

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.03.01</p>	<p>Date Revised:</p> <p>5.10 1/16/01 BULLETIN 4.03.01-01 12/13/13</p>
<p>Chapter Title</p> <p>SUPERVISION, REENTRY</p>		<p>Date of Issue</p> <p>5/19/2011</p>
<p>Subject</p> <p>ARREST PROCEDURES, GLOSSARY</p>		<p>Effective Date</p> <p>6/2/2011</p> <p>PUBLIC</p>

I. AUTHORITY

The chairman of the board is granted the authority to “direct the operations of the board and fulfill the functions established by the act... including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

II. PURPOSE

The purpose of this procedure is to explain the terms used in Chapter 4, Section 3.

III. APPLICABILITY

This procedure is applicable to Pennsylvania Board of Probation and Parole staff.

IV. DEFINITIONS

Used in this chapter, unless the context clearly requires a different interpretation

A. Abbreviations

ARD - Accelerated Rehabilitation Disposition is the option of the court, upon the motion of the attorney for the Commonwealth, to place an offender on probation without a trial; upon the successful completion of the probation period, the charges are dismissed.

CHRIA - Criminal History Records Information Act

CID - CLEAN Identification Number

CLEAN - Commonwealth Law Enforcement Assistance Network

CPV - Convicted Parole Violator

FAST - Fugitive Apprehension Search Team

FBI - Federal Bureau of Investigation

FOCF - Field Offender Case File

INTERPOL - International Criminal Police Organization

JNET - Justice Network

MAGLOCLLEN: Mid Atlantic-Great Lakes Organized Crime Law Enforcement Network. **MAGLOCLLEN** is one of the six Regional Information Sharing Systems (RISS) Centers administered by the U.S. Department of Justice that provides a mechanism for information exchange among federal, state and local law enforcement agencies.

MH/MR - Mental Health / Mental Retardation

NCIC - National Crime Information Center

NLETS - National Law Enforcement Telecommunications System

OC SPRAY - Oleoresin Capsicum Spray

OMC - Operations Monitoring Center

ORI - Originating Agency Identifier

OTN- Offense Tracking Number

PWV - Probation without verdict

RISS: Regional Information Sharing Systems. RISS is a national program consisting of six regional intelligence centers that provide services to assist in the investigation and prosecution efforts of law enforcement. RISS links law enforcement agencies through secure communications and provides information sharing resources and investigative support to address multijurisdictional crimes and to promote officer safety

SID- State Identification Number

SSTU - Staff Safety Training Unit

TPV - Technical Parole Violator

VUFA – Violation of the Uniform Firearms Act

B. Words and Phrases

ABSCONDER - An offender who makes himself/herself unavailable for supervision.

ACCOMPLICE - A person who knowingly, voluntarily, and with common intent with the principal offender unites in the commission of a crime.

ACKNOWLEDGMENT - A formal declaration before an authorized official, by the person who executed the instrument, that it is his free act and deed, with the certificate of the official on such instrument demonstrating that it has been so acknowledged.

ACQUIT - To set free, release or discharge; to legally certify the innocence of one charged with a crime.

ADMISSION - A voluntary statement made by a person charged with a technical violation, communicated to another person, wherein-he acknowledges him/herself to be guilty of the violation charged, and discloses the circumstances of the act or the share in participation which he had in it.

AFFIDAVIT - A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

AGENT - For the purpose of searches, a parole officer appointed by the Board.

AGGREGATED SENTENCE - Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of all of the consecutive minimum terms and the maximum term is the sum of all of the consecutive maximum terms.

ALIAS - Another name by which a person is known; meaning otherwise, or also known as (or "a.k.a.").

ALLEGATION - The assertion, claim, declaration, or statement of a party to an action, made in a pleading, setting out what (s)he expects to prove.

ALTERNATE CUSTODIAL OFFICER: A staff member at a particular district or sub-office designated by the district director or deputy district director to assist the custodial officer in daily activities regarding the management of property as defined in this procedure, and assume all duties and responsibilities of the custodial officer when the custodial officer is absent from the office.

