

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p>	<p><b>Volume III Chapter 3</b></p> <p><b>Procedure 3.02.16</b></p>	<p><b>Replaces No.</b> 6-2/1 VI 3-5 and 7.2 eff. 8/14/01 7.2E eff. 2/12/04 7.2 eff. 1/1/2005 4.05.03 eff. 7/21/09</p>
<p><b>Chapter Title</b> <b>CASE RECORDS, DECISIONAL PROCESSING</b></p>		<p><b>Date of Issue</b> <b>9/28/12</b></p>
<p><b>Subject</b> <b>INTERSTATE HOME PLANS: OFFENDERS SERVING MAX WITH AN ACTIVE SPECIAL PROBATION/PAROLE SENTENCE</b></p>		<p><b>Effective Date</b> <b>10/12/12</b> <b>PUBLIC</b></p>

**I. AUTHORITY**

Compacts between States for cooperation in prevention of crime; Consent of Congress (80 Stat. 608; 4 U.S.C. Sec. 112) and the Interstate Compact for the Supervision of Adult Offenders (61 Pa.C.S. § 7112).

The Chairman of the Board is granted the authority to “direct the operations of the Board and fulfill the functions established by the act... including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

**II. PURPOSE**

This procedure sets forth the process necessary for transferring Pennsylvania special probation and special parole cases from a correctional setting to another state, the District of Columbia, Puerto Rico or the U.S. Virgin Islands in accordance with the interstate compact and rules established by the Interstate Commission for Adult Offender Supervision.

**III. APPLICABILITY**

This procedure is applicable to Board staff involved in the pre-release planning and releasing of Pennsylvania special probation and special parole cases to out-of-state supervision plans.

**IV. DEFINITIONS**

Refer to Procedure 4.05.01 – Glossary

**V. POLICY**

It is the policy of the Board to process all cases involving the interstate movement of offenders in accordance with the requirements of the Interstate Compact for Adult Offender Supervision.

**VI. PROCEDURE**

A. Inmate Serving Maximum State Incarceration Sentence who Requests Compact Supervision in another state for an active concurrent or consecutive Special Probation/Parole term. Initial steps:

All proposed interstate plans, including program, treatment, internships or educational plans must be investigated and are subject to compact procedures and interstate rules. No offender shall be permitted to release to a plan outside of PA without Compact involvement unless releasing to a detainer.

1. Institutional parole staff will learn of an offender's request for a non-Pennsylvania plan upon the offender's submission of the Statement of Residence (PBPP-1). Prior to actually meeting with the offender, staff should review the case as noted in the below procedure. Staff shall then meet with offender 120 days prior to release date to obtain a full explanation of the plan, to ask appropriate questions in order to determine eligibility under the rules of the Interstate Compact for Adult Offender Supervision (ICAOS) and to explain required elements of the transfer process.
  - a. Staff shall review eligibility criteria outlined in Appendix A prior to meeting with the offender to familiarize themselves with ICAOS rules.
  - b. Staff shall determine whether there are any detainers lodged against the offender. Offenders with unresolved detainers are not readily available for supervision and are, therefore, ineligible for Compact transfer.
  - c. Staff must be confident that the interstate plan has merit and will serve to aid in the rehabilitation of the offender. Proposed plans with friends, common-law relations, paramours, and distant relatives MAY be submitted if staff can articulate why the plan would be in the offender's best interest. The offender should be advised that discretionary plans, such as these, are less likely to result in a favorable outcome.
  - d. Staff shall verify the legitimacy of the proposed plan by securing and verifying the necessary information regarding the proposed residential and employment offer and any documentation substantiating the plan such as a letter from home provider, copy of utility bill, a copy of the home provider's lease/rental agreement, job offer on employer's letterhead, details of proposed treatment program, acceptance letter from college or technical school, etc.
  - e. Staff is responsible to explain the following to offender:
    - 1) Eligibility criteria for ICAOS transfer to include the difference between a transfer with mandatory criteria compared to a discretionary home plan;
    - 2) Offender's signature on the Offender Application for Interstate Compact Transfer contains an expressed waiver to resist extradition to Pennsylvania from any jurisdiction in or outside of the United States;

- 3) Supervision aspects to include that the degree or level of supervision in a receiving state may be different than PA and that the offender must adhere to both PA's and the receiving states' conditions;
- 4) A receiving state may impose special conditions on an offender transferred through the Compact. The sending state (PA) is obligated to enforce conditions imposed by the receiving state;
- 5) Payment of a one hundred dollar (\$100) non-refundable application fee is mandatory;
- 6) Supervision issues and problems will be resolved according to the receiving state's policies and procedures;
- 7) A receiving state has 45 calendar days in which to investigate and report the results of the plan (approve or deny).

