

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.05.03</p>	<p>Replaces No. 4.05.03 eff 7/21/09</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue 5/30/13</p>
<p>Subject INTERSTATE SERVICES</p> <p>INTERSTATE HOME PLANS: SPECIAL PROBATION/PAROLE CASES UNDER ACTIVE PBPP SUPERVISION</p>		<p>Effective Date 6/13/13 PUBLIC</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 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 PBPP supervision plan to another state, the District of Columbia, Puerto Rico or to the U.S. Virgin Islands in accordance with the interstate compact and the rules established by the Interstate Commission for Adult Offender Supervision (ICAOS).

III. APPLICABILITY

This procedure is applicable to board staff involved in the supervision of Pennsylvania special probationers/parolees and interstate division staff that assists in processing compact 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 ICAOS.

VI. PROCEDURE

The ICOAS is an agreement among all fifty states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. As such, there is no mechanism to transfer supervision of an offender to any other territory or country.

Parole supervision staff shall not permit any offender to move or relocate outside of Pennsylvania in excess of 45 calendar days except as provided under ICAOS rules. All proposed interstate plans, including program, treatment, internships or educational plans in excess of 45 calendar days must be investigated and are subject to compact regulations and interstate rules. Violation of established ICAOS rules, which have the force and effect of federal law, could result in monetary penalties assessed against Pennsylvania.

Travel to another compact signatory does not require the transfer of supervision unless the relocation is in excess of 45 calendar days. For more information, reference Procedure 4.01.27 Travel Permission.

If the offender has a confirmed emergency which necessitates his/her immediate departure to another state, reference Section I Emergency Transfer Request.

Special Probation/Parole cases accepted through the compact are transferred back to the Adult County Probation Department. Community supervision is provided by the receiving state's supervision staff. Supervision matters that require Pennsylvania action are handled by the Adult County Probation Department with assistance from the Division of Interstate Probation Services.

A. Request for Supervision Outside of PA - Initial Steps

Offenders who have pending criminal charges, are in the midst of progressive sanctioning due to technical violations, are working as cooperative witnesses or confidential informants, or who otherwise are not in substantial compliance as defined in the ICAOS rules are not eligible for compact services and transfer should not be sought.

The offender must provide a full explanation of the proposed plan in order for parole supervision staff to ask appropriate questions to determine the offender's eligibility under the rules of the Interstate Compact for Adult Offender Supervision (ICAOS) and to explain required elements of the transfer process.

1. Parole supervision staff shall review the compact eligibility criteria as outlined in Appendix A to familiarize themselves with ICAOS rules.
 - a. Determine eligibility by reviewing the offender's instant offenses(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 (Appendix B), do not proceed with a Transfer Request unless the offender has a supervision obligation in the receiving state or specific permission is received following review of the case with an Interstate Probation Manager or Division Director.
 - b. The offender must have three (3) months or more of supervision remaining on their Pennsylvania sentence. If an exigent circumstance would support a transfer, offenders with less than three (3) months remaining on their sentence should be discussed with an Interstate Probation Manager or Division Director.
 - c. The offender must have a valid plan of supervision to include a viable means of support. Verification of the support is required and should be included within the Transfer Request material.

- d. Proposed plans that meet mandatory criteria have the highest likelihood of being approved by the receiving state (Reference Appendix A).
 - e. Use the ICAOS Eligibility Worksheet, (Appendix C) to aid in determining whether the offender and the proposed plan meet compact criteria.
2. Parole supervision 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 it can be articulated 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.
- a. Parole supervision 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, and acceptance letter from college or technical school. Agents are also encouraged to contact the home provider to discuss provider's relationship to the offender as well as their means to assist the offender in his/her plan of supervision to include financial support.
 - b. Military Enlistment

Offenders are permitted to enlist in the military armed forces, as long as the recruiting officer is aware of the special probation/parole obligation, and there is no attempt by the offender to falsify his/her supervision status. Special Probationers require the sentencing court's permission for military enlistment.

