

State of Iowa Department of Corrections

Policy and Procedures

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Chapter 7: INTERSTATE COMPACT

Sub Chapter: COMMUNITY BASED CORRECTIONS (CBC)

Related DOC Policies: N/A

Administrative Code Reference: 201-46 (ICAOS Rule 3.101-3)

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

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

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1. PURPOSE

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

2. POLICY

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

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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. Sex Offense Case (For the purposes of the Interstate Compact for Adult Offender Supervision and this policy) - An adult placed under, or made subject to, supervision as the result of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies and who is required to register as a sex client either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- C. 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.
- D. 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**.
- E. See IDOC Policy **AD-GA-16** for additional Definitions.

4. PROCEDURES

- A. Materials for transferring a probation sex offense case to another state.**

1. The necessary information and materials for transferring a sex offense case to another state shall be entered in the ICOTS system by the supervising agent or prison records office staff and shall include:

In ICOTS the Client's Application for Interstate Compact Transfer, type and signed by the client as required.

2. Additionally, the sex offense transfer packet shall include:
 - a. The client's criminal history;
 - b. A photograph of the client;
 - c. Probation or Parole Agreement signed by the client;
 - d. Description of the Instant Offense;
 - e. Judgment and Sentencing Order;
 - f. Any orders restricting the client's contact with victims or any other person;
 - g. Information as to whether the client is subject to sex offense registry requirements in Iowa, along with supportive documentation;
 - h. Pre- sentence investigation report, if available;
 - i. Supervision history, if the client has been under supervision for longer than 30 days;
 - j. Information relating to any court ordered financial obligations including but not limited to;
 - 1) Fines;
 - 2) Court costs;
 - 3) Restitution and family support including the balance owed by the client on each; and
 - 4) And the address of the office to which payments must be made.
 - k. Institutional and disciplinary information for the past two years.

- l. Psychological and medical information, if available.
- m. In addition if available the transfer materials shall include information to assist the receiving state in supervising the sex offense including:
 - 1) Assessment information
 - 2) Sex offense specific assessments
 - 3) Social history
 - 4) Information relevant to the client's criminal sexual behavior
- n. Law enforcement report that provides the specific details of sex client; victim information; the name, sex, age and relationship to the client; the statement of the victim or victims representative;
- o. The sending state's current or recommended supervision and treatment plan.

B. Interstate Compact Application Fee for the clients' probation cases transferring out of Iowa.

- 1. All sex offense 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 Interstate **ISC-01 F-5**, *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 packet may be processed and the probationer may be allowed to proceed after the receipt of reporting instructions from the receiving state, to the receiving state with the fee to be paid within 30 days of departing the state.

5. In all other probation and parole transfer cases the transfer packet shall not be processed nor should the client be allowed to depart the state until the fee is collected.
6. The fee shall be paid from the client's account in the form of a money order or institutional check made payable to Treasurer- State of Iowa.
7. The money order or institutional check forwarded to the Compact Office at the time the transfer is entered into ICOTS.
8. In the event a transfer investigation request for a paroling client is submitted and the compact fee is paid, the application fee may be refunded to the client's institutional account with the approval of the Deputy Director of Community Based Corrections if said client is determined not to be eligible.

C. Materials for transferring a parole sex offense case directly from an institution.

D. Necessary materials for transferring a parole case from field supervision.

1. The necessary materials for transferring a parole case from the institution.
2. In addition, a supervision history defining the parolee's progress of supervision shall be included in the transfer materials.

E. Materials for transferring a sex offense case on work release but not yet paroled.

1. The necessary materials for transferring a sex offense case on work release but not yet paroled shall be the same as Materials for Transferring a probation sex offense case to another state, except there will be no "parole order."
2. The Compact rules allow for these requests to be submitted no more than 120 days prior to anticipated parole.

F. Interstate Compact Application Fee for Work Release clients transferring out of Iowa.

1. All work release clients transferring out of Iowa shall be assessed an Interstate Compact Application Fee of \$100.00.

2. The fee is non-refundable and shall be assessed for each transfer request to a separate state.
3. 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.
4. The transfer package should not be entered into ICOTS nor should the client be allowed to depart the state until the fee is paid.
5. 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.
6. The money order must be attached to the transfer package at the time it is sent to the Compact Office.
7. In the event a transfer investigation request for a paroling client is submitted and the compact fee is paid, the application fee may be refunded to the client's institutional account with the approval of the Deputy Director of Community Based Corrections if said client is determined not to be eligible.

G. Relocation to another state

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 a client under supervision in the sending state to relocate to the receiving state without the receiving state's acceptance of the transfer of supervision."

Exceptions for sex offense cases who are residents of the receiving state at the time of sentencing to probation

- a. A sending state may grant an **ISC-03 F-2**, *Travel Permit* to a client who was living in the receiving state at the time of sentencing. This exception is not applicable to clients released to supervision from prison.

- b. Reporting Instruction requests require that sex offense cases who were living in the receiving state at the time of sentencing shall be submitted by the sending state via fax or email as soon as possible after sentencing.
- c. The receiving state shall have five business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions.
- d. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- e. No travel permit shall be granted to the sex offense case until reporting instructions are issued by the receiving state.
- f. The sending state shall ensure that the client signs all forms requiring the client's signature prior to granting a travel permit.

The sending state shall immediately transmit the signed forms electronically to the receiving state using the ICOTS system.

- g. The sending state shall transmit a Notice of Departure to the receiving state per **Rule 4.105**.
- h. This exception is applicable only to clients incarcerated for 6 months or less and released to probation supervision.
- i. A receiving state shall assume responsibility for supervision of a client who is granted reporting instructions upon arrival in the receiving state.
- j. The sending state shall submit a Transfer Request no later than 15 business days following approval of reporting instructions.
- k. 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.
- l. 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 business days following the client's failure to return.

2. Resident of Another State

- a. Therefore, when a client under suspension for a sex offense 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.
- b. The probation officer will then enter Request for Reporting Instructions into the ICOTS system.
- c. The receiving state is required to provide reporting instructions within five business days.
- d. Once the reporting instructions are obtained they should be provided to the client and the client may then be granted a travel permit and allowed to proceed to the receiving state.
- e. The client must remain in Iowa and may not proceed to the receiving state until reporting instructions are provided by the receiving state.

3. Transfer Process

- a. 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.
 - b. This process allows for a seamless transfer of supervision.
 - c. At no time is an Iowa sex offense case in another state without active supervision in that state.
 - d. The sex offense case will not be allowed to proceed to the receiving state until the residence in the receiving state is found to comply with sex offender registries, residency restrictions and other restrictions as determined necessary by the receiving state.
4. The probation officer will enter the transfer request in ICOTS within fifteen calendar days of the granting of a travel permit. Should a transfer ultimately be rejected the offender must be required to return

to Iowa. For further information the reader is directed to the **ICAOS rule Sec. 3.103 and 3.103-3**.

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 an offender is granted an expedited transfer (See **ICAOS rule 3- 106**). Likewise probationers released from prison under a reconsideration shall remain in Iowa until granted permission from the receiving state to relocate.

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 submitted via ICOTS system.

6. 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 misdemeanant 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.

7. 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.