#### B. Compact Eligibility Criteria

1. Before meeting with the offender, institutional parole staff shall review the instant offense(s). All felonies and certain misdemeanors are eligible for transfer. If the instant offense is a non-eligible misdemeanor as defined under ICAOS Rule 2.105 (Reference Appendix B), do not proceed with a transfer request unless the offender has a supervision obligation in the receiving state or institutional parole staff receives specific permission following review of the case with an Interstate Manager or Division Director.
2. The offender must have three (3) months or more of supervision remaining on their PA special probation/parole sentence.
3. Proposed plans that meet mandatory criteria have the highest likelihood of being approved by the receiving state (Reference Appendix A).
4. The offender must have a valid plan of supervision to include a means of support.
5. Refer to the ICAOS Eligibility Worksheet (Appendix C) to aid in determining whether the offender and the proposed plan meet compact criteria.

#### C. Preparing to Submit a Transfer Request

1. Special Probation/Parole Transfer requests may be submitted no earlier than 120 days prior to the offender's release date.
2. Institutional parole staff shall prepare any required form(s) and obtain required supporting documentation prior to initiation of transfer through the Interstate Compact Offender Tracking System (ICOTS). The transfer process requires that pertinent information be available and responses to specific questions be known. Institutional parole staff cannot proceed without the following information:

- a. Gang affiliation is a required field. If the Integrated Case Summary Application (ICSA) indicates affiliation with a Security Threat Group (STG), the institutional parole agent or parole supervisor shall contact the Department of Corrections Security Captain within the institution or the DOC Office of Special Investigations and Intelligence to confirm that the offender has been identified as being affiliated with a gang and to ascertain which gang he/she is involved. Staff should choose the best option listed under gang dropdown in ICOTS. If using "Other" designation, the gang affiliation must be included in the Transfer Justification section.
- b. Transfer Reason: This is the basis in determining whether the request meets mandatory eligibility criteria or is a discretionary request. For example, an offender may reside with his/her fiancé and use a family member as the transfer reason so long as the family member meets the compact definition of resident family and is willing and able to assist the offender. To complete this section, institutional parole staff must have the family member's exact name, address, telephone numbers and relationship. Also need to know how long the family member has resided in the receiving state. The exact address should be verified through an online search of the USPS zip code directory. Do not accept or use a Post Office Box address. The offender must provide written directions to any address involving a Rural Route address.
  - 1) Transfer Reason-Discretionary: Strong rationale must be included as to why this plan is in the offender's best interest. If the plan is for a specific treatment facility, documentation must be included explaining how the offender or family will pay for the treatment services.
- c. Transfer Justification: This section is mandatory. Staff shall include information as to why the plan is viable and should be accepted. Institutional parole staff shall also include the following information in ICOTS, as applicable:
  - 1) Multiple contact numbers for the home provider.
  - 2) Gang affiliation if using "other" in the offender demographics section.
  - 3) Multiple convictions (two or more) for DUI explaining how he/she is eligible for transfer under the misdemeanor rule.
  - 4) If it is a discretionary request, restate the rationale supporting, an explanation or clarification of the proposed plan. It is the sending state's responsibility to compel a receiving state to consider such plans.
- d. Receiving State Residence: This is the actual physical location where offender intends to reside. Institutional parole staff shall verify the accuracy of the proposed plan, including home provider's name, relationship to the offender and contact telephone number(s).

- e. Employment or Means of Support: When an offender has proposed employment, provide specifics. Means of financial support must include documentation in support of disability, pension, worker's compensation, retirement or a Social Security Administration benefit letter.
- f. Instant Offense Details: Grading is required and must coincide with documentation provided within the transfer material.
- g. Supervision Start Date: This date will be the offender's release date. This date forms the basis as to when the receiving state can expect a notice of departure.
- h. Contact Restrictions: Review documentation in the file as to any restrictions placed on offender.
- i. Protective Orders: Staff shall use the nationwide Protection Order query (QPO) accessible through JNET/CLEAN to determine if a protection from abuse order is currently in effect. Details and documentation should be obtained and provided to the receiving state.
- j. Sex Offender Registry: Registration requirement is based on the offender's need to register within PA. Staff shall review the conviction and the registration requirements. ICOTS requires entry of registration time period or lifetime designation. Documentation should be provided, if available.
- k. Victim Sensitive Details: Determination of victim notification is done by the Office of the Victim Advocate (OVA). **Staff shall not submit the transfer request without receiving a determination response from OVA.** Institutional parole staff shall follow and complete the following instructions:
  - 1) All institutional parole supervisors have access to the OVA application that will indicate the need to submit a victim notification inquiry to OVA. "Connect to Mainframes" > "24/7". Search by parole number. If search is negative, continue searching using other options to include inmate numbers and name. Upon finding the offender, continue through the prompts. If no action is required, the case should be marked as NO in the ICOTS Victim Sensitive field.
  - 2) If the information indicates "Contact OVA", institutional parole staff shall complete the OVA Memo (Appendix D). Include a confidential watermark and email this memo to **PM-OVA** and **PM, Interstate Probation Svcs.**
  - 3) OVA will respond to both the institutional staff member and **PM, Interstate Probation Svcs** with a designation response. OVA's response shall not be maintained within either the institutional parole office file or the central office file.

