



Understand the Process:

Your Parole Handbook



February 2022

It is recommended that you keep this handbook during the entire time you are incarcerated and on parole until you have completed supervision and your maximum sentence.

This book belongs to YOU!

It is provided to help you complete the information as you receive it.

NAME:

PA Inmate # _____ PA Parole # _____

Controlling Offense _____

Sentence ____ years ____ months TO ____ years ____ months

Commitment Date _____

Minimum Sentence (MIN) Date _____

Maximum Sentence (MAX) Date _____

Expected First Parole Interview Month _____
(Four months prior to MIN Date)

Next Expected Review Date (If not paroled at minimum)

Release Date _____
(This is **NOT** automatically your MIN Date)

Parole Supervision End Date _____
(Same as Max or Recomputed MAX Date)

PAROLE VIOLATORS – GO TO PAGE 22

Your Path to Starting Over

As a person who wants to leave your criminal past behind and rebuild your life, it is important that you realize that returning home to your community is a process that begins from the day you enter prison.

Don't wait until the last minute to prepare for your release.

Put your time to good use. It is up to you to follow the correctional plan that has been developed specifically to meet your needs. The Department of Corrections (DOC) will assign you a counselor who will monitor your progress in specific programs or treatment.

It is up to you to take advantage of the many types of programs that will help you after you are released. Talk to your counselor about a GED or college diploma, vocational training, parenting classes, basic life skills courses, and how you can get involved in other positive programs or activities within the prison.



Returning home successfully requires work, but it will be rewarding.

For you to be successful when you leave prison, it is important that you maintain connections to your family, religious or community organizations that are willing to assist you with reentry into the community. They will help you find solutions to problems and help you to live a safe and healthy life.

This network of support may help you find a place to live and a job, two very important parts of the reentry process. Employment will enable you to support yourself and your family, if any, and keep you on the track to a new lifestyle.

Upon release, get in touch with those individuals and organizations you kept in contact with while in prison that can support your positive reentry into society. They can help you after you return home. Find ways to give back to your community. Be involved in local organizations. Avoid individuals and organizations who might encourage you to get re-involved in criminal activity.

Your parole agent can help you and your family after you are released. The goal is to help you be successful. After you are released on parole supervision, talk to your parole agent about your activities and get his or her support. Remember - there are many agencies, programs and people waiting to help you succeed!

Table of Contents

Key Points to Understand – Page 5
Prison Rape Elimination Act Information – Page 8
Arrival at the Department of Corrections – Page 11
Parole Consideration – Page 13
Parole Interview Preparation – Page 13
Home Plans – Page 16
The Voting Process – Page 16
Understanding Your Board Action – Page 17
The Parole Release Process – Page 19
Parole Supervision – Page 21
Violations of Parole – Page 22
Violation Hearings – Page 22
Preliminary Hearing – Page 23
Detention Hearing – Page 23
Violation Hearing – Page 24
Revocation Hearing – Page 25
Challenges to Parole Decisions – Page 27
Recommitments and Sentence Recalculations – Page 29
Act 122 of 2012 – Page 30
Home Plan Form – Page 31
General Conditions of Parole – Page 32
Inmate Version – Page 35

Key Points to Understand



Point 1: Your contacts at the SCI

While you are incarcerated, the DOC institutional parole agent and DOC institutional counselor are the best sources of information for you. Incarcerated individuals often ask family members or friends to contact the Parole Board to see if a quicker response, a different answer or more information can be obtained, or to “speed up” the process on their behalf by doing so.

The staff members who work as DOC state correctional institution (SCI) parole agents and counselors have the most accurate and up-to-date information available. These staff members can provide all case status information directly to you. The Parole Board’s privacy regulation prohibits discussing specific case details with anyone other than you or your attorney, even if those asking the questions on your behalf are your family members, loved ones or friends.

Each SCI has parole institutional staff. You need to complete an inmate request slip to ask your question(s) to the SCI parole institutional staff. After you receive answers to your question(s), you may then share this information with your family members, loved ones or friends.



Point 2: Your “right” to parole

You do not have a right to parole under Pennsylvania law. Being granted parole is a privilege. Parole preparation is your responsibility. The Parole Board recognizes that having a family member, loved one or friend who is incarcerated can be an emotional and financial hardship. However, the Parole Board must follow and adhere to the statutes that govern it.

The Parole Board frequently clarifies the misunderstanding that the minimum sentence date is the parole release date. Public perception is they are one and the same. It is crucial that you – and your family members, loved ones and friends – understand the minimum sentence date represents the minimum amount of time a person must be incarcerated under the Department of Corrections’ control. An inmate becomes eligible for parole release after they have served their minimum sentence.



Point 3: Your programming needs

If you have the opportunity to complete programming before your parole interview, you should make every effort to do so. Failing to participate or complete programming when it is offered while you are incarcerated will be viewed less favorably than participating or completing offered programming. This **does not** apply to anyone who is serving a sentence for a crime of violence, as defined in 42 Pa.C.S. § 9714 or from a crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H.

Sex Offender Programming While Incarcerated

If you were convicted of a sex offense and you are not involved in sex offender programming while incarcerated, you will not be seen by the Parole Board until you are in programming. This is not a Parole Board policy or rule. This requirement is cited in 42 Pa.C.S. § 9718.1. Additionally, this statute applies to crimes against minor victims and not all sex offenses.



Point 4: Your case status updates

The Parole Board cannot accept any copies of court documents or any case updates from your family members, loved ones or friends that are sent by using the Contact Us icon on the Parole Board's website. All court documents that relate to your specific case must come from either the assigned parole agent or directly from the court itself for authenticity before the Parole Board can continue processing your case.

The Parole Board does not provide individual parole case status information on any form of social media. If your family member, loved one or friend has a concern or question, they should use the Contact Us icon on the Parole Board's website to submit an email. Any questions or concerns posted on Facebook or Twitter **WILL NOT** be answered there. The emails received through the Contact Us icon are either answered by the Parole Board or **FORWARDED** to the correct office/agency who will need to respond. Individuals who use the Contact Us icon should allow 7-10 business days for a response.



Point 5: Your parole interview or hearing

DOC institutional parole staff prepare all cases for the parole interview. The schedule is called the parole interview docket. Each SCI has one. In all Board Actions produced by the Parole Board, a month and year only is listed in the document if an additional interview/hearing is to be held. You are the only person who is provided with the exact interview/hearing date by DOC parole institutional staff. Only the month and year of the hearing is provided to the general public, even if those requesting are family members, loved ones or friends. If you ask your family members, loved ones or friends to contact the Parole Board to see if an exact date can be obtained, this information will not be provided to anyone other than you.



Point 6: Your release preparation

Parole release is not immediate when you receive a decision granting parole. If the Board Action contains conditions that must be fulfilled before a person is released, you must complete them before any release processing will begin.

You need to work with your DOC institutional parole agent to verify which requirements you need to meet. **You must also remain misconduct free.** If you receive a misconduct after a favorable Board Action, you may have that decision revoked. Any detainers or new charges may delay or invalidate your parole.

