

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.05.05</p>	<p>Replaces No. 7.2 3/11/02 NEW</p> <p>4.05.05-01, 12/31/15; 4.05.05-02, 12/31/15; 4.05.05-03, 12/31/15 08/08/16</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date of Issue 7/14/17</p>
<p>Subject INTERSTATE SERVICES</p> <p>INCOMING OTHER STATES' CASES TRANSFERRED THROUGH THE INTERSTATE COMPACT</p>		<p>Effective Date 7/14/17 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

The purpose of this procedure is to set forth the process necessary for the review, acceptance and supervision of other states’ probation and parole offenders through the Interstate Compact for Adult Offender Supervision (ICAOS).

III. APPLICABILITY

This procedure is applicable to board staff involved in the review of Pennsylvania plans submitted through Interstate Compact Offender Tracking System (ICOTS), the investigation of proposed plans and/or the supervision of transferred offenders.

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. PROCEDURES

The rules adopted by the ICAOS govern the transfer of eligible offenders' supervision to other states. These rules have the force and effect of federal law. All fifty states, the U.S. Virgin Islands, District of Columbia, and Puerto Rico are signatories to the interstate compact and are required to effectuate the terms of the compact to ensure compliance with these rules.

All signatories are required to submit interstate case activity electronically through the ICOTS. The board's interstate services staff reviews all requests for transfer of supervision for required case documentation and determines such offenders' eligibility for transfer.

The supervision of other states' offenders is subject to compact rules and PBPP supervision practices and procedures. If/when there is a conflict between a compact rule, PBPP procedure or PA state law, the compact rule supersedes to the extent of the conflict.

A. Incoming Requests for Reporting Instructions (non-sex offenders)

Sending states' Requests for Reporting Instructions (RFRI) submitted in ICOTS shall be approved or denied by interstate staff no later than two (2) business days following the receipt of the request.

1. Types of Mandatory RFRI

- a. Offender living in Pennsylvania at the time of sentencing or after disposition of a violation or revocation proceeding.

Interstate staff shall approve the RFRI in ICOTS if the request is submitted within seven (7) business days of initial sentencing or after disposition of violation/revocation proceeding and, if incarcerated, the offender has not been in custody for more than six (6) months and is being released to probation supervision.

The sending state may grant the offender a seven (7) day travel permit to proceed to Pennsylvania prior to RFRI approval.

- b. Transferred offender returning to sending state

Field supervision staff shall request Return RFRI and the sending state shall approve the request in ICOTS no later than two (2) business days following receipt of the request when:

- 1) A Transfer Request (TR) is rejected for offender in Pennsylvania on approved RFRI or,
- 2) An offender voluntarily requests to return to the sending state and there are no pending criminal matters in Pennsylvania or,
- 3) The sending state responds to a Violation Report (VR) requiring retaking and directs the offender's return in lieu of a custodial retake.

- 4) The sending state fails to send a completed Transfer Request (TR) in the allotted time frame for an offender in the receiving state on approved RFRI.

Parole supervision staff shall continue to supervise the offender until departure at which time a Notice of Departure (NOD) and a Case Closure Notice (CCN) shall be submitted in ICOTS.

- c. Military member, offender lives with family who are military members, or transfer of military veteran for medical or mental health services.

Provided the request includes sufficient supporting documentation, interstate staff shall approve the RFRI in ICOTS. The offender must remain in the sending state until Pennsylvania issues approved RFRI.

- d. Employment transfer of family member or offender's employment transfers to Pennsylvania.

Provided the request includes sufficient supporting documentation, interstate staff shall approve the RFRI in ICOTS. The offender must remain in the sending state until Pennsylvania issues approved RFRI.

2. Processing Mandatory RFRI – Interstate staff duties

a. Preliminary review

- 1) Verify the offender's compact eligibility and criminal offense.
- 2) Review submission timeliness and accuracy of supervision start/end dates.
- 3) Note any history of assault and/or sexual offense.
- 4) Review nationwide automated criminal history through the Pennsylvania Justice Network (JNET) as needed to corroborate information.
- 5) Approve RFRI as mandated or deny request if the request is not compact compliant.

b. Processing approved RFRI

- 1) Search PBPP automated records for existing PBPP number. Create a new PBPP number if one does not exist. Enter all relevant offender and case information into the automated records.
- 2) Establish a control for the Notice of Arrival (NOA) and TR in the automated record.
- 3) Add the PBPP number to the ICOTS record.
- 4) Complete and submit the response to the RFRI in ICOTS.

- 5) Re-assign the ICOTS case to the field office ICOTS point of contact or agent if the case is either open statistically or already assigned in ICOTS.
- 6) Submit an email to the district office or sub-office email distribution list. The email shall include the offender's expected arrival date and the proposed residential address and phone number.

For Philadelphia addresses, research the census tract list and email the agent, supervisor, and field office ICOTS point of contact.

- 7) Enter relevant case notes in CAPTOR regarding the RFRI approval, residential address, phone number, if offender will reside alone or with someone, date to report, census track number (if applicable), and case assignment in ICOTS.

c. Processing denied RFRI

- 1) Interstate staff shall provide the reason for the denial in the response to RFRI in ICOTS.

3. Expedited Reporting Instructions (Discretionary)

The sending state must provide a compelling reason or an explanation of the emergency or extenuating circumstances to justify the need for the offender to be in Pennsylvania in advance of a TR investigation.

An interstate parole manager shall review all expedited RFRI. Approval or denial must be based on the emergency circumstances of the request and a review of the offender's criminal history (as needed). The parole manager shall provide a written decision to interstate staff who shall submit the approval or denial to the sending state in ICOTS.

