status changes for non-Act 122 cases include:

- a. Sentence Change.
 - b. Misconduct: A memo shall be submitted to the board:
 - i. If the offender incurs a class I misconduct, or
 - ii. If they incur a class II misconduct and DOC is changing their recommendation.
 - c. Criminal Charges.
 - d. Cases continued for additional information when the requested information has been received.
 - e. Death (email official death notification to PM,OBS Case Management).
 - f. Pertinent additional information received as approved by chain of command.
 - g. Early Review Request from DOC.
 - h. Detainers: If at the time the DOC does their clearance check and an active detainer is discovered, the institutional parole supervisor can authorize the release of the offender if the offense is an ungraded misdemeanor, a misdemeanor 3 or lesser grade. If the detainer is for any other offense, the release is to be stopped and a memo is to be forwarded to the board.
 - i. Offenders who have mental health issues who have decompensated since their interview with the board.
 - j. Escapes
 - k. Immigration status change
2. For Act 122 cases, a memo to the board is **required within five business days** for:
- a. Offenders who incur misconducts involving assaultive behavior, sexual assault, a weapon, or controlled substances;
 - b. Offenders that spend more than 90 days (cumulative) in segregated housing due to one or more disciplinary infractions.
 - c. Offenders that refuse institutional programming or work assignments.

- d. Offenders determined to have no programming needs may be recommended for early release by the Department of Corrections. Institutional parole staff receiving such recommendations shall submit memos to the board no sooner than:**
 - i. Two months for offenders with a six month recommitment;**
 - ii. Six months for offenders with nine month recommitment; or**
 - iii. Nine months for offenders with a twelve month recommitment.**

D. Notifications to the Court

When an offender has a concurrent, under/overlapping or consecutive probation that falls under the supervision of an adult county probation department or has been accepted by the board as a special probation/parole case, institutional parole staff shall notify the court of various status changes. IPS send notifications to the sentencing authority through a Transmittal Letter (PBPP-331) to the court and include pertinent documentation such as board action(s), misconduct report(s), criminal complaints, etc. Institutional parole staff shall provide these notifications **within five business days.**

When a special probation/parole case has an occurrence as described in items 1-4 below, IPS shall recommend that the court schedule a "Gagnon I" hearing. The hearing request shall include documentation in support of the alleged violation(s).

NOTE: When an offender's probation obligation is consecutive to his/her state incarceration term, notifications to the court begin six (6) months prior to the scheduled release date.

1. The offender incurs any of the instances described in section C. Memos to the Board
2. Refuses institutional programming.
3. Violation of court-imposed special conditions.
4. New criminal charges including escape.
5. Board action refused parole and ordered to serve maximum sentence.
6. Offenders proposed home plan is not conducive to effective supervision or the offender refuses to provide a home plan for investigation.

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

None

2. State

- a. 61 Pa.C.S. § 6112
- b. 61 Pa.C.S. § 6137
- c. 61 Pa.C.S. § 6138(d)(5)
- d. 61 Pa.C.S. §§ 4506-4507
- e. 42 Pa.C.S. § 9756(b)
- f. 42 Pa.C.S. § 9762(b)(2)

B. PBPP Policies

- 3.03.02 (10.4)
- 3.03.03 (10.3)
- 3.03.04
- 3.03.05

C. American Correctional Association

4-APPFS-2C-01

D. Management Directives

None

E. Report of the Reentry Policy Council

None