

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.01.03</p>	<p>Date Revised: Replaces 4.2 08/01/04 12/01/04 4.01.03 01/14/08 01/23/09, 06/19/09; 01/14/11 Bulletins: 4.01.03-01, 8/10/11, 4.01.03-02, 8/9/11 4.01.03-03, 12/22/10 4.01.03-04, 9/28/12 4.01.03-05, 11/15/13</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date Issued: 11/06/2014</p>
<p>Subject SUPERVISION INITIAL SUPERVISION REQUIREMENTS</p>		<p>Effective Date: 11/20/2014 <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 explain the initial supervision requirements of probation/parole supervision.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

All definitions are located in Procedure 4.01.01.

V. POLICY

It **is** the policy of the board that the initial face-to-face contact with newly released parolees and **probationers** accepted for supervision by the board shall occur as soon as possible. While it is the board’s intention that parolees and **probationers** are seen immediately upon release/acceptance, it is also known that offenders are received by PBPP in a variety of methods. Under no circumstances will the initial face-to-face contact with an offender occur beyond five **(5)** business days from the release from incarceration, acceptance of supervision or arrival from a sending state.

## VI. PROCEDURE

### A. Initial Offender Contact

1. Pennsylvania Parole Cases: Offenders paroled from a state correctional institution (SCI) or county correctional facility **to their PA home plan**, are required to report to a district office **or** sub-office within 24 hours of release.
2. Pennsylvania Parolees that are paroled to a Department of Corrections Community Corrections Center (CCC) or **Community Contract Facility (CCF)**:
  - a. No later than the next business day following the offender's arrival at the CCC/CCF, parole supervision staff will make face-to-face contact. **This contact can be either at the district/sub-office or at the CCC/CCF.**
  - b. Parole supervision staff will be notified by DOC CCC/CCF staff by electronic communication of the offender's arrival or failure to arrive at the CCC/CCF.
  - c. CCC/CCF staff phone the PBPP Operations Monitoring Center (OMC) to advise if an offender has failed to arrive, absconded or has been arrested.
  - d. If the case has not yet been entered in the "Active Offender File," OMC staff send an email notice to the appropriate district director and copy the PBPP office's general email box (i.e.: PM, **BA** Allentown DO). For Philadelphia CCC/CCF locations, the district director and countywide deputy district director are notified.
3. Offenders who are incarcerated in a county prison serving a non-board sentence, and have already been paroled by the board on a state sentence, are required to have an approved home plan. The parole supervision office that approved the home plan (**or provides supervision at the CCC/CCF**) is responsible for monitoring the status and disposition of the detainee, offender's location, projected release date and availability for field supervision.
  - a. For those offenders who also have an active detainee from another state or a federal authority lodged at the county prison, parole supervision staff shall notify the Interstate Parole Services **Division** at [PM, Interstate](#) when the offender is released to either the state's or federal authority's detainee.
  - b. The Interstate **Parole Services Division** shall take action to administratively track the offender's location, projected release date and follow-up release plan as outlined in Procedure 3.02.15 Releases to Other State, Federal, and Ice Detainees. Deported Felons. Interstate Administrative Tracking.

4. Special Probation & Special Parole Cases: These include various county court of common pleas cases, accepted by the **Bureau** of Probation Services as well as all offenders sentenced to probation or **released on parole by the courts of common pleas of Mercer and Venango counties**.
  - a. Upon receipt of the Request for Special Probation/Parole Supervision (PBPP-325), Acceptance for State Supervision (PBPP-234) and Conditions Governing Special Probation/Parole (PBPP-235), parole supervision staff will make face-to-face contact with the offender within five **(5)** business days of receipt.
  - b. If an offender reports to a district office/sub-office advising that the court directed the probation/parole to be supervised by the board, and the district office/sub-office does not have the Request for Special Probation/Parole Supervision (PBPP-325), Acceptance for State Supervision (PBPP-234) and Conditions Governing Special Probation/Parole (PBPP-235), the district office/sub-office shall immediately contact the Bureau of Probation Services, Division of Court Services, for direction.
  - c. If a special probation/parole is consecutive to a county probation/parole that the board is not supervising, the district office/sub-office will monitor the county probation/parole sentence and within five **(5)** business days of its maximum expiration, parole supervision staff will make face-to-face contact with the offender.
  - d. Offenders who have served their full state incarceration term and are serving a probation sentence that will be supervised by the board, are required to report to a district office/suboffice, when released from a state correctional institution (SCI) or county correctional facility, within 24 hours of release.
5. Requirements for all:
  - a. Within five **(5)** business days of release/acceptance, the automated offender record is initiated or updated, the case is assigned to a parole agent and the Field Work Sheet (PBPP-50) is prepared.
  - b. Parole supervision staff shall conduct an initial field visit at the approved residence during the first ten **(10)** business days after release/acceptance of the offender.
  - c. Parole supervision staff will determine if the offender has a current Level of Service Inventory – Revised (LSI-R) Assessment<sup>1</sup>. An LSI-R is considered to be current if it was completed by PBPP staff (institutional or field) within the previous twelve months from the date of release or acceptance.

