

<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 4.04.01</b></p>	<p><b>Date Revised:</b> 11/01/01 02/01/07 09/19/08, 1/4/11, 08/01/16 <b>Bulletin 4.01.04-01.</b></p>
<p><b>Chapter Title</b> <b>SUPERVISION, REENTRY</b></p>		<p><b>Date of Issue:</b> 12/14/2012</p>
<p><b>Subject</b> <b>PROBATION SERVICES BUREAU, DISTRICT, INSTITUTIONAL RESPONSIBILITIES</b></p>		<p><b>Effective Date:</b> 08/10/16 <b>PUBLIC</b></p>

#### I. AUTHORITY

The board shall have exclusive power to supervise any person placed on probation by any judge of a court having criminal jurisdiction, when the court by special order directs supervision by the Board. **Prisons and Parole Code**, 61 Pa. C.S. § 6133(a)

The board shall have exclusive power to supervise any person placed on parole, when sentenced to a maximum period of less than two years, by any judge of a court having criminal jurisdiction, when the court may by special order direct supervision by the board. **Prisons and Parole Code**, 61 Pa. C.S. § 6132(a)(2)(i), (ii)

Acceptance of a case for supervision or presentence investigation from a county which, on December 31, 1985, maintained adult probation offices and parole systems, will be at the board's discretion. 37 Pa. Code § 65.1

#### II. PURPOSE

The purpose of this procedure is to set forth agency protocol for processing Requests for Special Probation/Parole Supervision (**PBPP-325**).

#### III. APPLICABILITY

This procedure is applicable to all board employees who are involved with the administration and supervision of special probation/parole offenders and all courts having criminal jurisdiction.

#### IV. DEFINITIONS

All definitions are located in Procedure 4.01.01

#### V. POLICY

It is the policy of the board to ensure that all Requests for Special Probation/Parole Supervision (**PBPP-325**) are handled in an efficient manner.

## VI. PROCEDURE

- A. All Requests for Special Probation/Parole Supervision (PBPP-325) **shall** be processed in an accurate and timely manner, as follows:
1. **A PBPP-325 of** an offender who is not incarcerated and immediately available for supervision shall be processed within thirty (30) calendar days of receipt.
  2. **A PBPP-325 of** an offender who is incarcerated and the term of special probation/parole is concurrent to a prison sentence shall be processed within thirty (30) calendar days of receipt.
  3. **A PBPP-325 of** an offender who is incarcerated and the term of special probation/parole is effective upon release from confinement shall be processed within thirty (30) calendar days **of** release.
  4. **A PBPP-325 of** an offender who is incarcerated and the term of special probation/parole is consecutive to parole shall be processed within forty-five (45) calendar days of receipt.
- B. Bureau of Probation Services/Mercer District Office Responsibilities

1. **The** (PBPP-325) shall be reviewed to determine if the case meets board acceptance criteria **pursuant to** 37 Pa. Code § 65.1. Acceptance of a case for supervision from a county, which, on December 31, 1985, maintained adult probation offices and parole systems, will be at the board's discretion. The board will ordinarily accept a case that meets the following criteria:

**(1)** For supervision:

- i) A felony conviction and a sentence to serve a probationary term of at least 2 years.
- ii) A felony conviction and parole from a sentence with a balance of at least 6 months.
- iii) A case otherwise under the Board's jurisdiction.

