DEPARTMENT OF CORRECTIONS

Policy Number:	**206.020**
Title:	**Interstate Compact for the Supervision of Adult Parolees and Probationers**
Effective Date:	**12/5/23**

PURPOSE: To provide procedures for ensuring compliance with Interstate Compact rules for adult parolees, probationers, and supervised releasees under the interstate compact.

APPLICABILITY: Department-wide; Community Corrections Act Counties; and county agencies.

DEFINITIONS:

Abscond – to be absent from the client's approved place of residence and employment, and failing to comply with reporting requirements.

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.

Client – 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 Interstate Compact for Adult Client Supervision (Interstate Compact).

Client convicted of a sex offense – an adult placed under, or made subject to, supervision as a 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 registered or required to register as having committed a sex offense in the sending state or is under sex offense terms and conditions in the sending state *and* who is required to request transfer of supervision under the provisions of the Interstate Compact. For the application of the Interstate Compact, the registration portion of this definition applies to Minnesota clients subject to predatory offender registration only for offenses of a sexual nature or deemed to have committed a sexual offense as part of Minn. Stat. § 243.166.

Interstate Compact Offender Tracking System (ICOTS) – a national database that facilitates, and retains the information regarding, the process of transferring the supervision of clients to other states.

Probable cause hearing – a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of a client alleged to have violated the terms or conditions of the client's parole or probation.

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

Relocate – to remain in another state for more than 45 consecutive calendar days in any 12-month period.

Reporting instructions – the orders given to a client by a sending or receiving state directing the client to report to a designated person or place, at a specified date and time, in another state. Reporting instructions must include place, date, and time on which the client is directed to report in the receiving state.

Rules – acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact, and substantially effects interested parties in addition to the Interstate Commission.

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.

Supervision – the authority or oversight exercised by supervising authorities of a sending or receiving state over a client for a period of time determined by a court or releasing authority, during which time the client is required to report to or be monitored by supervising authorities, and includes any condition, qualification, condition or requirement, other than monetary conditions, imposed on the client at the time of the client's release to the community or during the period of supervision in the community.

Warrant – a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which 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 must be entered in the National Crime Information Center (NCIC) wanted person file with a nationwide pick-up radius and with no bond amount set.

PROCEDURES:

A. General provisions

1. All Community Corrections Act Counties, state agents, county agents, and Minnesota Department of Corrections (DOC) staff must follow the procedures and instructions outlined in this policy.

2. All formal communication (written, electronic, and oral) and decisions regarding a client under this compact must be made only through the office of a state's compact administrator, the compact administrator's designated deputy, or staff of the interstate compact unit (MN ICU).

3. All adult clients currently on probation, parole or supervised release who wish to relocate to another state are transferred in accordance with Minn. Stat. § 243.1605, Interstate Compact for Adult Offender Supervision (ICAOS) rules and policy. All transfer requests and case management activities must be done in the Interstate Compact Offender Tracking System (ICOTS). Data requirements are tracked by ICOTS and automated notices are sent by the system when necessary.

4. To be an approved ICOTS user, staff must complete training approved by the Minnesota deputy compact administrator (MN DCA) prior to logging into ICOTS.

5. Minnesota agents must, to the best of their ability, determine whether the client is registered or required to register as a client convicted of a sex offense or is under sex offense terms and conditions in the State of Minnesota.

6. Adult clients currently on probation/parole are only accepted for supervision in Minnesota in accordance with Minnesota statute and policy.

B. Eligibility criteria and transfer requirements

1. *Eligibility for transfer of supervision*

No state may permit a client who is eligible for transfer under the Interstate Compact to relocate to another state except as provided by the Interstate Compact and this policy.

2. A client who is not eligible for transfer under the Interstate Compact is not subject to this policy and remains subject to the laws and regulations of the authority responsible for the client's supervision.

3. *Victims' right to be heard and comment*

a) When a client submits a request to transfer to a receiving state or a subsequent receiving state or to return to a sending state, the victim notification authority in the sending state must inform victims of the client of their right to be heard and comment. Victims of the client have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office regarding their concerns for their safety and family members' safety relating to the transfer request. The victim notification authority in the sending state must provide victims of the client with information regarding how to respond and be heard if the victim chooses.

b) The receiving state must continue to investigate the transfer request while awaiting response from the victim.

c) The sending state must consider victim-related concerns. Victims' comments are confidential and must not be disclosed to the public. The sending state or receiving state may impose conditions of supervision on the client to address victim-related concerns.

d) The sending state must respond to the victim no later than five business days following receipt of victim-related concerns.