The Release Checklist includes:

- Crime Victims' Compensation Fund Payment
- DOC RRRRI Certification (if applicable)
- Victim Awareness Class Completion (if applicable)
- DNA Sample (if there is a past or present felony conviction)
- Sex Offender's Law Registration (if required)
- Completed Programming (if noted)
- Urinalysis
- CCC Bed Date (if applicable)
- Approved Home Plan

- Release Orders from the Parole Board
- Release Date from the Department of Corrections' Institutional Parole Office



Point 7: Your release from incarceration

Releases are processed by the Department of Corrections (DOC) Institutional Parole Office where you are incarcerated – not the Parole Board. Neither the Parole Board or the DOC provides exact release dates to the general public, even if those requesting the information are family members, loved ones or friends. The DOC provides this date to you. You then have the responsibility to let your family members, loved ones or friends know the date to arrange for transportation. The exact release date is not provided to protect the safety and security of both you and the person(s) who is your home provider.



Point 8: Your assigned parole agent

After you are released from prison to parole supervision in the community, you need to remember you must contact your parole agent within 24 hours of your release unless it is a holiday or Friday. While on parole in the community, your **FIRST POINT OF CONTACT is ALWAYS your assigned parole agent**. Your parole agent is the best source to answer all your questions or help with problems. You should not email the Parole Board through its website to ask questions about your parole conditions or report any issues you are having while on parole. All of these should be given directly to your assigned parole agent to discuss your options. You are given a **cell phone number for your assigned agent**. **It is recommended that you secure this information and keep it with you at all times while you are on parole in the community.**

Additional Community Resource: Call 2-1-1 for Help

When you want to find help and connect with community services in your area, **Dial 2-1-1** for free information and referrals. You have several options to obtain this information/services:

Dial 2-1-1

Text your zip code to 898211

Visit the 2-1-1 website at <https://pa211.org> to search on your own.

PA 2-1-1 is a comprehensive health and human services information and referral service. A database of information about these areas is available: counseling, housing services, health concerns, veteran services, clothing, employment, mental health, domestic violence, heating assistance, child care, drug and alcohol programs, food, support groups, reentry information and much more.

Phone calls are free. Accessible-translation is provided for all languages and services for the deaf and hearing impaired through the PA relay service. All calls are confidential. Calls are answered 24/7.

PA 2-1-1 is a program of CONTACT Helpline funded in part by the United Way.

Prison Rape Elimination Act (PREA)

(28 C.F.R. §115.132[a])

From: DC-ADM 008, Prison Rape Elimination Act (PREA) Procedures Manual
Attachment 11-D

ZERO TOLERANCE POLICY

It is the policy of the Department to prohibit any form of sexual abuse and/or sexual harassment of an inmate. The Department has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Department. Anyone who engages in, fails to report, or knowingly condones sexual abuse or sexual harassment of an inmate shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. An inmate, employee, contractor, or volunteer of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found to have engaged in sexual abuse or sexual harassment of an inmate. A claim of consent will not be accepted as an affirmative defense for engaging in sexual abuse or sexual harassment of an inmate.

WHAT IS SEXUAL ABUSE?

Sexual Abuse - As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape includes sexual abuse of an inmate by another inmate, detainee, or resident by another inmate, detainee, or resident; and sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without the consent of the inmate, detainee, or resident:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above in paragraphs (a)-(e) of this section;
- g. Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
- h. Voyeurism by staff member, contractor, or volunteer.

WHAT IS SEXUAL HARASSMENT?

Sexual Harassment - As defined by the National Standards to Prevent, Detect, and Respond to Prison Rape

1. Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

UNDERSTANDING CONSENT

Sexual abuse happens when consent is not given freely such as when sexual favors are provided in exchange for commissary or protection, someone is manipulated, threatened, or intimidated into a sexual act or a threat or attempt of or physical violence is used.

If someone is engaging in a "relationship" with someone, it does not mean that they are agreeing to sexual acts with that person or any other person. Even if someone has agreed to sexual acts previously, it does not mean that they are agreeing in the future. Anyone can stop or change their mind during a sexual act. If this happens, both parties should stop.

WHAT TO DO IF YOU HAVE BEEN SEXUALLY ABUSED

After being sexually abused, it can be difficult to know what to do or feel. It is normal to have a lot of different feelings. It is important to know that this is not your fault and you are not alone. But, there are a few things you can do after being sexually abused to be safe.

1. Tell any staff member as soon as possible to immediately report the incident and maximize the potential for preservation of evidence.
2. Although it may be difficult, seek medical attention **BEFORE** you shower, eat, drink, change clothing, brush your teeth, or use the bathroom. This is to preserve evidence.
3. Save any other evidence of the abuse.
4. Give as much information as possible to the questions you are asked. Share any concerns for your safety with staff, including threats of retaliation.
5. Use outside rape crisis center services for counseling and support.

Victims of sexual abuse have access to support services free of charge. Write to:

**Pennsylvania Coalition Against Rape (PCAR)
P.O. Box 400
Enola, PA 17025**

You may also contact your facility's PREA Compliance Manager to arrange for access to this service with the facility's local rape crisis center.

HOW YOU CAN REPORT SEXUAL ABUSE OR SEXUAL HARASSMENT

1. Tell any staff member to immediately report the incident.
2. Tell any supervisor or manager to immediately report the incident.
3. Make a written request to any staff member, supervisor, or manager.
4. Send a written report to the third-party reporting address established with the *Office of State Inspector General (OSIG)*.

**ATTN: PREA Coordinator
Office of State Inspector General
555 Walnut Street, 8th Floor
Harrisburg, PA 17101**

5. Have your family call to notify the facility or contact OSIG.

Reports can be made anonymously and by third parties.

NOTE: Written reports require processing time and may not prompt immediate action. If you need immediate attention, please notify a staff member or have your family contact the facility or OSIG.

Arrival at the Department of Corrections



Employees from the Department of Corrections (DOC) will work with you throughout your time in prison.

Upon your arrival at the DOC, you will be provided with an orientation, evaluated for physical and mental health needs, and evaluated to determine what factors contributed to you making decisions that led you to commit crimes. When this is done you will be given a prescribed program list and assigned to a home institution.

You will then be transferred to your home institution. It is very important that you pay attention during this time period so you understand what you must do to complete your sentence successfully.

What do I need to know when I first arrive at prison?

You were convicted in a court of law. Neither the DOC nor the Parole Board can change your conviction. **Both agencies are required to make decisions based on your conviction.** It is your right to appeal your conviction. If you are appealing, be aware the appeal does not affect DOC and Parole Board decisions. You must follow DOC's rules, do your prescribed programs, and not receive misconducts in order to best prepare for your parole interview.

What are MY responsibilities?

Start planning for your eventual reentry into society. Complete your required programming. Do not receive any misconducts while incarcerated.

What are DOC responsibilities?

DOC's primary responsibility is to ensure public safety by confining you for the duration of your incarceration. DOC is also responsible for providing opportunities for you to rehabilitate yourself so you are more likely to become a law abiding, productive member of society upon your release.

Why is DOC asking me so many questions and putting me through tests?

DOC conducts evaluations to determine treatment and programming and health needs. DOC needs to know your health needs so they can provide adequate care during your incarceration. DOC needs to know what factors contributed to you making decisions that led you to commit crimes so you can be encouraged to take programs that will reduce your risk of committing new crimes after you are released.

Why do I need to do DOC's prescribed programs?

Completing programming increases your chance to be paroled on your minimum date. Your prescribed program list is based on DOC's tests to determine your treatment needs.

If you do not try to complete **ALL** of your prescribed programs before your minimum date, the Parole Board is less likely to grant you parole at your minimum date.

Sex Offender Programming While Incarcerated

If you were convicted of a sex offense and you are not involved in sex offender programming while incarcerated, you will not be seen by the Parole Board until you are in programming. This is not a Parole

Board policy or rule. This requirement is cited in 42 Pa.C.S. § 9718.1. Additionally, this statute applies to crimes against minor victims and not all sex offenses.

