

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p>	<p><b>Volume III Chapter 4</b></p> <p><b>Procedure 4.03.10</b></p>	<p><b>Replaces No. Previously located in 5.4</b></p> <p><b>Bulletin 4.03.10-01 11/15/13, 12/14/12 4.03.10-01 04.03.10-02 10/24/14; 4.03.10-03, 12/31/15</b></p>
<p><b>Chapter Title SUPERVISION, REENTRY</b></p>		<p><b>Date of Issue 6/05/14</b></p>
<p><b>Subject ARREST PROCEDURES ARRESTS AND SUPERVISION RESPONSIBILITIES</b></p>		<p><b>Effective Date 6/19/14 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 parole supervision staff’s responsibilities following an arrest.

**III. APPLICABILITY**

This procedure is applicable to parole supervision staff.

**IV. DEFINITIONS**

All definitions are located in Procedure 4.03.01.

**V. POLICY**

It is the policy of the board that parole supervision staff shall use standardized forms, follow established procedure for preparation of arrest documentation and schedule hearings in a timely manner.

**VI. PROCEDURES**

**A. Arrests and Supervision Responsibilities**

Whenever the 24/7 Operations Monitoring Center (OMC) is notified of an offender’s arrest, the OMC operator will notify the supervising PBPP field office via email regarding the offender’s arrest/apprehension. If applicable, copies of the issued warrant, fax cover sheet, JNET/CLEAN/NCIC communication(s) are attached to this email notice.

NOTE: JNET notifications on PA arrests are dependant upon the correct entry of the offender's PA SID number into the automated offender record. NCIC "Hit Confirmation Requests" are received whenever an absconder is arrested and the apprehending authority is confirming the validity of the board's warrant.

1. Arrest for Technical Parole Violations in the Supervising District

Refer to Procedure 4.03.03 Arrest, Detention and Place of Confinement Criteria.

2. Arrest for Technical Parole Violations Only in Another District

Whenever an offender is arrested in a district other than the supervising district, related supervision and due process responsibilities may be divided between the arresting district and the supervising district. When an offender is arrested in another district for technical violations that occurred in the supervising district, the procedures below must be followed.

a. The arresting district shall:

- 1) Inform the supervising district immediately and make arrangements for transportation. Determine placement of confinement. Reference Procedure 4.03.03 Arrest, Detention and Place of Confinement Criteria.
- 2) Complete a handwritten copy of the Notice of Charges and Hearing (PBPP-257N) to give to the offender.
- 3) Schedule the preliminary / probable cause hearing and present the state's case. Reference hearing Procedures 3.03.02 Preliminary / Probable Cause Hearing and 3.03.07 Hearing Waivers and Admissions.

b. The supervising district shall:

- 1) Lodge a Warrant to Commit and Detain (PBPP-141).
- 2) Provide the arresting district with all applicable hearing materials and supporting evidence regarding the technical violations by forwarding a completed Notice of Charges and Hearing (PBPP-257N), and
- 3) Complete the Technical Arrest Report and Supervision History (PBPP-257T and PBPP-257H).

3. Technical Parole Violations in Both Districts

When the offender is arrested in a district other than the supervising district and the arresting district discovers additional violations, the procedures below shall be followed.

- a. The arresting district shall:
  - 1) Inform the supervising district immediately.
  - 2) Secure information about the technical violation(s) and a recommendation from the supervising district.
  - 3) Determine placement of confinement. Reference Procedure 4.03.03 Arrest, Detention and Place of Confinement Criteria.
  - 4) Complete a handwritten copy of the Notice of Charges and Hearing (PBPP-257N) to give to the offender.
  - 5) Complete the Technical Arrest Report(s) (PBPP-257T).
  - 6) Schedule the preliminary / probable cause hearing and present the state's case or if the offender is a county case, immediately coordinate the return of the offender to the sentencing county prison.

Parole supervision staff shall be cognizant of timeliness issues when coordinating the transport of the offender before a hearing.

- b. The supervising district shall:
  - 1) Lodge a Warrant to Commit and Detain (PBPP-141).
  - 2) Provide information about the technical violation(s) and a recommendation to the arresting district.
  - 3) Complete the Supervision History (PBPP-257H) and notify the arresting district.
  - 4) After the preliminary / probable cause hearing, notify the appropriate hearing coordinator to schedule a violation hearing.

