

Interstate Compact

408.1 INTERSTATE COMPACT SUPERVISION

408.1.1 BACKGROUND

California is a party to the Interstate Compact (IC), which provides the policy, procedures, and timelines that must be followed for transfer of supervision of clients who want to move to another state. The IC is to promote both the sending and receiving state's interests. Procedures concerning the supervision of clients who want to live in a state other than that in which they were placed on community supervision are determined by the Interstate Commission for Adult Offender Supervision (ICAOS) Rules of March 1, 2018 (Rules). The complete rules can be reviewed on the Internet at: www.interstatecompact.org.

408.1.2 BASIC CONCEPTS

IC and the Rules apply to the supervision of clients who are approved to move from one state to another. A sending state is the state in which the client was convicted and placed on probation or parole; the receiving state is the state in which the client wishes to reside. IC does not allow jurisdictional transfers between states, which means that the jurisdiction of the client always stays with the court in the sending state. Rather, the supervision responsibility is transferred and governed by the ICAOS rules.

IC and the Rules require that each state designate a Compact representative. In California, that is the CDCR Interstate Compact Administrator. The Rules require that all communication related to compact transfers be through the state compact office. To implement this process the department has an Interstate Compact Supervision Unit (ICSU). As described below in these procedures, the ICSU is responsible for all requests for transfer under the compact. POs must coordinate all requests for transfer by clients through the ICSU in accordance with these procedures.

408.2 INTERSTATE COMPACT SUPERVISION UNIT (ICSU)

The ICSU is divided into an Incoming and Outgoing supervision caseload. The unit processes all incoming and outgoing IC and County-to-County IC transfer requests. Jurisdiction of the outgoing client's case remains with San Diego County Probation, and it is the Outgoing Section that is ultimately responsible for the clients who have left San Diego County while they are residing in other states.

A client is not allowed to leave the sending state until reporting instructions or formal acceptance is granted by the receiving state. Acceptance, rejection, or termination of supervision of a client will be made only with the involvement and concurrence of the California Interstate Compact Administrator in Sacramento. All formal written, electronic, and oral communication regarding a probationer will be made through the Compact Administrator. It can take up to 45 days after submission of the transfer request in the Interstate Compact Offender Tracking System (ICOTS) to obtain formal acceptance.

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408.3 OUTGOING INTERSTATE COMPACT TRANSFER REQUESTS

408.3.1 COURT AUTHORIZATION TO APPLY FOR INTERSTATE COMPACT TRANSFER

The applicant's request to apply for IC transfer must first be authorized by a court order either at the time of sentencing or by a modification order after the client has been placed on community supervision. POs should inform clients of this requirement when a client requests to relocate. All clients convicted of a felony (and qualifying misdemeanors) must go through IC.

It should be noted that the Court can only approve the client's request to apply for IC, not the actual relocation. If a judge places a client on Probation to the Court for a felony or a qualifying misdemeanor offense and allows that client to relocate to another state **without** involving the Interstate Compact process, the Interstate Compact Supervision Unit (ICSU) Supervisor or Senior Probation Officer, or designee, is to request the court orders and notify the Court of the situation, along with the name and court case number of that client. Additionally, the officer of record will make a PCMS contact note, if applicable, stating the Court was notified.

Ineligibility for Interstate Compact Transfer

Those who are subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer (Rule 2.106).

Qualifying Misdemeanors

A misdemeanor client whose sentence includes one year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer have been satisfied and the instant offense includes one or more of the following (Rule 2.105):

- (a) An offense in which a person has incurred direct or threatened physical or psychological harm;
- (b) An offense that involves the use or possession of a firearm;
- (c) A second or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
- (d) A sexual offense that requires a probationer to register as a sex offender in the sending state.

408.3.2 CRITERIA FOR TRANSFER OF SUPERVISION TO ANOTHER STATE

Once eligibility for transfer under IC has been authorized by the Court, a client may be eligible for transfer of supervision to another state.

A client who requests to transfer supervision to a different state must do so through the IC process. There are regular procedures to be followed for processing the request and also procedures for expedited processing.

