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| <p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Board of Probation and Parole</b></p> | <p><b>Volume III<br/>Chapter 4</b></p> <p><b>Procedure<br/>4.05.09</b></p> | <p><b>Replaces No.</b></p> <p><b>7.7 6/21/02</b></p>                 |
| <p><b>Chapter Title</b></p> <p><b>SUPERVISION, REENTRY</b></p>  |  | <p><b>Date of Issue</b></p> <p><b>5/30/13</b></p>                    |
| <p><b>Subject</b></p> <p><b>INTERSTATE SERVICES<br/>OUTGOING COUNTY CASE PROCESSING, INCLUDING MERCER<br/>AND VENANGO COUNTY SPECIAL PROBATION/PAROLE CASES</b></p>                   |  | <p><b>Effective Date</b></p> <p><b>6/13/13</b><br/><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 county offenders and Mercer / Venango county special probation and special parole cases to another state, the District of Columbia, Puerto Rico or 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 the Division of Interstate Probation Services as well as parole supervision staff involved in the transfer of Pennsylvania county offenders and Mercer / Venango special probation and special parole cases to out-of-state supervision plans.

**IV. DEFINITIONS**

Refer to Procedure 4.05.01 – Glossary

For purposes of this procedure, the term “county” also includes PBPP staff assigned to the Mercer District.

**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. PROCEDURES

### A. DETERMINATION OF ELIGIBILITY FOR TRANSFER

The rules of the Interstate Commission for Adult Offender Supervision (ICAOS) govern the transfer of supervision of certain offenders to other states. These rules have the force and effect of federal law. All signatories to the interstate compact (all 50 states, U.S. Virgin Islands, District of Columbia, and Puerto Rico) are required to effectuate the terms of the compact and ensure compliance with these rules. All signatories shall submit interstate activity electronically through the Interstate Compact Offender Tracking System (ICOTS). Per Compact Rule 2.110, no state shall permit an offender who is eligible for transfer under the compact to relocate to another state except as provided by the compact and the rules set forth within the compact. An offender who is not eligible for transfer under this compact is not subject to the rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

#### 1. Sending county staff:

- a. Conduct a thorough interview with the offender and complete the ICAOS Eligibility Worksheet (Appendix A) which takes into consideration the offender's compliance, offense of conviction, suitability of the proposed receiving state plan and the amount of time remaining on supervision to decide whether or not an offender is eligible for transfer through the Interstate Compact (Rules 2.105, 3.101, 301.1-1, 3.101-2 and 3.101-3).
- b. Verify information provided by the offender. This can be done by speaking with the home provider, reviewing pre-sentence investigations, cross-referencing addresses on rap sheets or police reports, drivers' license history checks, leases, bills, tax documents, etc.
- c. Review offender's nationwide criminal history to accurately respond to ICOTS questions regarding history of violence and/or sex offenses. Staff shall also ascertain whether the offender has any outstanding wants/warrants, charges, or protection orders in or outside of Pennsylvania.

#### 2. Interstate Probation staff shall:

- a. Review all information provided during the transfer process while referencing ICAOS definitions and rules.
- b. Ensure that the information provided is consistent with the supporting documentation and to the ICOTS questions' responses.

### B. INELIGIBLE MISDEMEANOR CASES UNDER COUNTY SUPERVISION

#### 1. The sentencing county has the following options:

- a. Attempt a discretionary Transfer Request. Strong rationale must be included as to why this plan is in the offender's best interest. Discretionary plans must be

based on compelling reasons why the receiving state should consider accepting this case even though the offense does not meet criteria under Rule 2.105 (Appendix B). 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; or,

- b. Require the offender to remain in Pennsylvania under PA county supervision until the term of supervision expires; or,
  - c. Allow the ineligible offender to reside in the other state without transfer of supervision. In such instances, the county may decide to have the offender report via mail, by phone, periodical in-person reports to PA or other approved methods of reporting and case monitoring.
2. An offender convicted of an ineligible misdemeanor who is denied transfer may be permitted to reside in the other state while under PA supervision. Reporting requirements are established by the PA sentencing county. Supervision liability associated with the case remains with the county.

C. INELIGIBLE MISDEMEANOR CASES UNDER PBPP SUPERVISION WHO RESIDE IN ANOTHER STATE

1. Decide on the most appropriate method of reporting based on the offender's risk, needs, case circumstances and distance from the PBPP District or Sub-Office.
2. Open the case statistically on the current supervision obligation(s) assigned to the PBPP District or Sub-Office. Reference procedure 4.01.03 Initial Supervision Requirements.
3. The supervision grade is determined by the LSI-R score as described in Procedure 4.01.06 Levels of Supervision.
4. Do NOT use supervision fee waiver code FEEO. Such offenders shall be assessed a monthly PBPP supervision fee under the same criteria as PBPP offenders who reside in Pennsylvania.
5. Reporting requirements and case monitoring functions while obligated to PBPP shall be determined by parole supervision staff.

D. INTERSTATE APPLICATION FEE

1. Sending county staff:
  - a. Assesses the Interstate Application Fee to the offender's overall financial obligations per Legislative Act 95 of 2010 through AOPC at the time the transfer process is initiated.
    - 1) Requests the Clerk-of-Courts to add this fee to the offender's financial obligations.

