

Survey to Chief APOs

Issue: State Parole Violation with Consecutive Probation

Question (from Chester County)

Wondering what others have done in this situation.

Offender on State Parole with a CS Probation accepted via 325. Gets new arrest during parole supervision and is detained. Special Probation returned to the county because of violation. Offender reaches calculated max date of parole and state parole lifts detainer and releases offender. Offender deemed delinquent for control with the state's plan to violate / revoke parole upon disposition of new charges. So, there is an active petition / violation filed during the parole period. State parole is not actively supervising due to case being past max.

I contend the CS Probation cannot start as there is an active violation filed on the parole which freezes the parole from progressing thus the probation cannot start and we cannot begin supervision.

How have others handled this?

Butler County

I'm not sure a pending violation technically freezes the time. The filing of the violation seems to be timely, but I believe further action by the Parole Board or Court needs to establish what happens with the case. I would start supervision of the CS probation. Just an upon from the western side of the state.

Lancaster County

I agree with your summary. The petition and Court's approval of violation effectively "stops the clock" on the parole term. That's one of the problems with split sentences. What started out as a total 5 year (ex.; 3-23 months parole plus 3-year consecutive probation) can cause us to still be dealing with an individual 7,8, 10 years later if they have several violations during the parole portion and/or abscond for some period of time.

Lebanon County

That is my interpretation as well and how we would handle it.

Northampton County

Northampton agrees with this interpretation.

Schuylkill County

Schuylkill agrees with Chester County interpretation.

Wayne County

It seems to me the Parole Board's actions may have merit since his parole sentence is not complete pending VOP and thereby "freezing" the probation that runs consecutive to his parole. Parole violation needs to be resolved by Court so maximum date is established on any remand with street time pulled because the Rule was filed prior to his maximum date.

York County

I agree with your and Mark's assessment of this case as well.