C. Request for interstate transfer

1. *Parole/Supervised release of clients currently incarcerated*

The decision to submit a transfer request is at the discretion of the caseworker.

a) Exception – an interstate transfer must be initiated by the caseworker if all the following three criteria are met:

(1) The client's only Minnesota release plan is to report to a Minnesota agent's office, homeless;

(2) The client has a compact-eligible plan in another state; and

(3) The client is not past the confinement release date (CRD) at the time of commitment.

b) No earlier than 120 calendar days prior to the CRD, the caseworker may submit a transfer request via ICOTS. Staff must follow hearings and release unit (HRU) procedures (see DOC Policy 106.112, "Approval and Modifications of Release Plans")

c) Any interstate transfer request for a mandatory intensive supervised release (ISR) client must include, by e-mail to the Minnesota deputy compact administrator (MN

DCA), information regarding the client's travel plans to the receiving state. The caseworker must inform the client that the travel plans must be the most direct route with minimal stops. Once the cleint submits travel plans to the facility caseworker, the facility caseworker must immediately submit the travel plans to the MN DCA using the Mandatory ISR Client Travel form (attached). The MN DCA must review the proposed travel plans with the Minnesota Interstate Compact Commissioner/Director of Field Services for their approval. No interstate plan is considered formally approved until the travel plans have been approved by the DCA and Interstate Compact Commissioner.

d) An interstate client must depart Minnesota immediately upon release from the Minnesota correctional facility and proceed directly to the approved placement in the receiving state. If the client does not intend to leave Minnesota immediately upon release, the client must be released to the Minnesota-approved plan. An ISR client or a client who is a level 3 predatory offender registrant (POR), who is not departing by personal vehicle directly from the facility upon release, must be transported by DOC facility staff to the approved location from which departing to the other state (airport, bus/train station, etc.). The DOC staff transporting the client must not leave the location until the staff observes the client departing on the approved mode of transportation.

e) In cases where there is an active detainer on the date of the client's release, the client must not be released to the interstate plan, nor assigned to the MN ICU state program administrator principal.

f) The facility caseworker must notify MN ICU staff of any change to the release date or the client's withdrawal of request. MN ICU notifies the receiving state of these changes.

2. *Clients currently in the community on parole/supervised release*
The decision to submit a transfer request is at the discretion of the Minnesota agent, based on the facts of the case. The client must remain in Minnesota until the compact office in the receiving state and the State of Minnesota have both approved the transfer request or the expedited reporting instructions. After the case is accepted by the receiving state and prior to the client's departure, the Minnesota agent must complete the restructure report form.

3. *Clients on probation*
This policy applies to clients on probation who could be in the community, jail, or residential placement and who request transfer to another state. The decision to submit a transfer request is at the discretion of the Minnesota agent, based on the facts of the case. The client must remain in Minnesota until there is an approved transfer request or approved reporting instructions through the compact offices in both the sending and receiving states, unless the client was living in the receiving state at the time of sentencing, the client does not meet the definition of having been convicted of a sex offense per compact rules, and reporting instructions have been submitted per interstate compact rules.

4. *Parole/Supervised release clients and probationers released to a detainer in another state*

The following procedures must be followed for clients who are released to a detainer in another state and request to relocate to that state. The decision to submit a transfer request is at the discretion of the Minnesota agent, based on the facts of the case.

a) Immediately upon the client's release to the detainer, the Minnesota agency must contact the holding authority and verify the circumstances and the intended date of release;

b) The Minnesota agency must maintain contact with the holding authority to ensure a transfer request is submitted in sufficient time to be investigated and approved prior to the client's release; and

c) The Minnesota agent must request assistance from the holding authority in obtaining the required signatures on the Client Application for Interstate Compact Transfer (ICOTS form).

D. Request for reporting instructions

1. Excluding clients who are registered as having been convicted of a sex offense in the sending state, required to register as having been convicted of a sex offendse in the sending state, or clients who are under sex offense terms and conditions in the sending state, a request for reporting instructions for a client who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding must be submitted within seven business days of the date of the initial sentencing, disposition of violation, revocation proceeding, or release from incarceration to probation supervision. The Minnesota supervising agency may grant a seven-day travel permit to a client but, prior to granting a travel permit, the Minnesota agency must verify that the client is living in the receiving state and that the client has completed all required documentation prior to the departure.

