

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUBJECT: SUPERVISION PROCEDURES FOR INTERSTATE COMPACT OFFENDERS

AUTHORITY: TEXAS GOVERNMENT CODE, CHAPTER 510, and Interstate Commission for Adult Offender Supervision (ICAOS) Rules (www.interstatecompact.org)

PURPOSE: To provide guidelines to parole officers for the supervision of out-of-state offenders in compliance with the rules adopted by the *Interstate Commission for Adult Offender Supervision*.

DEFINITIONS:

Compact Action Request (CAR)

A CAR is used to communicate when no other specifically named Compact process covers a request or provides information. A CAR may be submitted into the Interstate Compact Offender Tracking System (ICOTS) by the ICOTS user. CARs go directly to the supervising officer or supervisor in the sending or receiving state through ICOTS with an email notification to the Compact offices.

Interstate Commission for Adult Offender Supervision (ICAOS)

Each Compact member state or territory has a Commissioner with one (1) vote for that state or territory. ICAOS consists of the Commissioners of the 53 member states and territories. Commissioners' duties include establishing Compact Rules. The rules have the effect of statutory law.

Interstate Compact

An agreement held between all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands that allows offenders to be transferred and supervised in a state or territory other than the state or territory of conviction, if the receiving state or territory accepts supervision.

Interstate Compact Offender Tracking System (ICOTS)

A web-based application that allows member states to facilitate all compact business processes and other case-based activities.

ICOTS Users

Persons who have attended the ICOTS training and submitted a signed "Application for ICOTS Access" to the Texas Interstate Compact Office (TXICO) and have been granted access to ICOTS. Authorized users for parole consist of parole and unit supervisors, the Central Coordination Unit (CCU), Specialized Programs, and Review and Release Processing staff.

Probable Cause Hearing

A hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of his parole. No waiver of a preliminary hearing, which is the probable cause hearing on out-of-state cases, will be accepted by another state, unless there is an admission by the offender to one or more significant violation of the terms or conditions of supervision.

Receiving State

A state to which an offender requests transfer of supervision or is transferred.

Retaking

The act of a sending state in physically removing an offender or causing to have an offender removed from the receiving state. (Offenders execute a waiver of extradition from any state to which the offender may abscond at the time of application for transfer.)

Sending State

A state requesting the transfer of an offender or which transfers supervision of an offender, under the terms of the Compact and its rules.

Significant Violation

An offender's failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for supervision revocation.

Victim Sensitive

A 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.

Violent crime

Any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

Violent offender

An offender under supervision for a violent crime committed in the sending state.

Warrant

A written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction that is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.

PROCEDURE:

I. SIGNIFICANT ICAOS RULES

The following are significant rules adopted by the ICAOS relating to supervision. A complete list of all rules and forms adopted by ICAOS is available on their website at www.interstatecompact.org.

- A. The receiving state shall supervise an interstate offender transferred under the Compact in a manner that is consistent with the supervision of other similar offenders sentenced in the receiving state (Rule 4.101).
- B. The receiving state shall supervise an interstate offender for a length of time determined by the sending state (Rule 4.102).
- C. At the time of acceptance or during the term of supervision, the receiving state may impose special conditions on an offender if the special conditions are consistent with special conditions imposed on offenders who were sentenced in the receiving state. The receiving state must notify the sending state of all imposed special conditions on an interstate offender. This notice is made using an ICAOS Compact Action Request (CAR) in ICOTS.

A sending state shall inform the receiving state of any special conditions to which the offender is subject at the time the transfer request is made or at any time thereafter. This is the release certificate on FROM TX cases. The receiving state must notify the sending state if the receiving state is unable to enforce a special condition at the time the transfer request is made (Rule 4.103).

- D. Failure of an offender to comply with special conditions or additional requirements imposed by the receiving state shall form the basis of punitive action or sanctions (Rule 4.103-1).
- E. The receiving state shall require that an interstate offender comply with any offender registration and deoxyribonucleic acid (DNA) testing requirements in accordance with the laws or policies of the receiving state, and shall assist the sending state in assuring that the DNA testing and registration requirements of the sending state are met (Rule 4.104).
- F. The receiving state shall provide a progress report annually, or more frequently if requested. A response to a request for a progress report is required within 30 days of receipt of the request (Rule 4.106).
- G. The receiving state may impose a reasonable supervision fee on an interstate offender, which shall not be greater than the fee charged to the state's own offenders (Rule 4.107).
- H. The sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state. Upon notice by the sending state that the offender is not complying with family support, restitution obligations and financial obligations, the receiving state shall notify the offender that the offender is in violation of supervision conditions and must comply. The receiving state shall inform the offender where to send the payments (Rule 4.108).
- I. The receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violations (Rule 4.109). If revocation would not be sought as a result of the violation, the violation is not considered significant and a progress report should be used instead of the ICAOS Offender Violation Report (Violation Report).

