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| <p><b>Commonwealth of Pennsylvania</b></p>  <p><b>Pennsylvania Parole Board</b><br/><b>Pennsylvania Department of Corrections</b></p> | <p><b>Volume 12</b><br/><b>Chapter 4</b></p> <p><b>Procedure</b><br/><b>12.4.05.09</b></p> | <p><b>Replaces No.</b></p> <p><b>7.7 6/21/02</b></p> |
| <p><b>Chapter Title</b><br/><b>SUPERVISION, REENTRY</b></p>                                                                                                                                                            | <p><b>Date of Issue</b><br/><b>3/16/2020</b></p>                                           |                                                      |
| <p><b>Subject</b><br/><b>INTERSTATE SERVICES</b><br/><b>OUTGOING COUNTY CASE PROCESSING, INCLUDING MERCER</b><br/><b>AND VENANGO COUNTY SPECIAL PROBATION/PAROLE CASES</b></p>                                         | <p><b>Effective Date</b><br/><b>3/26/2020</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 Pennsylvania Parole Board herein after referred to as 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 sentenced offenders and Mercer/Venango county special probation and special parole offenders 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 Services as well as supervision staff involved in the transfer of Pennsylvania county sentenced offenders and Mercer/Venango special probation and special parole offenders to out-of-state supervision plans.

## IV. DEFINITIONS

Refer to Procedure **12.4.05.01, Glossary**.

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

## 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.<sup>1</sup>

## VI. PROCEDURES

### A. DETERMINATION OF ELIGIBILITY FOR TRANSFER

1. The rules of the Interstate Compact 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.
2. Sending county staff shall
  - 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 conviction, and the suitability of the proposed plan of supervision in the receiving state. Determine the amount of time remaining on supervision to decide whether or not an offender is eligible for transfer via the Compact (Rules 2.105, 3.101, 301.1-1, 3.101-2 and 3.101-3).
  - b. Verify the plan of supervision by speaking with the proposed home provider, reviewing pre-sentence investigations, cross-referencing addresses on rap sheets or police reports, drivers' license history checks, leases, bills, tax documents, contacting the offender's employer in the receiving state, 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 warrants, charges, or protection orders.

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<sup>1</sup> 4-APPFS-2A-16, APA-2-1105

## **B. INELIGIBLE MISDEMEANOR – OFFENDERS UNDER COUNTY SUPERVISION**

1. Sentencing county has the following options:
  - a. submit a discretionary Transfer Request (TR) with a valid justification as to why this plan of supervision in the receiving state is in the offender's best interest. Discretionary plans must be based on compelling reasons why the receiving state should consider accepting the 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 county supervision until the term of supervision expires; or
  - c. allow the offender to reside in the other state without transfer of supervision via the Compact. In such instances, the county may decide to have the offender report via mail, phone, periodical in-person reports, 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 Pennsylvania county supervision. Reporting requirements and supervision liability are maintained by the Pennsylvania sentencing county.

## **C. INELIGIBLE MISDEMEANOR – OFFENDER UNDER AGENCY SUPERVISION IN MERCER AND VENANGO COUNTIES**

Supervision staff shall

1. Review the offender's risk, needs, and case circumstances. Supervision grade as determined by the Level of Service Inventory – Revised (LSI-R) score. Staff shall adhere to Procedure **12.4.01.05, Assessment, Case Plan, Level of Supervision, and Contacts**.
2. Open the case statistically on the current supervision obligation(s). Reference Procedure **12.4.01.03, Initial Supervision Requirements**.
3. Do NOT use supervision fee waiver code FEEO. Such offenders shall be assessed a monthly supervision fee under the same criteria as reentrants who are being supervised while residing in Pennsylvania.
4. Reporting requirements and case monitoring functions shall be determined by supervision staff.

#### **D. INTERSTATE APPLICATION FEE**

Sending county staff shall:

1. Assess the Interstate Application Fee to the offender's overall financial obligations per Legislative Act 95 of 2010 through the Administrative Office of Pennsylvania Courts (AOPC) at the time the transfer process is initiated.
  - a. Request the Clerk-of-Courts add this fee to the offender's financial obligations.
  - b. The fee is non-refundable even if the TR is denied or withdrawn once a request is submitted.
2. Assess the fee for each subsequent TR.
3. Only waive or reduce the fee if the sentencing court determines the offender is unable to pay.

