

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 5</p> <p>Procedure 5.01.01</p>	<p>Date Revised:</p> <p>Chp IX 3/25/82 Chp 9.0 2/05/96 Chp 8.1 1/16/01</p>
<p>Chapter Title PARDONS</p>	<p>Date of Issue 12/30/2010</p>	
<p>Subject PARDONS INVESTIGATIONS</p>	<p>Effective Date 1/13/2011 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).**

- A. Background - This chapter deals with the board's role to provide field services for the Board of Pardons in providing the background investigations for applications for pardons and commutations, and notifying the Board of Pardons when a parolee has violated a condition of parole. The procedure that follows is authorized in the Probation and Parole 61 Pa. C.S.A. § 6142.

The Board of Pardons is the body designated by the Pennsylvania Constitution of 1874 (as amended in 1967) with the power to hear applications for the remission of fines and forfeitures, and the granting of reprieves, commutations of sentence, and pardons, except in cases of impeachment, and to make recommendations to the governor as to the exercise of his power to commute sentences. The composition of the Board of Pardons designates that the lieutenant governor shall be the chairman; the attorney general shall be a member; and the governor shall appoint three members. The Board of Pardons reviews cases and only schedules hearing dates for those they decide to hear. After the public hearing, the Board of Pardons meets in executive session, later sending its favorable recommendations to the governor. The governor may either grant a commutation through the issue of a charter, or refuse to grant a pardon or commutation despite a favorable recommendation of the Board of Pardons. However, the governor cannot act favorably when a negative recommendation has been made.

II. PURPOSE

This procedure will provide staff with directions necessary to process pardon board applications and investigations.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

A. Commutation: The term refers to a reduction of a person's minimum or maximum sentence. However, a commutation does not excuse the crime as does a pardon. Commutations include the following:

1. Commutation of the minimum sentence to make the offender eligible for parole release consideration by the board;
2. Commutation of the maximum sentence to affect the outright release of an offender from an institution or early discharge from parole supervision;
3. Commutation of a death sentence to life imprisonment; and
4. Commutation of life imprisonment to life on parole.

B. Crime of Violence: Are identified per the below according to Title 18 Pa. C.S.A., "Crimes & Offenses".

1	§ 2502	Murder, Regardless of Degree
2	§ 2503	Voluntary Manslaughter
3	§ 2604	Murder of Unborn Child, Regardless of Degree
4	§ 2605	Voluntary Manslaughter of Unborn Child
5	§ 2606	Aggravated Assault of Unborn Child
6	§ 2702 (Only F1)	Aggravated Assault (Only Felony 1)
7	§ 2704	Assault by Life Prisoner
8	§ 2901	Kidnapping of a Minor (under age 14)
9	§ 3121	Rape
10	§ 3123	Involuntary Deviate Sexual Intercourse
11	§ 3124.1	Sexual Assault
12	§ 3125	Aggravated Indecent Assault
13	§ 3301 (Only F1)	Arson (Only Felony 1)
14	§ 3502 (Only F1)	Burglary (Only Felony 1)
15	§ 3701 (Only F1)	Robbery (Only Felony 1)
16	§ 3702 (Only F1)	Robbery of a Motor Vehicle ("Carjacking") (Only Felony 1)
17	§ 4302	Incest
18	§ 901, 902, 903	Criminal Attempt, Criminal Solicitation or Criminal Conspiracy to commit any of the above-listed offenses

