

Interstate Compact for Probation/Parole	1
I. Interstate Compact for Adult Offender Supervision (2-CO-4B-02)	1
A. Transfer Criteria (4-APPFS-2A-16).....	2
B. Eligibility (4-APPFS-2A-16)	2
C. Interstate Compact Correspondence.....	4
D. Interstate Compact Offender Tracking System (ICOTS)	4
II. Procedures for Transfer-Interstate Out	4
A. Transfer Request (4-APPFS-2A-16).....	4
B. Reporting Instructions.....	5
C. Interstate Investigation Request	6
D. Community Service and Monetary Obligations.....	7
E. Special Conditions.....	7
F. Acceptance.....	7
G. Departure Notice	7
H. Fees	7
I. Responsibility.....	7
III. Procedures for Investigation-Interstate-Ins (4-APPFS-2A-16).....	8
A. Interstate Investigation (refer to OP-160301)	8
B. Reporting Instructions.....	8
C. Pre-Sentence or Pre-Pardon Investigation	9
IV. Transfer to a Third State (4-APPFS-2A-16)	9
V. Supervision and Closing of Interstate Cases	10
A. Interstate-In Supervision (4-APPFS-2A-16).....	10
B. Violation Reports (4-APPFS-2A-16)	10
C. Interstate Closures	10
VI. Transfers Out-of-Country	11
VII. References	11
VIII.Action.....	12
Referenced Attachments	13
Referenced Forms	13

Section-16 Probation and Parole	OP-160108	Page: 1	Effective Date: 01/19/2017
Interstate Compact for Probation/Parole	ACA Standards: 2-CO-4B-02, 4-APPFS-2A-16		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Interstate Compact for Probation/Parole

I. Interstate Compact for Adult Offender Supervision (2-CO-4B-02)

The compact covers any infraction of the law for which there has been a conviction in which supervision has been ordered by the courts or paroling authorities.

Supervision, for the purpose of the compact, is defined as: the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to, or be monitored by, supervising authorities and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the

community or during the period of supervision in the community.

A. Transfer Criteria (4-APPFS-2A-16)

1. Acceptance, rejection, or termination of interest in cases will not occur except through the office of the interstate compact administrator.
2. An applicant whose circumstances deviate from the normal criteria may be transferred by agreement between the compact administrators of the two states involved.
3. Offenders will be informed prior to transfer to another state that the degree of supervision is determined by the receiving state.
4. The duration of the parole/probation period in compact cases shall be determined by the sending state.
5. Supervision of offenders from other states shall be governed by the same standards which apply to Oklahoma offenders.

B. Eligibility (4-APPFS-2A-16)

1. Mandatory Transfer of Supervision

At the discretion of the sending state, an offender who has three months or more, or an indefinite period of supervision remaining, shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer of the offender pursuant to a valid plan of supervision if the offender:

- a. Is in substantial compliance with the terms of supervision in the sending state; and
- b. Is a resident of the receiving state; or
- c. Has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
- d. Can obtain employment in the receiving state or has a visible means of support.

2. Mandatory Transfers of Military, Families of Military, and Family Members Employed

a. Military members

An offender who is a member of the military and has been transferred by the military to another state, who meets the

other criteria specified in the eligibility requirements shall be immediately eligible for transfer of supervision.

- b. Offenders who live with family who are members of the military

An offender who meets the other criteria specified in the eligibility requirements and who lives with a family member who has been deployed to another state shall be immediately eligible for transfer, provided that the offender will live with the military member in the receiving state.

- c. Employment of family member in another state

An offender who meets the other criteria specified in the eligibility requirements and whose family member, with whom he or she resides, is transferred to another state and obtains full-time employment, shall be immediately eligible for transfer, unless the receiving state can show good cause for rejecting the transfer request provided that the offender will live with the family member in the receiving state.

3. Discretionary Transfer of Supervision

- a. A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.
- b. The sending state must provide sufficient documentation to request such a transfer.
- c. The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose or the compact.