APPEAL PANEL - Three members of the Parole Board, appointed by the Parole Board Chairman, or the Chairman's designee, to adjudicate appeals of Parole Board parole revocation decisions.

ARRAIGN - To bring the accused before the court to plead to the criminal charge(s) brought against him/her in the indictment or information.

AT LIBERTY ON PAROLE - Freedom from confinement on a particular sentence from which parole has been granted but not necessarily freedom from all confinement.

AUTOMATED PROPERTY TRACKING SYSTEM: An automated management system to assist the custodial officer with property accountability and documentation. The item description entered into the Automated Property Tracking System shall be identical to the item description entered on the Property Record (PBPP-56).

BACK TIME - The amount of time the Board orders a parolee to serve as a parole violator.

BAIL - Monetary amount for, or a condition of, pretrial release from custody, set by a judge at the initial appearance and used to ensure the return of the accused at subsequent proceedings.

BAIL BOND - A written undertaking, executed by the accused or a surety, guaranteeing the state that the accused will appear at subsequent proceedings.

BENCH WARRANT - Process issued by the court itself for the attachment or arrest of a person, either in case of contempt, or where an indictment has been found, or to bring in a witness who does not obey the subpoena before the court.

CAPIAS - A Latin term meaning "that you take". A writ requiring that an officer take a named defendant into custody.

CASELOAD - The number of parole and/or probation cases under the supervision of a parole agent.

CERTIORARI - A Latin term meaning "to be informed of". A writ issued by a superior court to an inferior court, requiring the inferior court to produce a certified record of a case tried therein for the purpose of inspecting the proceeding and determining if any irregularities occurred.

CHAIN OF CUSTODY: The history of those persons/entities who had property in their custody from the time it is obtained to the time it may be introduced in board or court proceedings.

CIRCUMSTANTIAL EVIDENCE - The essence of circumstantial evidence is inference. It is directed to the attending circumstances. It is evidence, which inferentially proves the principle fact by establishing a condition of surrounding and limiting circumstances, whose existence is a premise from which the existence of the principle fact may be concluded by necessary laws of reasoning. Therefore, possession of contraband, for example, can be inferred by the contraband's proximity to the offender and/or his personal property to the contraband, such as a wallet with identification or credit cards adjacent to a weapon, even though others may have access to that area.

CLEMENCY - Kindness, mercy, forgiveness, leniency; An act by the Governor of a state to commute a death sentence to life imprisonment, or granting a pardon.

COMMIT - To send a person to prison by virtue of a lawful authority for any crime or contempt, or to a mental health facility, workhouse, reformatory, or the like by authority of a court or magistrate.

COMMUTATION - The power of the Governor of a state to change a punishment to one that is less severe.

CONCURRENT - Sentences being served simultaneously.

CONDITIONAL RELEASE - Release from confinement in a correctional institution subject to certain conditions.

CONDITIONS OF PAROLE/PROBATION - Any terms or conditions of the offenders supervision, whether imposed by the court, the Board or an agent, including compliance with all requirements of Federal, State and local law.

CONFESSION - A voluntary statement made by a person charged with the commission of a crime or misdemeanor, wherein (s)he acknowledges that (s)he is guilty of the offense charged and discloses the circumstances of the act or the share (s)he had in it.

CONSECUTIVE - A sentence to be served immediately following the termination of another sentence.

CONSTRUCTIVE PAROLE - A grant of parole when an offender is released from one sentence but remains confined while serving another sentence, rather than being released from confinement.

CONSTRUCTIVE POSSESSION: When a person does not have actual possession but instead knowingly has the power and intention to exercise dominion and control over an object, either directly or through others.

CONTEMPT OF COURT - Any act which is calculated to embarrass, hinder, or obstruct court in administration of justice, or which is calculated to lessen its authority or its dignity.

CONTRABAND - For the purpose of searches, any item that the offender is not permitted to possess under the conditions of supervision, including any item whose possession is forbidden by any Federal, state or local law.

