

COURTESY SUPERVISION AND INTERSTATE COMPACT (ADULT)

- AUTHORITY:** Sections 1203, and 11175 through 11181, California Penal Code
Agreements of the Parole and Probation Compact Administrator's
Association
- RESCINDS:** Procedure Manual Item 2-3-006, dated 03/15/10
- FORMS:** Travel Permit (F057-1056)
Arrival Notice (F057-2034)
Instructions to Adult Probation (F057-1117.2)
Action Request
Assessment of Adult Risk
Report Letter for Reporting Instructions
DNA Notice
Authorization for Medical Release
Departure Notice
Notice to Report for Supervision-online
Referrals for Services
Drug, Arson & Sex Offender Registration Notice
Summary Grant Probation Information (F057-2072)
- Interstate Compact forms for Adult Offenders, Supervision Rules online
at www.interstatecompact.org
- PURPOSE:** To outline the procedure for the transfer of supervision of adult probation
cases between other states and the Orange County Probation
Department.

I. GENERAL INFORMATION

A. Eligibility Criteria

All rules for movement of felony and some misdemeanor probationers across state lines for the purpose of returning to or establishing residence in another state are contained in and governed by the Interstate Compact for Adult Offender Supervision (**ICOTS**) dated 2008. **All information sent or received from member states will be processed via Unit 220 (Interstate Compact Division) / ICOTS.**

1. Eligibility criteria in Interstate Compact agreement.
2. Application criteria subject to interpretation.
3. Consultation between assigned Deputy Probation Officer and California Interstate Compact Office in Sacramento is encouraged, as needed.

B. Interstate Compact

1. Applies to probationers convicted of FELONIES AND SOME MISDEMEANORS in other states in the U.S. who already reside in California, or wish to relocate to California.

Misdemeanors are ineligible except those convicted of:

- a. Crimes involving physical or psychological harm;
 - b. Use or possession of a firearm;
 - c. 2nd or subsequent DUI;
 - d. Sex offense requiring 290 PC registration.
2. The compact agreement prohibits release of a probationer to another state until the case has been referred to the other state's Administrator of the Interstate Compact.

AND

3. The local agency in the receiving state has investigated the prospective home, and employment of the probationer.

AND

4. Screened the applicant to determine that he/she meets the requirements for transfer.

AND

5. The receiving agency approves the transfer.

OR

CA ISC has given Reporting Instructions for the probationer to proceed in advance of the investigation. The sending state can issue a travel permit at this time.

6. The probationer may not move/return to the receiving state until the sending state/probationer has received reporting instructions to proceed to the sending state or the receiving state has approved the transfer.
 - a. Transfer of supervision to be extended if the probationer is a resident.
 - b. Has resident family willing and able to assist in plan of supervision.
 - c. Military member.
 - d. Lives with family who are military members.

- e. Employer transfer of family member to another state and resides with the family member.
 - f. With discretion: justification must contain case plan. If sending state has sent sufficient justification to transfer case that does not meet the eligibility requirement. The receiving state may accept as appropriate.
7. An offender shall be eligible for transfer of supervision to a receiving state under the compact and the receiving state shall accept transfer, if the offender:
- a. Has more than 90 days or an indefinite period of supervision remaining; and
 - b. Has a valid plan of supervision; and
 - c. Is in substantial compliance with the terms of supervision in the sending state.
8. The Interstate Compact officer in Sacramento has the authority to issue **Reporting Instructions** for the probationer to proceed to Orange County prior to the transmission of the formal transfer request packet.
9. The probationer must have reporting instructions prior to the sending state issuing a travel permit for the probationer to come to Orange County. The receiving state assumes responsibility for supervision upon the offender's arrival.
10. Per the Interstate Compact, if the probationer leaves the sending state without permission of the receiving state, the sending state must order him/her to return.

C. Interstate Compact

- 1. Applies to probationers who reside beyond the boundaries of the state in which they were placed on probation.
- 2. The Compact Agreement prohibits release of a probationer to another state unless:
 - a. The case has been referred to the California Administrator of the Interstate Compact, and
 - b. The corresponding agency in the receiving state has investigated the prospective home and employment of the probationer, and
 - c. The receiving agency approves issuance of **Reporting Instructions**.

D. Eligible Probationer

Eligibility is governed by the Compact rules as defined:

"Resident" means a person who---

1. Has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
2. Intends that such state shall be the person's principal place of residence; and
3. Has not, unless incarcerated, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

"Resident family" means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who---

1. Has resided in the receiving state for 180 days or longer as of the date of the transfer request; and
2. Indicates willingness and ability to assist the offender as specified in the plan of supervision.

E. Non-eligible Probationer

1. Cases pending violations.
2. Outstanding warrants.
3. Persons subject to supervision pursuant to intervention programs, bail or similar programs or is released from incarceration under a work release, furlough, or other pre-parole program.

