

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 12/29/16

SUBJECT: INTERSTATE TRANSFER INVESTIGATIONS

AUTHORITY: TEXAS GOVERNMENT CODE Chapter 510; Interstate Commission for Adult Offender Supervision (ICAOS) Rules located at www.interstatecompact.org.

PURPOSE: The purpose of this policy is to set forth the procedures for transferring clients across state lines within the Rules adopted by the ICAOS.

DEFINITIONS:

Discretionary Case

A sending state may request transfer of supervision of a client who does not meet mandatory eligibility criteria requiring a receiving state to accept supervision where acceptance in the receiving state supports successful completion of supervision, rehabilitation of the client, promotes public safety, and protects victims' rights. The sending state shall provide sufficient documentation. The receiving state has the discretion to accept or reject the case consistent with the purposes of the compact, specifying the discretionary reasons for the rejection.

Interstate Commission on Adult Offender Supervision (ICAOS)

Each Compact member state has a Commissioner with one (1) vote for that state or territory. ICAOS consists of the Commissioners of the fifty (50) member states and three (3) territories. Commissioners' duties include establishing Compact Rules.

Interstate Compact

An agreement among all fifty (50) states, the District of Columbia, Puerto Rico, and the Virgin Islands, which allows for clients 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, reviewed the privacy policy and submitted a signed “Application for the ICOTS Access” to the Texas Interstate Compact Office (TXICO) and have been granted access to the ICOTS. Authorized users for parole consist of parole and unit supervisors, the Central Coordination Unit (CCU), Specialized Programs, the Interstate Compact Office, Review and Release Processing (RRP), and Warrants Section staff.

Offender

Refers to an adult placed under, or made subject to, supervision as the result of the commission 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 request transfer of supervision under the provisions of the ICAOS. The words “offender” and “client,” as used in this policy, are interchangeable.

Plan of Supervision

The terms under which a client will be supervised, including proposed residence, proposed employment or viable means of support, and the terms and conditions of supervision.

Receiving State

The state to which a client requests transfer of supervision or to which the client is transferred.

Relocate

Defined as remaining in another state for more than 45 consecutive days in any 12-month period.

Reporting Instructions

The orders given to a client by a sending or receiving state directing the client to report to a designated person or location, at a specified date and time, in another state. Reporting instructions shall include location, date, and time the client shall report to the designated person or place in the receiving or sending state or territory.

Resident

A person who meets the following criteria:

1. Has continuously inhabited a state for at least one (1) year prior to the commission of the offense for which the client is under supervision.
2. Intends that such state shall be the person’s principal place of residence.
3. Has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six (6) months or more with the intent to establish a new principal place of residence.

Resident Family

A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who meets the following criteria:

1. Has resided in the receiving state for 180 days or longer as of the date of the transfer request.
2. Indicates willingness and ability to assist the client as specified in the plan of supervision.

Rules

Acts of the Interstate Commission, which have the force and effect of statutory law in the compacting states, and are promulgated under the ICAOS.

Sending State

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

Subsequent Receiving State

A subsequent or third state to which a client is transferred that is not the sending state or the original receiving state.

Substantial Compliance

Defined as a client who is sufficiently in compliance with the terms and conditions of his supervision so as not to result in the initiation of revocation proceedings by the sending state. Substantial compliance by a client also requires the following:

1. Demonstrated successful adjustment to supervision as evidenced by maintaining stable residence and employment, or diligently seeking employment, actively participating in all required treatment programs, and having no non-compliance issues with special conditions.
2. Being current on all fees with no balance owed on any fees (e.g., Supervision fees, Crime Victims Fund, Sexual Assault Program fees, Post-Secondary Education Reimbursement).
3. Being current on restitution payments and, if applicable, the client has made every effort to pay off restitution balances completely.

Travel Permit

The written permission granted to a client authorizing the client to travel from one (1) state to another.