CONTRABAND PER SE: Any item, the possession of which is prohibited by law whether or not the person possessing the item is on probation or parole. Examples include controlled substances, drug paraphernalia, and "prohibitive offensive weapons" as defined in 18 Pa. C.S. § 908.

CONTROL - The force an Employee uses to influence or neutralize the actions or Resistance of a subject. Generally, Employees are justified in the use of physical control methods for three reasons:

1. Protection of self.
2. Protection of others.
3. Prevention of escape of a subject

CONVICTED PAROLE VIOLATOR - An offender who violates parole by committing a new crime while on parole to which the offender subsequently pleads guilty or nolo contendens or is found guilty by a judge or jury in a court of record.

CONVICTION - For purposes of parole, a verdict of guilty by a judge or jury in a court of record or plea of guilty or nolo contendens made by an offender in a court of record.

CORAM NOBIS - A Latin term meaning "before us".

CORROBORATIVE EVIDENCE - Corroborative evidence is evidence that strengthens or sustains testimony which has been presented by a previous witness.

COUNTY PAROLE - A parole granted by a common pleas court or Philadelphia Municipal Court on a sentence with a maximum term of less than two years.

COUNTY SENTENCE - A sentence of imprisonment for a maximum term of less than two years where the sentencing court retains parole jurisdiction.

COURT - For the purposes of searches, the Court of Common Pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof or any district justice.

COURT OF RECORD: Any appellate or trial court that has been defined as a court of record by the United States Constitution, state constitutions, the constitution of the country where the offense was committed, statutes or case law from an appellate court. This term shall include courts of common pleas, the Philadelphia Municipal Court as well the appellate courts within the commonwealth, unless the court indicates that they are sitting as a magisterial district judge or some other court that is not a court of record. A conviction for any summary offense in the Commonwealth of Pennsylvania or an offense committed in another jurisdiction that carries a maximum term of 90 days imprisonment or less shall not be considered a conviction in a court of record.

CRIMINAL INTENT - The intent to commit a crime; malice, as evidenced by a criminal act; intent to deprive or defraud the true owner of his property.

CUSTODIAL OFFICER: The staff member at a particular district office/sub-office designated by the district director or deputy district director to be responsible for property accountability and management control (e.g., storage, security, and final disposition of property) in the property storage areas.

DATA DOWNLOAD - Method of electronic recovery of information stored by the electronic control device upon each discharge.

DEFENDANT - The person defending or denying; the accused in a criminal or civil case.

DEFERRED SENTENCE - A plea of guilty is entered; however the court's imposition of sentence is delayed during the period of deferment pending the successful

completion by the offender of the terms and conditions of supervision ordered by the court.

DELINQUENT - The period of time during which an offender absconds from supervision and the Board takes administrative action to declare the offender delinquent.

DEMURRER - The formal mode of disputing the sufficiency in law of the pleading of the other side; an allegation that, even if the facts as stated in the pleading are taken to be true, they do not set forth a cause of action for which relief may be granted.

DEPOSITION - The testimony of a witness taken under oath and outside the courtroom, upon oral question or written interrogatories, for the purpose of discovery or to be used in a future court proceeding.

DERIVATIVE CONTRABAND: **Property which is not inherently illegal but which is used in the perpetration of an unlawful act**, examples could include firearms, ammunition, or a knife.

DETAINER - A written order of the court or paroling agency to hold a person in custody in a correctional institution pending further legal action.

DETENTION HEARING - A hearing to determine whether an offender should be detained pending disposition of new criminal charges.

DIRECT EVIDENCE (Testimony) - Establishes the truth of a fact in issue on the basis of the personal knowledge of a witness. It is direct because the witness describes an event that he observed or experienced which is relevant to a fact in issue and which contributes materially toward establishing innocence or guilt of the offender. Credibility is important since the witness can be cross-examined by the defense. An admission made by the offender at a parole due process hearing is sufficient to substantiate a violation.

DIRECT EXAMINATION - The first interrogation or examination of a witness, on the merits, by the party on whose behalf he is called.

DIRECT VIOLATION - A violation of parole by the offenders commission of a crime while on parole of which the offender is later found guilty or pleads guilty or nolo contendere in a court of record.

