

<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 3.02.13</b></p>	<p><b>Replaces: Chapter 2 C.8.9 3.7 Eff. 4/30/04; 3.02.13 Eff. 2/09/12</b></p>
<p><b>Chapter Title CASE RECORDS, DECISIONAL PROCESSING</b></p>		<p><b>Date Issued: 6/05/14</b></p>
<p><b>Subject: CASE REVIEW AND RELEASE PROCESSING CONSTRUCTIVE PAROLE AND UNDERLAPPING AND CONCURRENT SPECIAL PROBATION CASES</b></p>		<p><b>Effective Date 6/19/14 <b>PUBLIC</b></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 practices for the institutional supervision of constructive parole cases while incarcerated in a state correctional facility.

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 all constructive parole cases are properly monitored and supervised.

VI. PROCEDURE

A. Constructive Parole

1. New Cases

When an offender is placed on constructive parole, the institutional agent must review the release conditions with the offender, and explain what will take place while under constructive parole supervision. All case file information will be placed into a **Red** file folder.

2. Transfers out

When an offender on constructive parole transfers to another institution, the assigned institutional parole agent will advise the receiving institutional parole staff that the offender is on constructive parole. Ensure that the electronic Record of Interview (PBPP-259) is updated.

3. Transfers in

When an offender transfers into an institution, the institutional parole staff must review the file to determine if there is a constructive parole sentence.

4. Supervision Requirements: All contacts and interviews must be documented in the offender's electronic Record of Interview (PBPP-259).
- a. **Semi-annually**, the institutional parole agents **will check all assigned constructive parole cases for new criminal charges** and document this verification in the offender's electronic Record of Interview (PBPP-259).
  - b. **If new criminal charges are incurred while on constructive parole status, institutional parole staff must monitor the disposition of outstanding charges. The institutional parole agent will prepare an Arrest Report series (PBPP-257C, H and N), secure a copy of the official version, obtain bail information and monitor the disposition of the outstanding charges. The institutional parole agent shall submit a Criminal Arrest Tracking Report (PBPP-81C) by the fifth business day of each month until final disposition of and sentencing on all criminal charges is complete. Reference Procedure 4.01.09 Offender Supervision Reports.**
  - c. **Institutional parole staff may obtain information regarding court case status by searching web docket sheets accessible on the Administrative Office Pennsylvania Courts (AOPC) website <http://ujportal.pacourts.us>**

5. Supervisor Review

**During the month of January**, the institutional parole supervisor shall access the offender's electronic Record of Interview (PBPP-259) to review and approve the agent's case entries.

6. New Criminal Charges

Institutional parole staff must monitor the disposition of outstanding charges when an offender incurs a criminal arrest for an incident that occurred while in custody on constructive parole status. The institutional parole agent will **request a warrant from the district director covering the district in which the institution is located**, prepare an Arrest Report series (PBPP-257C, H and N), secure a copy of the official version, obtain bail information and monitor the disposition of the outstanding charges. The institutional parole agent shall submit a Criminal Arrest Tracking Report (PBPP-81C) by the fifth business day of each month until final disposition of and sentencing on all

criminal charges is complete. Reference Procedure 4.01.09 Offender Supervision Reports.

Institutional parole staff may obtain information regarding court case status by searching web docket sheets accessible on the Administrative Office Pennsylvania Courts (AOPC) website <http://uisportal.pacourts.us>

## 7. Revocation Process

If the offender receives a conviction for an offense which occurred while on constructive parole status, the institutional parole agent will:

- a. Request the appropriate field office to secure a certified copy of the judgment of conviction or a copy of the order signed by the judge.
- b. Complete the disposition portion of the Arrest Report (PBPP-257C).
- c. Prepare a Notice of Charges and Hearing (257-N) and serve to offender.
- d. Schedule a revocation hearing through the hearing coordinator.

All required time frames for conducting the hearing must be followed. For additional information, reference procedures 3.03.07 Hearing Waivers and Admissions and 3.03.05 Revocation Hearing.

## 8. Memos to the Board while on Constructive Parole

The board **shall be** apprised of various status changes **via memo to the board**. These types of memos are generated in ICMA, reviewed, and signed by the institutional parole supervisor prior to being scanned/emailed to the Office of the Board Secretary, Case Analysis Division at **PM, OBS Case Analysis**. **A memo to the board in these circumstances shall be sent as soon as possible after the status change becomes known by institutional parole staff**. Examples of offender status changes include:

1. Sentence change (constructive parole sentence)
2. Additional information received that may warrant a rescission hearing
3. Detainers
4. Request for modification of board action

## B. Underlapping or Concurrent Special Probation

Institutional parole staff shall review each case under their supervision to determine if there is an underlapping or concurrent special probation sentence. Institutional parole staff shall maintain control of all underlapping or concurrent special probation cases to ensure such offenders are monitored, controlled and supervised.

Only the court having criminal jurisdiction has the authority to impose special conditions on special probation and special parole cases supervised by the board. In order to add or increase special conditions on a special probation/parole case, written judicial authorization must be received; this could include requesting a hearing. For additional information concerning this process refer to the Procedure Probation and Parole Conditions (4.01.13).

Active cases are to be monitored for any criminal violations or serious misconducts. The judge is notified of serious violations via **the transmittal letter (PBPP-331)**. See Procedure 3.02.07 regarding notifications to the court for additional information. The supervising agent testifies, if needed, at any violation hearing held by the sentencing court. If the offender is released from prison prior to expiration of the special probation/parole sentence the file is forwarded to the supervising district office. For additional information refer to Procedure 4.04.03 Special Probation/Parole Violations.

#### 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. § 6132
- c. 61 Pa.C.S. § 6137
- d. 61 Pa.C.S. §§ 4506-4507

##### B. PBPP Policies

3.02.08  
3.03.04  
3.03.05  
3.03.07  
4.01.03  
4.01.09  
4.01.13  
4.01.14  
4.03.10  
4.04.03

C. American Correctional Association

4-APPFS-2C-01

D. Management Directives

None

E. Report of the Reentry Policy Council

None