

## TRAVEL OF ADULT INDIVIDUALS ON SUPERVISION

- AUTHORITY:** Sections 1203 and 11179 through 11198 Penal Code  
 Crime Control Act <sup>1934</sup>  
 Article 1 Section 10 US Constitution and pursuant to Title 4, Section 112(a) USC  
 Interstate Compact for Adult Offender Supervision (ICAOS) Rules  
 pursuant to Article V and Article VIII of Interstate Compact for Adult Offender Supervision
- RESCINDS:** Procedure Manual Item 2-3-018, date **1/06/21**
- FORMS:** E-Form Travel Permit (F057-1056.2(A))
- PURPOSE:** To provide guidelines for granting or denying probationer travel within California, outside the state and outside the Country.

### I. GENERAL INFORMATION

- A. The travel request in and outside the state of California requires careful consideration on a case-by-case basis and is granted according to applicable law and the merits of each case.
- B. Probationer travel is at the discretion of the probation officer and the Probation Department. Do not refer probationers to the Court for permission to travel. However, probationers are known to petition the Court without probation officer knowledge in order to obtain permission. In instances where the Court grants permission to travel, the assigned deputy will review the Court order, determine if it violates Compact rules and regulations, consult with his/her supervisor and act accordingly as needed.
- C. The same consideration and procedures for travel also applies to Courtesy Supervision and Interstate Compact "in" cases that this agency supervises. Consultation with the sending jurisdiction should also be considered. Carefully consider each case and grant or deny permission according to applicable laws and regulations.
- D. Things to consider:
  - 1. Offender Risk: Type of offense or criminal history. Does the probationer present a risk to the community he/she is traveling to?

Certain types of offenders, such as sex crimes offenders, are considered significant risks to the community and generally not permitted to travel. However, on occasion, travel within and out of the state may be appropriate (Refer any such requests to the Sex Crimes Unit/ Unit 241 supervisor for additional information and temporary Sex Offender registration

requirements in other states as well as any additional Travel Permit information).

2. Progress on Probation: The probationer's progress should be satisfactory and he/she should not be in violation.
3. Reason for travel: Legitimate reasons for probationer travel include; business/employment, family related needs such as illness, emergency, or family visit. Generally speaking, requests for vacation travel are not encouraged. However, such requests may be appropriate on a case by case basis.

Travel out of state to seek employment or establish residence after the fact is not a valid reason for travel and violates Interstate Compact rules. (ICAOS Advisory Opinion-3-2004)

Allowing an offender to travel to a receiving state pending an investigation is a violation of ICAOS Rule 2.110 and Rule 3.102.

Length of stay: Requests for travel either within the state of CA, to another state, or outside the country should not exceed 30 days. However, it is recommended that travel not exceed two weeks.

"Blanket" or "open ended" travel permits allowing offenders to travel state to state **are not allowed**.

4. Criminal Registration: In addition to sex-offender and arson registration, some states require temporary out of state offender (all felons) registration with the County Sheriff or appropriate law enforcement agency within as little as 48 hours (Florida) and up to 30 days (Mississippi) of arrival. Offender registration requirements for sex offenders often differ and usually have shorter time restraints.

It is the responsibility of the assigned deputy to direct the probationer to notify local law enforcement of their whereabouts and register pursuant to the visiting state's laws as applicable upon arrival when visiting other states.

5. Financial: The probationer should be current with financial obligations prior to travel.
6. Interstate Compact: **Rules for Interstate Compact cases can be found in PMI 2-3-006.**

## II. PROCEDURE

### A. Request to travel within the state of California

Probationer travel within the state is not fundamentally a violation of probation. It does not violate Compact rules since it is within the state of CA. However, when a deputy becomes aware of a probationer's intent to travel within the state of California, it is recommended the deputy be familiar with the probationer's whereabouts and travel plans as well as completing a travel permit. Approval for

travel within the state rests with the assigned deputy. No additional authorization is needed.

1. Review case including criminal risk, criminal record (which may include violent crimes or sex offenses), progress on probation and financial records.
2. Complete Travel Permit.
3. Provide copy of permit to probationer and keep copy in A-file.
4. Probationer to return copy of Travel Permit to assigned deputy upon completion of trip.

B. Request to travel to another state

If a probationer requests to travel to a state outside of California, supervisor approval is needed.

1. Review case including criminal risk, criminal record (which may include violent crimes or sex offenses), progress on probation and financial records.
2. Staff the case with immediate supervisor and forward file to supervisor for review.
3. If approved, complete Travel Permit and enter note in ECR.
4. Provide copy of permit to probationer, upload to IDMS, keep copy in A-file or automated as needed.
5. Probationer to return Travel Permit to assigned deputy upon completion of trip.

C. Request to travel to outside of United States

If a probationer requests to travel outside the country, supervisor and Director approvals are needed.

1. Review case including criminal risk, criminal record (which may include violent crimes or sex offenses), progress on probation and financial records.
2. Staff the case with immediate supervisor and forward file to supervisor for review.
3. Supervisor can deny request.
4. If felt appropriate and approved by supervisor, the supervisor will staff case with Director and obtain approval.
5. If approved, complete Travel Permit and enter note in ECR.

6. Provide copy of permit to probationer, upload to IDMS, keep copy in A-file or automated as needed.
7. Probationer to return Travel Permit to assigned deputy upon completion of trip.

**REFERENCES:**

Procedure: 2-3-006 Courtesy Supervision and Interstate Compact (Adult)

Policies: None

S. Moorman

**APPROVED BY:**