DISCHARGE - To deploy a projectile, including OC spray, or electronic energy to stop a subject's unlawful and dangerous actions.

DISMISSAL - An order or judgment finally disposing of an action, suit, motion, etc., without consideration or hearing of the issues involved.

DOCUMENTARY EVIDENCE - Evidence that is supplied by writings and documents of every kind in the widest sense of the term. Public and official records can be used as evidence in a parole due process hearing when the record is one that is kept by a Commonwealth agency, governmental unit including the Federal government, court or district magistrate. These records must either be certified or bear the signature of

a magistrate or judge. Business records are admissible as evidence as long as a qualified witness is present to testify and has knowledge as to the method of preparation and maintenance of those records. The business record used must be a record of an act, condition or event that was made in the regular course of business at or near the time of the act, condition, or event. Employee business records and the discharge records from treatment programs are examples of admissible documentary evidence. Due to the reliance upon urinalysis testing laboratories in the supervision of offenders, laboratory reports are also admissible as evidence when the report is printed on official laboratory stationary, contain the signature of a known and responsible laboratory official, usually the lab director or clinical supervisor, and is certified by the Commonwealth as laboratory that is reliable and regular.

DRIVE STUN - To touch an offender's body with an electronic control device to achieve pain compliance. This technique will not affect the motor function of an offender's nervous system.

DUE PROCESS - Fundamental procedural rights of the accused to a fair trial/hearing.

DURESS - Any unlawful threat or coercion used by a person to induce another to act in a manner (s)he otherwise would not.

EMPLOYEE – All Board staff with detention or arrest power, investigative responsibility, staff safety training responsibility and/or who are assigned Board-issued Weapons and shall include deputized supervision staff who have been deputized in accordance with 61 P.S. §331.21b of the Parole Act.

ERROR CORAM VOBIS - Error in the proceedings "before you"; words used in a writ of error directed by a court of review to the court which tried the cause.

EVIDENCE - Any species of proof legally presented at the trial or hearing of an issue by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc. for the purpose of inducing belief in the minds of the judging body to their contention.

EVIDENCE: For purposes of Procedure 4.03.07, this term is defined as any property, regardless of its nature, that is seized by the board to establish the commission of technical parole/probation violations or new criminal activity by offenders.

EXAMINER - An agent of the Parole Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board; also known as a "hearing examiner."

EX POST FACTO - Latin phrase for "after the deed is done".

EXONERATE - To clear from accusation or blame.

EXIGENT CIRCUMSTANCES: The term includes, but is not limited to, suspicion that contraband or other evidence of violations of the conditions of supervision might be

destroyed or suspicion that a weapon might be used. Exigent circumstances always exist with respect to a vehicle.

EXPERT EVIDENCE - Testimony given in relation to some scientific technical or professional matter by experts, who are persons qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject. Parole agents, who routinely note if offenders under their supervision have been consuming alcohol by the odor of alcohol on their breath, can testify to this violation at a parole due process hearing as an expert witness. A parole agent or police officer, certified in specific skills, can also be called as an expert witness.

EXTRADITION - The return of a fugitive to a state in which the offender is accused or has been convicted of committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

FELONY - A crime of a graver, or more serious, nature than those designated as misdemeanors and punishable by death or imprisonment of at least one year.

FIREARM: Any weapon which is designed to, or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon.

FIREARMS LIAISON: Any board-employee appointed by the deputy executive director of the Office of **Field** Probation and Parole **Supervision** to serve as an advisor and subject matter expert regarding Resistance and Control policy and procedure involving firearms related matters and incidents.

FLAT SENTENCE - A sentence which has no minimum, but only a maximum term.

FORFEITURE - The process by which seized property becomes the property of the Commonwealth to be destroyed or otherwise disposed of.

FRAUD - A false representation of a matter of fact which deceives, and is intended to deceive, another so that (s)he will act upon it to his/her legal injury.

FRONT TIME - The minimum sentence imposed upon an offender by the sentencing court, the amount of time an offender spends incarcerated prior to being initially released on parole.

