



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL

REVISION DATE
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POLICY

TITLE

INTERSTATE COMPACT

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

11/7/18

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9A.44.130](#); [RCW 9.94A.745](#); [RCW 72.74](#); [DOC 310.100 Intake](#); [DOC 310.610 DNA Samples](#); [DOC 350.750 Warrants, Detainers, and Holds](#); [DOC 380.200 Community Supervision of Offenders](#); [DOC 380.650 Travel for Community Offenders](#); [DOC 390.600 Imposed Conditions](#); [DOC 420.390 Arrest and Search](#); [DOC 460.130 Response to Violations and New Criminal Activity](#); [DOC 580.655 Drug Offender Sentencing Alternative](#); [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 qualifying misdemeanor offenders transferred to Washington State under ICAOS.

DIRECTIVE:

- I. General Requirements
 - A. Employees must have Interstate Compact Offender Tracking System (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.
 1. Employees will report any ICOTS issues to the Interstate Compact Unit.
 - B. Per ICAOS Rule 2.101, all written, electronic, and oral communication regarding a From Out-of-State (FOS) offender will be made only through the Interstate Compact Unit and/or ICOTS unless approved by the Deputy Compact Administrator/designee.
 - C. 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. Assigning From Out-of-State (FOS) Offender Cases
 - A. The Interstate Compact Unit employees will process:
 1. Reporting instructions within 2 business days,
 2. Interstate violation reports within 3 business days, and

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3. Transfer requests and progress reports within 5 business days.

B. Reporting instruction assignments will be made within one business day of receipt from the Interstate Compact Unit. Transfer investigation assignments will be made within 3 business days of receipt from the Interstate Compact Unit.

1. Reporting instructions and transfer investigations for the same offender should be assigned to the same Community Corrections Officer (CCO).

2. Each FOS offender must be assigned to the same CCO in the offender's electronic file and ICOTS upon approval of the transfer request.

C. The CCO or Assignment Coordinator will follow the [Request for Reporting Instructions \(FOP-From Out-of-State Pending\)](#) checklist for offenders with approved reporting instructions or an approved transfer request.

1. DOC 20-314 From Out-of-State (FOS) Face Sheet will be submitted only when an offender reports to the Field Office for the first time.

III. Transfer Request Fees

A. Offenders requesting to transfer out-of-state under the Interstate Compact must pay a nonrefundable transfer request fee of \$100.00 for each transfer request.


1. The Classification Counselor/CCO may request waiver of the fee from the Deputy Compact Administrator/designee for indigent offenders, if the Classification Counselor/CCO can verify the hardship, and the viable out-of-state home plan has been verified.

a. The Classification Counselor/CCO will document the request and decision in the offender's electronic file.

2. If the Classification Counselor/CCO supports the request, s/he will complete DOC 02-303 Interstate Transfer Request Fee unless the payment is being paid through JPay.

B. Requests for reporting instructions and transfer requests should not be submitted until the transfer request fee has been paid, except for reporting instructions for living in the receiving State, which can be submitted before payment since they are time-sensitive.

IV. Travel Permits

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A. Offenders relocating to another state will not be issued travel permits without the permission of the receiving state per ICAOS rules.

B. Travel for offenders in Washington State under approved reporting instructions or a transfer request will be completed per DOC 380.650 Travel for Community Offenders.

V. Reporting Instructions

A. Offenders relocating to another state under the Interstate Compact require reporting instructions per ICAOS rules.

B. When sex offender reporting instructions have been assigned, the CCO will conduct a residence visit within 3 business days of the assignment by the Interstate Compact Unit.

1. A recommendation to deny the reporting instructions must be approved by a Community Corrections Supervisor (CCS), and justification for the denial placed in the electronic file before the denial is submitted to the Interstate Compact Unit.

VI. Outgoing Transfer Requests


A. Employees will follow ICAOS Rule 3.101 to determine an offender's eligibility for transfer to another state.

B. Classification Counselors/CCOs will use DOC 02-301 Outgoing Transfer Checklist to complete the transfer request.

1. When Special Sex Offender Sentencing Alternative and Residential Drug Offender Sentencing Alternative offenders request to transfer out of state, the CCO will not submit the transfer request until the court signs and returns DOC 09-286 Court Special - Interstate Compact Transfer Request and DOC 09-292 DOC Report for Court Approval to Apply for Interstate Transfer.

2. When Indeterminate Sentencing Review Board (Board) offenders request to transfer out of state, the offender is not allowed to leave Washington State until the Board has approved the request.


3. For Drug Offender Sentencing Alternative offenders, the Classification Counselor/CCO will review the offender's compliance with the DOSA program per DOC 580.655 Drug Offender Sentencing Alternative before submitting the request.