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

1. Sending county staff shall
  - a. Contact 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. Work with their local victim services agency to determine whether the victim wants to be notified of the offender's activity or status changes once transferred to the receiving state (Rule 3.108).
  - c. Mercer District supervision staff shall ensure that victim notification process occurs per Procedure **12.4.05.04, Interstate Home Plans: Reentrant or Special Probationer/Parolee Under Active Supervision** and the proper designation determined.
  - d. Designate the case as victim sensitive in ICOTS if the victim wants to be heard and/or notified of activity and status changes during the offender's term of supervision in the receiving state.
2. Interstate Probation staff shall
  - a. Review all information and documents provided in ICOTS for possible victim sensitive issues.

- b. Educate county staff as needed regarding the Compact rules related to crime victims. Assist in correcting ICOTS cases incorrectly designated as victim sensitive.

#### **F. COMPACT ACTION REQUEST (CAR) AND COMPACT ACTION REQUEST REPLY (CAR-REPLY):**

Both activities are unmanaged and submitted directly between sending and receiving states' ICOTS end users. A CAR may be submitted by either the sending or receiving state after a TR or Request for Reporting Instructions (RFRI) has been submitted. 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 user to respond to every CAR. The CAR-Reply shall be completed as an acknowledgment even if no response is required (i.e., "OK", "Thank you", "Noted").

#### **G. REQUESTS FOR REPORTING INSTRUCTIONS (RFRI)**

##### **1. Required Forms and Information**

##### **a. Sending county staff shall**

- (1) Complete the ICAOS Eligibility Worksheet (Appendix A) if it is determined that the offender is eligible for reporting instructions (Rule 3.103) or if there is a compelling reason to request an expedited RFRI.
- (2) Review the Offender Application for Interstate Compact Transfer form with the offender and explain 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 he/she is signing an expressed waiver of extradition (Rule 3.109).
- (3) Execute the Offender Application for Interstate Compact Transfer form. The offender is required to sign and date the form. County staff witness the signature, signs their name, and dates the form in the presence of the offender. Both names must be printed clearly below the signature lines.
- (4) Upload the executed application form and eligibility worksheet in ICOTS when creating an RFRI and/or TR.

b. Interstate staff shall

- (1) Review RFRI received from county staff in ICOTS prior to submitting to the receiving state to determine:
  - (a) offense eligibility;
  - (b) timeliness of submission;
  - (c) accuracy of applicable dates;
  - (d) sentencing information;
  - (e) appropriate choice of reason for the request;
  - (f) duration of any incarceration period;
  - (g) revocation information;
  - (h) victim sensitivity;
  - (i) sex offense history;
  - (j) history of assaultive behavior; and
  - (k) indication that an offender is in the receiving state in violation of the rules.
- (2) Submit completed RFRI in ICOTS.

2. Types of RFRI

- a. Mandatory – Offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding (NON-SEX OFFENDER).
  - (1) Interstate staff shall
    - (a) Review the information provided under residential history on the Eligibility Worksheet to verify the offender was living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding.
    - (b) Contact the county staff for clarification if there are discrepancies and assist in resolving any issues.

- (c) Submit the RFRI in ICOTS and set controls for the reply to RFRI from the receiving state. The receiving state has two business days to respond (Rule 3.103).
- (d) If RFRI is denied, contact the receiving state to discuss the circumstances of the request, applicability of compact rules, and the reason(s) for denial.
- (e) Forward unresolved cases to an Interstate Manager or as needed, the Director of Interstate Services for intervention with the receiving state's Deputy Compact Administrator.

(2) Sending county staff shall

Issue a seven 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) or subject to sex offender conditions.

b. Returning RFRI-Transferred offender returning to sending state

(1) Shall be submitted by the receiving state when:

- (a) an offender is in the receiving state on approved RFRI and the TR is subsequently denied and the offender has no alternative plan in that state;

**NOTE:** Receiving state shall submit the RFRI within seven business days after the submission of the Reply to Transfer Request (RTTR).

- (b) an offender voluntarily requests to return to Pennsylvania and there are no pending criminal matters in the receiving state;
- (c) county staff respond to a Violation Report (VR) for behavior requiring retaking and directs the offender's return in lieu of a custodial retake; and
- (d) county staff fails to send a completed TR in the allotted timeframe for an offender in the receiving state on approved RFRI.

