

 <b>Commonwealth of Pennsylvania</b> <b>Pennsylvania Board of Probation and Parole</b>	<b>Volume III</b> <b>Chapter 3</b> <b>Procedure</b> <b>3.02.15</b>	<b>Replaces:</b> 10/26/12; 01/01/13; <b>BULLETIN</b> <b>3.02.15-01,</b> 3/14/13, 6/20/14
<b>Chapter Title</b> <b>CASE RECORDS, DECISIONAL PROCESSING</b>		<b>Date of Issue</b> <b>7/14/17</b>
<b>Subject</b> <b>CASE REVIEW AND RELEASE PROCESSING</b> <b>RELEASES TO OTHER STATE, FEDERAL AND ICE DETAINERS</b> <b>DEPORTED FELONS</b> <b>INTERSTATE ADMINISTRATIVE TRACKING</b>		<b>Effective Date</b> <b>7/14/17</b> <b>PUBLIC</b>

## I. AUTHORITY

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), 61 Pa. C.S. § 6143 and 61 Pa. C.S. § 7112.

## II. PURPOSE

This procedure sets forth the process for the monitoring and oversight of offenders released to other state detainees, federal detainees, United States Immigration & Customs Enforcement (ICE) detainees, deportation orders and as applicable, arrangements for follow-up field supervision.

## III. APPLICABILITY

This procedure is applicable to all board staff involved in the paroling of offenders to other state, federal and ICE detainees and deportation orders and field supervision.

## IV. DEFINITIONS

Refer to Procedure 3.02.01 – 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 Interstate Compact for Adult Offender Supervision (ICAOS) 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 the ICE prior to the expiration of the inmate’s minimum sentence date.

## VI. PROCEDURES

### A. Home Plan Requirement

Unless otherwise indicated, the board action paroling an offender to another state's or federal detainer as well as an immigration matter will stipulate that the release include an approved home plan.

1. Offenders 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 parole staff should discuss the situation with an interstate parole manager or division director. A transfer request could be a possibility in the event the offender is being released to another state's detainer and said detainer is for a known and short sentence.
  - a. Approved interstate plans are only valid for 120 calendar days from receipt by the sending state.
2. Because it may be difficult to secure an acceptable home plan, institutional parole staff may request the Department of Corrections Bureau of Community Corrections (BCC) to reserve a community corrections center (CCC) "paper-bed" placement as an alternative.
3. ICE detainer cases must have an approved home plan or "paper" BCC bed date.
4. Neither a home plan nor CCC "paper-bed" is required for offenders for whom the board action indicates "Parole is only to the deportation order..." or pursuant to 61 PA C.S. § 6143 (early parole of inmates subject to federal removal order).

### B. Release to Federal / U.S. Marshal or Interstate Detainers

1. Follow the release requirements outlined in Procedure 3.02.08 Release Process.
2. Institutional parole staff and the offender will review the Order to Release on Parole/Reparole (PBPP-10), review board-imposed special conditions and execute applicable special conditions, i.e. special conditions for sex offenders and, if applicable, the Acceptance for State Supervision (PBPP-234).
  - a. Institutional parole staff shall include language on the Conditions Governing Parole/Reparole (PBPP-11) or (PBPP-234) directing the offender upon release from the detaining authority to report within 24 hours to the designated district office or sub-office.
    - 1) It is never appropriate to use the central office address as a reporting site.

3. Institutional staff shall also secure a copy of the detainer(s), the identity of the authority taking custody of the offender and, if known, the offender's destination location.
4. Institutional parole staff shall scan the Order to Release on Parole/Reparole (PBPP-10), Conditions Governing Parole/Reparole (PBPP-11), the detainer information as described above, any signed special conditions and, if applicable, the Acceptance for State Supervision (PBPP-234), and email these documents to [PM, Interstate](#) prior to or at the time of release.
  - a. Institutional parole staff shall not provide courtesy copies of the release paperwork to the PBPP field office designated as the offender's future reporting location.
5. Interstate Staff Responsibilities

Within two (2) business days of receipt, interstate staff shall:

- a. Review release materials.
- b. Open the case statistically to central office to include all active supervision obligation(s).
- c. Review for special probation involvement with the offender and notify the Interstate Probation Services Division to alert them of any potential interest in the case.
- d. Waive the offender's supervision fees under waiver code FEEO.
- e. Establish an "ICS Outgoing Board Database Detain Case Control" for the administrative tracking of the offender's location and his/her availability for follow-up parole supervision.
  - 1) Confirm offender's location.
  - 2) Notify the holding or detaining authority of the board's interest.
    - a) Determine whether there are any detainers lodged against the offender, and if any, the order in which the detainers will be enforced.
    - b) Obtain the offender'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 offender's status, i.e. location, release planning (Pennsylvania or another state), changes in the projected release date, 30 days in advance of the offender's release.
  - 3) Maintain a case control date remaining cognizant of offender's 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.

6. Interstate staff administrative tracking

- a. As required, reconfirm offender's location and status.
- b. Update and resend "Notify Letter" as offender's location changes.
- c. 90-days prior to the PRD make telephone contact with the detaining authority to determine whether offender has submitted a release plan.
  - 1) If the release plan is outside of Pennsylvania, every effort to have that plan investigated through the interstate compact should be made and initiated through the Interstate Compact Offender Tracking System (ICOTS).
    - a) Absent an accepted transfer request, upon verification of offender's release and knowledge that offender intends to reside in the holding state, a request for reporting instructions shall be initiated within two (2) business days of receipt of release notification. The receiving state is obligated to issue instructions as well as to assist in execution of the offender application for interstate compact transfer.
  - 2) If no interstate plan is provided and a Pennsylvania plan is noted, staff shall review the Order to Release on Parole/Reparole (PBPP 10) and Conditions Governing Parole/Reparole (PBPP 11).
    - a) If the previously approved Pennsylvania plan is older than 150 calendar days, interstate staff shall request parole supervision staff conduct a recheck.
    - b) If the plan is a CCC/CCF placement and it has been six (6) months since offender's release, interstate staff shall contact the applicable BCC regional office to renew the paper bed.
    - c) Staff shall not alter the destination for an offender whose plan was designated by the board as placement at a specialized CCC/CCF.
    - d) In all instances interstate staff shall provide information and documentation regarding the detainer disposition and offender's projected release date.
7. When an out-of-state or federal detainer case has an approved compact plan, interstate staff shall:
  - a. Forward the following instruction to the detaining authority and request assistance in obtaining offender's signature:
    - 1) Acknowledging receipt of reporting instructions issued by the

receiving state. This instruction must direct the offender to proceed directly to the receiving state, take no side trips and or initiate any delays in travel. Also include a statement advising that if the offender fails to report to the receiving state as directed, this will result in declaration of delinquency and the posting of nationwide “Wanted Notices.”

- b. Confirm whether institutional parole staff issued a special condition (PBPP-336) directing the offender to establish a payment plan for court-ordered financial obligations, including the address(es) where offender should remit payments.
    - 1) If there is no signed copy of this special condition in the central office file, include the PBPP-336 with the above instruction forwarded to the detaining authority.
  - c. Complete an ICOTS Notice of Departure.
  - d. Establish an “ICS Outgoing Board Cases Control” for receipt of the receiving state’s “Notice of Arrival.”
  - e. Modify stat code to reflect active supervision.
  - f. Review for any special probation obligation and when applicable, notify the Interstate Probation Services Division of their potential interest in the case.
8. When an out-of-state or federal detainer case has an approved Pennsylvania home plan or CCC/CCF placement, interstate staff shall:
  - a. Forward an instruction to the detaining authority to request assistance in obtaining offender’s signature as acknowledgement that he/she shall report within 24 hours of release to the designated board field office or CCC/CCF. This instruction must direct the offender to proceed directly to Pennsylvania, take no side trips and or initiate any delays in travel. Also include a statement advising if the offender fails to report to Pennsylvania as directed, this will result in declaration of delinquency and the posting of nationwide “Wanted Notices.”
  - b. Send notice of the offender’s PRD to the PBPP field office’s resource account, i.e. [PM](#), [BA Allentown](#) (and, if applicable, to the CCC/CCF). Include scanned copies of the Order to Release on Parole/Reparole (PBPP-10), Conditions Governing Parole/Reparole (PBPP-11), any signed special conditions, documentation from the detaining authority, and, if applicable, the Acceptance for State Supervision (PBPP-234).
  - c. Request the PBPP field office to update the automated offender record and statistically assign the case to a field agent.
  - d. Maintain an “ICS Outgoing Board Cases Control” to ensure the offender reports as instructed and parole supervision staff have updated the

automated offender record.