When an offender is accepted by the armed forces, parole supervision staff will confirm the offender's enlistment. A Special Field Report is prepared detailing the enlistment information, including the offender's current military address, all prepared progress and conduct reports and a signed copy of OFFENDER'S APPLICATION FOR INTERSTATE COMPACT TRANSFER. This information along with a Transmittal Letter is Submit a Transmittal Letter (PBPP-331) is sent to the sentencing court.

If the court has no objection with the transfer, military personnel are processed as any other compact case. Parole supervision staff is responsible for the preparation and submission of the Transfer Request as described in this procedure.

3. Parole supervision staff shall make the offender aware of the following:
- a. Eligibility criteria for ICAOS transfer to include the difference between a transfer based on mandatory criteria compared to a discretionary home plan;
 - b. 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;

- c. Supervision aspects to include that the degree or level of supervision in a receiving state may be different than PBPP and that the offender must adhere to both the Pennsylvania court's and the receiving state's conditions;
- d. 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;
- e. Payment of a one hundred dollar (\$100) non-refundable application fee is mandatory;
- f. Supervision issues and problems will be resolved according to the receiving state's policies and procedures;
- g. The receiving state has 45 calendar days in which to investigate and report the results of the plan (approve or reject).
- h. Offenders may not proceed to the proposed receiving state until the case is formally accepted for compact supervision and reporting instructions are obtained from the receiving state.

The only ICAOS exception to this mandate 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) can be granted up to thirty (30) calendar days. The Transfer Request submitted to the receiving state must include notice that the offender has permission to travel to and from work during the investigation.

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.

4. Details of the Proposed Interstate Plan

The offender must provide parole supervision staff with specific details regarding the proposed interstate plan:

- a. Residence: The exact street address to include apartment numbers, when applicable. Post Office Box addresses are unacceptable. Rural Route addresses should include written directions to the home to assist in the investigation.
- b. Home plan provider: The name of the provider and his/her relationship to the offender. All available contact phone numbers; i.e.: residential, employment and cellular. A written letter from the home provider regarding the home offer is advisable.

- 1) If the home provider is “resident family” (per compact definition), parole supervision staff must indicate the relationship as well as get information regarding how long the family member has lived in the receiving state. If the home provider’s residency is less than six months, the provider does NOT meet the resident family definition.
 - c. Plans submitted for inpatient treatment programs, educational opportunities or other placements generally are discretionary plans and require substantial documentation to support the value of the plan. Documentation would include details of the proposed program/placement, an explanation of how the program/placement will be funded; i.e.: through private insurance, self-payment or family support. NOTE: It is unacceptable to fund treatment plans using a receiving state’s welfare monies.
 - d. Employment or Means of Support: Company name, business address, contact person’s name/title, and business phone number as well as the specific job title that the offender will hold must be obtained.
 - 1) If the offender has not yet obtained employment in the receiving state it is advisable to provide the job history or a description of his/her employable skills within the transfer justification.
 - 2) If the offender has an alternative means of support such as disability payments, pension, worker’s compensation, retirement or Social Security Administration benefits documentation should be provided.
5. Required information in support of the transfer.

The transfer process requires that pertinent information be provided and responses to specific questions be known so that the Transfer Request can be submitted through the Interstate Compact Offender Tracking System (ICOTS). Parole supervision staff cannot proceed without the following information:

- a. Offender Information: Gang affiliation is a required field. If the Integrated Case Summary Application (ICSA) indicates affiliation with a Security Threat Group (STG), contact the Central Services Director to obtain DOC's Field Intelligence Unit contact information (Reference Procedure 4.01.10). If information of the offender’s involvement in a gang is known through another source, the identity of the gang he/she is involved must be provided.
- b. Transfer Reason: This is the basis in determining whether the request meets mandatory eligibility criteria or is a discretionary request. For example, the offender may reside with his/her fiancée 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. Parole supervision staff must have the family member’s exact name, address, telephone numbers, relationship and how long the family member has resided in the receiving state. The residential address should be verified through an online search of the USPS zip code directory. Do not accept or utilize 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 information is mandatory. Include information as to why the plan is viable and should be accepted. Staff shall also include the following information, as applicable:
 - 1) All available contact phone numbers for the home provider; i.e.: residential, employment and cellular.
 - 2) Multiple convictions for DUI (two or more) explaining how the offender is eligible for transfer under the misdemeanor rule.
 - 3) If it is a discretionary request, restate the rationale supporting an explanation of or clarification for 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 the offender intends to reside. Verify the accuracy of the proposed plan; including home provider's name, relationship to the offender and contact number(s).
 - e. Employment or Means of Support: When the offender has a proposed employment plan, provide specifics. Means of financial support should include documentation to substantiate receipt of disability, pension, worker's compensation, retirement or Social Security Administration benefits.
 - f. Contact Restrictions: Review court order to provide information as to any restrictions placed on the offender.
 - g. Protective Orders: 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 as part of the transfer material.
 - h. Sex Offender Registry: Registration requirement is based on the offender's need to register within PA. Review the conviction and the registration requirements and provide the time period or lifetime designation.
 - i. Sexual Offender transfers: If available, include the SOAB evaluation, current treatment assessment, treatment progress or summary and treatment provider's recommendations.
6. Offender Application for Interstate Compact Transfer
 - a. Parole supervision staff will use the WORD doc. version of the form located under Case Management → #8 Out of State → Interstate Compact Commission Forms.
 - b. This form must be completed in its entirety, signed by the offender and witnessed by parole supervision staff on the same date as the offender signs.

- c. As a reminder, parole supervision 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 offender is unable to sign his/her name, place an X for the signature on the Offender's Application for Interstate Compact Transfer form. Pennsylvania law requires that two (2) persons witness documents signed by an X. The compact form only has one (1) witness line; the second witness must sign beneath the first.
- e. Parole supervision staff shall mail an originally signed Offender Application to the Interstate Probation Services Division for the Central Office case file. Also, retain a copy of this form in the Field Offender Case File (FOCF).

B. Required Documentation - Follow the Transfer Checklist, Appendix D, as a guide

While the ICAOS rules dictate a minimum amount of information to meet the qualification of a complete Transfer Request, parole supervision staff shall provide all available information to assist in the receiving state's investigation and subsequent supervision plan.

1. Completed Transfer Checklist.
2. Offender's Application for Interstate Compact Transfer: Signed and dated by the offender and witnessed by staff with all sections completed in their entirety.
3. Judgment of Conviction: A docket sheet print out from AOPC does not suffice. Obtain the actual Court Sentencing Order for each transferring offense.
4. Official Version – Instant Offense Details:
 - a. Grading is required and must match documentation provided within the transfer material.
 - b. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of the offense. A copy of the police affidavit of probable cause and criminal complaint shall be provided.
5. Psychological Evaluation.
6. Pre-Sentence Investigation Report: If documentation indicates that a pre-sentence exists, parole supervision staff shall obtain a copy of the PSI for inclusion in the transfer material.
7. Court Ordered Financial Obligations: Obtain financial obligations from applicable AOPC docket sheets. Include the address where the offender will submit county court payments.
8. LSI-R.
9. Documentation of designation as Sexually Violent Predator, if applicable.

10. Sexual Offender Assessment, if applicable.
11. Sexual Offender Treatment Information, if applicable.
12. Sexual Offender Recommended Supervision and Treatment Plan, if applicable.
13. Offender's Digital Photograph: The only acceptable format is a JPEG file. To copy a front view photo, parole supervision staff may either:
 - a. Use the JNET Web CPIN application. In the OCA number field search by parole number; or,
 - b. Use the web-based PBPP offender photo system
<http://pbppphotos.cor.state.pa.us/UniversalLogon.aspx>
14. Supervision History: Supervision Plan/Report (PBPP- 22) may suffice if it includes a summary of the current supervision period. A short narrative providing the offender's adjustment, compliance, known issues and any completed conditions or programs is suggested. The offender's Record of Interview report (PBPP- 259) may also be included.
15. Conditions of Supervision: The Acceptance for State Supervision (PBPP-234) and signed Conditions Governing Special Probation/Parole (PBPP-235). For sex offenders, include sex offender conditions as imposed by the Court. If the offender has a Parole Instruction (PBPP-348I) that remains in effect, include copies.

