

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.05.01</p>	<p>Date Revised: 12/05/08, 4/3/14</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue 7/14/17</p>
<p>Subject INTERSTATE SERVICES GLOSSARY</p>		<p>Effective Date PUBLIC 7/14/17</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)

II. PURPOSE

The purpose of this procedure is to define terms, abbreviations, and forms used throughout this chapter that are unique to the Interstate Compact for Adult Offender Supervision and to the extradition process.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

A. Abbreviations

AFLS – Automated File Location System

AVR – Addendum to Violation Report

CAR – Compact Action Request

CCN – Case Closure Notice

DV – Domestic Violence

ICAOS - Interstate Commission for Adult Offender Supervision.

ICOTS – Interstate Compact Offender Tracking System

JNET – Justice Network

NCIC – National Crime Information Center

NOA – Notice of Arrival

NOD – Notice of Departure

ORI – The originator number is an agency's terminal identification number issued by the FBI. The main PBPP ORI number is PA022035G. All of the board's wanted person notices are posted under this ORI designation.

PCH – Probable Cause Hearing

PFA – Protection From Abuse

PR – Progress Report

RFRI – Request for Reporting Instructions

RTTR – Reply to Transfer Request

RVR – Response to Violation Report

TR – Transfer Request

VR – Violation Report

B. Words and Phrases

Used in this chapter, unless the context clearly requires a different interpretation

Abscond – to be absent from the offender's approved place of residence or employment and avoiding supervision.

Adult – both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

Application fee- a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state. This is a non-refundable fee. The PA State Council for Interstate Adult Offender Supervision determines the fee amount (61 C.S. § 7115). NOTE: Not every signatory to the interstate compact has implemented an application fee.

Arrival – to report to the location and officials designated in reporting instructions given to an offender at the time of the offender's departure from a sending state or receiving state under interstate compact transfer of supervision.

Behavior Requiring Retaking – an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state.

By-laws – those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

Central Office case – Pennsylvania board parolee or special probation case transferred to and accepted by another state through the ICAOS. Such cases are statistically assigned to Central Office as an “unassigned” case. Also, includes Pennsylvania board parolees or special probationers released to out-of-state detainers, immigration or federal sentence detainers. Offenders who are in convicted violator status, serving sentences in excess of six (6) months outside of Pennsylvania may be re-assigned from parole supervision staff to Central Office designation.

Compact – Interstate Commission for Adult Offender Supervision. A legal binding agreement.

Compact Administrator - the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

Compact Commissioner or Commissioner - the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

Compliance – status of an offender abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending and receiving states.

Deferred sentence – a sentence, the imposition of which is postponed after the entry of a guilty plea, pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

Detainer – an order to hold an offender in custody.

Discharge – the final completion of the sentence that was imposed on an offender by the sending state.

Extradition - the return of a fugitive to a state in which the offender is accused, or has been convicted of committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

Financial support information - proof of alternative means of support. For example, disability payments or pension collection – Workmen’s Compensation

Benefit Letter; Social Security Administration Benefit Letter; retirement fund statement.

Governor's Warrant – a warrant of arrest signed by the governor, sealed with the Pennsylvania state seal (the “Great Seal”), and directed to a specific person/agency entrusted with its execution. The Great Seal is kept in the office of the Secretary of the Commonwealth to authenticate official documents. A Governor's Warrant must substantially recite the facts necessary to the validity of its issuance.

Interstate Warrant – (PBPP-6, Warrant for Arrest of Paroled Prisoner) a permanent warrant issued by the director of Interstate Services, attested to by the board chairman and lodged as a detainer for violation of parole.

Offender - an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Plan of supervision - the terms, under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

Probable cause hearing – a hearing in compliance with the decisions of of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms and conditions of supervision.

Receiving state - a state to which an offender requests transfer of supervision or is transferred.

Relocate - to remain in another state for more than 45 consecutive calendar days in any 12 month period.

Reporting instructions - the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

Resident - a person who

1. has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision;
and
2. intends that such state shall be the person's principal place of residence;
and
3. has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

Resident family - a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates a willingness and ability to assist the offender as specified in the plan of supervision.

Retaking - the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

Rules - acts of the Interstate Commission, which have the force and effect of federal law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

Sending state – a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

Sex offender – an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Shall – a state or other actor is required to perform an act, the non-performance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision and its rules.

Subsequent receiving state - a state to which an offender is transferred that is not the sending state or the original receiving state.

Substantial Compliance – an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

Supervision - the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release to the community or during the period of supervision to the community.

Supervision Fee – a fee collected by the receiving state for the supervision of an offender.

Temporary Travel Permit – for the purpose of Rule 3.108 (b), the written permission granted to an offender, whose supervision has been designated a "victim sensitive" matter, to travel outside the supervising state for more than 24

hours but no more than 31 calendar days. A temporary permit shall include a starting and ending date for travel.

Travel permit – the written permission granted to an offender authorizing the offender to travel from one state to another.

Victim – a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender.

Victim-sensitive - a designation made by the sending state in accordance with its definition of “crime victim” under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of offender’s movement to the sending state as specified in Rules 3.108 and 3.108-1.

Violent Crime - any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

Waiver - the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

Warrant – a written order of the court or authorities of a sending state or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to the statute and or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

C. Interstate Forms Available on PBPP Home Page

PBPP- 6 Warrant for Arrest of Paroled Prisoner

PBPP-36 Request for Requisition

PBPP-67 Worksheet for Offenders Requesting Transfer

PBPP – 72 Waiver of Detention Hearing

PBPP-72ICS Waiver of Probable Cause Hearing and Admission

PBPP-140ICS Order to Release From Temporary Detention or to Cancel Warrant

PBPP-100 Interstate Compact Application Fee Acknowledgement

PBPP-529 Interstate Transfer Checklist

PBPP-530 ICAOS Eligibility Worksheet

PBPP-531 Worksheet for Offenders Requesting Transfer

Notice of Possible Arrest

OVA Notification Form

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

Apply the definitions, abbreviations and form designations found in this procedure to all procedures within Chapter 4, Section 5 whether or not the abbreviations, words and phrases or form designations appear capitalized or in lower case.

VII. SUSPENSION DURING AN EMERGENCY

The compact administrator may suspend the 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 and Court Cases

1. Federal

4 U.S.C. Sec. 112
411 U.S. 778, 93S.Ct.1756. 36 L. Ed. 2d 656 (1973)
408 U.S. 471, 92S.Ct.2593, 33 L. Ed.2d 484 (1972)

2. State

18 P.S. § 11.201

18 P.S. § 11.1102(d)
42 Pa.C.S. §§ 9143, 9144, 9148
42 Pa.C.S. § 9146.1
42 Pa.C.S. § 9799.10
61 Pa.C.S. § 6112
61 Pa.C.S. § 6137(e)
61 Pa.C.S. § 6138(c)
61 Pa.C.S. § 7112
61 Pa.C.S. § 7115
61 Pa.C.S. § 7123

B. PBPP Policies

Chapter 3, Sections 2 & 3
Chapter 4

C. American Correctional Association

4-APPFS-2A-16

D. Management Directives

None

E. Report of the Reentry Policy Council

None

F. Interstate Commission for Adult Offender Supervision website

www.interstatecompact.org