

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUBJECT: SUPERVISION PROCEDURES FOR INTERSTATE COMPACT CLIENTS

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 clients—in compliance with the rules adopted by the *Interstate Commission for Adult Offender Supervision*.

DEFINITIONS:

Behavior Requiring Retaking

An act or pattern of noncompliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses, and would result in a request for revocation of supervision in the receiving state.

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 fifty-three (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 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 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.

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.

Probable Cause Hearing

A hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of a client 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 client to one or more significant violation of the terms or conditions of supervision.

Receiving State

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

Retaking

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

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.

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

A client 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 a client. 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. A receiving state shall supervise clients consistent with the supervision of other similar clients sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques. (Rule 4.101)
- B. The receiving state shall supervise an interstate client 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 a condition on a client if the condition would have been imposed on a client sentenced in the receiving state. (Rule 4.103)
- D. A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the client. (Rule 4.103)
- E. A sending state shall inform the receiving state of any conditions to which the client is subject at the time of the request for transfer is made or at any time thereafter. (Rule 4.103)
- F. A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made. (Rule 4.103)
- G. The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state. (Rule 4.103-1)
- H. The receiving state shall require that a client transferred under the interstate compact comply with any client registration and deoxyribonucleic acid (DNA) testing requirements in accordance with the laws or policies of the receiving state, and shall assist the sending state to ensure DNA testing and client registration requirements of the sending state are fulfilled. (Rule 4.104)
- I. Arrival and departure notifications and withdrawal of reporting instructions
 - 1. Departure Notifications: A client's departure from any state, pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the client departs shall notify the intended receiving state and, if applicable, the sending state, through the electronic information system of the date and time of the client's intended departure and the date by which the client has been instructed to arrive.

2. Arrival notifications: At the time of a client's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of a client to arrive as instructed, the intended receiving state shall immediately notify the state from which the client departed, and, if applicable, the sending state, through the electronic information system of the client's arrival or failure to arrive. A receiving state may withdraw its reporting instructions if the client does not report to the receiving state as directed. (Rule 4.105)

J. Progress Reports

1. The receiving state shall provide a progress report to the sending state within 30 days of receipt of the request.
2. A receiving state may initiate a progress report to the sending state with 30 calendar days of receiving a request. (Rule 4.106)

K. Fees

1. Application fee: A sending state may impose a fee for each transfer application prepared for a client.
2. Supervision fee:
 - a. A receiving state may impose a reasonable supervision fee on a client whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own clients. (Rule 4.107)
 - b. A sending state shall not impose a supervision fee on a client whose supervision has been transferred to a receiving state.

- L. The sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the client. Upon notice by the sending state that the client is not complying with family support, restitution obligations and financial obligations as set forth in subsection (a), the receiving state shall notify the client that the client is in violation of the conditions of supervision and must comply. The receiving state shall inform the client of the address to which payments are to be sent. (Rule 4.108)

M. Violation Report(s) requiring retaking

A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report (VR). (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. (Rule 4.109)

- N. A client in violation of the conditions may be taken into custody or continued in custody by the receiving state. (Rule 4.109-1)

Texas clients who wish to transfer their supervision and out-of-state clients 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 client 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 Interstate Compact Acknowledgement of Texas Parole Supervision form RRP-OOS1 to the client and have the client sign and date a copy of the rules, acknowledging understanding of the obligation to comply with the rules of Texas and the sending state. Once signed the form should be scanned into the OnBase folder "OFNDR Out of State-ToTex."
2. Advise the client of the required payments for supervision fees and crime victim's fund fees for each month the client is supervised in Texas.
3. Advise the client 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 client per PD/POP-3.10.1, *Fingerprinting Interstate Compact Clients*. Two (2) sets of fingerprint cards shall be mailed to the CCU at:

CCU
P.O. Box 13401
Capitol Station
Austin, Texas 78711

5. Complete the new arrival procedures per PD/POP-3.1.1, *Initial Interview and Final Summary*.

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.texas.gov each week to open a new record in the Offender Information Management System (OIMS) and update the Notices of Arrival.

III. FAILURE TO ARRIVE

- A. If a receiving state accepts transfer of the client, the receiving state's acceptance shall include reporting instructions.
- B. Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the client and notify the receiving state of the client's departure as required under Rule 4.105.

