

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

ADULT INTERSTATE COMPACT

Authority:

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Purpose: To establish guidelines for transferring the supervision of offenders to and from California under the provisions of the Interstate Compact.

Definitions:

Interstate Compact Coordinator (ICC): The liaison between San Bernardino County Probation Department and the Interstate Compact Adult Commission responsible for processing and forwarding interstate compact requests.

Interstate Compact Offender Tracking System (ICOTS): A web-based data system that facilitates supervising, transferring, accepting, denying, tracking, and returning of offenders from one state to another.

Receiving State: A state to which an offender is sent for supervision under provisions of the Interstate Compact.

Reporting Instructions: The orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state.

Requirements for Interstate Compact: An offender must be convicted of a felony, or certain qualifying misdemeanors. Those misdemeanors must include at least one of the following:

1. An offense in which a person has incurred direct or threatened physical or psychological harm;
2. An offense that involves the use or possession of a firearm;
3. A second or subsequent misdemeanor conviction for driving while impaired by drugs or alcohol;
4. A sex offense that requires the offender to register as a sex offender in the sending state.

Resident: 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 or on active military deployment, remained in another state or stayed for a continuous period of six months or more with the intent to establish a new principal place of residence.

Resident Family: 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 calendar 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.

Retake: The act of a sending state to remove a defendant from the receiving state by either picking up or directing an offender to return to the sending state, or by issuing a fully extraditable (NCIC) warrant.

Returning Resident: An offender who was living in the receiving state at the time of sentencing.

Sending State: A state requesting the transfer of an offender to another state for supervision under Interstate Compact provisions.

Transfer of Supervision: At the discretion of the sending state, an offender shall be eligible for transfer of supervision if the offender:

1. Has more than 90 days of supervision remaining;
2. Has a valid plan of supervision;
3. Is in substantial compliance;
4. Is a resident of the receiving state; or
5. Has resident family in the receiving state who has the willingness and ability to assist with the specified plan of supervision; and
6. Can obtain employment in the receiving state or has means of support.

Victim Notification: A notice from the sending/receiving state regarding the offender's movement to the sending/receiving state as specified in Interstate Commission of Offender Supervision Rules 3.108 and 3.108-1.

Victim Sensitive Case: A case designation made by the sending state in accordance with its definition of "crime victim" under the statutes governing the rights of crime victims in the sending state.

Responsibilities:

PROCESSING OUTGOING INTERSTATE COMPACT REQUESTS

- I. Probation Officer (PO):
 - A. Complete the "IC – Interstate Compact Transfer Checklist" and "Application for Compact Transfer" located in CE documents along with all the documents listed in the forms (E.g. Police Reports, Utility Bills, etc.) and submit them to the Unit Supervising Probation Officer (SPO) for approval.
 - B. Upon approval, send the transfer request packet with supporting documentation to the respective ICC via interoffice or scanned/emailed.
 - C. Transfer the case to the ICC for supervision when requested by the ICC.
 - D. Verify a clear and up-close photograph of the offender is updated in CE. (Portrait, NOT landscape).
- II. Supervising Probation Officer (SPO):
 - A. Review the Interstate Compact Transfer Checklist and determine if the offender, who has been convicted of a felony or certain qualifying misdemeanors, meets the criteria for out of state transfer.
 - B. If the offender qualifies, review the transfer packet to verify all needed information and documents are included and send it to the ICC.
- III. Interstate Compact Coordinator (ICC):
 - A. Review transfer packet.
 - B. Create the offender account and upload documents into ICOTS.

- C. Complete an Interstate Compact Transfer Travel Permit giving the offender permission to leave once approval has been received and submit a Notice of Departure to the receiving state.
- D. When needed, request the case be transferred by the supervision officer.
- E. Initiate procedures for notifying the victim in the sending/receiving state regarding the offender's change of residence within one business day from issuance of reporting instruction or acceptance of transfer.