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. Texas Code of Criminal Procedure, Article 56.01, defines crime victim as “a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual, or who has suffered personal injury or death as a result of the criminal conduct of another.”

PROCEDURE:

I. MANDATORY ELIGIBILITY CRITERIA FOR TRANSFER OF SUPERVISION

- A. At the discretion of the sending state, a client shall be eligible for transfer of supervision to a receiving state under the Compact, and the receiving state shall accept transfer if the client meets the following mandatory criteria:
 1. Has more than 90 days or an indefinite period of supervision remaining at the time the sending state submits the transfer request into the ICOTS.

2. Has a valid plan of supervision.
 3. Is in substantial compliance with the terms of supervision in the sending state.
 4. Is a resident of the receiving state, or has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision.
 5. Can obtain employment in the receiving state or has a means of support.
- B. A client who is a member of the military and has been deployed by the military to another state shall be eligible for reporting instructions and transfer of supervision. A copy of the military order or other proof of deployment for the military member shall be provided at the time of the request.
- C. A client who meets the eligibility criteria listed in Section I.A.1, 2, 3, and 5 of this policy, and who also lives with a family member who has been deployed to another state, is eligible for reporting instructions and transfer of supervision, provided that the client will live with the military member in the receiving state. A copy of the military order or other proof of deployment for the military member shall be provided at the time of the request.
- D. A client who meets the eligibility criteria listed in Section I.A.1, 2, 3, and 5 of this policy, and who resides with a family member whose current full-time employer of that family member transfers the family member to another state as a condition of maintaining employment, is immediately eligible for reporting instructions and transfer of supervision, provided that the client will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of request.
- E. A client who meets the eligibility criteria listed in Section I.A.1, 2, and 3 of this policy and is transferred to another state by his current full-time employer, at the direction of their employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.
- F. A client who meets the eligibility criteria listed in Section I.A. 1, 2, and 3 of this policy and is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration, and is referred for medical and/or mental health services.

A client shall be eligible for reporting instructions and transfer of supervision by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state.

1. The sending state provides documentation to the receiving state of the medical or mental health referral; and
2. The transfer of supervision will be accepted if the client is approved for care at the receiving state's Veterans Health Administration facility.

- G. Even if a client meets the eligibility criteria listed above, the receiving state may, with good cause shown, reject the transfer request.
- H. A receiving state, for good cause shown, may consent to the transfer of supervision of a client who does not otherwise meet the mandatory eligibility requirements for transfer of supervision listed in Section I.A–F of this policy as a discretionary case. If the client does not meet these criteria and seeks supervision transfer from Texas to another state, the officer may prepare a transfer request and submit it to the unit supervisor. The unit supervisor shall submit the transfer request in the ICOTS to the parole supervisor. Upon review of the transfer request, the parole supervisor shall submit the transfer request to the TXICO for transmission to the other state as a discretionary request. Sufficient documentation to justify the requested transfer should be attached.

II. PRE-RELEASE FROM A PRISON FACILITY

A. Transfer Request from Out-of-State (OOS) to Texas

The CCU shall print a weekly ICOTS External Report of Cases Pending a Notice of Arrival (NOA) processed the previous week in the ICOTS by TXICO. The CCU will add the client to the Offender Information Management System (OIMS) and generate a temporary State Identification (SID) number. The CCU will enter the Texas residence plan into the OIMS in the proposed section of the All Residences screen. Once this is completed, the investigation will appear in the Assignment Pool under the designated District Office for investigation.