How do I get into programs?

You will be placed on a waiting list at your institution for your prescribed programs. Priority for programs is given to those inmates closest to their minimum sentence date. You do not need to write to DOC staff to request to start your program(s). You will be notified when you are scheduled to start. Any questions or concerns you have about your program courses or participation needs to be discussed with your DOC counselor.

Why is remaining misconduct-free important to parole?

Incarcerated individuals need to remain misconduct free. The Parole Board looks at all misconducts, but generally expects people to be misconduct-free for at least a year before release. The Parole Board uses misconducts – this includes all Class 1 and Class 2 misconducts – as an indicator of whether or not an inmate has successfully adjusted to prison and can abide by rules governing his/her conduct. Any misconducts you had while housed in a county facility before you transferred to the SCI are also included in your misconduct report that is reviewed by the Parole Board decision makers.

Misconducts affect a person's chances for parole. The Parole Board reviews the entire misconduct record prior to the parole interview. Even if the misconducts are several years old, they may lead to the Parole Board's imposing stricter conditions of parole on the individual if the decision makers grant parole.

My original sentence minimum and maximum dates are wrong. Who do I contact?

You need to submit a request for sentence review to the inmate records office at your home facility – not the Parole Board.

I believe I'm innocent. What can I do?

You may talk with your private attorney or public defender and appeal your conviction, which is your right to do so. The Parole Board generally accepts your conviction as fact and bases its decision on what you have done to rehabilitate yourself so you will not re-offend in the future. While the Parole Board decision makers expect complete honesty during the interview, depending on the facts of the case, a claim of innocence could be viewed as a denial of responsibility and a lack of remorse. If you are appealing your conviction, you should state that to the interviewer.

If I am aware of a DOC or Parole Board staff member violating the law or abusing their position, how may I report this confidentially?

You may document the incident giving the date, time, and detailed description of what occurred and stating the names of those involved and send it to the address listed below:

PA Department of Corrections | Bureau of Investigations and Intelligence
1920 Technology Parkway | Mechanicsburg, PA 17050

How do I apply for a pardon?

See your DOC counselor for a pardons application. You may write the Board of Pardons to request an application:

PA Board of Pardons | 333 Market Street, 15th Floor | Harrisburg, PA 17126



Parole Consideration

When should I be seen by the Parole Board?

The Parole Board tries to interview every inmate approximately 4 months prior to your minimum date or 3 months prior to when you become eligible for re-parole. If you are within 4 months of, or past, your minimum date when you arrive at prison, you will be placed on the next available docket (the Parole Board's schedule of interviews each month).

Will transfers to another prison affect when I get interviewed for parole?

The Parole Board is notified every time you are transferred within the DOC. You will be placed on the next available interview schedule at any state correctional institution. If you are sent to a county prison for court appearances, your interview may be delayed until you return and the court provides new sentencing information.

Why wouldn't I be released on my minimum date?

Your minimum sentence date represents the minimum amount of time you must be incarcerated under DOC's control. You become *eligible* for parole release when you have served your minimum sentence.

In some Board Actions that grant parole, the Parole Board will parole you on a future date, which could be after your minimum based on the details of your specific case. As an example: Your minimum date is October 30, 2021, but the Board Action lists April 30, 2022 as the date you are to be paroled. This is not an error in the Board Action. It is part of the decision that was made by the Parole Board decision makers in your case.

It is the Parole Board's responsibility to determine whether you deserve to be on parole for any part of your sentence between your minimum and maximum sentence dates. The Parole Board's main consideration is whether or not you have reduced your risk of committing a new crime and can be safely supervised and managed in the community.

Short Sentence Parole (SSP)

Under Act 115 of 2019 (or the Justice Reinvestment Initiative 2 (JRI2)), Short Sentence Parole allows the Parole Board to parole an individual without requiring an interview at the end of the person's minimum date or RRR minimum date, whichever is shorter. If the person eligible for SSP was committed to a DOC facility after the expiration of his/her minimum date, the Parole Board will approve the person for parole without requiring an interview within 30 days after commitment to the facility.



Parole Interview Preparation

Parole interview preparation starts approximately 8 months prior to your minimum sentence date. DOC institutional parole staff will contact you approximately 5 months prior to your minimum date to do a pre-interview. They will ask you questions in order to make sure your parole file is complete prior to the interview with the Parole Board decision maker. This pre-interview will require you to provide your written version of the circumstances of your offense – what happened and why.

Parole interviews are held with one or more Parole Board decision makers face-to-face with you in the room. Usually this will consist of one Parole Board Member or Hearing Examiner. A second person, usually a Parole Board Member, will be video-linked to the interview. It is possible both decision makers may be video-linked to you and conduct the interview in this manner. You are to treat the video-linked person as if they were present in the room with you.

What should I have completed before my parole interview?

You should have submitted your written version of your offense, a proposed home plan, your employment plan or education options if known, paid your Crime Victims Compensation Fund fees, secured an official photo identification card, and paid as much victim restitution as possible.

Crime Victims Compensation Fund Payment Date

Amount Paid

Your Crime Victims Compensation Fund payment amount will depend on the date your offense was committed. This payment must be paid or you will not be released.

Date _____	Amount _____	Date _____	Amount _____
Date _____	Amount _____	Date _____	Amount _____
Date _____	Amount _____	Date _____	Amount _____
Date _____	Amount _____	Date _____	Amount _____

Official Photo Identification Card Receipt Date

Home Plan Submission Date

(Four months prior to your minimum date or scheduled month of review you should finalize your home plan proposal. A copy of a home plan form is found on page 31.)

During my parole interview, what do the Parole Board decision makers focus on?

Parole Board decision makers want to see that you have reduced your risk of re-offending. The person under consideration should:

- Take responsibility for the crime(s);
- Complete your prescribed programming;
- Make sure copies of all successful completion paperwork is given to the DOC institutional parole staff prior to your interview;
- Work on finding a job;
- Secure a place to live upon release that will help you be successful on parole;
- Show positive adjustment to prison by having no recent misconducts and receiving DOC’s recommendation for parole; and,
- Pay any victim restitution and costs and fines to the greatest extent possible while incarcerated.

What should I say and how should I act at my interview?

You should tell the truth when answering any questions, you are asked by the Parole Board Member or Hearing Examiner. You should act respectful and keep your tone of voice calm and be polite.

What is the Parole Board required to review when they review my case?

According to §6135(a) of the Parole Code, the Parole Board shall consider the following factors when a person is eligible for parole:

- The nature and circumstances of the offense committed.
- Any recommendations made by the trial judge and prosecuting attorney.
- The general character and background of the inmate.
- Participation by an inmate sentenced after February 19, 1999, and who is serving a sentence for a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses) in a victim impact education program offered by the Department of Corrections.
- The written or personal statement of the testimony of the victim or the victim's family submitted under section 6140 (relating to victim statements, testimony and participation in hearing).
- The notes of testimony of the sentencing hearing, if any, together with such additional information regarding the nature and circumstances of the offense committed for which sentence was imposed as may be available.
- The conduct of the person while in prison and his/her physical, mental and behavioral condition and history, his/her history of family violence and his/her complete criminal record.