**NOTE:** In all scenarios, upon receiving the approved RFRI response from Pennsylvania, the receiving state shall submit a Notice of Departure (NOD) after offender departs the receiving state followed by a Case Closure Notice (CCN) in ICOTS.

(2) Interstate staff shall

- (a) Review the RFRI received in ICOTS from the receiving state for accuracy. Deny the RFRI if it is not valid.
- (b) Contact county staff to receive a report date, address, phone number and officer/agent name and if valid, approve within two business days.
- (c) Alert county staff to review case for any victim sensitive issues (Rule 3.108).

(3) Pennsylvania county staff shall

- (a) Submit a Notice of Arrival (NOA) immediately upon the offender's arrival or a Notice of Failure to Report if the offender does not report.
- (b) Validate the CCN and, if the offender failed to report, secure a compact compliant warrant within ten business days following the offender's failure to appear.
- (c) County and Agency supervision staff shall provide proper notification to victim advocates, when appropriate, as to reentrant's return.

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 a military member who is under orders in another state.
- (2) Transfer of an offender who lives with family who is a member of the military who is under orders in another state.
- (3) Transfer of a military veteran being referred by a Pennsylvania Veterans Administration facility to a Veteran's Administration Hospital in the receiving state for medical or mental health treatment. The referral documentation shall be provided to the receiving state.
- (4) Employment transfer of family member. An offender who meets the criteria for transfer and whose family member, with whom he or she resides, is transferred to another state by his/her full-time employer, at the discretion of the employer and as a condition of maintaining employment, shall be eligible for a RFRI and TR, provided the offender

will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.

- (5) Employment transfer of the offender to another state. An offender who meets the criteria for transfer and is transferred to another state by his/her full-time employer, at the discretion of the employer and as a condition of maintaining employment, shall be eligible for an RFRI and TR. Documentation from the current employer noting the requirements shall be provided at the time of the request.

- (a) The sending county shall

- i. Submit the RFRI in ICOTS marked with the correct reason for the request with a completed Eligibility Worksheet attached.
  - ii. Provide information and documentation to support the request.

- (b) Interstate staff shall

- i. Review the Eligibility Worksheet, letters from employers, military orders, Veterans Administration (VA) hospital referrals, family relationships, and residential history to ensure the reason presented in the RFRI is 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 RFRI to the receiving state in ICOTS 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 – Required to register in Pennsylvania or is under sex offender terms and conditions in the sending state.

- (1) The sending county shall

- (a) Submit an RFRI for a sex offender living in the receiving state at the time of sentencing (Rule 3.101-3).
  - (b) Require the offender to remain in PA while the receiving state has five business days to conduct a preliminary investigation of the proposed residence (Rule 3.101-3 [c][1] and [2]).

- (c) Include details of the offense and any other information that would assist the receiving state in determining the offender's sexual offender registration status and suitability of the proposed residence.
- (d) Submit alternate verified home plans, if viable and available to the offender, when 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 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 and sex offender specific conditions needed for registration and supervision 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 the Compact rules and direct the county to immediately order the offender's return.

**NOTE:** 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 business days. Email the receiving state and/or instruct the county to submit a CAR in ICOTS to inquire as to the status of the reply if not received by the fifth business day.

e. EXPEDITED RFRI

(1) The sending county

- (a) May submit an RFRI 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) Attach 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 denied request if additional information is available and provided.
- (d) Shall require the offender to remain in Pennsylvania until receipt of the approved RFRI.

(2) Interstate 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 further explain the merit or to request additional supporting information.
- (c) Contact the receiving state's compact office when an emergency or unusual circumstance exists.
- (d) 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.
- (e) Set a control to follow-up with the county to ensure the offender has returned to PA pending receipt of the Reply to RFRI.

f. RFRI FOR PAROLING COUNTY OFFENDER

(1) The sending county shall

- (a) Submit an RFRI as 'living in the receiving state at the time of sentence' for an offender who was incarcerated for six months or less with the last known address in the receiving state. Include a completed ICAOS Eligibility Worksheet. Such requests must be submitted within seven business days of release from incarceration (Rule 3.103 [a] [5]).
- (b) Provide the offender with a seven-day travel permit if the offender meets the above criteria.
- (c) Submit RFRI as expedited when an offender is incarcerated for more than six months or when the offender was released more than seven days prior to the request. Include a completed ICAOS

Eligibility Worksheet. These offenders shall remain in Pennsylvania until reporting instructions are received.