4. Offender reports as instructed - Parole supervision staff responsibilities

If necessary, reassign the ICOTS case to the appropriate agent who shall monitor ICOTS for receipt of the NOD.

- a. Pennsylvania assumes supervision liability for the offender upon physical arrival to the office. When offender reports, follow Procedure 4.01.03 Initial Supervision Requirements and ensure that the offender is fingerprinted as an "out of state parolee."

NOTE: Offender shall be fingerprinted even if a Pennsylvania State Identification Number (SID) already exists. Doing so records the interstate supervision term on offender's Pennsylvania rap sheet.

- b. If applicable, follow Procedures 4.01.15 Sex Offender, 4.01.28 Sex Offender Registration and/or 4.01.25 Domestic Violence Protocol.
- c. Submit a NOA in ICOTS on the day the offender reports.

If the sending state did not yet submit a NOD in ICOTS, then an NOA cannot be completed. A compact action request (CAR) shall be submitted in ICOTS requesting the NOD.

5. Offender reports as instructed - Interstate staff responsibility

Interstate staff shall monitor ICOTS for the receipt of parole supervision staff's NOA and verify that the automated offender record has been activated.

6. If the offender fails to report by the date specified, parole supervision staff shall attempt to contact the offender via telephone to schedule a new report date.

a. If contact is unsuccessful and/or offender does not report per the newly established report date, parole supervision staff shall submit an arrival notice in ICOTS indicating offender failed to arrive. In the comment section include reference to efforts made to contact the offender.

b. If the TR was received in ICOTS, parole supervision staff shall complete and submit the Reply to Transfer Request (RTTR). The reason for rejection shall indicate that the offender failed to report on the approved RFRI.

B. Incoming Requests for Reporting Instructions - Registered Sex Offenders

Offenders required to register as a sexual offender (per ICAOS definition) in either the sending or receiving state shall not be granted a travel permit and shall not proceed to Pennsylvania until a RFRI is approved. Prior to approving or denying the request, Pennsylvania has five (5) business days from the date the sending state submits the RFRI to conduct a preliminary investigation of the proposed residence to ensure compliance with PBPP sex offender supervision practices.

1. Interstate staff duties

a. Verify the offender's compact eligibility and criminal offense.

b. Review submission timeliness and accuracy of supervision start/end dates.

c. Note any history of assault.

d. Review nationwide automated criminal history through JNET as needed to corroborate information.

e. Search PBPP automated records for existing PBPP number. Create a new PBPP number if one does not exist. Enter all relevant offender and case information into the automated records.

f. Add the PBPP number to ICOTS record.

- g. Submit an email to the district office or sub-office email distribution list. The email shall include the proposed residential address and phone number. The message shall also include language advising the need for a preliminary investigation based on the offender's requirement to register as a sex offender and a due date for the results.

For Philadelphia addresses, research the census tract list and email the agent, supervisor and field office ICOTS point of contact.

- h. Enter relevant case notes in CAPTOR regarding the RFRI request, residential address, phone number, if offender will reside alone or with someone, date investigation is due, census track number (if applicable), and case assignment in ICOTS.
- i. Monitor for receipt of parole supervision staff's investigation results.

2. Parole supervision staff responsibilities

- a. Conduct a preliminary review of the proposed residence for compliance with Procedure 4.01.15 Supervision of Sex Offenders.
- b. Email their approval or denial recommendation to interstate staff.

Recommendations to deny must be detailed and indicate what factors make the plan unacceptable.

3. Interstate staff shall review the field recommendation.

- a. For denials, interstate staff shall ensure compact compliance and sufficient details exist to support the denial.

Complete and submit the RFRI activity in ICOTS. Enter relevant case notes in CAPTOR regarding the denial reason(s) provided by parole supervision staff. If TR has been received it shall be denied for the same reason.

- b. For approvals, interstate staff shall:

- 1) Complete and submit the RFRI activity in ICOTS.
- 2) Establish a control for the NOA and TR in the automated record.
- 3) Re-assign the ICOTS case to the parole agent who conducted the investigation.
- 4) Submit an email to the parole agent who conducted the investigation with a copy to the parole supervisor. The email shall include the offender's expected arrival date and the proposed residential address and phone number.

- 5) Enter relevant case notes in CAPTOR regarding the RFRI approval, residential address, phone number, if offender will reside alone or with someone, date to report, census track number (if applicable), and case assignment in ICOTS.

4. Offender reports as instructed - Parole supervision staff responsibilities

If necessary, reassign the ICOTS case to the appropriate agent who shall monitor ICOTS for receipt of the NOD.

- a. Pennsylvania assumes supervision liability for the offender upon their physical arrival to the office. When offender reports, parole supervision staff shall adhere to Procedures 4.01.03 Initial Supervision Requirements, 4.01.15 Sex Offenders and 4.01.28 Sex Offender registration and also ensure that the offender is fingerprinted as an “out of state parolee.”

NOTE: Offender shall be fingerprinted even if a Pennsylvania SID already exists. Doing so records the interstate supervision term on offender’s Pennsylvania rap sheet.

- b. If applicable, follow Procedure 4.01.25 Domestic Violence Protocol.
- c. Parole supervision staff shall submit a NOA in ICOTS on the day the offender reports.

If the sending state did not yet submit a NOD in ICOTS, then an NOA cannot be completed. A CAR shall be submitted in ICOTS requesting the NOD.