During the parole interview, Parole Board decision makers look for whether you have insight into why you committed the crime and an understanding of the harm you caused to the victim. Standard, “automatic” responses like “I accept full responsibility for my crime” or “I would take it back if I could” are not helpful in demonstrating insight. Decision makers look for realistic, specific plans for living in the community after release, including an indication you have thought through the challenges you will face after incarceration. Detailed plans for maintaining sobriety are important for anyone whose addictions underlie their criminal conduct.

If you have done your programming, received no misconducts and are honest, you have an increased probability of being paroled. You will always receive a fair interview. This is your opportunity to explain why you should be paroled.

If my programs are not complete because I was recently transferred or because I have been on the waiting list for a long time and just got into the program, will this affect my parole?

It depends on your risk and the type of programming needed. If you are currently in the program, the Parole Board may parole you upon completion of the program.

I’m past my minimum sentence date and have been told I cannot see the Parole Board. Why?

You may be ineligible to see the Parole Board if you: are in Restricted Housing Unit (RHU) status; have open/pending criminal charges; have not participated in or completed sex offender treatment as required; or your file lacks a needed document such as an official version of your crime, psychological test results, or other documentation.

Will I be paroled? What are my chances for parole?

Your chances for parole depend on several factors. Your DOC institutional parole agent and counselor cannot answer this question. Only Parole Board Members and Hearing Examiners have the authority to vote to grant or deny parole. Your answer will be in your Board Action you will receive after your interview.



Home Plans

Who submits my home plan?

Developing a home plan that can be approved is your responsibility. Proposed home plans must start with you while you are at the SCI. You need to work with DOC parole institutional staff to start this process.

Who does the home plan investigations?

Parole supervision staff in the community investigate and approve/disapprove of the home plan. **None of this process is conducted by the Parole Board. The entire home plan process is under the administration of the DOC.**

When will my home plan be checked out?

Your home plan proposal may be submitted by DOC institutional parole staff to parole staff in the field for their investigation after you have your interview with the Parole Board decision makers. This is a **preliminary** investigation and is part of the parole process. Submission of your home plan **does not guarantee that you are going to be paroled**. For various reasons, home plan investigations may take up to 30-45 days to complete for an in-state (Pennsylvania) home plan. DOC SCI parole agents are trying to be proactive by doing this before an official Parole Board decision is made to assist with the release process on decisions granting parole. Having your home plan already approved will help speed up your release from the SCI **IF** you receive a Board Action that grants parole. A copy of a home plan form is on page 31.

What do I do if my home plan is not approved?

Questions about your home plan status need to be answered by either DOC SCI parole agents or the parole supervision staff in the community. The parole agent who conducted the home plan review provides contact information when the home plan is investigated. This person should be contacted for home plan status updates by your family members, loved ones or friends – not the Parole Board.

How do I apply to live in another state after release?

Interstate home plans must be submitted through your DOC institutional parole agent. Interstate transfer applications require a non-refundable application fee of \$125 at the time of application. If you submit plans for more than one state, each application needs the \$125 fee. The fee applies to each application whether the home plan is accepted or not approved. The person in the other state who will be your home provider will need to submit a letter of financial responsibility stating they will provide for your food and housing needs until you are able to provide for yourself. The entire interstate home plan process is under the administration of the Department of Corrections.



The Voting Process

What is the Parole Board's voting process?

For voting purposes, the Parole Board uses these groups based on your current offense:

Group 1 – Majority Vote Offenses (i.e. murder, homicide by vehicle, sex offenses and involuntary/voluntary manslaughter)

The majority of the Parole Board Members must vote YES for you to be paroled. For these types of cases, inmates are interviewed jointly by two Parole Board Members, **OR** one Parole Board Member and one Hearing Examiner. Typically, these cases take longer to process Board Actions because of the individual reviews that must be done by multiple decision makers to reach a majority of positive votes to parole.

Group 2 – Panel Offenses

Individuals need two YES votes from a panel of Parole Board Decision Makers. A Panel consists of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

Group 3 – Recidivism Risk Reduction Incentive (RRRI)

RRRI-eligible inmates may be paroled if they receive a YES vote from a Hearing Examiner.



Understanding Your Board Action

The Board Action, also called a Board Decision, is the official document that either grants or denies parole along with the reasons for the decision. These documents are often referred to as a “green sheet”, because years ago, they used to be printed on green paper; now they are on white paper. The Board Action is the only PUBLIC document produced by the Parole Board.

If you are granted parole, the Board Action will state the special conditions of parole you must comply with after your release. Special conditions of parole are rules you need to live by the entire time you are under parole supervision. These rules are not the same for every parolee. They are tailored specifically to you and your risks. These special conditions are in addition to the general conditions of parole all parolees must obey. The general conditions are listed on page 32.

Explanation of Parole Denial

If the parole denial contains a general statement that says the inmate does not demonstrate a motivation for success, it means that neither the completion of programs nor the interview statements show the inmate seems prepared to succeed as a law-abiding citizen.

If the parole denial contains a general statement regarding risk and needs assessment, it means the inmate has a high risk of re-offending according to his/her evaluations.

If the parole denial contains a general statement regarding lack of remorse or not taking responsibility for the crime(s), it means the statements and actions during the parole interview, including the inmate’s written statement, gave the impression the inmate does not care about the impact of his/her actions on other people and society.

Explanation of Parole Approval

If the parole decision grants parole, the Board Action will highlight the reasons for the approval. The Board Action also spells out the individual’s parole conditions.

If the Board Action contains “parole to detainer” language, this means the inmate is not being released. It is a grant of parole to a detainer sentence, which is a sentence separate from the one the inmate is currently serving. The detainer ensures when the inmate has been paroled on the present sentence, the inmate will be turned over to the authority imposing the detainer sentence to serve the next sentence, rather than being released from confinement. It means the inmate is allowed to start serving the other Pennsylvania sentence while on parole or will be sent to the other jurisdiction, which lodged the detainer, to address that situation.

Parole release is not immediate when an inmate receives a Board Action granting parole. There are several things that need to occur before the inmate is released to parole supervision. After parole is granted, the inmate needs to work with the institutional parole agent to determine what criteria must be met before release.

If the Board Action/Decision contains conditions that must be fulfilled before an inmate is released, they must complete them before any release processing will begin. Inmates must also remain misconduct free. Any detainers or new charges may delay or invalidate an inmate’s parole.

What does a “when available” Board Action mean?

“When available” is language indicating that an incarcerated individual is not yet available to begin serving the backtime imposed for his/her parole revocation.

Can I appeal a Board Action denying parole?

No. Under Pennsylvania law, parole is a privilege not a right. Courts have consistently stated that a denial of parole is not able to be appealed.

Can I appeal a condition of parole or ask for it to be lifted at a later date?

Yes. You may request that the Parole Board reconsider any condition if circumstances change. This appeal process is internal to the Parole Board. You must ask your parole agent to submit a ‘Memo to the Board’ requesting the change and giving your justification. The decision of the Parole Board is final. You cannot appeal a special condition of parole through the court system. It is more likely that the Parole Board will consider lifting a condition of parole if you have served at least one year under parole supervision with no violations.

If you are still in prison and you have documentation to prove a condition may not be applicable to you, you may provide a copy to the DOC institutional parole agent and ask them to send the information to the Parole Board for consideration. However, realize that while your request is being considered, all work on your release processing will be delayed until a decision is made by the Parole Board regarding the request.

Who determines what programming I have to do after release from the SCI?

Your community programming is determined in two ways:

1. If a Parole Board Member, as a result of your parole interview determines you are in need for programming in the community, the Parole Board Member may impose this programming in the form of a Parole Board imposed condition of parole. This programming is considered “Mandatory” and only a Parole Board Member who imposed the condition may remove it. You

must comply with any Parole Board imposed conditions of parole, or you may be held in violation.