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- C. Classification Counselors will submit a transfer request through ICOTS at least 120 days prior to the offender's Earned Release Date (ERD) 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 has been verified by the Classification Counselor and appears to be legitimate.
- D. Once the transfer request has been approved, and the notice of arrival has been submitted indicating the offender has reported to the receiving state, the ICOTS case will be transferred to the Interstate Compact Unit unless the offender is pending retake (i.e., sending state is taking the offender back).
1. For Prison releases, the Interstate Compact Unit will create or retrieve the offender's Field file. For all other offenders, the Field file will be transferred to the Interstate Compact Unit.
 2. Prior to transferring the case, the Classification Counselor/CCO will conduct a review per the [Interstate Compact Electronic/Field File Transfer Checklist](#).
- E. If a transfer request has been submitted in ICOTS, and the offender is later found not eligible for supervision, the Classification Counselor/CCO will notify the offender and the Interstate Compact Unit and withdraw the case in ICOTS.

VII. Incoming Transfer Requests

- A. CCOs will use [Transfer Investigation Checklist](#) when conducting Interstate Placement Investigations (IPIs) for incoming Transfer requests from other states.
1. IPIs must be completed within 30 days of receipt from the Interstate Compact Unit.
 2. The CCO will complete and document in the offender's electronic file a residence visit with the offender and/or collateral within 10 days of the IPI assignment. If the offender or a collateral is available, the visit will satisfy the residence verification visit required by DOC 380.200 Community Supervision of Offenders.
- B. Before submitting the Reply to Transfer Request through ICOTS, the CCO will document actions taken and justification for the decision in the offender's electronic file. Per ICAOS Rule 4.103:

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1. All conditions that Washington State 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 State 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.
- C. Denials must be approved by the CCS and the reason(s) must be documented in the offender's electronic file before being submitted to the Interstate Compact Unit.

VIII. Victim Sensitive Cases


- A. Outgoing cases should be marked victim sensitive in ICOTS only if:
 1. Victim Sensitive is marked "Yes" in the offender's electronic file,
 2. The Classification Counselor/CCO has received information that the victim has requested to be notified of changes in the offender's interstate status and has verified that the Victim Services Program has the victim's contact information, or
 3. The electronic file indicates there are victim-related community safety concerns. The Classification Counselor/CCO will review all information under Safety Concerns and contact the Victim Services Program, or the Board Victim Liaison for Board offenders, to verify they have the victim's contact information.
- B. In cases identified as victim sensitive by the sending state, the CCO will complete victim notification per ICAOS Rule 3.108.

IX. Notice of Departure and Arrival

- A. Upon an offender's arrival in/departure from Washington State, the CCO will submit a notice of departure/arrival as appropriate in ICOTS per ICAOS Rule 4.105.

X. 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.


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1. Offenders being supervised on granted reporting instructions should be directed to report at least once per week to the CCO assigned to the investigation until the transfer request has been approved. For offenders already on supervision in Washington State, the CCO will continue the current supervision contact expectations.
 - a. Upon initial contact with the offender, the CCO will review with and have the offender sign the following documents:
 - 1) DOC 07-023 Registration Notification, if applicable
 - 2) DOC 07-024 Conditions, Requirements, and Instructions
 - 3) DOC 09-274 Offender Notification of Department Violation Process
 - 4) DOC 14-035 Acknowledgment of Drug/Alcohol Testing - Field, if testing is required
2. After the transfer has been approved, the assigned CCO will complete intake per DOC 310.100 Intake.


- B. FOS offenders will be charged the same supervision intake fees as Washington State offenders per ICAOS Rule 4.107.
- C. 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.
- D. FOS cases will be supervised the same as similar Washington State cases.
- E. The CCO may impose appropriate conditions per DOC 390.600 Imposed Conditions. The CCO will complete a progress report to notify the sending state of any conditions imposed by the CCO that were not identified in the Reply to Transfer Request.
- F. The CCO may issue a Secretary's Warrant through Violator Management per DOC 350.750 Warrants, Detainers, and Holds when the offender poses an immediate risk to public safety and the sending state has not issued a warrant.

XI. Violations


- A. Response to violation behavior will be determined by whether or not a retake will be requested of the sending state. Retakes will only be requested by the CCO for:
 1. A new felony or violent misdemeanor conviction(s),