5. Offender reports as instructed - Interstate staff responsibility

Interstate staff shall monitor ICOTS for the receipt of parole supervision staff’s NOA and verify that the automated offender record has been activated.

6. If the offender fails to report by the date specified, parole supervision staff shall attempt to contact the offender via telephone to schedule a new report date.

- a. If contact is unsuccessful and/or offender does not report per the newly established report date, parole supervision staff shall submit an arrival notice in ICOTS indicating offender failed to arrive. In the comment section include reference to efforts made to contact the offender.
- b. If the TR was received in ICOTS, parole supervision staff shall complete and submit the RTTR. The reason for rejection shall indicate that the offender failed to report on the approved RFRI.

C. Incoming Transfer Request

Pennsylvania shall complete an investigation of the proposed plan of supervision and respond to a sending state's request for transfer no later than the 45th calendar day following receipt of a TR in ICOTS. Discretionary TR plans shall be reviewed by interstate staff to determine if merit exists to justify investigation by the parole supervision staff. All discretionary parole TR require a secondary review by an interstate parole manager for final case handling decisions.

1. Interstate staff duties:

- a. Assign the TR activity to themselves in ICOTS to generate the RTTR.
- b. Search PBPP automated records for existing PBPP number. Create a new PBPP number if one does not exist. Enter all relevant offender and case information into the automated records.
- c. Complete the Transfer Request Worksheet.
- d. Review TR and documentation for accuracy, completeness and to verify basis for transfer; mandatory or discretionary plan.

- 1) Administratively reject a TR if incomplete or inaccurate.
- 2) Complete and submit the RTTR in ICOTS outlining the reason(s) for rejection.

NOTE: Offenders in Pennsylvania on approved RFRI shall remain in Pennsylvania provided the sending state resubmits a completed TR within fifteen (15) business days following the rejection.

- 3) Update the automated offender record, establish a control date for a new TR, and enter a case note in CAPTOR regarding the reason for the rejection.
- e. Utilize JNET to review offender's nationwide criminal history and verify the presence of any active warrants or Protection from Abuse (PFA) orders.

Any history of assault, sex offenses, domestic violence, weapons offenses, PFA and gang affiliations shall be provided to the parole supervision staff.
 - f. Verify the criminal offense(s) and that the remaining length of supervision meets compact eligibility.
 - g. If TR is complete, enter notes in CAPTOR regarding date TR reviewed, date TR submitted to the field, office receiving investigation and establish a control for the RTTR in the automated system.

- h. In ICOTS, attach a copy of the unexecuted PBPP-11 (Conditions Governing Parole/Re-parole) and, if applicable, the PBPP-336SO (Standard Special Conditions for Sex Offenders) within the “Supervision Conditions Imposed by Receiving State” section of the RTTR.
- i. Submit an email to the district office or sub-office email distribution list. If the offender is in Pennsylvania on approved RFRI or has a Philadelphia address, research the case assignment or census tract list and email the agent, supervisor and field office ICOTS point of contact.

The email shall include:

- 1) The proposed residential address and phone number.
 - 2) Any relevant agent /public safety issues (i.e. gang affiliation, assault history, sex offense, weapons offense, outstanding warrants, and active PFA or DV issues).
 - 3) Reason for transfer; mandatory or discretionary plan.
 - 4) Date the RTTR is due per the compact rules.
 - 5) If applicable, advisement of current Pennsylvania county probation supervision.
 - 6) Reference to blank PBPP conditions added to the RTTR in ICOTS.
- j. Reassign the ICOTS case to the district office or sub-office point of contact or if the offender is in Pennsylvania on approved RFRI or has a Philadelphia address, the assigned parole agent.
 - k. When applicable, email the Pennsylvania county adult probation department point of contact to notify of the incoming interstate case. If the TR is approved, the offender will be dually supervised by both jurisdictions upon arrival.
 - l. Enter relevant case notes in CAPTOR regarding the TR, residential address, phone number, if offender will reside alone or with someone, RTTR due date, census track number (if applicable), and case assignment in ICOTS.

2. Parole supervision staff responsibilities

If necessary, reassign the ICOTS case to the appropriate agent. If the proposed residential plan is within a different district immediately contact interstate staff for assistance.

- a. Investigate the proposed plan in the same manner as one conducted for a similarly situated Pennsylvania offender. Reference Procedure 4.01.10

Investigations. The investigation must also consider the compact stated mandatory criteria or meritorious reasons for a discretionary request.

A submitted TR with verified mandatory criteria shall be accepted provided there is a valid plan of supervision per compact definition.

- b. Rejection of a TR shall be based on facts, a discretionary plan's lack of value to aid in the offender's successful completion of supervision, compact rule violations, and violations of PBPP supervision protocols and/or investigative findings that conclude the plan is not conducive to effective supervision.

- 1) Encountering an offender at the proposed residence who does not have approved RFRI during the investigation shall form the basis of a rejection.

NOTE: An offender who does not have approved RFRI can be in the receiving state only for employment, medical or treatment appointments during the investigation if notified by the sending state in the TR, as long as the offender returns daily to the sending state at the conclusion of their work shift or immediately after the medical/treatment appointment.

- 2) A TR shall not be rejected based solely on the following:

- a) Offender's participation in inpatient treatment in Pennsylvania.
- b) Offenders who display signs of mental illness or are physical disabled.
- c) Pending criminal charges for which the offender is on bail in either the sending or receiving state.
- d) Section 8 housing without further explanation.
- e) The offender's undocumented immigration status.
- f) Existence of a warrant in NCIC.

