

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.04.05</p>	<p>Date Revised: 11/01/01 02/01/2007 03/31/08 08/24/11</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue: 8/10/2011</p>
<p>Subject PROBATION SERVICES TERMINATION OF SPECIAL PROBATION/PAROLE</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

The purpose of this procedure is to set forth agency protocol for a review of special probation offenders for early termination and the termination of special probation/parole.

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 that all special probation offenders under the supervision of the board shall be reviewed at least annually for recommendation for early termination of special probation.¹

VI. PROCEDURE

Early termination of special probation shall not be recommended if the offender has not completed all special conditions imposed by the court having criminal jurisdiction, paid costs, fines, and restitution, and offender supervision fees in accordance with the court/board approved payment schedule. Termination of all special probation/parole will be closed per established procedures.

A. Early Termination of Special Probation

1. Annual Reviews

The parole agent and parole supervisor shall review all special probation offenders at least annually for an early termination recommendation. Offenders shall be considered for early termination when they have:

- a. Demonstrated successful adjustment in terms of having incurred no new arrests and/or convictions.
- b. Demonstrated stability in terms of residence, employment, family relationships, etc.
- c. Completed all court-imposed special conditions.
- d. Paid fines, costs, restitution, and offender supervision fees in accordance with court/board approved payment schedules.

When early termination is recommended, the parole agent shall make a request for early termination of special probation by preparing and submitting a Transmittal Letter (PBPP-331) and Supervision Plan/Report (PBPP-22) **to the court having criminal jurisdiction**. The PBPP-22 shall include a summary of the **special probation** offender's performance during the **supervised** period of special probation, including the offender's compliance with all court-imposed special conditions and status of fines, costs, restitution, and supervision fees.

2. Offender Petition

If a special probation offender seeks to obtain a discharge from special probation before the normal expiration of the probation, he/she may directly petition the court having criminal jurisdiction. If the parole agent is made aware that such petition has been made, the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and a Supervision Plan/Report (PBPP-22), unless one has been prepared within the last thirty (30) days, to

the court having criminal jurisdiction. The PBPP-22 shall include a recommendation as to the advisability of an early termination of the special probation.

3. Early Termination Granted

Upon notification that the offender has been granted early termination of special probation, the parole agent shall obtain the court order granting early termination from the court **having** criminal jurisdiction. The parole agent shall then prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22), with a copy of the court order granting early termination attached, to the court having criminal jurisdiction² and the special probation case shall be statistically closed by parole supervision staff in the board Client Server **within** thirty (30) calendar days of the court granting early termination. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole supervision and note the early termination of said supervision. One (1) copy of the PBPP-331 and PBPP-22, with a copy of the court order granting early termination attached, shall be submitted to the central office file room (Records Unit / Case Management Division).

B. Termination at Expiration of Maximum Sentence

1. Satisfactory Completion at Maximum Sentence Expiration

The parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction² and the special probation/parole case shall be statistically closed by parole supervision staff in the board Client Server **within** thirty (30) calendar days of its maximum expiration date. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole supervision. One (1) copy of the PBPP-331 and PBPP-22 shall be submitted to the central office file room (Records Unit / Case Management Division).

2. Pending Criminal Charge(s) at Maximum Expiration

a. Special Parole - Regardless of pending criminal charge(s), the special parole shall be statistically closed by field supervision staff in the Board Client Server and the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction² within thirty (30) calendar days of its maximum expiration date. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole supervision and note the status of the pending new criminal charge(s). One (1) copy of the PBPP-331 and PBPP-22 shall be submitted to the central office file room (Records Unit / Case Management Division).

b. Special Probation/ARD/PWV - If a special probation/ ARD/ PWV reaches the maximum expiration of sentence and there is a pending criminal

charge(s), the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction requesting authority from said court to close interest in the special probation/ARD/PWV case and noting the status of the pending new criminal charges.

- 1) If the court having criminal jurisdiction authorizes the board to close interest in the special probation/ARD/PWV, the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction and the special probation/ARD/PWV case shall be statistically closed by parole supervision staff in the board Client Server within thirty (30) calendar days of its maximum expiration date. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole supervision. One (1) copy of the PBPP-331 and PBPP-22 shall be submitted to the Central Office file room (Records Unit / Case Management Division).
- 2) If the court having criminal jurisdiction does not authorize the board to close interest in the special probation/ARD/PWV, the special probation/ARD/PWV shall be carried in unconvicted violator (UCV) status and control of the case shall be maintained by the parole agent until disposition of the new criminal charge(s). During this period the special probation/ARD/PWV will not be actively supervised. Upon disposition of the new criminal charge(s), the parole agent shall prepare and submit a Transmittal Letter (PBPP-331), an Arrest/Disposition Report (PBPP-257DR), **a certified copy of the judgment of conviction or a copy signed by the judge**, and a Final Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction within ten (10) calendar days of the conviction on the new criminal charges. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole supervision. Board interest shall be closed at this time and parole supervision staff shall statistically close the special probation/ARD/PWV in the board Client Server within thirty (30) calendar days of the disposition of the new criminal charge(s). One (1) copy of the PBPP-331, PBPP-257DR, and PBPP-22 shall be submitted to the central office file room (Records Unit / Case Management Division). If the court having criminal jurisdiction schedules a revocation hearing (Gagnon II) subsequent to the maximum sentence expiration date, the parole agent shall attend scheduled hearings, as required.

