

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

| | |
|--|--|
| SUBJECT: Interstate Compact for Probation and Parole | PAGE <u>1</u> OF <u>9</u> |
| | NUMBER: 103-SPS-01 |
| RULE/CODE REFERENCE: O.R.C. 5149.21 | SUPERSEDES: 103-SPS-01 dated 01/15/13 |
| RELATED ACA STANDARDS: 4-APPFS-2A-16; 2-1105 | EFFECTIVE DATE: January 10, 2014 |
| | APPROVED:  |

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

This policy is established to promote compliance with the rules adopted under the Interstate Commission for Adult Offender Supervision (ICAOS) and to define the responsibilities of the Adult Parole Authority regarding the supervision of offenders received from, or transferred to, other states via the Interstate Compact Agreement.

III. APPLICABILITY

This policy applies to staff of the Adult Parole Authority responsible for the effective operation of the Interstate Compact, including those who are responsible for the supervision of Interstate Compact offenders. It is also intended to provide guidance to DRC staff and probation departments in requesting supervision by other states.

IV. DEFINITIONS

Business Days - The days of the week, excluding Saturday, Sunday and any legal holiday.

Calendar Days - The days of the week, including Saturday, Sunday, and any legal holiday.

Community Control - A sanction that is not a prison term and that is described in section 2929.16, 2929.17, and 2929.18 of the Ohio Revised Code. Community Control replaces the term "probation" and applies to all offenders given non-prison sanctions for felony offenses committed on or after July 1, 1996. Community Control offenders are sentenced directly to sanctions without a prison sentence being imposed and the prison sentence suspended. The maximum period of Community Control is five (5) years.

Community Corrections Information System (CCIS) - A computerized information system used to track the criminal history and progress of offenders under the supervision of the Adult Parole Authority. Access to CCIS is restricted to essential users only.

Deputy Compact Administrator – APA Operation Support Center staff member(s) assigned to coordinate the processing of incoming and out-of-state transfers for misdemeanants, parolees, community control offenders, probationers and post release control offenders and other eligible offenders.

Final Release – A remission by the Adult Parole Authority of the balance of the sentence or prison term of a parolee, or the official acknowledgement by the APA or the court of the end of a term of post release control/probation/community control/judicial release. PRC terminations can be classified as favorable or unfavorable pursuant to Administrative Code 5120:1-1-42.

Interstate Compact - The agreement codified in ORC 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system used by all states to provide required information for supervision.

Notice of Arrival - Written notice from the receiving state to the sending state confirming the date that an offender has reported to an officer in the receiving state or of an offender's failure to arrive.

Notice of Departure - Electronic notice submitted through Interstate Compact Offender Tracking System (ICOTS) from the sending state to the receiving state advising of an offender's date of departure from the sending state and expected arrival in the receiving state.

Probable Cause Hearing – A hearing conducted on behalf of a parole or probation violator in compliance with the U.S. Supreme Court's rulings in *Morrissey v. Brewer* and *Gagnon v. Scarpelli*. Also referred to as a preliminary hearing, preliminary probable cause hearing, on-site hearing, or on-site probable cause hearing.

Waiver - An offender can admit to one or more significant violations and waive the probable cause hearing and in doing so probable cause is found.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that the transfer of offender supervision through the Interstate Compact is in accordance with the Interstate Commission for Adult Offender Supervision (ICAOS) Rule and Policies and the American Correctional Association. All communication shall be channeled through the Deputy Compact Administrator/designee.

VI. PROCEDURES

When a receiving state agrees to accept an eligible offender transferred under the compact agreement, the receiving state shall supervise the offender under the same standards of supervision and services by which their own offenders are supervised. In accordance with the compact agreement, the sending state

shall determine the duration (length) of parole/probation supervision and the receiving state shall determine the degree (level) of supervision. This shall be explained to Ohio offenders when they request a transfer to another state.

A. Eligibility for Mandatory Transfers of Supervision

Refer to the Interstate Commission for Adult Offenders' Supervision (ICAOS) website at interstatecompact.org rules sections 3.101, 3.101-1, 3.101-2, and 3.101-3. No offender shall be permitted to relocate without prior authorization from the receiving state by way of approved reply to transfer or approved reporting instructions. No offender applying for interstate compact transfer shall be granted a travel permit pursuant to the compact rules without approved reporting instructions unless they are a probation/community control offender returning home after sentencing. Sex offenders may not be given a travel permit until reporting instructions are approved. Offenders who have no sanction time available are not eligible for transfer.