- 3) A rejected TR for a registered sex offender requires concurrence from the district director/designee and the regional director. Concurrence must be on record prior to submitting the RTTR in ICOTS. Reference Procedure 4.01.10 Investigations.

- c. At the conclusion of the investigation, parole supervision staff shall complete and submit the RTTR in ICOTS marked either "Approved" or "Denied" based on the investigative findings.
- d. If the RTTR is denied and the offender is in Pennsylvania on approved RFRI with no other known viable Pennsylvania home plan, a Return RFRI

shall be submitted in ICOTS by parole supervision staff within seven (7) business days of the denial.

- 1) Sending state shall approve the Return RFRI within two (2) business days and provide a report date in the sending state within fifteen (15) business days.
 - 2) Parole supervision staff shall provide the Return RFRI to the offender and continue supervision until the offender departs.
 - 3) Parole supervision staff shall enter the NOD in ICOTS upon the offender's departure followed by the CCN.
 - 4) If the offender cannot be located to provide the Return RFRI, a diligent search shall be conducted. A Violation Report (VR) and Case Closure Notice (CCN) marked absconder shall be submitted in ICOTS if ICAOS criteria for declaring an offender an absconder have been met.
 - 5) The automated case record shall be closed.
- e. If accepted, and the offender is not in Pennsylvania on approved RFRI, the plan is valid for 120 calendar days following the date the RTTR is submitted to the sending state in ICOTS.
- 1) The RTTR shall indicate any Pennsylvania conditions being imposed. Parole supervision staff may impose any conditions that would be imposed on a similarly situated Pennsylvania offender.
 - 2) Indicate if Pennsylvania is unable to enforce any conditions imposed by the sending state.
 - 3) Provide reporting instructions (if the offender is not in Pennsylvania on approved RFRI).

The date the offender is instructed to report should generally be on the agent's duty day, allowing the offender a minimum of five (5) business days to report. The report date for a paroling offender should take into consideration the proposed release date in the sending state as provided in the TR.

3. Parole supervisor responsibilities

Review the RTTR in their ICOTS workload to ensure the agent's recommendation is in compliance with PBPP procedures and compact rules.

- a. If approved, the parole supervisor shall ensure the reporting instructions are accurate, any Pennsylvania imposed conditions are included and any conditions Pennsylvania is unable to enforce are noted.

- b. If rejected, the parole supervisor shall ensure the reason(s) are appropriate based on PBPP procedures and compact rules, Return RFRI is submitted in ICOTS within seven (7) business days by the agent of record for offenders in Pennsylvania on approved RFRI, and that supervision continues until the offender departs.
 - c. Submit the RTTR activity in ICOTS if complete and accurate. If corrections are required, return the RTTR activity to the agent in ICOTS.
4. Interstate staff responsibilities

Review decision from parole supervision staff for compact compliance and determine if the RTTR is accurate and complete.

- a. All discretionary RTTR marked "approved" are referred to an Interstate Probation Services Division manager for review.
 - 1) Interstate staff shall provide the director a copy of the offender's nationwide criminal history upon request.
 - 2) The manager will provide written concurrence of the approval or if reasons for approval are questionable or unclear, contact parole supervision staff to discuss the merit of the plan.
 - 3) If the decision is changed to rejection, interstate staff shall edit the RTTR recommendation and outline the reason(s) for rejection in ICOTS and advise parole supervision staff accordingly.
- b. Interstate staff processing of RTTR acceptance (mandatory/discretionary)
 - 1) Update the automated offender record to reflect the date RTTR received, parole supervision staff's decision, and establish a control for the NOA if offender is not in Pennsylvania on approved RFRI. Enter notes in CAPTOR regarding the decision, date offender is to report.
 - 2) Submit the RTTR activity in ICOTS and verify case assignment.
 - 3) If the offender is currently under Pennsylvania county adult probation supervision, interstate staff shall email the county point of contact to advise them of the compact case acceptance noting the offender will be supervised by both jurisdictions.
 - 4) Upload a copy of the Offender Application for Interstate Compact Transfer to OnBase.
 - 5) Request file room staff to record electronic file designation in AFLS for newly created parole numbers.

- 6) Accepted offenders not open statistically to parole supervision staff will be monitored for NOA and case opening.

At the expiration of the acceptance period (120 calendar days) and the offender has failed to report, interstate staff shall withdraw the approved RTTR in ICOTS. A reason for the withdrawal shall be provided and the field staff notified.

c. Interstate staff processing of RTTR rejections (mandatory/discretionary)

- 1) Interstate staff shall review the RTTR for compact compliance. If the reason(s) for rejection are not valid or violate the mandatory acceptance requirements, the RTTR shall be returned to the parole supervisor in ICOTS. An email shall be sent to parole supervision staff indicating the issue that requires resolution and why.
- 2) All RTTR rejections require concurrence from an interstate manager prior to submittal to the sending state.
 - a) The manager will contact parole supervision staff for additional information, as needed, and return the RTTR to the parole supervisor in ICOTS if corrections are required.
 - b) Rejected plans for registered sex offenders require concurrence from the district director or designee and the regional director. Concurrence must be on record prior to submitting the RTTR in ICOTS per Procedure 4.01.10 Investigations.
 - c) Upon written concurrence by the interstate manager, interstate staff shall submit the RTTR in ICOTS.
- 3) If the offender is in Pennsylvania on approved RFRI, interstate staff shall ensure a Return RFRI is submitted by parole supervision staff.
- 4) Update the automated offender record as to the RTTR decision, decision date and enter notes in CAPTOR regarding the reason for denial.
- 5) If offender has Pennsylvania county adult probation supervision, advise the county of the rejection and offer assistance in resolving any compact related consequences.
- 6) For offenders not present in Pennsylvania, ensure ICOTS assignment is moved to the interstate office per alpha zone assignments.