4. Misdemeanor, Deferred, and Other Cases

- a. A misdemeanor offender whose sentence includes one year or more supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified below, has been satisfied and the instant offense includes one or more 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 firearms;

- (3) A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; and/or
 - (4) A sexual offense that requires the offender to register as a sex offender in the sending state.
- b. Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact.
 - c. A person released from incarceration under furlough, work release or other pre-parole programs is not eligible for transfer under the compact, and shall remain in Oklahoma.

5. Transfer of Sex Offenders

At the discretion of the sending state, a sex offender shall be eligible for transfer to a receiving state under compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved or reporting instructions have been issued by the receiving state.

C. Interstate Compact Correspondence

All correspondence, written, electronic, or verbal, concerning interstate compact cases shall be forwarded through the Interstate Compact Office.

D. Interstate Compact Offender Tracking System (ICOTS)

States shall use the Interstate Compact Offender Tracking System (ICOTS) authorized by the [Interstate Commission for Adult Offender Supervision \(ICAOS\)](#) regarding offenders transferring between or among states.

II. Procedures for Transfer-Interstate Out

A. Transfer Request (4-APPFS-2A-16)

If an offender requests to reside out of state, an investigation request will be transmitted to the Interstate Compact Office through ICOTS within seven calendar days of that offender's request. The receiving state shall be given the opportunity to investigate the proposed plan prior to the offender being allowed to move or travel to that state.

According to rules adopted by the ICAOS, the receiving state shall complete the investigation and notify the sending state of its decision within 45 days of receipt of the transfer request in the receiving state's

Interstate Compact Office. All acceptance decisions shall include reporting instructions.

B. Reporting Instructions

Offenders may be allowed to travel to the receiving state prior to the completion of the investigation only under the following circumstances:

1. When an offender has been placed on probation and lives in another state at the time of sentencing, the offender may be given a travel permit not to exceed seven days and allowed to return to his/her home pending reporting instructions from the receiving state.
 - a. A ["Request for Reporting Instructions"](#) shall immediately be transmitted to the Interstate Compact Office through ICOTS.
 - b. If the offender is a sex offender 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.
 - c. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - d. Sex offenders shall not be allowed to proceed to the receiving state until reporting instructions are granted.
 - e. The transfer request will be transmitted through ICOTS to the receiving state within 15 calendar days following the granting of reporting instructions by the receiving state. If the receiving state rejects supervision or the transfer request is not forwarded by the 15th day, it is the responsibility of the sending state to arrange for the return of the offender.
2. A state may request an expedited transfer of any plan if it believes that an actual emergency exists. The receiving state shall determine the definition of an emergency.
 - a. A ["Request for Reporting Instructions"](#) shall immediately be transmitted to the Interstate compact Office through ICOTS. If the receiving state agrees that an emergency exists reporting instructions shall be granted and a "Travel Permit" ([DOC 160103B](#)) will be issued to the offender.
 - b. If the offender is a sex offender, 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.

- c. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- d. Sex offenders shall not be allowed to proceed to the receiving state until reporting instructions are granted.
- e. A complete transfer request shall be transmitted through ICOTS to the Interstate Compact Office to be forwarded to the receiving state within seven calendar days. If the reporting instructions request is denied, the offender will remain in Oklahoma pending acceptance.
- f. If the receiving state rejects supervision or the transfer request is not forwarded by the seventh day, it is the responsibility of the sending state to arrange for the return of the offender.

C. Interstate Investigation Request

- 1. If an offender requests to reside in another state the supervising officer will transmit to the Interstate Compact Office within seven calendar days a transfer request through ICOTS and it shall contain:
 - a. ["Transfer Request"](#) form;
 - b. Instant offense in sufficient detail to describe the type and severity of the offense and whether the charge has been reduced at the time of imposition of sentence;
 - c. Photograph of the offender;
 - d. Conditions of supervision (Rules and Conditions);
 - e. Any orders restricting the offender's contact with victims or any other persons;
 - f. Any known orders protecting the offender from contact with any other person;
 - g. Information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - h. Pre-Sentence investigation report, if available;
 - i. Supervision history, if available; and
 - j. Information relating to any court ordered financial obligations, including but not limited to, fines court costs,

restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.

