

Understanding Pennsylvania Parole

pa board of probation and parole

The Parole Board was established by the Parole Act of 1941, which states “The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.”

The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole offenders sentenced to two years or more and offenders requested by the court for special probation.

The Board’s primary goal is to protect the safety of the public through effective parole decisions and proper supervision and management of offenders who are returning to their communities. Successful reentry of an offender can reduce the likelihood that offenders will victimize anyone else and ultimately return to prison.

What is parole?

Parole is the release of an inmate from prison prior to his or her sentence’s maximum date, but after the minimum sentence date, to continue serving the balance of the sentence under supervision in the community. Parole is a conditional release that requires parolees to abide by rules that do not apply to other members of society. In Pennsylvania, parole

is a privilege, not a right; it is not automatic or guaranteed.

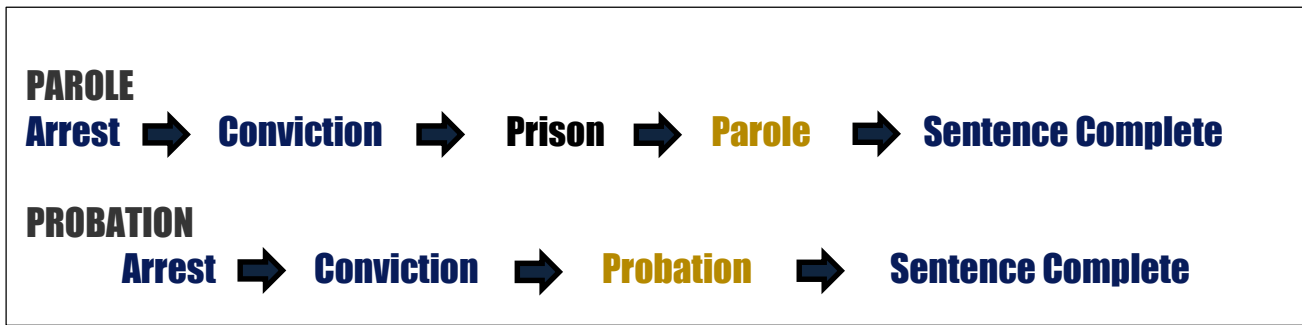
Pennsylvania has both state and county level parole systems. Which system an offender is in depends on the length of the sentence given when the offender was convicted. If the sentence was 24 months or longer, it is a state sentence and the Parole Board makes the decision whether to grant parole and determines the conditions of parole. If the sentence is less than 24 months, it is a county sentence and the sentencing judge makes the decision.

Probation is a sentence that does not include a period of incarceration; it is served in the community rather than jail. The sentencing judge always makes the decision regarding an offender’s probation conditions and violations. However, a judge may request that the Parole Board supervise certain county offenders with the judge retaining decision making power; however, these are known as “special probation” cases.

Parole is also different from a pardon or a commutation. The Governor may grant a pardon or commutation if the Board of Pardons, which is separate from the Board of Probation and Parole, recommends that one be granted.



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Who is eligible for parole?

Inmates who have served their minimum sentence are eligible for parole consideration. As a discretionary parole state, offenders are given a minimum and maximum sentence date by the judge. State sentenced offenders must serve the minimum amount of time in prison before they can be considered for parole and - if granted parole - will remain on parole supervision until their maximum sentence date.

Most criminal justice experts agree that it is better for society if offenders are reintegrated into the community on a gradual basis and under structured supervision rather than being released without supervision.

When is an inmate granted parole?

Parole is not guaranteed. At the minimum sentence date, the offender is eligible for parole consideration. The Parole Board interviews offenders 3-4 months prior to this date. Although the parole process, including the interview, is begun prior to the minimum sentence date, an offender cannot be released on parole prior to this date.

What does the Board consider when making a parole decision?

Many factors are required by law to be considered during the parole interview:

- Nature and circumstances of the crime
- Criminal history
- General background and character of the offender
- Notes of testimony from the sentencing hearing
- Physical, mental and behavioral condition and history of the offender
- History of family violence
- Recommendations made by the sentencing judge and district attorney
- Input from the victim or the victim’s family
- Recommendations from the warden or superintendent

After a decision is made the offender is given his or her green sheet - the official decision or Board Action. The green sheet also contains some

of the conditions of parole while the offender is on supervision.