(2) Interstate 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-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 expedited and to include the compelling reasons.
- (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 returned to PA pending receipt of the Reply to RFRI.

#### **H. REPLIES TO REQUESTS FOR REPORTING INSTRUCTIONS (RFRI)**

1. The reply to an RFRI shall be submitted to Pennsylvania by the receiving state within two business days following the submission of the request (Rule 3.103).
2. Interstate staff shall
  - a. Take no action on approved requests because the reply is received by the county and interstate staff simultaneously.
  - b. Review denied RFRI to determine the validity of the denial.
  - c. Challenge denials where mandatory reasons for issuance exist. Contact should be made with the receiving state to seek resolution.
  - d. Challenge denials of discretionary RFRI that have merit and appear to be in the offender's best interest if requested by the county.

**NOTE:** Interstate staff may also instruct the county to send a CAR questioning the denial or provide additional supporting documentation.

- e. 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 NOD shall be submitted in ICOTS by the sending county staff when an offender proceeds to the receiving state. The NOD is an unmanaged activity and is submitted directly to the receiving state's ICOTS end user.

1. The county staff shall
  - a. Contact 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-day travel permit.
  - b. Submit a NOD when the offender proceeds to the receiving state [Rule 4.105(a)].
2. Agency supervision staff shall issue the offender a **PB-348I, Parole Instruction** advising the offender that he/she shall maintain telephone contact with the submitting agent until such time the offender is placed under supervision by the receiving state.
  - a. Submit a NOD when the offender proceeds to the receiving state (Rule 4.105[a]).
  - b. Provide notification email to **PM, OVA-ICS Requests** to the Office of the Victim Advocate as to offender's departure consistent with Procedure **12.4.05.04**.
3. Interstate staff shall
  - a. Generate reports in ICOTS for cases where the RFRI is approved and no NOD is submitted.
  - b. 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)

1. The NOA shall be submitted by the receiving state upon the offender's arrival or failure to arrive (Rule 4.105[b]). The NOA is transmitted directly to the Pennsylvania county ICOTS end user. Interstate staff shall follow-up on overdue NOAs by submitting a CAR to the receiving state asking for the NOA.
2. NOA – FAILED TO ARRIVE. Interstate staff shall:

- a. Send an email to the county staff asking if the offender was issued or advised of the RFRI or whether extenuating circumstances exist that may have delayed departure.
- b. Instruct the county staff to attempt contact with the offender and determine why the report directive was not followed.
- c. If verification was received that the offender was provided the RFRI and the NOD was submitted in ICOTS, direct the county staff to issue a fully extraditable warrant (reference ICAOS definition) entered into the National Crime Information Center (NCIC) as such in cases where the offender failed to report and the case cannot be brought back into compliance.
- d. 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).

#### **K. SUBMISSION OF TRANSFER REQUEST (TR)**

1. Offenders in the receiving state on approved reporting instructions.
  - a. The sending county shall
    - (1) Submit a complete TR in ICOTS to include all required documentation per Rules 3.107 and/or 3.101-3.
      - (a) Within 15 business days of receipt of approved mandatory RFRI (Rule 3.103).
      - (b) Within seven business days of approved expedited RFRI (Rule 3.106).
    - (2) County supervisor reviews the TR in ICOTS. The TR may be sent back to the county officer for corrections or submit the TR to the Pennsylvania Interstate Services Division for review.
  - b. Interstate staff shall
    - (1) Review ICOTS reports and follow-up with county to ensure the TR is being submitted within the mandated timeframes.
    - (2) Search the ICOTS workload on a daily basis for pending TR that require review.
    - (3) Review each TR to ensure it is complete, correct, and in compliance with the ICAOS rules.

- (4) Review the Offender's Application for Interstate Compact Transfer form to ensure 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 of 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) Review the summary of supervision for offenders who have been on supervision for 30 calendar days or more 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 in ICOTS to the county with a request to provide clarification of information, additional information, and/or documentation if needed.

## 2. Offenders remaining in PA pending RTTR

### a. The sending county shall

- (1) Instruct the offender to remain in PA when not eligible for mandatory RFRI or the RFRI has been denied (Rule 3.102 [a] and [b]).
- (2) Submit a complete TR in ICOTS to include all required documentation per Rules 3.107 and/or 3.101-3.
- (3) County supervisor reviews the TR in ICOTS. The TR may be sent back to the county officer for corrections or submit the TR to the Pennsylvania Interstate Services Division for review.