- 4) Upon receipt of the OVA response, institutional parole staff shall answer the ICOTS victim sensitive question. Entry of documentation is not required and is not suggested.
- I. Pre-Sentence Investigation Report: Reference Procedure F “ Required Documentation” below, for additional information.
    - 1) Review ICSA or Minimum Summarization to determine if the details of the transferring offense(s) are provided and are of sufficient detail to describe the circumstances, type and severity of the offense. If no details are included, institutional parole staff shall obtain the offense details to include the criminal complaint and affidavit of probable cause.
    - 2) If ICSA report indicates that the DOC had a pre-sentence investigation report to prepare the ICSA, institutional parole staff shall obtain a copy of the PSI for inclusion in ICOTS.
  - m. A judgment of conviction is required. Institutional parole staff shall obtain the actual Court Sentencing Order for each transferring offense.
  - n. Sexual Offender transfers: Must include the SOAB evaluation, institutional treatment information along with the recommended supervision and treatment plan.
  - o. Supervision History not required for detained offenders.
  - p. Financial Obligations: Obtain financial obligations from AOPC docket sheets. Include the address where the offender will submit county court arrearages.
  - q. Conditions of Supervision: The Acceptance for State Supervision (PBPP-234) and signed Conditions Governing Special Probation/Parole (PBPP-235) must be included. For sex offenders, include sex offender conditions imposed by the court.
    - 1) Only the court having criminal jurisdiction has the authority to impose special conditions on special probation and special parole cases supervised by the Board. In order to impose special conditions, written judicial authorization must be received. For additional information concerning this process refer to Probation and Parole Conditions (4.01.13).
  - r. Offender’s Digital Photograph: The only acceptable format is JPEG. Institutional parole staff must navigate to JNET to access Web CPIN, search using inmate number. Save the offender’s front view to the browsing location where the offender’s scanned documentation is maintained for the purpose of attaching to the ICOTS transfer.

D. Application Fee (Act 95 of 2010)

1. An offender is assessed a non-refundable application fee each time a Transfer Request is prepared for submission. At the request of the offender, payment may be made through the inmate account or by persons on behalf of the offender. Payment SHALL be in the form of a valid money order. When the request for compact transfer is made, the offender signs the Interstate Compact Application Fee Acknowledgement (PBPP-100). Institutional parole staff provides a copy of this form to the offender, maintains the original and advises the offender to return the completed receipt (bottom portion of this form) along with the payment. The receipt ensures that the Board's Fiscal Division credits the payment to the correct offender.
  - a. After the offender is notified of the application fee, institutional parole staff shall compile required information and materials listed in this procedure to prepare and submit the Transfer Request through ICOTS. **At no time will institutional staff delay a transfer request for confirmation of payment.**
  - b. Upon receipt of an acceptance, Interstate Probation Services will review the offender's payment status. In the event the offender failed to remit payment, the results of the investigation will not be provided. Offender should be advised that approved interstate plans are valid for 120 days. The 120 days is calculated from the date the results were received and if payment is not provided in a timely fashion, the plan may expire and the receiving state will withdraw the acceptance.
2. Waiving or Reducing the Application Fee Amount
  - a. Upon exceptional circumstances with supporting documentation, an institutional parole manager, deputy compact administrator or designee can authorize the waiver or reduction of this fee. Copies of the memorandum authorizing the waiver or reduced payment are provided to the Fiscal and Interstate Probation Services Divisions. It is suggested that institutional parole staff use the Department of Corrections designation of indigent and review the inmate's utilization of funds in his/her account to make this decision.