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2. Absconding, as defined in DOC 350.750 Warrants, Detainers, and Holds,
 - a. Before submitting an interstate violation report for absconding, the CCO must first:
 - 1) Conduct a field contact at the last known residence,
 - 2) Contact the last known place of employment, if applicable, and
 - 3) Contact known family members and other collateral contacts.
 3. Violation behaviors that pose a risk to officer or public safety, or
 4. Violation behavior which demonstrates the offender is not amenable to supervision (i.e., an act or pattern of non-compliance 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).
- B. If a retake is not being requested, the CCO will report the violation behavior to the sending state via a progress report and attach all supporting documentation. The CCO will address the violation per DOC 460.130 Response to Violations and New Criminal Activity.
- C. If the CCO is requesting the offender be retaken by the sending state, the CCO will arrest the offender per DOC 420.390 Arrest and Search and submit an interstate violation report through ICOTS within 2 business days of arrest. The CCO will attach all supporting documentation.
1. The CCO will staff the violation report with the CCS and document in the offender's electronic file.
 2. The CCO will serve the offender DOC 02-399 Interstate Compact Notice of Probable Cause Hearing, Rights, and Waiver and necessary discovery materials no later than 24 hours before the scheduled Probable Cause (PC) hearing.
 - a. For the purposes of establishing jurisdiction, the CCO will include in the discovery materials the signed Interstate Application, and either the approved:
 - 1) Transfer Request, or
 - 2) Request for Reporting Instructions, if the Transfer Request has not been completed.

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- b. If the offender refuses to sign the waiver section of the form, the CCO will proceed with a PC hearing per ICAOS Rule 5.108.
 - 1) The CCO will present the alleged violation(s) at the hearing using the printed interstate violation report from ICOTS. DOC 09-228 Report of Alleged Violation will not be acted at a PC hearing.
 - 2) The Hearing Officer will specify on the record whether Probable Cause is found, and document the finding on DOC 09-233 Hearing and Decision Summary. The Hearing Officer will not impose or recommend any sanction.
 - a) If probable cause is found, the Hearing Officer will provide the jail a copy of the form, notify them the offender is subject to a retake, and instruct them to hold the offender on the Department's detainer.
 - b) If probable cause is not found, the offender will be released from jail, and the CCO will resume supervision.
 - 3) The CCO will forward any hearing results to the sending state through an Interstate Violation Report Addendum in ICOTS within 2 business days.
- c. If the offender signs the waiver section of the form, thereby admitting guilt to one or more violations, the CCO will:
 - 1) Cancel the PC hearing.
 - 2) Provide the jail a copy of the form, notify them the offender is subject to a retake, and instruct them to hold the offender on the Department's detainer.
 - 3) Submit a copy of the form to the sending state in an Interstate Violation Report Addendum through ICOTS within 2 business days.
3. Upon receiving the sending state's response to the Interstate Violation Report:
 - a. If the sending state declines to retake the offender, the CCO will address the violation per DOC 460.130 Response to Violations and


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New Criminal Activity and resume supervision. The CCO will forward any hearing results to the sending state in an Interstate Violation Report Addendum through ICOTS within 2 business days.

- b. If the sending state agrees to retake the offender by warrant, the CCO will notify the jail and instruct them to hold the offender on the Department's detainer until the sending state's fully extraditable warrant has been entered into the National Crime Information Center (NCIC) system.
- c. Once the Interstate Compact Unit notifies the CCO that the sending state's warrant has been entered into NCIC, the CCO will notify the jail to locate the sending state's warrant so the sending state can begin the extradition process. The CCO will document the notification in the offender's electronic file.
- d. If the sending state agrees to retake the offender by Return Reporting Instructions, the CCO will submit a Request for Return Reporting Instructions through ICOTS. Once the Sending State has approved the Request for Return Reporting Instructions, the offender will be provided or notified of the Reporting Instructions, and the Department's detainer will be cancelled.

XII. Absconding

- A. In the event an offender absconds from supervision, the case will remain open in OMNI, and the Secretary's Warrant will remain in place until the sending state's fully extraditable warrant is entered into the NCIC system.
 - 1. Once the Interstate Compact Unit submits the Interstate Violation Report and Case Closure Notice, Interstate Compact Unit employees will run weekly NCIC checks until the sending state has entered its warrant.
 - 2. Once the warrant has been entered into NCIC, the Interstate Compact Unit will update the offender's electronic file and notify the CCO, who will cancel the Secretary's Warrant and close the case in OMNI.
- B. Once the Interstate Compact Unit is notified that an offender has been apprehended in Washington State on a sending state's absconder warrant, an Interstate Compact Unit employee will notify the CCS of the last supervising unit. The offender's electronic file will be reopened, and the CCO will request a PC hearing to address the absconding violation.

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- C. The CCO will forward the absconder's PC hearing results to the sending state in an ICOTS Compact Action Request and email the results to the Interstate Compact Unit within 2 business days.

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 Interstate Transfer Request Fee](#)
- [DOC 02-399 Interstate Compact Notice of Probable Cause Hearing, Rights, and Waiver](#)
- [DOC 07-023 Registration Notification](#)
- [DOC 07-024 Conditions, Requirements, and Instructions](#)
- [DOC 09-228 Report of Alleged Violation](#)
- [DOC 09-233 Hearing and Decision Summary](#)
- [DOC 09-274 Offender Notification of Department Violation Process](#)
- [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 \(FOP\) Face Sheet](#)