


Commonwealth of Pennsylvania 	Volume III Chapter 3 Procedure 03.03.08	Date Revised: 01/22/2021
Pennsylvania Parole Board		Date of Issue: 01/22/2021
Chapter Title CASE RECORDS, DECISIONAL PROCESSING		Effective Date: 01/22/2021
Subject RESCISSION HEARING		PUBLIC

I. AUTHORITY

This procedure is issued by the Chairperson, pursuant to 61 Pa.C.S. § 6112.

II. PURPOSE

The purpose of this procedure is to outline the Parole Board’s process for conducting and processing rescission hearings.

III. APPLICABILITY

This procedure is applicable to all Parole Board staff.

IV. DEFINITIONS

Conditional Grant of Parole: A decision by the Board to grant discretionary parole that is not yet secured by a vested liberty interest in that parole.

Vested Liberty Interest: A secured right that the Due Process Clauses of the state and/or federal constitutions confer on an individual.

Rescission Hearing: A hearing conducted by a decision maker from the Parole Board to determine whether there is good cause to rescind the grant of parole where the person has obtained a vested liberty interest in that parole.

Good Cause: Adequate or substantial grounds or reason to take a certain action, or fail to take an action prescribed by law.

V. POLICY

It shall be the policy of the Parole Board to conduct due process hearings in accordance with established statutes, regulations and case law. All parolees with a vested liberty interest shall be afforded due process at hearings conducted by the Parole Board unless said rights are waived. Parolees who have obtained a vested liberty interest based on a conditional grant of parole shall be afforded a rescission hearing before that vested liberty interest may be rescinded.

VI. PROCEDURE

A. Requesting/Scheduling the Rescission Hearing

1. All requests for rescission hearings shall be initiated by institutional staff or field supervision staff via the Hearing Interview Planner (HIP) system (or equivalent system being used by the Parole Board).
2. Upon receipt of the request, the Parole Board Hearing Division (Hearing Division) will schedule the rescission hearing.
3. Notice of the scheduled date and time for the rescission hearing shall be communicated back to the institutional staff or field supervision staff via the HIP system (or its equivalent system).

B. Waiving the Rescission Hearing

1. The parolee may elect to waive the right to a rescission hearing at any time using the PB 72R Waiver of Rescission Hearing or an equivalent writing.
2. Waivers shall be submitted to the institutional staff or field supervision staff to be submitted to the Hearing Division in a packet.
3. The waiver packet shall be uploaded to OnBase AND emailed to the assigned hearing coordinator who scheduled the rescission hearing. Upon completion of the OnBase workflow for rescission hearings, the waiver packet shall be uploaded into that workflow and no email will be necessary.
4. The waiver of rescission hearing packet shall include the following completed documents:
 - a. PB 72R Waiver of Rescission Hearing form (or equivalent writing),
 - b. PB 257NR Notice of Rescission Hearing
 - c. PB 257OR Offender Rights at Board Hearing
 - d. PB 257H Supervision History
 - e. PB 141 Warrant to commit and detain
 - f. PB 15 Board Action granting parole
 - g. PB 10 Release Order
 - h. PB 11 Conditions Governing Parole/Reparole
 - i. Any additional evidence (if applicable)
5. Completed rescission hearing waiver packets shall be assigned to a Hearing Examiner to complete a report.

C. Rescission Hearing

1. The Hearing Examiner shall conduct and conclude the rescission hearing in accordance with established law, regulation and/or policy;

2. The hearing shall be recorded;
3. There is no right to a panel rescission hearing;
4. The hearing may be conducted with all parties live, by video conference or a mixture thereof as long as all parties can see and hear each other simultaneously;
5. The Hearing Examiner (or designee) shall be responsible for uploading the hearing packet into OnBase.
6. The rescission hearing packet shall include the following:
 - a. PB 257NR Notice of Rescission Hearing
 - b. PB 257OR Offender Rights at Board Hearing
 - c. PB 257H Supervision History
 - d. PB 141 Warrant to commit and detain
 - e. PB 15 Board action granting parole
 - f. PB 10 Release Order
 - g. PB 11 Conditions Governing Parole/Reparole
 - h. Evidence
7. The institutional staff and/or field staff bear the burden of proof for this proceeding; and
8. The burden of proof is good cause.

D. Rescission Hearing Report

1. Hearing Examiners shall complete the PB 344R Rescission Hearing Report (or the equivalent report created in the OnBase workflow) in accordance with prescribed timeframes set by the Parole Board and/or the Hearing Division based on a completed hearing or waiver packet;
2. Hearing Examiners shall close the matter in HIP upon completion of the PB 344R (or the equivalent OnBase report);
3. Completed PB 344R Rescission Hearing Reports shall be forwarded for an additional vote(s) in accordance with prescribed processes/directives from the Parole Board, the Hearing Division and/or the Office of Board Secretary and
4. The PB 344R Rescission Hearing Report (or the equivalent OnBase report) is not final until two decision makers agree at which point the Office of Board Secretary shall record the decision.

E. Requests to Stop the Rescission Hearing Process

1. Prior to the Rescission Hearing: The institutional staff and/or field supervision staff have complete discretion to withdraw the request to rescind parole at any point prior the

rescission hearing by lifting the warrant to commit and detain and notifying the applicable hearing coordinator and/or assigned Hearing Examiner in writing.

2. After the Rescission Hearing: The institutional staff and/or field supervision staff may request to terminate the rescission process by notifying the Office of Board Secretary and/or Hearing Division in writing. The Parole Board shall have final decision making authority in this matter once the rescission hearing is held, but will consider any request from the institutional staff and/or field supervision staff.
3. After the Board Action: The institutional staff and/or field supervision staff may not change their recommendation to rescind parole after completion of the Board Action. However, the staffs may provide additional information if the prior information that served as the basis for the rescission was erroneous. This information should be provided to the Office of Board Secretary.
4. The Office of Board Secretary shall record a new Board Action when needed if there is a change to a Parole Board decision to rescind parole.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Parole Board Chairman.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no right under the law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

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

X. CROSS REFERENCES

A. Statutes

1. Federal

None

2. State

None

B. Parole Board Policies

None

C. American Correctional Association

None

D. Management Directives

None

E. Report of the Reentry Policy Council

None