

<p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Parole Board</b> <b>Pennsylvania Department of Corrections</b></p>	<p><b>Volume 12</b> <b>Chapter 3</b></p> <p><b>Procedure</b> <b>12.3.02.15</b></p>	<p><b>Replaces:</b> <b>10/26/12;</b> <b>01/01/13;</b> <b>BULLETIN</b> <b>3.02.15-01,</b> <b>3/14/13,</b> <b>6/20/14,</b> <b>7/14/17</b></p>
<p><b>Chapter Title</b> <b>CASE RECORDS, DECISIONAL PROCESSING</b></p>		<p><b>Date of Issue</b> <b>5/3/2021</b></p>
<p><b>Subject</b> <b>CASE REVIEW AND RELEASE PROCESSING</b> <b>RELEASES TO OTHER STATE, FEDERAL, AND ICE DETAINERS</b></p>		<p><b>Effective Date</b> <b>5/10/2021</b> <b>PUBLIC</b></p>

## I. AUTHORITY

The Chairman of the Pennsylvania Parole Board, herein after referred to as Board, is granted the authority to “direct the operations, management, and administration of the board” and to “perform 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).

Sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182) require Commonwealth departments and agencies to coordinate their work and activities with other Commonwealth departments and agencies. 71 P.S. § 181 further permits the head of any administrative department, or any independent administrative or departmental administrative board or commission to empower another department to perform duties. Pursuant to sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182), the Pennsylvania Parole Board and the Department of Corrections entered into the Memorandum of Understanding of October 10, 2017, in which the Chairman of the Board transferred authority to the Secretary of the Department of Corrections to direct operations, management, and administration of parole supervision and community reentry, which includes organizing, staffing, controlling, directing, and administering the work of the staff to carry out these functions.

## II. PURPOSE

This procedure sets forth the process for the release, monitoring, and oversight of reentrants released to other state detainees, federal detainees, United States Immigration & Customs Enforcement (ICE) detainees, or deportation orders.

## III. APPLICABILITY

This procedure is applicable to all agency staff involved in the releasing of inmates to other state, federal, and ICE detainees and deportation orders.

## IV. DEFINITIONS

Refer to Procedure **12.3.02.01, Glossary.**

## V. POLICY

It is the policy of the agency to process all cases involving the interstate movement of offenders in accordance with the requirements of the Interstate Compact for Adult Offender Supervision (ICAOS)<sup>1</sup> and in such a manner as to optimize public safety. Notwithstanding any other provision of law, the Board may parole certain foreign aliens subject to a final order of removal issued by ICE prior to the expiration of the inmate's minimum sentence date.

## VI. PROCEDURES

### A. Home Plan Requirement

Unless otherwise indicated, the **PB-15, Board Action** paroling an inmate to another state or federal detainer as well as an immigration matter will stipulate that the release include an approved home plan.

1. Inmates with unresolved detainers are not readily available for supervision and are, therefore, ineligible for ICAOS transfer. If there is a need for an exception due to an unresolved detainer, institutional staff should discuss the situation with an interstate manager or Interstate Division director. A transfer request could be possible in the event the inmate is being released to another state's detainer and said detainer is for a known and short sentence.
2. Approved interstate plans are only valid for 120 calendar days from receipt by the sending state.
3. Because it may be difficult to secure an acceptable home plan, institutional staff may request the Department of Corrections (DOC) Bureau of Community Corrections (BCC) to reserve a community corrections center (CCC) or community contract facility (CCF) "paper-bed" placement as an alternative.
4. All detainer cases must have an approved home plan or "paper" BCC bed date except as noted below.
5. Neither a home plan nor CCC/CCF "paper-bed" is required for inmates for whom the **PB-15** indicates "Parole is only to the deportation order..." or pursuant to 61 PA C.S. § 6143 (early parole subject to federal removal order).

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<sup>1</sup> 4-APPFS-2A-16

**B. Release to Federal/U.S. Marshal or Other States' Detainers** (Reference Parole Board Procedure **03.01.10, Submission Criteria PM, OBS Inbox**).