B. Transfer Request from Texas to Out-of-State (OOS)

1. The institutional parole officer shall obtain the client's signature on the Offender Application for Interstate Compact, sign and date the application, and submit it to RRP who prepares the transfer request in the ICOTS and submits it to the TXICO. The transfer request for an incarcerated client may be submitted to the sending state no earlier than 120 days before the projected release date. Once the acceptance is received and the client departs the TDCJ Correctional Institutions Division (TDCJ-CID), RRP shall submit a Notice of Departure and assign the case to the CCU via the ICOTS. Exceptions are when the client departs to a Texas plan pending OOS approval. The case is reassigned to the district parole office with a pending transfer request. On the OIMS cases, the residential information is maintained in the OIMS. On Legacy cases, an OIMS record is not generated until the client departs the CID.
2. If a pre-release transfer request has been submitted, RRP staff shall notify the receiving state via a Compact Action Request in the ICOTS if the planned release date changes or if the recommendation for release is withdrawn or denied.
3. The CCU shall run a daily INFOPAC report of clients released the previous day and enter the receiving State's residence into the proposed section of the All Residences screen in the OIMS.

When the status of the From Texas residential placement plan is changed to Investigate, the OIMS creates a corresponding record in the Interstate Tracking area. The TXICO is notified by email that the client's request has been submitted in the OIMS.

District parole officers **shall not** communicate in any manner, verbally or in writing, with other states' parole or probation systems, officers, or Compact offices except as permitted through ICOTS.

III. POST RELEASE TRANSFER REQUEST

A. Transfer Request from Out-of-State (OOS) to Texas

Upon receipt of an ICOTS Notification of an OOS to Texas investigation request, the parole supervisor shall assign the investigation to the unit supervisor in the ICOTS within five (5) calendar days of receipt. The unit supervisor shall assign the investigation to a supervising officer within five (5) calendar days of receipt. The supervising officer assigned to investigate the OOS to Texas request shall complete the ICAOS Reply to Transfer form with the finding of approved or denied, and forward the reply to the unit supervisor within 15 calendar days of receipt. The unit supervisor shall submit a reply to the Transfer Request in the ICOTS to the parole supervisor for review within five (5) calendar days of receipt. After review, the parole supervisor shall submit the reply in the ICOTS to the TXICO within five (5) calendar days of receipt. The TXICO shall submit the reply to the Sending State within five (5) calendar days of receipt.

A receiving state may withdraw its acceptance if the client does not report by the fifth (5th) calendar day following the client's intended departure date and shall provide immediate notice of such withdrawal to the sending state.

B. Transfer Request from Texas to Out-of-State (OOS)

1. Within five (5) business days of a receipt of a transfer request from a client who is eligible for interstate transfer, the supervising officer shall prepare the Interstate Compact Questionnaire/Request for Out-of-State Transfer (TXIC-01), sign and date TXIC-01, and place a copy in the OOS transfer box for tracking by an administrative assistant. TXIC-01 is attached after the last page of this policy.
2. The supervising officer shall complete the Interstate Compact Request for Out-of-State Transfer Checklist (TXIC-02) and submit it, along with TXIC-01, to the unit supervisor. TXIC-02 is attached after the last page of this policy.
3. The supervising officer must verify that the address and contact information for the client in the proposed receiving state is valid by contacting someone at the proposed residence and the proposed employer or by contacting family members to determine if they are willing and able to support the client, if the client proposes to live alone. The transfer request must be fully completed.

The following attachments shall be included as part of the transfer request in the ICOTS:

- a. A copy of the signed Offender Application for Interstate Compact Transfer. The original signed Offender Application shall be maintained by the sending state and scanned into the OnBase folder (OFND Out of State From Texas).
- b. Notice, if applicable, indicating supervision of client is a victim-sensitive matter.
- c. Current and clear photograph of client.
- d. Conditions of supervision (Release certificate and Notice of Imposition of Special Conditions, if applicable).
- e. Any orders restricting client's contact with victims or other persons.
- f. Any known protective orders protecting the client from contact with any other person.
- g. Information about whether client is subject to sex offender registration requirements in the sending state with supporting documents. (Supporting documents include, but are not limited to, the Department of Public Safety—DPS Pre-Release Notification Form CR-32 and DPS Sex Offender Registration Program form CR-35).
- h. A narrative description of the instant offense in sufficient detail to describe the circumstances, type, and severity of offense, and whether the charge has been reduced at the time of imposition of sentence (Offense Report and/or TDCJ Case Summary).
- i. Judgment and commitment records.
- j. Information relating to court-ordered financial obligations, including, but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the client on each; and the address of the office to which payment must be made.
- k. Pre-sentence investigation report (unless distribution is prohibited by law or it does not exist).
- l. Information as to whether the client has a known gang affiliation and the gang with which the client is known to be affiliated.
- m. Supervision history, if the client has been on supervision for more than 30 calendar days at the time the transfer request is submitted.

