DEPARTMENT OF CORRECTIONS

Policy Number: 201.021
Title: Intrastate Transfer of Adult Supervision
Effective Date: 02/22/23

PURPOSE: To guide the transfer of individuals under supervision between agencies and within the State of Minnesota to effectively promote public safety.

APPLICABILITY: All Community Corrections Act Counties (CCA), County Probation Officer (CPO), and Minnesota Department of Corrections (DOC) staff

DEFINITIONS:

Group Home – a long-term (six months or longer) or permanent therapeutic setting necessitated by a client's disability, and where the client has resided for a minimum of 60 calendar days. This does not include a temporary placement (less than six months) in a halfway house as defined in DOC Policy 205.130, "Adult Halfway House/Emergency Housing Fund Use," in transitional housing due to the lack of an approved residence, or in substance use disorder/sex offense-specific residential treatment.

Originating county – county which is the sentencing jurisdiction.

Receiving county – county of the proposed agency of supervision.

Residence – a suitable and available proposed/reported address where the client intends to reside long term and where supervision can occur. It does not include homeless shelters, residential treatment programs that provide temporary housing, or substance use disorder/correctional halfway houses.

Risk – determining factor for the sending county's supervision intensity based on the county's assessed cut-off scores on a validated risk instrument.

Sending county – county of the current supervision agency.

Sober housing – long-term residential housing affiliated with a treatment program and expectation for continued sobriety. Clients are eligible for transfer if they are living in sober housing for 60 calendar days or more, once primary treatment and aftercare programming is completed, and if they have no known immediate plans to relocate outside the county.

Transient client – client with no permanent residence who stays temporarily at multiple residences with associates, family members, or in hotel/motels primarily in one county with no intent to move to another county (colloquially called a "couch hopper"). The county where the client predominantly stays would assume supervision. This does not include clients living on the streets or in homeless shelters, or those who stay consistently in one location for more than one month at a time.

Validated risk instrument – A full or prescreen tool that has empirical research supporting its predictability for determining a person's risk for continued involvement in criminal behavior.

PROCEDURES:

A. **Transfer Eligibility Criteria**

All clients on supervised probation from the court, on department of corrections (DOC) supervised/conditional release, or subject to the interstate compact as a receiving agency,

including probation clients with a pending charge, probation violation, or warrant (see B.3., below) (after reports are completed by the originating or sending county) are eligible for a Transfer Investigation Request (TIR) if they meet any of the following criteria:

1. Residence in the receiving county with no known plans to relocate outside the receiving county, to include sober housing, group homes and transient clients as defined above.

2. Acceptance into a Veterans Treatment Court program in the county in which they work (per Minn. Stat. §609.1056).

3. Clients who were convicted of felony and gross misdemeanor offenses and misdemeanor person offenses, who have a minimum of six months of probation remaining at the time a TIR is submitted and are:
   a) Assessed as high or medium risk by the sending county using a current (completed within the last twelve months), validated risk instrument or prescreen, including a detailed narrative which clearly articulates why the client should be supervised in the receiving county, (e.g. significant criminal history, adjustment on supervision, mental health or chemical issues, victim concerns, and notable information pertinent to transfer); or

   b) Assessed as low risk by the sending county using a validated risk instrument or prescreen, including a detailed narrative which clearly articulates why the client should be supervised in the receiving county (e.g. significant criminal history, adjustment on supervision, mental health or chemical issues, victim concerns, other cases being supervised in the receiving county, and notable information pertinent to transfer) rather than the sending county and have unsatisfied conditions other than:
      (1) Financial obligations;
      (2) Avoidance of same or similar behaviors;
      (3) No use of mood-altering substances without court-ordered testing, Alcoholics Anonymous/Narcotics Anonymous (AA/NA) attendance, or completion of an alcohol education program; or
      (4) Community Work Service/Sentencing to Services (CWS/STS) or Mothers Against Drunk Driving (MADD) panel completion.

4. All clients are eligible for transfer if they meet residency criteria and in-person contacts are currently required in the sending county along with any of the following:
   a) When a client has multiple cases in multiple counties, consideration should be given to transfer cases to the county of residence if that is determined to be in the best interest of the client for supervision. Agents must communicate with one another.

   b) Supervisors in the sending and receiving counties agree to the transfer before a TIR is initiated. If the agent in the sending county is uncertain of a client's eligibility for transfer, it is recommended the agent in the sending county contact the relevant county liaison in the receiving county;

   c) A supervised release client with more than 45 days of supervision remaining, unless in violation status or an ISR/CIP client;

   d) All clients whose current conviction is for a sex offense or sex-related offense, and are required to complete Predator Offender Registration (POR), including failure to register; or

e) County Probation Office (CPO) cases where a client is already supervised by DOC, within the originating county, are eligible for transfer to the DOC office regardless of meeting transfer criteria.