RETURNING RESIDENTS REQUEST FOR REPORTING INSTRUCTIONS

- I. Probation Officer/Orientation and Assessment Unit:
 - A. Determine if the offender meets the qualifications for Reporting Instructions by completing the IC – Transfer Checklist (CE Documents) and obtaining approval from assigned unit SPO.
 - B. Send the request to the ICC within 72 hours to request Reporting Instructions (this is time sensitive).
 - C. Request a police report if one was not obtained or a PSI was not completed.
 - D. Obtain all supporting documentation proving the offender is a resident of receiving state (Utility Bill, Employment Letter, Letter of Support, etc.).
 - E. Verify there is no outstanding work release (The offender does not qualify for Reporting Instructions if work release is not completed or converted to community service).
 - F. If work release needs to be converted to community service, request the conversion through the Court within seven (7) business days.
 - G. Inform offenders they must remain in the sending state until approval is received.
- II. Interstate Compact Coordinator (ICC):
 - A. Review the IC – Transfer Checklist to determine eligibility for Reporting Instructions.
 - B. If suitable, request Reporting Instructions from the receiving state within seven (7) business days of the initial sentencing date or release from custody (after serving court ordered custody time).
 - C. Notify the PO if the request is denied/approved and complete the Interstate Compact Transfer Travel Permit.
 - D. Submit a Notice of Departure to the receiving state when applicable.
 - E. Complete the Compact Transfer Travel Permit when applicable.
 - F. Contact the assigned PO if any action is necessary.
- III. Supervising Probation Officer (SPO)/Orientation and Assessment Unit:
 - A. Review documents and determine eligibility for Reporting Instructions.
 - B. If case is eligible, notify the ISC unit SPO and ICC immediately.
 - C. Send the offender's file to the designated supervision unit.
 - D. Ensure IC/Transfer Checklist is complete and send supporting documents to the ICC immediately.
- IV. Probation Officer/Supervision Unit:
 - A. Gather the defendant's plan of travel (Mode of travel, tickets, companions, departure/arrival dates, etc.) and provide it to the ICC after receiving approval from the receiving state.
 - B. If the offender is not on a specialized caseload (Sex Offender, PRCS, or Domestic Violence), transfer the case to the ICC for supervision after approval or when requested by the ICC. If the case is on a specialized caseload, the supervision probation officer will retain the file.

PROCESSING INCOMING INTERSTATE COMPACT TRANSFER REQUESTS

- I. Interstate Compact Coordinator (ICC):
 - A. Review all documents received via ICOTS and email them to the Probation Adult Legal Department.
 - B. Complete an investigation and render a decision to the sending state within 45 days.
 - C. Once the offender reports, submit a Notice of Arrival to the sending state.
 - D. If the defendant's Transfer Request is denied, initiate the offenders return to the sending state within fifteen (15) business days.
 - E. Initiate victim notification procedures regarding the offender's change of residence within one business day from issuance of reporting instruction or acceptance of transfer.
 - F. Review the Notice of Departure and ensure the defendant reports as directed.
 - G. If the defendant fails to report as directed by the sending state, submit a Notice of Failure to Arrive to the sending state.

SUPERVISION AS RECEIVING STATE

- I. Interstate Compact Coordinator (ICC):
 - A. Review the Notice of Departure and ensure the defendant reports as directed.
 - B. Once contacted by the offender upon arrival and the case has been accepted, send the case file to the Orientation and Assessment Unit and provide the offender with instructions for reporting to the specified unit.
 - C. Act as the liaison between the supervision PO and the sending state.
- II. Probation Officer (PO)/Orientation and Assessment:
 - A. Complete orientation with the offender to include supervision expectations and a review of terms and conditions from the sending state and receiving state.
- III. Supervising Probation Officer (SPO)/Orientation Unit:
 - A. Assign the offender to the designated supervision unit.
- IV. Probation Officer (PO)/Supervision Unit:
 - A. Notify the ICC when an offender:
 1. Commits a probation violation, is arrested, receives a citation, and/or has new pending charges, or a warrant is issued;
 2. Changes address;
 3. Requests to return to the sending state where the offender's victim resides;
 4. Departs the receiving state under an approved plan of supervision in a subsequent Receiving State;
 5. Is issued a temporary travel permit.