- C. A receiving state shall assume responsibility for supervision of a client upon the client's arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.
- D. An acceptance by the receiving state shall be valid for one hundred-twenty (120) calendar days. If the sending state has not sent 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.
- E. A receiving state may withdraw its acceptance of the transfer request if the client does not report to the receiving state by the fifth (5th) business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.
- F. If the client is not located at the proposed address or employer within five (5) 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.
- G. 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. Response to a request for a progress report shall be made within thirty (30) calendar days of receiving a request.
2. The unit supervisor shall submit the progress report in ICOTS to the sending state seven (7) days prior of the due date.
3. Progress Reports shall include the following:
 - a. Client's name;
 - b. Client's current residence address;
 - c. Client's current telephone number and current email address;
 - d. Name and address of the client's current employer;
 - e. Supervising officer's summary of client's conduct, progress and, attitude, and compliance with conditions of supervision;
 - f. Programs of treatment programs attempted and completed by the client;

- g. Information about any sanctions that have been imposed on the client since the previous progress report;
- h. Supervising officer's recommendation;
- i. Any other information requested by the sending state that is available in the receiving state.; and
- j. Incentives and corrective actions.

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 when a client has changed addresses.

C. Compact Action Request Reply

The CAR is used to respond to a CAR. Reply to the CAR is due within ten (10) business days of receipt of notification.

D. Client Requests to Return to the Sending State:

1. If an interstate client asks to return to the sending state, the supervising officer shall generate a request for reporting instructions to the unit supervisor. The unit supervisor shall submit a Request for Reporting Instructions (RFRI) via ICOTS to the parole supervisor. The parole supervisor shall submit the request for Return Reporting Instructions to the TXICO.
2. The client **may not** leave the state until the unit supervisor receives the reporting instructions through ICOTS and provides them to the supervising officer of the sending state. The supervising officer then provides the reporting instructions to the client.
3. Once the client 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 a client, whose supervision has been designated "victim sensitive" to travel outside the supervising state for more than twenty-four (24) hours but no more than 31 days. A temporary travel permit shall include a start and end 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. Suspected Violations of the Conditions of Release

All suspected violations of the conditions of release to supervision shall be investigated and documented in the OIMS for all out of state clients supervised in Texas and all Texas clients supervised out of state.

If the client is in violation of the conditions of release, then the unit supervisor should adhere to PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*, while following the requirements of the ICAOS.

B. Behavior Requiring Retake

A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a VR

1. The sending state shall respond to a report of a violation made by the receiving state no later than ten (10) business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

C. Alleged Violations

Alleged violations shall constitute the violations charged against the client 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 client, etc. The investigating officer shall classify these types of contacts as “Investigative.” Information supporting allegations shall also be cited in the OIMS.

D. Out-of-State Clients Supervised in Texas

1. In the event a Behavior Requiring Retaking has occurred, the supervising officer shall request an emergency warrant through the Region Warrant Specialist.
2. The supervising officer shall also submit a VR 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 VR.

The unit supervisor shall submit the VR and any attachments via ICOTS. VRs are due to the sending state within 30 calendar days of discovery of the Behavior Requiring Retaking. The parole supervisor shall review the VR and submit it, at least seven (7) days prior to the due date to the TXICO using ICOTS.

The VR must contain the following information:

- a. Client's name and location;
 - b. Client's state-issued identifying numbers;
 - c. Date(s) and description of the behavior requiring retaking;
 - d. Date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques, to address the behavior requiring retaking in the receiving state, and the client's response to such actions;
 - e. Date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
 - f. Date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
 - g. Name and title of the officer making the report;
 - h. Client's last known address and telephone number, name and address of the client's employer, and the date of the client's last personal contact with the supervising officer and details regarding how the supervising officer determined the client to be an absconder, if the client has absconded; and
 - i. Supporting documentation regarding the violation. (Rule 4.109)
3. Absconding violations
- a. If there is reason to believe that a client has absconded, the supervising officer shall attempt to locate the client 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 client is not located, the supervising officer shall submit a VR indicating that the client has absconded.

- c. The client's last known address and telephone number, name and address of employers, date of the last contact, details regarding the attempt to contact the client at their place of residence and their employer and any recent collateral contacts.

The unit supervisor will submit in ICOTS a VR, and if reviewed and approved by the parole supervisor, the VR will be submitted to TXICO via ICOTS. After review, TXICO will submit it to the sending state via 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.