3. Non-Reporting (Absconder) Status at Maximum Expiration

If a special probation/parole offender in absconder status is not taken into custody prior to the maximum sentence expiration date, the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22) to the court having criminal jurisdiction² and the special probation/parole shall be statistically closed by parole supervision staff in the board Client Server within thirty (30) calendar days of

its maximum expiration date. The PBPP-22 shall summarize the overall adjustment of the offender during the entire period of special probation/parole and note the offender's absconder status, his/her last known address/contact information, and any possible leads to the parole agent may have regarding the offender's whereabouts. One (1) copy of the PBPP-331 and PBPP-22 shall be submitted to the central office file room (Records Unit / Case Management Division).

4. Termination of Supervision by Death of Special Probation/Parole/ARD/PWV Offender

Upon notification of a special probation/parole/ARD/PWV offender's death, the parole agent shall obtain official documentation verifying the offender's death. Within thirty (30) calendar days of receipt of this official documentation, the parole agent shall prepare and submit a Transmittal Letter (PBPP-331) and Final Supervision Plan/Report (PBPP-22), along with a copy of the official documentation verifying the offender's death attached, to the court having criminal jurisdiction and the special probation/parole/ARD/PWV shall be statistically closed by parole supervision staff in the board Client Server. One (1) copy of the PBPP-331 and PBPP-22, with the official documentation verifying the offender's death attached, shall be submitted to the central office file room (Records Unit / Case Management Division).

C. Distribution of the Final Supervision Plan/Report (PBPP-22)

In all terminations, the Final Supervision Plan/Report (PBPP-22) shall be distributed as follows:

1. The original to the court having criminal jurisdiction.
2. One (1) copy to the field offender case folder (FOCF).
3. One (1) copy to the Central Office file room (Records Unit / Case Management Division).
4. For ARD/PWV cases, one (1) copy to the **respective office of the** district attorney.

D. District Office/Sub-Office Responsibilities

1. All procedures relating to termination of supervision as outlined in Chapter 4, Procedure 4.01.18 Supervision Termination shall also be followed when closing a special probation/parole/ARD/PWV case, except for any modifications listed in the current procedure specifically related to special probation/parole/ARD/PWV.
2. Prior to closing a special probation/parole/ARD/PWV, the parole agent and parole supervisor must ensure that it is a proper closure. The parole agent and parole supervisor shall review the Sentence Profile Display screen in the board Client Server to ensure that no other special probation/parole case(s)

or any other sentence(s) exist. If no other special probation/parole case(s) or any other sentence(s) exist, the special probation/parole/ARD/PWV shall be closed, when appropriate, in the board Client Server. If the parole agent and/or parole supervisor detect or otherwise have knowledge that another special probation/parole/ARD/PWV exists, closure of the case shall be delayed and the parole agent or parole supervisor shall immediately contact the Bureau of Probation Services, **Division of Grants, Standards, and Court Services** for further direction.

3. If the **court having criminal jurisdiction issued a warrant** on a special probation/parole offender, the parole agent or parole supervisor must contact the Bureau of Probation Services, **Division of Grants, Standards, and Court Services** via e-mail at **PM, Court Services**, immediately upon the offender's special probation/parole maximum expiration date and request that the **offender's stat code 29 (Absconder Status – Not Reporting) be removed**. The board shall not maintain a **stat code 29** on a special probation/parole offender after the special probation/parole maximum expiration date.
4. Upon closure of a special probation/parole/ARD/PWD case, the Final Supervision Plan/Report (PBPP-22), Transmittal Letter (PBPP-331), all original Supervision Plan/Reports (PBPP-22), all original Records of Interview (PBPP 259) and all pre-sentence investigation report(s) shall immediately be forwarded to the central office file room (Records Unit / Case Management Division). The closed (FOCF) with the remaining material shall be retained in the district office/sub-office for one (1) year and shall then be destroyed.

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 **offenders** 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 **Adult** probation officers; 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. **4.01.18**

C. American Correctional Association Standards

- 1. 4-APPFS-2A-14 (**Ref. 3-3145**)
- 2. 4-APPFS-2A-13 (**Ref. 3-3144**)

D. Management Directives

None

E. Report of the Reentry Policy Council

None