B. Transfer Investigation Request

All required information must be entered into the Interstate Compact Offender Tracking System (ICOTS) prior to being forwarded to the Ohio Interstate Compact Office. All offenders must sign required paperwork prior to submitting a transfer request.

1. Incoming

- a. The Ohio Deputy Compact Administrator/designee shall review the Transfer Investigation Request submitted by the sending state to determine if it is complete.
- b. If the Transfer Investigation Request is incomplete, it shall be rejected by Ohio Deputy Compact Administrator/designee.
- c. The Transfer Investigation Request is forwarded to the appropriate field office for placement investigation if complete. Compact investigations are to be processed pursuant to Department Policy 101-PLA-01, Reentry Supervision Release Process. The offender's information is entered into Community Correction Information System (CCIS) by the regional administrator/ designee and assigned to a field unit.
- d. The supervising officer shall complete a Reply to Transfer Request indicating acceptance or denial. If the placement situation is unresolved as the forty (40) calendar day deadline nears, the placement should be rejected in order to meet the ICOTS timeframes. The Reply to Transfer Request shall be forwarded to the Ohio Interstate Compact Office through ICOTS no later than forty (40) calendar days from the date the transfer request was received in Ohio. The PLA/PLR header shall not be completed until the reply is submitted through ICOTS to the Ohio Interstate Compact Office.
- e. The Ohio Interstate Compact Office shall forward the Reply to Transfer Request to the sending state.
- f. Once the offender has reported as directed and the sending state has completed the Notice of Departure, the supervising officer shall complete a Notice of Arrival and

Initial Interview pursuant to Department Policy 100-APA-15, APA Initial Interview with the Offender, within three (3) business days of the offender's arrival.

- g. If the transfer request is rejected and a Notice of Arrival has been completed, the assigned APA unit shall submit a Case Closure Notice through ICOTS. If there is not a Notice of Arrival, the unit shall submit a Compact Action Request to the sending state requesting the case be withdrawn. The supervisor/designee shall then close the case in CCIS.

2. Outgoing

a. Ohio Institution to Receiving State (Parole/PRC)

- i. Out of state Transfer Investigation Requests are to be processed pursuant to Department Policy 101-PLA-01, Reentry Supervision Release Process.
- ii. The Ohio Compact Office shall review the Transfer Investigation Request to determine if it is complete and all forms are signed by the offender and properly witnessed. The offender's information is to be entered into CCIS by the Compact Office for tracking.
- iii. If there is a victim of record (per PROLI) the Ohio Compact Office shall send an email to the DRC Office of Victim Services and advise them of the offender's application to relocate out of state.
- iv. If the Transfer Investigation Request is incomplete, it shall be returned to the supervising user for completion.
- v. The Ohio Compact Office shall forward the completed Transfer Investigation Request to the appropriate receiving state within three (3) business days of receipt.
- vi. If the case is approved, the Ohio Compact Office shall issue the appropriate release certificate and forward it to the institution using the approved method of notification.
- vii. If the case is accepted a Notice of Departure shall be completed by the Ohio Deputy Compact Administrator/designee when the offender is released from the institution. The case shall be transferred to the Ohio Deputy Compact Administrator/designee in ICOTS.
- viii. If the case is rejected/denied, Department Policy 101-PLA-01, Reentry Supervision Release Process shall be followed. If a new out of state transfer request is not being submitted, the case shall be withdrawn from ICOTS.

