



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL

REVISION DATE
4/13/15

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NUMBER
DOC 380.605

POLICY

TITLE
INTERSTATE COMPACT

REVIEW/REVISION HISTORY:

Effective: 12/20/01	Revised: 10/6/08 AB 08-027
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Revised: 9/29/04	Revised: 8/1/10
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Revised: 6/14/07 AB 07-018	Revised: 3/24/14
Revised: 1/1/08 AB 07-038	Revised: 4/13/15
Revised: 7/18/08	

SUMMARY OF REVISION/REVIEW:

IV.B. - Removed application reference
 Added VI.A.7. on Reporting Instructions for offenders referred for medical/mental health care in a VHA facility located in another state
 Added VI.A.8. on Reporting Instructions for offenders incarcerated in another state who wish to relocate there
 VII.A.1. - Added new form usage
 VII.A.1.a., X.A., and XI.F. - Adjusted language for clarification
 Added VII.B. specifying when Counselors will submit a transfer request
 XI.A. - Added clarifying language
 XII.A. - Adjusted definition of significant violations
 XII.A.1.a. - Added that the CCO will include the police report with the Violation Report if an offender is charged with a felony or violent misdemeanor
 XII.A.3. - Adjusted form usage


APPROVED:

Signature on file

BERNARD WARNER, Secretary
 Department of Corrections

3/9/15

 Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 2 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		

REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9A.44.130](#); [RCW 9.94A.745](#); [RCW 72.74](#); [DOC 310.610 DNA Samples](#); [DOC 390.600 Imposed Conditions](#); [Interstate Commission for Adult Offender Supervision \(ICAOS\) Rules](#)

POLICY:


- I. An offender who is eligible for transfer under the Interstate Compact cannot relocate to another state except as provided by the Interstate Commission for Adult Offender Supervision (ICAOS).
- II. The Department will supervise all felony and misdemeanor offenders transferred to Washington State under ICAOS.

DIRECTIVE:

- I. Access to the Interstate Compact Offender Tracking System (ICOTS)
 - A. Employees must have ICOTS access to take any action on an Interstate Compact case. Instructions for obtaining ICOTS access are available under "Resources" on the Interstate Compact SharePoint site.
 - B. The ICAOS website, www.interstatecompact.org, provides information about the Compact. The Interstate Compact SharePoint site provides helpful information on the ICAOS rules, Washington processes, and using ICOTS.
- II. Communication
 - A. All formal communication about an interstate offender must go to the Compact Office and/or through ICOTS. Employees will report any ICOTS problems to the Compact Office. Employees will not:
 1. Reply to ICOTS Notification emails. Employees will forward the email to the Compact Office with question.
 2. Contact the ICAOS National Office or other states' Compact Offices.
- III. Assigning From Out-of-State (FOS) Offender Cases
 - A. Field assignment employees should assign Reporting Instructions within one business day and Transfer Investigations within 3 business days of receiving the assignment.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 3 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		

1. Reporting Instructions and Transfer Investigations for the same offender should be assigned to the same Community Corrections Officer (CCO).
 - B. Each FOS offender must be assigned to the same CCO in the offender's electronic file and ICOTS.
- IV. Application Fee
- A. Offenders requesting to transfer out-of-state under the Interstate Compact must pay a nonrefundable application fee of \$100.00 for each transfer plan.
 - B. If the Counselor/CCO supports the request, s/he will complete DOC 02-303 Washington State Department of Corrections Interstate Transfer Application.
 1. The completed form must be:
 - a. Mailed to the Compact Office along with a cashier's check or money order for \$100.00, or
 - b. Sent to Offender Banking along with DOC 06-075 Offender Request to Transfer Funds for \$100.00.
 2. If the fee is being paid through JPay, the Interstate Transfer Application form is not required.
 - C. Requests for Reporting Instructions and Transfer Requests should not be submitted until the application fee has been paid, except that:
 1. Reporting Instructions for Living in Receiving State can be submitted before payment since they are time sensitive. However, the offender cannot leave Washington until:
 - a. The application fee is paid,
 - b. DOC 07-024 Conditions, Requirements, and Instructions is reviewed and signed,
 - c. DOC 07-023 Registration Notification is reviewed and signed, if applicable, and
 - d. The Offender's Application for Interstate Compact Transfer is signed.
 2. If the offender is not eligible for supervision using the [Supervision Eligibility Screening Tool – Misdemeanor](#) or [Supervision Eligibility](#)

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 4 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		


[Screening Tool - Felony](#), the Counselor/CCO will withdraw the case in ICOTS.