#### E. Offender Application for Interstate Compact Transfer

1. There are two options to prepare and complete this form. The form itself must be completed in its entirety, signed by offender and witnessed by institutional parole staff on the same date as the offender signs.
  - a. Following entry of the offender's proposed plan (residence) within ICOTS, institutional parole staff may generate an unexecuted Offender Application from ICOTS. At no time should institutional parole staff generate and execute an application in which the body of the form is not completed.
  - b. Institutional parole staff may also use the Word version of the form located under Case Management > #8 Out of State > Interstate

Compact Commission Forms, ensuring that all applicable information is included in its entirety.

- c. As a reminder, institutional parole staff shall explain the application process and components of the form to include an expressed waiver of extradition and acknowledgment that supervision may differ between states.
  - d. If the inmate is unable to sign his/her name, place an X for the signature on the Offender's Application for Interstate Compact Transfer compact form. Pennsylvania law requires that two (2) individuals witness documents signed by an X. The compact form only has one (1) witness line; the second witness must sign beneath the first.
2. Once completed and executed, the form must be scanned and saved to computer browsing location, as referenced above under digital photograph.
  3. Institutional parole staff shall mail an originally signed Offender Application to the Interstate Probation Division upon submission of the transfer request through ICOTS.
- F. Required documentation for inclusion in ICOTS. Follow the transfer checklist as a guide, Appendix E.
1. While the ICAOS Rules dictate a minimum amount of information to meet the qualification of a complete transfer request, institutional parole staff shall provide all available information to assist in the receiving state's investigation and subsequent supervision plan.
    - a. Offender's Application for Interstate Compact Transfer signed and dated by the inmate and witnessed by institutional parole staff.
    - b. Judgment of Conviction or Court Sentencing Order.
    - c. Official Version. If sufficient details are contained in the ICSA report, this will suffice. If not, the police affidavit of probable cause and criminal complaint shall be provided. If available, provide these documents in addition to the ICSA report.
    - d. Psychological Evaluation.
    - e. Confidential version of the Integrated Case Summary Application report (ICSA).
    - f. Pre-Sentence investigation – if one exists. If ICSA references a PSI, institutional parole staff must secure a copy.
    - g. Court Ordered Financial Obligations – Include the financial section from the AOPC docket sheet.
    - h. LSI-R.

- i. Medical Release Summary.
- j. Documentation of designation as Sexually Violent Predator, if applicable.
- k. Sexual Offender Assessment, if applicable.
- l. Sexual Offender Treatment Information, if applicable.
- m. Sexual Offender Recommended Supervision and Treatment Plan, if applicable.
- n. Photograph of Offender – must be in a JPEG format.
- o. Acceptance for State Supervision (PBPP-234) and signed Conditions Governing Special Probation/Parole (PBPP-235).

#### G. ICOTS Transfer Processing

##### 1. Institutional

- a. Institutional parole staff shall compile via scan/email all materials to the browsing location where offender's documentation is maintained for the purpose of uploading and attaching to the ICOTS Transfer Request.
- b. Staff will sign into ICOTS and navigate to the "Assistants" tab to choose Transfer Request. Generally, staff will choose the first option listed, "for an offender for whom no RFRI<sup>1</sup> has been submitted by your state."
- c. ICOTS is designed to prompt the user to add information. The above choice will populate additional fields. User will select the receiving state and choose the option that offender remains in PA, the sending state.
- d. The offender demographic information page will come up. Institutional parole staff shall enter all available information to include FBI number, PBPP parole number, gang affiliation, multiple DOB and SSN as well as all known alias names. Staff shall not enter anything in the receiving state number field.
- e. Once completed hit the continue button. ICOTS conducts a national search of the database to determine if the entered PA offender may already exist. Once search results are received, institutional parole staff shall review the results to ensure that a duplicate ICOTS offender number is not generated. When staff are certain of the selection, either select an existing account or add the offender. The Transfer Request is now established and saved in the system.

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<sup>1</sup> Request For Reporting Instructions

- f. The Transfer Request summary page details seventeen (17) sections that require input. In order to complete the process, institutional parole staff must navigate to each section, respond and attach documentation as detailed in the above procedures. Once all sections contain a “green checkmark”, the submit button will be activated. BEFORE submitting the request, the user should “Preview” the pdf form to ensure that the information is entered as intended and displays on the form as required. When the user hits “Submit” the Transfer Request is routed to the supervisor for review.
- g. The Institutional Parole Supervisor shall review the Transfer Request for Compact compliance and completeness. Once deemed complete, the IPS will “Submit” the Transfer Request to Interstate Probation Services.
- h. Institutional parole staff shall delete the scanned transfer material that was maintained for the purpose of attaching to the ICOTS transfer.
- i. The submitting institutional parole office will maintain case controls for all proposed interstate plans. If no reply is received within 45 days of the submission to the receiving state, staff should send an email to the Interstate Probation Services Division **PM, Interstate Probation Svcs** to ask that interstate follow up with the receiving state as to investigation results.