- n. Summary of prison discipline and mental health history during the last two (2) years, if available, unless distribution is prohibited by law.
 - o. Additional documents, necessary for supervision in the receiving state, may be requested from the sending state following acceptance of the client. The sending state shall provide the documents prior to the thirty (30) calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.
4. The unit supervisor shall review the transfer checklist and transfer request for accuracy. If correct, the unit supervisor shall update the ICOTS with the transfer request information and print out the Offender Application for Interstate Compact Transfer that will be submitted to the client for signature by the supervising officer. The supervising officer shall have the client sign the Offender Application for Interstate Compact Transfer and return it to the unit supervisor within three (3) business days.
 5. The unit supervisor shall submit the transfer request to the parole supervisor within three (3) business days of receipt of the signed application. If not correct, the transfer request shall be returned to the supervising officer who will make the corrections and return it to the unit supervisor with the corrections within two (2) business days. The unit supervisor shall submit the transfer request to the parole supervisor within two (2) business days.
 6. The parole supervisor shall submit the transfer request in the ICOTS within one (1) business day of receipt to TXICO, if correct. If not correct, the parole supervisor shall obtain the corrections and submit the transfer request in the ICOTS within two (2) business days of receipt.
 7. The parole supervisor will make corrections to a transfer request returned to the parole supervisor in the ICOTS by the TXICO and resubmit the transfer request in the ICOTS within three (3) business days to TXICO.
 8. Upon receipt of an approved transfer request by the unit supervisor, within three (3) business days the client will be given the reporting instructions located in the reply to transfer.
 9. The unit supervisor shall submit a Notice of Departure in the ICOTS. The unit supervisor shall also notify the parole supervisor that a Notice of Departure has been submitted in the ICOTS and request that the parole supervisor reassign the case in the ICOTS to CCU at austinccu@tdcj.texas.gov or to the CCU designated employee.
 10. CCU shall print a weekly ICOTS External Report of Cases Pending Investigation, Cases Accepted, and Cases Denied in the ICOTS to update the residence information in the OIMS on a From-Texas case.

TXICO shall complete the ICOTS External Report of Notice of Arrivals submitted in the ICOTS for the previous week and email it to CCU at austinccu.@tdcj.texas.gov each week after the national office data is downloaded to update the residence to Active. **Supervising officers shall not complete the OIMS update.**

11. The unit supervisor who submitted the request shall withdraw the case if the case is not accepted by the receiving state's notification to the TXICO that it should occur. TXICO will withdraw the case if the unit supervisor does not withdraw it within 30 business days of rejection.
12. TXICO will withdraw cases not completed and submitted within 30 days of creation, if there has been no activity on the case.

C. Transfer of Registered Sex Offenders

Application for Transfer

Registered sex offenders may request supervision transfer to another state. In addition to the attachments that are outlined in Section III.B of this policy, the parole officer shall also submit the following documents to the unit supervisor for inclusion in the transfer request in the ICOTS, if available:

1. Assessment information.
2. Social history.
3. Information relevant to the sex offender's criminal sexual behavior.
4. Law enforcement report that provides specific details of the sex offense.
5. Victim information including the name, sex, age, and relationship to the offender, and a statement of the victim or victim's representative.
6. The offender's current or recommended supervision and treatment plan.

- D. Acceptance of a case is valid for 120 days from the date the reply to transfer is approved.