2. Your supervising parole agent will, on an annual basis, conduct a risk and needs assessment. This assessment will become part of your overall supervision plan and contribute to determining your level of supervision and identify any treatment and/or other areas of need requiring a community intervention or programming. Your supervising parole agent will make the necessary referrals to community providers, if appropriate, issue you an instruction or impose a field condition of parole regarding the identified area of need. Your supervising parole agent will monitor your progress and make any necessary adjustments to your supervision plan on a recurring basis.


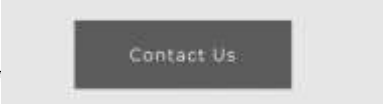
Getting a Board Action Copy


The Board Action will tell the inmate whether they have been granted or denied parole and the reasons for the decision. The initial parole and re-parole decisions can **generally** take up to 6 weeks to process from the date of the parole interview depending on the circumstances of the individual case.

According to Parole Board policy, you must receive a copy of the final Board Action **FIRST** before it can be released to the general public, even if those requesting it are family members, loved ones or friends. **YOU NEED TO CHECK WITH YOUR DOC INSTITUTIONAL PAROLE AGENT ABOUT YOUR BOARD ACTION.** If your family members, loved ones or friends email or call the Parole Board to get a copy before you have it, a copy cannot be provided, and their requests for one will not speed up the process to get the final decision.

To Get a Board Action Copy

Family members, loved ones, friends and attorneys for all incarcerated individuals may:

<p>Email:</p> 	<p>Go to the home page for the Parole Board's website at www.parole.pa.gov Go to the bottom of the page. Select the dark blue icon CONTACT US. Submit your request.</p> 
--	---

<p>Write:</p> 	<p>Write a letter to the following address and request a copy: Parole Board Board Secretary Office 1101 South Front Street Suite 5300 Harrisburg, PA 17104-2517</p>
--	---

PLEASE BE PATIENT. The length of time needed to process a Board Action depends on each individual case.



The Parole Release Process

What Happens After Parole Is Granted?

Parole release is not immediate when you receive your Board Action granting you parole. There may be several things that need to occur before you are released to parole supervision. Your DOC institutional

agent will go over what steps apply to your case when you are given your Board Action. You will also be given an estimate of how long the process may take. You must also remain misconduct free. Any detainers or new charges may delay or invalidate your parole.

When you receive a Board Action/Decision granting parole, there are other release requirements that were listed on page 6 which take additional time. You may have other requirements stated in your Board Action. You will be working with your DOC SCI parole agent to verify which release requirements apply to you.

PLEASE NOTE: An in-state (Pennsylvania) home plan is valid for 150 days.

An out-of-state home plan is valid for 120 days.

A urine test is good for 45 days from the date collected.

How long until I get released?

It depends. Legally you cannot be released on parole prior to your minimum sentence date. If you have completed all required programming, have an approved home plan or CCC bed date, and have no detainers, release will occur within a reasonable time frame.

My family needs me out to help now. Why aren't my family needs considered?

An inmate may not be released until all legal requirements are met. Release is not allowed to be determined based on outside events, but only when all requirements are met.

Why should I get a photo ID before I am released?

Most employers will require you to have a government-issued photo ID. You also need a government-issued photo ID to access all government programs including social security, medical assistance, and welfare. You can, and should, authorize DOC to allow money to be deducted from your inmate account to obtain a copy of your birth certificate and a photo ID card. Your inmate ID is not acceptable when you walk out the gate.

How do I get into a half-way house?

A community corrections center (CCC), often called a halfway house, is a residency under the jurisdiction of the DOC. To be placed in a CCC, DOC's Bureau of Community Corrections (BCC) must approve your placement and provide a bed date. This will be requested for you by DOC institutional parole staff if your Board Action/Decision states you are paroled to a CCC. The DOC is responsible for placing inmates at community corrections centers. The Parole Board encourages each inmate to work with his/her DOC institutional parole agent to develop an approved home plan in order to expedite placement.

When will I get a bed date and what CCC will I go to?

The BCC controls the location and times for bed dates. You may check with your corrections counselor or the DOC institutional parole agent if you have not received a bed date within one month of receiving your paroling Board Action.

Parole Supervision



How does supervision work?

Your DOC institutional agent will review your parole conditions with you before you are released. After you report to your supervising district office, these conditions will be reviewed with you a second time. Each time you must sign a document stating that you understand the conditions. You must abide by the law and follow all of your parole conditions. Supervision will end when your maximum sentence date arrives.

Within 24 hours of release from prison, you must appear in person at the district office where your parole agent reports if you are going directly to a home plan. If you are paroled to a CCC, you will be seen by the agent assigned to the CCC and told when to report to the district office.

Your agent is your first point of contact regarding any problems you encounter while on parole. Your agent is responsible for helping guide you in making decisions which will keep you out of prison. The agent is also responsible for enforcing your conditions of parole. You and your parole agent need to develop a relationship based on honesty and respect. Additionally, within your first week of release, you will also be contacted by a specialized Community Reentry Agent. This agent will help you on various things like community resources or employment.

You are expected to work and complete all required programs while you are on parole.

If you are arrested for a crime while on parole or you are accused of assaultive behavior against another person or possession of a weapon, you will most likely be returned to prison. Other violations of your parole may or may not result in re-incarceration depending on what the violation is and if it's a repeat behavior. All violations will result in a sanction ranging from curfew, increased urine testing, or attending programming to being placed in an in-patient treatment or technical parole violator center.

What happens if I stop reporting to my parole agent?

If you stop meeting with your agent, you are considered a parole absconder. When you are declared an absconder, a nation-wide warrant will be issued for your arrest. You may lose all credit or "street time" from the time when you were released from prison until the time you are re-arrested. This time may be added back to your sentence if you are returned to prison. If you are convicted of a new crime while on parole, you may lose all of the time you were on the street.

How do I file an appeal or request to have a condition of supervision changed or removed?

If you are under parole supervision, you submit a request for the change of condition to your parole agent. If your parole agent denies your request, you may appeal it to the agent's supervisor. If the supervisor denies your request, you may appeal it to the district director, regional director and the Deputy Secretary of Field Services. If it is a mandatory condition placed on you by the Parole Board, the appeal request must go to the Parole Board for removal. This process is done by your parole agent.

What must I do to successfully complete parole?

You must comply with all of your conditions of parole and not commit a new crime.

Am I allowed to contact my local, state and federal elected officials regarding parole issues?

Yes. You may contact these officials regarding any issue. You do not need to tell your parole agent of this contact nor may the parole agent retaliate in any way due to such contact.

May I vote while on parole?

Yes. You may register and vote in any local, state, or national election while on parole in Pennsylvania.

I have served my maximum sentence. Why am I being told I will be supervised by a state parole agent?

You are a county “special probation” case. You have a county probation sentence that follows your state prison sentence. Judges are allowed to ask DOC parole staff to supervise any county probation or county parole case if certain conditions exist. Inmates serving such sentences must abide by any conditions the judge sets on their case. These will, at a minimum, include the Parole Board’s general conditions of parole.



Violations of Parole

There are two types of state parole violators: convicted and technical.