- 2) The fee is non-refundable even if the Transfer Request is denied or withdrawn once a request is submitted.
  - b. Assesses this fee for each subsequent Transfer Request.
  - c. Only waives or reduces the fee if the sentencing court determines the offender is unable to pay.
2. Interstate Probation staff shall:
    - a. Question the county if there is any indication this fee is not being assessed or if the fee waiver/reduction is not handled in the manner consistent with Pennsylvania statute.
    - b. Remind the county that this fee shall be assessed to all offenders submitting a request to transfer.

#### E. VICTIM NOTIFICATION AND RIGHT TO BE HEARD

1. Sending county staff:
  - a. Contacts their local victim services liaison to determine whether the victim wants to have input in the decision to allow the offender to transfer (Rule 3.108-1).
  - b. Works with their local victim services agency to determine whether the victim wants to be notified of any significant violations or changes in the offender's status once the case is transferred (Rule 3.108).
  - c. Designates the case as victim sensitive in ICOTS if the victim wants to be notified of the offender's subsequent movement upon transfer.
2. Interstate Probation staff shall:
  - a. Review all information and documents provided in ICOTS for possible victim sensitive issues.
  - b. Explain victim rules to county staff if there is indication that a case should be marked as victim sensitive and is not.
  - c. Question the county and explain victim rules if there is reason to believe a case is inappropriately designated as victim sensitive.

#### F. COMPACT ACTION REQUEST (CAR):

A Compact Action Request may be submitted in ICOTS by either the sending or receiving state once a Transfer Request has been submitted. The purpose of a CAR is to ask questions or to provide information; not to report progress or violations. A CAR is routed directly between users, therefore a compact office may review a CAR, but the review cannot be completed prior to receipt by the other state's user. The information provided should be thorough and factual and any questions asked should be clear. Personal comments or opinions shall not be included.

## G. REQUESTS FOR REPORTING INSTRUCTIONS (RFRI)

### 1. PREPARATION: REQUIRED FORMS AND INFORMATION

#### a. Sending county staff:

- 1) Submits a Request for Reporting Instructions and attaches a completed ICAOS Eligibility Worksheet (Appendix A) in ICOTS if it is determined that the offender is eligible for reporting instructions (Rule 3.103) or if there is a compelling reason to request that the offender be granted permission to be in the receiving state prior to completion of the investigation (Rule 3.106).
- 2) Reviews the Offender Application for Interstate Compact Transfer form with the offender and explains that supervision may be different in the receiving state and that he/she must abide by the conditions of both states. The offender must also be informed that they are signing an expressed waiver of extradition (Rule 3.109).
- 3) Executes the Offender Application for Interstate Compact Transfer form. County staff witnesses and dates the form in the presence of the offender. Both names must be printed clearly below the signature lines.
- 4) Retains the originally signed Offender Application for Interstate Compact Transfer form for all transferred cases [Rule 3.107(b)].
- 5) Uploads/attaches the executed Application form as part of the Transfer Request process in ICOTS.

#### b. Interstate Probation staff shall:

- 1) Review all RFRI submitted in ICOTS prior to referral to the receiving state to determine:
  - a) offense eligibility, and;
  - b) timeliness of submission, and;
  - c) accuracy of applicable dates, and;
  - d) sentencing information, and;
  - e) appropriate choice of reason for the request, and;
  - f) duration of any incarceration period, and;
  - g) revocation information, and;
  - h) victim sensitivity, and;
  - i) sex offense history, and;
  - j) history of assaultive behavior, and;
  - k) indication that an offender is in the receiving state in violation of the rules.
- 2) Submit all complete and accurate RFRI, with no apparent rule violations, to the receiving state through ICOTS.

### 2. TYPES OF REQUESTS FOR REPORTING INSTRUCTIONS

- a. MANDATORY RFRI; OFFENDER LIVING IN THE RECEIVING STATE AT THE TIME OF SENTENCE (NON-SEX OFFENDER)
  - 1) Interstate Probation staff shall:
    - a) Scrutinize the information provided under residential history on the Eligibility Worksheet to verify that the offender was living in the receiving state at the time of sentencing.
    - b) Contact the county for clarification if there are questions about the information provided and take the opportunity to explain the applicable rules such as the misdemeanor rule (Rule 2.105) or definitions such as 'resident' or 'resident family'.
    - c) Maintain controls for overdue replies to RFRI. The receiving state has only two (2) business days to respond (Rule 3.103).
    - d) Follow-up with the receiving state until the response is submitted in ICOTS.
    - e) Question invalid denials of these mandatory requests by contacting the receiving state to discuss the circumstances of the request, applicability of compact rules and the reason(s) for denial.
    - f) Forward unresolved cases to an Interstate Manager and possibly the Director of Interstate Probation Services for intervention with the receiving state's Deputy Compact Administrator.
  - 2) Sending county staff:
    - a) Resubmits a request for review once corrections have been made or clarification has been provided.
    - b) Issues a seven (7) calendar day travel permit for an offender to proceed to the receiving state prior to receipt of the receiving state's Reply to RFRI if it is verified that the offender was living in the receiving state on the date of sentence and is not a registered sex offender (Rule 3.103).
- b. RETURNING RFRI - Offender returning to Pennsylvania after being supervised in the receiving state
  - 1) The receiving state:
    - a) Submits a Request for Reporting Instructions for an offender to return to Pennsylvania if requested by an offender who is not under active criminal investigation or charged with a new offense(s).
    - b) Requires the offender to remain in the receiving state until receipt of reporting instructions (Rule 4.111).
  - 2) Interstate Probation staff shall:

- a) Deny the request if there are indications that the offender is under investigation or charged with a new criminal offense(s) in the receiving state.
  - b) Ask the receiving state via email or CAR if there is reason to believe the offender has already returned to PA in violation of the compact.
  - c) If warranted, contact the county to see if the offender has shown up in their office or has had any contact with county staff about returning to PA.
  - d) If the request appears to be valid, forward the request to county staff asking for a response within two (2) business days.
  - e) Remind the county that the victim notification provision of 3.108 (b)(1)(c) must be followed in victim sensitive cases and that return reporting instructions should not be given until the victim is notified.
  - f) Follow-up with the county if the response is not received within two (2) business days.
- c. OTHER MANDATORY RFRI:

No travel permits may be issued by the sending PA county prior to receipt of issued reporting instructions (Rule 3.101-1) for these types of cases:

- 1) Transfer of active military member.
- 2) Transfer of offender who lives with an active military family member being relocated through the military.
- 3) Employment transfer of family member home provider with whom the offender currently resides.
- 4) Transfer of employment from a company for which the offender is currently employed.
  - a) The sending county:
    - i. Submits the RFRI marked with the correct reason for the request with a completed Eligibility Worksheet attached.
    - ii. Provides information and documentation to support the request.
  - b) Interstate Probation staff shall:
    - i. Scrutinize the Eligibility Worksheet, letters from employers, military orders, family relationships and residential history to ensure the reasons presented in the request are valid and mandatory as described under Rule 3.101-1.

- ii. If needed, request documentation or clarification from the county to support the request.
    - iii. Submit valid requests to the receiving state or contact the county to explain why the request does not meet the criteria of rule 3.101-1 and should be withdrawn or changed to a different reason for the request.
- d. RFRI FOR SEX OFFENDER (registration required under Megan's Law)
  - 1) The sending county:
    - a) Submits a RFRI for a sex offender living in the receiving state at the time of sentencing (Rule 3.101-3).
    - b) Requires the offender to remain in PA while the receiving state has five (5) business days to conduct a preliminary investigation of the proposed residence [Rule 3.101-3 (c)(1) and (2)].
    - c) Includes details of the offense and any other information that would assist the receiving state (RS) in determining the offender's sexual offender registration status in the RS and suitability of the proposed residence.
    - d) May submit alternate verified home plans if the initial plan is denied due to the receiving state's sex offender supervision practices. The offender must remain in Pennsylvania until a plan is approved and reporting instructions are issued.
  - 2) Interstate Probation staff shall:
    - a) Review all ICOTS submitted RFRI identified as Sex Offenders to verify that the offender has remained in Pennsylvania and that the details of the offense needed for Megan's Law registration determination in the receiving state are provided.
    - b) Contact the county immediately if there is any indication or evidence that the offender is in the receiving state in violation of established compact rules and direct the county to immediately order the offender's return.
      - i. If the offender is in the receiving state, follow-up with the county to ensure the offender physically returns to PA.
    - c) Submit complete and accurate RFRI to the receiving state.
    - d) Set a control to ensure the reply is received within the five (5) business day timeframe.
 

Email the receiving state and/or instruct the county to submit a Compact Action Request in ICOTS to inquire as to the status of the reply if not received by the fifth business day.
- e. EXPEDITED RFRI (DISCRETIONARY)

- 1) The sending county:
  - a) May submit a Request for Reporting Instructions with a completed ICAOS Eligibility Worksheet when it is determined that there is a compelling reason for the offender to be in the receiving state prior to the completion of an investigation (Rule 3.106).
  - b) Attaches available documentation that supports the request such as college acceptance or scholarship award letters, letter of employment offer on company letterhead, medical information, mental health records, letter of financial support, treatment provider letter, etc.
  - c) May resubmit a returned request if additional information is available and provided.
  - d) Shall require the offender to remain in Pennsylvania until receipt of reporting instructions from the receiving state Rule 3.106 (a)(1).
- 2) Interstate Probation staff shall:
  - a) Review these requests to determine merit and/or whether an emergency exists.
  - b) When necessary, return the request to the county to question merit or to request additional supporting information.
  - c) As appropriate, administratively deny requests that have no merit.
  - d) Email or call the receiving state's compact offices when an emergency or unusual circumstance exists.
  - e) Contact the county immediately if there is any indication or evidence that the offender is in the receiving state in violation of the rules and direct the county to immediately order the offender's return.
  - f) Set a control to follow-up with the county to ensure the offender has physically returned to PA pending receipt of the Reply to RFRI.

f. RFRI FOR PAROLING COUNTY OFFENDER

- 1) The sending county:
  - a) Submits a RFRI as 'living in the receiving state at the time of sentence' for an offender who was incarcerated for six (6) months or less with the last known address in the receiving state. Such requests are submitted within seven (7) days of release from incarceration [Rule 3.103 (a) (5)].
  - b) Provides the offender with a seven (7) day travel permit if the offender meets the above criteria.

- c) Submits RFRI as discretionary when an offender is incarcerated for more than six (6) months or when the offender was released more than seven (7) days prior to the request. These offenders shall remain in Pennsylvania until reporting instructions are received.

2) Interstate Probation staff shall:

- a) Review the RFRI information and the completed Eligibility Worksheet for the length of incarceration, address at time of sentencing and release date to determine eligibility for the seven (7) day travel permit.
- b) Return the request to the county for revisions if it is determined that the above criteria are not met and ask that the request be resubmitted as discretionary.
- c) Instruct the county to immediately return an offender if it is determined the offender is in the receiving state in violation of the compact.
- d) Set a control to follow-up with the county to ensure the offender has physically returned to PA pending receipt of the Reply to RFRI.

