

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III CHAPTER 4</p> <p>Procedure 4.05.02</p>	<p>Replaces No. 7.1 eff. 8/9/01 and 1/1/2005, 12/5/08</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue 3/27/15</p>
<p>Subject INTERSTATE SERVICES INTRODUCTION</p>		<p>Effective Date 4/10/15 PUBLIC</p>

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. § 7115 (Interstate Compact for Adult Offenders Application Fee)

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

61 Pa. C.S.A. § 7123 (Penalty for violation)

42 Pa.C.S.A. §§ 9143 and 9144(b) (Uniform Criminal Extradition Act **and return of convict via Governor’s Warrant**)

42 Pa.C.S. § 9799.13 (Registration of Sexual Offenders)

42 Pa.C.S.A. § 9799.19(f) (Initial registration if being supervised by commonwealth under Interstate Compact for Adult Offender Supervision)

II. PURPOSE

This procedure is provided as an introduction to this chapter of the manual.

III. APPLICABILITY

This procedure is applicable to board staff within the Office of Probation and Parole Services; including the divisions of interstate services, **parole supervision staff, institutional parole staff** and any county parole/probation staff utilizing the Interstate Compact for Adult Offender Supervision process.

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 **rules, purpose and spirit** of the Interstate Compact for Adult Offender Supervision.

The rules of the compact are designed to ensure eligible offenders are appropriately transferred to and supervised by a receiving state. The purpose of this compact and of the interstate commission to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community. The spirit of the compact is demonstrated when states consider cases for acceptance based on merit rather than solely on mandatory acceptance criteria and are willing to work collaboratively to resolve violations of the rules and other complex interstate issues.

VII. PROCEDURE

This chapter covers interstate compact procedures relating to Outgoing Board Cases (Pennsylvania Parole and Special Probation/Parole cases), Incoming Other States' Cases (Parole and Probation), and Outgoing Pennsylvania County Probation Cases being supervised under the terms of the Interstate Compact for Adult Offender Supervision. This compact is an interstate and intergovernmental agreement permitting the controlled movement of sentenced offenders between states for the purposes of community supervision. This compact has been ratified by all fifty (50) states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. The governor appoints Pennsylvania's State Commissioner/Compact Administrator. Pennsylvania's Deputy Compact Administrators, the Director of Interstate Parole Services and the Director of Interstate Probation Services, oversee the daily administration of compact-related matters.

In Pennsylvania, the compact is administered at the state level of government; therefore, the board must ensure that incoming other states' cases are provided with the opportunity for compact services. The board's supervision of other states' offenders under the auspices of the interstate compact is identical to the supervision of offenders paroled by and under the jurisdiction of the board as described in Chapter 4, Supervision, Reentry portion of this manual. However, decisions relating to the prosecution of violations, retaking of offenders¹, and supervision discharge remain under the sending states' parole authority or sentencing court.

This chapter also describes extradition/return procedures; the Governor's Warrant process; Pennsylvania parole releases to out-of-state, federal, and Immigration and Customs Enforcement (ICE) detainees; the tracking of deported felons and convicted parole violators confined outside of Pennsylvania or in federal custody.

Throughout this chapter, when referring to the Interstate Compact for Adult Offender Supervision, the term "Interstate Compact" or "Compact" will be used. Further questions regarding compact matters should be directed to the Director of Interstate Parole Services, the Director of Interstate Probation Services or an Interstate Parole Manager.

VI. SUSPENSION DURING AN EMERGENCY

¹ Except when another states' case incurs a new felony conviction or PBPP supervision staff are able to demonstrate a pattern of non-compliance arising from three or more separate significant violations.

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

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

X. CROSS REFERENCES

A. Statutes

1. Federal

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

2. State

61 Pa.C.S. § 6112 (a)(1) & (a)(4)

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

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B. PBPP Policies

3.02.14, 3.02.15, 3.02.16

C. American Correctional Association

4-APPFS-2A-16

D. Management Directives - None

E. Report of the Reentry Policy Council - None