Technical Parole Violator (TPV)

A TPV is a person under parole supervision who violates the terms and conditions of parole. TPV examples include: breaking curfew, moving without permission, failing to report as instructed, or unauthorized contact with a victim. Some of these violations may be sanctioned by additional parole restrictions, treatment program participation or be recommitted to prison, depending on the severity and frequency of the violation

Convicted Parole Violator (CPV)

A CPV is a parolee who violates parole by committing a new crime while on parole **OR** while delinquent on parole.

Individuals are detained in prison under a Department of Corrections’ warrant until his/her new criminal charges have been settled – even if the person posts bail. If the crime is a non-violent offense, the Parole Board has the discretion to take “street” time the person spent on parole supervision. For a violent offense, the person loses all “street” time spent on parole, which leads to a sentence recalculation and a parole violation maximum expiration date.

Violation Hearings

You have a right to both a first and second level hearing as part of your due process rights. You may also waive these rights to these hearings.

For each of the four types of hearings, you are given the rights below both verbally and in writing. You have the right to:

- Disclosure of evidence in support of the violations charged against them.
- Speak, have voluntary witnesses appear on their behalf and present affidavits and other evidence.
- Cross-examine adverse witnesses.

- Be represented by counsel. If a person cannot afford counsel, they may request counsel from the public defender of the county in which they are incarcerated. There is no penalty for requesting counsel.
- Request a continuance of the hearing for a good cause.



FIRST LEVEL HEARING - Preliminary Hearings

What is a Preliminary Hearing?

A first level hearing held for individuals with technical parole violations.

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a hearing must be held before a parolee can be detained for a violation of parole.

When are these hearings held?

They are held within 14 days of the person's detention on the Department of Corrections' warrant.

Who makes the decision in this type of hearing?

A Hearing Examiner. A Hearing Examiner is a Parole Board decision maker empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board.

How long does it take to reach a decision and how is it given to the inmate?

If the hearing is held, a decision on probable cause is announced at the conclusion of the hearing and the written decision confirming the probable cause decision is completed within a few days. A Board Action is typically **NOT** issued following a preliminary hearing. If the Hearing Examiner finds that none of the alleged violations were supported by probable cause, you will be released as soon as possible. If the Hearing Examiner determines that probable cause exists, a violation (second level) hearing will be scheduled to determine if you are guilty of the violations.

Can the decision be appealed?

The decision after a Preliminary Hearing **CANNOT** be appealed. The Parole Board regulation authorizing requests for administrative relief only applies to parole revocation decisions and recalculations based on those actions.



FIRST LEVEL HEARING - Detention Hearings

What is a Detention Hearing?

A first level hearing held for individuals with new criminal charges that would be a violation of parole.

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a hearing must be held before a parolee can be detained for a violation of parole.

When are these hearings held?

They are held within 30 days of the person's detention on the Department of Corrections' warrant.

A detention hearing is not required to be held by the Parole Board if a district justice conducts a criminal preliminary hearing or the person waives a criminal preliminary hearing and the new charges are held for court. Also, if the individual has already been convicted of the new criminal offense, a hearing is not required to be held.

Who makes the decision in this type of hearing?

A Hearing Examiner conducts this hearing. A Hearing Examiner is a Parole Board decision maker empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board. The final decision requires a second vote from a Parole Board member.

How long does it take to reach a decision and how is it given to the inmate?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility.

Can the decision be appealed?

The decision after a Detention Hearing **CANNOT** be appealed. The Parole Board regulation authorizing requests for administrative relief only applies to parole revocation decisions and recalculations based on those actions.

The burden of proof for both preliminary and detention hearings is "probable cause." This means there is a reasonable basis to find that you violated your parole. These hearings may not be needed under certain circumstances.



SECOND LEVEL HEARING - Violation Hearings

What is a violation hearing?

It is a second level hearing to determine whether or not a parolee violated the general or special conditions of their parole (technical parole violator).

Why is this hearing held?

This hearing is required to be held pursuant to the United States Constitution and the Parole Board's regulations, which provide that a parolee is entitled to due process before they can be recommitted for a violation of parole.

When are these hearings held?

This hearing is held within 120 days of the preliminary hearing. A parolee may waive this hearing.

FICTIONAL EXAMPLE: *If John had his preliminary hearing on 01.02.2021 or waived it on that day, the Parole Board has 120 days from that date to hold his violation hearing (i.e. 05.01.2021). If the 120th day falls on a legal holiday or a weekend, the last day to hold the hearing is the next business day. **Please note: This is a general rule. Some limited exceptions may change this timeframe.***

Who makes the decision in this type of hearing?

The hearing is presided over by a Hearing Examiner OR a panel consisting of a Hearing Examiner and a Board Member. The decision is made in panels of two. If there is a disagreement in the revocation panel, the case is decided by Board Members appointed by the Chairperson or the Chairperson's designee with two of the Board Members not on the original hearing panel.

How long does it take to reach a decision?

A decision is usually completed within 8 weeks of the hearing.

What does the date listed in the Board Action mean?

In the Board Action, an automatic parole date will be listed: YOU ARE REPAROLED AUTOMATICALLY WITHOUT FURTHER ACTION OF THE BOARD ON MM/DD/YYYY. This date is the automatic parole date. A technical parole violator will be released no later than the automatic parole date unless their automatic parole is rescinded.

How is the decision given to the inmate?

This varies based upon the hearing and decision made. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility. According to policy, the inmate must receive a copy of the final Board Action first before it can be released to the general public, even if those requesting a copy are family or friends.

Can the decision be appealed?

Either you or your attorney may appeal a revocation/recalculation decision – no family members, loved ones or friends may do so. You have 30 days from the mailing date of the Parole Board's order to appeal this decision to the Parole Board. When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.



SECOND LEVEL HEARING - Revocation Hearings

What is a revocation hearing?

This type of hearing is required by the U.S. Constitution and the Parole Board's regulations.

This hearing is held for individuals who have committed a criminal act while on parole or while delinquent on parole (convicted parole violator) and are convicted or found guilty by a judge or jury or to which the person pleads guilty or no contest in a court of record of a crime punishable by imprisonment.

When are these hearings held?

This hearing is held EITHER within 120 days from the date the Parole Board receives official verification of the plea of guilty, no contest plea or guilty verdict at the highest trial court level OR within 120 days of the date the Parole Board receives official verification of your return to a Pennsylvania state correctional institution depending on the circumstances. The 120-day "clock" for official verification begins when the Parole Board receives the paperwork that verifies an individual was convicted – NOT when the person goes back to prison on the violation. You may waive this hearing right.

FICTIONAL EXAMPLE: John returned to an SCI on 01.02.2021 and is sent out on writ (formal written document used to elicit a hearing by the court) to the county prison on 01.30.2021. John is convicted of Robbery (F1) on 01.31.2021 and returned to the SCI on 01.31.2021. The supervising agent learns of the conviction on 02.07.2021 but does not receive paperwork attesting to the conviction from the court until 02.12.2021. Based on these facts, the Parole Board has 120 days from the date the agent received the paperwork attesting to the conviction to conduct the revocation hearing (i.e. 06.11.2021). If the 120th day falls on a legal holiday or a weekend, the last day to hold the hearing is the next business day. **Please note: This is a general rule. Some limited exceptions may change this timeframe.**

Who makes the decision in this type of hearing?

The hearings can be presided over by a Hearing Examiner alone or a panel consisting of a Hearing Examiner and a Parole Board Member.

How long does it take to reach a decision?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility. According to Parole Board policy, you must receive a copy of the final Board Action first before your family members, loved ones or friends.

What does the date listed in the Board Action mean?