2. Additional documents and other information may be requested by the receiving state following acceptance of the offender. The sending state shall provide the documents or information if available.

D. Community Service and Monetary Obligations

Prior to a request for transfer, court costs and fines will be paid in full or a payment plan will be established. Any community service requirement will also be completed prior to transfer. Offenders will be current on probation fee and restitution payments. A statement regarding current status of all court ordered monies, with payment instructions for continuing payments, will be included in the comments section of the "[Transfer Request](#)" form. Exceptions to the requirements may be granted by the district supervisor/designee.

E. Special Conditions

Any additional special conditions requiring monitoring will be noted in the comments section of the "[Transfer Request](#)" form.

F. Acceptance

Upon acceptance by the receiving state, the offender will be issued reporting instructions through ICOTS. The reporting instructions will include the address and phone number of proper authorities in the receiving state and the date and time the offender must report.

G. Departure Notice

At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of a travel permit the sending state shall notify the receiving state by the submission of a "[Departure Notice](#)" form through ICOTS.

H. Fees

Oklahoma probation/parole fees will be waived when accepted by the receiving state, and the officer will submit written notification to restitution and accounting accordingly.

I. Responsibility

The field file and the responsibility for supervision of the offender will be transferred to the administrative caseload in accordance with [OP-160801](#) entitled "Administrative Caseload."

III. Procedures for Investigation-Interstate-Ins (4-APPFS-2A-16)

A. Interstate Investigation (refer to [OP-160301](#))

When an offender from another state requests to transfer to the State of Oklahoma the sending state will transmit an interstate investigation request to the Oklahoma Interstate Compact Office through ICOTS. The purpose of this investigation will be to determine if the best interests of the offender and the State of Oklahoma will be served by this transfer.

1. Each investigation request received will be reviewed by the Interstate Compact Office for completeness and to determine if the plan meets basic criteria for a transfer. Investigation requests will then be forwarded to the appropriate district office for investigation or returned to the sending state.
2. An investigation of each submitted plan will be completed by assigned staff in the appropriate district. The investigation will include physically visiting the proposed home offer, verbal contact with the home offer provider or offender, verification of employment, and a criminal records check. The records check will include Oklahoma State Bureau of Investigation (OSBI), Oklahoma Department of Public Safety (DPS) and local checks utilizing the "Oklahoma Department of Corrections Request for Record" form ([DOC 090211B](#)). Investigations will not be delayed if checks cannot be completed. The "[Reply to Transfer Request](#)" will be transmitted through ICOTS by the assigned deadline.
 - a. If the plan is accepted, the case will be opened and assigned to a field officer immediately.
 - (1) When the offender reports, an "[Arrival Notice](#)" shall be forwarded through ICOTS to the Interstate Compact Office.
 - (2) If the offender does not report in within 30 days, the officer should make an effort to locate the offender. This will include contact with the Interstate Compact Office to verify the offender has left the sending state.
 - (3) If the offender cannot be located within 90 days, a "[Case Closure Notice](#)" shall be sent through ICOTS to the Interstate Compact Office.
 - b. If the case is denied the offender will remain in the sending state or be given instructions to return to the sending state.

B. Reporting Instructions

If the offender requests to move to Oklahoma prior to completion of the investigation the Interstate Compact Office will determine if reporting instructions will be given. If the instructions are given, the offender will be provided the address and phone number of the probation/parole office and a date to report.

1. A copy of the reporting instructions form will be forwarded to the appropriate district office within 24 hours.
2. The district office shall forward the information to the appropriate sub-office within 24 hours.
3. When the offender reports, an ["Arrival Notice"](#) shall be filled out and transmitted to the Interstate Compact Office through ICOTS.
4. If the offender does not report as instructed, the Interstate Compact Office shall be notified through ICOTS on a compact ["Action Request"](#) form.

C. Pre-Sentence or Pre-Pardon Investigation

If requested by another state, a pre-sentence or a pre-pardon investigation shall be completed according to [OP-160301](#) entitled "Reports and Investigations." The report will include only requested information in a PSI format. No recommendation will be included.

