



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**COURT SPECIAL - INTERSTATE
COMPACT TRANSFER REQUEST**

REPORT TO: The Honorable
County Superior Court

DATE:

NAME:

DOC NUMBER:

AKA:

DOB:

CRIME:

COUNTY CAUSE #:

SENTENCE:

DATE OF SENTENCE:

CHOOSE ONE:

TERMINATION DATE:

MAILING ADDRESS:

STATUS:

CLASSIFICATION:

NAME has requested to transfer their Washington Residential Drug Offender Sentencing Alternative (DOSA) or Special Sex Offender Sentencing Alternative (SSOSA) supervision to STATE under the Interstate Compact for Adult Supervision (ICAOS). The Washington Department of Corrections (DOC) has an Interstate Compact Unit that oversees and monitors compliance with the rules governing interstate movement of individuals. Under DOC policy, Residential DOSA and SSOSA individuals cannot transfer out of state unless the court approves. This Court Special is to inform the court of ICAOS rules that may impact the court's decision in granting permission for the individual to transfer out of Washington. If the individual is transferred to another state, the individual's compliance with sentence conditions will be monitored and reported per ICAOS rules. It is important the court understand the possible impact ICAOS rules will have on this individual's supervision, since ICAOS rules supersede any contradicting state law.

Legal Status Of The Compact

Laws conflicting with ICAOS "are superseded to the extent of the conflict." RCW 9.94A.745, Article XIV(a)(2). No court has authority to provide relief that is inconsistent with the compact. *Texas v. New Mexico*, 462 U.S. 554, 564, 103 S. Ct. 2558, 77 L. Ed. 2d 1 (1983).

Communications

All communication regarding an individual's supervision in the receiving state must be transmitted through the web based program Interstate Compact Offender Tracking System (ICOTS) or the Interstate Compact Unit. Per ICAOS Rule 2.101: Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies. All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies. Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

Supervision

Per ICAOS Rules 4.101 and 4.107: Washington ceases all court review hearings and supervision activities. Responsibility for the individual's supervision transfers to the receiving state. The compact requires the receiving state to supervise the individual in a manner determined by the receiving state and consistent with the supervision of other similar offenders sentenced in the receiving state. Many receiving states have different processes and supervision priorities compared to Washington. The laws of Washington would still determine the duration of the supervision.

Imposed Conditions

Per ICAOS Rule 4.103: The compact requires Washington to inform the receiving state of any imposed conditions ordered by the court or DOC to which the offender is subject at the time the request for transfer is made or at any time thereafter. Typically, the case manager who is currently supervising the individual has the responsibility to notify the receiving state of any and all imposed conditions. The case manager must use ICOTS to communicate this information.

If after being notified, a receiving state decides that it is unable to enforce the condition(s), it must inform Washington by way of ICOTS that it cannot enforce the condition(s). In most cases, this should occur prior to transfer, thereby allowing the court to disallow a transfer in such cases.

The compact also authorizes the receiving state to impose additional conditions if doing so is consistent with the supervision of other similar individuals sentenced in the receiving state. The compact requires the Washington sentencing court and Washington DOC to treat additional conditions imposed by the receiving state the same as if such conditions had been imposed by the Washington sentencing court or DOC. Failure of an individual to comply with imposed conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in Washington despite the absence of such conditions or requirements in the original plan of supervision issued by Washington.

Progress Reports

Per ICAOS Rule 4.106: The receiving state shall submit a progress report to Washington within 30 calendar days of receiving a request. A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking, as well as incentives, corrective actions or graduated responses imposed. A progress report shall include: supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision; programs of treatment attempted and completed by the offender; information about any sanctions that have been imposed on the offender since the previous progress report; supervising officer's recommendation; and any other information requested by Washington that is available in the receiving state.

Violations

Per ICAOS Rule 4.109: The receiving state shall notify Washington of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report. A violation report shall contain: date(s) and description of the behavior requiring retaking; date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions; date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking; date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques; if the offender has absconded, details regarding how the supervising officer determined the offender to be an absconder; and supporting documentation regarding the violation. Washington shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state. Washington's response shall include action to be taken by Washington and the date by which that action will begin and its estimated completion date. Due to the short response timeframe, the Interstate Compact Unit will submit the response to the receiving state.

Retaking

Per ICAOS Rule 5.103: Upon a request by the receiving state and documentation that the offender's behavior requires retaking, Washington shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report. If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.

Because the individual is under the sentencing court's jurisdiction, it is the sentencing court's responsibility to issue the mandatory nationwide warrant in such circumstances, and the county will be responsible for nationwide extradition to return the individual to Washington.

Also, under ICAOS Rules 5.102 and 5.103-1, the compact requires the sentencing court to issue a no-bail nationwide warrant to retake an individual if either of the following occurs:

- The receiving state requests retaking and provides documentation that the individual has been convicted of a felony or violent misdemeanor crime.
- The receiving state provides a violation report indicating the individual has absconded from supervision.

ICAOS Information

If you would like additional information regarding the Interstate Compact, you can visit www.interstatecompact.org. This website includes the ICAOS rules, a bench book for judges and training materials for court and jail personnel. You can also contact the Washington Deputy Compact Administrator Tanja Gilmore by phone 360-725-8734 or email tlgilmore@doc1.wa.gov.

If the court agrees to allow this individual to transfer supervision to another state, please provide written confirmation of the court's authorization for the individual to transfer supervision to another state to the below listed case manager.

Submitted by:

Approved by:

Date	Date
Case manager	
Location/Facility	
Address	
City, Washington Zip code	
Telephone () -	
Email address	

CCO/typist/

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

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