

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.05.08</p>	<p>Replaces No. 7.6 eff. 1/28/02</p>
<p>Chapter Title INTERSTATE SERVICES</p>		<p>Date of Issue 09/16/09</p>
<p>Subject ARRESTS OF PENNSYLVANIA OFFENDERS IN OTHER STATES AND BOARD COMPACT CASES ARRESTED IN PENNSYLVANIA</p>		<p>Effective Date 09/30/09 PUBLIC</p>

I. AUTHORITY

80 Stat. 608; 4 U.S.C. Sec. 112 (Compacts between States for cooperation in prevention of crime; consent of Congress)

Legislative Act 404, September 12, 1937 (Interstate Compact for the Supervision of Parolees and Probationers) 61 P.S. § 321

Legislative Act 323, August 6, 1941, P.L. 861, added P.L. 1230, September 27, 1965
61 P.S. § 331.1

Legislative Act 56, June 19, 2002 (Interstate Compact for the Supervision of Adult Offenders)
61 P.S. § 324.1

42 P.S. §§§ 9143 and 9144(b)(c) and 9148 (Uniform Criminal Extradition Act)

II. PURPOSE

The purpose of this procedure is to set forth the processes related to the arrest of district office cases in other states, board compact cases arrested in Pennsylvania, board compact cases arrested in or **alleged to have violated** in other states, **and** the process of returning absconders and convicted parole violators to Pennsylvania custody.

III. APPLICABILITY

This procedure is applicable to board staff involved in the supervision of Pennsylvania parole and special probation/parole cases in Pennsylvania and through the interstate compact.

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 Interstate Compact for Adult Offender Supervision (ICAOS) and the United States Criminal Extradition Act.

Parole supervision staff has the authority to arrest offenders under supervision who have committed technical parole violations or new crimes. These staff shall receive formal training in the correct and safe procedures to be followed in arresting and transporting prisoners.

VI. PROCEDURES

A. Arrests of District Office Parolee **Absconders** in Other States (Non-Compact Cases)

When a **board absconder** is apprehended in another state, the arresting law enforcement agency follows established NCIC procedures, which includes sending a HIT Confirmation notice to the board's main Originating Agency Identifier (PA022035G). The purpose of the HIT Confirmation inquiry is to ensure that the board's warrant is still active, confirm extradition **parameters**, and ascertain the suspect's identity before the apprehending department detains the individual.

When a **state parolee** who is not posted in the NCIC Wanted Persons File is arrested outside of Pennsylvania, the operations monitoring center (OMC) receives notice of such incidents primarily by telephone or through receipt of a FBI fingerprint analysis notice.

1. After-Hours Interstate Arrests and Apprehensions

- a. **When notified of an arrest**, OMC staff **shall** verify that the apprehended suspect is the **board supervised** offender. **Verification may not** be based solely upon a name and date-of-birth match. **OMC staff must verify that the suspect is the board supervised offender** through fingerprint analysis, photograph comparison, scars, marks, tattoos, personal identification, **the suspect's admission that he or she is a board supervised offender, and/or the advice of** the supervising field agent. OMC staff shall prepare and forward a Warrant for Arrest of Paroled Prisoner (PBPP-6) to lodge as a detainer.
- b. OMC shall notify the appropriate **board** field office and Interstate Parole Services via email of the offender's arrest/apprehension. A copy of the issued warrant, fax cover sheet and NCIC communication(s) are attached to this email notice.