D. Victim Notification

The sending state shall initiate victim notification procedures within one (1) business day of Pennsylvania's issuance of reporting instructions or acceptance of transfer.

1. Victim sensitive status may be denoted in ICOTS as a “Special Status” in the offender profile screen and noted on printed ICOTS forms. Parole supervision staff shall be aware of the designation and handle the case in accordance with compact rules.
 2. Parole supervision staff shall immediately report the following to the sending state in every case designated as victim sensitive when an offender:
 - a. Engages in behavior requiring retaking – submit a Violation Report (VR) in ICOTS.
 - b. Changes address – submit a CAR and update the address in the offender’s ICOTS profile screen.
 - c. Returns to the sending state where an offender’s victim lives – submit a CAR in ICOTS if the offender is issued a temporary travel permit or submit a request for Return RFRI if the offender wishes to return permanently to the sending state.
 - d. Departs Pennsylvania under an approved plan of supervision in a subsequent receiving state. Notify the sending state of the departure through a CAR followed by a CCN.
 3. On cases designated as victim sensitive, parole supervision staff shall respond to requests for offender information from the sending state no later than the fifth (5th) business day following the receipt of the request.
- E. Requirements following transfer acceptance (Offender not present in Pennsylvania on approved RFRI).
1. Assigned field supervision staff is responsible for monitoring ICOTS for receipt of a NOD and/or the offender’s physical reporting to the office. If the offender reports, parole supervision staff shall submit a NOA and thereafter respond to case activity in ICOTS as needed.
 2. Field supervision staff shall submit an arrival notice indicating the offender failed to report by the 5th business day following the submission of a NOD unless the agent has had contact with the offender to schedule a new report date. Parole supervision staff shall be aware of any Compact Action Request (CAR) activity from the sending state submitted after the NOD indicating a reason why the offender may be reporting at a later date.
- F. ICOTS activities submitted or received during PBPP supervision.
1. Compact Action Request (CAR) and Compact Action Request Reply (CAR-Reply)

Both activities are unmanaged and submitted directly between field supervision staff and the sending state's end user. All communications and comments shall remain professional; without personal opinion. A CAR is submitted to make a general inquiry regarding the offender or case specific matters, convey general information other than violations or progress information and/or provide copies of requested documentation.

A CAR-Reply shall be submitted by the field supervision staff to respond to a CAR. The CAR-Reply shall be completed as an acknowledgement even if no response is required (i.e. "OK", "Thank you", "Noted")

NOTE: The ICOTS email notification for a CAR and CAR-Reply is received by the ICOTS end user (assigned parole agent) and interstate staff simultaneously. Assigned parole agent shall review the activity and take any necessary action to include a CAR-Reply when appropriate. Interstate staff shall review the CAR or CAR-Reply and determine if further assistance or direction to field supervision staff is appropriate. Case notes should be entered in CAPTOR as needed regarding the CAR or CAR-Reply.

2. Progress Reports (PR)

This is a managed activity completed in ICOTS by the agent of record who submits the activity to their supervisor. The parole supervisor shall review the activity in ICOTS for completeness and accuracy prior to submitting to the interstate office. Interstate staff shall review the activity for compact compliance and submit to the sending state in ICOTS. All communications and comments shall remain professional; without personal opinion.

A PR may be requested by the sending state any time during the offender's supervision in Pennsylvania.

- a. A sending state may transmit a specialized CAR which automatically creates a blank PR in the assigned field staff's ICOTS workload. The PR shall be submitted within thirty (30) calendar days from the date requested.
- b. Parole supervision staff shall initiate a PR to document the following:
 - 1) Offender's compliant or noncompliant behavior that does not require retaking.
 - 2) Incentives, corrective actions or graduated sanctions imposed on the offender.
 - 3) New criminal arrests.
- c. The PR shall include:
 - 1) Offender's current residence address, telephone number and electronic mail address.

- 2) Name and address of offender's current employer.
 - 3) Summary of offender's conduct, progress and attitude, and compliance with conditions of supervision.
 - 4) Programs of treatment attempted and completed by offender.
 - 5) Information about any sanctions that have been imposed on the offender since the previous PR.
 - 6) Agent's recommendation and any other information requested by the sending state that is available.
 - 7) Report violations where the intent is to continue supervision with applied graduated sanctions. These types of PR shall contain supporting documentation such as newly imposed Pennsylvania Special Conditions (PBPP-336), Parole Instructions/ Warnings (PBPP-348), lab results, treatment provider letter, etc.
 - 8) Report new criminal arrests on a PR. The PR shall contain detailed information regarding the arrest, offender location if detained, bail status, known court dates and arrest details. Attach police reports, affidavits, criminal complaints, etc.
3. Violation Report (VR): Behavior Requiring Retaking; New Felony Conviction or New Violent Crime Conviction

This is a managed activity that must be submitted to the sending state within thirty (30) calendar days of discovery or determination of the behavior requiring retaking. The agent of record completes and submits the activity to their supervisor. The parole supervisor shall review the activity in ICOTS for completeness and accuracy prior to submitting to the interstate office. Interstate staff shall review the activity for compact compliance and submit to the sending state in ICOTS. The VR is reviewed by the sending state to make decisions as to returning or retaking the offender under the compact violation rules and is presented at violation proceedings. The VR must be thorough, factual and supported by documentation when available.

a. When applicable, a VR shall contain:

- 1) Offender's current location.
- 2) Date(s) and description of the behavior requiring retaking.