IV. Transfer to a Third State (4-APPFS-2A-16)

- A. At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- B. The receiving state shall assist the sending state in acquiring the offender's signature on the ["Application for Interstate Compact Transfer"](#) and any other forms that may be required under Section II. C. item a., and shall forward these forms to the sending state.
- C. The receiving state shall submit a progress report through ICOTS to the sending state summarizing the offender's progress under supervision.
- D. The receiving state shall issue a "Travel Permit" ([DOC 160103B](#)) to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- E. Notification of offender's departure and arrival shall be made.
- F. Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the

receiving state's supervisory obligations for the offender. A "[Case Closure Notice](#)" shall be transmitted through ICOTS to the Interstate Compact Office.

V. Supervision and Closing of Interstate Cases

A. Interstate-In Supervision (4-APPFS-2A-16)

1. Supervision services provided to interstate compact offenders will be in accordance with [OP-160103](#) entitled "Supervision of Community Offenders."
 - a. "[Progress Reports](#)" will be prepared and transmitted to the sending state through the ICOTS on an annual basis from the date of acceptance or at the request of the sending state.
 - b. An "[Arrival Notice](#)" shall be prepared and transmitted through ICOTS to the Interstate Compact Office immediately upon the offender's arrival in Oklahoma.
2. The offender will be required to comply with all Oklahoma registration requirements. The offender will be notified of registration requirements for sex, methamphetamine and violent offenders as applicable. The offender will be informed to direct all questions regarding requirements for methamphetamine registry to the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) as outlined in [OP-060901](#) entitled "Pre-Release Planning and Reentry Process," [Attachment D](#).

B. Violation Reports (4-APPFS-2A-16)

1. A receiving state shall notify a sending state of significant violations of condition of supervision by an offender within 30 calendar days of discovery of the violation through ICOTS on the ICAOS "[Violation Report](#)" form.
2. The sending state shall respond to a request of a violation made by the receiving state no later than 10 business days following receipt by the sending state.
3. The response shall be through ICOTS on the ICAOS "[Response to Violation Report](#)" form and shall include action to be taken by the sending state, the date by which the action will begin, and the estimated completion date.

C. Interstate Closures

The receiving state may close its supervision of an offender and cease supervision upon:

1. The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
2. Notification to the sending state of the absconding of the offender from supervision in the receiving state;
3. Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or any other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender. After 90 days the sending state shall be responsible for the offender;
4. Notification of death; or
5. Return to the sending state
 - a. Upon request by an offender to return to the sending state the supervising officer will request reporting instructions through ICOTS to the Interstate compact Office on the ["Request for Reporting Instructions"](#) form. The sending state shall grant reporting instructions within two business days. The offender will remain in Oklahoma pending the reporting instructions.
 - b. When an offender meets any of the above criteria for closure, an ICAOS ["Case Closure Notice"](#) form shall be completed and transmitted through ICOTS to the Interstate Compact Office.

VI. Transfers Out-of-Country

No provisions are available for transfer of supervision to other countries. Offenders may not be given permission to travel to other countries unless a court document approving the travel has been obtained.

VII. References

Policy Statement No. P-160100 entitled "Purpose and Function of Probation and Parole"

OP-060901 entitled "Pre-Release Planning and Reentry Process"

OP-160103 entitled "Supervision of Community Offenders"

OP-160301 entitled "Reports and Investigations"

OP-160801 entitled "Administrative Caseload"

<http://www.interstatecompact.org/>

Rules of Operation for the Interstate Compact for the Supervision of Parolees and Probationers

VIII. Action

The administrator of Interstate Compact is responsible for compliance with this procedure.

The administrator of Probation and Parole is responsible for the annual review and revisions.

Any exceptions to this procedure require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-160108 entitled "Interstate Compact for Probation/Parole" dated April 1, 2014

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment D	"Methamphetamine Offender Registration"	OP-060901

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 090211B	"Oklahoma Department of Corrections Request for Record"	OP-090211
DOC 160103B	"Travel Permit"	OP-160103