Pursuant to the ICAOS Rules, it is the responsibility of the PO to determine if ALL of the following criteria are satisfied:

- (a) The client has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request;

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- (b) The client has a valid plan of supervision. The officer of record is responsible for verifying the information;
- (c) The client is in substantial compliance with the terms of supervision in the sending state. Interstate Compact Rules define compliance to mean that a client is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs, or other financial obligations imposed by the sending state. Transfer of supervision is a privilege and not a right; transfer and supervision will be subject to the rules of the ICAOS;
- (d) The client was a resident of the receiving state at the time of arrest. Interstate Compact Rules define a resident as a person who has continuously lived in a state for at least one year prior to the commission of the offense for which the person was convicted and has not, unless incarcerated or on active military deployment, been residing in the sending state or another state for more than six continuous months with the intent of establishing residency;

OR

Clients who are not residents of the receiving state may still be eligible for transfer of supervision in one of the following situations:

- (a) The client has an offer of employment or a documented means of support (such as a resident family member who affirms that they will be financially responsible for the applicant). Interstate Compact Rules define resident family as a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or stepparent who has resided in the receiving state for 180 days or longer.
- (b) The receiving state can accept the transfer under discretionary criteria. Permission for a client to relocate to a state where the probationer has neither residence nor resident family is not often granted.

Once it is determined that a client satisfies the criteria for transfer pursuant to IC, the officer of record is responsible for initiating the application process for an expedited transfer or a regular transfer.

408.3.3 PROCEDURES FOR REQUESTING EXPEDITED REPORTING INSTRUCTIONS

It is important to be mindful that this expedited process does not constitute an official granting of a client's permanent authorization to live in another state. It is provisional and the client's application may be rejected once a more detailed investigation is conducted. For newly sentenced cases, expedited reporting instructions need to be processed within seven days of the date of sentencing. The estimated time necessary for an expedited request to be processed once the request is received by the receiving state is two business days.

Determining Qualifications for Expedited Reporting Instructions

When a client is authorized by the court to apply for IC supervision in another state, the client is not allowed to leave without provisional acceptance and reporting instructions from the receiving state. A request for expedited reporting instructions may be made if the officer of record believes it is imperative, due to emergency circumstances, that the client be allowed to relocate to another state

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immediately. When determining if a request for expedited reporting instructions is appropriate, the officer of record should consider the following:

- (a) Expedited reporting instructions circumstances include a medical condition, military service, employment transfer of the client or the client's spouse, and the client being a resident of the receiving state. The merits of each emergency request should be investigated and weighed on a case-by-case basis before the request for expedited reporting instructions is sent to the receiving state. The receiving state's interstate compact office will then review the case and decide if the client's case qualifies for emergency reporting instructions. Homelessness is not considered an emergency.
- (b) Whether the client is eligible to apply for IC under the criteria of Section 408.3.2. Verify the information presented by the client as to the validity of the request (e.g. residence address, family, support or employment, working phone numbers, etc. in the receiving state).

Once it is determined that the client is likely to qualify for expedited reporting instructions, the following steps must be completed. All forms described herein are available in PCMS (Probation Case Management System).

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Step	Action to Expedite Request for Reporting Instructions
1	Verify the Court order indicates the client is authorized for IC.
2	Verify the information provided by the client, such as residence and employment, prior to accepting payment to determine if the case is appropriate for transfer pursuant IC.
3	Collect the \$77 processing fee (cash or money order to San Diego County Probation Dept.).
4	Complete Request for Reporting Instructions form (be sure to check the "Expedited" box and provide an explanation of the circumstances that justify the expedited request). It is important to include your name and office fax number on the second page of this form in the box with the heading "Supervision Officer/location." Submit the request to ICSU designee.
5	Complete the ICSU Grouping in PCMS and submit to ICSU: <ul style="list-style-type: none"> • Application for Interstate Compact Transfer (The transfer request will not be processed without the client's signature). • Request for Reporting Instructions • Transfer Request (include brief performance on probation under the "Justification for Transfer" section)
6	ICSU staff will submit the request via the Interstate Compact Offender Tracking System (ICOTS). Once the request is received via ICOTS, the receiving state has two business days to respond. NOTE: The receiving state has five business days to process the request for clients convicted of sex offenses.
7	<p>If the receiving state approves expedited reporting instructions, the ICSU will be notified via ICOTS. , ICSU will notify the officer of record, who will confirm the departure information with the client. ICSU will submit a notice of departure to the receiving state via ICOTS. The officer of record shall provide a copy of the reporting instructions to the client and follow the below procedures for the appropriate assignment:</p> <ul style="list-style-type: none"> • Investigations – The officer should prepare the file for transfer to the ICSU once a notice of arrival is received. All adult file transfer protocols apply, including updating the address and contact phone number in PCMS, printing and filing all IC transfer documents, and purging the file as needed. • Supervision – The officer will maintain the case until formal acceptance is approved. <p>If the officer sends the client's case file to ICSU with incomplete forms, the file will be returned to the sending Officer for completion.</p>
8	If the receiving state denies expedited reporting instructions and the client still wishes to pursue the transfer, then processing must occur via the regular transfer request procedure (See section 358.4below). If the case is with Investigations and there are no pending matters due within 30 days, the officer should transfer the case file to the appropriate level of supervision pending formal acceptance. If the case is with Supervision, the officer must keep the case file until the formal acceptance is approved.
9	Document all actions in PCMS.

