
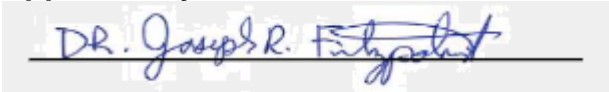


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CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS
	Approved by Commissioner: 	See Section VII
EFFECTIVE DATE: July 17, 2006	LATEST REVISION: December 15, 2017	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Adult Community Corrections

III. POLICY

It is the policy of the Department of Corrections that persons on probation, parole, or supervised release for sex offenders may be granted permission to travel out of state in the discretion of the Department, unless such travel is prohibited by the conditions of probation, parole, or supervised release, as applicable, or is not permitted under the Interstate Compact on Adult Offender Supervision.

Travel out of state is not permitted for persons on supervised community confinement, except for necessary medical care unavailable in Maine and only if in accordance with Department Policy 27.2 (AF & ACC), Supervised Community Confinement.

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- Procedure A: Travel within the Continental United States (Other than for Sex Offenders)
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V. ATTACHMENTS

- Attachment A: Out of State Travel Permit

VI. PROCEDURES

Procedure A: Travel within the Continental United States (Other than for Sex Offenders)

1. For a person on probation or parole who is not identified as a sex offender under Department Policy (ACC) 9.7, Sex Offender Management, permission to travel within the continental United States may be granted by the person's probation officer, unless such travel is prohibited by the conditions of probation or parole, as applicable, or is not permitted under the Interstate Compact on Adult Offender Supervision.
2. Travel within the continental United States may be granted if there is a legitimate purpose (e.g., medical care that is necessary and unavailable within the State of Maine, employment, education, attendance at a funeral, deathbed visit, wedding, graduation, vacation, etc.) and there is no significant risk that the person will not comply with the travel permit or will otherwise violate a condition of supervision.
3. Permission to travel shall not be granted to circumvent, directly or indirectly, the requirements of the Interstate Compact. When a person on probation or parole is requesting permission to travel for a single trip for an extended period of time, the probation officer shall not authorize travel for a period exceeding forty-five (45) days.
4. When a person on probation or parole is requesting permission to travel on a periodic basis (e.g., daily employment out of state), the probation officer shall not authorize travel for a period exceeding sixty (60) days, but additional permits for travel on a periodic basis may be issued upon review of the purpose and risk.
5. If permission is granted to travel out of state, prior to the person's departure, the probation officer shall:
 - a. ensure that an Out of State Travel Permit (Attachment A) has been signed by the person and the probation officer;
 - b. ensure that the person has read or has had read to him or her the "waiver of extradition" language located on the lower portion of the permit and that the person understands the language contained in this statement;
 - c. explain to the person that unapproved changes in travel plans or failure to return at the time designated on the travel permit may result in a revocation of probation or parole, as applicable;
 - d. document in CORIS that permission to travel out of state has been granted and the related details; and
 - e. ensure required travel permit fees have been paid and the payment documented in CORIS.

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Procedure B: Travel outside the Continental United States (Other than for Sex Offenders)

1. For a person on probation or parole who is not identified as a sex offender under Department Policy (ACC) 9.7, Sex Offender Management, permission to travel outside the continental United States may be granted by (and only by) the Regional Correctional Administrator, or designee, after consultation with the person's probation officer, unless such travel is prohibited by the conditions of probation or parole, as applicable, or is not permitted under the Interstate Compact on Adult Offender Supervision.
2. Permission to travel to Hawaii, Alaska, Puerto Rico, the United States Virgin Islands, American Samoa, or any other U.S. jurisdiction outside the continental United States shall not be granted unless there is a legitimate purpose (e.g., attendance at a funeral, deathbed visit, wedding, graduation, vacation, etc.) and there is no significant risk that the person will not comply with the travel permit or will otherwise violate a condition of supervision.
3. Permission to travel shall not be granted to circumvent, directly or indirectly, the requirements of the Interstate Compact. When a person on probation or parole is requesting travel for an extended period of time, the probation officer shall not authorize travel for a period exceeding forty-five (45) days.
4. Permission to travel to a foreign country shall not be granted unless there is a compelling purpose (e.g., attendance at a funeral of a close family member, deathbed visit to a close family member, etc.) and there is no significant risk that the person will not comply with the travel permit or will otherwise violate a condition of supervision.
5. In addition, if the person is not a citizen of the destination country, he or she must first request and receive written permission from the immigration office or consulate office of the country that they wish to travel to and must provide evidence that he or she has fully disclosed to the immigration office or consulate office that he or she is presently on probation or parole and the nature of the offense for which he or she is on probation or parole.
6. If permission is granted to travel outside the continental United States, prior to the person's departure, the probation officer shall complete the requirements set out above in Procedure A.4.

Procedure C: Out of State Travel for Sex Offenders

1. For a person on probation or parole who is identified as a sex offender under Department Policy (ACC) 9.7, Sex Offender Management, or for a person on supervised release for sex offenders, in addition to the provisions that must be complied with for other persons under community supervision, as set out in Procedure A. or B. above, as applicable, the following provisions shall also be complied with.

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2. If the person is on supervised release for sex offenders, permission to travel out of state may be granted only by the Department's Director of Adult Community Corrections after consulting with the Regional Correctional Administrator and, as appropriate, the probation officer.
3. Unless an exception is made as set out below, at the time of his or her request for permission to travel out of state, the sex offender's record while under community supervision must be free, for a period of at least the prior twelve (12) consecutive months, of any criminal conviction, finding by a court of a violation of a condition, pending criminal charge, pending motion to revoke (whether for criminal conduct or a technical violation), or violation resulting in a graduated sanction (whether for criminal conduct or a technical violation), and his or her record must remain free of these up to and including the date of travel.
4. Unless an exception is made as set out below, if sex offender treatment was ordered by the court, the sex offender must have completed or be actively engaged in a Department of Corrections approved sex offender treatment program to the satisfaction of the treatment provider and the person's probation officer.
5. The Regional Correctional Administrator, or designee (or, in the case of a person on supervised release for sex offenders, the Department's Director of Adult Community Corrections) may make an exception to the requirements set out in C.3. above for employment-related travel.
6. The Regional Correctional Administrator, or designee (or, in the case of a person on supervised release for sex offenders, the Department's Director of Adult Community Corrections) may make an exception to any of the requirements set in C.3. or C.4. above for emergency travel. Emergency travel may include, but is not limited to, attendance at a funeral of a close family member, deathbed visit to a close family member, or necessary emergency medical care that is unavailable within Maine.
7. If permission is granted to a sex offender to travel out of state for an employment or education purpose, in addition to the requirements set out above in Procedure A.4., prior to the person's departure, the probation officer shall explain to the sex offender that he or she must provide notification to the appropriate criminal justice agencies, as required by the Maine Sex Offender Registration law.
8. If permission is granted to a sex offender to travel out of state for any purpose, in addition to the requirements set out above., prior to the person's departure, the probation officer shall explain to the sex offender that he or she must obtain information about and comply with any applicable sex offender registration law of the other jurisdiction.

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Procedure D: Imposition of Out of State Travel Permit Fees

1. A person on probation or on supervised release for sex offenders shall be required to pay an out of state travel application fee as set forth in Department Policy (ACC) 9.6, Restitution and Fees, Procedure F.
2. A person on probation or on supervised release for sex offenders shall be required to pay a monthly fee if permission is sought and granted to travel out of state on a periodic basis as set forth in Department Policy (ACC) 9.6, Restitution and Fees, Procedure F.
3. There are no travel permit fees for a person on parole.

VII. PROFESSIONAL STANDARDS

None

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