IV. SUBSEQUENT OR THIRD STATE TRANSFERS ON TO TX CASES

- A. The supervising officer shall inform the unit supervisor of a client request to transfer to another state.
- B. The unit supervisor shall inform the original sending state of the client's request to transfer via a Compact Action Request (CAR) in the ICOTS. The unit supervisor shall also submit a Progress Report to the sending state.

- C. The original sending state prepares the transfer request to the third state for investigation, but the supervising state assists by having the client sign and date the application. The application is attached to a CAR and submitted in the ICOTS to the sending state.
- D. The new receiving state shall reply to the sending state. The sending state informs Texas, via a CAR, of the acceptance by the third state and the reporting instructions.
- E. A travel permit is issued to the client, and the unit supervisor enters a Notice of Departure in the ICOTS.
- F. Once the client physically departs, the unit supervisor submits a Case Closure Notice to the original receiving state.
- G. CCU prepares the transfer requests for subsequent state transfers on FROM TX cases in coordination with the new receiving state.

V. TIME ALLOWED FOR INVESTIGATION

- A. The receiving state shall complete the investigation and respond to a sending state's request for a client's transfer of supervision prior to forty-five (45) calendar days following receipt of a completed transfer request in the receiving state's Compact office.
- B. If the TXICO determines that a client transfer request is incomplete, the TXICO shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection on TO TX cases.

VI. PROHIBITED TRAVEL

Travel to the proposed receiving state during the investigation process by the client requesting transfer is strictly prohibited, unless the following conditions are met:

- A. Travel is limited, if necessary, to report to work, perform the duties of the job, attend treatment or a medical appointment, and return to the sending state.
- B. The client shall return to the sending state daily immediately upon completion of the appointment or employment.
- C. The transfer request shall include notice that the client has permission to travel to and from the receiving state, while the transfer is investigated.

VII. EXPEDITED REPORTING INSTRUCTIONS

- A. A sending state may request that a receiving state agree to expedite reporting instructions for a client if the sending state believes that an emergency exists and the receiving state agrees with that determination.

To request expedited reporting instructions due to an emergency situation, the parole officer shall complete a Request for Reporting Instructions form and submit to the unit supervisor. The form may be downloaded from the ICAOS website (www.interstatecompact.org). The unit supervisor shall ensure that the request is submitted into the ICOTS.

- B. States have (2) two business days to respond to a request for reporting instructions on all clients other than sex offenders.
- C. States have (5) five business days to respond to a request for reporting instructions on sex offenders.
- D. Once the receiving state has approved the Request for Reporting Instructions, the unit supervisor receives an email notification of the approval in the ICOTS and informs the supervising officer within one (1) business day of receipt of the ICOTS email notification. The supervising officer shall issue the client a travel permit. Once the client has departed, the unit supervisor shall submit a Notice of Departure and ask the parole supervisor to reassign the case in ICOTS to the CCU at austinccu@tdcj.texas.gov.
- E. The sending state has seven (7) calendar days to submit a transfer request into the ICOTS after the receiving state has issued Reporting Instructions on an expedited request. Follow the procedures outlined in Section III.B. of this policy to prepare the transfer request.

VIII. CLIENTS RETURNING TO THE SENDING STATE

- A. Upon a client's request to return to the sending state, the receiving state shall request reporting instructions, unless the client is under active criminal investigation or charged with a subsequent criminal offense in the receiving state. The client shall remain in the receiving state until receipt of reporting instructions.
- B. If a receiving state rejects the transfer request for a client granted expedited reporting instructions, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within seven (7) business days for the client to return to the sending state.
- C. The sending state shall provide reporting instructions no later than two (2) business days following receipt of the request from the receiving state. Except for a victim sensitive case, the reporting instructions shall not be provided until the victim has been notified. The sending state shall direct the client to return to the sending state within 15 business days of the reporting instructions request.
- D. The receiving state retains authority to supervise the client until the client's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall submit a Notice of Departure and Case Closure Notice.

- E. If the client does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the client's failure to appear in the sending state.

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