2. Interstate Parole Services Responsibilities – Next Business Day

- a. Interstate staff shall:
 - 1) **Contact the detaining authority and** confirm that the board's warrant is lodged as a detainer;
 - 2) Forward a copy of the Parole Release Order (PBPP-11) to the detaining authority;
 - 3) **Request the detaining authority to determine** whether the local court will honor the pre-signed waiver **of extradition**;
 - 4) Request copies of applicable arrest or incident reports;
 - 5) **Request the detaining authority keep the board** apprised of the court disposition and the parolee's availability for return to Pennsylvania.

b. Upon written confirmation that the offender has either waived extradition or that our pre-signed waiver has been honored, **Interstate Parole Services responds accordingly.**

- 1) If the offender **does not** waive extradition and the court will not honor the pre-signed waiver as a condition of parole, Interstate Parole Services will begin the Governor's Warrant process.
- 2) When notification is received of parolee's availability for return to Pennsylvania, Interstate staff shall ensure **that the** parolee has no open criminal charges in the detaining jurisdiction. If a third jurisdiction has lodged a detainer, return to Pennsylvania will be deferred until all outstanding criminal matters are disposed. In such instances, Interstate staff shall confirm that the Board's warrant accompanies **the** parolee to the new correctional facility.

3. District Office Responsibilities

If the parolee has incurred new criminal charges, the assigned parole agent is responsible for **obtaining** copies of the apprehending law enforcement agency's arrest/incident report, and following the disposition of any outstanding criminal charges and subsequent disposition documents. (At the time the pre-signed waiver is forwarded, Interstate staff **shall make** a request for this documentation and request notification regarding the disposition of charges.)

4. Interstate Arrests and Apprehensions During Normal Business Hours

OMC **shall** refer the case to Interstate Parole Services for confirmation of parolee's identity and if appropriate, the issuance of the Warrant for Arrest of Paroled Prisoner (PBPP-6). Procedures stated above under steps 1 and 2 of this procedure are followed.

B. Arrests of District Office Parolees in Other States (Non-Compact Cases)

1. When a parolee assigned to a District Office is arrested in another state, the Board employee who receives the arrest notification **shall** contact the arresting agency and **obtain the following necessary information:**
 - a. Name and location of holding facility,
 - b. Contact person's name, fax and phone numbers;
 - c. Parolee's arrest / commitment name in the other jurisdiction; and
 - d. If known, the other state's inmate number, court case number, police arrest date and if applicable, type of criminal charges.
2. If it is determined that the parolee should be detained on new criminal charges or for technical violations, a request for the lodging of a Warrant for Arrest of Paroled Prisoner (PBPP-6) must be made to the Interstate Parole Services Division through an email request to the Division Director or an Interstate Parole Manager. The **above-noted detailed** information shall be included with the warrant request.

3. Interstate staff will fax a warrant to be lodged as a detainer to the arresting authority or detaining correctional facility. A copy of the parolee's PA Parole Release Order (PBPP-11) **shall be** included with the faxed warrant. Interstate staff **shall** request notification as to whether the local court will honor the pre-signed waiver of extradition as a condition of parole. **Staff shall** request copies of applicable police arrest/incident reports for the field agent. Interstate staff **shall** request the other state's detaining facility to **advise** of court's disposition and the parolee's availability date for return to Pennsylvania **custody**.

If the arresting agency requests notice via NCIC that the parolee is wanted for violation of parole in Pennsylvania and confirmation regarding the Board's extradition decision, District Office **staff** shall also obtain the agency's ORI number. Include the ORI number and request for extradition confirmation via NCIC in the email warrant request to the Division Director or an Interstate Parole Manager. The appropriate administrative switched message will be sent through NCIC to the designated destination.

C. Disposition of Sentences

1. Short Duration Sentence (**less than 180 days**) or No Incarceration Term Imposed in the Other State

When a parolee receives a sentence of short duration and will continue to be confined in the other state for less than 180 days (six months), or receives no incarceration term (probationary sentence) in the other state, the case remains under the jurisdiction of the District or Sub-Office.