- C. Crime Victim: Defined in 18 P.S. 11.101, Crime Victims Act 155 of 1992, the term refers to a person against whom a crime is being or has been perpetrated or attempted, which may include but is not limited to a ' parent or legal guardian of a child victim, except when the parent or legal guardian is the alleged offender, a family member of a homicide victim. A family member of a homicide victim shall include, for purposes of this policy, anyone related to the victim within the third degree of consanguinity or affinity, anyone maintaining a common-law relationship with the victim, anyone residing in the same household as the victim, including stepparents, stepbrothers, stepsisters, stepchildren and fiancé.
- D. Office of the Victim Advocate: Is authorized to represent the rights and interests of crime victims before the Department of Corrections and the Board of Probation and Parole per 18 P.S. §11.301 *et seq.*
- E. Pardon: The term refers to the highest form of executive clemency, freeing a person from the legal consequences of the person's crime. It is forgiveness only and does not establish innocence, nor does it erase the fact of conviction. Legally, it has the effect of clearing the person's name so that a conviction is not held against the individual for such purposes as Civil Service Commission examinations, deportation, being bonded, and holding public office. The granting of a pardon does not result in automatic expungement of the applicant's record.
- F. PBPP-139 Summary of Investigation: The term refers to an investigation report containing three sections: 1) 'Facts of Crime', 2) "Other Information", 3) and "Present Status and Reputation'.
- G. PBPP 139A Crime Victims Checklist: The term refers to a list of sources to be checked for the identification of the crime victim and the verification of the location of the crime victim.
- H. Risk Assessment: The term refers to pages one (1) and two (2) of PBPP-361 "Parole Decision Making Guidelines" (version 4/98 only) that contains a risk assessment used by the board as a guide in the parole decision making process to assess the level of risk of recidivism should the offender be paroled.

V. POLICY

It shall be the policy of the board that the processing of investigations shall be performed in a uniform manner throughout the commonwealth.

VI. PROCEDURE

A. Responsibilities

1. Applicant

An applicant or his representative applying for a commutation or pardon must secure an official application from the Board of Pardons and pay the required fee for the form. When the application is completed and returned to the Board of Pardons, a non-refundable filing fee must accompany the application.

Applicants are required to cooperate with the investigating parole agent for the purposes of gathering necessary information for the required reports.

Applicants wishing to withdraw their application must do so in writing directly to the Board of Pardons. Applicants with any changes in address, phone, or employment at any time during the pardons process must notify the Board of Pardons in writing.

2. Board of Pardons

Upon receipt of an application, the Board of Pardons forwards a copy to the board for investigation and reporting on the case as described in Section 3 below.

Additionally, The Board of Pardons immediately informs the PBPP staff of any withdrawn cases and changes to applicants' addresses.

The Pardon Board also serves as the arbitrator of pre-release cases when the court and the Department of Corrections cannot agree on the placement of persons serving their minimum sentences in pre-release status. At the Board of Pardon's request, a "Facts of Crime" is investigated by an investigating parole agent.

3. Central Office/Bureau of Offender Reentry Coordination

Upon receipt of an application, the Bureau of Offender Reentry staff determines if the applicant has an assigned parole number. If so, the parole number is placed on the application. If the case was never under the board's jurisdiction, a parole number is assigned with the prefix "PB" to indicate that it is a Board of Pardons case.

Review the content of the application to determine the specific items which need to be investigated, the district office(s) to be assigned the investigation, and whether it is a re-application. This information is entered on the front of the application.

A due date for the completion of the investigation and report is established 12 weeks from the date the application was received in central office. Enter this date on the bottom of the application.

Forward a copy of the application to the Office of the Victim Advocate. The Office of the Victim Advocate shall check each assaultive Pardon Board application investigation for any registered crime victims. If there are no registered victims, the victim advocate shall note such on the application. If there is a registered victim, the victim advocate shall make the information

available to update and verify. The application will then be forwarded to the assigned district to conduct the investigation.

If the applicant is incarcerated in a state or county institutional facility, the Bureau of Offender Reentry will prepare an email message to the appropriate Institutional Parole staff person or designated person assigned county prison work to complete pages one (1) and two (2) of PBPP-361 "Parole Decision Making Guidelines" (version 4/98 only) and return the form by a specified date.

When more than one district office is required to complete the investigation, each district office is sent a copy of the application. The specific items to be investigated by each district office are marked on the front of the application.

If the offense being requested for consideration for clemency is a Summary level offense not related to a sex offense and qualifies for expungement by a court under the terms of Act 134 of 2008 (18 Pa. C.S.A. Section 9122(b)(3)(i), as added by the Act of November 26, 2008, No 134, P.L.1670, effective January 26, 2009), the application will be processed in an expedited manner.

This processing will include determining/assigning a parole number; reviewing the application; obtaining and reviewing the applicant's criminal history record; preparing a file; and database tracking.

Provided no other offenses appear on the applicant's criminal history record than the Summary offense(s) applied for, then PBPP staff will send the Board of Pardons a letter response verifying such (see attached). The FOC/PS reports will not be required and no taskings will be sent to the field in these instances.

