

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p>	<p><b>Volume III Chapter 4</b></p> <p><b>Procedure 4.01.27</b></p>	<p><b>Replaces No. 4.05.04 eff 12/5/08</b></p>
<p><b>Chapter Title SUPERVISION, REENTRY</b></p>		<p><b>Date of Issue 3/4/13</b></p>
<p><b>Subject SUPERVISION</b></p> <p><b>TRAVEL PERMISSION</b></p>		<p><b>Effective Date 3/18/13 PUBLIC</b></p>

**I. AUTHORITY**

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).

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).

**II. PURPOSE**

The purpose of this procedure is to set forth the process for issuing travel permission to Board supervised offenders for destinations within and outside of Pennsylvania.

**III. APPLICABILITY**

This procedure is applicable to Board staff involved in the supervision of offenders and the Bureau of Standards and Accreditation staff that assists in processing international travel requests.

**IV. DEFINITIONS**

Refer to Procedure 4.01.01 – Glossary.

**V. POLICY**

It is the policy of the Board that uniform practices shall be followed in granting travel permission for offenders’ travel within and outside of Pennsylvania. Such travel shall not conflict with the rules established by the Interstate Commission for Adult Offender Supervision (ICAOS).

**VI. PROCEDURES**

**A. Factors to Consider**

The legitimacy of and justification for the travel shall be discussed with the offender. The field offender case file (FOCF) must be carefully reviewed to determine if there are victims or potential victims present at the proposed

destination of travel. Before authorizing an offender's travel, parole supervision staff shall consider the following factors:

1. Travel permission for employment purposes or other reasons that benefit the offender's positive adjustment, such as attending a therapeutic program, may be granted for up to thirty (30) calendar days.
2. Travel permission shall not be issued in an indiscriminate manner and rarely to a newly paroled offender, except in confirmed emergency situations.
3. Travel permission shall not be granted if the travel is similar to travel and/or activities associated with the offender's past criminal history.
4. Travel permission shall not be granted to geographical areas restricted by a Board or field imposed special condition, sentencing court, other states' paroling authority or special circumstances; i.e.: weather-related disasters, special events, etc.
5. Travel permission shall not be granted to a formerly restricted area prior to the supervising agent's examination/ investigation of the location of the victim of the instant offense or prior victim of domestic violence.
6. Travel permission for personal or recreational reasons should not be approved if the offender is delinquent with financial obligations.
7. Travel permission should not be approved if the travel conflicts with attendance at mandated outpatient therapy, counseling or programming.

#### B. Forms to be Utilized

Offenders must receive written authorization from parole supervision staff to travel outside of their assigned district. Parole supervision staff shall note the specific location(s) to which the offender is traveling and specify a defined departure and return date that is no more than thirty (30) calendar days in duration. The original copy of the Travel Permission (PBPP-243) or Parole Instruction (PBPP-348I) is issued to the offender and a copy is retained in the field offender case file (FOCF).

When an offender is granted a subsequent travel request, parole supervision staff shall issue a new Travel Permission (PBPP-243) or Parole Instruction (PBPP-348I). It is unacceptable to alter any previously issued PBPP-243 or PBPP-348I for purposes of granting a subsequent travel request.

##### 1. Travel Permission (PBPP-243)

Parole supervision staff shall use a Travel Permission (PBPP-243) to authorize travel:

- a. Outside of Pennsylvania; or,

- b. Overnight travel outside of the district for reasons unrelated to employment; or,
- c. For sex offenders, high-risk and high-profile offenders.

2. Parole Instruction (PBPP-348I)

Parole supervision staff issue permission for offenders to travel outside of the district but within Pennsylvania (including overnight in-state destinations for reasons related to employment) through a Parole Instruction (PBPP-348I).

C. Travel Requests for Sex Offender, High Risk and High Profile Offenders

When travel is granted to sex offenders or other high risk or high profile offenders, it is recommended that parole supervision staff fax a copy of the temporary Travel Permission (PBPP-243) to the local law enforcement office in the other jurisdiction. Parole supervision staff may also require the offender to check in with local police and obtain the duty officer's business card as proof of following the agent's instruction. Upon expiration of the travel permit, the parole agent will ensure that the offender returns the issued travel permit.

1. Interstate Sex Offender Travel

When considering the issuance of interstate travel permission to a sexual offender, parole supervision staff should contact the other state's sexual offender registry to receive appropriate reporting instructions and/or information regarding that state's sexual offender registry requirements. The [State & Territorial Sexual Offender Registering Agencies Directory](#)<sup>1</sup> is maintained by the FBI.

D. Travel Permission to another State or Territory Signatory to the Interstate Compact

All fifty states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands are signatory to the Interstate Compact for Adult Offender Supervision (ICAOS).

1. Interstate Transfer Request under Investigation

- a. Offenders may not travel to the proposed receiving state until the case is formally accepted for compact supervision and reporting instructions are obtained from the receiving state.
- b. The only exception to this ICAOS rule is for offenders who have existing employment established in the proposed receiving state. Offenders in this circumstance may be granted travel permission to and from the employment site only and may not remain in the receiving state overnight. Written Travel Permission (PBPP-243) may be granted up to thirty (30) calendar days.