b. Parole/Probation/PRC/Community Control

- i. The Transfer Investigation Request shall be forwarded through ICOTS to the Ohio Interstate Compact Office.
 - ii. The Ohio Compact Office shall review the Transfer Investigation Request to determine if it is complete and all forms are signed by the offender and properly witnessed.
 - iii. If there is a victim of record (PRC/Parole cases per PROLI) the Ohio Compact Office shall send an email to the DRC Office of Victim Services and advise them of the offender's application to relocate out of state. Notification for probation /community control cases shall follow appropriate local protocol.
 - iv. The Ohio Compact Office shall forward the completed Transfer Investigation Request to the appropriate receiving state within three (3) business days of receipt.
 - v. If the Transfer Investigation Request is incomplete, it shall be returned to the appropriate field staff for completion.
 - vi. The receiving state shall forward a Reply to Transfer indicating approval or rejection/denial.
 - vii. If the transfer is approved or reporting instructions have been granted, a Notice of Departure shall be completed by field staff within three (3) business days of the offender's departure.
 - viii. If a parole/PRC offender is accepted, the case shall be transferred to the Ohio Deputy Compact Administrator/designee in ICOTS.
 - ix. If transfer is rejected and a Notice of Arrival has already been submitted and a new transfer is not being submitted, the ~~unit~~ **officer** shall submit a Compact Action Request to the receiving state to complete a Case Closure Notice. If there is no Notice of Arrival and a new transfer is not being submitted, the case shall be withdrawn in ICOTS.
- c. Within three (3) business day of the acceptance of transfer for any Parole/PRC offender who has a victim of record (as verified in the PROLI screen) registered with the Office of Victim Services, the Ohio Compact Office shall notify OVS via email that the offender has been accepted for transfer. The notification shall include the name of offender, inmate number, and county of commitment.

C. Transfers to a Third State

If a sending state agrees to a third state transfer, it is the original sending state's responsibility to forward the required documents to the third state. No offender shall be permitted to proceed to a third state until the original sending state grants permission and authorization is received from the third state. No classification material needs to be submitted by the Ohio field staff.

1. Compact Parole/ Probation

- a. The supervising unit shall notify the sending state of the third state request through ICOTS via a Compact Action Request (CAR) and attach the signed offender application from the sending state to the third state. The supervising unit shall complete a progress report in ICOTS. No classification material needs to be submitted.
 - b. If the third state transfer is approved, the supervising officer shall complete a case closure notice in ICOTS indicating the departure date and close the case in CCIS.
 - c. If the case is rejected/denied, the offender shall remain under supervision in the original receiving state.
2. Ohio Probation/Community Control/Judicial Release - It is the responsibility of the original jurisdiction (county/municipal probation or Adult Parole Authority) to submit a complete Transfer Investigation Request through ICOTS to the Ohio Interstate Compact Office for processing to the third state.
 3. Parole/PRC - Upon receipt of a request, the Ohio Interstate Compact Office shall forward the required documents to the third state.

D. Reporting Instructions

Eligibility criteria for reporting instructions can be located in the Rules section on the ICAOS website at interstatecompact.org. The receiving state shall assume supervision responsibility pursuant to an offenders' arrival following receipt of reporting instructions. All of the requests shall be completed through ICOTS. The following outlines the procedure:

1. Incoming – Non Sex Offenders
 - a. The sending state's compact office shall forward a request for reporting instructions to the Ohio Interstate Compact office. The receiving state has two (2) business days to provide a response to the sending state. Upon receipt of a request for reporting instructions from a sending state, the Ohio Interstate Compact office shall provide a response approving or denying the request within two (2) business days.
 - b. At the time of the initial processing of the approved reporting instructions, the Ohio Interstate Compact Office shall forward the report through ICOTS to the designated placement contact in the region. The regional administrator/designee shall ensure that the offender's case is entered into CCIS and assigned to a field unit. A tracking header shall be entered with a ten (10) business day follow up to verify the transfer request has been received.
 - c. Once the offender has reported as directed and the sending state has completed the notice of departure, the supervising officer shall complete a notice of arrival within three (3) business days. The supervising parole officer shall monitor the offender until the Transfer Investigation Request is received.

- d. If the offender fails to report as directed, a Notice of Arrival report indicating the offender's failure to report shall be completed within ~~five (5)~~ **three (3)** business days of the completion of the Notice of Departure report by the sending state.