GAGNON I HEARING - A first-level, probable cause hearing held by a court or a probation officer to determine whether there is sufficient evidence to charge an offender with a violation of probation or parole.

GAGNON II HEARING - A second-level, fact-finding hearing held by a common pleas court to determine whether an offender has in fact violated the terms and conditions of probation or parole and, if so, whether the offender should be sent to prison as a violator or continued on probation or parole.

GOOD CAUSE - Reasons that justify the absence of a live witness at a revocation hearing and justifies the admission of hearsay evidence over the objections of an offender or defense counsel and deny the offender the right to confront and cross-

examine the absent adverse witness; requires a balancing of the absent witness's reasons for not appearing in person, the cost and ability of the Commonwealth to bring the absent witness to the revocation hearing, and the offender's interest in confronting and cross-examining the absent witness.

GOOD TIME - As used in connection with technical parole violators, that time spent on parole in compliance with the terms and conditions of parole; which time is credited against an offender's maximum sentence upon recommitment as a technical parole violator; equivalent of "time on parole in good standing" or "street time"

GRAND JURY - A body of citizens whose duties consist of determining whether probable cause that a crime has been committed exists and whether an indictment (true bill) should be returned against the one accused of the a crime; body is accusatory in nature only, they do not determine guilt.

HABEAS CORPUS - A Latin phrase meaning "you have the body"; an independent proceeding instituted to determine whether a defendant, usually a prisoner, is being unlawfully deprived of his/her liberty (unlawfully imprisoned).

HEARSAY EVIDENCE - Hearsay evidence is defined as evidence given by a person who relates not what he knows of his own knowledge but what he has heard from others. Thus, it is evidence which derives its value, not solely from the credit to be given to the witness upon the stand, but in part from the veracity and competency of some other person for the probative force of that to which he testifies. Hearsay evidence is permitted at parole due process hearings. If contested by the defense, good cause must be presented to allow the testimony at the second level hearing.

HUNG JURY - A jury so irreconcilably divided in opinion that they cannot agree upon a verdict.

IDENTIFIABLE THREAT: A parolee presents an identifiable threat to public safety if:

1. Credible information indicates that the parolee intends to engage in criminal activity or violate conditions of parole in the future and has the means to do either; or
2. The parolee is a danger to him/herself or others due to psychological, psychiatric, or physical impairment; or
3. The parolee is demonstrating unmanageable behavior, which makes him or her not amendable to diversion.

INDETERMINATE SENTENCE - A sentence with a minimum and maximum sentence, the minimum generally determining parole eligibility.

INDICTMENT - A formal written accusation, originating with a prosecutor and issued by a grand jury, against a party charged with a crime; means by which a criminal defendant is brought to trial.

INDIGENT PRISONER - For purposes of the Public Defender Act of 1968, any person incarcerated who, for the lack of sufficient funds, is unable to retain private legal counsel.

INDIRECT VIOLATION - A violation of probation or parole by a breach of the terms and conditions of probation or parole other than the commission of a new criminal offense of which the offender is found guilty or pleads guilty or nolo contendere. Also see Technical Parole Violation.

INFORMATION - A written accusation made by a public prosecutor, without the intervention of a grand jury; notifies defendant of the charges pending so that (s)he can prepare for trial.

INJUNCTION - A court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury.

INSPECTION: Examinations of the property management system and the automated property tracking system conducted to determine the integrity of stored property and accuracy of corresponding automated documentation. Inspections shall ensure the property storage areas are being maintained in a clean, orderly manner, and that data recorded in the automated property tracking system is consistent with property in the property storage areas and hard copies of Property Records (PBPP-56). The inspection shall include a sequential check of property records entered into and released from the active property inventory log since the last inspection.

INVENTORY: A comparison audit of each item of stored property with the active automated property tracking system report. The audit shall include a sequential verification of active and inactive Property Records (PBPP-56) to ensure the integrity of the automated property tracking system, including the continuity of custody and the accountability of property.

JUDGMENT - The final decision of the court, resolving the dispute and determining the rights and obligations of the parties.

