

CHAPTER 69. PAROLE AGENTS

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Source

The provisions of this Chapter 69 adopted June 2, 1972, effective June 3, 1972, 2 Pa.B. 970.

Notes of Decisions*Exclusionary Rule*

The application of the exclusionary rule was necessary and proper to proscribe a search such as the one conducted by this parole agent. In this case, the need to exclude the improperly obtained evidence outweighs the injury to the parole revocation process which would be caused by the exclusion. *Scott v. Board of Probation and Parole*, 668 A.2d 584 (Pa. Cmwlth. 1995).

Search and Seizure

Entrance to the home prior to contacting the homeowner, and when the homeowner hesitated to disclose parolee's bedroom but finally acquiesced after agent stated he would locate it himself, and weapons were found in the sitting room adjacent to parolee's bedroom, under these circumstances, it is clear that the homeowner did not voluntarily, intelligently and unequivocally consent to the search conducted by the parole agent. Thus, in the absence of any statutory or regulatory framework, or an agreement explicitly setting out the rights of the parolee and the authority of the state to supervise the parolee, the only conclusion is that the actions of these parole officers violated the Fourth Amendment to the United States Constitution. *Scott v. Board of Probation and Parole*, 668 A.2d 584 (Pa. Cmwlth. 1995).

§ 69.1. General.

The Board recognizes, in specific cases, the need for parole agents to carry a weapon for their protection. Therefore, parole agents shall be authorized to carry firearms in accordance with established standards and procedures of the Board.

§ 69.2. Limitations.

The authority extended by the provisions of this chapter shall be limited by the following provisions:

- (1) Firearms shall only be used for defensive purposes and may only be carried by parole agents while on duty.
- (2) Permission to carry firearms may only be given to those parole agents who have successfully completed a Board-approved and sponsored training course in the use of firearms.

§ 69.3. Procedures.

The following procedures have been adopted by the Board:

- (1) Whenever a parole agent considers it necessary to carry a firearm, during that period, it should be carried on his person and in a manner that it is

ready and available for use and, under no circumstances, is the weapon to be left or carried in the glove compartment of an automobile, a briefcase, a suitcase, or some receptacle other than on the person of the parole agent. The firearm is to be carried inconspicuously and is to be used only in the defense of the parole agent's person.

(2) Parole agents desiring to carry a firearm shall submit in writing a request to their immediate supervisor.

(3) His request shall include a rationale as to why it is necessary to carry a weapon while on duty.

(4) The immediate supervisor and district supervisor shall then review the case, making a decision with an accompanying statement either in support of or in opposition of the agent's request.

(5) Copies of requests and the final decision concerning the arming of the agents are to be submitted to the regional director and the Superintendent of Parole Supervision for information and review purposes.

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