B. **Initiating Transfer of Supervision**

All transfer documents must be scanned and stored electronically in the CSTS and all transfer investigation activities must occur through the CSTS transfer module. All cases must be formally transferred to the agency providing the supervision for the highest-level offense when a client is eligible for transfer. To the extent possible, the sending county must verify the existence and legitimacy of the proposed residence prior to submitting a TIR.

1. A TIR is initiated 30 calendar days or less before the client plans on moving to the receiving county or when there are 30 days or less remaining on a jail sentence.

2. A TIR should be completed within 30 calendar days of sentencing or upon learning that a client is residing in another county.

3. Sending agents must check warrant status, make every effort to resolve outstanding warrants prior to iniating transfer, and document those efforts in the transfer investigation.

4. A residence investigation must be completed and approved prior to an intensive supervised release (ISR) client moving to the receiving county. If the proposed residence is a permanent therapeutic setting, the agency has a maximum of five business days to respond to the request for supervision.

5. When a client under probation supervision with an assigned end-of-confinement review committee (ECRC) level II or III advises the supervising agent of intent to move or moves from a sending county to a receiving county, the agent in the sending county must notify the receiving county as soon as possible.

6. Transfers that require Predatory Offender Registration (POR)
   a) Pursuant to Minn. Stat. § 244.057, the sending or originating county's agent must notify the appropriate child protection agency before authorizing the client to live in a household where children are residing.

   b) If the receiving county becomes aware of the POR requirements, prior to transfer, county staff must reach out to the originating or sending county to verify notification and, if not done, then the sending or originating county staff must report it to child protection.

7. The TIR should include all information needed to effectively supervise conditions and facilitate case planning in the receiving county. Providing insufficient information may delay the transfer. The TIR includes the following:
   a) For clients assessed high to medium risk, a current (completed within the last twelve months) validated risk assessment instrument or prescreen, including a detailed narrative which clearly articulates why the client should be supervised in the receiving county (e.g., significant criminal history, adjustment on supervision, mental health or chemical issues, victim concerns, and notable information pertinent to transfer);

   b) For clients assessed low risk, a validated risk instrument or prescreen, including a detailed narrative which clearly articulates why the client should be supervised in the receiving county (e.g. significant criminal history, adjustment on supervision,

mental health or chemical issues, victim concerns, other cases being supervised in the receiving county, and notable information pertinent to transfer); and, if available:

c) Signed, legible probation or supervised release agreement;

d) Appropriate assessments/evaluations;

e) Updated Minnesota Court Information System (MNCIS) case information with statute and stay types;

f) Updated status information on each condition for every transferring sentence;

g) Balances on unpaid restitution obligations;

h) Updated chronological case record;

i) Pre-sentence or post-sentence investigation(s) if any, or updated criminal history;

j) Recent, relevant progress report, violation report and/or restructures;

k) Victim information and protection order history for clients who have been convicted of person offenses;

l) Information in the recommendation and summary of adjustment to date section identifying the client's compliance with conditions, employment status and history, updated POR information, other cases being supervised in the receiving county, and any legal, chemical use, mental health, relationship, victim, or other issues;

m) Case plans, thinking reports or other behavioral interventions including any written homework assignments;

n) If a client who is required to comply with POR, notice to child protection and outcome; and

o) Sentencing/supervision release order(s) and complaint documents.

8. In the absence of a court-ordered program/service in the receiving county, the situation must be resolved before transfer occurs.

9. Exceptions to the sending county's responsibility for the arrangement of special conditions must be justified in the TIR or by the receiving county.

10. The originating or sending county must continue to supervise the client pending the outcome of the transfer investigation.

C. **Investigating and Responding to Transfer Investigation Request:**
The receiving county's staff must conduct a transfer investigation to determine suitability and availability of residence as they would for their own clients residing in their county. For ISR or CIP clients, staff may contact property owners when concerns arise as part of the investigation, as raised by the tenant of the proposed residence, to determine the length of time the client could reside there. Landlords and/or property managers will NOT be contacted unless the offender is a

POR Level 2 or 3 or the residence or living situation creates specific, identifiable risks to public safety.

1. Reply requirement – The receiving county must reply to the TIR within 45 days of receipt of the TIR or advise the sending county of the status of the investigation.