2. Long duration Sentence Imposed in the Other State (or federal facility)

If the parolee receives a new sentence in **another jurisdiction** and will continue to be confined outside of Pennsylvania (or with the Federal Bureau of Prisons) for a period exceeding 180 days (six months), the District Office shall transfer the case statistically to the Division of Interstate Parole Services.

a. District Office Responsibilities

All **transfer** requests **must** include a cover memorandum addressed to the Director of Interstate Parole Services advising where the parolee is serving the new sentence and the other state's inmate number or federal identification number. **The memo includes completed** copies of applicable arrest reports (PBPP-257N, H, C, T) and documents providing proof of conviction. **Proof of conviction must include a Judge's signature or must be certified as a true copy of the Court record.**

The following original documents are also required to be forwarded to Interstate Parole Services to be combined with the Central Office case folder:

- 1) Initial Supervision Report (PBPP-61) (if applicable).
- 2) All Supervision Plan/Reports (PBPP-22).

- 3) All Records of Interview (PBPP-259).
- 4) Most recent pre-sentence investigation report (if applicable).
- 5) Most recent Classification Summary (PBPP-130) **or Integrated Case Summary Application (ICSA) Report** with attached information (if applicable).
- 6) All materials related to DNA samples (DNA Sample Tracking form) (if applicable).

b. Interstate Parole Services Responsibilities

Interstate staff shall confirm with the detaining authority's records office that a Warrant for Arrest of Paroled Prisoner (PBPP-6) is lodged as a detainer.

Interstate Parole Services **shall prepare** and send a notification letter to the detaining authority's records office. The notification letter reiterates the Board's desire to return parolee as a violator to Pennsylvania for further parole violation/revocation proceedings **and** requests information regarding the parolee's projected release date; **including** a 60 day pre-notice of his/her availability to the Board warrant. Interstate staff shall make an arrest control database case entry to track parolee's location through the other state's correctional system or the Federal Bureau of Prisons and his/her availability for return.

D. Parolee No Longer in Other State's Custody

If a parolee is no longer in custody in the other state and cannot be located, the District Office will retain control of the case. If the Board's wanted person notice has been cancelled in NCIC, field staff will request the reposting of the wanted notice per procedure 4.01.17 of this manual. Under no circumstances should the District Office statistically transfer the case to the Division of Interstate Parole Services until/unless instructed to do so.

E. Arrests in Pennsylvania of Board Parolees Supervised by Other States (Board Compact Cases)

When a parolee supervised in another state absconds and/or returns to Pennsylvania, and is arrested in Pennsylvania, the Division of Interstate Parole Services will request the appropriate District Office to lodge a detainer and investigate the circumstances of the arrest. Interstate staff shall contact the supervising authority in the receiving state to gain information regarding the offender's adjustment to compact supervision. **Interstate staff** shall determine whether the parolee has violations (technical or new criminal charges) pending in the other state. Interstate staff shall also request applicable arrest and/or violation reports, summary of adjustment in the receiving state, and a final progress and conduct report.

If the District Office lodges a permanent Board warrant, Interstate Parole Services shall transfer the Central Office case to the field with prepared Arrest Reports (PBPP 257 N, H) and if applicable a PBPP 257 T. If the parolee incurred new criminal charges outside of

Pennsylvania, a PBPP 257 C shall also be prepared by Interstate Parole Services and included with the statistical transfer request to the appropriate District Office.

When the parolee has incurred a new Pennsylvania criminal arrest, the District Office shall follow the arrest through final disposition. The District Office **shall** submit the required reports and schedule appropriate hearings and follow the violation/revocation to its conclusion as described **in Chapter 3.03** of this manual.

F. Processing Violation Reports/Warrant Requests received on Board Compact Cases

An Interstate Parole Manager shall review violation(s) reports and requests for issuance of Pennsylvania warrants received on Board compact cases. The Response to Violation Report, **which sets forth PA's position on the violation, shall be** sent to the receiving state no later than ten business days following receipt of the violation report. **If a warrant is not issued, PA will provide appropriate case handling direction.**

When a Warrant for Arrest of Paroled Prisoner (PBPP-6) is issued, the Response to Violation Report explains Pennsylvania's position as to the violations charged and steps required to resolve the violation. For example, our warrant is not to interfere with the disposition of any pending criminal charges; in the event charges are not disposed of by parolee's maximum expiration date of sentence, our warrant must be lifted and a Delinquent for Control recommendation made to the Board; if there are no technical violations and bail is posted, PA would not return **the parolee to a PA correctional facility** until the pending criminal charges are adjudicated.

