

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p>	<p><b>Volume III Chapter 3</b></p> <p><b>Procedure 3.02.10</b></p>	<p><b>Replaces 3.9 3/11/02 4/30/04 2/09/12</b></p>
<p><b>Chapter Title CASE RECORDS, DECISIONAL PROCESSING</b></p>		<p><b>Date Issued 11/01/13</b></p>
<p><b>Subject CASE REVIEW AND RELEASE PROCESSING ADDITIONAL DUTIES</b></p>		<p><b>Effective Date 11/15/13 <b>PUBLIC</b></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 additional institutional parole duties.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

See Procedure 3.02.01 Glossary.

V. POLICY

It is the policy of the board to ensure that all additional duties be completed in a timely and efficient manner.

VI. PROCEDURE

A. Pre-Sentence Investigations

1. Upon receipt of a request for pre-sentence investigation, institutional parole staff will complete the report except for the official version section. For additional information, reference Procedure 4.04.06 Presentence Investigation Reports.
2. Due dates are specified in the request. If a due date cannot be met, the institutional parole supervisor must contact the coordinating office to determine if an extension can be granted by the court.

The completed report is scanned/emailed to **Bureau of Standards and Accreditation’s pre-sentence investigation resource account (PM, PSI).**

## B. Pardon Board - Institutional Parole Decision Guidelines

Upon receipt of a request by the **Bureau of Standards and Accreditation**, the institutional parole agent will complete a PBPP-361PB. When complete, the agent will sign and date the bottom of the form and return the form to the Bureau of **Standards and Accreditation** at **PM, Pardon Board**.

## C. Rescission of Parole Hearings

A rescission hearing will be conducted when the Conditions Governing Parole/Reparole (PBPP-11) and the Order to Release on Parole/Reparole (PBPP-10) have been executed and information is subsequently obtained which may have affected the board's decision.

The institutional parole manager shall request the nearest district director to issue and forward a Warrant to Commit and Detain (PBPP-141).

Institutional parole staff shall prepare a Notice of Rescission Hearing (PBPP-257NR) and deliver to the offender. The notice shall contain a brief statement of the facts and circumstances constituting good cause for the rescission of parole. The notice shall also inform the offender of the date and time of the rescission hearing and shall advise regarding the right to counsel and the right to call voluntary witnesses at the hearing. This notice shall be served upon the offender within 72 hours of detention on the Warrant to Commit or Detain (PBPP-141).

For additional information, reference Procedure 3.03.08 Rescission Hearings.

## D. Hearing Responsibilities

### 1. District Office assigned cases (**SCI Cases only**)

- a. Institutional parole staff will make arrangements with the institutional authorities to obtain gate clearances for board employees, attorneys, and witnesses needed for these hearings.
- b. Institutional parole staff will make accommodations for hearings, including a meeting room, recording equipment and the availability of all necessary forms.
- c. A translation service (Language Line) should be available if needed.
- d. The institutional parole staff may also be responsible to execute any forms that may be necessary regarding these hearings, including the waiver forms (PBPP-72 & PBPP-72T/C) and the Notice of Charges and Hearing (PBPP-257N).
- e. As required, institutional parole staff shall stand-in at the hearing and present evidence on behalf of parole supervision staff.
  - 1) Parole supervision staff is responsible for making the stand-in arrangements with the institutional parole supervisor.

For additional information, refer to Chapter 03, Section 03 for procedures regarding the hearing and waiver processes.

2. Central office assigned cases

a. Institutional parole staff will stand-in at the hearing and are responsible for keeping the interstate parole manager informed of hearing developments i.e.: continuances granted by a parole hearing examiner, panel hearing requests and offender transfers.

b. Notice of Charges and Hearing (PBPP-257N)

- 1) Prior to the offender's arrival at a SCI, the Notice of Charges and Hearing (PBPP-257N) shall be prepared by an interstate parole manager and scanned/emailed to the institutional parole supervisor at the SCI where the parolee is being lodged.
- 2) Upon the offender's return to a SCI, institutional parole staff shall notify Interstate Parole Services at **PM, Interstate** of the offender's lodging date.
- 3) Institutional parole staff shall deliver the PBPP-257N to the offender by the next business day following the offender's return to the SCI.
- 4) The witnessed PBPP-257N (and any signed waiver forms) shall be scanned and forwarded to the assigned interstate parole manager's attention at **PM, Interstate**.