V. Travel Permits


- A. Once a request for Reporting Instructions or a Transfer Request has been submitted through ICOTS, the offender must remain in the sending state until the Reporting Instructions are granted or the Transfer Request is approved, except that:
1. A travel permit for 7 days may be granted if:
 - a. The non-refundable transfer application fee has been processed by the Compact Office,
 - b. The offender is not a sex offender and is a probationer living in the receiving state at the time of sentencing,
 - c. A Request for Reporting Instructions for Living in Receiving State at Time of Sentencing was submitted to the receiving state within 7 calendar days of the supervision start date or release from confinement to probation supervision, and
 - d. The Offender's Application for Interstate Transfer is signed.
 2. An offender employed in the receiving state at the time a Transfer Request is submitted may continue to travel to the receiving state for employment while the transfer is being investigated, provided:
 - a. The offender returns to the sending state daily during nonworking hours, and
 - b. The Transfer Request includes notice that the offender will be traveling to and from the receiving state for employment.

VI. Reporting Instructions

- A. Reporting Instructions require receiving state approval and may be requested for the following reasons:
1. The offender is living in the receiving state at the time of sentencing, if submitted within 7 days of sentencing or release from jail to supervision.
 2. The transferred offender returns to the sending state at his/her own request.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 5 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		

- a. The offender cannot return to the sending state until the Reporting Instructions are granted.
3. The offender is in the military and is being deployed to the receiving state, if the orders are attached.
4. The offender currently lives with and plans to continue to live with a family member who is in the military and being deployed to the receiving state, if the orders are attached.
5. The offender's employer is requiring him/her to transfer to the receiving state to maintain employment, if a letter from the employer verifying that the transfer is employer mandated is attached.
6. The offender lives with and plans to continue to live with a family member whose employer is requiring the family member to transfer to the receiving state to maintain employment, if a letter from the employer verifying that the transfer is employer mandated is attached.
7. The offender is a military veteran who is referred for medical and/or mental health services by the Veterans Health Administration (VHA) to a regional VHA facility in the receiving state, if the sending state provides documentation of the referral.
 - a. The transfer of supervision will be accepted if the offender is approved for care at the VHA facility in the receiving state.
8. When an offender is released from incarceration in the receiving state and requests to relocate there.
 - a. The sending state will request Expedited Reporting Instructions within 2 business days of notification of the offender's release.
 - b. The receiving state will approve the Reporting Instructions, unless the proposed residence is invalid due to existing state law or policy.
- B. Since Expedited Reporting Instructions are not mandatory, the CCO will specify justification, including documentation whenever possible, so the receiving state will consider them.
- C. The Compact Office can rescind approved Reporting Instructions if the Transfer Request is not submitted within 15 business days of the Reporting Instructions being submitted.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
	REVISION DATE 4/13/15	PAGE NUMBER 6 of 10	NUMBER DOC 380.605
	TITLE INTERSTATE COMPACT		

D. When Reporting Instructions are requested for sex offenders living in the receiving state at the time of sentencing, the CCO will conduct a residence visit within 3 business days of the request from the Compact Office.

1. A recommendation to deny the Reporting Instructions must include justification for the denial.

VII. Transfer Requests

A. CCOs will follow the guidelines in DOC 02-301 Outgoing Transfer Checklist when determining the appropriateness of a Transfer Request and identifying the information needed to complete the Transfer Request.

