

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

Policy Number: ISC-01

Applicability: IDOC, CBC

Policy Code: Public Access

Iowa Code Reference: Chapter 907B

Chapter 7: INTERSTATE COMPACT

Sub Chapter: COMMUNITY BASED CORRECTIONS (CBC)

Related DOC Policies: N/A

Administrative Code Reference: 201-46 (ICAOS Rules 2.105, 3.102, 3.103, 3.107)

Subject: TRANSFER OF SUPERVISION OF IOWA CASES TO OTHER STATES AND  
INTERSTATE COMPACT FEE

ACA Standards: APPFS 3-3180, APPFS 3-3181, APPFS 3-3183, APPFS 3-3184

Responsibility: Sally Kreamer

Effective Date: June 2020

Authority:

### **1. PURPOSE**

To implement the provisions of the Interstate Compact for Adult Offender Supervision (ICAOS).

### **2. POLICY**

It is the policy of the Iowa Department of Corrections (IDOC) that the Interstate Compact office is responsible for receiving and distributing all materials necessary for transferring the supervision of an Iowa Probation or Parole case to another state or requesting an investigation prior to parole being granted.

### **CONTENTS**

- A. Initiating a Transfer
- B. Interstate Compact Transfer Fee
- C. Parole Transfers out of State
- D. Transfers from field supervision
- E. Transfer from Work Release
- F. Eligibility of Transfer

### **3. DEFINITIONS – As used in this document:**

- A. Interstate Commission for Adult Offender Supervision (ICAOS) - The governing commission that provides the rules and forms for Compact use.
- B. Interstate Compact Offender Tracking System (ICOTS) – This is a web-based electronic system that manages the interstate movement of clients under the auspices of ICAOS.
- C. Eligible Client – Under the rules of the Interstate Compact a client is eligible for transfer if they are an adult placed under the supervision and released to the community under the jurisdiction of the courts, paroling authorities, corrections or other criminal justice agencies. The convicting offense must be felony or a misdemeanor with a sentence that includes at least one year or more of supervision. Further, the misdemeanor offense must be one or more of the offense types outlined in the **ICAOS rule 2.105**.
- D. See IDOC Policy **AD-GA-16** for additional Definitions.

### **4. PROCEDURES**

#### **A. Initiating a Transfer**

- 1. The necessary information and materials for transferring a case to another state shall be entered into the ICOTS system by the supervising agent or prison records office staff.
- 2. The ICAOS client's application must be typed and signed by the client. The compact office will be unable to forward unsigned documents to receiving states. Likewise, hand written documents cannot be forwarded to receiving states.
- 3. Transfer materials entered in ICOTS shall include the ICAOS client application signed by the client, client's criminal history, a photograph of the client, Probation or Parole Agreement signed by the client, Description of the Instant Offense, Judgment and Sentencing Order, any orders restricting the client's contact with victims or any other person, information as to whether the client is subject to sex offender registry requirements in Iowa, along with supportive documentation, Pre-sentence investigation report, if available, information relating to any court ordered financial obligations including but not limited to; fines, court costs, restitution and family support including the balance owed by the client on each; and the address of the office to which payments must be made,

medical information, if available; and a summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law. A supervision history must be included if the client has been under supervision for longer than 30 days.

## **B. Interstate Compact Transfer Fee**

1. All cases transferring out of Iowa shall be assessed an Interstate Compact Application Fee in the amount of \$100.00.
2. The fee is nonrefundable and will be assessed for each transfer request to a separate state.
3. The **ISC-01 F-5, Interstate Compact Fee Acknowledgment** form should be signed by the client at the time the request for transfer is made. Because this is an application fee, the client should pay the fee at the time request for transfer is made and the appropriate transfer forms are signed.
4. If a probationer is a resident of the receiving state at the time of sentencing and is unable to pay the fee at initial sign-up the transfer may be processed and the probationer may be allowed to proceed to the receiving state with the fee to be paid within 30 days of departing the state.
5. In other probation transfer cases the transfer request shall not be entered into ICOTS nor should the client be allowed to depart the state until the fee is collected.
6. Parolees should not be allowed to leave Iowa until the fee is collected. The fee shall be paid from the client's account in the form of an institutional check or money order made payable to Treasurer - State of Iowa.
7. The money order or institutional check should be forwarded to the compact office at the time the transfer is entered into the ICOTS system.
8. Probationers released from prison under reconsideration shall be considered to be parolees for the purposes of the compact.
9. In the event a transfer investigation request for a paroling client is submitted and the compact application fee is paid relative to a client later determined not to be an eligible client. The application fee may be

refunded to the client's institutional account with the approval of the Deputy Director of Institution Operations.

### **C. Parole Transfers out of State**

When a parole case has been accepted in the other state, parolee before release must sign the Parole Agreement, with special conditions. The original signed parole agreement should be entered in ICON as an Offender Attachment. **(APPFS 3-3181)**

### **D. Transfers from field supervision**

1. The necessary materials for transferring a parole case from field supervision shall be the same as Parole transfers from an institution. In addition, a supervision history defining the parolee's progress of supervision shall be included in the transfer materials entered into ICOTS.
2. Fees
  - a. The transfer should not be processed nor the parolee be allowed to depart the state until the fee is paid.
  - b. The fee shall be paid in the form of a money order made payable to Treasurer- State of Iowa and forwarded to the compact office.