## 2. Interstate

- a. Interstate Probation Services will receive an ICOTS email notification advising that a Transfer Request has been submitted. Interstate staff shall enter the Transfer Request into the ICS Outgoing Board database. Staff shall print the Transfer Request and the Application form (without attachments) for retention in the Central Office file.
- b. An interstate staff technician will review the Transfer Request for completeness and compliance with ICAOS Rules. A Transfer Request deemed incomplete or deficient will be returned via ICOTS to the institutional parole supervisor for correction.
- c. Once complete, the Transfer Request will be submitted by the interstate staff technician to the receiving state. The interstate staff technician will make an ICOTS reassignment from institutional parole staff to themselves when the Transfer Request is submitted to the receiving state. Per ICAOS Rules, the receiving state has 45 calendar days during which to conduct their investigation. Additionally, the interstate staff technician will also establish a forty-five (45) day control<sup>2</sup> for receipt of the Reply to Transfer Request.
- d. If the receiving state requests additional information or clarification, the interstate staff technician may need to contact institutional parole staff

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<sup>2</sup> If the offender’s release date is within 45 days, the established control date must be 10 business days prior to his/her max date.

for the requested information. Information must be provided in a timely fashion to avoid a denial of the Transfer Request (ICAOS Rule 3.107).

- e. If the Reply to Transfer Request is not received within 10 business days of the offender's release date, the interstate staff technician will submit a Request for expedited Reporting Instructions to the receiving state. A response to that request is due within 2 business days (ICAOS Rule 3.106) unless the offender is a registered sex offender (Rule 3.101-3(c)). For registered sex offenders, the response is due within 5 business days.
- f. If the Request for Reporting Instructions is approved, the receiving state will detail specific reporting instructions on the approval. Interstate Probation staff shall forward these instructions to the institutional parole office's resource account, ie: **PM, SCI ALBION**.

Prior to release, institutional parole staff shall review the reporting instructions with the offender and detail the specific reporting instructions on a Parole Instruction (PBPP-348I). The offender shall sign the PBPP-348I acknowledging receipt of the Reporting Instructions.

- g. If the Request for Reporting Instructions is denied, and the Reply to Transfer Request has not been received by the offender's release date, institutional parole staff shall email the district director responsible for PBPP supervision in the offender's county of conviction to advise that the offender will be given instructions (PBPP-348I) to report to the appropriate district office within 24 hours of the offender's release on MM/DD/YYYY.
- h. Upon offender's initial report, parole supervision staff shall open the case statistically in accordance with Procedure 4.01.03 Initial Supervision Requirements.

Upon receipt of the receiving state's Reply to Transfer Request, Interstate Probation staff will route the response to the supervising parole agent and parole supervisor.

## H. Investigation Result Processing

### 1. Denials

- a. Under the terms of the compact, no state is permitted to deny a supervision plan for an offender who meets residency criteria or has resident family residing within the receiving state who is willing and able to assist the offender who presents a *valid plan of supervision*. States are not permitted to reject for non-compact reasons such as criminal history, high risk, offender profile, or based upon the crime of conviction. The interstate staff technician will review the denial for compact compliance and pursue remedy with the receiving state if thought not to comply with rules.

- b. The interstate staff technician shall send an email response to the Office of the Victim Advocate at **PM-OVA** to provide investigation results on any offender designated as victim sensitive.
  - c. The interstate staff technician will scan/email the denied Reply to Transfer to the submitting institutional parole office's resource account, ie: **PM, BA SCI ALBION** or **PM, BA ALLENTOWN IP**. If institutional parole staff have concerns or questions, an email should be sent to the Interstate Probation Division **PM, Interstate Probation Svcs**.
  - d. The interstate staff technician shall update the ICS Outgoing Board database regarding the receiving state's decision and summarize the reason for the denial. The interstate staff technician shall also withdraw the Transfer Request in ICOTS.
  - e. Institutional parole staff may resubmit the same plan provided that the reason(s) for the denial are addressed and remedied, i.e., firearms removed from the home, home provider now agreeing to receiving state's rules, offender now placed on home provider's lease, etc.
    - 1) Unless waived or reduced, the Interstate Application Fee applies to every subsequently submitted Transfer Request.
  - f. If plan is not resubmitted or an favorable Reply to Transfer Request received prior to the offender's release date, institutional parole staff shall email the district director responsible for PBPP supervision in the offender's county of conviction to advise that the offender will be given instructions (PBPP-348I) to report to the appropriate district office within 24 hours of the offender's release on MM/DD/YYYY.
  - g. Upon offender's initial report, parole supervision staff shall open the case statistically in accordance with Procedure 4.01.03 Initial Supervision Requirements.
2. Acceptances – Approved interstate plans are valid for 120 calendar days from receipt of the Reply to Transfer Request.
- a. The interstate staff technician shall send an email response to the Office of the Victim Advocate at **PM-OVA** along with a scanned copy of the Reply to Transfer Request on any offender designated as victim sensitive.