If an offender is denied parole, the “green sheet” will give reasons for the denial, state when the offender will next be reviewed for parole and what the Board expects the offender to do prior to the next review date.

Why is there a gap between the grant of parole and release?

After inmates are notified that they have been granted parole, they must satisfy certain requirements of law before being released on or after their minimum sentence date:

- A negative drug screening test for illegal drugs
- Submission of a DNA sample, if applicable
- Payment of all victims fees
- Registration under Megan’s Law, if applicable
- Violent offenders must complete a Victim

Impact Education Program

- Development of a reentry plan – where they plan to live and work

Even after these requirements are fulfilled, an inmate must have a place to live that is approved by the Board, either a home, community corrections center or they may be waiting for a treatment bed in a community facility.

What rules must parolees follow to stay out of prison?

Inmates granted parole must follow all of the conditions of parole established by the Board or their supervising agent. General conditions of parole require: reporting to their parole officer, residing at the approved residence, paying court costs and restitution owed and complying with all laws. Special conditions are conditions that are tailored to an individual offender's needs, such as electronic monitoring, mental health treatment or drug and alcohol counseling.

What do parole agents do?

Through a balance of supervision, enforcement and problem-solving case management, parole agents work with parolees to ensure that they are following their

conditions of parole and help parolees transition successfully into the community. By assisting parolees with job training and employment, treatment for mental and/or physical illnesses, drug and alcohol programs, and life skills development they are much more likely to succeed, less likely to commit another crime and the public is safer.

What happens when a parole rule is broken?

Parole violators are categorized as either technical parole violators, convicted parole violators, or both.

Technical parole violators have violated a condition of their parole. These violators may be sanctioned by an additional constraint on their freedom, sent to a treatment program, recommitted to jail or prison, or be placed in a parole violator center depending on the severity and frequency of the violation. Under Act 122, technical parole violators whose violation was sexual in nature, involved in assaultive behavior, possessed a weapon, or posed an identifiable threat to public safety as well as absconders who can not be safely managed in a community corrections center will be recommitted to a jail or prison.

All other technical parole violators will be sent to a parole violator center for treatment lasting between 60 and 120

days, but may stay as long as six months with automatic reparole.

Convicted parole violators are parolees who have been convicted of another crime while on parole and they are returned to prison. In this instance, the parolee loses all of the "street" time spent on parole and must serve that time back in prison if they were convicted of a crime of violence, a crime requiring registration under the federal Adam Walsh Act or are subject to a federal removal order. The Board of Probation and Parole has discretion over whether to award time spent on the street in all other cases.

Offenders who violate parole are entitled to parole violation hearings to establish that they violated the conditions of their parole. However, the standard for violation of parole is not as high as that of a criminal trial. The standard is a preponderance of the evidence - it must be more likely than not that parolee violated the condition.

How does parole end?

Parole ends when an offender has served their maximum sentence while under parole supervision without having their parole revoked. When their maximum sentence date arrives, offenders are discharged from parole supervision and receive a congratulatory letter from the district office where their supervising agent works.

Highlights of the Parole Process

The process of parole is best described as a series of steps for both the offender and the Board.

Approximately 8 months prior to minimum date

Preparation of Case File

Required documentation is gathered and prepared for the parole interview.



Approximately 5 months prior to minimum date

Institutional Parole Agent

Inmate works with institutional parole agent to develop a reentry plan and prepare for interview.



Approximately 4 months prior to minimum date

Pre-Interview Case Review

Board Members/hearing examiners review file and reentry plan.

Board Interview

Conducted either in person by a Board Member or hearing examiner or by a panel of two decision makers or by video conference. Sex offenses and Murder 2 & 3 require a majority vote of the Board.



Approximately 3 months prior to minimum date

Post Interview

Final Board decision to grant or deny parole. A grant of parole includes conditions and release of parole and starts the home plan investigation and release process.



Supervision

Parolee reports to the district office or community corrections center within 24 hours of release. Conditions of parole are reviewed with the field agent.