LETHAL FORCE - Any control that could cause death or serious bodily harm.

LITIGATION - A contest in a court of law for the purpose of enforcing a right or seeking a remedy.

MALICE - An intentional doing of a wrongful act, without just cause or excuse, with an intent to inflict an injury or under circumstances in which the law will imply an evil intent.

MANDAMUS - A Latin term meaning "we command"; a writ, issued by a court of superior jurisdiction, commanding an inferior tribunal, board, corporation, or person to perform a ministerial duty imposed by law.

MISDEMEANOR - An offense, less severe than a felony, generally punishable by fine, penalty, forfeiture, or imprisonment otherwise than in a penitentiary.

MODUS OPERANDI - Method of operation or of doing things; a pattern of criminal behavior so distinct that it is recognizable as the work of the same, or of one, individual.

NCIC - The abbreviation for the National Crime Information Center; a central repository for information dealing with wanted criminal offenders, stolen vehicles, etc.

NOLLE PROSEQUI - A Latin phrase meaning "to no longer prosecute"; the voluntary withdrawal, by the prosecuting attorney, of present proceedings on a criminal charge/also Nol Pros.

NOLO CONTENDERE - A Latin phrase meaning "I will not contest it"; a plea in a criminal case which has the similar legal effect as pleading guilty.

OFFENDER - Any person subject to the parole or probationary supervision of the Board.

PANEL - A two-member unit of the Parole Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

PARDON - An executive action that mitigates or sets aside punishment for a crime and restores the rights and privileges forfeited as a result of the crime.

PAROLE - The conditional release from imprisonment of an offender from a correctional facility to serve the remainder of his/her unexpired sentence in the community under supervision as long as (s)he satisfactorily complies with all terms and conditions provided in the parole order.

PERSONAL SEARCH - A warrantless search of an offender's person, including, but not limited to, the offenders clothing and any personal property which is in the possession, within the reach or under the control of the offender.

PLAINTIFF - The person who brings an action: the prosecutor or complainant in a criminal case.

PRECEDENT - A rule of law established for the first time by a court for a particular case or question of law and thereafter referred to in deciding similar cases or questions of law.

PRELIMINARY HEARING - A first-level, probable cause hearing, held no later than 14 days after an offender's detention, by the Parole Board to determine if probable cause exists to bring technical parole violation charges against an offender.

PRELIMINARY HEARING (COURT) - The hearing given to a person accused of crime, by a magistrate or judge, exercising the functions of a committing magistrate, to ascertain whether there is evidence to warrant and require the commitment and holding to bail of the person accused.

PREPONDERANCE OF THE EVIDENCE - That degree of evidence which, taken as a whole, shows that the fact sought to be proved is more probable than not; a standard of proof in civil cases.

PRESENTENCE INVESTIGATION - An investigation of the relevant background of a convicted offender, designed to act as a sentencing guide for the sentencing judge.

PRESUMPTIVE RANGE - A period of recommitment, set as a minimum and maximum term of months for each condition of parole as well as most criminal offenses, that a parolee who violates his/her parole may expect to spend in confinement prior to being eligible for reparole.

PRIMA FACIE - A Latin phrase meaning "at first sight"; the evidence necessary to require defendant to proceed with his/her case.

PROBATION - A sentence whereby the offender serves the period of time mandated by the sentencing court in the community under the supervision of either county or state authorities rather than being imprisoned; subject to the terms and conditions imposed by the sentencing court.

PROBE - Thin metal barbed dart discharged from an electronic control device.

PROPERTY: Any item held as evidence, or any item found or recovered by any person, which is seized by a board staff member

PROPERTY INSPECTION LOG: A log used to store all the reports pertaining to inventory/inspection of property storage areas, documentation of reports including memos and other forms related to missing or damaged property. This log shall be maintained in the property room at each office.

PROPERTY INVENTORY LOGS (ACTIVE AND INACTIVE): Separate logs shall be maintained within the property room for active and inactive property. Books (preferably 3 ring binders) which contain the original hard copies of Property Records (PBPP-56) in sequential order to provide an accounting of property entered, released, and currently held in the property room.