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<sup>1</sup> Neither an OVRT nor a LSI-R assessment is required for offenders who have less than 90 days of supervision remaining at the time of release/acceptance.

- d. Within 45 calendar days of release/acceptance parole supervision staff must complete
  - 1) an LSI-R) assessment (if the assessment is not current or the offender does not have an LSI-R).
  - 2) an initial Supervision Plan/Report (PBPP-22P& PBPP-22R).
  - 3) the field version of the Offender Violence Risk Typology (OVRT) form on special probation/parole cases and other states' offenders received through the Interstate Compact for Adult Offender Supervision (ICAOS).
  - 4) **PBPP ASCRA Group Referral Form (PBPP-407) for offenders who meet the cognitive behavioral therapy (CBT) group criteria requirements.**

#### B. Initial Offender Contact Requirements

Prior to the initial interview by assigned supervision staff it is essential that all available case material be reviewed.

During the initial interview, the following tasks must be completed:

1. Review the Conditions **Governing** Parole/Re-parole (PBPP-11) and/or **Conditions Governing Special Probation/Parole (PBPP-234)** with the offender and any special conditions imposed at the time of release/sentence.

**For other states' cases, review the sending state's conditions, review/sign the Conditions Governing Parole/Re-parole (PBPP-11) and any special conditions imposed by PBPP.**

**If a communications problem (such as illiteracy or foreign language) prevents an offender from understanding the conditions, parole supervision staff assists in explaining the conditions. For non-English and non-Spanish speaking offenders, the commonwealth contracted language service is used to assist in translating to the language spoken by the offender.** Spanish-speaking offenders shall be given a copy of the Spanish translation of the general conditions and shall be informed that the conditions in English are the official and legal document.

2. Review the offender's right for an administrative review of supervision practices, the imposition of special conditions, the extradition waiver and the consent to search
3. Provide instructions regarding the payment of fines, costs and restitution. **Refer to Procedure 4.01.07 for additional information regarding offender financial obligations.**

4. Complete and execute the Authorization for Use or Disclosure of Personal Information (PBPP-283A).
5. Review Board Notes to Supervision Staff (PBPP-15A) and ensure that a corresponding special condition/instruction is issued, when appropriate.
6. **Import DOC exit photographs unless there has been a significant change to the offender's appearance.**

**When a current DOC photograph is not available, a digital photo shall be taken.** Additional photos will be taken of all scars and tattoos. Prudent judgment must be used to avoid taking digital photos of scars, marks or tattoos not normally exposed to public view. **For example: do not take pictures of scars/marks/tattoos in discrete body locations i.e.: breasts, genitals, extreme lower back side. It is acceptable to have male offenders remove shirts to expose tattoos on chest/back/arms but female offenders would not be asked to remove their shirt.** For offenders with multiple scars, marks or tattoos supervision staff need only take a maximum of five digital photos of the most prominent. Any noticeable change in the offender's appearance requires a new digital photo to be taken.

7. **Determine whether the offender is a veteran of the United States Armed Forces by reviewing military discharge (DD-214) or Pennsylvania drivers license. Veteran's status is recorded in the automated offender record.**
8. A DNA sample is required if the instant offense is a felony or sex offense (44 Pa.C.S. § 2301, etc. sec.). If required, ensure that a DNA sample has been collected by reviewing the field offender case file (FOCF). If a DNA sample is required and has not been previously taken, collect a sample. See Appendix A **PSP Forensic DNA Division Guidelines for Database Submission** for detailed instructions on DNA collection.

**According to PSP regulations, collection of DNA on other states' cases is not required. Commonwealth v. Derk, 895 A.2d 622 (PA.Super 2006)**

9. The requirement for **alcohol or other drug (AOD)** testing must be explained to the offender, including the responsibility of the offender to pay for the cost of testing and the possible sanctions for non-payment.

For other states' cases, ensure that the Special Condition of Parole - AOD Testing (PBPP-336 AOD) is executed. Retain the signed copy in the FOCF.

This condition does not apply to special probation and special parole cases unless the court has mandated the offender to pay testing costs.

10. Review the provisions of Act 35 (18 P.S. § 1102.1) regarding the payment of a monthly supervision fee, including the waiver criteria and method of making payments, and make a waiver determination, if applicable.

11. Provide a copy of the district map to the offender and review the map, indicating the restriction not to leave the district without written permission of the parole supervision staff.
12. Obtain or update, or both, the address and telephone numbers of family members, significant others and frequent associates.