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408.3.4 REGULAR TRANSFER REQUEST PROCEDURE

The following procedure should be used if a client does not qualify for expedited reporting instructions or when reporting instructions were denied under the expedited procedure. The applicant's request to move to another state must first be approved by court order either at the time of sentencing or by a modification order after the client has been placed on supervision.

It should be remembered that the third eligibility criterion (see Section 408.3.2) requires that clients be in substantial compliance with their current supervision conditions before they can apply to relocate to another state. The client is not allowed to leave the sending state until formal acceptance is granted by the receiving state. A formal acceptance or denial can take up to 45 days.

The steps in the table below must be completed. All forms described herein are available in PCMS, and all steps should be documented in PCMS.

Step	Actions for Regular Transfer Request
1	Verify the court order indicates the client is authorized to apply for IC.
2	Verify the information provided by the client, such as residence and employment or contacting the resident family to verify support, prior to accepting payment to determine if the case is appropriate for transfer pursuant to IC.
3	Collect the \$77 processing fee (cash or money order to San Diego County Probation Dept.).
4	Complete the following forms and submit brief supervision history (if the client has been supervised for more than 30 days) <ul style="list-style-type: none">• Application for Interstate Compact Transfer (requires client's signature). Transfer Request will not be processed with the client's signature.• Transfer Request (include brief performance on probation under the "Justification for Transfer" section)
5	The Officer of Record should send all completed forms to the ICSU within three business days for processing by the ICSU staff and then follow the procedures below for the appropriate assignment: <ul style="list-style-type: none">• Investigations – The officer should transfer the case file to the appropriate level of supervision. All adult file transfer protocols apply.• Supervision – The officer will remain the officer of record until the case has been accepted for supervision by the receiving state.
6	If the receiving state approves the transfer of supervision, the ICSU will be notified via ICOTS. ICSU will notify the officer of record, who will confirm the departure information with the client. ICSU will submit a notice of departure to the receiving state via ICOTS. The officer of record shall provide a copy of the reporting instructions to the client. Once accepted the client has 120 days to report to the receiving state or the acceptance will be withdrawn by the receiving state. If the IC transfer request is denied, the officer or record will be notified by ICSU.
7	Once a Notice of Arrival is received, the case is to be transferred to the ICSU. The ICSU outgoing supervision officer will be responsible for overseeing the case.

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408.3.5 CUSTODY ISSUES

Client in Custody

When a client is in custody, the case is handled as follows:

- (a) 14-Day Rule: All cases are to be transferred from Investigation to Supervision within 14 days - unless there is further action to be taken by the court in less than 30 days.
- (b) Transfer Procedure: If the case does not fall under the 14-Day Rule, the case should be transferred to the appropriate level of supervision based on the applicable assessment. Once the client is out of custody the Supervision Officer will be responsible for completing the Interstate Compact forms.

The officer of record may facilitate the transfer request while the client is in custody. The officer should go to the jail to obtain the information needed and the signatures required for the appropriate forms; or, the officer may contact the jail Correctional Counselor to have the paperwork signed and returned to the officer as directed.

Released Within 14 Days

If the client is released after sentencing or gets out of custody in less than 14 days, the Investigation PO should complete the appropriate forms for the client according to the criterion of eligibility (listed in Section 408.3.2).

