

<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 4.01.14</b></p>	<p><b>Date Revised: Replaces 4.13: 08/01/04, 12/01/04 4.01.14: 01/14/08, 9/08/09</b></p>
<p><b>Chapter Title</b> <b>SUPERVISION, REENTRY</b></p>		<p><b>Date Issued: 12/27/2012</b></p>
<p><b>Subject</b> <b>SUPERVISION SANCTIONING PROCESS</b></p>		<p><b>Effective Date</b> <b>01/01/2013</b> <b>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 the sanctioning options available during probation/parole supervision.

III. APPLICABILITY

This procedure is applicable to all Board staff.

IV. DEFINITIONS

All definitions are located in Procedure 4.01.01.

V. POLICY

It shall be the policy of the **Board** in responding to parole violations to enhance offender success as a means of promoting public safety. Responses to parole violations shall use available resources to correct and redirect offender behavior in order to reduce risk and enhance the likelihood of success. Sanctions shall be employed that are timely, progressive and proportional to offenders’ behavior until parole supervision staff can no longer safely manage such offenders in the community.

VI. PROCEDURE

Every **alleged** violation of **the terms and conditions of probation or parole are investigated** by parole supervision staff and **are addressed with the offender**. The violation(s) and response(s) must be documented in the Record of Interview (PBPP-259) and the automated offender record. Sanctions imposed by parole supervision staff **shall** be progressive, **graduated** and sufficient to address the violation(s). The Violation Sanctioning Grid (VSG) (PBPP-

347) **is used** to assist parole supervision staff respond to probation and parole violations. In addition to the severity of the violation, parole supervision staff must also consider the offender's risk level, needs and their adjustment on supervision when determining an appropriate response. **Agents may address non-repetitive low and medium sanction range violations. All substantiated violations shall be reviewed with the parole supervisor. Violations of the terms and conditions of probation or parole which result in the arrest and detention of an offender, must be reported to the releasing authority; i.e., the Board, the sentencing judge or sending state.**

A. Parole Violation Warning/Instruction (PBPP-348)

The Parole Violation Warning/Instruction (PBPP-348) is used by parole supervision staff to notify offenders, in writing, when they are in violation of any condition(s) of probation/parole and to warn them that further violations may lead to additional sanctions or arrest. This warning shall be annotated on the Parole Violation Warning/Instruction (PBPP-348) in the warning section of the form. The offender must then be given written instructions, using the instructions section of the Warning of Violation/Instructions (PBPP-348), thereby eliminating the chance of any misunderstanding. The instructions will be reviewed with the offender, along with the possible consequences for failure to follow the instructions. The offender and the parole agent must sign the form. A copy (yellow) of the PBPP-348 is given to the offender and the original (white) is placed in the Field Offender Case Folder (FOCF). By his/her next duty day, the agent will inform the parole supervisor that the PBPP-348W was issued. The Record of Interview (PBPP-259) and the automated offender record need to be updated to reflect that a sanction has been imposed, using the appropriate code identified for each violation and sanction. If the offender refuses to sign the Parole Violation Warning/Instruction (PBPP-348), the parole agent will indicate "refused to sign" in the offender's signature block and a copy of the form is given to the offender. If the unacceptable behavior of the offender continues and the offender is then charged with a technical parole violation, the Parole Violation Warning/Instructions (PBPP-348) can be used as supporting evidence to substantiate receipt of the written instruction.

B. Conferences

1. When an offender's negative behavior warrants more than the issuance of a warning, a conference may be held with the offender.
2. In some instances, the case conference may result in the imposition of written instructions using a Parole Violation Warning/Instruction (PBPP-348) or the imposition of a special condition(s) using the Special Conditions of Parole/Probation (PBPP-336). The VSG (PBPP-347) must be used as part of the decision making process. The Record of Interview (PBPP-259) and the automated offender record need to be updated to reflect any sanction(s) imposed, using the appropriate code identified for each violation and sanction. It should also be made clear to the offender that failure to adhere to the written instructions or the special condition(s) can result in the offender being arrested and charged with a technical parole violation(s).

a. Supervisor Administrative Conference – (CON I)

This administrative conference should include the offender, the parole agent and the parole supervisor and as appropriate, an Assessment Sanctioning Community Resource Agent (ASCRA) should be consulted. The parole supervisor may impose sanctions in accordance with the VSG (PBPP-347). The Record of Interview (PBPP-259) and the automated offender record need to be updated to reflect any sanction(s) imposed, using the appropriate code identified for each violation and sanction.

b. District Director Administrative Conference – (CON II)

When an offender's negative behavior warrants more than a supervisor's administrative conference, a district director administrative conference may be conducted. This administrative conference should include the offender, the parole agent, the parole supervisor, the ASCRA and the district director/designee. The district director/designee may impose sanctions in accordance with the VSG (PBPP-347). The Record of Interview (PBPP-259) and the automated offender record need to be updated to reflect any sanction(s) imposed, using the appropriate code identified for each violation and sanction.

C. Supervision Sanctions for Offenders with Pending Criminal Charges, on Bail

When an offender incurs new criminal charges for an offense punishable by imprisonment if convicted, the parole supervision staff may recommend to the district director/designee to continue the offender on parole pending disposition of these charges. The offender must be notified of this decision by issuing a Parole Violation Warning/Instruction (PBPP 348), and if necessary, instructing the offender to report for an administrative conference (CON-II).

If the district director concurs with the recommendation to continue the offender on parole, the Criminal Arrest and Disposition Report (PBPP-257C) and Supervision History (PBPP-257H) need to be completed by the parole supervision staff. These documents and a copy of the criminal complaint must be **scanned and emailed** to **PM, OBS Case Analysis** for determination by the Board whether to continue the offender on parole pending disposition of the outstanding criminal charge(s). The decision of the Board will be recorded in a board action and provided to the parole supervision staff. The automated offender record will be updated.

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 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.

II. CROSS REFERENCES

A. Statutes

1. Federal

None.

2. State

**61 Pa.C.S. § 6112**

**61 Pa.C.S. § 6138**

B. Board Policies

**4.03.03**

**4.03.04**

**4.03.10**

C. American Correctional Association Standards

**4-APPFS-2B-02**

**4-APPFS-2B-03**

**4-APPFS-2B-11**

**4-APPFS-2E-01<sup>1</sup>**

D. Management Directives

None.

E. Report of the Reentry Policy Council

None.

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<sup>1</sup> For the incentives portion of this standard reference Procedures 4.01.06 and 4.01.07.