


<p>Fifth Judicial District</p> <p>Department of Correctional Services</p> <p><b>Policy and Procedural Manual</b></p>		<p>Approval Date: 4/1/15</p> <p>Approved By:</p> <p>  Sally Kreemer, Director  Fifth Judicial District  Department of Correctional Services</p>
<p><b>Division:</b> State Wide Policy</p> <p><b>Unit(s):</b> All Supervision Units</p>	<p><b>Subject:</b> Intrastate Transfer Rules</p>	<p><b>Effective Date:</b> 5/2/15</p> <p>Review Dates: 01/15  Revision Date: 11/19/13;  Origination Date: 11/12/2012</p>

**POLICY**

Cases may be transferred between judicial districts when appropriate.

**PURPOSE**

Transfer of supervision between districts for probationers, parolees and pretrial release.

**APPLICABILITY**

This policy applies to all Probation/Parole Officers (PPOs) engaged in supervision of offenders and shall be maintained current by the District Director or designee.

**DEFINITIONS**

**Plan of Supervision** – The terms, under which an offender will be supervised, including proposed residence, proposed employment and viable means of support.

**Resident** – A person who resides in the receiving district at the time of sentencing.

**Resident Family** – A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian or step-parent who has indicated willingness and ability to assist the offender as specified in the plan of supervision.

**Sex Offender** – An adult placed under 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 register as a sex offender in Iowa or any other state.

**PROCEDURES**

**I. Transfer of Supervision**

- A. All felonies are eligible for transfer between Judicial Districts provided mandatory transfer acceptance criteria are met.
- B. Offenders who are in another District solely for the purpose of in-patient treatment are not eligible for transfer.
- C. Districts shall make a reasonable effort to sign new offenders to supervision agreement(s) prior to transfer.
- D. In general, offenders that are not on *new case status* (which is the first 30 days from agent assignment) should not be allowed to relocate until the receiving district (destination work unit) has had the opportunity to investigate the proposed transfer. Exceptions shall be reviewed with the supervisor of the receiving district.
- E. The transfer is initiated by entering a Transfer Instance to Field in ICON. Detailed information regarding the proposed placement shall be entered in the comments section of the Transfer Instance. It shall be noted if the transfer details are unverified. Required comments include:
  - 1. Address and phone;
  - 2. Relationship to person(s) in proposed residence;
  - 3. Proposed employment, educational opportunities, or financial support;
  - 4. Reasons (justification) for transfer;
  - 5. Status of supervision fee collection;
  - 6. Any pertinent medical information.
- F. The following items should be scanned and attached to the appropriate screens in ICON or sent via mail as soon as the transfer instance is entered:
  - 1. All pertinent court orders, including sentencing order
  - 2. Signed probation agreement
  - 3. Reports of violation submitted to the Court prior to be entered in ICON
  - 4. Current plan of victim restitution
  - 5. Travel permit
  - 6. Pre-trial information
  - 7. Reports from treatment agencies
  - 8. No contact order(s)
  - 9. Trial information and minutes of testimony
  - 10. Supervision fee balance
  - 11. Criminal records consisting of FBI, DCI and local law enforcement agencies
  - 12. Pre-sentence investigation and any pertinent attachments
- G. All denials of transfers shall be reviewed by the supervisor of the receiving district (destination work unit).
- H. The receiving district has thirty (30) calendar days upon assignment of the case to approve / deny the transfer. If denied, the receiving district is to notify the sending district of the reason(s) for rejection via email. The receiving district should have already consulted with the sending district regarding the reason(s) for rejection.

## **II. Mandatory Transfer Acceptance**

- A. At the discretion of the sending district, an offender shall be eligible for transfer of supervision to a receiving district and the receiving district shall accept the transfer, if the offender:
  - 1. Has more than ninety (90) days of supervision remaining at the time the sending district submits the transfer request; and
  - 2. Has a valid plan of supervision; and
  - 3. Is in substantial compliance with the terms of supervision in the sending district (pending violations are not the sole basis for rejection of a case); and
  - 4. Is a resident of the receiving district; or
  - 5. Has resident family in the receiving district who have indicated a willingness and ability to assist as specified in the plan of supervision; or
  - 6. Can obtain employment in the receiving district or has means of support.
  