- b. Interstate staff shall
  - (1) Review TR and all documentation for any indication that the offender is in the receiving state in violation of the compact. Contact county staff with an explanation of Rule 3.102 and instructions to immediately order the offender's return if he/she is in the receiving state in violation of the compact.
  - (2) Follow **Subsection K.1.b. (2) – (12) above.**
- 3. Offenders employed or with established medical or mental health treatment in the receiving state at time of TR that do not have approved reporting instructions (Rule 3.102[c]).
  - a. The sending county shall
    - (1) Submit a TR with notice that the offender has permission to travel to and from work or treatment during the investigation.
    - (2) Instruct the offender to return to PA on a daily basis during non-working hours or at the conclusion of treatment appointments.
    - (3) Submit a complete TR in ICOTS to include all required documentation per Rules 3.107 and/or 3.101-3.
    - (4) County supervisor reviews the TR in ICOTS. The TR may be sent back to the county officer for corrections or submit the TR to the Pennsylvania Interstate Services Division for review.
  - b. Interstate staff shall
    - (1) Review the TR to ensure an explanation of the employment or treatment travel is clearly noted and explained.
    - (2) Review information provided to verify the offender is instructed to return to Pennsylvania during non-working hours or at the conclusion of treatment appointments.
    - (3) Contact 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 **Subsection K.1.b. (2) – (12) above.**

4. For offenders being paroled by a county court.
  - 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) Shall notify the receiving state if the release date changes or if the offender's release is denied.
  - b. Interstate 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 **Subsection K.1.b. (2) – (12) 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.**

Interstate staff shall

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

2. Acceptance - Offender in receiving state under supervision on approved RFRI
  - a. The accepted RTTR is routed through ICOTS directly to the county ICOTS end user with notification to PA Interstate Services Division.
  - b. Supervision of offender continues uninterrupted in the receiving state.

3. Acceptance - Offender remained in PA pending the TR investigation

The sending county shall:

- a. Contact the offender to issue the RFRI provided by the receiving state on the RTTR.
  - b. Submit an NOD in ICOTS when the offender departs.
  - c. Mercer District staff and county supervision staff shall provide notification of acceptance to victim advocate and/or victim per procedure.
4. Rejection - Offender is in the receiving state on approved RFRI and the NOD and NOA were completed.
    - a. The sending county shall
      - (1) Submit a CAR to ask for reconsideration if the rejection is not valid or would not be in the best interest of the offender.
      - (2) Contact the Interstate Services Division to request intervention if returning the offender would be considered a hardship on the offender.
      - (3) Mercer District Staff and county supervision staff shall provide notification of rejection to victim advocate and/or victim per procedure.
      - (4) Provide return RFRI within two business days when the rejection is valid and the request for return RFRI is received. The response must include a date to report within 15 calendar days of receipt of the rejection and the address where the offender is to report (Rule 3.103 [e][1]).
      - (5) Submit an NOA when the offender reports or an NOA failed to arrive if the offender does not report as directed.
      - (6) If the offender does not report as directed, submit an NOA failed to report and issue a compact compliant warrant within ten business days of the offender's failure to report as directed.

b. Interstate 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, contact the receiving state's compact office to discuss the case circumstances and ask for reconsideration.
- (3) If the rejection is valid or the receiving state is not willing to reconsider the request, direct the county to provide the information necessary for the receiving state to request return RFRI and to ensure the date to return is within 15 business days of receipt of the rejection.
- (4) Enter the case information on the Warrant/Retake Excel spreadsheet to track entry of a warrant in NCIC or for other resolution that is compact compliant.

**NOTE:** Conduct a weekly NCIC warrant status check and to ensure there are no geographical limitations entered.

- (5) Ask the receiving state to enter a CCN in ICOTS to close the case.
- (6) Review the CCN reasons and ask county to validate as appropriate.

5. Rejection - Offender in PA pending the results of the receiving state's investigation

The sending county shall:

- a. Contact the offender to provide the rejection decision.
- b. Direct the offender to remain under supervision in PA until his/her maximum expiration date.
- c. Mercer District staff and county supervision staff shall provide notification of denial victim advocate and/or victim, per procedure.
- d. Withdraw the rejected case from ICOTS.

**M. SUPERVISION IN THE RECEIVING STATE**

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 receiving state 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 him/her that failing to do so places him/her in violation of PA conditions (Rule 4.108).

