

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III CHAPTER X</p> <p>Procedure 10.1</p>	<p>Replaces No.</p>
<p>Chapter Title VIOLATION AND REVOCATION PROCEDURES</p>		
<p>Subject CONSOLIDATED DEFINITION GLOSSARY</p>		<p>Effective Date 10/03/01</p>

I. Definitions

ACQUITTAL – The legal and formal certification of the innocence of a person charged with a crime.

ADMINISTRATIVE CHANGES - Changes in Board Actions made by parole technicians who are authorized to change or complete actions without further Board votes.

AFFIDAVIT - A written or printed declaration or statement of facts, made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such an oath.

ACCELERATED REHABILITATION DISPOSITION (ARD) – A program analogous to option of the court, upon the motion of the prosecuting attorney, to place an offender on probation without a trial. Upon the successful completion of the probation period, the charges are dismissed.

BACKTIME - The amount of time the Board orders a parolee to serve as a parole violator.

BACKTIME OWED - The amount of time the parolee still owes on his/her original sentence. This is the amount of time that the Board could order him/her to serve in prison as a parole violator.

BACKTIME SERVED - Time that the parolee has been held solely on the Board Warrant prior to the Recommitment Order.

BOARD WARRANT - Process issued by the Board for the attachment or arrest of a person under the Board's jurisdiction.

CASE ANALYSIS DIVISION - Administrative unit located at Central Office under the direction of the Office of the Board Secretary.

COMMIT - To confine an offender to a correctional facility by any lawful authority for any crime or violation.

CONCURRENT - Sentences being served simultaneously.

CONTINUANCE - Deferral of a due process proceeding, which is made at the request of a Board employee, an offender or an offender's counsel.

CONDITIONAL RELEASE - Release from confinement from a correctional institution subject to certain conditions.

CONSECUTIVE - A sentence to be served immediately following the termination or completion of another sentence.

CONSTRUCTIVE PAROLE - When an offender is released on parole from one sentence but is not released from confinement and instead commences serving a second, unrelated sentence.

CONVICTED PAROLE VIOLATIONS - Convictions in a court of record that result in the parolee being recommitted from parole.

CUSTODY FOR RETURN DATE - The date the parole violator actually became available to serve his/her backtime.

DELINQUENT FOR CONTROL - An action by the Board expressing its intention to proceed with a revocation proceeding in the event the offender is convicted after the expiration of the maximum sentence for a criminal offense that occurred before the maximum sentence expired.

DETAINER - A written order of the court or paroling agency to hold a person in custody in a correctional institution pending further legal action.

DETENTION HEARING - A hearing to determine whether an offender should be detained pending disposition of new criminal charges.

DIRECT EXAMINATION - The first interrogation or examination of a witness, on the merits, by the party on whose behalf he is called.

DUE PROCESS - Fundamental procedural rights of the accused to a fair hearing.

EVIDENCE - Any species of proof legally presented at the trial or hearing of an issue by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc. for the purpose of inducing belief in the minds of the judging body to their contention.

FINAL RESCISSION HEARING - A final hearing, with a right to a hearing before a panel, to decide whether there is good cause for rescinding parole.

HEARING EXAMINER - A Board employee authorized to conduct interviews and/or hearings on behalf of the Commonwealth of Pennsylvania, Board of Probation and Parole.

HEARSAY - Evidence based not on a witness's personal knowledge, but on another's statement.

INTERESTED PARTY - An offender or an offender's counsel.

INVALIDLY ISSUED PAROLING DECISION - A decision (**PBPP-15**) issued where, for example: (1) there were insufficient votes to grant parole; (2) the offender had not served the minimum term of the sentence; or (3) the Board decided to parole at a future time, but a technician erroneously recorded the parole decision (**PBPP-15**) to be effective before that time, as in *Lord v. PBPP*, 580 A.2d 463 (Pa. Cmwlth. 1990), *appeal denied*, 528 Pa. 619, 596 A.2d 801 (1991).

NEWLY DISCOVERED INFORMATION - Information a panel that voted to parole a prisoner did not know, and could not reasonably have known, when it voted to parole that prisoner. Examples of newly discovered information include, but are not limited to, information about: misconducts; convictions; detainers; new criminal charges; victim, prosecutorial, judicial, legislative or correctional input; psychological reports; and other offender behavior.