- J. The sending state has 10 business days following receipt of a Violation Report in the sending state's compact office to respond to a report of violation (Rule 4.109).
- K. An offender in violation of the terms and conditions may be taken into custody or continued in custody by the receiving state (Rule 4.109-1).

Texas offenders who wish to transfer their supervision and out-of-state offenders who wish to transfer supervision of their parole to Texas or a subsequent state shall follow the procedures outlined in PD/POP-3.10.3, Interstate Transfer Investigations.

II. NEW ARRIVALS

- A. When the offender reports to the District Parole Office for the initial visit after receiving reporting instructions from the supervising officer in the sending state, the parole officer shall:
 - 1. Read the rules of Texas parole to the offender and have the offender sign and date a copy of the rules, acknowledging understanding of the obligation to comply with the rules of Texas and the sending state.
 - 2. Advise the offender of the required payments for supervision fees and crime victim's fund fees for each month the offender is supervised in Texas.
 - 3. Advise the offender of the requirement to provide proof to the parole officer of any family support, fees, fines, court costs, or restitution owed, if applicable, paid to the sending state.
 - 4. Fingerprint the offender per PD/POP-3.10.1, *Fingerprinting Interstate Compact Offenders*. Two (2) sets of fingerprint cards shall be mailed to the CCU at 8610 Shoal Creek Blvd., Austin, Texas 78757.
 - 5. Complete the new arrival procedures per PD/POP-3.1.1, *Initial Interview*.
- B. The TXICO shall print the ICOTS External Report of Notice of Arrivals submitted into ICOTS for the previous week and email it to CCU at austinccu@tdcj.state.tx.us each week to update the Notices of Arrival in the Offender Information Management System (OIMS).

III. FAILURE TO ARRIVE

- A. An acceptance by the receiving state shall be valid for 120 calendar days (Rule 3.104-1). If the sending state does not submit a Notice of Departure to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case. To close the case a case closure notice must be submitted in ICOTS.

- B. If the sending state submits a Notice of Departure to the receiving state in ICOTS, and the offender fails to report within five (5) business days of the reporting instructions date as per the Notice of Departure, the parole officer shall make a diligent effort to locate the offender by conducting visits to the proposed address and employer.
- C. If the offender is not located at the proposed address or employer within 10 calendar days of the arrival date indicated on the Notice of Departure, the unit supervisor shall notify the sending state by submitting a Notice of Arrival into ICOTS with “failed to report” marked and a case closure notice in ICOTS within three (3) business days.
- D. The unit supervisor shall submit the Case Closure Notice in ICOTS to be reviewed by the parole supervisor and submitted to TXICO in ICOTS. TXICO shall submit the Case Closure Notice to the sending state in ICOTS.

IV. INTERSTATE PROGRESS REPORTS AND COMPACT ACTION REQUEST FORMS:

A. Progress Reports:

1. Progress Reports are required annually or as requested. Response to a request for a progress report shall be made within 30 calendar days.
2. The unit supervisor shall submit the progress report in ICOTS to the sending state.
3. Progress Reports shall include the following:
 - a. Offender’s name
 - b. Residence address
 - c. Offender’s telephone number and email address
 - d. Name and address of offender’s employer
 - e. Officer’s summary of offender conduct, progress, attitude, and compliance with conditions of release
 - f. Treatment programs attempted and completed
 - g. Interventions, if applicable
 - h. Officer’s recommendation
 - i. Any additional information requested by the sending state

B. Compact Action Request

Inquiries or communications that may be submitted on a CAR include, but are not limited to, status inquiries, requests for Progress Reports, requests concerning the disposition of pending criminal charges, Probable Cause Hearing disposition, and subsequent state transfers or notification that an offender has changed addresses.

C. Compact Action Request Reply

The CAR is used to respond to a Compact Action Request. Reply to the CAR is due within 10 business days.

D. Offender Requests to Return to the Sending State:

1. If an interstate offender asks to return to the sending state, the parole officer shall generate a request for reporting instructions to the unit supervisor. The unit supervisor shall submit a Request for Reporting Instructions via ICOTS to the parole supervisor. The parole supervisor shall submit the request for Return Reporting Instructions to the TXICO.
2. The offender **may not** leave the state until the unit supervisor receives the reporting instructions through ICOTS, gives them to the parole officer, and the parole officer gives them to the offender.
3. Once the offender departs, the unit supervisor shall submit the Notice of Departure and Case Closure Notice in ICOTS.