#### H. REPLIES TO REQUESTS FOR REPORTING INSTRUCTIONS

The reply to a RFRI shall be submitted to Pennsylvania by the receiving state within two (2) business days after submission of the request (Rule 3.103).

a) Interstate Probation staff shall:

- a. Take no action on approved requests because the reply is received by the county and Interstate Office simultaneously.
- b. Review denied RFRI's to determine the validity of the denial.
- c. Not question valid denials unless the county requests reconsideration for good cause.
- d. Challenge denials where mandatory reasons exist.
- e. Challenge denials of discretionary RFRI's that have merit and appear to be in the offender's best interest if requested by the county.
  - 1) These challenges may be done by emailing or calling the receiving state's Interstate Compact Office staff to discuss the case circumstances.
  - 2) Interstate Probation staff may also instruct the county to send a Compact Action Request questioning the denial or provide additional supporting documentation.
- f. Direct the county to submit a new RFRI in ICOTS if the receiving state agrees to reconsider a subsequent request.

#### I. NOTICE OF DEPARTURE (NOD)

A Notice of Departure shall be submitted in ICOTS by the sending county when an offender proceeds to the receiving state. The NOD is transmitted to the receiving state's office with a notification of the submission to the Pennsylvania Interstate Probation Office.

a. The sending county:

- 1) Contacts the offender to provide the reporting instructions issued by the receiving state, including offenders who have already proceeded to the receiving state on an authorized seven (7) day travel permit.
  - a) PBPP parole supervision staff shall also issue the offender a Parole Instruction (PBPP-348I) advising that he/she shall maintain telephone contact with the submitting agent until such time the offender is placed under supervision by the receiving state.
- 2) Submits a Notice of Departure when the offender proceeds to the receiving state [Rule 4.105(a)].

b. Interstate Probation staff shall:

- 1) Generate regular reports in ICOTS on cases where reporting instructions are provided and no NOD is submitted.
- 2) Review all information in ICOTS for possible delays in departure and, if none are noted, follow-up with the county to submit the NOD.

#### J. NOTICE OF ARRIVAL (NOA)

The Notice of Arrival shall be submitted by the receiving state upon the offender's arrival or failure to arrive in the receiving state [Rule 4.105(b)]. The NOA is transmitted to the PA county user in ICOTS with a notification of the submission to the PA Interstate Probation Office.

a. Interstate Probation staff shall follow-up on overdue NOA's by:

- 1) Submitting an ICOTS Compact Action Request. Also, if the NOA is not entered within one week of the offender's departure, email the receiving state's compact office with a copy to an Interstate Manager.
- 2) If the receiving state has not entered the NOA within one week of the follow-up request, the 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.

b. An NOA is marked 'FAILED TO REPORT'

1) Interstate Probation staff shall:

- 1) Send an email to the county asking if the offender was issued or advised of the reporting instructions or whether extenuating circumstances exist that may have delayed the offender's departure/arrival.
- 2) Instruct the county to attempt contact with the offender and determine why the report directive was not followed.
- 3) If the offender's whereabouts are unknown, direct the county to issue a fully extraditable warrant (reference ICAOS definition) in cases where the offender failed to report and the case cannot be brought back into compliance.
  - a) Enter the offender's information on the Warrant/Retake Excel Spreadsheet to ensure follow-up until the county issues a fully extraditable warrant or otherwise resolves the issue within the confines of the rules (Rule 3.103).

2) PA Interstate Manager or Division Director shall:

- 1) When necessary, contact the County Chief Adult Probation Officer to explain the case issues in conjunction with rules which require a fully extraditable warrant.
- 2) If needed, take the issue to PBPP Legal Counsel and the PA Interstate Commissioner for further intervention with the Adult County Probation Chief or District Attorney.

K. SUBMISSION OF TRANSFER REQUEST (TR)

1. Offenders in the receiving state on approved reporting instructions:

a. The sending county:

- 1) Submits a complete Transfer Request in ICOTS
  - a) Within 15 calendar days of receipt of approved mandatory RI's (Rule 3.103).
  - b) Within 7 calendar days of approved expedited RI's (Rule 3.106).
- 2) Uploads all required information and documents in ICOTS per Rule 3.107 or, if the offender is a sex offender, per 3.101-3.
- 3) Submits the TR to their supervisor in ICOTS who will review the request and either send it back to the probation officer for corrections or submit it to the PA Interstate Probation Office for review.

b. Interstate Probation staff shall:

- 1) Run ICOTS reports and follow-up with counties to ensure that the TR's are being submitted within the mandated timeframes.
  - 2) Search the ICOTS workload on a daily basis for pending TR's that require review.
  - 3) Review each TR to ensure that it is complete, correct and in compliance with the ICAOS rules.
  - 4) Review the Offender's Application for Interstate Compact Transfer form to ensure that the information in the body and signatures are complete and the dates of signature match and are current [Rule 3.107(b)].
  - 5) Review offense information for transfer eligibility (Rule 2.105).
  - 6) Compare start and expiration dates to ensure the dates match the other information presented in the attachments.
  - 7) Review the length of time remaining on supervision to ensure there are at least 90 days left on the sentence from the submission or the TR [Rule 3.101 (a)].
  - 8) Check the validity of the plan including the offender's means of support [Rule 3.101(b)].
  - 9) Research case materials including AOPC for indications of pending violations to ensure offender is in substantial compliance [Rule 3.101(c)].
  - 10) Ensure the reason marked for the TR matches the data presented on the completed Eligibility Worksheet and within other attached documents.
  - 11) Review discretionary plans and supporting documents for sufficient evidence of merit (Rule 3.101-2).
  - 12) Return TR to the county with a request to provide, clarification of information, additional information and/or documentation if needed.
  - 13) Administratively deny discretionary TR's when minimal information or no merit exists.
2. Offenders remaining in PA pending Reply to Transfer Request:
- a. The sending county:
    - 1) Instructs the offender to remain in PA when he/she is not eligible for mandatory RFRI's or has been denied reporting instructions [Rule 3.102 (a) and (b)].
    - 2) Uploads all required information and documents in ICOTS per Rule 3.107 or, if the offender is a sex offender, per 3.101-3.

- 3) Submits the TR to their supervisor in ICOTS who will review the request and either send it back to the probation officer for corrections or submit it to the PA Interstate Probation Office for review.
- b. Interstate Probation staff shall:
  - 1) Review TR and all documentation for any indication that the offender is in the receiving state in violation of the compact [Rule 3.102 (a)].
  - 2) Email county with an explanation of rule 3.102 and instructions to immediately order the offender's return if they are in the receiving state in violation of the compact.
  - 3) Follow K. 1. b. 2) -13) above.
3. Offenders employed in the receiving state at time of Transfer Request who travel to work in the receiving state and do not have approved reporting instructions [Rule 3.102(c)]:
  - a. The sending county:
    - 1) Submits a TR with notice that the offender has permission to travel to and from work during the investigation.
    - 2) Instructs the offender to return to PA on a daily basis during non-working hours.
    - 3) Uploads all required information and documents in ICOTS per Rule 3.107 or, if the offender is a sex offender, per rule 3.101-3.
    - 4) Submits the TR to their supervisor in ICOTS who will review the request and either send it back to the probation officer for corrections or submit it to the PA Interstate Probation Office for review.
  - b. Interstate Probation staff shall:
    - 1) Review the TR to ensure an explanation of the employment travel is clearly noted and explained.
    - 2) Review information provided to verify the offender is returning to PA daily.
    - 3) Email county with an explanation of [Rule 3.102 (c)] and instructions to immediately order the offender's return if there is any indication this rule is being circumvented.
    - 4) Follow K. 1. b. 2) -13) above.
4. For offenders being paroled by a county judge:
  - a. The sending county:

- 1) May submit a complete TR in ICOTS for an incarcerated offender whose proposed release date is less than 120 days from the date of submission. [Rule 3.105 (a)].
  - 2) Notifies the receiving state if the release date changes or if the offender's release is denied.
- b. Interstate Probation staff shall:
- 1) Review dates on the TR to determine the amount of time prior to release to ensure that it does not exceed 120 days.
  - 2) Follow K. 1. b. 2) -13) above.

L. REPLY TO TRANSFER REQUEST (RTTR):

The receiving state has 45 calendar days from receipt of the TR to complete the investigation [Rule 3.104 (a)].

1. Rejection – Incomplete Transfer Request

a. Interstate Probation staff shall:

- 1) Instruct the county to resubmit the TR with the requested information if it is rejected due to lack of documentation or insufficient information.
- 2) Contact the receiving state if it is believed the rejection is not valid.
- 3) Instruct the county that the offender may remain in the receiving state if the offender has approved reporting instructions as long as the Transfer Request issues are corrected and resubmitted within 15 calendar days [Rule 3.104 (b)].
- 4) Run weekly ICOTS reports for overdue RTTR from other states.
  - a) Instruct the county to submit a CAR requesting the overdue reply.
  - b) Request overdue RTTR by phone or email if the reply is not received within one week after the CAR is submitted.

2. Acceptance - Offender in receiving state under supervision on approved reporting instructions

- a. The accepted RTTR is routed through ICOTS to the county with notification to the PA Interstate Probation office.
- b. Supervision of offender continues uninterrupted in the receiving state.

3. Acceptance - Offender remained in PA pending RTTR

- a. The sending county:

- 1) Contacts the offender to issue the reporting instructions provided by the receiving state.
  - 2) Submits a Notice of Departure in ICOTS upon the offender's departure.
4. Rejection - Offender is in the receiving state with approved reporting instructions. The ICOTS Notices of Departure and Arrival are entered.
- a. The sending county:
- 1) Submits a CAR to ask for reconsideration if the denial is not valid or would not be in the best interest of the offender.
  - 2) Contacts the Interstate Probation Office to request intervention if returning the offender would be considered a hardship on the offender.
  - 3) Orders the offender to return to PA within 15 calendar days of receipt of a valid rejection [Rule 3.103 (e)(1)].
  - 4) Issues a fully extraditable warrant (ICAOS definition) with no geographical limitations within ten (10) calendar days of the offender's failure to return as directed.
- b. Interstate Probation staff shall:
- 1) Review the rejection to ensure the reason is valid under the rules of the compact.
  - 2) If it is an invalid rejection, email or phone the receiving state's compact office to discuss the case circumstances and ask for reconsideration.
  - 3) If it is a valid rejection or the receiving state is not willing to reconsider the request, direct the county via email or phone to order the offender's return to PA within 15 calendar days of receipt of the rejection.
  - 4) Follow-up with the county regarding the offender's report status and direct the county to issue a warrant as noted above under L.4.a.4) if the offender failed to report.
  - 5) 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.
    - a) Conduct a weekly NCIC warrant check for status of the warrant and to ensure there are no geographical limitations entered.
  - 6) Ask the receiving state to enter a Case Closure Notice in ICOTS to close the case.
  - 7) Review the Case Closure Notice reasons and ask county to validate as appropriate.