2. Acceptance
   a) If the receiving county accepts transfer of supervision, the sending agency updates the client's record in the county's database with a status of "transfer out" which uploads to the Statewide Supervision System (S^3).

   b) The receiving county's staff update the client's record to reflect "supervised in county" status in their database and indicates the identity of the new agent when uploaded to S^3.

   c) Supervision jurisdiction transfers to the receiving agent once the case is accepted. The agent must verify that the client's supervision is accurately reflected in S^3.
      (1) Once transfer is accepted, it is the responsibility of the receiving county to arrange and supervise all conditions.
      (2) The level of supervision in the receiving county is determined by the receiving county, except for clients under ISR supervision.
      (3) Pursuant to Minn. Stat. §244.18, subd. 3, community corrections act (CCA) and county probation officer (CPO) counties must not impose additional fees on a client after the client's supervision has been transferred to the DOC.

3. Denial
   a) The receiving county agent must have contact, phone/e-mail consultation, with the sending agent prior to submitting any denial.

   b) When an investigation is denied, the reply to the TIR must clearly articulate the reason(s) for denial and include the approval of the denial by the relevant supervisor in the receiving county.

   c) When appropriate, supporting discovery and ample information to enable the sending county to compose a violation report is included.

   d) Clients referred for transfer must not be denied transfer because of:
      (1) Positive drug testing alone, unless attempts to resolve condition non-compliance are not effective;
      (2) A single missed appointment. The agent in the receiving county must attempt a minimum of three contacts by two different methods prior to rejection;
      (3) Lack of employment or unstable employment history, which are not acceptable reasons to deny a transfer. A client's unwillingness to notify an employer of criminal history must not be considered a reason to deny transfer; or
      (4) A case may not be denied strictly due to a pending charge, probation violation or outstanding warrant on another offense as articulated in the adjustment section.

D. **Relocating after Transfer:**

If a client moves from one county to a second county and later to a third county, it is the responsibility of the second county to arrange the transfer to the third county.

1. If a client moves from a sending county to a receiving county and later returns to the sending county, the receiving county must verify the client's address in the sending county before transferring supervision back through the CSTS transfer module.
   a) The agent must include the client's adjustment on supervision to date, which includes the client's status and compliance with conditions and employment status; notes any legal, chemical use, mental health, relationship, victim or other issues; and includes case plans, thinking reports, other behavioral interventions including any written assignments, and a Chrono record of the past year.

   b) If the client is in violation status, the receiving county must complete the violation report.

2. If a client moves from one county to a second county, becomes ineligible for transfer pursuant to this policy during residency in the second county, and moves to a third county, the second county may transfer supervision back to the originating county through the CSTS transfer module only after giving consideration for what is in the best interests of the client for supervision.
   a) The agent must attach a progress report outlining the client's adjustment on supervision to date, which includes the client's status and compliance with conditions, employment status, and history in the receiving county; notes any legal, chemical use, mental health, relationship, victim, or other issues; and includes case plans, thinking reports, other behavioral interventions including any written assignments, and a Chrono record of the past year.

   b) If the client is in violation status, a violation report must also be included.

3. If a client moves from one county to a second and later to another state, it is the responsibility of the county currently providing supervision to arrange the interstate transfer.
   a) Once the other state has accepted the client and upon receipt of the Notice of Arrival, the receiving county must transfer the case back to the originating county through the CSTS transfer module and update the workflow in Interstate Compact Offender Tracking System (ICOTS).

   b) For supervised release cases, upon receipt of the Notice of Arrival, the case is transferred to the Interstate Compact office.

E. **Post Transfer Court Action:**

With the exception of DOC-to-DOC cases, any court action requiring judicial review/approval must be sent to the originating county to e-file or send to MNCIS. DOC-to-DOC cases are uploaded to MNCIS from CSTS.

1. Violations

   If a client violates the conditions of supervision, the receiving county is responsible to address the violation. If a violation report is warranted:
   a) The supervising agent in the receiving county must submit a violation report including all discovery documents to support the alleged violation(s) through the CSTS violation module to the originating county.
      (1) The violation report must include adjustment sufficient to support the violation to include, if applicable: rehabilitative efforts attempted or completed, contacts or attempted contacts, employment stability, agents'

attempts to work with the client, updated risk assessment, stability of residence, jail time completed, and updated conditions. This section must also include general recommendations regarding the need for a correctional consequence and conditions needed to address criminogenic factors.