## **N. PROGRESS REPORTS<sup>2</sup>**

The receiving state submits a Progress Report (PR) to report compliance, non-compliance, and new criminal arrests.

1. The sending county shall
  - a. Review the report for offender's compliance with conditions.
  - b. Review type and seriousness of any reported non-compliance to determine if any action is required by the Pennsylvania court.
  - c. Review for indications that the manner and degree of supervision by the receiving state is consistent with the treatment of their own offenders.
  - d. Note conditions, sanctions, or incentives imposed in case future violations are submitted based on those added conditions.
  - e. Send a CAR to request additional information or documentation, if needed.

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<sup>2</sup> Agency supervision staff responsible for probationers transferred to another state via Compact shall follow Procedure **12.4.04.02, Special Probation/Special Parole Supervision and Case Requirements** for all violation related activities

- f. Submit a Specialized CAR if there is a need for a PR.
2. Interstate staff shall
- a. Review PR to ensure the receiving state is compliant (i.e., granted early termination without permission from the PA judge, failed to supervise appropriately, imposed unreasonable conditions, etc.).
  - b. Alert the county staff to send a CAR to address any questions or issues.

## **O. VIOLATION REPORT – BEHAVIOR REQUIRING RETAKING**

**(NOTE:** With the exception of Mercer District cases, special probation cases not yet returned to County level supervision shall have violation activity handled by Interstate Technicians who will provide notification to sentencing court via **PB-331, Transmittal Letter Special Probation and Parole.**)

The Violation Report (VR) shall be submitted by the receiving state within 30 calendar days of discovery or determining the act or pattern of behavior requiring retaking (Rule 4.109). A Response to Violation Report (RVR) shall be submitted by the Pennsylvania county within ten business days following receipt of the VR in ICOTS (Rule 4.109 [c]).

Pennsylvania 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 5.101-1).

1. Interstate staff shall
- a. Review the VR to ensure compact compliance and instruct the county that they have a choice to either:
    - (1) order the offender to physically return (per approved RFRI) and report to the Pennsylvania supervising authority by a specific date (Rule 4.111), or;
    - (2) have the offender retaken in custody via warrant (Rule 5.103 [a]).
  - b. Instruct the county staff to issue a fully extraditable warrant if the offender fails to return and report on approved return RFRI. Warrant must be issued with no geographic limitations within ten calendar days of the failure to return.
    - (1) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.

- (2) Check weekly with the county staff regarding the offender's return status.
- (3) Conduct weekly NCIC warrant check and contact the county if the warrant status is not in compliance with the rules.
- (4) Follow-up with county staff to ensure the offender is retaken.
- (5) Involve an Interstate Manager when the warrant is not issued as required.

2. The sending county shall

- a. Provide an RVR in ICOTS within ten business days of Interstate's receipt of the VR 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.
- b. If the offender returns as ordered, inform Interstate that the offender has returned and is back under Pennsylvania supervision.
- c. If the offender failed to report, inform Interstate and immediately begin the process to obtain a fully extraditable warrant with no geographical limitations.
- d. Contact the facility where the offender is incarcerated to arrange a date and time for pick-up.
- e. Notify the Interstate staff once the offender is back in Pennsylvania.

3. VR - New Felony or New Violent Crime Conviction (Rule 5.102)

a. Interstate staff shall

- (1) Review the VR and the supporting documentation provided to verify the new felony conviction or the violent crime conviction.
- (2) Review report to confirm offender's location and whether the receiving state is recommending that Pennsylvania retake the offender.
- (3) Forward VR to county staff indicating that the RVR must be submitted in ICOTS within ten business days following receipt in ICOTS.
- (4) When the felony or new violent crime is confirmed, and the receiving state is asking for retake, instruct the county staff to either lodge their warrant as a detainer (offender detained) or issue 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.
  - (6) Conduct weekly NCIC warrant check and contact the county if the warrant status is not in compliance with the rules.
  - (7) Involve an Interstate Manager when the warrant is not issued as required.
- b. The sending county shall
- (1) Immediately begin the process to obtain a fully extraditable warrant with no geographical limitations.
  - (2) Submit an RVR in ICOTS within ten business days of Interstate's receipt of the VR indicating that a warrant is either being sought or that a warrant has been issued.
  - (3) Maintain contact with the facility where the offender is incarcerated to arrange a date and time for pick-up.
  - (4) Notify the Interstate staff once the offender is back in Pennsylvania.