- 3) Dates, descriptions and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions.
- 4) Dates, descriptions and documentation regarding the status and disposition, if any of offense(s) or behavior requiring retaking.
- 5) Dates, descriptions and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques.
- 6) Supporting documentation to substantiate the violation(s).
- 7) Disposition of criminal charges - felony, misdemeanor or violent crime.

VR will include documentation supporting the disposition to include the county of conviction, case number, sentencing date and length of incarceration and/or probationary period.

NOTE: Summary convictions or dismissed/withdrawn criminal charges shall be reported on a specialized CAR titled "Supervision Update/Request."

- b. Parole agent shall complete the VR in ICOTS and submit the activity to their supervisor. The parole supervisor shall determine if the VR is complete and that the violations meet the compact definition of behavior requiring retaking.
 - 1) If deficient, the parole supervisor shall return the VR to the assigned agent in ICOTS for correction.
 - 2) If complete and accurate, the parole supervisor shall submit the VR in ICOTS to the interstate office.

4. Absconders Violation Report (VR) and Case Closure Notice (CCN)

An absconding VR shall be submitted within thirty (30) calendar days of discovery of the violation. Compact rules specify that a CCN marked "Absconded" shall be submitted along with the VR when an offender has met the compact definition of abscond. The VR and CCN are managed activities

as noted in the previous VR section. The assigned parole agent shall submit both activities in ICOTS only after a diligent search has been conducted to locate the offender in accordance with PBPP procedures and the ICAOS rules. The VR is utilized by the sending state to form the basis of a warrant request.

a. An absconder VR shall contain:

- 1) Offender's last known address, telephone number, and the name and address of the offender's employer;
- 2) Violation discovery date;
- 3) Date of last attempted field contact at the approved residence;
- 4) Date of last contact with employer.
- 5) Date of last contact with known family members and collateral contacts and indicate who you spoke to and their relationship to the offender.
- 6) Date of last face-to-face offender contact (office/field) and details regarding the interaction.
- 7) Date(s) of phone contact(s) with offender (including attempts) or collateral contacts with details regarding the contact.
- 8) Detailed comments regarding all attempts to locate the offender, when and where attempts occurred and the outcome of the search. Dates of any missed office or treatment appointments, attempts to reach the offender via telephone, text or email communication shall be included.

b. The assigned parole agent shall complete and submit both the VR and CCN in ICOTS to their supervisor for review. The parole supervisor shall determine if the VR and CCN are complete and accurate.

- 1) If deficient, the parole supervisor shall return the VR in ICOTS to the parole agent for correction.
- 2) If complete and accurate, the parole supervisor shall submit the VR and CCN activity in ICOTS to the interstate office.

- c. The automated offender record remains open pending case handling directions from an interstate manager.
 - 1) All absconder VR and CCN activity is reviewed by an interstate manager.
 - 2) Upon concurrence, the interstate manager advises parole supervision staff to close the automated offender record and enters notes in CAPTOR.
5. Probable Cause Hearing (PCH) requested by the sending state for apprehended absconder.

If the sending state's interstate absconder is apprehended in Pennsylvania on the sending state's warrant, the sending state may request that Pennsylvania conduct a PCH. Probable cause is required to substantiate the absconding violation.

- a. Parole supervision staff shall:
 - 1) Re-open the automated offender record.
 - 2) Schedule the preliminary probable cause hearing and follow Procedure 3.03.02 Preliminary/Probable Cause Hearing.
 - 3) Prepare the Notice of Charges and Hearing (PBPP-257N), Supervision History Report (PBPP-257H), and secure copies of the previously submitted VR and CCN from ICOTS in which the offender was reported as absconding.
 - 4) If probable cause is established, the automated offender record shall be closed and no further action is required.
 - 5) If probable cause is not established, parole supervision staff shall resume supervision of the offender if requested by the sending state.
- b. Interstate staff shall:
 - 1) Receive the probable cause hearing results.
 - 2) Reopen the ICOTS case, submit the PCH results via Addendum to Violation Report (AVR), and submit a CCN.
 - 3) Enter case notes in CAPTOR and ensure the hearing is uploaded to OnBase.

6. Addendum to Violation Report (AVR)

This is a managed activity completed in ICOTS by the assigned agent who submits the activity to their supervisor. The parole supervisor shall review the activity for completeness and accuracy prior to submitting to the interstate office. Interstate staff shall review the activity for compact compliance and submit to the sending state in ICOTS.

An addendum is submitted after the initial VR. The addendum is reviewed by the sending state to make decisions as to returning or retaking the offender under the compact violation rules and is presented at violation proceedings. The addendum ensures information is consolidated with the original VR in ICOTS and requires the sending state to respond within (10) business days via response to Addendum to Violation Report (AVR).

a. An Addendum is submitted to:

- 1) Provide updates on the offender's current location.
- 2) Update warrant request status.
- 3) Provide additional information.
- 4) Send probable cause or detention hearing reports. Interstate staff receives the hearing results, reassigns the ICOTS case from the assigned agent and submits the hearing results via an AVR. The ICOTS case is reassigned to the parole agent to monitor receipt of the sending state's Response to AVR.

b. An Addendum is NOT used to:

- 1) Report new violations.
- 2) Report criminal conviction information

7. Response to Violation Report (RVR)

A sending state submits a RVR no later than ten (10) business days following transmission of a VR or an addendum to VR. The RVR activity submitted by the sending state creates an ICOTS notification received by the assigned agent, supervisor and the interstate staff simultaneously.

a. Response to VR for behavior requiring retaking.