#### C. Initial Supervision Package

1. The initial supervision packet consists of the following:
  - a. An LSI-R Assessment completed by institutional parole staff within the previous twelve months from the date of release or by parole supervision staff within 45 calendar days of release/acceptance.
  - b. Supervision Plan/Report (PBPP-22P & PBPP-22R) (Summarize all contacts during initial supervision period). Do not attach the offender's Record of Interview (PBPP-259).
  - c. Signed Authorization for Use or Disclosure of Personal Information (PBPP-283A).
  - d. Supervision Fee Waiver form, if applicable.
  - e. Agent Imposed Special Conditions (PBPP-336).
  - f. Written Instructions Issued (PBPP-348I).
  - g. **ASCRA Group Referral (PBPP-407); if required.**
2. The above packet must be attached to the outside of the FOCF and submitted to the parole supervisor within 45 **calendar** days of the offender's release/acceptance.
3. If the parole supervisor finds any deficiencies concerning the parole agent's initial supervision packet, these shall be discussed with the parole agent and corrected, as necessary, prior to the supervisor's signature/approval of the Supervision Plan (PBPP-22P). **For additional information regarding the initial supervision review, reference Procedure 4.01.19 Supervisory Oversight.**

#### D. Offender Referral Criteria to PBPP **CBT** Groups

##### 1. **Eligibility**

Parole supervision staff and the ASCRA shall determine the appropriate group(s) that will address and target offenders' criminogenic needs. The following criteria shall be used for offender referrals to PBPP CBT groups:

- a. Offenders scoring **28** or higher on the most current LSI-R assessment or reassessment shall be referred to a PBPP CBT group.
- b. Offenders scoring between **20 - 27** on the most current LSI-R assessment or reassessment shall be referred to a PBPP CBT group if the offender has scored a high or very high level of need in two (2) of the following LSI-R categories:
  - 1) Criminal History
  - 2) Attitudes/Orientations
  - 3) Companions
  - 4) Emotional/Personal
- c. Offenders may be sanctioned to complete PBPP CBT groups as the result of administrative conferences even if such offenders do not meet the above described referral criteria. In deciding to sanction an offender to a CBT group, parole supervision staff should always consider offenders' criminogenic needs. Sanction referrals should not be made if the offender does not present a criminogenic need that will be addressed via the PBPP CBT group.
- d. Parole supervision staff and the ASCRA retain the discretion to refer offenders not falling within the above categories to a PBPP CBT group.

## **2. Submitting the referral to the ASCRA**

### **a. Parole supervision staff**

Consult with the ASCRA to determine which groups are available for specific offenders and **forward a completed ASCRA Group Referral (PBPP-407) to the designated ASCRA by email or office inbox.**

**When the ASCRA advises which PBPP group the offender is scheduled to attend, issue the offender a Parole Instruction (PBPP-348I).**

### **b. ASCRA**

- 1) **All new releases who meet the eligibility group criteria will be placed into a PBPP National Curriculum Training Institute (NCTI) Cognitive Life Skills group.**
- 2) **When determining which group the offender should attend, consideration shall be given to the location of the offender's approved residence in proximity to the group's meeting location. If the offender will be placed into a PBPP CBT group, the ASCRA**

will email parole supervision staff to advise which PBPP group the offender will be scheduled to attend.

- 3) **BCC referrals are appropriate for offenders who have completed a PBPP CBT group or are in progressive sanctioning and still in need of cognitive intervention. The ASCRA will complete a BCC Re-Entry Services Referral form. For additional information, reference Procedure 4.01.08 Offender Reentry Services.**

### **3. Offender meets eligibility requirements but is not being referred to CBT**

When parole supervision staff and the ASCRA determine legitimate reason(s) exist for not referring an offender to a PBPP CBT group, despite meeting the above referral criteria, the ASCRA will confer with the district director/deputy district director who will make the final determination as to group placement **and sign the approval on the ASCRA Group Referral (PBPP-407).**

- a. If case staffing and subsequent approval from the district director or deputy district director results in an offender not being referred to a PBPP CBT group, parole supervision staff, **upon consultation** with the ASCRA must ensure the offender's criminogenic needs are adequately addressed through other treatment resources.
  - 1) Parole supervision staff must ensure documentation **on the PBPP ASCRA Group Referral (PBPP-407)** of the reason(s) for not referring an offender to a PBPP CBT group; and,
  - 2) The date, time **and signature** of the district director/deputy district director **and ASCRA** approval; and,
  - 3) The action(s) being taken to ensure that the offender's criminogenic needs are being addressed in lieu of placement in the PBPP CBT group and documented on **the PBPP ASCRA Group Referral (PBPP-407).**
4. Those offenders required to complete a violence prevention booster (VPB) should also be required to complete a PBPP CBT group if parole supervision staff determine that such offenders' specific criminogenic needs will not be adequately addressed through the VPB.

In the event there is a reason to question an offender's need or appropriateness for a PBPP CBT group, the ASCRA will confer with the district director or deputy district director **and parole manager** who will make the final determination as to group placement.

## **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 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. **18 P.S. § 1102.1**

b. **4 Pa.C.S. § 2301, etc. sec**

c. 61 Pa.C.S. § 6112

d. Commonwealth v. Derk, 895 A.2d 622 (PA.Super 2006)

B. Board Procedures

**3.02.15**

**4.01.07**

**4.01.08**

C. American Correctional Association Standards

4-APPFS-2A-02

4-APPFS-2A-03

4-APPFS-2A-04

4-APPFS-2A-08

4-APPFS-2A-09

4-APPFS-2B-01

4-APPFS-2G-02

D. Management Directives - None.

E. Report of the Reentry Policy Council - None.