In the event the review of the applicant's criminal history record reveals unreported offenses, or offenses above summary level, then the application will be processed in the normal manner and sent to the field for investigation.

4. Parole Supervision Staff

The parole supervision staff receives applications with criminal history rap sheets and any available victim information from the Bureau of Offender Reentry. The appropriate district office / suboffice assigns the applications for investigation based on their local procedures. Internal due dates may be applied to insure a timely return of the completed reports to the Bureau of Offender Reentry.

Appropriate parole supervision staff is responsible for tracking the assignment and completion of the applications and reports. PBPP staff cannot cancel investigations. Only the Board of Pardons may withdraw applications.

The investigating agent will include for investigation all arrests resulting in a conviction listed under #7, #8, and as requested on any attachments under the facts of crime. The only exception to this is for incarcerated offenders seeking to commute their sentences. Under this circumstance, then only the confining offense(s) and any consecutive confining offense(s) will be covered under the facts of crime (FOC) and all other offenses will be covered under the other information (OI) report. Arrests with any type of outcome listed under #17 of the application will be reported under the other information (OI) report.

The investigating agent needs to immediately inform the Bureau of Offender Reentry through their supervisor of uncooperative applicants; difficulty obtaining information for the FOC/OI possibly due to an aged offense; that the applicant has moved if tasked with a present status report; or if the applicant has received an expungement through Act 134 of 2008 (18 Pa. C.S.A. Section 9122(b)(3)(i), as added by the Act of November 26, 2008, No 134, P.L.1670, effective January 26, 2009) for summary level offense(s).

Emails pertaining to the pardons process will be sent to [REDACTED].

It is imperative that the field chain of command review the completed reports for accuracy and completeness. Appropriate parole supervision staff will send the original completed reports with signatures and the original victim checklist to the Bureau of Offender Reentry at:

Pennsylvania Board of Probation & Parole
Bureau of Offender Reentry Coordination, **Suite 5400**
1101 S. Front Street
Harrisburg, PA 17104

It is no longer a requirement to send additional copies of the reports and it is recommended that electronic copies or hard copies of reports pertaining to the pardons process be retained at the district office/suboffice for two (2) years after forwarding to the Bureau of Offender Reentry.

Board of Pardons requests that investigating agents remind applicants to notify the Board of Pardons in writing of any address, phone, or employment changes.

a. Extension of Due Date for Pardon Board Investigation Report

Investigations for the Board of Pardons must be completed and received in central office on or before the due date indicated on the application. **With the change from 6 weeks plus 3 days to 12 weeks to complete the pardon board investigations, extensions will only be granted under extenuating circumstances as requested by district directors to [REDACTED].**

Note: Extensions will not be granted for execution case pardon board reports.

B. Processing Applications for Clemency

All applications for clemency are subject to the same general procedures including an investigation of "facts of crime" and "other information". The remaining part of the investigation varies based upon the applicant's location, whether or not confined, or applying for a pardon.

1. Applicant Residing in Pennsylvania

If an applicant resides in Pennsylvania, the appropriate district office secures the 'facts of crime,' 'other information,' and 'present status'.

2. Applicant Residing Out-of-State

If an applicant resides in another state, the appropriate district office secures only the "facts of crime" and "other information."

Offender reentry will request the assistance of the state where the applicant resides for the completion of the present status report. The other state must respond within 60-days with a completed report. If the other state fails to respond within 60-days; or does not participate in the interstate compact; or lacks the resources to complete the present status investigation, Bureau of Offender Reentry staff sends a self-questionnaire to the applicant to complete and return.

3. Applicant Confined in County Prisons or Hospitals

- a. If the applicant is serving a sentence in a county prison or hospital, the district office prepares a Summary of Investigation (PBPP-139), a Classification Summary (PBPP-130), and a Parole Summary (PBPP-245).
- b. Information concerning applicant's adjustment should be secured from the warden or superintendent and incorporated in the Parole Summary (PBPP-245). If a pre-sentence investigation report is available, it may be submitted as the classification summary by attaching a classification summary face sheet to it.