2. *Request for expedited reporting instructions* (does not include clients who are registered as having been convicted of a sex offense in the sending state, required to register as having been convicted of a sex offense in the sending state, or under sex offense terms and conditions in Minnesota)
Request for expedited reporting instructions to other states

a) Once a transfer request has been submitted and the Minnesota agent has determined that emergency circumstances exist, the Minnesota agent may request that a receiving state agree to expedite reporting instructions. The Minnesota agent must submit a request for expedited reporting instructions via ICOTS. The client must remain in Minnesota until the reporting instructions are provided or transfer is approved by the receiving state.

b) If a client is released from incarceration in a receiving state and the client requests to relocate there and the client meets eligibility requirements under interstate compact rules, the agent must request expedited reporting instructions within two business days of the notification of the client's release.

c) Request for expedited reporting instructions from other states
A copy of the request must be forwarded via e-mail to the county contact in the receiving jurisdiction for the contact's consideration. The receiving jurisdiction must provide a response to a request for expedited reporting instructions to the MN ICU staff within one business day. If a response is not received by the MN ICU

staff within the one business day, the Deputy Compact Administrator or the Interstate Compact Commissioner will determine approval or denial of the request via ICOTS.

3. *Reporting instructions for all clients registered or required to register as having been convicted of a sex offense, or under sex offense terms and conditions, in the sending state*
   a) Request for reporting instructions to other states
      (1) The Minnesota agent must not allow a client to leave the sending state until reporting instructions are provided by the receiving state.

      (2) In the interim, the Minnesota agent must provide supervision consistent with the supervising jurisdiction's standards and policies.

      (3) The Minnesota agent must verify, through appropriate sources, that the client meets the reporting instructions criteria.

   b) Requests for reporting instructions from other states
      The Minnesota county contact has three business days to review the proposed residence to ensure compliance with local policies or laws. If the proposed residence is invalid due to existing law or policy, the Minnesota county contact may deny reporting instructions. If the Minnesota county contact fails to respond in the allotted time, the MN ICU must provide reporting instructions based on the type of request.

E. Reply to interstate transfer request
If the MN ICU determines that the transfer request is incomplete, the MN ICU must reject the transfer request. If the transfer request is complete, the MN ICU forwards the transfer request to the county contact in the local jurisdiction (in the area to which the client is attempting to transfer) or to the agent of record if the client is currently under Minnesota jurisdiction. No later than three business days after receipt, the county contact in the local jurisdiction must assign the case to a Minnesota agent in ICOTS. Upon receipt of the transfer request, the Minnesota agent determines if the client is subject to community notification laws. If the client is subject to the community notification laws, a reply must be received in the MN ICU within 15 business days. If the client is not subject to the notification laws, a reply must be received in the MN ICU within 30 calendar days.

1. *ECRC required community notification*
   *T*o apply when the Minnesota agent has determined that the client is subject to community notification.
   a) No later than 15 business days after receipt, the Minnesota agent must complete an interstate investigation and submit the reply in ICOTS to the MN ICU. Clients who are required to register under Minn. Stat. § 243.166 or § 243.167 and who are subject to community notification under Minn. Stat. § 244.052 must have a risk level assigned through the ECRC process. To determine which clients are subject to community notification, refer to the How to Determine if ECRC is required for Interstate Client (attached). Contact the DOC risk assessment/community notification (RA/CN) unit for questions related to ECRC applicability. At the time the acceptance is submitted in ICOTS, the Minnesota agent must immediately send an e-mail to the MN ICU to indicate that the client needs an ECRC.

b) The reply must be submitted to the sending state within 45 calendar days from receipt of the transfer request in the MN ICU, even if the ECRC process has not been completed.

2. *ECRC not required*

In replying to a transfer investigation request when the assigned Minnesota agent has determined that the client is not subject to community notification, the following procedure must be followed:

a) No later than 30 calendar days after receipt, the assigned Minnesota agent must conduct an investigation and submit a reply to the transfer request via ICOTS. If accepted, the reply must include any conditions to be imposed by Minnesota, the conditions of the sending state that the local jurisdiction is unable to enforce, and reporting instructions.

b) At the time the acceptance is submitted in ICOTS, the Minnesota agent must then send an e-mail to the MN ICU advising that the client is not subject to ECRC and Policy 205.220, "Predatory Offender: Registration, Community Notification, Victim Notification, Level 3 Website, and Risk Level Reassessment Request."

F. Community supervision

1. *Supervision of interstate cases*

Minnesota assumes the duties of supervision over probationers/parolees of any sending state, when the clients have reported as directed on approved reporting instructions or approved transfer requests. The Minnesota agents must supervise the clients in a similar manner to the clients sentenced in Minnesota, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

a) At the first meeting with the client, the Minnesota agent must:

(1) Ensure that predatory registration and a DNA sample are completed in accordance with Minnesota statute and assist in sending state requirements.