If the offender's release date is within seven (7) business days, OVA must be advised that the offender will proceed to the receiving state on his/her release date.

- b. Routine victim sensitive case results shall be held in Central Office for seven (7) business days. The Reply to Transfer Request will not be released to the submitting institutional parole office prior to the expiration of that period; unless the offender's release date is within the seven day timeframe.

- c. If OVA designated the offender's case as a "HOLD status" the Reply to Transfer Request **SHALL NOT** be provided to any person prior to the review and receipt of final decision by the Board Chairman. IF the offender's release date is imminent, interstate probation staff shall request OVA to designate the case as a RUSH. OVA will notify interstate probation staff by email upon receipt of a final decision.
- d. The interstate staff technician will document receipt of the Reply to Transfer Request in the ICS Outgoing Board database.
- e. The interstate staff technician will also review the offender's application fee payment status. In the event the offender failed to remit payment as required, the Reply to Transfer will not be disseminated. An email notification of failure to pay will be sent to the submitting institutional parole office's resource account i.e.: **PM, BA SCI ALBION** or **PM, BA ALLENTOWN IP**. In the event the offender has been released from incarceration, the email notification to remit payment is sent to the supervising parole agent and designated parole supervisor.
  - 1) The interstate staff technician shall track receipt of payment. When it appears likely that the plan will reach 120 days prior to receipt of payment or the offender's release date is imminent, the case shall be referred to the Interstate Probation Director for review and action.
- f. When the receiving state advises of their inability to enforce a special condition, the interstate staff technician must refer the case back to the Court for direction.
  - 1) When submitting the Reply to Transfer Request to the institutional parole office's resource account, the interstate staff technician shall identify this circumstance and advise that the Interstate Probation Office is referring the matter to the Court for direction.
  - 2) In the event the Court does not modify the identified condition(s), institutional parole staff shall email the district director responsible for PBPP supervision in the offender's county of conviction to advise that the offender will be given instructions (PBPP-348I) to report to the appropriate district office within 24 hours of the offender's release on MM/DD/YYYY.
  - 3) Upon offender's initial report, parole supervision staff shall open the case statistically in accordance with Procedure 4.01.03 Initial Supervision Requirements.
  - 4) ICOTS activity will be withdrawn by the interstate staff technician.
- g. When the receiving state indicates that the approval is contingent upon the imposition of special conditions, institutional parole staff will impose the special conditions through a PBPP-336 before processing the offender for release. A signed copy of the PBPP-336 must be included

with the ICOTS Notice of Departure, see below. Forward the PBPP-336 with original signatures to the Interstate Probation Office for inclusion in the Central Office file.

#### I. Withdrawal of Submitted Interstate Plans

When an offender no longer desires to relocate to the receiving state or submission of the plan is no longer appropriate, i.e., home offer withdrawn,

1. The submitting institutional parole office will advise the Interstate Probation Office of the case circumstance at **PM, Interstate Probation Svcs.**
2. An interstate staff technician will notify the Office of the Victim Advocate at **PM-OVA**, as needed.
3. The interstate staff technician will update the ICS Outgoing Board Database case and withdraw the Transfer Request in ICOTS.

#### J. Emergency Transfer Request

Reference Procedure 3.02.14 Interstate Home Plan Submissions and Releases.

#### K. Release Procedures to an Out-of-State Plan

##### 1. Transportation Arrangements:

Before an inmate is released from custody, the institutional parole staff member in conjunction with DOC staff, should determine if the offender has sufficient funds and transportation arrangements in place to proceed to the approved interstate plan

Institutional parole staff must ensure that arrangements have been made to transport the offender to the transportation center (airport; bus station; train station) so that there is some degree of certainty that the offender departed Pennsylvania as instructed.