4. Institutional Parole Staff Processing of Risk Assessment

Upon receipt of the instructional email message from the Bureau of Offender Reentry, the institutional parole staff shall complete pages one (1) and two (2) of the PBPP-361 "Parole Decision Making Guidelines" (version 4/98 only). Use the date of the request to compute the age at minimum date. Sign and date the bottom of the document. Submit a copy via fax or email to the Bureau of Offender Reentry parole staff technician at [REDACTED].

C. Investigation Procedures

BACKGROUND

It is essential that the Board of Probation and Parole conduct accurate and complete investigations related to applications for commutations and pardons as requested by the Board of Pardons. Board staff shall provide a full investigative report to include the facts of crime, verification of allegations made by the applicant in the application, identification of the crime victim and notification of the address of the crime victim, and secure all other information as required by the Board of Pardons. A present status investigation is to be investigated when applicable.

1. PROCEDURES

a. Investigating "Facts of Crime" (FOC)

- 1) The "Facts of Crime" (FOC) section is to contain a summary of the crime related in narrative securing the essential facts on what the applicant did. Sources of information should be noted in the initial sentence of this section. In crimes of violence, provide more detail in the summary, especially any details which would indicate acutely abnormal personality characteristics of the applicant. It is to include the dates of the offense(s), the events leading to the offense(s), the reasons or motivation behind the offense(s), how the crime was performed in each instance, who participated, who were the victims and how the offenders were caught.
- 2) The "facts of crime" must include sentencing information on each indictment number of the crime(s) on which the applicant is applying, the charge for each indictment number, and the sentence on each one. It must be indicated whether sentences are running concurrently or consecutively. The sentencing statement should end with the total sentence imposed, the date(s) of sentence(s) (include minimum and maximum dates of non-confined applicant), and whether sentence was a result of a guilty plea, plea bargain, bench trial, or trial by jury. Effective date(s), court, term of court, and sentencing judge(s) must also be given.

The investigating agent will include for investigation all arrests resulting in a conviction listed under #7, #8, and as requested on any attachments under the facts of crime. The only exception to this is for incarcerated offenders seeking to commute their sentences. Under this circumstance, then only the confining offense(s) and any consecutive confining offense(s) will be covered under the facts of crime (FOC) and all other offenses will be covered under the other information (OI) report. Arrests with any type of outcome listed under #17 of the application will be reported under the other information (OI) report.

- 3) On pardon applications, all convictions are to be reported upon. Sometimes "Bills of Indictment," which have resulted in a conviction are not shown in the individual's pardon application, but are discovered by the agent during the course of the investigation. Include this information on these indictments under the facts of crime section.
- 4) To gather information on the "facts of crime," the following sources of information should be considered:
 - a) Available Records. Pardon Board application and classification summary must be reviewed by the agent conducting the investigation.
 - b) Clerk of Courts. Visit the clerk of courts office in the county where the applicant was sentenced to obtain information as to leads and possible statements relating to the crime. Check the accuracy of the sentence, plea, indictment, dates, etc., as given by the applicant, especially in those cases where the applicant is in a county prison. Facts from official records should be checked against those contained in the classification summary. In case of discrepancy, double check the record and call attention in the report to the discrepancy under "additional information" and to the fact that it was double checked. The effective date of sentence is very important. When a commutation is granted, there must be a correct starting date from which to compute time and arrive at a parole eligibility date. Records must be scrutinized for the purpose of obtaining actual information relative to the summary of the crime(s). Look for names of officials, witnesses, or other persons who may be in a position to give that information. The notes of testimony, when available, is usually the most important document as a source of material for facts of crime.
 - c) Probation Office. If the applicant has ever been on probation in the county in which the crime occurred, information about him/her should be available in the county probation office. A pre-sentence investigation may have been conducted for the court.
 - d) District Attorney. The office of the district attorney may have some of the forms or records that are not available in a clerk of court's office.
 - e) Police and Detective Bureaus. The investigating agent may contact the arresting agency. Reports of the arresting or investigating officers can be obtained from these sources. These reports usually contain firsthand accounts of the crime and statements of witnesses or co-defendants.
 - f) Minor Judiciary. Contacts with minor judiciary include contacts with district justices. When information from other sources is

inadequate, contacting the minor judiciary may prove worthwhile in small communities where these individuals may be well informed about the past history of the applicant.