OFFICIAL VERIFICATION - Actual receipt by an offender's supervising parole agent of a direct written communication from a court in which an offender was convicted of a new criminal charge attesting that the offender was convicted.

ORIGINAL SENTENCE - The sentence resulting from the original conviction. It is from this sentence that the Board paroles the offender and that the parolee serves the remaining time on the street unless recommitted by the Board.

ORDER OF SERVICE OF SENTENCE - The Parole Act specifies that a Convicted Parole Violator must serve any new sentence of confinement before his/her backtime, if the new sentence is to a prison other than the prison of original parole (all state prisons are considered to be one prison). If the new sentence is to the same prison, backtime must be served first.

PANEL - A two-member unit of the Board comprised of either two Board Members or one Board Member and one Hearing Examiner.

PAROLE - The conditional release of an offender from a correctional facility to serve the

remainder of his/her unexpired sentence in the community under supervision.

PAROLE CONDITIONS - Refers to the conditions governing parole or probation, which detail various requirements to be followed by an offender under supervision.

PAROLE RESCISSION - Retracting a grant of parole for good cause other than a violation of a parole condition or a conviction of a crime committed during the period of parole.

PAROLE SUPERVISION STAFF - Parole agents, their Supervisors, Deputy District Directors, and District Directors.

PBPP-39 (ORDER TO DETAIN AND COMMIT) - The official Board document informing a correctional facility that a parolee has been recommitted. It defines service of backtime credit and, when appropriate, gives the newly calculated maximum sentence date.

PRELIMINARY HEARING - A hearing held to determine whether there is probable cause to believe that an offender has committed a technical violation of parole.

PRELIMINARY RESCISSION HEARING - A preliminary hearing before a hearing examiner to decide whether there is good cause for rescinding parole.

PROBATION - A sentence of non-confinement served under supervision in the community rather than in a correctional institution.

RECOMMITMENT - The return of a parolee to prison for violation of the conditions of his/her parole or because of a conviction for a new crime.

RELEASE ORDER - The official document that is used to release an offender on parole. It specifies from which sentences the offender is being paroled.

REPAROLE - Conditional release of a recommitted parole violator from a correctional institution to serve the remainder of the unexpired sentence in the community under supervision.

REPAROLE DATE - The date that the violator is eligible for reparole release.

RESCISSION WARRANT - Warrant for the arrest of an offender for parole rescission

REVIEW DATE - The month and year an offender is eligible for parole/reparole review.

REVOCATION DECISION - A decision to recommit an offender to prison after a revocation or violation hearing.

REVOCATION HEARING - A hearing held to determine whether an offender should be recommitted as a convicted parole violator.

RETURN/DETAIN - Synonymous actions, which indicate that an offender should either be returned to, or continued in, custody pending disposition of outstanding criminal charges.

SPECIAL PAROLE CONDITION - A specific and individualized parole condition imposed upon an offender by the Board which is in addition to the general parole conditions that are applicable to all parolees and is usually prescribed for an individual primarily on the basis of the treatment and supervision needs of the offender.

SPECIAL PROJECTS SECTION (SPS) - A unit at Central Office under the direction of the Office of Probation and Parole Services.

SUBPOENA - A writ commanding a person to appear at a hearing.

TECHNICAL PAROLE VIOLATIONS - Violations of general and/or special conditions of parole.

TIME LOST - Time for which the parolee cannot receive credit because he/she was in delinquent status or serving another sentence and, therefore, not available to serve the original sentence.

UNDERLAPPING CONCURRENT SENTENCE - A sentence that is served at the same

time as the controlling sentence but has a shorter minimum and/or maximum sentence than the controlling sentence.

VIOLATION HEARING - A hearing held to determine whether an offender should be recommitted as a technical parole violator.

VIOLENT CASES - Crimes classified as violent when the crime of original conviction matches a list of specific crimes classified as violent by the Board. Conviction of a crime designated as violent requires a majority of the Board to agree upon parole/reparole before release is possible. All other cases are classified as non-violent.

WAIVER - The intentional or voluntary relinquishment of a known right.

WARRANT - An order for an arrest.

WHEN AVAILABLE - A recommitment action that cannot be finalized because of outstanding criminal charges, pending sentencing, or the offender is confined in another jurisdiction.