##### 2. Offender Instructions

- a. It is the responsibility of the “sending” institutional parole office to determine the offender’s court-ordered financial obligations. This information must be reviewed with the offender. Before he/she proceeds to the approved interstate plan, a special condition (via PBPP-336) shall be imposed to ensure an established payment plan has been pre-arranged for court-ordered financial obligations.
- b. Advise the offender that the Board will waive the established Pennsylvania supervision fee due to transfer outside of PA. However the offender is responsible for payment of any Pennsylvania supervision fee arrearages. The receiving state will assess its supervision fee; which will not exceed the amount charged to the receiving state’s own offenders.

- c. Before an offender is released from an institution and proceeds to the receiving state, institutional parole staff must review the offender's Conditions Governing Special Probation/Parole (PBPP-235) and any special conditions imposed by the Court or requested by the receiving state with the offender. Institutional parole staff shall thoroughly review the approved interstate plan and address any questions or concerns the offender may have regarding interstate supervision.
  - 1) When an offender is subject to any sex offender conditions, institutional parole staff shall closely review those conditions with the offender.
    - a) A special condition (PBPP-336) shall be executed as well, directing the offender to comply with all registration requirements in the receiving state.
  - 2) For all releases to an approved interstate plan, institutional parole staff shall:
    - a) Provide the offender with a special condition (PBPP-336) directing the offender to proceed directly to the receiving state, take no side trips and/or initiate any delays in travel.
    - b) Offender shall be directed to report as noted in the receiving state's Reply to Transfer Request.
    - c) It is suggested that the offender be provided with the phone number for the Interstate Probation Division (717-787-6134) and directed to contact PA Interstate Probation staff if issues or problems are encountered.
    - d) Offender's failure to report in the receiving state as directed will result in declaration of delinquency.
  - 3) Once conditions are reviewed, signed and interstate related information reviewed with the offender, institutional parole staff shall:
    - a) Complete a Notice of Departure form including the mode of travel by accessing the PBPP intranet → Case Management → #8 Out of State → Interstate Compact Commissions Forms. The completion of this form is done outside of ICOTS.
    - b) The completed Notice of Departure form, issued instructions (PBPP-348I) along with any signed special conditions shall be scanned and emailed to **PM, Interstate Probation Svcs** at the time of release.
    - c) Upon release, mail original signed copies of the PBPP-235, PBPP-348I and any signed special conditions to the Interstate Probation office.

- d) Institutional parole staff shall follow other release procedures as outlined in Procedure 3.02.08.

### 3. Interstate Probation Office Responsibilities

Within two (2) business days of receipt, an interstate staff technician shall:

- a. Enter the Notice of Departure in ICOTS. Upload the scanned copies of issued instructions (PBPP-348I) along with any signed special conditions received in the **PM, Interstate Probation Svcs** inbox and attach these documents to an ICOTS Compact Action Request.
- b. Update the ICS Outgoing Board database notes and establish a case control for receipt of a Notice of Arrival (NOA).
  - 1) If the receiving state has not entered the NOA within one week of the offender's departure, the interstate staff technician shall complete an ICOTS Compact Action Request (CAR) requesting the NOA. The interstate staff technician shall also scan/email the CAR to the receiving state's Compact Office and cc the PA Interstate Manager.
  - 2) If the receiving state has not entered the NOA within one week of the follow-up request, the PA Interstate Manager shall send a second email request to the receiving state's Compact Office and cc the Director of Interstate Probation Services.
  - 3) After the second follow-up request, if an additional week passes and the NOA has still not been entered into ICOTS, the Director shall email the receiving state's Deputy Compact Administrator or other designated staff in the receiving state to request the NOA.
  - 4) If another week passes without the NOA entry, the Director shall meet with the PA Interstate Commissioner to address the issue with the receiving state's Commissioner.

#### L. Notice of Arrival (Failed to Report):

- 1. In the event the NOA is marked "failed to report," the interstate staff technician assigned to the case will:
  - a. Attempt to contact the offender or the home provider in the receiving state, using the phone numbers provided on the Transfer Request and Reply to Transfer Request, to determine why the offender did not report.
  - b. Provide the offender with the name of the contact person, reporting address and phone number. Advise the offender to immediately contact the receiving state's probation office as previously instructed by institutional parole staff.