1. Follow the release requirements outlined in Procedure **12.3.02.08, Release Process**.
2. Institutional staff and the inmate will review the **PB-10, Order to Release on Parole/Reparole** and **PB-11, Conditions Governing Parole/Reparole** board-imposed special conditions and execute applicable special conditions, i.e., special conditions for sex offenders and, if applicable, the **PB-234, Acceptance for State Supervision**.
3. Institutional staff shall include language on the **PB-11** directing inmate upon release from the detaining authority to report within 24 hours to the designated district office or sub-office.
  - a. It is never appropriate to use the central office address as a reporting site.
  - b. All inmates are required to have a home plan when releasing to immigration, federal, or other states' detainers unless to deportation only. No exceptions.
4. Institutional staff shall secure a copy of the detainer(s), the identity of the authority taking custody of the inmate and, if known, the destination location.
5. Institutional staff shall scan the **PB-10** and **PB-11**, the detainer information as described above, any signed special conditions, and email these documents to the attention of Parole Services Division, using **PM, Extradition Unit** prior to or at the time of release.
  - a. Institutional staff shall not provide courtesy copies of the release paperwork to the agency field office designated as the inmate's future reporting location.
  - b. Institutional staff shall input detainers and release paperwork into the electronic reentrant record (ERR).
  - c. The institution physically releasing and executing release orders, regardless of home institution designation, shall provide notification of release to the Parole Services Division, using **PM, Extradition Unit**.
6. Parole Services Division Staff Responsibilities

Within two business days of receipt, staff shall:

- a. review release materials and open the case statistically assigned to central office;
- b. review for concurrent or consecutive special probation involvement and email **PM, Court Services** to take action on rescission of special probation;
- c. waive supervision fees under waiver code FEEO; and
- d. establish a case control for the administrative tracking of reentrant's location and his/her availability for follow-up supervision.
  - (1) Confirm reentrant location.
  - (2) Notify the holding or detaining authority of the agency's interest.
    - (a) Determine whether there are any detainers lodged, and if any, the order in which the detainers will be enforced.
    - (b) Obtain the reentrant's projected release date (PRD).
    - (c) Prepare and send a "Notify Letter" for the holding/detaining authority's file requesting notification of any changes in the reentrant's status, i.e., location, release planning (Pennsylvania or another state), changes in the projected release date, 30 days in advance of the release.
  - (3) Maintain a case control date remaining cognizant of PRD. Allow sufficient lead time for release planning, i.e., home plan recheck, paper CCC bed renewal, or submission of an application for interstate compact transfer.
  - (4) Update ERR as to case activity.

### **C. Immigration and Customs Enforcement (ICE) Detainers and Deportation Orders.**

The DOC and ICE have entered into an agreement concerning any male reentrant released on supervision or by reaching the maximum expiration date against which the ICE has lodged a detainer. The State Correctional Institution (SCI) at Camp Hill serves as the release site for cases released to the ICE detainer. The male inmate is transferred to SCI Camp Hill following receipt of the paroling **PB-15** so that he may be moved to ICE in a timely fashion. Once the inmate is transferred to SCI Camp Hill, a release date will be established between the institutional parole office and agency records staff. Agency staff will coordinate to ensure that the inmate is made available to ICE as soon as practicable.

There is no corresponding agreement involving female inmates. ICE will assume custody of inmates located at SCI Cambridge Springs or SCI Muncy and transport to their own designated holding location. There is no other difference in the overall processing as detailed in this procedure.

1. Upon receipt of a paroling **PB-15**, the institutional office where the inmate is housed is responsible to ensure that all requirements for release are met. Reference Procedure **12.3.02.08**.
  - a. Inmates released to a deportation order only shall be advised that if deportation does not occur, they will be returned to an SCI where a rescission hearing will be scheduled.
  - b. Inmates paroled pursuant to 61 PA C.S. § 6143 (early parole of inmates subject to federal removal order) shall be advised that if they are not deported, they will be returned to custody in an SCI and continue serving their minimum sentence. No rescission action is needed.
  - c. The institutional office coordinates the transfer through the SCI records office. The records office of the parent institution coordinates the transfer of the case to SCI Camp Hill for release to the ICE detainer. The parole office at the parent institution shall not execute the release orders. Female inmates will have release coordinated by records directly to ICE custody.
2. The parent institution will verify whether the inmate has a detainer or deportation order and ensure the **PB-15/PB-10** and **PB-11** correspond. If the **PB-15**, **PB-10**, and **PB-11** indicate "Parole to Deportation Order" and the inmate only has an ICE detainer, the **PB-15** needs to be modified to indicate "parole to ICE Detainer" by sending a "Board Memo" request to **PM, OBS Case Analysis** (Reference Parole Board Procedure **03.01.10, Submission Criteria PM, OBS Inbox**).
  - a. For ICE detainer cases, institutional staff shall include language on the **PB-10** and **PB-11** directing the reentrant upon release from the ICE detainer to report within 24 hours to the designated agency district or sub-office.
  - b. It is never appropriate to use the central office address as a reporting site.
3. As applicable, the parent institution will ensure that the inmate signs the **PB-336SO, Special Conditions for Sex Offenders**.
4. If subject to sex offender registration, the parent institution will complete the registration to SCI Camp Hill. When the reentrant is released to ICE, SCI Camp Hill will update the registry to reflect the current place of detention.

