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Interstate Compact for Probation/Parole	ACA Standards: 2-CO-4B-02, 4-APPFS-2A-16		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Interstate Compact for Probation/Parole

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

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

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

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

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

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

To be eligible for transfer of supervision to another state, all offenders must be in substantial compliance with the terms of supervision in the sending state, shall have 90 days or more supervision remaining and have a valid plan of supervision in the receiving state.

1. Mandatory Transfer of Supervision

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

- a. Is a resident of the receiving state; or
- b. Has resident family in the receiving state who have indicated

a willingness and ability to assist as specified in the plan of supervision and can obtain employment in the receiving state or has a visible means of support; or

- c. Current employment is dependent upon relocation to another state as a condition of continued employment.

2. Mandatory Transfers of Military, Families of Military, Family Members Employed, and Veterans Receiving Services Through the US Department of Veterans Affairs (VA).

- a. Military members

An offender who is a member of the military and has been transferred by the military to another state, shall be immediately eligible for transfer of supervision.

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

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

- c. Employment of family member in another state

An offender whose family member, with whom he or she resides, is transferred to another state as a condition of continued employment with that employer, shall be immediately eligible for transfer, unless the receiving state can show good cause for rejecting the transfer request provided that the offender will live with the family member in the receiving state.

- d. Veterans receiving medical or mental health services through the VA.

An offender who is a veteran and who is eligible to receive medical or mental health care through the VA and is referred for services by the VA to a regional VA facility in the receiving state shall be immediately eligible for transfer.

3. Discretionary Transfer of Supervision

- a. A receiving state, for good cause shown, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

- b. The sending state must provide sufficient documentation to

justify such a transfer.

- c. The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

4. Misdemeanor, Deferred, and Other Cases

- a. A misdemeanor offender whose sentence includes one year or more supervision shall be eligible for transfer, when the instant offense includes one or more of the following:
 - (1) An offense in which a person has incurred direct or threatened physical or psychological harm;
 - (2) An offense that involves the use or possession of firearms;
 - (3) A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
 - (4) A sexual offense that requires the offender to register as a sex offender in the sending state.
- b. Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact.
- c. A person released from incarceration under furlough, work release or other pre-parole programs is not eligible for transfer under the compact and shall remain in Oklahoma.
- d. The ODOC will not transfer supervision of an Oklahoma case for an offender who was ordered to be supervised by an authority other than ODOC. Such offenders must first obtain a court order transferring supervision to ODOC.

5. Transfer of Sex Offenders

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

C. Interstate Compact Correspondence

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

D. Interstate Compact Offender Tracking System (ICOTS)

States shall use the Interstate Compact Offender Tracking System <https://icots.interstatecompact.org/ICOTS/login> (ICOTS) authorized by the [Interstate Commission for Adult Offender Supervision \(ICAOS\)](#) regarding offenders transferring between or among states.

II. Procedures for Transfer-Interstate Out

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

If an offender requests to reside out of state, a "Transfer Request" will be transmitted to the Interstate Compact Office through ICOTS within seven calendar days of that offender's request, but no more than 120 calendar days prior to the planned departure. The receiving state shall be given the opportunity to investigate the proposed plan prior to the offender being allowed to move or travel to that state.

According to rules adopted by the ICAOS, the receiving state shall complete the investigation and notify the sending state of its decision through a "Reply to Transfer Request" within 45 days of receipt of the "Transfer Request" in the receiving state's Interstate Compact Office. All acceptance decisions shall include reporting instructions.

B. Reporting Instructions

Reporting Instructions may be requested prior to receiving a "Reply to Transfer Request" in circumstances detailed below:

1. Resident of the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding (only if submitted within seven working days of sentencing or release from jail after sentencing).
2. Transferred offender returning to the sending state.
3. Military member with transfer orders.
4. Transfer of military veteran for medical or mental health services.
5. Lives with family who are military members with transfer orders.
6. Employment transfer of family members to another state.
7. Employment transfer of offender to another state.