- g) Public Defender. An applicant may have been represented by a public defender. The investigator may contact the public defender or his/her office to obtain the available information. This practice is not recommended with private counsel.
- h) Confessions- If available and requested by the Board of Pardons, this should be provided. The inclusion of the copy of the confession can be valuable. When the confession is short, clear, and relevant, a copy is desirable and sufficient. When the confession is long, as is frequently the case in question-answer type transactions, it may be summarized and submitted separately as a "summary of confession."
- 5) Re-applications- If an applicant re-applies for a pardon, the original FOC report will be used. There is NO need for the original FOC to be retyped. The OI report and victim checklist (and present status report if applicable) must be updated by the investigating agent.
- 6) Execution Pardon Board Reports- When tasked by the Board of Pardons and following the governor's signing of a death warrant, only an email notification will be sent by the Board of Pardons to the Bureau of Offender Reentry. These will be assigned to the appropriate DO/SO for a FOC/OI report. No paper applications will be sent and no extensions will be granted.

b. Investigating "Other Information" (OI)

- 1) The "other information" (OI) section of the investigation report will be started on a separate PBPP-139 face sheet. Cross out the printed words "facts of crime" and type "other information." This section of the report is then attached to the section dealing with facts of crime. In cases of re-application, the new "other information" section must begin with a statement indicating that "This is a supplemental report to the "Facts of Crime" report submitted on (date)." Upon re-application for pardon or commutation, the "facts of crime" report will not have to be retyped or rewritten if the original report was satisfactory. The section dealing with "other information" must be rewritten and brought up to date each time the applicant applies.

In the case of a split investigation, which involves more than one district office, each district office will use all headings described below and will indicate with a remark such as "To be submitted by the (___) District Office," the items for which the other district is responsible.

The following subheadings must be completed under this section.

a) Reputation of Applicant

If the applicant is not confined and the investigator is submitting a "present status and reputation" section, it will only be necessary to refer to that section for example "See Present Status Report."

b) Fines, Costs, Restitution, and Supervision Fees

Information must be reported as separate figures on fines, court costs, restitution, and supervision fees as imposed. Information as to the totals of each imposed, payment of same, or amounts outstanding are to be reported upon. This must be rechecked on any subsequent application to determine if anything has been paid during the interim.

c) Revocations of Probation/Parole/intermediate Punishment

The parole agent can establish whether probation, parole, or intermediate punishment has been revoked by careful study of the criminal record as well as by inquiry during the process of investigation.

d) Other Tried or Untried indictments/informations or Detainers

Any indictments/informations or detainers filed against the applicant which may affect the sentence on which he is applying for clemency should be reported with specific details. This includes other indictments/information(s), which are nolle prossed, untried, tried, merged, or other sentences which would affect the applicant's status.

e) Protection from Abuse Orders

Any violations from protection from abuse orders should be reported.

f) Accomplices

If the applicant had accomplices, the disposition of each accomplice, giving the sentence imposed, how and date released, or information concerning any post-sentence disposition must be reported.

g) Additional Information (Optional)

Enter information under this sub-heading if there is additional information obtained that appears relevant to the investigation in assisting the Board of Pardons in making their decision. Additional information may include pending litigation, completion of a previous probation or parole, additional details recalled by

the arresting or investigating police officer including additional information discovered since the case was tried, etc. If there has been any change in sentence structure subsequent to the original "facts of crime" report, it must be so indicated by a special note in the new "other information report."

In the event that allegations presented in the application are found to be false or misleading, the exception should be refuted with supporting evidence.

If information pertaining to juvenile arrests is available, it should be covered under the OI report.

h) Victim Identification and Verification of Address

Field staff shall make a diligent effort to obtain the identity of the crime victim by utilizing all resources listed on the PBPP-139A 'Crime Victims Checklist'. Documentation of attempts to locate the identity of the crime victim shall be submitted by the agent on the PBPP-139A "Crime Victims Checklist".

Field staff shall verify the location of the crime victim included in the investigative report submitted to the Board of Pardons. Field staff shall make a diligent effort to verify the location of the crime victim by utilizing all resources listed on the PBPP-139A "Crime Victims Checklist" and shall submit documentation of attempts. Field staff shall not contact the crime victim or family members directly during the application investigation.