In the Board Action, a line in the document will state: NOT ELIGIBLE FOR REPAROLE UNTIL [a date listed by MM/DD/YYYY]. This date is **NOT** the date when the inmate is being released on reparole. It is the date when the recommitment term imposed by the Parole Board in the prior Board Action ends. The Parole Board may review the inmate again on or after that date, but it does not create any right to be released on that date. After the review by the decision makers, another Board Action must be generated that will either grant or deny parole to the inmate.

How is the decision given to the inmate?

This varies based upon the hearing and decision made. You should have a decision within 8 weeks. The Parole Board will send notice of its determination to you directly and to the attorney who represented you at the hearing if you had one. You will receive your copy by an electronic transmission to the facility.

Can the decision be appealed?

Either you or your attorney may appeal a revocation/recalculation decision – no family members, loved ones or friends may do so. You have 30 days from the mailing date of the Parole Board’s order to appeal this decision to the Parole Board. When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.

The burden of proof for both violation and revocation hearings is “preponderance of the evidence.” This means there is a reasonable basis to find that it is more likely than not that the event took place and you violated your parole.

Challenges to Parole Decisions



Under Pennsylvania law, parole is a privilege, not a right. Courts have consistently stated that **a denial of parole is not able to be appealed through the Parole Board's administrative appeal process or the court system.**

If a problem happens or a question needs answered about the conditions of parole/reparole for a person on parole supervision in the community, he/she needs to talk with the parole supervision staff, starting with his/her assigned DOC parole agent or other parole supervision staff. The DOC parole agent will assist with any explanations of individual parole/reparole conditions.

THE PAROLE APPLICATION

A Parole Application (PB 41) is a written request seeking parole consideration from the Parole Board by an inmate/parolee. The inmate/parolee or his/her attorney should use the Parole Board's official Parole Application Form (PB 41) for submission.

The Parole Board is not required to consider an application that is submitted: (1) six months prior to the inmate's minimum sentence date; or (2) within periods specified by the date a Board Action was recorded after a parole interview or hearing, per 61 Pa.C.S. § 6139. **Three-year review crimes include:** murder, voluntary manslaughter, kidnapping, trafficking in individuals, involuntary servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, incest and individuals designated as a sexually violent predator under 42 P.a. C.S. Ch. 97 Subch. H (sex offender registration) or I (continued sex offender registration). **Five-year review crimes include:** inmate sentenced under 18 PA. C.S. § 1102.1 (sentence of persons under the age of 18 for murder, murder of an unborn child, and murder of a law enforcement officer).

The Parole Application (PB 41) should be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104. After the application is received, it will be reviewed for eligibility.

Parole Violations

If a person is arrested on new criminal charges, the Parole Board has the authority to lodge a detainer against the parolee which will prevent his/her release from custody, pending disposition of those charges, even though the person may have posted bail or was released on his/her own recognizance from those charges.

If a person violates a condition of parole/reparole and, after the appropriate hearing(s), the Parole Board decides that he/she is in violation of a parole/reparole condition, the person may be recommitted to prison for a period of time specified by the Parole Board.

If a person is convicted of a crime committed while on parole/reparole, the Parole Board has the authority, after an appropriate hearing, to recommit the person to serve the balance of the sentence(s) which he/she was serving when paroled/reparoled, with no credit for time at liberty on parole.

If a person thinks any of his/her rights have been violated as a result of their parole supervision, the person needs to submit a timely complaint in writing, first to the district director of the district office where the person is under parole supervision. If the complaint is not resolved to a person's satisfaction,

a complaint may be submitted in writing to the Department of Corrections, Office of Parole Field Services, 1101 South Front St. Suite 5400, Harrisburg, PA 17104-2520.

ADMINISTRATIVE REMEDIES PROCESS

If the Board Action text states the following, it is language that involves the Administrative Remedies Process:

THIS DECISION INVOLVES AN ISSUE THAT IS SUBJECT TO THE BOARD'S ADMINISTRATIVE REMEDIES PROCESS. SEE 37 PA. CODE SEC. 73. FAILURE TO ADMINISTRATIVELY APPEAL THE DECISION MAY AFFECT YOUR LEGAL RIGHTS. IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS (30) OF THE RECEIPT OF THE BOARD DECISION BY THE INMATE. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASES FOR THE ALLEGATIONS. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. YOU MAY BE ENTITLED TO COUNSEL FROM THE PUBLIC DEFENDER'S OFFICE AT NO COST.

Administrative Appeal

An administrative appeal is an administrative remedy limited to challenges of a Parole Board Revocation Decision; evidentiary Decision on Confinement Credit (i.e. *Cox* decision), Evidentiary Decision on Bail Issues (i.e. *Pierce* decision); and Rescission Hearings (after the inmate has been released on parole).

The Administrative Appeal request must be received at the Parole Board's Central Office within 30 days of the mailing date on the Board Action. The request must be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104.

The request may be submitted on the Administrative Remedies Form (PB 40) or any legible paper source that contains the same information as Form PB 40. The request may only be submitted by the inmate/parolee or the inmate/parolee's attorney. The request must present factual and/or legal claims the inmate/parolee wants the Parole Board to consider with accuracy, brevity, clearness and specificity (including any supporting documentation).

When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal. The scope of review of an appeal is limited to whether the decision is supported by substantial evidence, an error of law has been committed or there has been a violation of constitutional law.

The failure to file an appeal with brevity, accuracy, and clarity of what is essential to an adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the appeal. Subsequent or second appeals that are not filed in a timely manner will not be received.

Petition for Administrative Review

Petition for Administrative Review (PAR) is defined as challenges of sentence credit, order of sentences, and reparole eligibility dates, as well as authority/jurisdiction claims, requests for evidentiary hearings or challenges of credit for time in Community Correction Centers, and presumptive range challenges.

The PAR must be received at the Parole Board's Central Office within 30 days of the mailing date on the Board Action. The request must be mailed to: PA Parole Board, Board Secretary Office, 1101 South Front Street, Suite 5300, Harrisburg, PA 17104.

The request may be submitted on the Administrative Remedies Form (PB 40) or any legible paper source that contains the same information as Form PB 40. The request may only be submitted by the inmate/parolee or the inmate/parolee's attorney. The request must present factual and/or legal claims the inmate/parolee wants the Parole Board to consider with accuracy, brevity, clearness and specificity (including any supporting documentation).

When a timely appeal of a revocation decision has been filed, the revocation decision will not be final for an appeal to a court until the Parole Board has mailed its decision on the appeal.

The failure to file an appeal with brevity, accuracy, and clarity of what is essential to an adequate understanding of the factual and legal points requiring consideration will be a sufficient reason for denying the appeal. Subsequent or second appeals that are not filed in a timely manner will not be received.



Recommitments and Sentence Recalculations

CPVs are not entitled to credit for time at liberty on parole; however, the Parole Board has discretion to award credit unless the new criminal offense is one of the crimes specified in 6138(a)(2.1) which include:

- Murder - 3rd Degree
- Voluntary Manslaughter
- Manslaughter of a Law Enforcement Officer
- Murder - 3rd Degree Involving an Unborn Child
- Aggravated Assault of an Unborn Child
- Aggravated Assault, graded as a felony of the 1st Degree
- Assault of Law Enforcement Officer
- Use of Weapons of Mass Destruction
- Terrorism
- Kidnapping
- Drug Delivery Resulting in Death
- Trafficking of Persons
- Rape
- Involuntary Deviate Sexual Intercourse
- Arson Endangering Persons
- Burglary
- Robbery, graded as a felony of the 1st Degree
- Robbery of a Motor Vehicle
- Sexual Assault
- Aggravated Indecent Assault
- Ecoterrorism
- Incest
- Criminal Attempt, Conspiracy or Solicitation to Commit any of the offenses listed here
- Any crime requiring registration under 42 PA.C.S. Cha. 97 (relating to registration of sexual offenders)

TPVs shall be given credit for the time served on parole, but with no credit for delinquent time.