8. Expedited, must have justification for emergency compelling enough for the receiving state to justify not waiting for the normal transfer.

The only time the offender may proceed to the receiving state without approved reporting instructions, through either a "Transfer Request" or "Request for Reporting Instructions", is if the offender meets the criteria stated in number one above, with the exception of sex offenders. The receiving state has five business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions for sex offenders.

The "Request for Reporting Instructions" shall immediately be transmitted to the Interstate Compact Office through ICOTS.

The "Transfer Request" will be transmitted through ICOTS to the receiving state within 15 calendar days following the granting of reporting instructions by the receiving state. If the receiving state rejects supervision or the "Transfer Request" is not forwarded by the 15th day, it is the responsibility of the sending state to arrange for the return of the offender.

If the "Request for Reporting Instructions" were submitted as expedited (number eight above) the time frame for the "Transfer Request" to be submitted is reduced to seven calendar days.

C. Transfer Request

1. The "Transfer Request" shall contain:
 - a. "Offender's Application" form (signed, witnessed, dated, with the correct contact name, phone number and address for the home offer);
 - b. Instant offense in sufficient detail to describe the type and severity of the offense (Police Report, Affidavit or PSI) and whether the charge has been reduced at the time of imposition of sentence. Information Sheet or District Attorney Narrative is not sufficient information to sufficiently describe the offense;
 - c. Photograph of the offender;
 - d. Conditions of supervision (Rules and Conditions);
 - e. Any orders restricting the offender's contact with victims or any other persons;
 - f. Any known orders protecting the offender from contact with any other person;

- g. Information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation ([DOC_020307B](#) entitled "Oklahoma Sex Offender Notice of Duty to Register");
 - h. Pre-Sentence investigation report, if available;
 - i. Supervision history, if supervised in the sending state over 30 days (narrative summary of the offender's compliance while under supervision or printed case notes); and
 - j. Information relating to any court ordered financial obligations, including but not limited to, fines court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
2. Additional documents and other information may be requested by the receiving state following acceptance of the offender. The sending state shall provide the documents or information if available.

D. Restitution Obligations

Prior to a request for transfer, restitution will be paid in full or the offender must be current with the payment agreement. A statement regarding current status of restitution owed will be included in the financial obligations section of the "Transfer Request" form. Exceptions to this requirement may be granted by the deputy director/designee.

E. Acceptance

Upon acceptance by the receiving state, via the "Reply to Transfer Request" or the "Reply to Reporting Instructions", the offender will be provided with the reporting instructions given by the receiving state.

F. Departure Notice

At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of a travel permit (for resident returning with pending "Request for Reporting Instructions" only), the sending state shall notify the receiving state by the submission of a "Departure Notice" form through ICOTS.

G. Fees

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

H. Responsibility

Upon acceptance of the "Transfer Request" and receipt of the "Notice of Arrival", the field file and the responsibility for supervision of the offender will be transferred to the administrative caseload of the Interstate Compact Unit in accordance with [OP-160801](#) entitled "Administrative Caseload."

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

A. Interstate Investigation (refer to [OP-160301](#) entitled "Reports and Investigations")

When an offender from another state requests to transfer to the State of Oklahoma the sending state will transmit a "Transfer Request" to the Oklahoma Interstate Compact Office through ICOTS. The purpose of this investigation will be to determine if the transfer meets the eligibility criteria.