c. Scheduling Hearings for Central Office Cases

- 1) The interstate parole manager will provide the institutional parole supervisor with the date by which the hearing must be held.
- 2) Upon receipt of hearing materials, institutional parole staff will contact the appropriate hearing coordinator to schedule the hearing.
- 3) When an offender elects to waive their second level hearing, institutional parole staff shall scan and forward the executed waiver form(s) (PBPP-72C and/or 72T) to the assigned interstate parole manager's attention at **PM, Interstate**.
  - a) The interstate parole manager will notify the appropriate hearing coordinator of the waiver.
  - b) The interstate parole manager is responsible for forwarding the waiver packet to the hearing coordinator by the established deadline.

d. Preliminary Hearing Procedures

- 1) In cases requiring a preliminary hearing, the interstate parole manager shall provide a completed arrest series (PBPP-257H, 257N, 257C and/or 257T), all documentation supporting the violation(s) and required hearing materials to the institutional parole supervisor.
- 2) If the offender elects to waive the first level hearing, institutional parole staff shall execute the Waiver of Preliminary Hearing (PBPP-72). The executed hearing waiver shall be scanned and forwarded to the assigned interstate parole manager's attention at **PM, Interstate**. For additional information, reference Procedure 3.03.07 Hearing Waivers and Admissions.
- 3) If the offender elects to invoke their right to a hearing, institutional parole staff shall schedule a preliminary hearing in accordance with the time frames in established procedure. Reference Procedure 3.03.02 Preliminary Hearings.

e. Violation / Revocation Hearing Procedures

- 1) If a violation and/or revocation hearing is required, institutional parole staff shall execute the Hearing Waiver / Request Board Hearing (PBPP-72) determining whether the offender requests a hearing before a panel or a parole hearing examiner. The signed PBPP-72 shall be scanned and forwarded to the assigned interstate parole manager's attention at **PM, Interstate**.
- 2) Upon receipt of the signed PBPP-72, the interstate parole manager is responsible for preparation of the hearing packet and securing documentation necessary to substantiate the technical and/or criminal parole violations. All required hearing material shall be provided to the institutional supervisor in a timely fashion.
- 3) In the event that subpoena may be required, institutional parole staff shall obtain same. Reference Procedure 3.03.04 Violation Hearings.
- 4) Institutional parole staff shall present evidence at the scheduled hearing on behalf of the Division of Interstate Parole Services.
- 5) In the event the offender elects to waive the hearing, the executed waiver form(s) (PBPP-72C and/or 72T) shall be scanned and forwarded to the assigned interstate parole manager's attention at **PM, Interstate**.
  - a) The interstate parole manager will assemble and forward a waiver packet to the appropriate hearing coordinator.

For further information, reference Procedures 3.03.04 Violation Hearings, 3.03.05 Revocation Hearings, 3.03.06 Continuances, and 3.03.07 Hearing Waivers and Admissions,

E. Parole Violation Center (PVC) Program

Hearing examiners may refer offenders for placement into the PVC program during the preliminary hearing (1st Level) or as a result of the waiver process review (PBPP-72T). When it has been determined that an offender is eligible for PVC, institutional parole staff shall **notify the CCPM of the decision for transportation to the appropriate PVC.**

When the board paroles, or reparaoles an offender to a PVC, institutional parole staff shall assemble a package comprised of the following paperwork:

1. Order to Release on Parole (PBPP-10),
2. Conditions Governing Parole/Reparole (PBPP-11),
3. Copy of the most recent paroling action (PBPP-15),

Institutional parole staff shall scan/email this information to the appropriate field office's PM, BA inbox, i.e.: **PM, BA Allentown** to ensure this material is readily available in the event of an escape.

#### 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. § 6112**

b. 61 Pa.C.S. § 6133(a)

c. 61 Pa.C.S. § 6137

d. **61 Pa.C.S. § 6142**

B. PBPP Policies

**3.03.02**

**3.03.04**

**3.03.05**

**3.03.07**

**4.01.12**

**4.04.01**

**4.04.03**

**4.04.06**

**4.05.08**

**5.01.01**

C. American Correctional Association

None

D. Management Directives

None

E. Report of the Reentry Policy Council

None