C. Application Fee

1. The offender is assessed a non-refundable application fee each time a Transfer Request is prepared for submission. Payment may be made by the offender or by persons on behalf of the offender. Payment SHALL be in the form of a valid money order or cashier's check. When the request for compact transfer is made, the offender signs the Interstate Compact Application Fee Acknowledgement (PBPP-100). Parole supervision 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 to the Board's Fiscal Division. The receipt ensures that the payment is credited to the correct offender.
 - a. After the offender is notified of the application fee, parole supervision staff shall compile required information and materials listed in this procedure to prepare and submit the Transfer Request to Interstate Probation Services. **At no time will parole supervision staff delay submission of 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. The 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

Upon exceptional circumstances with supporting documentation, a deputy district director, district director, 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.

D. Victim Notification [Interstate Services staff only]

Upon receipt of the Transfer Request a determination regarding victim notification is completed by interstate staff in coordination with the Office of the Victim Advocate (OVA). **Parole supervision staff should keep all victim designation areas blank.**

1. Interstate staff performs an offender query in the OVA database searching by parole number. If the search is negative, the search is continued using offender name, inmate number and SSN. Upon finding the offender, Interstate staff will receive one of two options:
 - a. "No action is Required" - the Transfer Request is determined not to be victim sensitive
 - b. "Contact OVA" - Interstate staff shall complete the OVA Memo (Reference Appendix E), include a confidential watermark and email the memo to **PM-OVA**.
2. Interstate staff will monitor for a response. An inquiry is sent to **PM-OVA** if no response received after two (2) weeks.
3. OVA staff will provide a designation response. *The document shall not be maintained in the Central Office file.*
4. Upon receipt of the OVA response, interstate staff shall answer the ICOTS victim sensitive question. Entry of documentation is not required and not suggested.
 - a. Interstate staff shall also enter a brief note of the designation within the ICS Outgoing Board Database, making sure that any "hold" designations are clearly detailed.

E. Submission of Interstate Transfers

1. Parole supervision staff will navigate to the PBPP Intranet → Windows Options → Shared ICOTS Folder and create a new folder to initiate the transfer process.
 - a. Name the folder using the offender's PBPP parole number followed by the offender's last name. This folder is the browsing location where the scanned documentation is maintained so that interstate staff may upload into ICOTS.
2. Scan and save the following documents to the offender's folder:
 - a. The completed Transfer Checklist (Appendix D). Name it "checklist."
 - b. The signed Offender Application for Interstate Compact Transfer. Name it "app."

- 1) Parole supervision staff SHALL mail an *originally signed* Offender Application to Interstate Probation Services.
 - c. The Acceptance for State Supervision (PBPP-234) and signed Conditions Governing Special Probation/Parole (PBPP-235). For sex offenders, include sex offender conditions as imposed by the Court. If the offender has a Parole Instruction (PBPP-348I) that remains in effect, include copies. Scan together as one document and name it "Cond."
 - d. Offender's Digital Photograph (front view). DO NOT SCAN. Save a JPEG version and name it "photo."
 - e. Court Ordered Financial Obligations section(s) from applicable AOPC docket sheet(s). Name it "FCR."
 - f. The remainder of the required documentation as detailed in Section B, Required Documentation. Scan together and name it "case material."
3. When all required documents and information are scanned to the offender's folder, parole supervision staff shall send an email to: **PM, Interstate Probation Svcs** advising that the transfer is ready for interstate processing.
 - a. Parole supervision staff will maintain case controls for all proposed interstate plans. If no reply is received within 45 calendar days of the submission to the receiving state, staff should view the offender's case in ICOTS to determine if a Reply to Transfer (RTTR) has been received.
 - b. Parole supervision staff shall not act on a Reply to Transfer Request without first receiving clearance from the Interstate Probation Office.**
 - c. If the RTTR is not received or has not been released by Interstate Probation Services to the submitting parole supervision staff, an email should be sent to the Interstate Probation Services Division: **PM, Interstate Probation Svcs** requesting that a status inquiry be sent to the receiving state or the reason for the delay in disseminating the response.