**P. DISCRETIONARY PROCESS FOR DISPOSITION OF VIOLATION IN THE SENDING STATE FOR A NEW CRIME CONVICTION**

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires approval of the sentencing or releasing authority in the sending state and consent of the offender.

1. The sending county shall
- a. Unless waived by the offender, the sending county staff shall conduct, at its own expense, an electronic or in-person violation hearing.
  - b. Send the violation hearing results to the receiving state within ten business days.
  - c. If the offender's sentence to incarceration in the receiving state for the new crime fully satisfies the sentence for the violation imposed in the sending county for the new crime, the sending county is no longer required to retake if Rules 5.102 and 5.103 apply.

- d. If the offender's sentence to incarceration in the receiving state for the new crime only partially satisfies the sentence for the violation imposed by the sending county for the new crime, the sending county is required to retake if Rule 5.102 and 5.103 apply.
  - e. The receiving state may close the case under Rule 4.112 (a)(3).
2. VR - Absconder (Rule 5.103-1)
- a. Interstate staff shall
    - (1) Ensure that the VR 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).
    - (2) Return the VR to the sending state to request more detail if sufficient details are not provided.
    - (3) Check ICOTS for an accompanying CCN indicating the case is being closed due to absconding (Rule 4.112 [a][2]).
    - (4) Submit the VR and CCN to the county with instructions to submit an RVR within ten business days indicating that a fully extraditable warrant is being sought or has been issued and to validate the CCN.
    - (5) Enter the case information into the Warrant/Retake Excel spreadsheet for tracking and follow-up.
    - (6) 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]).
    - (7) 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]).
    - (8) 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 shall
    - (1) Immediately begin the process in their respective county to obtain a fully extraditable warrant with no geographical limitations.

- (2) Provide an RVR in ICOTS within ten business days of Interstate's receipt of the VR indicating that a warrant is either being sought or that a warrant or detainer has been issued.
- (3) Maintain the warrant/detainer status as active until the offender is retaken.
- (4) Maintain contact with the facility where the offender is incarcerated to arrange a date and time for pick-up.
- (5) Notify Interstate staff once the offender is back in Pennsylvania.

#### **Q. SUBSEQUENT STATE TRANSFERS (Rule 4.110)**

1. The sending county shall
  - a. Review the reasons for the offender's request for transfer to a subsequent state to determine the validity and feasibility of the request.
  - b. Review any recent PR or submit a specialized CAR to request a current PR 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.
  - f. If there is an emergency, submit an RFRI in ICOTS to the subsequent state. Otherwise the offender must remain in the current receiving state.
  - g. Mercer District staff and county shall ensure notification to victim advocate or victim occurs and determine if the case should be or remain as victim sensitive.
  - h. Prepare and submit a TR to the subsequent state under a new ICOTS case number but under the same ICOTS offender number.
2. The current receiving state shall
  - a. Assist 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. Attach the signed form to a specialized Subsequent State Transfer CAR in ICOTS along with a statement summarizing the offender's progress.
  - c. Close interest in the case after the offender has departed for the subsequent receiving state and the NOA is received from the subsequent receiving state.
- 3. Interstate 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.
  - 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 RFRI is provided and no NOD is submitted.

#### **R. CASE CLOSURE NOTICE (CCN) AND CASE CLOSURE NOTICE RESPONSE**

- 1. Interstate staff shall
  - a. Review the CCN 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;
    - (2) reviewing any CAR activity or PR 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;
    - (3) checking for an absconder VR that supports the decision to close;
    - (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 of new incarceration;
    - (5) reviewing the obituary, death certificate, or other documentation submitted regarding an offender's death;
    - (6) verifying NOA has been submitted after an approved subsequent state transfer; or

- (7) verifying 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 shall
- a. Review the reason for closure noted by the receiving state.
  - b. Contact Interstate staff if they are unsure of the validity of the reason provided by the receiving state.
  - c. Submit a CCN Reply in ICOTS within ten 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 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**

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

#### **2. State**

61 Pa.C.S. § 6112

61 Pa.C.S. § 6133

61 Pa.C.S. § 7112

**B. Agency Policies**

12.4.01.03

12.4.01.05

12.4.04.02

12.4.05.01

12.4.05.04

**C. American Correctional Association**

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**D. Management Directives – None**

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