1. When Special Sex Offender Sentencing Alternative (SSOSA) and Drug Offender Sentencing Alternative (DOSA) offenders under court jurisdiction request to transfer out of state, the CCO will send DOC 09-286 Court Special - Interstate Compact Transfer Request and DOC 09-292 DOC Report for Court Approval to Apply for Interstate Transfer to the court.

- a. A Transfer Request cannot be submitted unless the court signs and returns the application to the CCO.

2. Out of state offender cases will be transferred to the Compact Office after the Transfer Request has been approved and the Notice of Arrival has been submitted indicating that the offender has reported, only if the offender is not pending mandatory retake.


3. All third state Transfer Requests must be agreed to and submitted by the original sending state.

B. Counselors will submit a Transfer Request through ICOTS when:

1. The offender has Department supervision from the Prison cause and/or any tolling causes,
2. The offender requests to release to another state, and
3. The plan appears to be legitimate.

C. Transfer Investigations must be completed within 30 days of the investigation being assigned. CCOs will follow DOC 02-390 Transfer Investigation Checklist to investigate Transfer Requests from other states.

D. Before submitting the Reply to Transfer Request through ICOTS, the CCO will document actions taken and justification for the decision in chrono entries in the offender's electronic file.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
	REVISION DATE 4/13/15	PAGE NUMBER 7 of 10	NUMBER DOC 380.605
	TITLE INTERSTATE COMPACT		


1. All conditions that Washington will impose must be noted in the "Supervision Conditions Imposed by the Receiving State" section of the Reply to Transfer Request.
 2. Any conditions that Washington cannot comply with or monitor due to Department policies and practices must be noted in the "Conditions State Cannot Comply With" section of the Reply to Transfer Request.
- E. If the transfer is being denied, the reason(s) for denial should be noted in the "Accept or Reject Request" section of the Reply to Transfer Request.
1. When Reporting Instructions are approved, but the transfer is denied, the offender must return to the sending state within 15 calendar days of the transfer denial being submitted through ICOTS.

VIII. From Out-of-State Intake Facesheet

- A. The CCO/designee will complete Section I of DOC 20-314 From Out-of-State (FOS) Facesheet and email the form as a Word document to the Criminal Conviction Record (CCR) Unit when:
1. A From Out-of-State Pending (FOP) offender reports to the Field Office for the first time after Reporting Instructions are granted.
 2. A transfer approval is submitted through ICOTS for an FOS offender here on granted reporting instructions.
 3. An FOS offender reports to the Field Office for the first time after a transfer approval is submitted.

IX. Victim Sensitive Cases

- A. Outgoing cases should only be marked victim sensitive in ICOTS if:
1. Victim Sensitive is marked "Yes" in the offender's electronic file, or
 2. The victim has requested to be notified of changes in the offender's interstate status, and the Victim Services Program has the victim's contact information.
- B. In cases identified as victim sensitive by the sending state, the CCO will immediately complete a Compact Action Request to notify the sending state:
1. When the offender changes address.
 2. Before the offender travels out of state.


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 8 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		

X. Notice of Departure and Arrival

- A. A Notice of Departure must be submitted when the CCO directs the offender to report to the receiving state.
 - 1. Offenders should not be given more than 5 business days to report.
- B. A Notice of Arrival must be submitted within a week of the date the offender reports to the Field Office.

XI. Supervision in Washington


- A. A CCO will not assume supervision for the FOS case until the offender reports to the Field Office in response to approved Reporting Instructions or an approved Transfer Request.
 - 1. Offenders being supervised on granted Reporting Instructions should be required to report to the Field Office at least weekly until the transfer is approved. For offenders already on supervision in Washington, the CCO will continue the current supervision contact expectations.
 - a. The CCO should review with and have the offender sign the following documents so that any violation behavior can be addressed:
 - 1) DOC 07-024 Conditions, Requirements, and Instructions,
 - 2) DOC 07-023 Registration Notification, if applicable, and
 - 3) DOC 14-035 Acknowledgment of Drug/Alcohol Testing - Field, if testing is required.
 - 2. After the transfer has been approved, full supervision will begin and an intake should be scheduled and an Offender Supervision Plan established.
- B. FOS cases will be supervised the same as similar Washington cases for the period of time determined by the sending state.
 - 1. If the Supervision End Date (SED) changes, the sending state must inform Washington of the new SED before the SED identified in ICOTS.
- C. The CCO may impose appropriate conditions per DOC 390.600 Imposed Conditions. The CCO will complete a Compact Action Request to notify the sending state of any conditions imposed by the CCO that were not identified in the Reply to Transfer Request.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL</p>		
	<p>REVISION DATE 4/13/15</p>	<p>PAGE NUMBER 9 of 10</p>	<p>NUMBER DOC 380.605</p>
	<p>TITLE INTERSTATE COMPACT</p>		

