

L1409. Lycoming County Parole Procedure.

A. Lycoming County Parole Committee. The Lycoming County Parole Committee is hereby established. It shall consist of three voting members as follows: Chief Adult Probation Officer (chairman), Warden of the Lycoming County Prison, and Work Release Administrator of the Lycoming County Prison. There shall also be two non-voting members -- a representative from the local office of the Pennsylvania Board of Probation and Parole and a representative of the Friends of the Court. The committee shall be responsible for initial consideration of parole petitions for inmates who are within the jurisdiction of the Court of Common Pleas by reason of the fact that their maximum sentence is less than 24 months. See Act of June 19, 1911, P. L. 1059, as amended, 61 P. S. §314.

(1) Forms for Parole Petition. The committee shall make forms for parole petitions available to all inmates within the jurisdiction of the Court of Common Pleas at the following locations: Lycoming County Prison (Warden's Office and Work Release Center), State Correctional Institution at Muncy, district court administrator's office and adult probation office.

(2) Initiation of Parole Petition by Committee. The committee shall initiate a parole petition on the inmate's behalf unless such petition has been initiated by the inmate personally. Whenever practical, the petition shall be initiated at least ten (10) days prior to the expiration of the inmate's minimum sentence; provided that the formal requirements of this rule shall not apply to an inmate whose minimum sentence is less than ninety (90) days; provided further, that if the committee recommends denial of parole for such an inmate, that the inmate must be informed in writing of his right to a court hearing pursuant to subsection A(4) below.

(3) Bi-weekly Meetings of Committee. The committee shall meet at least once every two weeks to consider all pending parole petitions. The committee shall give a schedule of the meetings to the district attorney's office, and notice of the specific cases considered at each meeting shall be given to the district attorney by daily schedule of the district court administrator. The district attorney shall assume the responsibility of notifying the prosecuting police officer. In deciding whether to recommend parole, the committee shall consider the following factors:

- (a) the conduct of the inmate while in prison or at a work release facility;
- (b) the progress of the inmate in any rehabilitative program, such as drug/alcohol counseling, education, or employment; and
- (c) whether punishment as opposed to rehabilitation was the primary consideration of the sentencing judge.

(4) Denial of Parole. Right to Court Hearing. Waiver. In the event that the committee recommends denial of parole for an inmate, it must also inform the inmate of the right to file his petition with the Court of Common Pleas and have a court hearing on the

petition. The hearing shall be held within thirty (30) days of the filing of the petition, and, when possible, shall be heard by the sentencing judge. The inmate may waive his right to a court hearing, but such waiver must be in writing.

(5) Granting of Parole. After the expiration of the minimum sentence, the court may grant parole of an inmate upon the committee's recommendation. Except in extraordinary circumstances, the committee shall not recommend parole prior to the expiration of the minimum sentence. In any event, parole shall be effective upon the court's approval, subject to the conditions that the court deems appropriate.

B. Procedure for Inmates in State Institutions. The procedure in section A shall not apply to inmates in state correctional institutions who are serving sentences imposed by the Lycoming County Court of Common Pleas which have maximum terms of less than 24 months. In such cases, the following procedure shall apply instead:

(1) The recommendation to grant or deny parole shall be made by the inmate's caseworker at the state institution.

(2) Denial of Parole, Hearing, Waiver. In the event that the caseworker recommends denial of parole, the inmate shall be informed of the right to a hearing. The hearing shall be conducted by a hearing officer appointed by the court at the state institution. The hearing officer shall file a written report and recommendation with the sentencing judge within fourteen (14) days of the date of the hearing. The court shall make its decision to grant or deny parole based upon that report and recommendation within fourteen (14) days of receiving the report. The right to a hearing may be waived in writing.

(3) Granting of Parole. The court may grant parole upon recommendation of the inmate's caseworker or the hearing officer. Parole shall be effective upon the court's approval, subject to the conditions the court deems appropriate.