When Board Warrants are issued for parolees under supervision in Maryland or Florida, a NCIC wanted person posting for violation of parole must also be entered and directed to the local Sheriff's Office.

Interstate staff shall request the receiving state to conduct a Probable Cause Hearing to substantiate the alleged technical parole violations. **A waiver of the probable cause hearing is not acceptable unless the waiver includes a written admission to one or more of the significant violation(s) charged that is knowingly signed by the offender.** If a parolee is convicted of new criminal charges in the receiving state, a request is made for a certified copy of the court's judgment or sentencing order. For additional information concerning the imposition of a long duration sentence in the other jurisdiction, refer to the procedure titled Disposition of Sentences in this section.

G. Arrest of Board Compact Cases in Other States or by Federal Authorities

When Interstate staff is notified of an arrest, staff shall contact the arresting agency and obtain information on the new criminal charge(s). If interstate staff determines that the parolee should be detained on new criminal charges or for technical violations, a Warrant for Arrest of Paroled Prisoner (PBPP-6) shall be prepared and faxed to the apprehending law enforcement department to lodge as a detainer. A copy of the executed Compact Form (PBPP-32) or Offender's Application for Interstate Compact Transfer shall accompany the warrant. Interstate staff shall verbally explain to the detaining authority that the parolee is a compact case who has expressly waived extradition and is not entitled to formal extradition proceedings. Procedures specific to interstate staff under the section titled Arrests of District Office Parolees in Other States are also followed.

Interstate staff must communicate with the receiving state via Compact Action Request or Response to Violation to request assistance as noted in Procedure F and/or to advise the receiving state of PA case handling direction.

H. Receiving State Advises Board Compact Case Whereabouts are Unknown

In cases when the receiving state advises that a parolee has absconded, before making a recommendation for delinquency, an Interstate Parole Manager shall review the other state's submitted violation report or notice of "violator-at-large" and determine whether the receiving state performed a diligent search for the PA offender. For example, a missed Probation/Parole Office appointment is not sufficient for declaring an offender delinquent. In such instances, the receiving state shall be contacted and requested to perform a home visit and employment check for the offender.

When making a recommendation for delinquency, the Interstate Parole Manager must substantiate the recommended effective date of the delinquency through documentation. An emailed "violator-at-large" notice or phone call advisement is not sufficient. The receiving state's parole agent shall be requested to submit a violation report outlining the facts and circumstances of the alleged violation(s). The Parole Manager will also determine whether the Board's warrant should be posted in NCIC under a caution screen and list the reason for caution. Reasons for caution include, but are not limited to, propensity for firearms, assaultive history, mental health history, combative towards law enforcement, suicidal and asthma.

1. Prior to the processing of the Delinquency Board Action and posting of the NCIC wanted person notice, as outlined in procedure 4.01.17 of this manual, Interstate staff shall:

- a. Retrieve and review nationwide criminal history;
- b. Perform NCIC Wanted Person and Protection Order queries;
- c. Perform applicable nationwide Driver's License inquiries; and
- d. If the Receiving State's Violation Report indicates that the former home provider has vacated the premises, check Driver's License files for address leads.

2. After the warrant posting has been completed and an Administrative Action (PBPP-15) declaring the offender delinquent is received, Interstate staff shall:

- a. Modify the Active Offender Stat code in the Client Server (to either a 29 or 30);
- b. Input the Offender Wanted Indicator "W" in the Client Server;
- c. Ensure correct PA SID is recorded in the Active Offender File;
- d. Establish six (6) month arrest control;
- e. Remove PCR control from ICS Outgoing Board Cases database;
- f. Follow-up on new arrests / convictions and request / obtain supporting case documentation;
- g. Retrieve most current DOC Net, PBPP, JNET, or receiving state photo for inclusion in the Central Office case file;
- h. Review case file for family, friends, and paramour's current addresses