- (a) If the client is a resident of the receiving state (according to the IC definition of residency), and emergency circumstances to move exist, the expedited procedures should be followed as outlined above (see Section 408.3.3.1). Email the Request for Reporting Instructions to the Probation Aide of the ICSU, or designee, as soon as possible prior to the client's release date, and send all the completed forms to the ICSU. If the reporting instructions are approved, the investigator is responsible for providing a copy to the client.
- (b) If the client is denied reporting instructions, the denial may only be provisional. The applicant must stay in San Diego and is not allowed to travel to the receiving state while regular transfer request procedures can be implemented (if the probationer is still interested). Regular transfer forms must be completed prior to the case file being sent with the signed Supervision Assignment A9 form to the appropriate level of supervision.
- (c) If the client is not a resident, then the regular transfer request procedures must be followed (see Section 408.3. Complete the forms and send to ICSU as soon as possible. If reporting instructions are denied, the client must be notified that they must remain in San Diego County until the receiving state grants its approval – which could be up to 45 days after the transfer request has been received by the receiving state.

Released after 14 Days

If the client is released from custody more than 14 days after sentencing, regular transfer request procedures should be followed (see Section 408.3.4). The investigator shall complete the forms along with a Supervision Assignment A9 form and transfer the case to the level of supervision

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appropriate for this client. The supervision officer should keep the forms until 90 days prior to the release date and submit to the ICSU. The ICSU will submit the request via ICOTS.

- (a) If accepted, the acceptance forms will be sent to the supervision officer who will be responsible for providing a travel permit and reporting instructions to the client upon the client's release from custody.
- (b) If the application for transfer is denied, the officer of record must inform the client they will have to remain in San Diego for the duration of the period of supervision.

408.3.6 VICTIM NOTIFICATION REQUIRED

Within one business day of the issuance of the reporting instructions or acceptance of the transfer by the receiving state, the Officer of Record will send a Victim Notification letter to any known victims residing in the State of California. The Compact defines a victim as any person, or the family of such a person, who has incurred direct or threatened physical or psychological harm as a result of an act or omission of a client.

The officer of record must also notify the victim when the officer is informed that the client:

- (a) Commits a significant violation which will result in a request for revocation of supervision;
- (b) Changes address;
- (c) Returns to the sending state where the victim resides;
- (d) Relocates to a subsequent state; or
- (e) Is issued a temporary travel permit to the sending state.

408.4 INCOMING INTERSTATE COMPACT TRANSFER REQUESTS

408.4.1 PROCESSING OF INCOMING TRANSFER REQUESTS

The ICSU processes all incoming applications from other states through IC and from other IC County-to-County transfers. ICSU determines if incoming requests are appropriate and assesses the cases for the level of supervision required.

Requests coming from other states for supervision in San Diego County under IC will be screened for acceptance if the applicant has more than three months remaining on their period of supervision and is deemed appropriate according to the applicable criteria as listed in the Rules and as listed herein under Section 408.3.2. The incoming client must be able to provide proof of criteria compliance, including proof of residence, proof of employment or financial support, and photo identification.

408.4.2 SPECIAL CONDITIONS

At the time of acceptance, the ICSU officer may impose a condition on a client if that condition would have been imposed on a client sentenced in California. The most important conditions are search and seizure conditions, urinalysis testing, and appropriate treatment or counseling included in the incoming probation conditions and court order. The ICSU officer will notify the sending state

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at the time of request for transfer of supervision of any conditions that cannot be enforced in California.

If such conditions are not included in the incoming probation conditions or court order, they will be added to the A2084 ICSU Special Conditions of Probation form. The sending state will be notified of the special conditions that have been imposed at the time of acceptance or thereafter. The incoming client is required to sign the special conditions form acknowledging they were informed of the imposed conditions. Special conditions are authorized by IC and do not require the client's permission or agreement.

408.4.3 SUPERVISION OF CASES

Once accepted, client will be assessed for their level of supervision and assigned to the appropriate unit. In all cases, only supervision of the client is accepted, jurisdiction of the client remains with the sending state.

IC clients will be required to pay a \$38 monthly supervision fee to Revenue and Recovery.

Incoming clients are supervised in the same manner we supervise our own cases, except that the supervision officer does not report violations or modification requests to San Diego Superior Court.