#### 4. Arrest for New Criminal Charges / Violations of Protection of Abuse (PFA) Orders in Pennsylvania

When an offender is arrested for new criminal charges in or outside of the supervising district, parole supervision staff of record and the OMC should receive a JNET notification. NOTE: JNET notifications on PA arrests are dependent upon the correct entry of the offender's PA SID number into the automated offender record.

JNET Pennsylvania PFA Order notifications include temporary orders, final orders and orders to dismiss. For information regarding the Protection from Abuse Database reference Procedure 4.01.25 Domestic Violence Protocol.

NOTE: GPS may be used as a supervision sanction for offenders who have been continued under supervision pending disposition of criminal charges.

For additional information reference procedures 4.01.11 Supervision Tools and 4.01.14 Sanctioning Process.

a. Parole supervision staff of record shall:

- 1) Determine whether arrest criteria pursuant to board procedure exists for the issuance of a Warrant to Commit and Detain (PBPP-141). Refer to Procedure 4.03.03 Arrest, Detention and Place of Confinement Criteria.
- 2) Lodge a Warrant to Commit and Detain (PBPP-141) as a detainer when the decision is to detain pending disposition of criminal charges.
- 3) Obtain a copy of the criminal complaint, offender's next scheduled court date and if available, bail information pertaining to the new criminal charges.
- 4) Complete the Criminal Arrest Report (PBPP-257C), including the recommendation, Supervision History (PBPP-257H) and the Notice of Charges and Hearing (PBPP-257N).
- 5) Follow the Detention Hearing Procedure 3.03.03
- 6) Parole supervision staff may obtain information regarding court case status by searching web docket sheets accessible on the Administrative Office Pennsylvania Courts (AOPC) website <http://ujsportal.pacourts.us>.

PA court case event notices are also received through JNET messaging.

Each parole supervisor will provide a completed or updated monthly Criminal Arrest Tracking Report (PBPP-81C) to the Bureau of Standards and Accreditation at **PM, SPS**, by the fifth business day of each month. The parole supervisor shall retain PBPP-81s in a binder by agent.

5. Arrests of Pennsylvania Offenders in Other States and Board Compact Cases Arrested in Pennsylvania

Reference Procedure 4.05.08

6. Arrests of Other States' Probationers and Parolees

Reference Procedure 4.05.07

7. New criminal charge is discovered for an offender recommitted under Act 122 of 2012.

When institutional parole staff (IPS) learn that criminal charges have been filed against a parolee who has been previously recommitted by the board as

a technical parole violator and granted an automatic reparole date and that the new charge(s) occurred while under a period of parole supervision, IPS shall stop the release process and notify the appropriate SCI records office, contract facility coordinator and parole supervision staff.

If parole supervision staff is made aware that criminal charges have been filed against a recommitted offender and these charges violate a previous period of supervision, staff shall notify the appropriate institutional parole staff. In order to recommend that the recommit action be amended to reflect the new criminal charges, parole supervision staff shall:

- a) Reopen the case as a stat code 38; and,
- b) Issue a new Warrant to Commit and Detain (PBPP-141) and lodge as a detainer at the offender's place of confinement; and,
- c) Secure a copy of the criminal complaint; and,
- d) Complete the Criminal Arrest Report (PBPP-257C) and forward to the Case Analysis Division at [PM, OBS Case Analysis](#).
- e) Follow the Detention Hearing Procedure 3.03.03
- f) Parole Supervisor adds this case to the unit's monthly Criminal Arrest Tracking log (PBPP-81C).

#### B. Disposition of Criminal Charges

1. JNET arrest notices and court event messages involving a revocable offense; excluding summary offenses, traffic violations and support orders.

When an offender is in a detention status at a state correctional institution (SCI), parole supervision staff shall forward a copy of the JNET notification to the assigned institutional parole staff who will review the information, and when necessary, forward the notice to the CCPM. The DOC Office of Population Management requires this type of information to know whether unresolved criminal charges preclude an offender's placement at a contracted county jail (CCJ).

2. If the charges are withdrawn, *nolle prossed* or the parolee is found not guilty parole supervision staff shall submit an updated Criminal Arrest Report (PBPP-257C) and the court disposition to [PM, OBS Case Analysis](#) with a copy to assigned institutional parole office's BA mailbox, i.e. [PM, BA SCI Albion](#).

Additionally, a technical parole violator who had criminal charges that were withdrawn, dismissed, reduced to a summary or the offender is found not guilty, he/she may then be eligible to be moved by DOC from a SCI to a CCJ/PVC.