- D. The CCO will ensure a DNA sample is taken per DOC 310.610 DNA Samples when requested by the sending state. The sample will be mailed to the sending state for testing.
- E. FOS offenders will be charged the same supervision intake fees as Washington offenders.
- F. The CCO will submit a Progress Report at least annually or within 30 days of a request from the sending state.

XII. Violations and Hearings

- A. Significant violations (i.e., violation behavior resulting in arrest or intent to arrest offenders with medical/mental health issues when confinement would interfere with stability or the holding facility is unable to accommodate their needs) will be addressed as follows:
 - 1. If the offender is being charged with a felony or a violent misdemeanor, the CCO should request to Dismiss Without Prejudice (DWOP).
 - a. If the offender is convicted, the CCO will submit an ICOTS Violation Report and attach the Judgment and Sentence and a police report, if available.
 - 2. An ICOTS Violation Report should be submitted no later than 2 business days after the request for a Department hearing.
 - 3. A probable cause hearing must be conducted in the following instances, unless waived by the offender using DOC 02-399 Interstate Compact Notice of Probable Cause Hearing, Rights, and Waiver:
 - a. For an offender's 3rd significant violation, since the sending state is mandated to retake the offender.
 - b. If the sending state has decided to retake the offender on a 1st or 2nd significant violation and has issued a warrant or lodged a detainer at the holding facility.
 - 4. Negotiated Sanctions cannot be applied for FOS offenders who have committed a significant violation.
- B. All other violations will be reported to the sending state on a Progress Report. Stipulated Agreements should be attached to Progress Reports.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
	REVISION DATE 4/13/15	PAGE NUMBER 10 of 10	NUMBER DOC 380.605
	TITLE INTERSTATE COMPACT		

C. When an offender absconds supervision, the CCO should submit a violation report through ICOTS, documenting all actions taken to locate the offender. Actions must include:

1. Conducting a field contact at the last known residence,
2. Contacting the last known place of employment, if applicable, and
3. Contacting known family members and other collateral contacts.

XIII. Case Closure

A. A Case Closure Notice will be completed in ICOTS:

1. On the SED identified in ICOTS by the sending state.
2. When a Violation Report for abscond is submitted in ICOTS.
3. When the offender is convicted of a new crime and is sentenced to a term of confinement of 180 calendar days or longer.
4. Upon notification of the offender's death.
5. When the offender returns to the sending state or moves to an approved third state.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

- [DOC 02-301 Outgoing Transfer Checklist](#)
- [DOC 02-303 Washington State Department of Corrections Interstate Transfer Application](#)
- [DOC 02-390 Transfer Investigation Checklist](#)
- [DOC 02-399 Interstate Compact Notice of Probable Cause Hearing, Rights, and Waiver](#)
- [DOC 06-075 Offender Request to Transfer Funds](#)
- [DOC 07-023 Registration Notification](#)
- [DOC 07-024 Conditions, Requirements, and Instructions](#)
- [DOC 09-286 Court Special - Interstate Compact Transfer Request](#)
- [DOC 09-292 DOC Report for Court Approval to Apply for Interstate Transfer](#)
- [DOC 14-035 Acknowledgment of Drug/Alcohol Testing - Field](#)
- [DOC 20-314 From Out-of-State Pending \(FOP\) Facesheet](#)