


Commonwealth of Pennsylvania  Pennsylvania Board of Probation and Parole	Volume III Chapter 4 Procedure 4.05.07	Replaces No. 7.5 eff. 1/28/02 and 12/15/05, 6/02/09, 12/28/12, 6/22/15
Chapter Title SUPERVISION, REENTRY	Date of Issue 7/14/17	
Subject ARRESTS OF AND HEARINGS FOR INCOMING OTHER STATES' PROBATIONERS AND PAROLEES	Effective Date 7/14/17 PUBLIC	

I. AUTHORITY

The chairman of the board is granted the authority to “[d]irect the operations, management and administration of the board” and to “[p]erform all the duties and functions of chairperson, including organizing, staffing, controlling, directing and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

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

61 Pa. C.S.A. § 7102 (Interstate Compact for the Supervision of Adult Offenders)

61 Pa. C.S.A. § 7122 (Supervision of persons paroled in other states)

II. PURPOSE

This chapter serves as a supplement to Chapter 4.03 (Arrest Procedures), Chapter 3.03 (Hearing Process) and sets forth the procedures to be followed by parole supervision staff and interstate staff in the arrest, detention and preliminary / probable cause hearings for other states’ offenders supervised by PBPP through the interstate compact.

III. APPLICABILITY

This procedure is applicable to board staff involved in the field supervision of other states’ offenders and interstate staff who perform liaison and administrative duties with the sending states.

IV. DEFINITIONS

Refer to Procedure 4.05.01 – Glossary.

V. POLICY

For the protection of the community, it is permissible to arrest and detain other states’ offenders under board supervision prior to the receipt of the sending state’s warrant, sentencing court’s bench warrant or the sending state’s decision relative to pursuit of the violation. District director/designees shall use their discretion and order the arrest and detention of other states’ offenders when an offender is deemed to be a public safety risk and particularly in situations that suggest violence or the potential for violence. When another state’s offender has exclusively new criminal charges (no

technical violations), district director/designees are requested to carefully screen the case before lodging a Warrant to Commit and Detain (PBPP-141).

All requests from a sending state for a probable cause hearing shall be honored and held in accordance with ICAOS rules 5.103-1 and 5.108 for compact transferred offenders in Pennsylvania under the jurisdiction of the board. Parole supervision staff shall submit the required reports and schedule hearings as described in this procedure, Chapter 3.03 (Hearing Process) and Procedure 4.05.05 Incoming Other States Cases Transferred through the Interstate Compact.

VI. PROCEDURES

A. Other States' Offenders with Pending Criminal Charges

1. Parole supervision staff responsibilities

- a. Submit a Progress Report (PR) in ICOTS.
- b. The PR shall include, but not be limited to, a copy of the criminal complaint, offender's next scheduled court date, bail information and bail status (if available), custody status and offender location.
- c. If a Warrant to Commit and Detain (PBPP-141) is issued as a result of the new criminal charges, follow the Detention Hearing procedure (3.03.03).

NOTE: Other states' offenders may waive the detention hearing if a valid Waiver of Detention (PBPP-72) is executed.

- d. The disposition of criminal charges must be followed and reported in the unit supervisor's monthly Unconvicted Violator Control (PBPP-81). For additional information reference Procedure 4.01.09 Offender Supervision Reports and 4.05.05 Incoming Other States' Cases Transferred through the Interstate Compact.

2. Interstate staff responsibilities

- a. The completed Preliminary/Detention Hearing Report (PBPP-343) received from the hearing division staff shall be submitted to the sending state via a Compact Action Request (CAR) marked "Supervision Updates/Request" in ICOTS. The CAR attachment shall contain the full report and related hearing documents (i.e. PBPP 257 Series, etc.). Interstate staff shall ensure all hearing documentation (i.e. PBPP-343, waiver, PBPP-257 series, etc.) is uploaded to OnBase and a case note added to CAPTOR.
 - b. The CAR shall include the following language advising the sending state of the type of hearing held/waived: *"A Detention Hearing is held to determine whether an offender should be detained on a PA Warrant to Commit and Detain pending the disposition of new criminal charges. By virtue of PA statute, supervision staff have the authority to arrest and detain other states' offenders. The Warrant to Commit and Detain is issued based on adequate evidence of serious and or repetitive violations of terms and conditions of supervision, commission of a new criminal offense, or the risk to public safety posed by the offender's continued presence in the community. Attached are the results of the hearing and/or the offender's agreement to waive this hearing. PA will track the disposition of the criminal charges and advise the sending state."*
- #### 3. Parole supervision staff and interstate staff responsibilities