- 1) Attempt to validate such persons addresses through Internet research;
 - 2) Send an Absconder Letter (Exhibit A); and
 - i. When the Receiving State's Violation Report indicates that the former home provider has vacated the premises, prepare and forward correspondence to the appropriate Postmaster.
3. Interstate parole staff technician refers the case to the Interstate Parole Services Division Director for final supervisory review. If review of the case file indicates that the offender has familial ties to PA; was previously supervised by a PBPP Office; or has a valid or newly updated PA Driver's License, the case is statistically transferred by interstate staff to the appropriate PBPP field office for follow-up. At the time of transfer, Interstate Services shall prepare and forward applicable arrest reports (PBPP 257N, H, T, and if applicable, 257C).
- I. **Semi-annual Review of Board Compact Cases in Absconder Status**

Every six (6) months, interstate staff shall review the ICS Arrest Control database notes and offender case file for case activity including

1. Review current nationwide criminal history;
2. Follow-up on outstanding criminal charges
 - a. Confirm receipt of official version;
 - b. Bail status;
 - c. Next scheduled court date;
 - d. Bench warrant issued?
 - e. Apprise authorities of Board's interest
3. Perform applicable nationwide Driver's License inquiries;
4. Perform Social Security Death Index inquiry www.rootsweb.com;
5. Perform online Offender inquiries (also check frequently used aliases);
6. Run non-common names through Internet search engines;
7. Check online telephone and address directories for offender / family members; and
8. Perform online archive search in local newspapers in area of offender's last know address www.newspapers.com

J. Absconder is Arrested in the Receiving State

When an absconder is arrested in the receiving state, a Warrant for Arrest of Paroled Prisoner (PBPP-6) is prepared and faxed by interstate staff to the apprehending law enforcement agency to lodge as a detainer. A copy of the executed Compact Form (PBPP-32) or Offender's Application for Interstate Compact Transfer shall accompany the warrant. Interstate staff shall verbally explain to the detaining authority that parolee is a compact case who has expressly waived extradition and is not entitled to formal extradition proceedings. **Procedures specific to interstate staff under the section titled Arrests of District Office Parolees in Other States are also followed.**

If it has been one year or less since parolee absconded, **interstate staff requests** the receiving state to re-open compact supervision interest and schedule and hold a Probable Cause Hearing on the cited technical violation(s). If a Probable Cause Hearing is held,

arrangements for return will not be made until the results of the hearing are received and reviewed by an Interstate Parole Manager. After notification is received that the executed Compact Form (PBPP-32) or Offender's Application for Interstate Transfer has been honored, **interstate staff make** arrangements for parolee's return to a PA prison.

If criminal charges **are pending**, the receiving state is requested to follow disposition and provide PBPP with applicable reports. If the parolee is unable to post bond on the new criminal charges, the Board warrant will remain lodged until interstate staff are notified of the offender's availability for return to Pennsylvania. If parolee has posted bond, any deadlines for return given by the detaining facility must be followed.

K. Absconder is Arrested in a Third State or Delinquency is Longer than One Year

When an absconder is arrested in a third state or has been delinquent for over a year, a Warrant for Arrest of Paroled Prisoner (PBPP-6) is prepared and faxed by interstate staff to the apprehending law enforcement department to lodge as a detainer. A copy of the executed Compact Form (PBPP-32) or Offender's Application for Interstate Transfer shall also accompany the warrant. Interstate staff shall clearly explain to the detaining authority that parolee is a compact case who has expressly waived extradition and is not entitled to formal extradition proceedings. **Procedures specific to interstate staff under the section titled Arrests of District Office Parolees in Other States are also followed.** Action should be taken when:

1. No local charges in the arresting jurisdiction or parolee has posted bond or is released on unsecured bond:

Interstate Parole Services awaits notification that the executed Compact Form (PBPP-32) or Offender's Application for Interstate Transfer has been honored and parolee is available for return to PA custody.

