



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

DIRECTOR:

Wayne P. Sabat Jr.

POLICY
NUMBER:
28.24-3 DOC

EFFECTIVE
DATE:
01/10/2024

SUBJECT:
OUT-OF-STATE TRAVEL BY
OFFENDERS

LAST REVIEWED:
11/2023

SECTION:
PROBATION AND PAROLE

SUPERSEDES:
28.24-2

AUTHORITY: Rhode Island General Laws (RIGL) § 12-18-2, Return of Probationers or Parolees from Outside State; § 42-56-7, Probation and Parole § 42-56-10 (22), Powers of the director; Pelland v. RI, 317 F.Supp. 2d 86 (D.R.I. 2004)

REFERENCES: Interstate Compact on Probation and Parole; Conditions of Probation and Conditions of Parole

INMATE/PUBLIC ACCESS: YES

AVAILABLE IN SPANISH: YES

I. **PURPOSE:**

To describe restrictions on out-of-state travel by probationers and parolees.

II. **POLICY:**

In order to provide for public safety and offender rehabilitation, permission for out-of-state travel by probationers and parolees is subject to approval by staff of the Rhode Island Department of Corrections' (RIDOC's) Adult Probation and Parole unit. Such travel may be limited in duration, conditions, or purpose. A written [Out-of-State Travel Permit](#), which delineates such limitations, is required before authorized travel occurs. Permission to travel is a privilege and not a right while an offender is on Probation and/or Parole.

III. PROCEDURES:

- A. Under the supervision of Adult Probation and Parole, probationers and parolees are subject to the jurisdiction of the Rhode Island Courts and/or the Rhode Island Parole Board. Offenders shall be required to remain physically within the jurisdiction (the State of Rhode Island) unless there is reason to believe they will return voluntarily when and if required. The State of Rhode Island is legally empowered to cause any offender who has left the state while on probation and/or parole to be returned.
- B. Explanation of Travel Restrictions
1. Adult Probation and Parole staff shall inform offenders that travel is a privilege and not a right while said offender is on probation and/or parole. Offenders may not leave the State of Rhode Island except with the prior approval of the Adult Probation and Parole Officer.
 2. At the Adult Probation and Parole Officer's discretion, an offender may be given verbal permission to travel outside the state if no overnight stay is involved, except for sex offenders and parolees who need [Out-of-State Travel Permits](#) for each and every instance of travel out-of-state. Authorization for other offenders may be provided as a general allowance or may be required for each such trip.
 3. Offenders are required to give advance notice and make requests for written [Out-of-State Travel Permits](#) for out-of-state travel in every case where travel involves one or more overnight stays.
 4. Travel authorization may be denied, or permitted under specified restrictions - i.e., individuals who have histories of sex offenses, absconding, lack of compliance with terms of probation, or other indicators of risk; when purpose of travel is unclear or unsuitable; when there are significant questions about means of travel, companions, or intention to return to Rhode Island; when the offender is required to appear before a Rhode Island Court or the Parole Board during the period of proposed absence; or when travel would be inappropriate for other reasons.
 5. Adult Probation and Parole staff shall inform offenders planning or considering a permanent move to another state that approval is subject to the provisions of the Interstate Compact on Probation and Parole.

6. Travel permits must not exceed forty-five (45) days; if necessary and appropriate. (Thirty (30) day travel permit with a travel permit extension for an additional fifteen (15) days for a total of forty-five (45) days.) Probationers seeking permission to travel out-of-state must be instructed not to go to the courts to request permission to travel.
 7. Travel time beyond forty-five (45) days requires an assessment through the interstate transfer process as set forth in the Interstate Compact rules. Any extension of a travel permit must not be used to circumvent the requirements of the Interstate Compact.
 8. International Travel - Additional considerations are to be given to international travel. Requests for international travel requires Administrator approval.
- C. Criteria for Granting Travel Privileges
1. Standard Considerations:
 - a. Compliance with the conditions of probation, special or otherwise (reporting, restitution obligations, probation fees, treatment, etc.)
 - b. No Rhode Island bench warrants or pending charges
 - c. Length of time since release from custody
 - d. Length of time on probation and/or parole
 - e. Nature of the offense (degree of violence, sexual nature, lethality factors, use of weapons, etc.)
 - f. Totality of the criminal history and any additional social history information (has the offender absconded from Rhode Island while on probation and/or parole; is there a history of absconding?)
 - g. Consideration of victim issues and/or community concerns
 - h. Relevant risk factors (assessment information/ psychosocial factors)
 - i. Nature of travel request
 - j. Status in treatment and consideration of treatment provider recommendation
 - k. Verification must be done through Interstate Compact Offender Tracking System (ICOTS) to determine possible receiving state restrictions

2. Sex Offender Specific Offenders:

In addition to the criteria outlined in [III.C.1](#) Standard Criteria above, offenders in this category need:

- a. Information provided by treatment provider regarding offender's status in sex offender treatment (attendance, attitude, level of engagement, grasp of treatment concepts, etc.)
- b. If the offender is in sex offender treatment, the therapist shall be consulted about whether the proposed travel is appropriate to the offender's treatment goals and progress.
- c. Attending religious services, with time limits, may be granted as long as no risk to the community exists; offender's willingness to accept probation contact with a religious institution official regarding the offender's sex offender status and a determination has been made that there is a pro-social tie and substantive relationship with said religious institution.

3. Parole Specific Offenders:

In addition to the criteria outlined in [III.C.1](#), Standard Criteria above, items to take into consideration are:

- a. Parolees are not allowed to travel internationally without permission of the Parole Board
- b. Institutional non-compliance
- c. Compliance with the conditions of parole
- d. Type of release status (e.g., straight parole, electronic monitoring parole, global positioning system, community supervision, etc.)

D. [Out-of-State Travel Permit](#)

1. The Adult Probation and Parole Officer shall note in the case record any requests for out-of-state travel; purpose of travel; whether granted or denied; and reason(s) for decision.
2. The original of any written [Out-of-State Travel Permit](#) is provided to the offender, and a copy is retained in the case record. Additionally, if the offender is on parole and/or a sex offender on probation and/or parole, a

copy of the permit must be sent by fax to the Interstate Compact Coordinator of the state the offender is requesting to visit (day and/or overnight visits).

- a. The [Out-of-State Travel Permit](#) specifies the dates of departure and return, destination, purpose, mode of transportation, companion(s), and special instructions, which may include specific restrictions, reporting upon arrival and/or return, or other requirements.
 - b. Offender must waive extradition if required by this or any other state to return to Rhode Island.
3. [Out-of-State Travel Permits](#) are subject to review and approval by Adult Probation and Parole supervisory staff.