- a. A CAR Reply may be received from the sending state directing Pennsylvania to continue the offender under supervision while tracking the disposition of the new criminal charges. The ICOTS email notification for this activity is received by the ICOTS end user (assigned parole agent) and interstate staff simultaneously. Parole supervision staff shall not act on the CAR Reply until case handling directions to lift the Warrant to Commit and Detain (PBPP-141) are received from an interstate parole manager.

B. Other States' Offenders Detained for Behavior Requiring Retaking

Other states' offenders detained on a Warrant to Commit and Detain (PBPP-141) and subject to retaking for violating conditions of supervision shall be afforded the opportunity for a Probable Cause Hearing. The sending state relies on the results of the hearing to substantiate the alleged behavior requiring retaking and proceed with revocation, if applicable.

1. Parole supervision staff responsibilities

- a. Shall notify a sending state of an act or pattern of behavior requiring retaking within 30 days of discovery or determination by submitting a Violation Report (VR). For additional information regarding the VR refer to Procedure 4.05.05 Incoming Other States' Cases Transferred through the Interstate Compact.

NOTE: Behavior requiring retaking is defined by the compact as "...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 in the receiving state." A VR for behavior requiring retaking shall only be submitted after all resources have been utilized to address the behavior and progressive sanctions have been imposed and previously documented via PR.

- b. Hold and conduct the due process hearing in accordance with Procedure 3.03.02 Preliminary/Probable Cause Hearing and ICAOS Rule 5.108-Probable Cause Hearing in Receiving State.

NOTE: Other states' offenders may waive the Preliminary/Probable Cause Hearing by executing a valid Waiver of Probable Cause Hearing and Admission (PBPP-72ICS) and admitting to one (1) or more of the violations of the terms or conditions of supervision per ICAOS Rule 5.108-Probable Cause Hearing in Receiving State. For additional information reference Procedure 3.03.07 Hearing Waivers and Admissions.

2. Interstate staff responsibilities

- a. The completed Preliminary/Detention Hearing Report (PBPP-343) received from the hearing division staff is submitted to the sending state via an Addendum to Violation Report (AVR) in ICOTS along with the full report and any related hearing documents. A control shall be established in the automated offender record to track receipt of the sending state's Response to AVR. Interstate staff shall ensure all hearing documentation (i.e. PBPP-343, waiver, PBPP-257 series, etc.) is uploaded to OnBase and a case note entered in CAPTOR.

3. Parole supervision staff and interstate staff responsibilities

The sending state is required to submit a Response to Violation Report (RVR) no later than ten (10) business days following transmission of the VR or AVR. The ICOTS email notification for this activity is received by the ICOTS end user (assigned parole agent) and interstate staff simultaneously. The sending state shall either indicate a warrant has been requested/issued or order the offender's return via a Request for Reporting Instructions (RFRI). For additional information regarding the sending state's response to VR refer to Procedure 4.05.05 Incoming Other States' Cases Transferred through the Interstate Compact.

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 contains no information that impacts the security of Board staff or parolees and therefore may be released to the public.
- B. This procedure is to be distributed to all Board staff.

X. CROSS REFERENCES

A. Statutes

1. Federal

United States Constitution
80 Stat. 608; 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

Pennsylvania State Constitution
61 Pa.C.S. § 6112 (a)(1) & (a)(4)
61 Pa. C.S.A. § 7102
61 Pa. C.S.A. § 7122

B. PBPP Policies

3.03.02
3.03.03
3.03.07
4.01.09
4.05.05

C. American Correctional Association

4-APPFS-2A-16
4-APPFS-2B-05
4-APPFS-2B-06
4-APPFS-2B-07
4-APPFS-2B-08
4-APPFS-2B-09
4-APPFS-2B-10
4-APPFS-2B-11

D. Management Directives - None

E. Report of the Reentry Policy Council - None