F. Interstate Probation Services Processing

Upon receipt of the email notification, Interstate staff shall:

1. Enter the offender's information into the ICS Outgoing Board database. The completed Transfer Checklist and a copy of the Offender's Interstate Application shall be printed for retention in the Central Office case file.
2. Follow the procedure for Victim Notification as described in Section D.
3. Enter the Transfer Request into ICOTS and review the accompanying documentation for completeness and compliance with interstate rules. If information is omitted and it is not contained within the Central Office case file, an email is sent to parole supervision staff requesting assistance in providing the missing information.

- a. Parole supervision staff will obtain and provide the missing documentation and/or information within fourteen (14) calendar days.
- b. Interstate staff will follow-up with parole supervision staff to determine any cause for delay.
 - 1) After thirty (30) calendar days following the initial request for additional documentation/information, if there is no reasonable cause for delay, the incomplete Transfer Request is designated as withdrawn.
 - 2) Interstate staff will email parole supervision staff and cc the Deputy District Director or District Director advising of the Transfer Request withdrawal and discontinuation of the interstate case processing.
4. Submits the Transfer Request to the receiving state. Per compact rules, the receiving state has forty-five (45) calendar days during which to conduct their investigation. Interstate staff will establish a forty-five (45) day case control for receipt of the Reply to Transfer Request.
 - a. Upon request of a supervising agent, interstate staff will submit inquiries to the receiving state via ICOTS or email asking for the status of overdue replies.
5. If the receiving state requests additional information or clarification, interstate staff may need to contact parole supervision staff for the requested information. Information must be provided in a timely fashion to avoid a rejection of the Transfer Request (Rule 3.107).

G. Investigation Result Processing

1. Rejections

Under the terms of the compact, no state is permitted to reject 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. Interstate staff will review the rejection for compact compliance and pursue remedy with the receiving state if thought not to comply with rules.

- a. Interstate staff shall send an email to the Office of the Victim Advocate at **PM-OVA** to provide investigation results on any offender designated as victim sensitive.
- b. Interstate staff will scan/email the denied Reply to Transfer to the appropriate district/sub-office: PM, BA inbox; i.e.: **PM, BA Allentown**. If parole supervision staff have concerns or questions, an email should be sent to the Interstate Probation Services Division **PM, Interstate Probation Svcs**.
- c. Interstate staff shall update the ICS Outgoing Board database regarding the receiving state's decision and summarize the reason for the rejection. Interstate staff shall also withdraw the Transfer Request in ICOTS and delete scanned material stored in the ICOTS Shared Folder.

- d. Parole supervision staff may resubmit the same plan provided that the reason(s) for the rejection are addressed and remedied (i.e., firearms removed from the home, home provider now agrees to the receiving state's rules, offender was added to the home provider's lease, etc.).
 - 1) Unless waived or reduced, the Interstate Application Fee applies to every subsequently prepared Transfer Request.

2. Acceptances

Approved interstate plans are valid for 120 calendar days from receipt of the Reply to Transfer Request.

- a. Interstate staff shall send an email 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.
- b. Routine victim sensitive case results shall be held in Central Office for seven (7) business days. The Reply to Transfer will not be released to parole supervision staff prior to the expiration of that period.
- 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 a final decision by the Board Chairman. OVA will notify interstate staff by email upon receipt of a final decision.
- d. Interstate staff 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 Request will not be disseminated. An email notification of failure to pay will be sent to parole supervision staff who is asked to follow-up with the offender.
 - 1) Interstate staff shall track receipt of payment. When it appears likely that the plan will reach 120 days prior to receipt of payment, the case shall be provided to the Interstate Probation Manager for review and action.
- e. Interstate staff will document receipt of the Reply to Transfer Request in the ICS Outgoing Board database and delete the scanned material stored in the ICOTS Shared Folder.
- f. When the receiving state advises of their inability to enforce a court imposed special condition.
 - 1) Interstate staff shall identify this circumstance when submitting the Reply to Transfer Request to parole supervision staff.
 - 2) Parole supervision staff will prepare and submit a Transmittal Letter (PBPP-331) for the Court advising the sentencing court of the circumstance and request case handling direction. For more information, reference Procedure 4.01.13 Probation and Parole Conditions.