### **E. Transfer from Work Release**

1. The necessary materials for transferring a case on work release but not yet paroled shall be the same as Parole transfers out to state, except there will be no "parole order." The Compact rules allow for these requests to be submitted no more than 120 days prior to an anticipated parole.
2. Fees
  - a. Work release residents shall sign the **ISC-01 F-5, Interstate Compact Application Fee Acknowledgment Form** and the fee shall be collected at the time of the request for transfer.
  - b. The transfer should not be processed nor should the client be allowed to depart the state until the Interstate compact application fee is paid.

- c. The fee shall be paid from the client's account in the form of a money order, or a Judicial District check made payable to Treasurer- State of Iowa.
- d. The money order must be forwarded to the compact office at the time the transfer is entered into ICOTS.

## **F. Eligibility of Transfer**

No Iowa client who is eligible for transfer under the Interstate Compact for Adult Offender Supervision (ICAOS) shall be permitted to relocate to another state except as provided by the Interstate Compact for Adult Offender Supervision and as outlined in these policies. **(APPFS 3-3181)**

- 1. According to **ICAOS rule sec. 3.103(a)** "A sending state shall not allow an offender under supervision in the sending state to relocate to the receiving state without the receiving state's acceptance of the transfer of supervision."
  - a. Exceptions
    - 1) A sending state may grant a travel permit to a client who was living in the receiving state at the time of sentencing.
    - 2) This exception is not applicable to clients released to supervision from prison.
  - b. Reporting Instructions
    - 1) Reporting Instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state using ICOTS within seven days of the sentencing date or release to probation supervision. The sending state may grant a seven day travel permit once the sending state has verified the client is living in the receiving state.
    - 2) The receiving state shall issue reporting instructions no later than two business days following receipt of the request.
    - 3) The sending state shall ensure that the client signs all forms requiring the client's signature under **3.107** as outlined above, prior to granting a travel permit to the client. The sending state shall immediately transmit the signed forms

electronically or by telefax to the receiving state upon request of the receiving state.

- 4) The sending state shall transmit a Notice of Departure to the receiving state per **Rule 4.105**.
- 5) This exception is applicable to clients incarcerated for six months or less and released to probation supervision.
- 6) A receiving state shall assume responsibility for supervision of a client who is granted reporting instructions upon arrival in the receiving state. The sending state shall submit a Transfer Request no later than 15 business days following the granting to the client of reporting instructions. Upon failure of the sending state to submit a Transfer Request within 15 calendar days or rejection of the transfer by the receiving state the sending state shall direct the client to return to the sending state immediately and supervision reverts to the sending state.
- 7) If the client does not return as ordered, the sending state shall initiate retaking of the client by issuing a warrant effective in all compacting states without limitation as to specific geographic area, no later than 10 days following the client's failure to return.

2. Therefore, when a client who is a resident of another state at the time of sentencing is placed on probation the probation officer will need to immediately have the client sign the appropriate forms as outlined above. The probation officer will then enter in the ICOTS system the Request for Reporting Instructions form and the **ISC-03 F-2, Travel Permit**, [and submit them] to the Iowa compact office. The Iowa compact office will then contact the compact office in the receiving state and obtain the reporting instructions. Once the reporting instructions are obtained, they should be forwarded by the sending agent to the client.
3. Upon the granting of reporting instructions the receiving state assumes responsibility for supervision of the client during the investigation of the client's plan of supervision. This process allows for a seamless transfer of supervision. At no time is an Iowa client in another state without active supervision in that state.

4. The probation officer will enter the transfer request into ICOTS within fourteen business days of the granting of a travel permit. Should a transfer ultimately be rejected the client must be required to return to Iowa. For further information the reader is directed to the **ICAOS rule Sec. 3.103**.
5. Probationers who are not residents of the receiving state at the time of sentencing, and parolees are not to be allowed to travel to another state for the purpose of relocation until the receiving state has investigated the plan and accepted supervision except in the extremely rare event that a client is granted an expedited transfer (See **ICAOS rule 3- 106**). Likewise, probationers released from prison under reconsideration shall remain in Iowa until granted permission of the receiving state to relocate.
6. A client who is employed in the receiving state at the time transfer request is submitted and has been permitted to travel to the receiving state for the employment while the transfer request is being investigated, provided the following conditions are met:
  - a. Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state;
  - b. The client shall return to the sending state daily during nonworking hours, and
  - c. The transfer request shall include notice that the client has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is being investigated.
7. When an Iowa client has been accepted by another state and been granted a travel permit for the purpose of relocating a departure notice shall be enter into ICOTS by using the ICAOS Notice of Departure form.
8. Finally, it should be noted that not all Misdemeanor probation cases are eligible for transfer under ICAOS. In order to be eligible for transfer a misdemeanor probation must meet all of the following criteria:
  - a. The client must be subject to one year or more of supervision and meet all of the other criteria for transfer as outlined in **rule 3.101**; and
  - b. Has not be convicted of or placed under supervision for a minor offense. Minor offenses do not include

- 1) An offense in which a victim has incurred direct or threatened physical or psychological harm;
- 2) An offense that involves use or possession of a firearm;
- 3) A second or subsequent offense of driving while impaired by drugs or alcohol; and
- 4) A sexual offense, which requires that a person register as a sex offender under Iowa law. A misdemeanor client who is not eligible for transfer under the compact is not subject to these rules and remains subject to the laws and regulations of the judicial district responsible for the client's supervision.

9. Iowa DOC and Judicial District staff is reminded that ICAOS rules have all of the force and effect of Iowa Law and that they are responsible for knowing and following all ICAOS rules, in addition to the rules and procedures contained in this manual.