- c. Submit an ICOTS CAR to the receiving state providing offender's contact information.
  - d. Update the ICS Outgoing Board database notes.
  - e. Monitor ICOTS to confirm whether the receiving state has assumed supervision.
2. If the interstate staff technician is unable to successfully contact the offender, the technician will then make contact with the appropriate PA Adult County Probation Department to determine whether the offender has contacted their office.
  3. If there has been no contact made with or by the offender, the interstate staff technician will send a Transmittal Letter to the Court (PBPP-331) advising of the efforts taken to contact the offender subsequent to his/her release from prison and that the offender is now considered to be an absconder. The PBPP-331 must include a request that the Court issue a fully-extraditable warrant and that it be immediately entered into NCIC. A copy of PBPP-331 is maintained in the Central Office file.
    - a. The interstate staff technician shall update the offender's status code to a Line-29 designating the offender as an absconder.
  4. The interstate staff technician will record the case on the retake spreadsheet for tracking of the warrant request until such time the county makes the NCIC warrant posting.
  5. When it is confirmed that the county has posted a fully-extraditable warrant in NCIC, the interstate staff technician shall send a PBPP-331 to the Court, advising that the Board is closing interest in the case due to the offender's unavailability for supervision, with a cc to appropriate Chief Adult Probation Officer. A copy of this PBPP-331 is maintained in the C.O. file.
    - a. If the county refuses to issue a fully-extraditable warrant, the case is referred to an Interstate Manager or to the Division Director for follow-up.
  6. The interstate staff technician shall update the ICS Outgoing Board database notes and add closure comments to the Client Server, Pre-Parole Modify screen.
    - a. The interstate staff technician shall close the case under a Line-44 as an Administrative Closure – Unsuccessful.

M. Notice of Arrival (Offender Reported):

1. Upon receipt of the receiving state's NOA, confirming that the offender reported as directed, the interstate staff technician shall open the case statistically reflecting current supervision obligation(s) assigned to Central Office.

2. Waive the offender's supervision fees under waiver code FEEO.
3. The Interstate Manager will thoroughly review the Central Office file to make certain that the special probation/parole sentence information is accurate and confirm that no other active special probation/parole sentences exist. The Interstate Manager will rescind the Board's acceptance of the special probation/parole sentence(s) and transfer ICOTS assignment of the case(s) to the sentencing county.
4. To return the case to the sentencing county for ICOTS monitoring, the Interstate Manager shall:
  - a. Prepare and send a Transmittal Letter to the Court (PBPP-331) advising that the Board is rescinding its acceptance for special supervision due to the case being transferred through the Compact and accepted for supervision by another state. Attach a copy of the NOA and the Reply to Transfer Request indicating acceptance.
  - b. Transfer ICOTS assignment to the sentencing county's interstate compact contact person.
  - c. Update the ICS Outgoing Board database notes to reflect transfer of supervising authority and indicating that the Board is closing interest. Also add closure comments to the Client Server, Pre-Parole Modify screen indicating that acceptance of the special probation/parole case has been rescinded and the case is being returned to the sentencing county.
    - 1) The case shall be closed under a Line-45 as an Administrative Closure – Successful.
  - d. Prepare an email advisement to the County Adult Chief Probation Officer and cc the sentencing county's interstate compact contact person who has the ICOTS assignment. Also, cc **PM-OVA**.

The purpose of this advisement is to inform the county authorities that the offender's case has been accepted for supervision by the receiving state and therefore, the Board has rescinded its acceptance for special probation/parole supervision and is returning the case to the county for ICOTS monitoring. If the case is designated as Victim Sensitive in ICOTS, include this information in this email to the county. Attach the below scanned documents to this communication:

- 1) Copy of the PBPP-331 to the sentencing Judge.
- 2) Reply to Transfer Request indicating acceptance.
- 3) Transfer Request Form and a signed copy of the Offender Application for Interstate Compact Transfer (no additional Transfer attachments are necessary).
- 4) Notice of Departure.
- 5) Notice of Arrival indicating date of arrival.

- 6) PBPP-234 (Acceptance for State Supervision).
- 7) PBPP-235 (Conditions Governing Special Probation/Parole).
- 8) Current ICOTS Progress Report; if available.

e. Copies of the above documentation shall be maintained in the C.O. file.

## VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Chairman.

## VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

## IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of Board staff or offenders and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

## X. CROSS REFERENCES

### A. Statutes

#### a. Federal

80 Stat. 608; 4 U.S.C. Sec. 112

#### b. State

61 Pa.C.S. § 7112

61 Pa.C.S. § 7115

61 Pa.C.S. § 6112 (a)(1) & (a)(4)

### B. PBPP Policies

3.02.05

3.02.08

3.02.14

4.01.03

4.01.10

4.01.13

4.01.17

### C. American Correctional Association Standards

4-APPFS-2A-15

### D. Management Directives

None.

E. Report of the Reentry Policy Council

None.