1. Each "Transfer Request" received will be reviewed by the Interstate Compact Office for completeness and to determine if the plan meets basic criteria for a transfer. The "Transfer Request" will then be forwarded to the appropriate regional office for investigation or returned to the sending state.
2. An investigation of each submitted plan will be completed by assigned staff in the appropriate region. The investigation will include physically visiting the proposed home offer, verbal contact with the home offer provider or offender, verification of employment, and a criminal records check. The records check will include Oklahoma State Bureau of Investigation (OSBI), Oklahoma Department of Public Safety (DPS) and local checks utilizing the "Oklahoma Department of Corrections Request for Record" form ([DOC 090211B](#)). Investigations will not be delayed if checks cannot be completed. The "Reply to Transfer Request" will be transmitted through ICOTS by the assigned deadline.
 - a. If the plan is accepted, the case will be opened and assigned to a field officer immediately.
 - (1) When the offender reports, an "Arrival Notice" shall be forwarded through ICOTS to the Interstate Compact Office within five days of the offender's arrival.
 - (2) If the offender does not report in within 30 days, the officer should exhaust all efforts to locate the offender as outlined in [OP-160103](#) entitled "Reports and Investigations."
 - (3) Once all attempts to locate the offender have failed, an "Arrival Notice" marked as failure to report shall be sent through ICOTS.

- b. If the case is denied the offender will remain in the sending state. If the offender is in Oklahoma on approved "Request for Reporting Instructions", the sending state has 14 days to resubmit a "Transfer Request." If the "Transfer Request" is not resubmitted, the Oklahoma officer will submit a "Request for Reporting Instructions" for an offender returning to sending state, through ICOTS.

B. Reporting Instructions

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

1. A copy of the reporting instructions form will be forwarded to the appropriate regional office within 24 hours through the ICOTS system.
2. The regional office shall forward the information to the appropriate sub-office within 24 hours.
3. When the offender reports, an "Arrival Notice" shall be completed and transmitted through ICOTS within five working days.
4. If the offender does not report as instructed, an "Arrival Notice", marked as "failure to report" will be submitted.

C. Pre-Sentence or Pre-Pardon Investigation

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

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

- A. At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a "Transfer Request" to the subsequent state in the same manner as an initial request for transfer is made.
- B. The receiving state shall assist the sending state in acquiring the offender's signature on the "Offender's Application" and any other forms that may be required under Section II. C. 1. and shall forward these forms to the sending state.

- C. The receiving state shall submit a “Progress Report” through ICOTS to the sending state summarizing the offender’s progress under supervision.
- D. The receiving state shall issue a “Travel Permit” ([DOC 160103B](#)) to the offender when the sending state informs the receiving state that the offender’s transfer to the subsequent receiving state has been approved.
- E. Notification of offender’s departure shall be made by the sending state and arrival shall be made by the subsequent receiving state.
- F. Acceptance of the offender’s transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state’s supervisory obligations for the offender. A “Case Closure Notice” shall be transmitted through ICOTS to the Interstate Compact Office.

V. Supervision and Closing of Interstate Cases

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

- 1. Supervision services provided to interstate compact offenders will be in accordance with [OP-160103](#) entitled “Supervision of Community Offenders.”
 - a. “Progress Reports” will be prepared and transmitted to the sending state through the ICOTS to document offender compliance, to report violations that do not require retaking and/or at the request of the sending state.
 - b. An “Arrival Notice” shall be prepared and transmitted through ICOTS to the Interstate Compact Office within five working days of the offender’s arrival in Oklahoma.
- 2. The offender will be required to comply with all Oklahoma registration requirements. The offender will be notified of registration requirements for sex, methamphetamine and violent offenders as applicable. The offender will be informed to direct all questions regarding requirements for methamphetamine registry to the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) as outlined in [OP-060901](#) entitled “Pre-Release Planning and Reentry Process,” [Attachment D](#).

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

- 1. A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation through ICOTS on the ICAOS “Violation Report” form, if the violation mandates the retaking of the offender by the sending state. Violations that require mandatory retaking are:

- a. Absconding to include substantially failing to make themselves available for supervision;
 - b. New felony conviction;
 - c. Violent or sexual misdemeanor conviction; or
 - d. Pattern of non-compliance that would result in revocation in Oklahoma.
2. The sending state shall respond to a request of a violation made by the receiving state no later than 10 business days following receipt by the sending state.
 3. The response shall be through ICOTS on the ICAOS "Response to Violation Report" form and shall include action to be taken by the sending state, the date by which the action will begin, and the estimated completion date.