**a. Acceptance Criteria Not Met / Unavailable for Supervision**

Provide written notice to the court having criminal jurisdiction of the decision not to accept supervision of a probation/parole case(s), including the rationale for the decision, within ten (10) calendar days of receipt **or as soon as possible if subsequently determined that the offender is unavailable for supervision.**

**b. Acceptance Criteria Met / Available for Supervision**

Prepare an Acceptance for State Supervision (PBPP-234) and the Conditions Governing Special Probation/Parole (PBPP-235), **along with a distribution memo.**

**c. The board will accept/retain supervision of all special probation/parole cases originating from the Mercer County Court of Common Pleas, 35th Judicial District, and the Venango County Court of Common Pleas, 28th Judicial District.**

2. Distribution of the Request for Special Probation/Parole Supervision (PBPP-325), Acceptance for State Supervision (PBPP-234), Conditions Governing Special Probation/Parole (PBPP-235), **and Distribution Memo**
  - a. The PBPP-325 (with attachments), PBPP-234, PBPP-235, **and distribution memo shall be scanned to email and** sent, via e-mail, to the district office/sub-office supervising the offender, or the **institutional parole** office servicing the **correctional institution/facility** of confinement.
  - b. **If the PBPP-235 contains a special condition of no contact with the victim, PM-OVA will be copied on the email, and the distribution memo and email will include language advising the district office/sub-office supervising the offender, or the institutional parole office servicing the correctional institution/facility of confinement, that the condition exists and that the Office of Victim Advocate (OVA) will be contacting them to coordinate the release of victim information.**

C. District Office/Sub-Office Responsibilities

1. Upon receipt of the Request for Special Probation/Parole Supervision (PBPP-325) **(with attachments)**, Acceptance for State Supervision (PBPP-234), and Conditions Governing Special Probation/Parole (PBPP-235), **the parole agent shall review the conditions of supervision with the offender, whom is required to sign the conditions, indicating understanding and willingness to comply with them. If a communication problem such as illiteracy or a foreign language prevents an offender from understanding the conditions, the parole agent shall assist in explaining the conditions or provide the conditions translated to the language spoken by the offender.<sup>1</sup> If the offender refuses to sign the PBPP-235, staff shall follow the procedure outlined under E. Offender Refusal to Sign Conditions Governing Special Probation/Parole (PBPP-235).**
2. **One (1) copy** of the PBPP-235 shall be signed and dated by the offender within five (5) business days, along with the printed name(s) and signature(s) of appropriate board staff witnessing the signature.<sup>1</sup> **One (1) copy** of the PBPP-234 and one (1) signed copy of the PBPP-235 shall be given to the offender. The PBPP-325 (with attachments), one (1) copy of the PBPP-234, and one (1) signed copy of the PBPP-235 shall be retained in the Field Offender Case File (FOCF). One (1) copy of the PBPP-234 and one (1) signed copy of the PBPP-235 shall be **scanned to email, and sent via e-**

**email at PM, Court Services, to the Bureau of Probation Services, Division of Grants, Standards, and Court Services** within fourteen (14) calendar days of receipt. District office/sub-office staff shall follow all initial supervision requirements per Board Procedure 04.01.03.

3. Upon receipt of the PBPP-234 and signed PBPP-235, the Bureau of Probation Services, **Division of Grants, Standards, and Court Services**, shall e-mail the PBPP-234 and signed PBPP-235 to the court having criminal jurisdiction. The PBPP-325 (with attachments), PBPP-234, and signed PBPP-235 shall be placed in the **central office File**.
4. **If an offender reports to a district office/sub-office advising that the court directed that their probation/parole be supervised by the board, and the district office/sub-office does not have the PBPP-325 (with attachments), PBPP-234, and signed PBPP-235, the district office/sub-office shall immediately contact the Bureau of Probation Services, Division of Grants, Standards, and Court Services, via e-mail at PM, Court Services, for direction.**