(2) On parole cases, conditions of release must be completed including all relevant conditions in accordance with Policy 106.112, "Approval and Modification of Release Plans." The conditions must be signed by the offender, the Minnesota agent, and the HRU. Once completed, the conditions must be submitted via ICOTS as an attachment to a Compact Action Request (CAR).

b) The Minnesota agent must determine the level of supervision and may impose a condition if that condition would have been imposed on a Minnesota client. Any time a condition is imposed on the client, the Minnesota agent must notify the client in writing and forward this documentation to the sending state via a progress report in ICOTS.

c) The sending state determines the duration of the probation/parole period.

2. *Progress reports on interstate cases*

a) The Minnesota agent must provide a progress report to the sending state within 30 calendar days of the sending state's request.

b) The Minnesota agent must initiate a progress report to document client compliant behavior or non-compliant behavior that does not require retaking, as well as incentives, corrective actions, or graduated responses imposed.

c) The Minnesota agent must request a progress report via a specialized CAR on a client supervised in another state at least once yearly if no other activity has occurred within the ICOTS case.

3. *Return of supervision to the sending state*

The return of supervision to the sending state must be processed in accordance with this policy.

a) For a client returning to the sending state, the supervising agent must submit a request for return reporting instructions via ICOTS unless the client is under active criminal investigation or is charged with a subsequent felony or violent crime in the receiving state. The client must remain in the receiving state until reporting instructions are provided.

b) The sending state must grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state. On incoming cases, if the sending state does not provide reporting instructions, the Minnesota agent must contact the MN ICU. The sending state must direct the client to return to the sending state within 15 business days of the reporting instructions request. The receiving state must provide the client reporting instructions and determine the departure date. If unable to locate the client to provide the reporting instructions, the receiving state must establish absconding per compact rules.

c) The supervising agent must submit a progress report if one has not been submitted in more than a year, followed by a Notice of Departure and Case Closure Notice.

d) The supervising agent retains authority to supervise the client until the client's directed departure date or issuance of the sending state's warrant. If the client does not return to the sending state as ordered, the sending state must issue a warrant no later than ten business days following the client's failure to appear in the sending state.

4. *Closing of supervision*

Closing of supervision must be done in accordance with this policy and must be done by completing the Case Closure Notice (CCN) via ICOTS.

a) The Minnesota agent must close supervision of a client upon:

(1) The date of discharge established by the sending state;

(2) Notification to the sending state of the absconding of the client from supervision in the receiving state;

(3) Notification to the sending state that the client has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;

(4) Notification of death; or

(5) Return to the sending state.

b) A receiving state must not terminate its supervision of a client while the sending state is in the process of retaking the client unless the case has reached expiration in ICOTS.

c) At the time a receiving state closes supervision, a CCN must be submitted via ICOTS and must include the client's last known address and employment.

d) The sending state must submit a CCN reply to the receiving state within ten business days of receipt via ICOTS.

G. Violations, Warrants, and Retaking

1. *Behavior Requiring Retaking*

a) Behavior Requiring Retaking by Non-Minnesota Clients

(1) If a client's behavior would rise to the level of a request for revocation in Minnesota per the Minnesota Probation Violation Matrix or per HRU standards for parole cases, or the client has absconded per compact rules, the Minnesota agent must notify the sending state of an act or pattern of behavior requiring retaking of a client within 30 calendar days of discovery or determination. The Minnesota agent must request a warrant be issued by the sending state. The Minnesota agent retains authority to supervise until the client's directed departure date or issuance of warrant. Upon notification that a warrant has been issued, the receiving state must attempt to apprehend the client on the sending state's warrant and provide notification to the sending state. If the client cannot be located to effect the apprehension, the receiving state must establish the client as an absconder per compact rules.

(2) A warrant must be issued when there is a risk to public safety. The Minnesota agent must request a warrant in accordance with Policy 106.150, "Warrants," for the issuance of warrants with the following additions:

(a) The Minnesota agent must provide the information obtained through ICOTS on interstate compact cases upon acceptance of supervision, including, but not limited to, the FBI and SID numbers.

(b) The Minnesota agent must immediately submit a client Violation Report via ICOTS.

(c) When a warrant cannot be processed through HRU (e.g., nights weekends, holidays), the Minnesota agent must prepare an apprehension and detention order to ensure arrest/detention.