5. Rejection - Offender in PA pending the results of the receiving state's investigation
  - a. The sending county:
    - 1) Contacts the offender to inform them of the rejection.
    - 2) Directs the offender to remain under supervision in PA until their maximum expiration date.
    - 3) Withdraws the rejected case from ICOTS.

#### M. SUPERVISION IN THE RECEIVING STATE (RS)

1. The receiving state must supervise a PA offender in the same manner as they would their own offender (Rule 4.101).
2. A receiving state cannot close supervision prior to the maximum expiration date unless an early termination is granted by the Pennsylvania sentencing court (Rule 4.102).
3. Special conditions can be imposed at the time of acceptance or at any time during the period of supervision as long as those conditions would be imposed on the receiving state's own offender in a similar circumstance. The receiving state must notify Pennsylvania of any conditions imposed (Rule 4.103).
4. Violations of the conditions imposed by the RS carry the same weight at the time of revocation as those imposed by the Pennsylvania sentencing court. (Rule 4.103-1).
5. Offenders must abide by any registration or DNA requirements of either the sending or receiving state (Rule 4.104).
6. A receiving state may impose a supervision fee once a case is accepted for supervision and PA must cease assessing a supervision fee from that time forward (Rule 4.107).
7. Pennsylvania is responsible for the collection of costs, fines and restitution. The receiving state is to encourage the offender to pay and inform them that failing to do so places them in violation of PA conditions (Rule 4.108).

#### N. PROGRESS REPORTS

The receiving state must submit annual progress reports or more frequently if requested. Progress reports are submitted directly from the receiving state's ICOTS user to the Pennsylvania county user with a notification to the Interstate Probation Office.

1. The sending county:
  - a. Reviews the report for offender's compliance with conditions.
  - b. Reviews the significance/seriousness of any reported non-compliance.
  - c. Reviews for indications that the manner and degree of supervision by the receiving state is inconsistent with the treatment of their own offenders or that the receiving state has closed supervision prior to the max date.

- d. Sends a CAR to request additional information or clarity if needed.
- e. Sends a CAR if the progress report is not received as required or requested to ask that one be submitted.
- f. Submits a Specialized Compact Action Request if there is a need for Progress Reports more frequently than annually.

2. Interstate Probation staff shall:

- a. Review progress reports for violations that should have been reported on an Offender Violation Report (OVR) and when necessary, ask the receiving state to resubmit the violations on an OVR.
- b. Review progress reports for violations of the compact being committed by the receiving state such as early termination without permission from the PA judge, failure to supervise appropriately, imposition of unreasonable conditions, etc.
- c. Alert the county of any issues and ask the county to send a CAR to address issues.
- d. Contact the receiving state via phone or email if the county requests intervention to resolve violations of supervision rules.
- e. Review ICOTS reports for overdue progress reports and follow-up with delinquent states by email until progress reports are submitted.

O. OFFENDER VIOLATION REPORTS (OVR) AND RETAKING

The OVR shall be submitted by the receiving state within 30 days of discovery of a significant violation (Rule 4.109). A RESPONSE TO OFFENDER VIOLATION REPORT (RTOVR) shall be submitted by the PA county within 10 business days of Interstate Probation's receipt of the OVR [Rule 4.109 (c)].

A sending state may not retake an offender who has been charged with a new criminal offense without the consent of the receiving state or until the criminal charges have been disposed of, sentence has been satisfied or the offender has been released to supervision for the subsequent offense (Rule 5.101).

NOTE: The receiving state may report non-significant violations, those that do not reach the level of revocation, on a Progress Report which does not require a response [Rule 4.106 (b) (5) and (7)].

- 2. OVR: Three or more significant violations that establish a pattern of non-compliance [Rule 5.103]
  - a. Interstate Probation staff shall:
    - 1) Review the PA offense of conviction and compact definition of violent crime to determine if the offender meets the compact definition of violent offender.

- a) If the offender is a violent offender, the violation should be handled under Rule 5.103-2(a).
  - b) If the offender is not a violent offender and none of the reported violations include a new felony conviction, the following action steps apply.
    - i. Review the OVR to confirm offender's location and whether the receiving state is recommending that Pennsylvania retake the offender.
    - ii. Forward OVR to the county indicating that the RTOVR must be submitted in ICOTS within 10 business days of the OVR's receipt by PA Interstate.
- 2) If there is a pattern of non-compliance established and the receiving state is recommending retake, instruct the county that when it is a non-violent offender with only technical violations or a new misdemeanor conviction, they have a choice to either:
- a) Order the offender to physically return and report to the Pennsylvania Probation Office by a specific date, or;
  - b) Have the offender retaken [Rule 5.103 (a)].
- 3) Instruct the county that if the offender fails to return as ordered, a fully extraditable warrant must be issued with no geographic limitations within 10 calendar days of the failure to return.
- a) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
  - b) Check weekly with the county regarding the offender's return status.
  - c) Conduct weekly NCIC warrant check and contact the county if the warrant status is not in compliance with the rules.
  - d) Follow-up with county to ensure the offender is retaken.
  - e) Involve an Interstate Manager when the warrant is not issued as required.
- b. The sending county:
- 1) Provides a RTOVR in ICOTS within 10 business days of Interstate's receipt of the OVR stating that the offender is being ordered to return to Pennsylvania with specific reporting instructions OR indicate if a warrant is being issued or a detainer lodged.
  - 2) If the offender returns as ordered, informs Interstate Probation that the offender has returned and is back under Pennsylvania supervision.
  - 3) If the offender failed to report, informs Interstate Probation and immediately begins the process to obtain a fully extraditable warrant with no geographical limitations.

