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| <p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p> | <p>Volume III Chapter 4</p> <p>Procedure 4.04.04</p> | <p>Date Revised: 11/01/01 02/01/07 03/31/08 03/14/13</p> |
| <p>Chapter Title SUPERVISION, REENTRY</p> | | <p>Date of Issue: 2/28/13</p> |
| <p>Subject PROBATION SERVICES NEW PRISON SENTENCE WHILE UNDER SPECIAL PROBATION/PAROLE SUPERVISION</p> | | <p>Effective Date 08/10/16 PUBLIC</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.

The board may, during the probation or parole period, in case of violation of the conditions of probation or parole, detain the special probationer or parolee in a county prison and make a recommendation to the court, which may result in the revocation of probation or parole and commitment to a penal or correctional institution to serve a sentence in the case of probation or the remainder of the sentence in the case of parole. 37 Pa. Code § 65.3.

II. PURPOSE

This procedure describes staff duties and responsibilities when a special probation/parole offender receives a new prison sentence and the special probation/parole sentence is not revoked.

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

The **board** shall maintain control of all special probation/parole offenders to ensure that special probation/parole offenders are accurately monitored/supervised and that the court having criminal jurisdiction is informed of changes in the offender's status.

VI. PROCEDURE

A. Recommitted by the Board

When a recommitted offender also has a Pennsylvania probation sentence, **board** staff shall:

- a. Complete a Transmittal Letter (PBPP-331) to the court; and,
- b. Attach a copy of the board action; and,
- c. Include information regarding the offender's present location.
- d. The recommendation on the Transmittal Letter (PBPP-331) is *"For your information/consideration. Please advise of any action directed by the court."*

For further information, reference Procedure 4.04.03, Special Probation/Parole Violations and 4.01.18, Supervision Termination.

B. Court Continues Special Probation/Parole

If a special probation/parole offender receives a new **incarceration** sentence for a criminal offense occurring prior to the effective date of special probation/parole, or for a criminal offense committed during special probation/parole supervision and the court having criminal jurisdiction continues special probation/parole supervision, the **following responsibilities shall be completed**:

1. State Correctional Institution and County Prison Confinement
 - a. **The parole agent** shall forward 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), by memorandum, to the institutional parole **staff assigned to the correctional institution/county prison** where the offender is incarcerated.
 - b. Institutional parole **staff** shall establish control of the special probation/parole until such time as the offender is paroled or otherwise released, or the maximum expiration date of the special probation/parole is reached. For additional information, reference Procedure 3.02.13

Constructive Parole and Underlapping and Concurrent Special Probation Cases.

2. Federal or Out-of-State Confinement/Probation

- a. Short duration **confinement** (less than 180 days) or **probation** term

If a special probation/parole **offender will** be confined for a **period of** less than 180 days or receives a probationary **term**, the case **will be monitored by** the district or suboffice.

- b. Long duration **confinement (180 days or more)**

If a special probation/parole **offender will** be confined for a period of 180 days **or more**, parole supervision staff shall transfer the case statistically to the Division of Interstate Probation Services.

1) District **Office Responsibilities**

The case transfer request must include a cover memorandum addressed to the director of Interstate Probation Services advising where the offender is serving the new sentence and the other state's inmate number or federal identification number. The memo includes completed copies of applicable arrest reports (PBPP-257H, C, T) and documents providing proof of conviction. Proof of conviction must include a judge's signature or the order must be certified as a true copy of the court record.

The following documents shall also be forwarded to Interstate Probation Services:

- a) Acceptance for State Supervision (PBPP-234) and **signed** Conditions Governing Special Probation/Parole (PBPP-235); and,
- b) Initial Supervision Report (PBPP-61) (if applicable); and,
- c) All Supervision Plan/Reports (PBPP-22); and,
- d) Most recent pre-sentence investigation report (if applicable); and,
- e) Most recent LSI-R.

2) Interstate Probation Services Responsibilities

Reference Procedure 3.02.15 Releases to Other State, Federal and ICE Detainers. Deported Felons. Interstate Administrative Tracking.

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, 65.3**

B. PBPP Policies

- 1. **3.02.13**
- 2. **3.02.15**
- 3. **4.01.18**
- 4. **4.04.03**

C. American Correctional Association Standards

None

D. Management Directives

None

E. Report of the Reentry Policy Council

None