- 1) Sending state orders the offender's return.

- a) Field staff shall submit a request for Return RFRI in ICOTS and the sending state shall approve within two (2) business days.
NOTE: Offender is not permitted to return to the sending state if there are unresolved criminal charges in Pennsylvania or is still serving time on a new sentence.
 - b) Parole supervision staff shall provide the offender with the approved Return RFRI received from the sending state and submit a NOD and CCN in ICOTS when the offender departs Pennsylvania. The case shall then be closed in the automated offender record.
- 2) Sending state issues a warrant – offender detained.
- a) Interstate staff shall monitor NCIC for the entry of the warrant and when necessary, contact the sending state to have the warrant entered or extradition perimeters corrected. Notice and case handling directions shall be given to parole supervision staff when the sending state's warrant is correctly entered in NCIC.
 - b) Parole supervision staff shall inform the holding facility records office when the warrant has been confirmed and the offender is available for retaking. Request records staff to initiate retake (i.e. prisoner transport arrangements).
 - c) When a date for retake has been established, parole supervision staff shall provide the records office with an Order to Release Warrant (PBPP-140).
 - d) After the offender has been retaken, parole supervision staff shall submit a CCN in ICOTS and close the automated offender record.
- 3) Sending state issues a warrant – offender not detained.
- a) Parole supervision staff shall not cause the offender's detention without prior direction from interstate staff.
 - b) Interstate staff shall verify the entry of the sending state's warrant in NCIC and when necessary, contact the sending state to have the warrant entered or extradition perimeters corrected. Notice and case handling directions shall be given to parole supervision staff when the sending state's warrant is correctly entered in NCIC.

- c) Parole supervision staff shall contact the local police or Pennsylvania State Police to enforce the sending state's warrant. This allows the offender to be detained without a PBPP warrant and no PCH requirement. Field staff shall submit an AVR in ICOTS to reflect the date of detention, offender's location address, prison phone number and availability for retake.
 - d) If local police or PSP are not able to assist, then parole supervision staff shall arrest the offender on the warrant and detain at an SCI. A PBPP warrant shall be issued and a PCH must be scheduled per Procedure 3.03.02 Preliminary/Probable Cause Hearing.
 - e) Interstate staff shall receive the PCH results, reassign the ICOTS case from the parole agent and submit the PCH results in ICOTS to the sending state via AVR.
 - f) The ICOTS case is reassigned to the parole agent to monitor receipt of the sending state's Response to AVR.
 - g) Parole supervision staff tracks the offender's retaking to the sending state. Upon retake, submits a CCN in ICOTS and closes the automated offender record.
- b. Response to VR for new felony or new violent crime conviction.
- 1) Sending state issues a warrant – offender detained.
 - a) Interstate staff shall monitor NCIC for the entry of the warrant and when necessary, contact the sending state to have the warrant entered or extradition perimeters corrected. Notice and case handling directions shall be given to parole supervision staff when the sending state's warrant is correctly entered in NCIC.
 - b) Parole supervision staff shall inform the holding facility records office when the warrant has been confirmed and the offender is available for retaking. Request records staff to initiate retake (i.e. hit confirmation and prisoner pick up/transport arrangements).
 - c) When a date for retake has been established, parole supervision staff shall provide the records office with an Order to Release Warrant (PBPP-140).

- d) After the offender has been retaken, parole supervision staff shall submit a CCN in ICOTS and close the automated offender record.
- 2) Sending state issues a warrant – offender not detained.
- a) Parole supervision staff shall not cause the offender's detention without prior direction from interstate staff.
 - b) Interstate staff shall verify the entry of the sending state's warrant in NCIC and when necessary, contact the sending state to have the warrant entered or extradition perimeters corrected. Notice and case handling directions shall be given to parole supervision staff when the sending state's warrant is correctly entered in NCIC.
 - c) Parole supervision staff shall contact the local police or Pennsylvania State Police to enforce the sending state's warrant. This allows the offender to be detained locally without a PBPP warrant and no PCH requirement. Field staff shall submit an AVR in ICOTS to reflect the date of detention, offender's location address, prison phone number, and availability for retake.
 - d) If local police or PSP will not assist, then parole supervision staff shall arrest the offender on the warrant and detain at an SCI. A PBPP warrant shall be issued and a PCH must be scheduled per Procedure 3.03.02 Preliminary/Probable Cause Hearing.
 - e) Interstate staff shall receive the PCH results, reassign the ICOTS case from the parole agent and submit the PCH results in ICOTS to the sending state via AVR.
 - f) The ICOTS case is reassigned to the parole agent to monitor receipt of the sending state's Response to AVR.
 - g) Parole supervision staff tracks the offender's retaking to the sending state. Upon retake, submits a CCN in ICOTS and closes the automated offender record.
8. Voluntary Request for Return Reporting Instructions (Return RFRI)

Offenders may voluntarily request return to the sending state. No request shall be initiated if the offender is under active criminal investigation or is charged with a subsequent criminal offense in Pennsylvania. The sending

state shall grant the request no later than two (2) business days following receipt of the request. The offender is required to remain in Pennsylvania until the receipt of approved reporting instructions.

Return RFRI is a managed activity completed in ICOTS by the assigned agent who submits the activity to their supervisor. The parole supervisor shall review the activity in ICOTS for completeness and accuracy prior to submitting to the interstate office. Interstate staff reviews the Return RFRI for compact compliance and submits to the sending state in ICOTS.