- 1) If the offender fails to report as instructed, parole supervision staff shall declare the offender delinquent. Reference procedure 4.01.17.

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

The DOC and the ICE have entered into an agreement concerning any offender to be released on parole or by reaching the maximum expiration date against which the ICE has lodged a detainer. The State Correctional Institution at Camp Hill (SCI-Camp Hill) serves as the release site for all cases released to the ICE detainer. The offender is transferred to SCI-Camp Hill approximately one week prior to pick-up by ICE officials.

1. Upon receipt of a paroling action, the institutional parole office where the offender is housed is responsible to ensure that all requirements for release are met. Reference Procedure 3.02.08 Release Process.
  - a. Institutional parole staff shall ensure that the offender is fingerprinted. The completed fingerprint card is included with the release materials mailed to the Interstate Parole Services Division.
  - b. Offenders paroled to a deportation order only shall be advised that if deportation does not occur, the offender will be returned to a SCI and the Board shall rescind the paroling action.
  - c. Offenders 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 a SCI and continue serving their minimum sentence. No rescission action is needed.
  - d. The institutional parole office coordinates the release 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.
2. The parent institution will verify whether the inmate has a detainer or deportation order and ensure the board action/release orders correspond. If the board action and release orders indicate "Parole to Deportation Order" and the inmate only has an ICE detainer, the board action needs to be modified to indicate "parole to ICE Detainer" by sending a "Board Memo" request to [PM, OBS Case Analysis](#).
  - a. For ICE detainer cases, institutional parole staff shall include language on the Conditions Governing Parole/Reparole (PBPP-11) directing the offender upon release from the ICE detainer to report within 24 hours to the designated PBPP district or sub-office.

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 Special Conditions for Sex Offenders (PBPP-336SO).
4. If the inmate is subject to sex offender registration, the parent institution will complete the registration to SCI-Camp Hill. When the offender is released to ICE, SCI-Camp Hill will update the registry to reflect the offender's current place of detention.
5. Once the file and release orders have 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), OVRT and memo to [PM, BA SCI Camp Hill](#).
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 three (3) original copies of the Order to Release on Parole/Reparole (PBPP-10).
7. Once the offender is released, SCI-Camp Hill institutional parole staff will email a copy of the signed release orders and copy of the ICE detainer to the parent institution's PM, BA inbox and to [PM, Interstate](#). An original copy of the signed PBPP-10, PBPP-11, applicable special conditions, fingerprint card and ICE detainer are mailed to the Interstate Parole Services Division.
  - a. Institutional parole staff shall not provide courtesy copies of the Order to Parole/Reparole (PBPP-10) and Conditions Governing Parole/Reparole (PBPP-11) to the PBPP field office designated as offender's future reporting location.
8. A copy of the signed release order is given to the SCI-Camp Hill Records Office and the original release order is mailed to the parent institution's records office.
9. Interstate Staff Responsibilities

Within two (2) business days of receipt of release materials, interstate staff shall:

- a. Review release materials.
- b. Open the case statistically to central office to include all active supervision obligation(s).
- c. Review for any special probation obligation and when applicable, notify the Interstate Probation Services Division of their potential interest in the case.
- d. Waive the offender's supervision fees under waiver code FEEO.
- e. Establish and maintain an "ICS Outgoing Board Database Detain Case

Control" to administratively track the offender's location and ICE status.

- 1) Confirm offender's location.
- 2) Notify the holding or detaining authority of the Board'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 board's intention to lodge a warrant and transport the offender to a SCI for a parole rescission hearing or to continue service of their minimum sentence(s).
  - b) Determine whether there are any other detainers lodged against the offender and, if so, the order in which the detainers will be enforced.
  - c) Obtain the offender's projected immigration court date or earliest date of deportation.
  - d) Prepare and send a "Notify Letter" for the holding/detaining authority's file requesting notification of any changes in the offender's status, i.e. location, changes in ICE interstate, 30 days in advance of the offender's release.