II. PROCEDURE

A. ORANGE COUNTY PROCESSING FOR INCOMING INTERSTATE CASES

1. Incoming **Reporting Instructions** and **Transfer Request** packets are received **via ICOTS** by the **assigned interstate compact DPO**. The unit supervisor **will be notified**, logs them and assigns them to a DPO.
2. The unit clerk processes the assignment, creates a file (ensuring that an I# is issued if an A#, C#, or I# packet doesn't already exist), and requests a record check and gives the file to the assigned DPO.
3. Reporting Instructions are sent via **ICOTS** to the **assigned interstate compact DPO**.
 - a. The **sending state** DPO directs the probationer to report **as directed in the approved Reporting Instructions**.
 - b. **The probationer will complete a summary grant. He/She will be given instructions to report weekly in person or by phone.**

B. DPO Investigation of Cases

1. Assigned DPO completes the appropriate forms after review of all available data.
2. Some review and completion of the forms are ideally done prior to the interview.
3. Missing information regarding the offense and clarification of the documents should be sought via **ICOTS Compact Action Request** prior to the interview.
4. Schedule an appointment with the probationer with a letter or via telephone.
5. Instruct the probationer to bring the following items with them to the interview:
 - a. Personal identification such as:
 - (1) Driver's License or DMV issued identification card
 - (2) Birth Certificate
 - (3) Passport
 - (4) INS card
 - (5) SSN
 - b. Proof of residence such as:
 - (1) Utility bill for specified address
 - (2) Rental agreement
 - (3) Mortgage papers
 - c. Proof of Employment or source of income.
 - d. Proof of enrollment in required treatment or classes.
 - e. Offender Registration, if required.
6. Finalize forms.
 - a. Initial Risk/Need forms
 - b. Terms and Conditions of Probation
 - c. Medical/Psychological Release

- d. Instructions to clerical to enter the court order into ICMS
 - e. Notice to appear, if appropriate
 - f. Routing slip for SPO and unit clerk
 - g. Referrals for probationers to appropriate programs, volunteer center(s), counseling, DNA collection; drug, sex, arson registration (DNA collected on all accepted cases whether or not done in sending state).
7. Determine whether probationer is acceptable/eligible for Interstate Compact to California. **The assigned interstate compact DPO will:**
- a. Clarify upcoming court hearings or other cases.
 - b. Complete the following **via ICOTS**:

Acceptance of Interstate Compact transfer to California

OR

Notice of Arrival if transfer has already been accepted

OR

Denial of Interstate Compact transfer including the reason.
8. Place all forms in the file and submit all forms to Unit SPO.

After review and approval, SPO will give file to unit clerk.
9. Unit clerk secures issuance of A# or C#.
- a. Unit clerk makes entries into ICMS and unit ledger.
 - b. Sends A-file to the appropriate field office for assignment.
- C. Supervision of Interstate Compact cases in Orange County.
1. Once accepted, the assigned DPO and Orange County Probation Department are responsible for the probationer's supervision according to the departmental standards.
 2. If the case classification drops below the level of being supervised by the field units, the case must be transferred to the Banked Interstate Compact DPO in Unit 220. It may not be closed due to the classification level.
 3. Whenever a RISK/NEED CLASSIFICATION CHRONO is required, send a PROGRESS REPORT (form online) TO THE SENDING STATE VIA **ICOTS**.

4. Send a PROGRESS REPORT FORM to the sending state when they specifically request one.
5. All progress reports and violations are sent to the sending state via **ICOTS**.
6. If the probationer requests and receives permission to move to another county in California, the assigned field DPO must:
 - a. Verify the prospective address and reasons for the move.
 - b. Complete an offender Interstate Compact **County to County** Transfer form.
 - c. Send a copy of the **County to County** Transfer form to the California Interstate Compact Office in Sacramento.
 - d. Retain supervision of and responsibility for the case until you receive a response from the receiving California county.
 - e. After acceptance by the other California county, complete a **Compact** Action Request for the closure of Orange County's interest in the case. Do not use the CASE CLOSURE NOTICE FORM and do not close California's interest in the case. Send this notice to the California Interstate Compact Office in Sacramento **via ICOTS**.
 - f. Complete the appropriate chronos to close the Orange County case.
7. If the probationer requests permission to move out of the state of California:
 - a. If he/she is requesting to return to his/her sending state:
 - (1) Verify prospective residence and plans.
 - (2) **The assigned interstate compact DPO will request Reporting Instructions from the receiving state via ICOTS.**
 - (3) **Upon receipt of approved Reporting Instructions from the receiving state, issue the probationer a travel permit.**
 - b. Complete the appropriate RISK/NEEDS FORM AND CASE CLOSURE NOTICE (online) and final PROGRESS REPORT FORM (ONLINE).
 - c. Send a Closure Notice to Sending State via California Interstate Compact Office in Sacramento via **ICOTS**.

8. If the probationer violates his/her probation in a serious manner (i.e., new arrest, conviction, absconding) prepare an OFFENDER VIOLATION FORM and attach support documents (police reports, court orders, copy of returned mail etc.) and send it to the sending state via the California Interstate Compact Office in Sacramento **within 30 days of the date of violation.**
 - a. Include your suggested disposition of the probation violation (handle informally, return to court, request a warrant of arrest).
 - b. Retain the case and actively supervise the case as appropriate.
 - c. Do not close the case unless and until you receive written instructions to close it from the sending state and/or a warrant of arrest is issued.

9. When the case reaches the expiration date:
 - a. Complete the Risk/Need forms.
 - b. Complete the CASE CLOSURE FORM (ONLINE).
 - c. Send CASE CLOSURE FORM TO sending state via California Interstate Compact Office in Sacramento via **ICOTS**. Retain copies for file.
 - d. Close case and send to the A-file room in the usual manner.

REFERENCES:

Procedures:	2-1-101	Adult Restitution
	2-1-104	Chronological History Sheet - Adult
	2-3-008	Extradition
	2-3-012	Adult Cost of Probation and Cost of Incarceration Services
	2-3-018	Probationer Travel
	2-3-021	Adult Risk/Needs Assessment and Reassessment
Policies:	B-2	Inter and Intra-Agency Confidentiality
	E-4	Clients with Legal Residence Out of County
	E-6	Extradition
	E-8	Restitution

J. Nolen

APPROVED BY: Digitally signed by Keith Gotts
Date: 2014.08.05 15:29:15 -07'00'