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1. This FBI directory is posted on PBPP Intranet under "Case Management → # 8 Out of State → Other."

1) Parole supervision staff shall advise the offender that they may **not** visit the proposed home plan and if found to be at the proposed residence during the receiving state's investigation, the transfer request will be denied. Additionally, the offender's presence in the receiving state without valid reporting instructions could also be viewed as a violation of the ICAOS rules for which the Commonwealth could be held liable.

2. No Request for Interstate Transfer of Supervision

- a. Inasmuch as Pennsylvania retains supervision liability, parole supervision staff must exercise good judgment when granting interstate travel permission.
- b. Temporary travel permits may be issued for a period not to exceed thirty (30) calendar days.
- c. **Consecutively issued temporary travel permits for reasons not related to employment are viewed as a circumvention of the compact and shall not be issued.**
- d. Travel permission shall not be issued for the purpose of seeking employment or establishing a residence outside of Pennsylvania.

E. Travel to Destinations Not Signatory to the Interstate Compact (Except Canada)

When an offender requests permission to travel to another country or U.S. territory not signatory to the interstate compact, and parole supervision staff have no objection to the travel, contact the U.S. National Passport Center (1-877-487-2778) to inquire as to whether the destination country has any travel restrictions on convicted persons.

1. Pennsylvania Parolees

- a. If the destination has no restrictions prohibiting travel of convicted persons, a special field report is prepared and forwarded through the chain-of-command up through the regional director to the Bureau of Standards and Accreditation.
- b. The special field report will include:
  - 1) Reason for travel; and,
  - 2) Travel itinerary; and,
  - 3) Mode of travel; and,
  - 4) Offender's adjustment to supervision and compliance with imposed conditions; and,

- 5) Balance of the offender's court-ordered monetary obligations (fines, costs, restitution) and Pennsylvania supervision fee account. Also indicate whether the offender is making regular payments or is in arrears; and,
  - 6) Parole supervision staff's recommendation regarding issuance of such travel.
- c. Upon receipt of the special field report, the Bureau of Standards and Accreditation presents the case to the Board to determine if the Board has any objections to the parolee being granted the requested travel permission. The Bureau of Standards and Accreditation will notify the appropriate district office by email of the Board's decision.

## 2. Special Probationers and Special Parolees

Parole supervision staff must gain the sentencing court's approval to issue such permission. Submit a Transmittal Letter (PBPP-331) and the special field report to the sentencing court.

## 3. Registered Sexual Offenders

Please see Procedure 4.01.28, Sex Offender Registration

## 4. Pennsylvania Offender Supervised outside of Pennsylvania

The appropriate division of interstate services presents the case either to the Board or sentencing court.

## 5. Other States' Parolees and Probationers under PBPP Supervision

Parole supervision staff seeks approval from the sending state's parole authority or sentencing court. The content of the above described SFR is submitted through ICOTS on a "Compact Action Request."

## F. Travel to and through Canada.

1. Ministerial authority is required for an offender to obtain admittance to Canada. Probationers and parolees belong to an inadmissible class of persons described in Division 4 of Part I of Canada's Immigration and Refugee Protection Act. A criminally inadmissible person cannot be granted admission at the Canadian border or at a Canadian transportation center (i.e., airport) unless a "Minister's Permit" is obtained beforehand from a consulate office.
2. When an offender has a need to travel to Canada, parole supervision staff will instruct the offender to contact the Canadian Consulate General's Office, Immigration Section 1251 Avenue of the Americas, New York, NY 10020-1175, telephone (212) 596-1628.

3. A Canadian visa officer may consider the case, and, if appropriate, seek ministerial authority for the offender's admission to Canada. The process for obtaining this type of "Minister's Permit" is extremely lengthy and includes exhaustive checks of the offender's current security standing. Such permits are only likely to be approved when there are pressing humanitarian or compassionate reasons for allowing admission to Canada.
4. Traveling through Canada. Offenders are not permitted to travel through Canada en route to Alaska. The procedures for obtaining a Canadian "Minister's Permit" must be followed. Parolees or probationers wishing to travel to Alaska have two alternatives: travel by airplane or take the Marine Highway Ferry from Bellingham, Washington to an Alaskan southeast port. The southeast port of Haines, Alaska is not an option since subsequent road travel requires passage through Canadian territory. Travel to Alaska by way of the Alcan Highway by offenders is prohibited unless a "Minister's Permit" is secured.

#### VII. SUSPENSION DURING AN EMERGENCY

The chairman may suspend this procedure in case of emergency.

#### 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 parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

#### X. CROSS REFERENCES

##### A. Statutes

###### 1. Federal

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

###### 2. State

61 Pa.C.S.A. § 6112

61 Pa.C.S.A. § 7112

##### B. PBPP Policies - None

##### C. American Correctional Association - None

##### D. Management Directives - None

E. Report of the Reentry Policy Council - None