E. Texas Clients Supervised Out-of-State

If a Texas client 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 VR via ICOTS. TXICO shall review the VR and assign the VR to designated staff in the CCU. The response to a VR is due to the sending state within 10 business days of receipt by TXICO. CCU shall respond within three (3) business days to the VR. The ICAOS response shall be submitted via ICOTS, and if retaking by warrant is required, CCU shall coordinate the response with the Parole Division, Warrants Section.

1. The response to the VR shall include what action will be taken, when the action will begin, and an estimated completion date.
2. Mandatory retaking for violation of conditions of supervision

A client who has committed behavior requiring retake 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 client 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 client's residence plan, unless the client is a sex offender. Response by CCU shall be made in five (5) business days for a sex offender.

If a client 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 ten (10) calendar days following the failure to appear.

- a. Mandatory retaking for a new felony conviction or a conviction of a violent crime

A sending state shall retake a client from the receiving state or a subsequent receiving state upon conviction for a new felony offense and/or conviction of a violent crime 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 client is in custody.

b. Mandatory retaking of clients who abscond

Upon receipt of an absconder VR and Case Closure Notice from the receiving state, a warrant and detainer shall be filed with the holding facility when the client 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 client. 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 client is retaken or supervision is resumed.

F. Out-of-State Clients Supervised in Texas—Probable Cause Hearings

1. A client subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in, or reasonably near, the place where the alleged violation occurred.
2. No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the client to one or more violations of the conditions of supervision.
3. A copy of a judgment of conviction regarding the conviction of a new criminal offense by the client shall be deemed conclusive proof that a client may be retaken by a sending state without the need for further proceedings. Follow the procedures for a mitigation hearing in PD/POP-4.2.1, *Pre-Hearing and Hearing Process*. (Rule 5.108.C)
4. The client shall be entitled to the following rights at the probable cause hearing:
 - a. Written notice of the alleged violation(s);
 - b. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
 - c. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s); and
 - d. The opportunity to confront and cross-examine present witnesses, unless the hearing officer determines that a risk of harm to a witness exists.
5. The parole officer shall proceed with the hearing per PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.

6. The Texas Board of Pardons and Paroles shall send an email notification to TXICO at texas.interstate@tdcj.texas.gov with the preliminary hearing report scanned in PDF format. The report shall be attached to a TXICO email to be submitted via ICOTS to the sending state.
7. The receiving state shall prepare and submit to the sending state a written report within ten (10) business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.
8. If the hearing officer determines that there is probable cause to believe that the client has committed the alleged violations of conditions of supervision, the receiving state shall hold the client in custody and the sending state shall, within fifteen (15) business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.
9. If probable cause is not established, the receiving state shall:
 - a. Continue supervision if the client is not in custody.
 - b. Notify the sending state to vacate the warrant and continue supervision upon release, if the client is in custody on the sending state's warrant.
 - c. Vacate the receiving state's warrant and release the client back to supervision within twenty-four (24) hours of the hearing if the client is in custody.

VII. INTERSTATE CLIENT DISCHARGES

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

- A. A report indicating upcoming discharge date will be processed weekly by TXICO, a notification will be sent to the unit supervisor.
- B. 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.
- C. The sending state is responsible for issuing a discharge certificate for clients who have completed their sentence. The certificate shall be attached to a CAR asking the receiving state to submit a Case Closure Notice.

- D. The sending state is responsible for validating the Case Closure Notice and submitting a Case Closure Notice Reply in ICOTS.
- E. TXICO shall print the ICOTS External Report of Case Closure Notices submitted into ICOTS for the previous week and email to CCU at austinccu@tdcj.texas.gov to update the Status in the OIMS to Discharge.
- F. If the supervising officer is unable to deliver the discharge certificate to the client, a CAR shall be submitted by the unit supervisor explaining why the certificate could not be delivered.
- G. If the discharge certificate is not received by the time of the discharge date, the supervising 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 a client upon:
 - 1. The date of discharge indicated for the client 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 client from supervision in the receiving state;
 - 3. Notice to the sending state that the client has been sentenced to one hundred-eighty (180) calendar days or longer, including judgment and sentencing documents and information about the client's location;
 - 4. Notification of the client's death; or
 - 5. The client's return to the sending state.

A receiving state **shall not** terminate supervision while the sending state is in the process of retaking the client.

Pamela Thielke
Director, Parole Division