#### D. Institutional Parole Office Responsibilities

1. Upon receipt of the Request for Special Probation/Parole Supervision (PBPP-325) **(with attachments)**, Acceptance for State Supervision (PBPP-234), and Conditions Governing Special Probation/Parole (PBPP-235), **the parole agent shall review the conditions of supervision with the offender, whom is required to sign the conditions, indicating understanding and willingness to comply with them. If a communication problem such as illiteracy or a foreign language prevents an offender from understanding the conditions, the parole agent shall assist in explaining the conditions or provide the conditions translated to the language spoken by the offender.<sup>1</sup> If the offender refuses to sign the PBPP-235, staff shall follow the procedure outlined under E. Offender Refusal to Sign Conditions Governing Special Probation/Parole (PBPP-235).**
2. **One (1) copy of the PBPP-235 shall be signed and dated by the offender within five (5) business days**, along with the printed name(s) and signature(s) of appropriate Board staff witnessing the signature.<sup>1</sup> One (1) copy of the PBPP-234 and one (1) signed copy of the PBPP-235 shall be given to the offender. The PBPP-325 (with attachments), one (1) copy of the PBPP-234, and one (1) signed copy of the PBPP-235 shall be retained in the **Board's** institutional case file. One (1) copy of the PBPP-234 and one (1) signed copy of the PBPP-235 shall be **scanned to email, and sent via e-mail at PM, Court Services, to the Bureau of Probation Services, Division of Grants, Standards, and Court Services** within fourteen (14) calendar days of receipt.
3. Upon receipt of the PBPP-234 and signed PBPP-235, the Bureau of Probation Services, **Division of Grants, Standards, and Court Services**, shall e-mail the PBPP-234 and signed PBPP-235 to the court having criminal

jurisdiction. The PBPP-325 (with attachments), PBPP-234, and signed PBPP-235 **shall** be placed in the **Central Office File**.

4. If the offender is transferred to another **correctional institution/facility**, the institutional parole staff shall forward the PBPP-325 (with attachments), PBPP-234, and signed PBPP-235 to the receiving institutional parole office.
  5. At the time of the offender's release, the institutional parole **staff** shall give the offender reporting instructions to report to the appropriate district office/sub-office and **scan to email** the PBPP-325 (with attachments), PBPP-234, and signed PBPP-235, **and send them, via email**, to the appropriate district office/sub-office.
- E. Offender Refusal to Sign Conditions Governing Special Probation/Parole (PBPP-235)
1. The offender shall be advised that refusal to sign the PBPP-235 does not effect the offender's legal requirement to abide by the general conditions of special probation or parole as set forth in 37 Pa. Code § 65.4 and any special conditions imposed by the court. Failing to abide by the **general conditions of special probation or parole** that have been authorized by the court or any special conditions imposed by the court would be grounds to initiate a request for a Gagnon Hearing.
  2. If the offender still refuses to sign the PBPP-235, in the space provided for signature of probationer/parolee, board staff shall hand print "Refused to Sign" and enter the date in the space provided. Also, board staff shall prepare a written affidavit to include:
    - a. The date(s) on which the PBPP-235 was reviewed, or attempted to be reviewed, with the offender and his/her refusal to acknowledge/sign;
    - b. The reason(s), if any, that the offender cited as refusing to acknowledge/sign;
    - c. The name(s) and title(s) of board staff who witnessed the refusal;
    - d. The printed name, title, and signature of the individual submitting the affidavit and the date on which the affidavit was signed.
  3. Board staff shall **scan to email** one (1) copy of the PBPP-234, PBPP-235 and affidavit, **and send them, via email at PM, Court Services**, to the Bureau of Probation Services, Division of Grants, Standards, and Court Services within fourteen (14) calendar days of receipt.
  4. Upon receipt, the Bureau of Probation Services, Division of Grants, Standards, and Court Services shall prepare a cover letter notifying the court **having criminal jurisdiction** of the offender's refusal to sign the PBPP-235.
  5. The Bureau of Probation Services, Division of Grants, Standards, and Court Services staff shall **scan to e-mail** the cover letter, PBPP-234, PBPP-235,

and affidavit **and send them, via e-mail**, to the court having criminal jurisdiction. The cover letter, PBPP-325 (with attachments), PBPP-234, PBPP-235, and affidavit **shall be placed** in the central office file.

