

City of Philadelphia



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

(Resolution No. 130338)

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 practices in Philadelphia, including the violation of parole conditions, the issuance of technical and direct violation warrants, the recommitment process and the effect these processes have on the safety of 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; 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; and

WHEREAS, In Pennsylvania, parole is a privilege, not a right; it is not automatic or guaranteed. Parole is a conditional release that requires parolees to abide by rules that do not apply to other members of society; and

WHEREAS, Parole is premised upon the belief that the protection of society is a primary objective of conditional release. Although parole supports conditional release of offenders prior to completion of their sentence, parole also supports the use of restrictions, which are imposed as conditions, and, where necessary, termination of the release where the offender is not assessed to be abiding by the conditions of release and/or the potential for renewed criminal activity is felt to be high; and

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WHEREAS, Parole violators are classified as either Criminal Parole Violators (CPVs) or Technical Parole Violators (TPVs). A CPV is an offender who has committed a new crime while on parole. A TPV is an offender who breaks the terms and conditions of his or her parole; and

WHEREAS, The Public Safety Committee held an investigatory hearing on April 12, 2013. The witness list included three retired State Probation and Parole Agents; Michael C. Potteiger, Chairman of the Pennsylvania Parole Board; Charles Hoyt, Deputy Chief Probation Officer, Philadelphia Adult Probation & Parole; and Charles Junod, Assistant Managing Director and the Director of Philadelphia's Criminal Justice Coordination and Prison Population Unit; and

WHEREAS, Chairman Potteiger testified that on average, an offender who commits a technical parole violation receives three (3) sanctions prior to being either sent to a parole violator center or recommitted to prison. However, both the Chairman's written testimony and the Pennsylvania Board of Probation and Parole website list the number of sanctions as five (5) ranging from a written warning to placement in a substance abuse program; and

WHEREAS, The retired agents established that there is no limitation to the number of sanctions a technical parole violator can receive. Therefore, technical parole violators are never recommitted to prison, regardless of the violation. The agents established that the only time a parolee is recommitted to prison is for a new crime making him or her a criminal parole violator; and

WHEREAS, This no warrant culture has the effect of keeping the prison numbers down, the recidivism rate low and the citizens of Philadelphia unsafe by keeping parolees who should otherwise be recommitted to prison out in the community; and

WHEREAS, The committee needs to examine the policies and procedures related to technical and direct violations, the number of direct violation warrants issued in Philadelphia, the number of technical violation warrants issued in Philadelphia, what types of technical violations call for the issuance of a warrant, and how those numbers compare to the rest of the State. Further, the committee needs to examine the Board's compliance with court orders directing immediate detention upon a technical violation. And last, the committee needs to examine the Board's data keeping procedure for all the above information; and

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.

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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 twenty-fifth day of April, 2013.

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