3. If the charges result in a conviction from a court of record.

- a. The agent of record will secure a certified copy of the judgment of conviction or obtain a copy signed by the judge within ten (10) business days of notification of the conviction. This includes any conviction for indirect criminal contempt charges for violation of a protection order in the PA Court of Common Pleas, Civil Division.

If the conviction occurred outside of the assigned district, request parole supervision staff in the district of arrest to obtain the necessary conviction paperwork. A request for certified copies of conviction is sent via email to the appropriate field office's BA mailbox for example, [PM, BA Allentown](#).

- b. Parole supervision staff shall update the Criminal Arrest Report (PBPP-257C) and scan/email a copy to assigned institutional parole office's BA mailbox, i.e. [PM, BA SCI Albion](#).
- c. Parole supervision staff shall follow the process outlined in Procedures 3.03.07 Hearing Waivers and Admissions or 3.03.05 Revocation Hearing.

#### 4. Delinquent for Control cases

##### a. Recommitment Recommended

- 1) If the offender is sentenced to a term of incarceration on the charges which occurred during his/her parole supervision term, parole supervision staff may recommend recommitment as a convicted parole violator. If a recommendation to recommit is made, the following actions must be taken:

- a) Warrant to Commit and Detain (PBPP-141) must be immediately lodged; and
- b) The Criminal Arrest Report (PBPP-257C) must be updated; and
- c) A certified copy of the judgment of conviction or a copy signed by the judge must be obtained. As a last resort, it is acceptable to obtain a copy of the AOPC docket sheet signed by the sentencing judge or certified by the clerk of courts.

- 2) If the offender received time served for the new sentence or probation, parole supervision staff may recommend recommitment as a convicted parole violator. If so, the following actions must be taken:

- a) Warrant to Commit and Detain (PBPP-141) is issued; and
- b) The Criminal Arrest Report (PBPP-257C) must be updated; and
- c) A certified copy of the judgment of conviction or a copy signed by the judge must be obtained. As a last resort, it is acceptable to obtain a copy of the AOPC docket sheet signed by the sentencing judge or certified by the clerk of courts.

- 3) If the offender's whereabouts are unknown and parole supervision staff recommend recommitment as a convicted parole violator, the following actions must be taken:
  - a) Delinquency Request Form (PBPP-62A) must be completed and forwarded within forty-eight (48) hours to the Bureau of Offender Reentry at [PM, SPS](#) requesting wanted person posting in CLEAN/NCIC. No board actions are issued in conjunction with the PBPP-62A for this type of case.
  - b) The Criminal Arrest Report (PBPP-257C) must be updated; and
  - c) A certified copy of the judgment of conviction or a copy signed by the judge must be obtained. As a last resort, it is acceptable to obtain a copy of the AOPC docket sheet signed by the sentencing judge or certified by the clerk of courts.

b. **Recommitment Not Recommended**

If parole supervision staff does not recommend recommitment, an updated Criminal Arrest Report (PBPP-257C) and a copy of the court disposition must be submitted to [PM, OBS Case Analysis](#).

- 1) If the board concurs, a "Note Conviction and Close Case" action is recorded.
- 2) If the board does not concur, parole supervision staff will be instructed to initiate revocation proceedings.

c. **Lodging Recommitted Parolees at a SCI**

To ensure recommitted offenders are properly classified by the SCI Records Office, parole supervision staff shall provide a copy of the Notice of Board Decision (PBPP-15) and the Recommitment Order (PBPP-39). When an offender has been ordered recommitted by the board, it is not necessary to lodge a copy of the previously issued Warrant to Commit and Detain (PBPP-141). Upon issuance of the recommit action, the violation of parole warrant is considered disposed.

## 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.A. § 6112
  - b. 61 Pa. C.S.A. § 6138
  - c. 61 Pa.C.S.A. § 7112
  - d. 23 Pa. C.S. § 6113
  - e. 23 Pa. C.S. § 6114

B. PBPP Policies

Board Meeting Minutes, March 5, 1984

Board Meeting Minutes, July 19, 1993

- 3.03.02
- 3.03.03
- 3.03.07
- 4.01.09
- 4.01.11
- 4.01.14
- 4.03.03
- 4.03.09

C. American Correctional Association Standards

None

D. Management Directives

None

E. Report of the Reentry Policy Council

None