2. Incoming - Sex Offenders

- a. The sending state's compact office shall forward a request for reporting instructions to the Ohio Interstate Compact office. The receiving state has five (5) business days to provide a response to the sending state. Upon receipt of a request for reporting instructions from a sending state, the Ohio Interstate Compact office shall provide a response approving or denying the request within five (5) business days.
- b. The Ohio Compact Office shall forward the information for reporting instructions to the appropriate field staff.
- c. The Ohio Compact Office shall forward the information for reporting instructions to the appropriate field staff who shall investigate the residence and promptly forward the response to the Ohio Compact Office. The offender shall remain in the sending state until approved reporting instructions are received.
- d. The Ohio Compact Office shall forward the response to the sending state.
- e. Once the offender has reported as directed and the sending state has completed the Notice of Departure, the supervising officer shall complete a Notice of Arrival within three (3) business days of the offender's arrival in the receiving state. The supervising parole officer shall monitor the offender until the Transfer Investigation Request is received

3. Outgoing

- a. Field staff shall forward requests for reporting instructions to the Ohio Compact Office. Sex offenders shall remain in the sending state until approved reporting instructions are received.
- b. The Ohio Compact Office shall forward the request for reporting instructions to the receiving state. The receiving state has two (2) business days to provide a response to the sending state on non sex offender cases and five (5) business days to provide a response on sex offender cases.
- c. The receiving state shall approve or deny the request and forward the response to the appropriate field staff.
- d. If reporting instructions are approved, the field staff shall forward a complete Transfer Investigation Request to the compact office within seven (7) calendar days.
- e. Within three (3) business day of the issuance of reporting instructions for any Parole/PRC offender who has a victim of record (as verified in the PROLI screen) registered with the Office of Victim Services, the unit supervisor/designee shall notify the Office of Victim Services via email that the offender has been granted reporting instructions. The notification shall include the name of offender, inmate number, and county of commitment.

- f. A Notice of Departure shall be completed by field staff within three (3) business days of the offender's departure.

E. Progress Report

A progress report shall be completed by the supervising officer and forwarded to the sending state through ICOTS at least annually or at the request of the sending state with good cause shown pursuant to Rule 4.106 (c).

F. Pending Charges

When an offender requests to transfer to Ohio from another state and the offender has pending charges the Transfer Investigation Request shall be investigated for acceptance regardless of the nature of the pending charges. If the unit supervisor feels there are extraordinary circumstances concerning accepting the placement, the unit supervisor should promptly staff the situation with the Deputy Compact Administrator/designee.

G. Violations - Incoming

1. Upon receipt of a violation report for Parole/PRC offenders from the receiving state, the Deputy Compact Administrator/designee shall reply to the receiving state within ten (10) business days.
2. For court cases, the violation report shall be promptly forwarded by the Deputy Compact Administrator/designee to the sentencing county for reply.

H. Probable Cause

1. Compact cases are permitted to waive their right to a hearing if they admit to at least one significant violations (refer to Department Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision).
2. Upon completion of a probable cause hearing (or waiver), the field staff shall forward a complete violation hearing packet through ICOTS via a Compact Action Request (CAR) or via email to the Ohio Compact Office if the case is closed in ICOTS.
3. The violation hearing packet shall be forwarded to the sending state.
4. The Ohio Compact Office shall forward the response to the appropriate field staff.

I. Travel Outside of United States

Compact offenders are not permitted to travel outside the continental United States except in an extraordinary situation. Such a situation shall be staffed with the Chief of APA/designee and/or Deputy Compact Administrator.

J. Out of State Travel

If an offender must travel outside of Ohio, the supervising officer shall follow guidelines in accordance with Department Policy, 100-APA-07, Offender Travel Permits.

K. Termination from Supervision

1. Parole and PRC final releases shall be processed in accordance with Department Policy 100-APA-16, APA Termination Recommendation.
2. When the supervision period of a court Ohio offender is terminated, the sentencing county shall notify the Deputy Compact Administrator/designee. The sending officer shall promptly notify the receiving state of the termination and forward the journal entry, if available, to the receiving state through ICOTS via a CAR.
3. When an incoming compact offender (compact parole or compact probation) reaches their max date or final release eligibility, the supervising unit shall complete a TERR header and submit a case closure notice to the sending state in ICOTS. A NOTEC entry shall be made by unit supervisor/designee briefly explaining the action being taken.
4. All incoming and outgoing case closures/case closure replies must be submitted through ICOTS. Only after an approved case closure notice reply is received can the unit close the case in CCIS.

L. Victim Notify

1. Pursuant to Rule 3.108 the supervising officer shall notify the sending state if an offender changes addresses or is issued a travel permit.
2. If the Ohio Compact Office receives a violation report on a Parole/PRC offender who has a victim of record (as verified in the PROLI screen) registered with the Office of Victim Services, the Ohio Deputy Compact Administrator/designee shall notify the DRC Office of Victim Services.