- B. The sending district controls the decision of whether or not to transfer an offender. The case shall be carefully scrutinized prior to initiating transfer in ICON. The receiving district must accept the case as long as the above criteria are met.

## **III. Mandatory Transfer Acceptance (Aggravated Misdemeanors)**

- A. An aggravated misdemeanor offender that has more than ninety (90) days left on supervision shall be eligible for transfer provided that all other criteria for transfer have been satisfied, and the instant offense includes one or more of the following:
  - 1. An offense which a person has incurred direct or threatened physical or psychological harm;
  - 2. An offense that involves the use or possession of a firearm;
  - 3. A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
  - 4. A sexual offense that requires the offender to register as a sex offender in the sending district;

## **IV. Discretionary Transfer Acceptance (Aggravated and Serious Misdemeanors)**

- A. All other aggravated misdemeanors that do not meet the criteria in Section C, and only serious misdemeanors that score High Normal or above on the Iowa Risk Revised or are assaultive in nature are eligible for discretionary transfer between districts.
  
- B. The sending district may request transfer of supervision of an offender who does not meet mandatory transfer of supervision criteria.

- C. The sending district must provide sufficient documentation to justify the requested transfer.
- D. The receiving district shall have the discretion to accept or reject the transfer of supervision.

#### **V. Documentation Entered into ICON**

- A. Iowa Risk Revised required
- B. A DRAOR case plan (if applicable)
- C. A completed Jesness inventory (if applicable)
- D. Sentencing order scanned into Offender Attachments
- E. Treatment summaries, progress forms or otherwise relevant treatment information (if applicable).

Any exceptions to the suggested documentation can be reviewed by the Supervisor.

#### **VI. Transfer of Supervision of Sex Offenders**

Early communication between districts to accommodate the unique and realistic conditions of each sex offender case is strongly encouraged.

- A. Eligibility for Transfer – at the discretion of the sending district, a sex offender shall be eligible for transfer.
- B. All offenders on the Sex Offender Registry and/or subject to the 2,000 foot rule will not be approved to leave the area of jurisdiction until a transfer request has been accepted by the receiving office.

Sex offenders may be allowed to travel to the proposed new area to seek and maintain employment and a legal residence. However, they will not be allowed to stay overnight unless both the sending and receiving supervisor agree that the overnight lodging is a legal and appropriate residence. The sending district will maintain supervision but will notify the office serving the proposed new area of the travel plans.

A sex offender who resides in one district but is convicted in another district shall be considered a resident of that district where he/she currently resides and any necessary transfer of supervision will be mandatorily accepted barring extenuating circumstances, even if the offender is not currently in compliance with the 2,000 foot restriction.

In the event that a sex offender has been allowed to move pending transfer prior to formal acceptance, the sending and receiving office shall work to immediately bring the offender under supervision at the current residence pending disposition of the transfer request.

Exceptions to this policy may be made by the sending and receiving supervisors as long as they comply with all laws regulating sex offenders.

- C. Application for Transfer – In addition to the information required in any application for transfer, transfers of sex offenders should also include the following (as available and accessible in ICON):
  - 1. Sex offender-specific assessments (transfers cannot be denied or postponed if a psychosexual evaluation has not been completed by the sending district)
  - 2. Social history (PSI, Intake forms)
  - 3. Official version of the offense (police reports, trial information and minutes of testimony)
  - 4. Victim information
    - a. Name, sex, age and relationship to the offender
    - b. Victim Impact Statement
    - c. Indicate in the transfer narrative if victim information is available in the Victim Confidential Comments in ICON
- D. Supervisors shall review all incoming transfers that are denied.
- E. Supervision Fees
  - 1. Whenever a transfer is initiated within the first thirty (30) days of supervision, the receiving district shall collect the entire supervision fee.
  - 2. If an offender transfers to another district with an unpaid balance from the sending district, the outstanding balance shall become the balance due to the receiving district. The receiving district receives any payments made after the date of transfer.
- F. Other Fees Due to the Sending District
  - 1. The offender is responsible for all outstanding fees owed to the sending district or providers in the sending district. A transfer cannot be refused due to an offender owing the sending district or a provider money.
- G. Restitution
  - 1. The sending district shall provide the receiving district with victim restitution information.