- a) In the event the Court is unwilling to modify the identified condition(s), parole supervision staff shall send an email notice to **PM, Interstate Probation Svcs** advising interstate staff to withdraw the Transfer Request in ICOTS. As such, the offender may not proceed to the receiving state.
- g. When the receiving state indicates that the approved plan is contingent upon the imposition of special conditions, parole supervision staff will prepare and submit a Transmittal Letter (PBPP-331) for the Court advising the sentencing court of the special condition. Parole supervision staff shall advise the offender of the special condition requested by the receiving state through a Parole Instruction (PBPP-348I). Issue the offender the PBPP-348I prior to allowing him/her to depart for the receiving state. Forward the PBPP-348I with original signatures to Interstate Probation Services for inclusion in the Central Office file.

H. 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, offender absconded, offender is no longer in compliance, etc.):

1. Parole supervision staff will advise interstate staff of the case circumstance at **PM, Interstate Probation Svcs**.
2. Interstate staff will notify the Office of the Victim Advocate at **PM-OVA**, as needed.
3. Interstate staff will update the ICS Outgoing Board database, withdraw the Transfer Request in ICOTS and delete the scanned material stored in the ICOTS Shared Folder.

I. Emergency Transfer Request - possible Request for Reporting Instructions

Reference Procedure 4.05.04, Section J. For special probation/parole cases, parole supervision staff will interface with the Interstate Probation Services staff.

J. Offender Departure

1. Offender Instructions

Prior to giving the offender authorization to proceed to a receiving state following an acceptance or the issuance of reporting instructions, parole supervision staff shall:

- a. Review the Conditions Governing Special Probation/Parole (PBPP-235) and any other special conditions imposed by the court. If applicable, advise the offender of the special condition requested by the receiving state. Remind the offender that continued compliance is mandatory.
- b. Review the offender's court-ordered financial obligations and, if needed, provide the offender with the county address for payment remittance. The offender must be directed to adhere to established payment schedules.
- c. 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 may assess its own supervision fee; which will not exceed the amount charged to the receiving state's own offenders.

- d. Review the case for compliance with the DNA collection act.
 - e. If the offender is subject to registration as a sexual offender, parole supervision staff shall update the Pennsylvania Megan's Law Registry. The update will include but is not limited to the residential address change, employment, schooling, automobile, etc. Parole supervision staff shall also direct the offender to comply with the receiving state's registration requirements immediately upon his/her arrival.
 - f. Address any questions or concerns the offender may have regarding interstate supervision.
 - g. Provide the offender with a travel permit directing that he/she proceed directly to the receiving state, take no side trips and or initiate any delays in travel. The travel permit must include the reporting instructions as provided in the receiving state's Reply to Transfer Request.
2. Once conditions and interstate related information is reviewed with the offender, parole supervision 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 Commission Forms. The completion of this form is done outside of ICOTS consistent with the processing within this procedure. Staff will ensure that all applicable information is complete including the mode of transportation.
 - b. The completed Notice of Departure (NOD) form along with the travel permit and any signed Parole Instructions (PBPP-348I) shall be scanned/mailed to **PM, Interstate Probation Svcs** at the time of the offender's actual departure.

There can be no delay in transmitting the NOD. Failure to provide a timely notice of departure breaks the continuity of supervision and opens the Commonwealth to liability under ICAOS Rules. It is unacceptable to allow the offender to proceed and then fail to provide notification to Interstate Probation Services.
 - c. Do NOT close the offender's automated offender record. Interstate Probation Services will assume statistical responsibility for the case.
 - d. The Field Offender Case File is retained by the submitting office in accordance with the established retention schedule.