In cases of homicide or murder, field staff shall attempt to identify and locate next of kin such as the surviving parents, spouse and/or siblings of the deceased victim.

In cases where there is no victim, such as in a drug offense, there is no need for the PBPP-139A "Crime Victims Checklist."

It is noted that the PBPP-139A "Crime Victim Checklist" is not forwarded to the Board of Pardons. Thus, this paragraph must include the victim's/next of kin's name, address, and telephone number. If the victim is a business, specify if the business is still operating.

c. Investigating Present Status and Reputation (PS)

- 1) The present status (PS) report discusses the applicant's adjustment in the community since their offense and covers 14 specific areas listed below and includes lifestyle description, applicant's reliability, sense of responsibility, attitudes towards his/her adjustment to life in community, how he/she feels about his/her crime, and no recommendation is to be made.

a) Residence

Give the present address and brief description of the residence. List whether the residence is rented, owned, or being purchased, and the amount of rent or mortgage payment. Give a brief statement as to the occupants, estimate of home conditions and type of neighborhood.

b) Marital Status and Family Composition

List if applicant is married, divorced, single or widowed. If married, list wife's maiden name, date of marriage, and the names and ages of children. Reference should also be made to any previous marriages and/or paramour relationships and a statement as to how they dissolved. Inquire as to whether the applicant is supporting his dependents either by court order or voluntarily.

c) Employment (Present)

Give the name and address of employer, type of work performed and weekly income. List how long employed. If the applicant is not employed, income from other sources such as public assistance, etc., should be listed. Do not list social security numbers.

d) Resources

Enter any resources owned, such as, equity in home; other property owned; cars; investments; life insurance; checking or savings account (where and balance); etc. Indicate whether the wife or other member of the family is employed. Also enter the total family earnings. Do not include account numbers.

e) Liabilities & Indebtedness

Obtain his credit standing. List loans, mortgages, installment payments, support payments, and other debts if any. Do not include account numbers. Do not include utilities unless the applicant is delinquent on payments.

f) Membership in Organizations and/or Other Civic Activities

List offices held in such organizations and applicant's leisure time activities.

g) Religious Interests

Give applicant's statement of his interests and activities.

h) Mobility and Travel

List various addresses at which subject lived in the past ten years. Give the length of time that he has lived at each address. This does not include travel for vacation.

i) Employment History

Give a detailed record of jobs held, when, where, type of work, salary earned, and why employment was terminated.

j) Educational History

Give a record of schools attended, locations, and degrees received and/or training received.

k) Military Service

List the branch of service, date entered, date of discharge, type of discharge, and rank attained. If applicant was rejected for military service, give date and reason.

l) Community Reputation and References

Persons should be interviewed who are familiar with applicant, including physicians, employers, professional counselors, police, etc. The parole agent should use references that are unbiased and not rely solely on references supplied by the person being investigated. We should never eliminate references or fail to investigate reputation simply because the agent knows the applicant personally. At a minimum, the investigating agent should contact the local police department. If the investigating agent refers to letters of support in the report, copies of the letters must be provided with the report.

m) Applicant's Reasons and Need for Clemency and Support for Same

This item is self-explanatory and information should be secured from the applicant.

n) Brief Summary by the Investigator of the Applicant's Community Adjustment in View of Results of the Investigation

Provide a brief lifestyle description to include the applicant's reliability, sense of responsibility, attitudes toward his/her problem and adjustment to life in the community, and how he feels about his/her crime. No recommendation is to be made.

Any additional pertinent information which may come to the investigators attention concerning the applicant should be included in the report, even if a specific reference to it has not been included in this outline.

In writing these reports, refrain from using phrases such as, “He claims that”, “It seems that”, and “Apparently.” This gives an impression of uncertainty concerning the information being given. Be as forthright and direct as possible in presenting information and in evaluation. Opinions should be labeled as opinions, and facts should be properly qualified.

D. Submission of Pardon Board Reports

Once the investigative report is returned to central office, central office staff shall review the report and provide the Office of the Victim Advocate with any and all information obtained on the identity and location of the crime victim in all assaultive cases. The victim advocate shall enter the information into the confidential victim registration computer system for future retrieval.