V. TEMPORARY TRAVEL

- A. A temporary travel permit is the written permission granted to an offender, whose supervision has been designated “victim sensitive” to travel outside the supervising state for more than 24 hours but no more than 31 days. A temporary travel permit shall include a starting and ending date for travel. Distribution of a temporary travel permit is identical to that of a provisional or temporary permit in PD/POP 3.1.5, *Travel Permission*.
- B. In cases transferred to Texas designated as “victim sensitive,” the parole supervisor shall submit a copy of the travel permit in ICOTS, attached to a CAR, to notify the sending state of the issuance of the temporary travel permit.

VI. VIOLATIONS AND PROBABLE CAUSE HEARINGS

- A. All suspected violations of the conditions of release to parole or mandatory supervision shall be investigated and documented in the OIMS.

B. Alleged violations shall constitute the violations charged against an offender and specifically cited in the violation section in the OIMS. Alleged violations shall be supported by information gathered during the course of the investigation. All contacts that are conducted during the investigation shall be entered into the OIMS within three (3) business days after the contact or within three (3) business days after return to the designated headquarters for contacts made in the field. This includes, but is not limited to, all contacts or attempted contacts with family members, law enforcement, vendors, therapists, the offender, etc. The investigating officer shall classify these types of contacts as “Investigative.” Information supporting allegations shall also be cited in the OIMS.

C. Out-of State Offenders Supervised in Texas

1. In the event a significant violation has occurred, the parole officer shall request an emergency warrant through the region warrant specialist.
2. The supervising parole officer shall also submit a Violation Report to the unit supervisor detailing the violation(s) and indicating whether a Texas Pre-Revocation Warrant has been issued.

NOTE: If a warrant is issued, attach a copy to the Violation Report.

The unit supervisor shall submit the Violation Report and any attachments via ICOTS. Violation Reports are due to the sending state within 30 calendar days of discovery of the significant violation. The parole supervisor shall review the Violation Report and submit it to the TXICO using ICOTS.

The Violation Report must contain the following information:

- a. Offender’s name and location
- b. Offender’s state-issued identifying number(s)
- c. Date of the offense or infractions
- d. Description of the offense or infraction
- e. Status and disposition, if any
- f. Dates and descriptions of any previous violations
- g. Receiving state’s recommendation of the action to be taken
- h. Name and title of the officer preparing the report
- i. Supporting documentation regarding the violation including, but not limited to, police reports, toxicology reports, and preliminary findings

3. Absconding violations
 - a. If there is reason to believe that an offender has absconded, the parole officer shall attempt to locate the offender by conducting a field contact at the last known residence; contacting the last known place of employment, if applicable; and contacting known family members and collateral contacts. Additional contacts may be attempted.
 - b. If the offender is not located, the parole officer shall submit a Violation Report indicating that the offender has absconded; the offender's last known address and telephone number, name and address of employers, date of the last contact, details regarding the attempt to contact the offender at the residence by the employer, if applicable, the collateral contacts, and a case closure notice to the unit supervisor to submit in ICOTS. After review by the parole supervisor, the violation report is submitted to TXICO who shall submit it to the sending state in ICOTS.
4. Violations that are not significant in that they would not result in a request for revocation if occurring in the receiving state should be reported by the unit supervisor in ICOTS using a Progress Report.

D. Texas Offenders Supervised Out-of-State

1. If a Texas offender supervised by another state pursuant to the Interstate Compact is alleged to have violated a condition of release, the supervising officer in the receiving state shall submit a Violation Report into ICOTS. TXICO shall review the Violation Report and assign the Violation Report to designated staff in the CCU. The response to a Violation Report is due to the sending state within 10 business days of receipt by TXICO. CCU shall respond within three (3) business days to the Violation Report by submitting the ICAOS Response to Violation Report into ICOTS and coordinating the response with the Parole Division, Warrants Section, if retaking by warrant is required.
 - a. The response to the Violation Report shall include what action will be taken, when the action will begin, and its estimated completion date.
 - b. Mandatory retaking for violation of conditions of supervision

An offender who has committed three (3) or more violations arising in separate incidents that establish a pattern of non-compliance with the conditions of supervision shall be retaken or ordered to return from a receiving state or a subsequent receiving state. CCU shall submit a CAR in ICOTS asking the other state to assist in determining whether the offender has a residence plan in Texas or if Residential Reentry Center placement is needed. CCU shall submit return reporting instructions on a CAR within two (2) business days from receipt of the offender's residence plan, unless the offender is a sex offender. Response by CCU shall be made in five (5) business days for a sex offender.