- a. Parole supervision staff shall complete the activity in ICOTS after obtaining the address, telephone number, name of person with whom they will reside (if applicable), and any available employment information in the sending state. This information must be verified by parole supervision staff prior to submission in ICOTS.
- b. Parole supervision staff and interstate staff will simultaneously receive notification of the approval.
- c. Parole supervision staff shall provide the offender with the approved Return RFRI received from the sending state and submit a NOD and CCN in ICOTS when the offender departs. The case shall then be closed in the automated offender record.

9. Request for Subsequent State Transfer

An offender may request transfer to a subsequent receiving state. No request shall be considered if the offender is under active criminal investigation or is charged with a subsequent criminal offense in Pennsylvania. If the sending state agrees to this request, it is the sending state's responsibility to initiate the request for transfer in ICOTS.

Parole supervision staff shall assist the sending state in acquiring the offender's signature on the Offender Application for Interstate Compact Transfer. At no time shall the offender be provided travel permission to the subsequent state during the investigation without approved RFRI or an accepted TR. If verified and noted in the TR the offender may be permitted to travel to the subsequent receiving state for employment, outpatient treatment or medical appointments provided the travel is limited to what is necessary to report to work or the appointments. The offender is required to return to Pennsylvania daily during non-working hours or at the conclusion of the appointments.

- a. Parole supervision staff submits a current PR in ICOTS to include a statement summarizing the offender's progress and reason(s) for the request. The newly executed Offender Application for Interstate Compact Transfer shall be attached as a pdf to the PR.
- b. Parole supervision staff shall monitor ICOTS case activity regarding the initiation of a subsequent state transfer. The sending state may submit a CAR to the assigned agent indicating their decision to act on the request.
- c. Upon acceptance of the TR or approved RFRI by the subsequent receiving state and notification from the sending state, parole supervision staff shall issue the offender a Travel Permit (PBPP-243) containing the subsequent receiving state's reporting instructions; consistent with the directions provided on the approved RFRI or approved TR.
 - 1) When the offender departs Pennsylvania a CCN shall be submitted through ICOTS.
 - 2) The automated offender record shall be closed.

10. Closing Compact Supervision Interest

As defined by the compact rules, parole supervision staff shall terminate supervision of an offender under certain circumstances.

- a. Supervision interest is closed upon:
 - 1) The offender's date of discharge indicated at the time of application for supervision unless informed of an earlier or later date by the sending state.
 - a) The interstate parole manager generates an ICOTS external report for approaching supervision end dates.
 - b) Interstate staff shall:
 - i. Review report per assigned alpha zone.
 - ii. One (1) business day after the ICOTS supervision end date, reassign the ICOTS case from the assigned agent.

- iii. Review ICOTS activity/history, case notes in CAPTOR, Record of Interview (PBPP-259), NCIC, etc. to ensure no warrants/detainers exist.
 - iv. Communicate any discrepancies to parole supervision staff.
 - v. Request parole supervision staff to prepare the final Supervision Plan/Report (PBPP-22) and close the automated record.
 - vi. Submit CCN in ICOTS within (10) business days after the supervision end date.
 - vii. Monitors CCN for validation from the sending state.
- 2) Notification to the sending state that the offender absconded from Pennsylvania supervision.
 - 3) Notification to the sending state that the offender has been sentenced to incarceration for (180) calendar days or longer, including judgment and sentencing documents and information about the offender's detention location.
 - 4) Notification of death.
 - 5) Return of offender to the sending state or approved reporting instructions to a subsequent receiving state.
- b. Parole supervision staff shall:
- 2) Complete a final Supervision Plan/Report (PBPP-22), follow Procedure 4.01.18 Supervision Termination and close the automated offender record.
11. Cases past established supervision end date and sending state issued a warrant/lodged a detainer prior to supervision end date.

Per compact rules, Pennsylvania shall not terminate supervision while the sending state is in the process of retaking the offender. The issuance of the sending state's warrant/detainer lodged at the prison/SCI prior to the established supervision end date shall constitute retake and therefore Pennsylvania may not close interest. Interstate staff shall track the offender's location, disposition of any criminal charges and offender's availability for retake.

- a. Parole supervision staff shall:
 - 1) Complete a final Supervision Plan/Report (PBPP-22), follow Procedure 4.01.18 Supervision Termination and close the automated offender record.
 - 2) Ensure an Order to Release Warrant (PBPP-140) is submitted if applicable.

- b. Interstate staff shall:
 - 1) Verify the posting of the sending state's warrant in NCIC or that the warrant is lodged as a detainer at the prison/SCI.
 - 2) Take assignment of the ICOTS case from the assigned parole agent.
 - 3) Add offender demographics to Excel spreadsheet for future tracking of criminal case disposition.
 - 4) Review offender's status on a monthly basis and report any criminal case dispositions to the sending state via VR in ICOTS. Advise the sending state of the offender's availability for retaking.
 - 5) Submit a CCN in ICOTS upon offender's retaking or in cases where the offender receives a term of incarceration of 180 calendar days or more.
 - 6) Monitors CCN for validation from the sending state

VII. SUSPENSION DURING AN EMERGENCY

The chairman 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 (Compacts between states for cooperation in prevention of crime; consent of Congress)

2. State

61 Pa.C.S.A. § 6112

61 Pa.C.S.A. § 7112

61 Pa.C.S.A. § 7123

B. PBPP Policies

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4.01.28

C. American Correctional Association

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D. Management Directives - None

E. Report of the Reentry Policy Council - None