(d) In cases that require a warrant or an apprehension and detention order, all interstate compact cases, regardless of supervision status (probation, supervised release, or parole), must follow DOC Policy 106.150, "Warrants." The Minnesota DOC has no authority to detain an out-of-state client who has not been committed to the commissioner of corrections beyond the procedures under DOC Policy 106.150, "Warrants." Out-of-state clients cannot be held indefinitely pending other court activity or until the end of sentence.

(3) New Arrest
If the client is arrested on new charges, the Minnesota agent must wait until conviction of the new offense before submitting a Violation Report unless behavior other than the arrest rises to the level of revocation in Minnesota. Arrest information is submitted to the receiving state via a Progress Report.

b) Client Behavior Requiring Retaking and Warrants for Minnesota Clients in Other States

(1) The Minnesota agent must request probable cause as long as the intent is to return and revoke the client.

(2) Upon notification of the behavior requiring retaking, the Minnesota agent must issue a warrant or order the return of the client upon receipt of the violation report or finding of probable cause.

2. *Pending Charges*
If a client is charged with a subsequent felony or violent crime, the client must not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the client has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

3. *Discretionary Retaking by the Sending State*
The sending state must notify the receiving state within 15 business days of their issuance to the client of the directive to return. The receiving state must request return reporting instructions under Rule 4.111. If the client does not return to the sending state as ordered, then the sending state must issue a warrant no later than 30 calendar days following the client's failure to appear in the sending state.

H. Probable cause hearing procedures

1. *Probable Cause Hearings for Other State Clients Being Supervised in Minnesota*
Minnesota agent responsibilities prior to a probable cause hearing being conducted:

a) Immediately upon notification of arrest on a MN DOC warrant, the Minnesota agent must initiate the probable cause process through MN HRU.

b) If a violation report has already been submitted to the sending state, the Minnesota agent must send an addendum to violation report to the sending state notifying them of the client's apprehension, location and availability.

c) If the client is apprehended on a MN DOC warrant and is available, a probable cause hearing must be held within 12 business days. If requested by the sending state, a probable cause hearing must be held, regardless of who issued the warrant, within 12 business days of availability and request. Clients may sign the Probable Cause Hearing Waiver (attached) in lieu of a probable cause hearing.

d) The Minnesota agent must follow Policy 106.114, "Hearings for Adult Offenders." The Minnesota agent must schedule the probable cause phase of the revocation hearing. A probable cause hearing is only scheduled when the client is in custody.

3. *Probable Cause Hearings for Minnesota Clients in Other States under Interstate Supervision*

The Minnesota agent must request probable cause from the receiving state when the violation does not involve a conviction of a new offense and revocation may occur.

I. Temporary Travel Permit for Interstate Compact Cases

1. *Travel permit for non-compact clients*
   Travel permits must not be used to circumvent the Interstate Compact and must not be issued for relocation purposes. At no time may an open-ended travel permit be issued; the travel permit must not exceed 45 consecutive days. Relocation is done in accordance with the Interstate Compact. If a transfer request is pending, a travel permit may not be issued for a client to be in the receiving state unless approved by the receiving state through the compact office.

2. *Travel permits for compact clients*
   Clients being supervised in Minnesota under the Interstate Compact may be issued a temporary travel permit to travel outside the State of Minnesota according to agency policy, providing that it does not conflict with Interstate Compact rules. If the client requests to travel back to the sending state, the Minnesota agent must notify the sending state prior to the issuance of a travel permit.

INTERNAL CONTROLS

A. All transfers and associated activities are documented and retained electronically in ICOTS.

B. Automated notices for data requirements are sent by the ICOTS system as necessary.

REFERENCES:
Policy 106.112, "Approval and Modification of Release Plans"
Policy 106.150, "Warrants"
Policy 106.114, "Hearings for Adult Offenders"
Policy 201.010, "Adult Community Supervision"
Policy 205.220, "Predatory Offender: Registration, Community Notification, Victim Notification, Level 3 Website, and Risk Level Reassessment Request"
Minn. Stat. §§ 243.1605; 243.166; 243.167; and 244.052

REPLACES:
Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers," 8/18/2020.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Probable Cause Hearing Waiver (206.020G)
Mandatory ISR Client Travel Form (206.020V)
How to Determine if ECRC is Required for Interstate Clients (206.020X)
Client Application for Interstate Compact Transfer (external form, in ICOTS)
Minnesota Probation Violation Matrix (206.020Y)
Interstate Compact Action Item Timeframes (206.020CC)
Interstate Compact Training Procedures (206.020DD)
Interstate Conditions of Release (206.020EE)

APPROVED BY:
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