PROPERTY MANAGEMENT SYSTEM: The collective areas within which all property coming into board custody is securely stored in each office, including, but not limited to receiving lockers, the property room, and approved offsite storage locations (e.g. bank safe deposit boxes).

PROPERTY NUMBER: The unique number assigned to all property associated with a single subject and/or a single location.

PROPERTY NUMBER ASSIGNMENT LOG: A printout of available inventory numbers to track issuance of the property numbers to avoid duplication of the property numbers.

PROPERTY ROOM: The primary area utilized for long-term, secure storage of property which has entered board custody. The property room shall also contain the property inventory log(s) and property inspection logs.

PROPERTY SEARCH: A **warrantless** search of real property, vehicle or personal property which is in the possession or under the control of the offender.

REAL EVIDENCE - Is evidence furnished by things. Physical objects on view or inspection, as distinguished from description thereof by witnesses. Real evidence may consist of animate or inanimate objects relevant to the violation. Due to most parole hearings being held in correctional facilities, for security reasons, photographs of some evidence such as drugs, drug paraphernalia, knives and firearms are often substituted for real evidence. When used, testimony must be available to establish a chain of custody of the articles photographed as well as the circumstances surrounding the taking of the photographs. For size comparison purposes, a ruler or other measuring device should be included in the photograph.

REAL PROPERTY - For the purpose of searches, any residence or business property of the offender, including all portions of the property to which the offender has access.

REASONABLE DOUBT- The standard of proof used to determine the guilt or innocence of a person criminally charged; such a doubt that would cause prudent people to hesitate before acting in matters of importance to themselves.

RECEIVING LOCKER: **Absent exigent circumstances,** a receiving locker **is located in the secure area of the PBPP office and is used for the temporary storage of property when parole supervision staff cannot gain access to the property room. The receiving locker shall be locked and firmly secured.**

RECIDIVISM - The term used to express the percentage of return to criminal activity or persons previously convicted of crimes.

RECOMMITMENT - The return of a parolee to prison for violation of the conditions of his/her parole or because of a conviction for a new crime. An administrative determination that an offender, because (s)he has violated parole, should be reentered into an institution to serve all or part of the unexpired term of his/her sentence.

RELEVANCY - Relates to or bears directly upon the point or fact in issue and proves or has a tendency to prove the proposition alleged.

REMAND - To send back into custody.

RESCISSION - The revocation of a grant of parole based upon an offender's conduct occurring prior to release on parole which conduct is unknown to either the Parole Board or to the sentencing court at the time parole was granted; the revocation of a grant of parole before it is executed by the offender's actual release from incarceration.

RESISTANCE - A subject's reaction to an Employee's attempts to control the subject. The amount and type of resistance will differ, based on a variety of factors. Resistance is usually, but not always, physical.

RESTITUTION - In criminal law, the criminal offender is required to pay, as a condition of sentence, the victim or society in money or services.

REVOCAION HEARING - A second-level, fact-finding hearing held by the Parole Board to determine whether an offender violated parole by committing, while on parole, a crime punishable by imprisonment of which the offender has been found guilty, pleaded guilty or *nolo contendere* in a court of record.

RISSafe™: An officer safety event deconfliction system. RISSafe stores and maintains data on planned law enforcement event locations with the goal of identifying and alerting affected parties of potential conflicts, i.e.: that they are unknowingly working in close proximity to each other. RISSafe is used in conjunction with mapping software to verify data on event locations when an event is entered into the system.

SAFEKEEPING: The act of holding certain items of property for care taking purposes to protect the value of the property.

SENTENCE - The amount of time to be served in confinement, probation, or parole, determined by the court.

SETBACK - A period of time beyond the original parole release date that an offender's actual release from confinement on parole is delayed.

SOFT BODY ARMOR: An item of personal protective equipment that provides protection against specific ballistic threats within its coverage area, primarily for the torso. Soft body armor is constructed of pliable, textile-based materials such that the complete system is capable of being flexed and generally, only provides protection against handgun threats.