Act 122 of 2012



As a result of Act 122 of 2012, there are three tracks for management of a technical parole violator.

TRACK 1

Reentrants whose recommitment (by a recorded Parole Board decision) that occurred before January 1, 2013, are NOT affected by Act 122. These reentrants may be recommitted to serve the remainder of their sentence.

TRACK 2

If any of the following types of violations occur, the reentrant will be detained in or recommitted to a state correctional institution (SCI) or a contracted county jail (CCJ). A reentrant recommitted for any of these violations can be recommitted for up to six months for the first recommitment, up to nine months for the second recommitment, and up to one year for the third and subsequent recommitments:

1. The violation was sexual in nature.
2. The violation involved assaultive behavior or a credible threat to cause bodily injury to another.
3. The violation involved possession or control of a weapon.
4. The reentrant absconded, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility or contracted by the Department.
5. There exists an identifiable threat to public safety, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.
6. The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the reentrant cannot be safely diverted to a community corrections center, community corrections facility or any secured facility operated or contracted by the Department of Corrections.

At the end of the commitment period, the reentrant is automatically re-paroled, unless during the commitment the reentrant committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon or controlled substances; spent more than 90 days in segregated housing due to one or more disciplinary infractions; or refused programming or a work assignment.

TRACK 3

Technical parole violators will be placed in a secure parole violator center (PVC). In a parole violator center, reentrants are not permitted to leave the center without an official escort.

PVCs are designed to focus on providing immediate treatment and programming that is specific to each reentrants circumstance. The goal of parole supervision is to quickly address the circumstances that caused the reentrant to violate the conditions of parole and to facilitate behavior change in order to help reentrant's successfully complete parole and lead a law-abiding lifestyle.

The length of stay is dependent on reentrant programming needs and commitment to satisfying the requirements of the program and satisfactory adjustment while at the center. The maximum period of custody is six months.

If you refuse programming assessment or are refusing programming a memo will be sent to the Parole Board and your automatic reparole date may be revoked.

Home Plan Form



Reentrant	DOC #	Parole #	Date

Potential Home Provider Information (To be filled out by reentrant)

Name	
Relationship	
Address	
Phone #	
Landlord Name	
Landlord Phone #	

Questions to Ask the Potential Home Provider (To be filled out by parole staff)

Question	YES	NO
Do you own any firearms you are not willing to relinquish while the reentrant is residing in your home? <i>-If YES, do not submit the plan for investigation.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Do you reside in Section 8 or receive any federal housing assistance? <i>-If YES, is the reentrant formally listed on the lease agreement?</i> <i>-If NOT on the lease agreement, do not submit for investigation.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is the owner/landlord of the property aware the reentrant wants to reside at this property and have they been made aware of the reentrant's current criminal conviction and criminal history? <i>-If YES, contact the owner/landlord</i> <i>-If NO, advise home provider that they are to inform the owner/landlord of the situation prior to the investigation being conducted. Do not submit home plan until this is verified.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Does anyone in the residence have open (felony) criminal charges or a bench warrant in place? <i>-If YES, do not submit home plan</i>	<input type="checkbox"/>	<input type="checkbox"/>

1 st Attempt:		Message left via:	
--------------------------	--	-------------------	--

2 nd Attempt:		Message left via:	
--------------------------	--	-------------------	--

Information verified by:	Date:

General Conditions of Parole

- Must be under the supervision of a district office or sub-office and not leave that district without prior written permission of the supervising parole agent.
- Must obtain prior written permission of the supervising parole agent in order to change residence.
- Must maintain regular contact with the parole agent by:
 1. Reporting regularly as instructed and following written instructions of agent.
 2. Notifying agent within 72 hours of an arrest, receipt of a summons, citation or offenses punishable by imprisonment.
 3. Notifying agent within 72 hours of a change in status including employment, on-the-job training and education.
- Must comply with all municipal, county, state and federal criminal laws, as well as the provisions of the Vehicle Code (75 Pa C.S. § 101 et seq.), and the Liquor Code (47 P.S. § 1-101 et seq.)
- Must:
 - Abstain from the unlawful possession or sale of narcotics and dangerous drugs and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. § 780-101 et seq.) without a valid prescription;
 - Refrain from owning or possessing any firearms or other weapons; and
 - Refrain from any assaultive behavior.
- Must pay fines, costs, and restitution imposed on you by the sentencing court. You shall establish with appropriate county authorities within thirty (30) days of your release from prison a payment schedule for the fines, costs and restitution owed for those cases for which you are now on state parole. Thereafter, you shall:
 - Pay these obligations according to the established payment schedule or as ordered by the court;
 - Provide proof of such payment to parole supervision staff; and
 - Keep the parole supervision staff and the court informed of any changes in your financial ability to pay fines, costs and restitution.
- You shall comply with the special conditions of parole imposed by the Parole Board and with special conditions imposed by the parole supervision staff.

If problems arise or questions occur concerning the conditions of your parole/reparole, consult with the parole supervision staff. They will help you in the interpretation of the Conditions of Parole/Reparole.

If you are arrested on new criminal charges, the Parole Board has the authority to lodge a detainer against you which will prevent your release from custody, pending disposition of those charges, even though you may have posted bail or been released on your own recognizance from those charges.

If you violate a condition of your parole/reparole and, after the appropriate hearing(s), the Parole Board decides that you are in violation of a condition of your parole/reparole, you may be recommitted to prison for such time as may be specified by the Parole Board.

If you are convicted of a crime committed while on parole/reparole, the Parole Board has the authority, after an appropriate hearing, to recommit you to serve the balance of the sentence or sentences which you were serving when paroled/reparoled, with no credit for time at liberty on parole.

If you think that any of your rights have been violated as a result of your parole supervision, you may submit a timely complaint in writing, first to the district director of the district office under which you are being supervised. If your complaint is not resolved to your satisfaction, you may then submit your complaint in writing to the regional director. If the complaint remains unresolved, you may submit a written request to the DOC Deputy Secretary of Field Services. The address for the DOC Deputy Secretary of Field Services is 1101 South Front St., Harrisburg, Pennsylvania 17104.

In consideration of being granted the privilege of parole/reparole by the Pennsylvania Parole Board, I hereby agree that: if I am ever charged with a parole violation arising out of my conduct while in a jurisdiction other than the Commonwealth of Pennsylvania, the revocation of my parole for that violation may be based solely on documentary evidence and I hereby waive any right to confront or cross-examine any person who prepared any such documentary evidence or who supplied information used in its preparation.

I expressly waive extradition to the Commonwealth of Pennsylvania from any jurisdiction in or outside of the United States, where I may be found, and shall not contest any effort by any jurisdiction to return me to the United States or to the Commonwealth of Pennsylvania; and I expressly consent to the search of my person, property and residence, without a warrant by agents of the Pennsylvania Parole Board. Any items, in the possession of which constitutes a violation of parole/reparole shall be subject to seizure, and may be used as evidence in the parole revocation process.

Pennsylvania Parole Board
© 2022 All rights reserved