#### D. Deported Offenders

Upon deportation, interstate parole staff shall:

1. Obtain documentation confirming the actual date of deportation and the deportee's destination country.
2. Update the automated offender case record.
3. Review for any special probation obligation and when applicable, notify the Interstate Probation Services Division of the deportation.
4. Update the "ICS Outgoing Board Cases Detain Control" and establish a one year integrity check during which a nationwide criminal history and want/warrant check is performed to determine whether the offender may have illegally reentered the United States.
  - a. The integrity checks are maintained throughout the offender's obligation to Pennsylvania as a parolee.
5. Enter offenders paroled under 61 Pa. C.S. § 6143 (early parole of inmates subject to Federal removal order) into the "NCIC Supervised Release" file.
  - a. Review all deported offenders' criminal history. If the deportee was previously convicted of illegal reentry or a sex crime, a posting into the

“NCIC Supervised Release” file will be completed.

6. When it is determined or suspected that an illegal re-entry may have occurred after the offender’s parole release date and prior to the expiration of the maximum sentence, the case shall be referred to an interstate parole manager for review and further direction.
  - a. If the suspected illegal reentry involves an offender who was paroled to a deportation order under 61 Pa. C.S. § 6143 (early parole of inmates subject to federal removal order), i.e.: prior to expiration of the minimum sentence, a Warrant for Arrest of Paroled Prisoner (PBPP-6) shall be issued and/or a NCIC wanted person posting made unless the board directs otherwise.
7. Upon expiration of the offender’s maximum date of sentence, a final integrity check shall be completed.
  - a. If no activity is noted that could possibly violate the offender’s parole, the “ICS Outgoing Board Cases Detain Control” shall be removed and the case statistically closed.
  - b. If new criminal activity is suspected, a parole manager review shall occur.

#### E. ICE Order of Supervision

The immigration judge will, for a variety of reasons, determine that an offender cannot be deported. Such offenders are released from ICE custody pursuant to an order of supervision.

1. When the ICE authorities advise consideration is being given to an order of supervision, interstate parole staff shall review the central office file to verify whether the board’s paroling action was pursuant to either 61 Pa. C.S. § 6143 (early parole of inmates subject to federal removal order) or to deportation order only.
  - a. If either of these circumstances applies, staff shall immediately notify an interstate parole manager or the division director for issuance of a warrant to ensure the offender’s continued detention while awaiting transport to a SCI for a rescission hearing or continued service of minimum sentence(s).
  - b. Interstate staff shall notify the appropriate Institutional parole supervisor that the foreign national is being returned to a SCI and that, when applicable, a rescission hearing must be scheduled and held.
  - c. When applicable, an interstate parole manager shall prepare the Notice of Rescission Hearing (PBPP-257NR). The notice shall contain a brief statement of the facts and circumstances constituting good cause for the rescission of parole. The notice shall also inform the offender of the date and time of the rescission hearing and shall advise him/her of the right to counsel and the right to call voluntary witnesses at the hearing. This

notice shall be served upon the offender within 72 hours of his/her reception at a SCI.

2. The central office file review shall also include a review of the offender's established release plan. Interstate staff shall initiate notification to the appropriate parole supervision staff. If the plan is a CCC/CCF placement, interstate parole staff shall contact the applicable BCC regional office to ensure the availability of the "paper bed."

In either circumstance, interstate staff shall keep parole supervision and BCC staff apprised of offender's projected release date from ICE custody. Upon receipt, a copy of the ICE order of supervision is also forwarded.

3. Upon release of the offender, interstate staff shall maintain an "ICS Outgoing Board Cases Detain Control" to ensure the offender reports as instructed and parole supervision staff have updated the automated offender record.
  - a. If the offender fails to report as instructed, parole supervision staff shall declare the offender delinquent. Reference procedure 4.01.17

## 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

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. PBPP Policies

3.02.04  
3.02.05  
3.02.06  
3.02.08  
4.01.03  
4.01.17

C. American Correctional Association Standards - None

D. Management Directives - None

E. Report of the Reentry Policy Council - None