

Violations of Parole

What I need to know if I am detained or recommitted for a parole violation?

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

First level hearings:

Preliminary hearings are for parolees with technical parole violations. These hearings are held within 14 days of detention on the Board's warrant.

Detention hearings are for parolees with new criminal charges. These hearings are held within 30 days of detention on the Board's warrant.

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

Second level hearings:

Revocation hearings are for parolees who committed a criminal act while on parole or delinquent on parole (convicted parole violator) and are convicted or found guilty by a judge or jury or to which the parolee pleads guilty or no contest in a court of record of a crime punishable by imprisonment. This hearing is held either within 120 days from the date the Board receives official verification of the plea of guilty, no contest plea or guilty verdict at the highest trial court level or within 120 days of the date the Board receives official verification of the your return to a Pennsylvania state correctional institution depending on the circumstances. You may waive this hearing right.

Violation hearings are for parolees who violated either a general or special condition of parole (technical parole violator). This hearing is held within 120 days of the preliminary hearing. You may waive this hearing right.

The burden of proof for revocation and violation hearings is "preponderance of the evidence," which means it more likely than not that the parolee violated parole.

What are the possible outcomes?

First level hearings:

Either 'continue on parole' or 'detain pending second level hearing.'

Continuing on parole after first level hearings means the decision maker did not find a reasonable basis to conclude that you violated your parole or the circumstances did not warrant detaining you.

Second level hearings:

Either 'continue on parole' – with or without new conditions or "recommit"

You may be placed in a community corrections center, a community corrections facility or a parole violator center ("CCC/CCF/PVC"). In accordance with 61 Pa. C.S. § 6138, all technical parole violators (parolees who violate one or more conditions of their parole) will go to a CCC/CCF/PVC unless the violation was sexual in nature, involved assaultive behavior, involved possession of a weapon, the parole

violate poses an identifiable threat to public safety or the parole violator is an absconder who cannot be safely managed in a CCC/CCF/PVC. In that case, the parole violator will be returned to a contracted county jail ("CCJ") or a state correctional institution ("SCI"). Technical parole violators sent to a CCC/CCF/PVC will usually serve between 60 and 120 days, depending on their satisfactory adjustment while at the center. The maximum length of recommitment to a CCC/CCF/PVC is six months. The parole violator will be released on automatic reparole at that time unless they are not in "good standing with the Board".

Technical parole violators returned to CCJ or an SCI will serve at most six months for the first violation, nine months for the second violation and one year for the third and subsequent violations before being automatically repared. However, if the offender has committed disciplinary infractions involving assaultive behavior, sexual assault, possession of a weapon or controlled substance, spent more than 90 days in segregated housing due to one or more disciplinary actions or refused programming or work assignments, the technical parole violator is not entitled to automatic reparole.

Convicted parole violators (parolees recommitted for a new crime) will be returned to and SCI and will stay there until the board determines they are ready to reenter the community. If convicted, the board can recommit you to serve the balance of your sentence with no credit for time at liberty on parole. 61 Pa. C.S. § 6138 gives the board discretion in determining whether to award street time to some categories of convicted parole violators.

"Continuing on parole" after a second level hearing means either the decision makers did not find enough evidence to suggest you violated your parole OR it could mean there was enough evidence to recommit you to prison but the decision makers feel that you could be safely returned to the street with additional sanctions.

"Recommitment" means you were found to have violated your parole and the decision makers chose to return you to a CCC/CCF/CCJ or SCI.

What happens if I waive my right to have hearings?

When a parolee waives his/her hearing rights, the Board will examine the facts of the case and make a decision based on your waiver, admission (if applicable) and any reports or evidence that are made available. The Board will then make a decision on whether recommitment is warranted based on that information and issue one or more board actions reflecting that decision.

What is a parole violation center?

A PVC is a secure CCC which you will not be allowed to leave during your time there. You will immediately receive programming at the PVC. You will likely be released to an approved plan in a much shorter time period than if you were re-incarcerated, as long as you successfully complete all programming and requirements. PVC stays are designed to be anywhere from 60 to 120 days, depending on your program completion and satisfactory adjustment. If you fail the PVC program, you will be unsuccessfully discharged and returned to a CCJ or an SCI. You may be sent to a PVC directly upon waiving hearings or by the decision from a hearing.

How and when may I appeal violation recommitment decisions?

You may appeal a decision by sending a letter stating the reasons for your appeal to the Board. You must appeal a recommitment and or recalculation decision within 30 days of the mailing date stamped on the decision. The appeal should be sent to:

Board of Probation and Parole
Office of Board Secretary – Appeals
1101 South Front Street
Harrisburg, PA 17104

When and how does a recommitment affect my sentence calculation?

There are two times when recommitment may change your maximum sentence date calculation.

First, if you are recommitted as a convicted parole violator, the Board may deny you credit for all of the time you are at liberty on parole by adding this time to your prior maximum sentence date. This includes street time, time in halfway houses that are not deemed to be equivalent to imprisonment and time incarcerated on another sentence.

Second, if you are recommitted as a technical parole violator and you are found to be delinquent (i.e. you failed to report or you changed your residence without permission), the Board will deny you credit for the time you were delinquent by adding this time to your prior maximum sentence date.

When can I be re-paroled?

Your green sheet will state when you are to be reparaoled or you are eligible for reparole. You will be interviewed approximately four months prior to any review date, or on the next available docket following that date. However, there is no right to be reviewed for reparole absent a parole application.