(2) The recommendation section must only include a recommendation for a warrant or show cause hearing.

b) It is the expectation that both originating and receiving counties will communicate any significant information pending resolution of the alleged violation.

c) The originating county must prepare orders and distribute the violation report.

d) If an addendum needs to be submitted, the receiving county must provide the information to the originating county.

e) Supervision must be returned to the originating county through the CSTS transfer module only after the court in the originating county has issued a warrant for the client and the client is not apprehended within 60 calendar days.

f) Upon disposition or significant court event, the agent in the originating county must advise the agent in the receiving county, via the CSTS message center, of the court's ruling and provide any documentation available from the court that was referenced during resolution of the court matter.

g) The receiving county must continue to supervise the client until final disposition is resolved or a warrant is issued.

2. Sanctions Conferences

If the receiving county opts to conduct a sanctions conference, the receiving county contacts the originating county to determine use and standards for that jurisdiction. Documentation must be forwarded to the originating county to e-file with the court.

3. Early Discharges

The receiving county may request early discharge when the client has satisfied all the conditions of probation and has met the criteria for discharge in the receiving county. To determine eligibility for early discharge, the receiving county may contact the originating county to determine standards for that jurisdiction.

a) A progress/discharge report recommending an early discharge is submitted to the originating county. Reports should include adjustment sufficient to support early discharge; such as rehabilitative efforts completed, contacts, employment stability, agents' work with the client, updated risk assessment level, stability of residence, jail time completed, and updated conditions.

b) If the corrections agency in the originating county advises it does not permit early discharge or the sentencing court in the sending county refuses to discharge a client, the receiving county must continue to supervise the high and moderate risk client according to the supervision standards of the receiving county. A low-risk client may be transferred back to the originating county upon agreement between sending and receiving agents after giving consideration for what is in the best interests of the client for supervision.

c) If the receiving county recommends early discharge, the receiving county may not close the case or return it to the sending county until the receiving county has received notice of approval from the supervision authority in the sending county.

4. Expiration

The receiving county must provide the corrections agency in the originating county with a discharge report for felony and all stays of adjudication/imposition which include the client's compliance with the conditions of supervision/general adjustment.

a) Within 90 calendar days of expiration, staff may submit the progress/discharge report for felony and all stays of adjudication/imposition, or, upon request, misdemeanor and gross misdemeanor cases to the corrections agency in the originating county.

b) Within 30 calendar days of expiration staff must submit the progress/discharge report for felony and all stays of adjudications/imposition, or, upon request, misdemeanor and gross misdemeanor cases to the corrections agency in the originating county.

c) The receiving county may not close the case prior to expiration unless notified that the case was closed by the sentencing court.

F. **Deported clients**

A client deported to another country from a receiving county by federal immigration and customs enforcement (ICE) may be transferred back to the originating county through the CSTS transfer module. The agent must attach a progress report outlining the client's adjustment on supervision to date, which includes the client's status and compliance with conditions, employment status, and history in the receiving county; notes any legal, chemical use, mental health, relationship, victim, or other issues; and includes case plans, thinking reports, other behavioral interventions including written assignments, and a Chrono record of the past year. If the client is in violation status, a violation report must also be included.

G. **Supervision resolution**

When there is a dispute relative to the transfer of a client, agents must attempt to resolve matters by referring to the processes and standards identified in this policy. If they are unable to do so, they must refer the matter to their respective supervisors and/or administrators. If necessary, disputed matters are ultimately resolved by the DOC deputy commissioner of community services/designee.

INTERNAL CONTROLS:

A. Transfer investigation requests are sent electronically via CSTS transfer module and retained in CSTS.

B. All transfer documents are scanned and stored electronically in CSTS.

C. Transfers of supervision are updated and maintained in the Statewide Supervision System (S^3).

D. For transfers to another state, information is updated and maintained in the Interstate Compact Offender Tracking System (ICOTS).

E. Any court action requiring judicial review/approval is sent to the originating county to e-file or send to MNCIS. DOC-to-DOC cases are uploaded to MNCIS from CSTS.

ACA STANDARDS: None

REFERENCES: Minn Stat. §§ 609.14; 243.05, subd. 1(d), subd. 1a, subd. 6; 243.166, subd. 4(b); 244.20; 244.24; 244.057; and 243.1605
Minnesota Rules of Criminal Procedure 27.04
Policy 206.020, "Interstate Compact for the Supervision of Parolees and Probationers-Adults"
Policy 201.010, "Adult Community Supervision"
Division Directive 201.013, "Supervision Fees - Field Services"
Division Directive 203.016, "Classification and Assessment"

REPLACES: Policy 201.021, "Intrastate Transfer of Adult Supervision," 7/16/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Oorganizational and Regulatory Services
Assistant Commissioner, Chief of Staff
Assistant Commissioner, Health, Recovery, and Programming