5. Once documentation has been reviewed by the institutional parole supervisor and it is confirmed that the inmate is eligible for release, the parent institution will scan/email the release orders, ICE detainer or deportation order, sex offender registration confirmation (if applicable), Crime Victims Compensation Fund (CVCF) payment information, home plan or BCC acceptance, urine test results that remain valid for 14 days beyond transfer date, Offender Violence Risk Typology (OVRT) and memo to **PM, BA SCI Camp Hill**, adding **PM, Extradition Unit** as a cc.
6. One day prior to the execution of the release orders and transfer to ICE, SCI Camp Hill will do a final check for misconducts and have the inmate sign the **PB-10** and **PB-11**.
7. Once the inmate is released, SCI Camp Hill institutional staff shall email a copy of the signed **PB-10** and **PB-11** and copy of the ICE detainer to the parent institution's **PM, BA** inbox and to Parole Services Division via **PM, Extradition Unit**.
  - a. Institutional staff shall not provide courtesy copies of the **PB-10** and **PB-11** to the agency field office designated as inmate's future reporting location.
  - b. Release packet and detainers shall be uploaded to ERR by institutional staff.
8. Parole Services Division Staff Responsibilities

Within two business days of receipt of release materials, staff shall:

- a. review release materials and open the case statistically to central office;
- b. review for any concurrent or consecutive special probation obligation and when applicable, email **PM, Court Services** to take action on rescission of special probation;
- c. waive the supervision fees under waiver code FEEO; and
- d. establish and maintain case controls to administratively track the reentrant's location and ICE status.
  - (1) Confirm reentrant's location.
  - (2) Notify the holding or detaining authority of the agency's interest and whether the paroling action is to "deportation order only" or pursuant to 61 PA C.S. § 6143 (early parole of inmates subject to federal removal order).

- (a) Ensure ICE is made aware that if a “deport only” case is not deported, it is the agency’s intention to lodge a warrant and transport the reentrant to an SCI for a rescission hearing or to continue service of their minimum sentence(s).
- (b) Determine whether there are any other detainers lodged and, if so, the order in which the detainers will be enforced.
- (c) Prepare and send a “Notify Letter” for the holding/detaining authority’s file requesting notification of any changes in the reentrant’s status, i.e., location, changes in ICE interest, 30 days in advance of the release.
- (d) Update ERR as to case activity.

## **VII. SUSPENSION DURING AN EMERGENCY**

The Secretary of the Department of Corrections may suspend this procedure in case of an 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 agency staff or reentrants and may, therefore, be released to the public.
- B.** This procedure is to be distributed to all agency staff.

## **X. CROSS REFERENCES**

### **A. Statutes**

#### 1. Federal

8 U.S.C. § 1326  
Homeland Security Act of 2002 (Public Law 107-296, Nov. 25, 2002)

#### 2. State

42 Pa.C.S. § 9101  
42 Pa.C.S. § 9134  
42 Pa.C.S. § 9720.3  
61 Pa.C.S. § 6112

61 Pa.C.S. § 6143  
61 Pa.C.S. § 7112  
61 Pa.C.S. § 7115

**B. Agency Policies**

03.01.10 (Parole Board)  
12.03.02.01  
12.03.02.08

**C. American Correctional Association Standards**

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**D. Management Directives – None**

**E. Report of the Reentry Policy Council – None**