Reporting Violations

Significant violations of the conditions of supervision involving an act or pattern of behavior requiring retaking, or absconding, must be reported to the sending state within 21 days of discovery of the violation. The Rules describe a significant violation as a client's failure to comply with the terms or conditions of supervision that if occurring in the receiving state would result in a request of revocation of supervision. The officer of record is responsible for completing the ICSU Offender Violation Report (OVR), providing supporting evidence when submitting to the ICSU designee. The ICSU designee will then submit the OVR via ICOTS.

Probable Cause Hearing

Probable Cause (PC) Hearings are only conducted when requested by the sending state to address potential violations subject to retaking.

Progress Reports

The ICSU will notify the officer of record when a Progress Report has been requested by the sending state. The officer of record must submit the Progress Report to the ICSU within 21 days of being notified of the need for the report. The ICSU should submit the Progress Report to the sending state via ICOTS within 30 calendar days of the request from the sending state. An officer may, at any time, submit a Progress Report to the ICSU to document level of compliance.

408.5 TRANSFERS TO A SUBSEQUENT STATE

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408.5.1 INCOMING

When an IC client we are supervising requests transfer to a subsequent state, the supervision officer must first determine that the client is in substantial compliance and has more than 90 calendar days remaining on the period of supervision. The ICSU officer notifies the sending state via ICOTS of the client's request. When requested, the officer of record will:

- (a) Assist the sending state in obtaining the Application for Interstate Compact Transfer and any other forms that may be required signed by the client. ICSU will provide the information to the sending state via ICOTS;
- (b) Submit a Progress Report to the sending state summarizing the client's performance on probation; and
- (c) Issue a travel permit to the client when the sending state notifies the officer that the subsequent state has accepted the client, including notification of departure and arrival as required under the Rules.

Acceptance of transfer of supervision to the subsequent state and issuance of reporting instructions terminates our supervision obligations. The ICSU officer will submit a Case Closure Notice in ICOTS. Once ICSU receives the validated Case Closure Notice (CCN) from the originating sending state, a copy of the CCN will be provided to the officer of record, who can then close the case.

408.5.2 OUTGOING

When an outgoing IC client requests transfer to a subsequent state, the original receiving state must first determine that the client is in substantial compliance and has more than 90 calendar days remaining on the period of supervision. The original receiving state will notify the ICSU of the client's transfer request. The client will be responsible for contacting the San Diego Superior Court to obtain authorization to relocate to a subsequent state. If authorized by the court, ICSU will initiate the transfer request. The original receiving state will assist in obtaining the Application for Interstate Compact Transfer and any other forms that may be required signed by the client. The subsequent state will review the transfer request for acceptance of supervision. The subsequent state will record the decision in ICOTS.

408.6 IC COUNTY-TO-COUNTY TRANSFER

When an IC client we are supervising requests transfer to another California county, the officer of record must first determine that the client is in substantial compliance and has more than 90 calendar days remaining on the period of supervision. The ICSU officer notifies the sending state via ICOTS of the client's request, following these steps:

- (a) The supervision officer informs the ICSU of this request.
- (b) The ICSU oversees the process, sending an application to the intended county to request their investigation for acceptance.
- (c) The applicant must remain in San Diego County while the requested county is investigating. If the receiving county refuses transfer of supervision, the client will not be allowed to relocate to that requested county.

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- (d) If the county agrees to accept the client, the client will be allowed to relocate to that requested county. The officer of record is required to provide a progress report to the ICSU, who will then submit the progress report via ICOTS. ICSU will notify the Compact Administrator in Sacramento of the acceptance to a subsequent county. A request to change the username in ICOTS is made. The local case in PCMS will be closed.

408.7 PERMISSION TO TRAVEL TO ANOTHER STATE

The officer of record may permit an IC client under our supervision to leave the State of California temporarily. No international travel will be approved by the probation department, unless authorized by the sending state.

408.8 PRCS AND MS CASES

Although most IC cases involve PC1203 formal probation cases, the above procedures also apply to Post-Release Community Supervision (PRCS) and Mandatory Supervision (MS) cases with one exception: These clients are not required to pay the \$77 processing fee. Therefore, when a PRCS or MS client is authorized by the Court to apply for IC, step number 3 in 408.3.3.1 (for an expedited request) or 408.3.4 (for a regular transfer) will not be completed.

408.9 DEFINITIONS

Parole - Community supervision following the imposition of a prison sentence and subsequent release from custody. In California, this includes PRCS and MS.

Parolee - An individual subject to parole as defined above.