PROGRESS REPORTS

- I. Probation Officer:
 - A. Complete the Progress Report by the due date as requested by the ICC and notify the SPO when it is complete and ready for review. Include the following information:
 1. An update on the offender's progress since the last progress report was submitted.
 2. Components/terms that have been completed and are still outstanding. If a component has been completed, submit the certificate or documentation indicating completion.
 3. Updated information on fines and fees.
 4. Run a CLETS report to check for any new arrests. If there is a new arrest, submit a police report with the progress report, as well as any court information.
 - B. Submit a Progress Report within 30 calendar days from the date of a violation or from the date of discovery when an offender has committed any technical or new law violations.

- C. May submit a Progress Report if early termination of probation supervision is suitable or to inform the sending state of positive progress.
- II. Interstate Compact Coordinator (ICC):
 - A. Notify the assigned PO and the assigned SPO when a progress report has been requested including a due date.
 - B. Transfer the information into ICOTS and submit to the sending state for review.
- III. Supervising Probation Officer (SPO)/Supervision Unit:
 - A. Review the Progress Report for accuracy, professional appearance and content, and ensure it is submitted in a timely manner.
 - B. Advise the ICC when the Progress Report is ready to be submitted to ICOTS.

VIOLATION REPORTS

- I. Probation Officer (Supervision):
 - A. Use discretion and obtain SPO approval to address violations.
 - B. Complete an IC-Violation, located in CE documents, when an offender is convicted of a felony offense, violent offense, sex offense, or is an absconder. If the offender is determined to be an absconder, conduct a home visit within the 30 days prior to submitting the violation report.
 - C. May make the following recommendation on the IC-Violation: Warrant Request or Return to sending state.
 - D. Notify their SPO once the report is complete and ready for review.
- II. Interstate Compact Coordinator (ICC):
 - A. Review the Violation Report and transfer violation information into ICOTS and forward to the State Office for review when appropriate.
 - B. Submit Violation Reports to the sending state within thirty (30) days of the violation or date of discovery.
 - C. When a defendant absconds, issue a fully extraditable (NCIC) warrant.
- III. Supervising Probation Officer (SPO)- Supervision Unit:
 - A. Review the Violation Report for accuracy, professional appearance and content, and ensure it is submitted in a timely manner.
 - B. Advise the ICC when the Violation Report is ready to be submitted to ICOTS.

PROBABLE CAUSE HEARING

- I. Interstate Compact Coordinator (ICC):
 - A. When applicable, issue a PC 1203.2/PC11177.1 hold immediately and complete the probable cause paperwork if no additional holds are in effect within forty-eight (48) hours.
 - B. Notify the receiving state within fifteen (15) business days of the decision to retake or other action to be taken.
 - C. Once the offender is retaken by the sending state, submit a Case Closure Notice to the sending state.

CASE CLOSURE NOTICES

- I. Interstate Compact Coordinator (ICC):
 - A. Submit (receiving state) or approve/deny (sending state) the Case Closure Notice as applicable. Validate or deny the request and submit documentation from the Court to extend the offender's probation as applicable.

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- B. If the offender is an absconder, submit the Case Closure Notice Request and Violation Report to the sending state.

Guidelines:

- A. Once the documents have been uploaded and submitted through ICOTS, the Receiving State has 45 days to render a decision. The offender may not leave the state until approval has been received from the receiving state.
- B. The ICC is the only person allowed to issue Interstate Compact Transfer Travel Permits.
- C. The receiving state shall supervise offenders consistent with the supervision of similar cases sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.
- D. The sending state has (10) ten business days to respond to the violation report. The response from the sending state shall include action to be taken and the date which that action will begin and its estimated completion date. They may be required to issue a fully extraditable (NCIC) warrant for the return of the offender.
- E. The sending state has thirty (30) calendar days to retake a case once the offender is solely in custody on the sending state's warrant.
- F. The probation officer supervising an incoming case should NOT close the case until the ICC has contacted them with an approved Case Closure Notice.
- G. The sending state is required to approve the Case Closure Notice within fifteen (15) days.
- H. The sending state has the sole authority to discharge/terminate supervision of the offender.


Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

Interstate Commission of Offender Supervision Rules

Issued by:



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