K. Notice of Departure (NOD)

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

1. Enter the Notice of Departure in ICOTS.

2. Update the automated offender record reflecting current supervision obligations(s) as assigned to Central Office.
3. Waive the offender's supervision fees under waiver code FEEO.
4. Establish an ICS Outgoing Board database case control for receipt of a Notice of Arrival.
5. In the event that offender's transfer was initiated by institutional staff and signed conditions were not provided to the receiving state previously, interstate staff shall upload these documents into ICOTS for the receiving state at the time of processing the departure notice.

L. Untimely Notice of Arrival (NOA)

1. If the receiving state has not entered the NOA within one week of the offender's departure, interstate staff shall complete an ICOTS Compact Action Request (CAR) requesting the NOA. Interstate staff shall also scan/email the CAR to the receiving state's Compact Office and cc the Interstate Probation Manager.
2. If the receiving state has not entered the NOA within one week of the follow-up request, the Interstate Probation 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

M. Notice of Arrival (Failed to Report)

In the event the NOA is marked "failed to report," an interstate staff technician shall:

1. Contact parole supervision staff to confirm that offender actually departed on the date provided. When necessary, request parole supervision staff to reach out to the previous home provider and/or to the offender to obtain clarification of the circumstances. Alert parole supervision staff of the possibility that the offender remained in Pennsylvania or may have absconded supervision.
2. Attempt to contact the offender or the home provider in the receiving state using phone numbers provided on the Transfer Request and Reply to Transfer Request to determine why the offender did not report.
3. If contact with the offender is established, provide him/her with the name of the receiving state's contact person, reporting address and phone number. Advise the offender to immediately contact the receiving state's probation office as failure to do so will result in the court proceeding with a probation violation and nationwide wanted persons posting.

4. Submit an ICOTS Compact Action Request (CAR) to the receiving state providing offender's contact information.
 - a. Update the ICS Outgoing Board database notes.
 - b. Monitor ICOTS to confirm whether the receiving state has assumed supervision.
5. If there has been no contact made with or by the offender, interstate staff technician will:
 - a. Document efforts taken to contact the offender.
 - b. Send a Transmittal Letter (PBPP-331) to the Court advising of the efforts made to contact the offender and that the offender is considered to have absconded supervision. The PBPP-331 must include a request that the court issue a fully-extraditable warrant posted in NCIC.
 - c. Update the offender's status code to an absconder.
 - d. Enter the case information on the Warrant/Retake Excel spreadsheet to track entry of a warrant in NCIC or for other resolution that is compliant with compact rules.
 - 1) Conduct a weekly NCIC warrant check for status of the warrant and to ensure there are no geographical limitations entered.

N. Notice of Arrival (Reported)

Upon receipt of the NOA, confirming that the offender reported as directed, interstate staff shall scan/email a copy of the NOA to parole supervision staff for the Field Offender Case File.

O. Rescind Special Probation/Parole and Return Supervision to PA County:

The Interstate Probation 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 Probation 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.

1. To return the case to the sentencing county for ICOTS monitoring, the Interstate Probation 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 Transmittal Letter (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.

P. CONFIDENTIALITY OF RECORDS

Pre-parole, pre-transfer and investigation requests/reports, which are exchanged between states in connection with interstate supervision, are confidential. Such reports must not be revealed directly or indirectly to any person not authorized to receive them.

VII. SUSPENSION DURING AN EMERGENCY.

The Compact Administrator may suspend the procedure in case of emergency.

IX. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

X. 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.

XI.CROSS REFERENCES

A. Statutes

1. Federal

80 Stat. 608; 4 U.S.C. Sec. 112 (Compacts between States for cooperation in prevention of crime; consent of Congress)

2. State

61 Pa. C.S. § 6112

61 Pa. C.S. § 6133

61 Pa. C.S. § 7112

61 Pa. C.S. § 7115

B. PBPP Policies

4.01.10

4.01.13

4.01.27

4.04.01

4.05.09

C. American Correctional Association

4-APPFS-2A-16

D. Management Directives

None

E. Report of the Reentry Policy Council

None