E. Processing of Charter

Only the governor can grant a pardon or commutation. When the governor grants clemency a copy of the official charter setting forth the action taken is forwarded to central office. The Board of Probation and Parole is responsible for the supervision of individuals granted clemency that are subject to parole. The Board of Probation and Parole may act upon the charter only after all the requirements of the charter are met. For an offender whose term of imprisonment was commuted from life to life on parole or who was serving a term of imprisonment for a crime of violence, or serving a sentence under 42 Pa C.S. §9712 (relating to sentences for offenses committed with firearms), the board may act upon the charter only after the offender has served at least one year in a prerelease center, unless waived due to a certified terminal illness. Upon parole, these parolees shall be subject to weekly supervision for the first six months on parole. These parolees shall not be paroled to another jurisdiction unless the receiving state agrees to provide weekly supervision during the first six months of parole.

1. Commutation of Minimum Sentence

If the applicant is confined and his minimum sentence has been commuted, the Board of Pardons notifies the appropriate institution and the Board of Probation and Parole of the governor’s action to commute. Central office staff must review the charter to determine if all the requirements in the charter are met. Processing for parole is initiated when the new expiration date is near or, for specified offenders, the one-year term in a prerelease center is nearly completed.

2. Commutation of Maximum Sentence

If the applicant is confined and his maximum sentence is commuted, no action is required by the Board of Probation and Parole, as the applicant will be released without parole action or supervision.

If the applicant is under parole supervision and his maximum sentence is commuted, central office must notify the appropriate district office or other

state supervising the parolee so that supervision may be terminated. The Board of Pardons will notify the applicant through his/her representative, and he/she may know of the action before it is known to the district office. However, the district office does not officially terminate supervision or deduct the case statistically until notified by central office.

3. Pardon of Sentence

Pardon action by the Board of Pardons usually does not require any immediate action by central office unless the applicant is under supervision, in which case notice is sent to the supervising district office.

F. Notifying of Parole Violations

When a parolee, whose sentence the governor has commuted and who is under the supervision of the board, violates a condition(s) or special condition(s) of parole/reparole resulting in an arrest or the imposition of intermediate sanctions, the Board of Pardons shall be notified immediately.

1. Intermediate Sanctions Imposed

A copy of the Parole Violation Warning/Instructions (PBPP-348) and attachments, if any, shall be faxed immediately by the supervisor/district director to the director of the Bureau of Offender Reentry. The director of the Bureau of Offender Reentry shall immediately provide a copy of the faxed document(s) to the secretary of the Board of Pardons.

2. Arrest as a Technical Parole Violator or on New Charges by Warrant, Summons, or Citation

A copy of the Arrest Report (PBPP-257C or T) and attachments shall be faxed immediately by the supervisor/district director to the director of the Bureau of Offender Reentry. The director of the Bureau of Offender Reentry shall immediately provide a copy of the faxed documents to the secretary of the Board of Pardons.

3. Parolees under Supervision in Other States

Upon receipt of a report from a receiving state (another state supervising a Pennsylvania parolee) advising that a parolee has violated a condition(s) or special condition(s) of parole/reparole or has been arrested on new charges, the director of Interstate Services shall immediately provide a copy of the report to the secretary of the Board of Pardons of these violations, and notify the Bureau of Offender Reentry parole staff technician.

4. Notice of Board Actions

When the board orders a parolee continued under supervision, or recommitted as a technical parole violator and/or a convicted parole violator, the director of the Bureau of Offender Reentry shall immediately notify the secretary of the Board of Pardons. When the board orders a

parolee reparaoled, the director of the Bureau of Offender Reentry shall immediately notify the secretary of the Board of Pardons.

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

This procedure does not contain information that impacts the security of board staff or parolees and may therefore be released to the public.

This procedure is to be distributed to all board staff.

X. CROSS REFERENCES

A. Statutes

1. Federal
2. State

Pa. Const. Art. IV, § 9

18 Pa. C.S.A. Section 9122(b)(3)(i), as added by the Act of November 26, 2008, No 134, P.L.1670, effective January 26, 2009

61 Pa. C.S.A. § 6142

B. PBPP Policies

C. American Correctional Association

D. Management Directives

E. Report of the Reentry Policy Council