

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 3</p> <p>Procedure 3.02.02</p>	<p>Date Revised: Replaces 3.1 02/26/02 04/30/04</p>
<p>Chapter Title CASE RECORDS, DECISIONAL PROCESSING</p>		<p>Date Issued 1/9/12</p>
<p>Subject CASE REVIEW AND RELEASE PROCESSING SENTENCE TYPES AND PAROLING AUTHORITY</p>		<p>Effective Date 1/23/12 PUBLIC</p>

I. AUTHORITY

The chairman of the board is granted the authority to “[d]irect the operations, management and administration of the board” and to “[p]erform all the duties and functions of chairperson, including organizing, staffing, controlling, directing and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

The board has the exclusive power to parole, reparole, commit and recommit for violations of parole, and to discharge from parole any person sentenced in any court of the Commonwealth, to any penal institution (state or county) to a term of imprisonment of two years or more. The Board’s power does not extend to those sentenced to life, death or those sentenced in accordance with 61 Pa.C.S. §§ 4101-4108 and 61 Pa.C.S. § 3909 (Intermediate Punishment) or 75 Pa.C.S. § 3815 (certain DUI cases retained by the sentencing court). The Board may only exercise its power to parole after the minimum sentence has expired, 61 Pa.C.S. § 6137.

II. PURPOSE

The purpose of this procedure is to explain the release process the various sentence types under Pennsylvania law and how the Board determines who is eligible for parole.

III. APPLICABILITY

This procedure is applicable to all Board staff.

IV. DEFINITIONS

A. Types of sentences

1. Indeterminate Sentence: A sentence with a minimum sentence of confinement which shall not exceed one-half of the maximum sentence imposed.
2. Determinate (Flat) Sentence: A sentence that only has a maximum length of time. The offender is eligible for parole at any time. The exception being a mandatory sentence, where an offender must serve the complete sentence in custody. The Board has no authority over mandatory cases.
3. General Sentence: Youthful offenders at one time were committed to the State Correctional Institution at Camp Hill by an adult criminal court with no specific

minimum sentence being imposed. Such commitments carried a sentence up to six years and were eligible for parole at any time. This type of sentence is no longer legal in Pennsylvania; however, reference to this type of sentence may be in old material or from another state.

4. State Intermediate Punishment (SIP): A program designed for offenders convicted of a drug offense. Offenders will serve a flat 24 month sentence. At least 7 months will be served in an SCI and for the remainder of the sentence the offender will be in a community correction center under DOC supervision. The Board has no authority over these cases.
5. Rebuttable Parole: A statutorily designated non-violent offender who has been certified by the DOC based on a good conduct record and nonviolent history.
6. Recidivism Risk Reduction Incentive (RRRI): A sentence imposed upon a non-violent offenders that can allow them the opportunity to reduce their minimum sentence upon completion of recommended programming and while maintaining a good conduct record.
7. Boot Camp: An offender whose minimum sentence is abrogated by law on Boot Camp placement and is released by statute without a minimum interview.

B. Sentence Structure

1. Concurrent Sentences: Sentences imposed to be served at the same time.
2. Consecutive Sentences: Sentences imposed to be served one after another. State law requires that consecutive sentences be aggregated into one sentence structure with one minimum and one maximum sentence.

V. POLICY

It is the policy of the Board to ensure that all case processing is in compliance with Pennsylvania sentencing laws.

VI. PROCEDURE

A. Parole Authority

The length of the maximum sentence generally determines who has authority to grant parole. If the maximum sentence is two years or more, generally only the Board can grant parole. However, the sentencing court has paroling authority over all county prison inmates sentenced on or after November 24, 2011, on maximum terms of two or more years but less than five years¹ (42 Pa.C.S. §9762(b)(2)). 75 Pa.C.S. §3815 also provides that a sentencing court can retain paroling jurisdiction over an inmate housed in a county prison who is imprisoned for committing the crime of Driving Under the Influence notwithstanding the length of the inmate's sentence. If the maximum sentence is less than two years, the County Court of

¹ Act 81 Of 2008

Common Pleas wherein the offender was sentenced has the sole authority to grant parole at any time.

1. Parole: Offenders who are serving an indeterminate (minimum-maximum) sentence are interviewed by the Board or its designee approximately four (4) months before the minimum sentence expires. The appropriate Institutional Parole staff schedules the minimum interviews based on information provided by the Department of Corrections (DOC) or county prison via the Sentence Status Summary (DC-16E) or Initial Sentence Status Report (PBPP-102).
2. Reparole: Parole violators who have been recommitted by the Board are informed by way of Notice of Board Action (PBPP-15) when the case will be eligible for reparole. Parole violators will be seen three (3) months before their reparole eligibility date. The Board may also grant reparole without the need for re-interview.

B. Controls

1. Introduction

Institutional parole staff in each state correctional institution, county prison and district office are available to respond to offender inquiries concerning parole issues. Institutional parole staff interview offenders to prepare cases for Parole Board interviews. The staff also serve as liaisons between offenders, the Board, DOC and county prison staff. This applies to all inmates in state, county or community correction facilities.

2. Processing

Some cases are automatically fed into the ICMA application while others must be entered manually in order to create the tentative docket list.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Chairman.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of Board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

X. CROSS REFERENCES

- A. Statutes and Cases

1. Federal

2. State

- a. 61 Pa.C.S. § 6112
- b. 61 Pa.C.S. § 6132
- c. 61 Pa.C.S. § 6137
- d. 61 Pa.C.S. § 3907
- e. 61 Pa.C.S. §§ 4101-4108
- a. 61 Pa.C.S. §§ 4506-4507
- b. *Commonwealth v. Yuhasz*, 923 A.2d 1111 (Pa. 2007)
- c. 42 Pa.C.S. § 9756(b)(1)

B. PBPP Policies

3.02.03

C. American Correctional Association

4-APPFS-2C-01

D. Management Directives

None

E. Report of the Reentry Policy Council

None