

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

POLICY REGARDING  
PASSPORTS/TRAVEL DOCUMENTS  
SURRENDERED AS A CONDITION OF  
PRETRIAL RELEASE

STANDING ORDER NO. 2023-21

**STANDING ORDER**

**WHEREAS**, the authority to impose upon a defendant the surrender of travel documents as a condition of pretrial release is governed by 18 U.S.C. § 3142(c)(1)(B)(xiv);

**WHEREAS**, the disposition of surrendered passports is governed by the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5*;

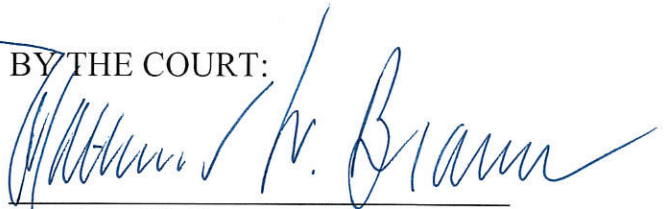
**IT IS HEREBY ORDERED** that passports and travel documents previously surrendered to the United States District Court Clerk's Office or the Probation Office as a condition of pretrial release or otherwise surrendered pursuant to the investigation and prosecution of a matter pending before this Court shall be maintained and disposed of by the probation office, absent any Order to the contrary, as follows:

1. Passports and travel documents will be returned to all defendants whose case was disposed of via dismissal and acquittal. The defendant must sign a Passport Receipt (PS41) and cancellation of "Stop Notice" (PS40) must be sent to the Department of State. **Exception:** If the passport is known to have been issued in a false name, the custodian should seek court permission to return the document to the Department of State (if a United States passport) or to the Bureau of Immigration and Customs Enforcement (ICE) utilizing the Notice Regarding Foreign Passport for Criminal Defendant unless the document is being held for evidentiary purposes in another proceeding.
2. When a non-custodial sentence is imposed on a U.S. citizen, passports and travel documents will be returned to the defendant upon imposition of sentence. The defendant must sign a Passport Receipt (Modified PS41), and cancellation of "Stop Notice" as well as the Judgment of Conviction (JOC) must be sent to the Department of State.

3. When a custodial sentence is imposed, the probation office shall transfer all passports and/or travel documents to the U.S. Department of State, the issuing agency, or the U.S. Department of Homeland Security, Immigration, and Customs Enforcement utilizing Notice Regarding Foreign Passport for Criminal Defendant (PS40A), as applicable, in accordance with the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5, Section 535.45.20*.
4. When a case is closed due to fugitive status over 60 days, U.S. passports will be transferred to the Department of State utilizing the Stop Notice and reflecting said status. Foreign passports for non-U.S. citizens will be transferred to Immigration and Customs Enforcement (ICE) utilizing the Notice Regarding Foreign Passport for Criminal Defendant, and reflecting fugitive status.
5. No passport held as a condition of bail may be used as evidence by or disclosed to the prosecution without the permission of the Court.
6. Probation office shall otherwise comply with the procedures set forth in the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5, Section 535.45.20*.
7. Should counsel in a specific case wish to seek a modification of this policy based on individual circumstances, they may make such a request to the assigned Judge, who shall retain discretion to set individualized procedures for the disposition of travel documents surrendered by a defendant as a condition of pretrial release.

Dated: November 6, 2023

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Matthew W. Brann", written over a horizontal line.

Matthew W. Brann  
Chief United States District Judge