SPECIAL CONDITIONS - A specific and individualized condition of parole imposed upon an offender by the Parole Board, institutional or field supervision staff that is in addition to the general conditions of parole.

SPECIAL PAROLE - A parole granted by the sentencing court that is supervised by the Parole Board subject to the requirements and conditions of the Parole Act.

SPECIAL PROBATION - An order of probation imposed by the sentencing court whereby supervision is accomplished by the Parole Board rather than by the county probation department.

STAFF SAFETY TRAINING – Training that involves the various levels of resistance and control specifically designed for the safety of all Board employees. This training includes, but is not limited to, the practical application of the levels of control, Employee staff safety skills, weapons training, defensive tactics and other defensive training.

STATUTE OF LIMITATIONS - A statute setting a maximum time period during which certain actions may be brought or rights enforced, after the running of which no legal action can be brought.

STREET TIME - The period of conditional liberty and freedom from confinement on a particular sentence that an offender enjoys during which time the offender is in compliance with the terms and conditions of probation or parole.

SUBPOENA - A writ commanding a person to appear at a hearing at a certain time and place to give testimony on a certain matter.

SUBSTANTIAL EVIDENCE - Such evidence that a reasonable mind might accept as adequate to support a conclusion; that quality of evidence necessary for a court to affirm a decision of an administrative board; more than a scintilla, but somewhat less than preponderance.

SUMMONS - In criminal law, an alternative to arrest used for petty or traffic offenses; a written order notifying the individual that (s)he has been charged with an offense, directing the person to appear in the issuing court to answer the charge.

SUPERSEDEAS - The name of a writ containing a command to stay the proceeding at law, applicable only to the enforcement of a judgment from which an appeal is taken.

SUPERVISOR - For the purpose of searches, any individual acting in a supervisory or administrative capacity.

TASER X26 - An electronic control device that uses propelled wires or direct contact to conduct energy to affect the sensory and motor function of a subject's nervous system.

TECHNICAL PAROLE VIOLATOR - An offender who violates parole by a breach of the terms and conditions of parole, other than by the commission of a new criminal offense of which the offender is subsequently found guilty or to which the offender pleads guilty or nolo contendens in a court of record.

UNDUE INFLUENCE - Persuasion, pressure, or influence, short of actual force but stronger than mere advice, that so overpowers one's free will or judgment that (s)he does not act voluntarily but by the will of another.

UNEXPIRED TERM - The period of time an offender has remaining on the unserved portion of his or her original sentence.

VERDICT - The definitive answer given by the jury to the court concerning the matters of fact committed to the jury for their deliberation and determination.

VIOLATION HEARING - A second-level, fact-finding hearing held by the Parole Board to determine whether an offender has in fact violated the terms and conditions of parole, other than by the commission of a new criminal offense of which the offender is later found guilty or to which the offender pleads guilty or nolo contendens in a court of record, and, if so, whether the offender should be recommitted to prison or continued on parole.

WAIVER - The voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

WARRANT - An order for arrest.

WEAPON – An impact weapon (expandable baton), oleoresin capsicum (OC) aerosol spray, Taser or firearm issued by the Board for Employees to carry in the performance of the Employees' duties for self defense and protection.

WORKLOAD - The number of parolees supervised by an agent plus work unit values for completed reports during a specified period.

WRIT - A formal written document used to elicit a hearing by the court.

V. POLICY

It is the policy of the Board to use uniform definitions of terms throughout the agency.

VI. PROCEDURE

Apply the definitions, abbreviations and form designations found in this procedure to all procedures within Chapter 4, Section 3 whether or not the abbreviations, words and phrases or form designations appear capitalized or in lower case.

VII. SUSPENSION DURING AN EMERGENCY

Not applicable.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

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

X. CROSS REFERENCES

A. Statutes

- 1. Federal
- 2. State

61 Pa.C.S.A. § 6112

B. PBPP Policies - None

C. American Correctional Association

4-APPFS-3D-06

4-APPFS-3D-07

D. Management Directives - None

E. Report of the Reentry Policy Council - None