

City of Philadelphia



Council of the City of Philadelphia Office of the Chief Clerk Room 402, City Hall Philadelphia

(Resolution No. 121017)

RESOLUTION

Authorizing Council's Committee on Public Safety to investigate and hold public hearings reviewing the Commonwealth of Pennsylvania Board of Probation and Parole and its benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the citizens of Philadelphia.

WHEREAS, The defined mission of the Pennsylvania Board of Probation and Parole (the Board) is to protect the safety of the public, address the needs of crime victims, improve county adult probation and parole services and assist in the fair administration of justice by ensuring the custody, control, and treatment of offenders under the jurisdiction of the Board; and

WHEREAS, The Board has the legal responsibility to parole, recommit for violations of parole, and discharge from parole offenders sentenced to two years or more. The Board also supervises offenders placed on special probation or special parole as requested by the Court of Common Pleas; and

WHEREAS, Parole is the release of an inmate from prison prior to his or her sentence's maximum date, but after the minimum sentence date, to continue serving the balance of the sentence under supervision in the community. Parole is a conditional release that requires parolees to abide by rules that do not apply to other members of society. In Pennsylvania, parole is a privilege, not a right; it is not automatic or guaranteed; and

WHEREAS, Probation is served in the community rather than jail. The conditions and violations regarding an offender's probation is left to the discretion of a sentencing judge; and

WHEREAS, The Board's goal to protect the safety of the public is accomplished through effective parole decisions and proper supervision and management of offenders who are returning to their communities. Successful reentry of an offender can reduce the likelihood that offenders will victimize anyone else and ultimately return to prison; and

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WHEREAS, According to the Board's most recent monthly publication, which was released on November 6, 2012, the Philadelphia District had a parole and probation population of 10,175 individuals under the supervision of 132 agents of the Board. Of that population, 7,857 offenders must report to an agent as a condition of their release; and

WHEREAS, In 2008, Rafael Jones was convicted of firearms related offenses stemming from a 2007 violent confrontation with his sister. He was sentenced to two to four years of confinement to be followed by three years of reporting probation upon the completion of his incarceration. Jones ultimately served the maximum confinement sentence. Upon his October 2011 release he began probation; and

WHEREAS, On February 13, 2012, Jones was arrested for a gunpoint robbery. This arrest was a violation of his probation and he was subsequently incarcerated for this violation; and

WHEREAS, A probation revocation hearing was held for Jones before Judge Susan Schulman on July 25, 2012. Judge Schulman ordered several conditions of his release, including wearing an electronic monitoring device and weekly drug tests; and

WHEREAS, Jones was set free on August 8, 2012 even though a monitor had never been attached to him. Soon after his release, Jones failed a drug screening test, but he still remained free, despite the order that he be arrested after a single positive test; and

WHEREAS, Jones' supervising Agent Rodriguez asked that Jones be arrested and held in jail after Jones failed the drug screening test, but that request was denied by his Board-appointed supervisors, Rosa Hernandez and Michelle Rivera; and

WHEREAS, Philadelphia Police Officer Moses Walker, Jr., was brutally murdered on August 18, 2012 as he walked to a bus stop after completing his overnight shift at the 22nd Police District; and

WHEREAS, On August 25, 2012, Rafael Jones was still on probation, when he was picked up by police and eventually charged with the murder of Police Officer Moses Walker, Jr.; and

WHEREAS, Detention and arrest policies of the Board, and its implementation of these policies on its parole and probation supervisees in the City of Philadelphia, must be thoroughly examined in order to ensure that violent criminals are not released without adequate safeguards in place to protect the safety of the public; and

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WHEREAS, The Board's policies on the use of electronic monitoring and the release of parolees and probationers without electronic monitoring must be examined to make sure that the public is not being needlessly placed at increased risk of harm; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committee on Public Safety is hereby authorized to hold public hearings reviewing the effectiveness and efficacy of the Commonwealth of Pennsylvania Board of Probation and Parole and its readiness to protect the safety of the citizens of Philadelphia.

FURTHER RESOLVED, That in furtherance of such investigation, the Committee is hereby authorized to issue subpoenas as may be necessary or appropriate to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of The Philadelphia Home Rule Charter.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixth of December, 2012.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember O'Brien

Sponsored by: Councilmembers O'Brien, Jones, Goode, Greenlee, Kenney, Quiñones Sánchez, Squilla, Oh, Council President Clarke, Councilmembers Green, Johnson, Blackwell, Henon, Bass, Tasco, Reynolds Brown and O'Neill