- 4) Contacts the facility where the offender is incarcerated to arrange a date and time for pick-up.
  - 5) Notifies the Interstate Probation staff once the offender is back in Pennsylvania.
3. OVR: New Felony Conviction (Rule 5.102)
- a. Interstate Probation staff shall:
    - 1) Review the OVR and the supporting documentation provided to verify that there is a conviction and the crime gradation is a felony.
    - 2) Review report to confirm offender's location and whether the receiving state is recommending that Pennsylvania retake the offender.
    - 3) Forward OVR to county indicating that the RTOVR must be submitted in ICOTS within 10 business days of the OVR's receipt by the Interstate Probation Office.
    - 4) If it is a felony conviction and the receiving state is asking for retake, instruct the county that the offender must be retaken in custody and that either a detainer must be lodged or a fully extraditable warrant entered in NCIC with no geographical limitations (Rule 5.102).
    - 5) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
      - a) Conduct weekly NCIC warrant check and contact the county if the warrant status is not in compliance with the rules.
      - b) Involve an Interstate Manager when the warrant is not issued as required.
  - b. The sending county:
    - 1) Immediately begins the process to obtain a fully extraditable warrant with no geographical limitations.
    - 2) Submits a RTOVR in ICOTS within 10 business days of Interstate's receipt of the OVR indicating that a warrant is either being sought or that a warrant or detainer has been issued.
    - 3) Maintains contact with the facility where the offender is incarcerated to arrange a date and time for pick-up.
    - 4) Notifies the Interstate Probation staff once the offender is back in Pennsylvania.
4. OVR: Absconder ( Rule 5.103-1)
- a. Interstate Probation staff shall:
    - 1) Ensure that the OVR contains the offender's last known address, date of last contact with offender, information from family, employer or other collateral

contacts and review efforts made by the receiving state to locate the offender [Rules 4.109 (b)(9) and 4.109-2].

a) Return the OVR to the sending state to request more detail if sufficient details are not provided.

- 2) Check ICOTS for an accompanying Case Closure Notice (CCN) indicating the case is being closed due to absconding [Rule 4.112 (a)(2)].
- 3) Submit the OVR and CCN to the county with instructions to submit a RTOVR within 10 business days indicating that a fully extraditable warrant is being sought or has been issued.
- 4) Instruct the county to validate the CCN.
- 5) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
  - a) Conduct weekly NCIC warrant check and continue to contact the county until a warrant with no geographic limitation is entered [Rule 5.103-1(a)].
- 6) Instruct the county to file a detainer once the offender is apprehended and is in custody. If apprehended in the receiving state and if revocation will be sought, request a probable cause hearing [Rule 5.103-1(a) and (b)].
  - a) Instruct the county that they must retake the offender when available if probable cause is found [Rule 5.103-1(c) and (e)].

b. The sending county:

- 1) Immediately begins the process in their respective county to obtain a fully extraditable warrant with no geographical limitations.
- 2) Provides a RTOVR in ICOTS within 10 business days of Interstate's receipt of the OVR indicating that a warrant is either being sought or that a warrant or detainer has been issued.
- 3) Maintains the warrant/detainer status as active until the offender is retaken.
- 4) Maintains contact with the facility where the offender is incarcerated to arrange a date and time for pick-up.
- 5) Notifies Interstate Probation staff once the offender is back in Pennsylvania.

5. OVR: Violent Offender with one significant violation [Rule 5.103-2 (a)]

a. Interstate Probation staff shall:

- 1) Review the PA offense of conviction and compact definition of violent crime to ensure that the offender meets the compact definition of violent offender.

- 2) Review violation report to confirm that the receiving state is recommending PA retake. If so, verify offender's location and availability for retaking.
  - 3) Review the alleged violation/s to determine if the violation appears to be significant and contact the receiving state if information provided is unclear.
  - 4) If above sections 1) and 2) are confirmed, forward OVR to the county instructing them to submit a RTOVR in ICOTS within 10 business days of submission of the OVR by the receiving state.
  - 5) Instruct the county that the RTOVR must indicate that the offender will be retaken based on Rule 5.103 and that either a detainer will be lodged or a fully extraditable warrant entered in NCIC with no geographical limitations.
  - 6) Enter case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
    - b) Conduct a weekly warrant check in NCIC and contact the county if status is not in compliance with the rules.
    - c) Involve an Interstate Manager when the warrant is not issued as required.
  - 7) Instruct the county that, once the offender is in custody, the detainer must remain in place until the offender is available and retaken.
- b. The sending county:
- 1) Immediately begins the process in their respective county to obtain a fully extraditable warrant with no geographical limitations.
  - 2) Provides a RTOVR in ICOTS within 10 business days of Interstate's receipt of the OVR indicating that a warrant is either being sought or that a warrant or detainer has been issued.
  - 3) Works with the facility where the offender is incarcerated to arrange a date and time for pick-up.
  - 4) Notifies Interstate Probation staff once the offender is back in Pennsylvania.
6. OVR: Conviction for new violent crime [Rule 5.103 (b)]
- a. Interstate Probation staff shall:
- 1) Review the new conviction information submitted on the OVR and the supporting documentation provided to verify that the offense meets the compact definition of violent crime.
  - 2) Review the OVR to confirm the offender's location and determine whether the receiving state is recommending that PA retake the offender.
  - 3) Forward the OVR to the county indicating that the RTOVR must be submitted in ICOTS within 10 business days or receipt of the OVR by PA Interstate.