(Revision-01 dated 10/16/2019)

C. Warrant Requests

1. When a warrant is mandated, a violation report will be completed as required by [OP-160301](#) entitled "Reports and Investigations." A copy of the violation report, the original sentencing document, the rules and conditions and a "Warrant Abstract" ([DOC 050103A](#)) will be forwarded to the parole revocation administrator for issuance of a compact compliant warrant.
2. The parole revocation administrator will issue a warrant within five (5) business days and forward the warrant to the office of the Inspector General for placement on NCIC. A copy of the warrant will be uploaded into ICOTS. The warrant and the violation report will be forwarded to the court clerk and district attorney of the sentencing county requesting an Application to Accelerate/Revoke be filed.
3. At a minimum of once a month, the parole revocation administrator will reconcile the outstanding warrants with the Inspector General's "Active Fugitive List."

(Revision-01 dated 10/16/2019)

D. Apprehension/Extradition

1. Upon notification that an interstate offender has been apprehended on the Oklahoma warrant, the parole revocation administrator will notify the deputy director of the original sentencing county who will arrange for transportation. If the offender will require air transportation, the parole revocation administrator will notify the

appropriate deputy director as well as the office of the Inspector General who will arrange for transportation.

2. Once transportation arrangement have been made, the parole revocation administrator will contact the district attorney of the sentencing county to advise of the offender's status.

The offender will be transported within 30 days of apprehension in accordance with [OP-040111](#) entitled "Transportations of Inmates." The offender will be booked into the jail of the sentencing county for disposition of the violation.

E. Interstate Closures

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

1. The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
2. Notification to the sending state of the absconding of the offender from supervision in the receiving state;
3. Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification.;
4. Notification of death with supporting documentation; or
5. Return to the sending state.
 - a. Upon request by an offender to return to the sending state the supervising officer will request reporting instructions through ICOTS to the Interstate compact Office on the "Request for Reporting Instructions" form. The sending state shall grant reporting instructions within two business days. The offender will remain in Oklahoma pending the reporting instructions.
6. Transfer to a subsequent (third) state

When an offender meets any of the above criteria for closure, an ICAOS "Case Closure Notice" form shall be completed and transmitted through ICOTS to the Interstate Compact Office. The case will not be closed until the "Case Closure Notice" is mark as valid by the sending state.

The case will be closed on OMS and the file will be closed and forwarded to the closed records unit in accordance with [OP-160201](#) entitled "Opening, Closing and Transferring Cases Under Supervision."

VI. ICOTS User Assigned Workload

Each ICOTS user is responsible for the accuracy of their assigned cases in ICOTS. When an offender transfer to another officer, it is the responsibility of the assigned officer to ensure that the case is reassigned in ICOTS to the new officer. Reassignment will be performed by the team supervisor or ICOTS manager for the region.

VII. Transfers Out-of-Country

No provisions are available for transfer of supervision to other countries. Offenders may not be given permission to travel to other countries unless approval has been obtained from the sending state.

VIII. References

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

OP-020307 entitled "Sex and Violent Crime Offender Registration"

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

OP-160103 entitled "Supervision of Community Offenders"

OP-160301 entitled "Reports and Investigations"

OP-160801 entitled "Administrative Caseload"

<https://icots.interstatecompact.org/ICOTS/login>

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

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

IX. Action

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

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

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

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-160108 entitled "Interstate Compact for Probation/Parole" dated March 27, 2018

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment D	"Methamphetamine Offender Registration"	OP-060901
<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 020307B	"Notice of Duty to Register"	OP-020307
DOC 090211B	"Oklahoma Department of Corrections Request for Record"	OP-090211
DOC 160103B	"Travel Permit"	OP-160103