6. Any further case action will be guided by the court's response.

F. Offender Returned to Prison as a Technical Parole Violator (TPV) or **Convicted Parole Violator (CPV)**

1. **If an offender is returned to prison as a board technical parole violator (TPV) or convicted parole violator (CPV) and the concurrent or consecutive special probation or special parole is not revoked by the court having criminal jurisdiction**, the district office/sub-office shall **scan to email** the Request for Special Probation/Parole Supervision (PBPP-325) **(with attachments)**, Acceptance for State Supervision (PBPP-234), and **signed** Conditions Governing Special Probation/Parole (PBPP-235) **and send them, via email**, to the appropriate institutional parole office.

- a. **If a special probation/parole is concurrent to a state sentence, the effective and maximum dates of the special probation/parole will not change. At the time of the offender's release**, if the special probation/parole maximum date has not been reached, institutional parole staff shall inform the offender of the special probation/parole, issue reporting instructions to the offender to report to the appropriate district office/sub-office and **scan to email** the PBPP-325 **(with attachments)**, PBPP-234, **and signed** PBPP-235 **and send them, via email**, to the appropriate district office/sub-office.
- b. **If a special probation is consecutive to a state sentence and the offender is returned to prison as a technical parole violator (TPV) or convicted parole violator (CPV) with no loss of parole time**, the effective and maximum dates of the special probation will not change. **At the time of the offender's release**, institutional parole staff shall inform the offender of the special probation, issue reporting instructions to the offender to report to the appropriate district office/sub-office and **scan to email** the PBPP-325 **(with attachments)**, PBPP-234, **and signed** PBPP-235 **and send them, via email**, to the appropriate district office/sub-office.
- c. **If a special probation is consecutive to a state sentence and the offender is returned to prison as a technical parole violator (TPV) or convicted parole violator (CPV) with a loss of parole time**, the effective and maximum dates of the special probation will change. Institutional parole staff shall request, from the Bureau of Probation Services, **Division of Grants, Standards, and Court Services**, via e-mail at **PM, Court Services**, an amended PBPP-234 to reflect the change in the effective and maximum dates of the special probation. The Bureau of Probation Services, **Division of Grants, Standards, and Court Services**, shall prepare the amended PBPP-234 **and PBPP-235**, **scan them to email, and send them, via email**, to the appropriate institutional parole office. Upon receipt of the amended PBPP-234 **and**

**PBPP-235**, institutional parole staff shall follow the procedure outlined under **D. Institutional Parole Office Responsibilities**.

**G. Increased or Modified Special Conditions:**

1. **If special conditions are increased or modified by the court having criminal jurisdiction as a result of a hearing, per 42 Pa. C.S. § 9771 (d), board staff shall scan to email the modified court order and send it to the Bureau of Probation Services, Division of Grants, Standards, and Court Services, via e-mail at PM, Court Services. The Bureau of Probation Services, Division of Grants, Standards, and Court Services, shall prepare an amended Conditions Governing Special Probation/Parole Supervision (PBPP-235), scan it to email, and send it, via email, to the appropriate correctional institution/facility or district office/sub-office. Upon receipt of the amended PBPP-235, board staff shall follow the procedure outlined under C. District Office/Sub-Office Responsibilities or D. Institutional Parole Office Responsibilities.**

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 the following: all board staff; president judge of each court of common pleas judicial district; chief probation officers/directors; board of county commissioners/county chief executive officer.

X. CROSS REFERENCES

A. Statutes

1. Federal

None.

2. State

- a. **Prisons and Parole Code, 61 Pa. C.S. § 6132(a)(2)(i), (ii)**
- b. **Prisons and Parole Code, 61 Pa. C.S. § 6133(a)**
- c. 37 Pa. Code § 65.1
- d. **37 Pa. Code § 65.4**

**e. 42 Pa. C.S. § 9771 (d)**

B. PBPP Policies

**1. 4.01.13 VI. A. 2. h.**

C. American Correctional Association Standards

**1. 4-APPFS-2B-01 (Ref. 3-3134)**

D. Management Directives

None

E. Report of the Reentry Policy Council

None