If an offender who was ordered to return fails to return as ordered, CCU shall coordinate with the Warrants Section for the issuance of an NCIC warrant no later than 10 calendar days following the failure to appear.

c. Mandatory retaking for a new felony conviction

A sending state shall retake an offender from the receiving state or a subsequent receiving state upon conviction for a new felony offense and completion of a term of incarceration for that conviction or placement under supervision for that felony offense. A warrant and detainer shall be filed with the holding facility when the offender is in custody.

d. Mandatory retaking for offenders who abscond

Upon receipt of an absconder violation report and Case Closure Notice from the receiving state, a warrant and detainer shall be filed with the holding facility when the offender is in custody. If the absconder is arrested in the receiving state, CCU shall request that the receiving state conduct a probable cause hearing. If probable cause is found, the sending state shall retake the offender. If probable cause is not found, the receiving state shall resume supervision upon CCU request. The warrant and detainer must remain in place until the offender is retaken or supervision is resumed.

e. Mandatory retaking for violent offenders and violent crimes

A violent offender who commits a significant violation or an offender who commits a violent crime must be retaken by the sending state. A warrant and detainer shall be filed with the holding facility when the offender is in custody.

E. Out-of-State Offenders Supervised in Texas – Probable Cause Hearings

1. An interstate offender subject to retaking for a violation of conditions of supervision that may result in a revocation shall be given an opportunity for a probable cause hearing in the receiving state (TX) consistent with due process.
2. An offender may not waive a hearing unless he has signed an admission to one or more significant violations of the terms or conditions of supervision.
3. A copy of a judgment of conviction for a new felony offense shall be deemed conclusive proof that an offender may be retaken by the sending state without the need for further proceedings. Follow procedures for a mitigation hearing in PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.
4. The parole officer shall proceed with the hearing per PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.

5. The Texas Board of Pardons and Paroles shall send an email notification to TXICO at texas.interstate@tdcj.state.tx.us with the preliminary hearing report scanned in PDF format. The report shall be attached to a TXICO email to be submitted in ICOTS to the sending state.
6. The preliminary hearing report shall be submitted to the sending state within 10 business days of the hearing.
7. If probable cause is established, the receiving state shall hold the offender in custody and the sending state shall notify the receiving state within 15 business days of receipt of the preliminary hearing report of the decision to retake or other action to be taken.
8. If probable cause is not established, the receiving state shall:
 - a. Continue supervision if the offender is not in custody.
 - b. Notify the sending state to vacate the warrant and continue supervision upon release, if the offender is in custody on the sending state's warrant.
 - c. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

VII. INTERSTATE OFFENDER DISCHARGES

Parole officers shall follow the procedures outlined in PD/POP-3.2.20, *Offender Discharge*, for discharging Texas offenders supervised in another state. For out-of-state offenders supervised in Texas, the following procedures should be followed:

- A. If the discharge date is approaching, the unit supervisor shall submit a Case Closure Notice in ICOTS to the parole supervisor. The parole supervisor shall review and submit the Case Closure Notice to TXICO indicating the reason for the closure is due to discharge.
- B. The sending state is responsible for issuing a discharge certificate for persons who have completed the sentence imposed. The certificate shall be attached to a CAR asking the receiving state to submit a Case Closure Notice.
- C. The sending state is responsible for validating the Case Closure Notice and submitting the Case Closure Notice Reply in ICOTS.
- D. TXICO shall print the ICOTS External Report of Case Closure Notices submitted into ICOTS for the previous week and email to the Central Coordination Unit to change the Status in the OIMS to Discharge.
- E. If the parole officer is unable to deliver the discharge certificate to the offender, a CAR form shall be submitted by the unit supervisor explaining why the certificate could not be delivered.

- F. If the discharge certificate is not received by the time of the discharge date, the supervising parole officer shall discontinue active supervision of the case and request that the unit supervisor submit a CAR to the sending state into ICOTS requesting the status of the certificate.

VIII. CASE CLOSING OF SUPERVISION

- A. The receiving state shall send a Case Closure Notice requesting that a Compact case be closed. The sending state shall respond with a completed Case Closure Notice. Reply shall occur within ten (10) business days of receipt before the case can be formally closed.
- B. In cases where the sending state wishes to initiate the Case Closure Notice, a CAR shall be submitted in ICOTS requesting the receiving state to submit the Case Closure Notice.
- C. The receiving state may close and cease its supervision of an offender upon:
 - 1. Date of discharge (termination) of supervision
 - 2. Notification to sending state that the offender absconded supervision in the receiving state
 - 3. Notice to sending state of incarceration of offender for 180 days or longer. Notice shall include:
 - a. Judgment and sentencing documents
 - b. Information about the offender's physical location
 - 4. Notification of death
 - 5. Return to sending state
- D. A receiving state shall not terminate supervision while the sending state is in the process of retaking the offender.

Stuart Jenkins
Director, Parole Division