2. New criminal charges:

Interstate Parole Services shall follow disposition and secure certified copies of the Court's Sentencing Order. When notified that the parolee has either served the new sentence or is being paroled by the other state, **interstate staff** ensures that the executed Compact Form (PBPP-32) or Offender's Application for Interstate Transfer has been honored.

3. Upon the violator's return to a PA prison, an Interstate Parole Manager shall prepare the appropriate arrest reports (257 series) and schedule necessary due process hearings.

L. Arrest of Special Probation/Parole Cases in Other States or Whereabouts Unknown
(COMPACT CASES)

Upon receipt of a violation report or notification of an arrest on a Special Probation/Parole Case under compact supervision, Interstate Probation Services **shall** forward this information to the Sentencing Common Pleas Court Judge with a cover letter requesting the court's decision or intentions with regard to the issuance of a bench warrant. **When notice is received that the sentencing court has entered a warrant in NCIC, interstate staff prepares a transmittal form (PBPP-331) advising the court and county probation**

department that the Board interest is closed. This information is also forwarded to the receiving state through the submission of a Response to Violation Report form. For purposes of future retaking, the receiving state is provided with the county probation department's contact information.

For cases that originate from Mercer and Venango counties, the PBPP-331 is not completed. Interstate probation staff will communicate with the appropriate parole supervision staff requesting the field to resume supervision. Parole supervision staff is provided with all available information as to the violation and receiving state supervision history.

M. Making Arrangements to Return PBPP Parole Violators to Pennsylvania Custody

Upon notification that a parolee is available for return to PA custody, an Interstate Parole Manager shall prepare a memo for approval by the Deputy Executive Director for any return over 150 miles¹. Upon approval, an administrative Board Action is recorded ordering the offender's return as a technical and/or convicted parole violator. In other instances when the parolee is located within a 150-mile radius of Pennsylvania, field staff will be requested by the Division of Interstate Parole Services to perform the prisoner pick-up and return the parolee to Pennsylvania custody.

After the return of a parolee is authorized, Interstate Parole Services staff **shall** make the appropriate prisoner transportation arrangements. Prior to placing the transportation order on District Office cases, the field is contacted and asked where the parolee should be lodged for hearing purposes. The District Office and, if applicable, the Institutional Parole Supervisor will be notified by the Interstate Parole Services Division of the arrangements made for parolee's return to Pennsylvania and the anticipated date of arrival.

N. Notice of Charges Preparation (Board Compact Cases)

Prior to offender's arrival, the Notice of Charges and Hearing (257N) shall be prepared by an Interstate Parole Manager and faxed to the Institutional Parole Supervisor at the SCI where the parolee is being lodged.

If parolee is being returned to a county prison, the 257N shall be faxed to the unit supervisor and/or agent in the appropriate District Office who will be presenting evidence at the hearing.

O. Notice of Charges Preparation (District Office Cases)

After Interstate Parole finalizes the prisoner transportation arrangements, the assigned District Office supervisor shall be advised that parole supervision staff must complete the Notice of Charges and Hearing (257N) and forward the 257N to the SCI or county prison where parolee is being lodged.

¹ To authorize parolees' return to Pennsylvania through the Board's contracted prisoner transportation service.

District Office staff shall schedule the required hearings² and submit the required reports in accordance with the procedures outlined in procedure 3.03 of this manual.

P. Notification of PBPP Parole Violators' Return

After the Board's contracted prisoner transport service notifies the Operations Monitoring Center (OMC) that the parolee is lodged at a PA correctional facility, the OMC operator shall provide this information, via email, to appropriate parole supervision staff (agent, supervisor, District Director or Deputy District Director), with a carbon copy to Interstate Parole.

When the parolee is returned to an SCI, the Institutional Parole Supervisor shall notify Interstate Parole Services of parolee's return date. When the parolee is returned to a Pennsylvania county prison, field staff shall notify Interstate Parole Services of parolee's lodging date.