- 4) If it is a violent crime and the receiving state is asking for retake, instruct the county that the offender must be retaken in custody based on Rule 5.103 and that either a detainer must be lodged or a fully extraditable warrant entered in NCIC with no geographical limitations.
  - 5) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
    - a) Conduct a weekly warrant check in NCIC and contact the county if status is not in compliance with the rules.
    - b) Involve an Interstate Manager when the warrant is not issued as required.
- b. The sending county:
- 1) Immediately begins the process in their respective county to obtain a fully extraditable warrant with no geographical limitations.
  - 2) Provides a RTOVR in ICOTS within 10 business days of Interstate's receipt of the OVR indicating that a warrant is either being sought or that a warrant or detainer has been issued.
  - 3) Works with the facility where the offender is incarcerated to arrange a date and time for pick-up.
  - 4) Notifies Interstate Probation staff once the offender is back in Pennsylvania.

P. SUBSEQUENT STATE TRANSFERS (Rule 4.110)

1. The sending county:
  - a. Reviews the reasons for the offender's request for transfer to a subsequent state to determine the validity and feasibility of the request.
  - b. Review a recent Progress Report or submit a specialized CAR to request a current Progress Report to determine compliance, if the receiving state has not already provided this information.
  - c. Confirm that there are at least 90 days remaining on supervision [Rule 3.101 (a)].
  - d. Contact the home provider and, if applicable, the employer, in the subsequent state to verify the plan.
  - e. Assess another Interstate Application Fee of \$100.
  - f. If there is an emergency, submit a Request for Reporting Instructions. Otherwise the offender must remain in the current receiving state.
  - g. Prepare and submit a Transfer Request to the subsequent state under a new case number but under the same offender number in ICOTS.

- h. Provide the address of the PA Adult County Probation Department on a CAR so the receiving state can mail the original signed Offender Application for Interstate Compact Transfer form to the county for retention [Rule 3.107 (b)].
2. The current receiving state:
- a. Assists Pennsylvania by acquiring the offender's signature on the Offender Application for Interstate Compact Transfer form. Pennsylvania is denoted as the sending state and the subsequent state as the receiving state.
  - b. Transmits the signed form to PA, preferably by attaching it to a specialized Subsequent State Transfer CAR in ICOTS along with a statement summarizing the offender's progress.
  - c. Mails the original signed Offender Application for Interstate Compact Transfer form to the PA County Probation Office.
  - d. Submits a NOD when either RFRI or TR is approved and the offender departs for the subsequent state.
  - e. Closes interest in the case once the offender has departed for the subsequent receiving state.
3. Interstate Probation staff shall:
- a. Assist the county by explaining the Subsequent State Transfer process and ensuring the information is correctly entered in ICOTS.
  - b. Assist the county in obtaining information, forms or reports from the initial receiving state by emailing or calling the receiving state.
  - c. Process RFRI and/or the TR in the same manner as noted in sections of this procedure regarding RFRI and TR.
  - d. Generate regular reports in ICOTS on cases where reporting instructions are provided and no NOA is submitted.

#### Q. CASE CLOSURE NOTICE (CNN) AND CASE CLOSURE NOTICE RESPONSE

1. Interstate Probation staff shall:
- a. Review the CNN submitted by the receiving state to ensure the reason for closure is valid under Rule 4.112(a). Depending on the reason, this will be done by
    - 1) Confirming the max date has expired; or,
    - 2) Reviewing the CAR's and Progress Reports in ICOTS if the max date has not expired to see if a court order granting early termination of supervision was provided to the receiving state; or,

- 3) Checking for an absconder OVR that supports the decision to close; or,
  - 4) Reviewing the judgment of conviction or other court documents confirming the offender received a sentence in the receiving state of 180 days or more incarceration; or,
  - 5) Reviewing the obituary, death certificate or other documentation submitted regarding an offender's death; or,
  - 6) Verifying that an NOA has been submitted after an approved subsequent state transfer; or,
  - 7) Verifying that an offender has returned to PA after an approved return RFRI.
- b. Submit the CCN to the county with instructions to submit a CCN Response either validating or invalidating based on what is discovered during research of the case.

2. The sending county:

- a. Reviews the reason for closure noted by the receiving state.
- b. Contacts Interstate Probation staff if they are unsure of the validity of the reason.
- c. Submits a CCN Reply in ICOTS within 10 business days of receipt marked as valid if the reason is compliant with Rule 4.112 or invalid if the reason is not valid under Rule 4.112.

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 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

- a. Federal

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

b. State

61 Pa.C.S. § 6112  
61 Pa.C.S. § 6133  
61 Pa.C.S. § 7112  
61 Pa. C.S. § 7115

B. PBPP Policies

4.01.03  
4.01.10  
4.01.13  
4.01.27  
4.04.01  
4.05.04

C. American Correctional Association

4-APPFS-2A-15

D. Management Directives - None

E. Report of the Reentry Policy Council - None