Q. Hearing Preparation on Board Compact Cases

Upon the parolee's return to an SCI, the Institutional Parole Agent or Supervisor shall notify Interstate Parole Services of parolee's lodging date and that the previously faxed 257N has been delivered to the parolee. If a violation/revocation hearing must be held, the Institutional Parole Agent or Supervisor shall execute the Hearing Waiver (PBPP-72) determining whether the parolee requests a hearing before a Panel or Hearing Examiner. The signed PBPP-72 **shall be** faxed to the Interstate Parole Manager. The Interstate Parole Manager is responsible for scheduling the required hearings in accordance with procedures outlined in procedure 3.03 of this manual. (The Board's SCI parole staff shall present evidence at the hearing for Interstate Parole Services.)

Upon a parolee's lodging at the county prison, the District Office shall assign a parole agent to handle the hearing for Interstate Parole Services. The assigned parole agent shall deliver the 257N to the parolee, execute a Hearing Waiver (PBPP-72), and schedule the required hearing(s). An Interstate Parole Manager shall prepare and forward the completed PBPP arrest reports (257 series) with necessary documents for supporting evidence to the parole agent conducting the hearing.

R. Waiver of Violation and/ Revocation Hearings - Central Office Cases

If the parolee waives the Violation and/or Revocation Hearing(s) and admits to all violations, the appropriate PBPP Waiver of Hearing and Admission Form is provided and reviewed with the offender as listed below. For additional information concerning the waiver of second level hearings, refer to the procedures titled Violation/Revocation Hearing.

- 1. Institutional parole staff provides the PBPP-257N, PBPP-72 and the Waiver of Hearing and Admission Form to the offender. If the offender agrees to waive the hearing, the offender will be given the opportunity to fill out any additional information in the designated section on the waiver form. The**

² When a Board Compact Case had been paroled from a Pennsylvania County Prison, the appropriate District Office is requested to schedule and hold the necessary due process hearings.

offender signs the waiver form and it is witnessed/signed and dated by the institutional parole staff. The PBPP-72 is also signed by the offender to waive the right to counsel and Preliminary and Panel Hearings.

2. The signed PBPP-72 and the PBPP Waiver of Hearing and Admission Form are faxed/emailed to Interstate Parole Services for review and signature and returned to the hearing coordinator.
3. Interstate Parole Services will prepare the packet to include: PBPP-257C and/or 257T, PBPP-257H, PBPP-257N, PBPP-72 and the appropriate PBPP Waiver of Hearing and Admission Form. The packet also includes a copy of all parole release orders, copies of all related warrants, any applicable release from detainers and a copy of the latest ICSA. In cases where the ICSA is not available, a copy of the institutional minimum summarization report (PBPP 382) will be provided. If the PBPP 382 is not available, a Pre-sentence investigation is provided, if available.
4. The packet is faxed to the Hearing Coordinator. The hearing will be marked by the coordinator as waived. A Hearing Examiner will review the packet and prepare a report within ten (10) days as to the violation.
5. The offender may withdraw the PBPP Waiver of Hearing and Admission Form up to ten (10) days after it is signed. If the waiver is withdrawn, the institutional parole staff will notify the Hearing Coordinator to re-schedule the hearing. The hearing is re-scheduled within 14 days from the date the offender changed their mind and withdrew the waiver.

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 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

Legislative Act 404, September 12, 1937 (Interstate Compact for the Supervision of Parolees and Probationers) 61 P.S. § 321

Legislative Act 323, August 6, 1941, P.L. 861, added P.L. 1230, September 27, 1965 61 P.S. § 331.1

Legislative Act 56, June 19, 2002 (Interstate Compact for the Supervision of Adult Offenders) 61 P.S. § 324.1

42 P.S. §§ 9143 and 9144(b)(c) and 9148 (Uniform Criminal Extradition Act)

B. PBPP Policies - None

C. American Correctional Association Standards

1. 3-3159
2. 3-3169
3. 3-3170
4. 3-3172
5. 3-3174

D. Management Directives - None

E. Report of the Reentry Policy Council - None