

## **Definitions**

### **ICAOS Standards and Rules**

#### **Wisconsin Cases Transferring to Another State**

#### **Wisconsin Cases Under Supervision in Another State**

#### **Supervision of Cases From Other States**

#### **Interstate Compact Application Fee**

### **.01 AUTHORITY**

Wisconsin Statute 304.16

Wisconsin Administrative Code DOC 328.14

Rules of the Interstate Commission for Adult Offender Supervision

### **.02 ADMINISTRATIVE STRUCTURE**

#### DCC CENTRAL OFFICE, MADISON

Compact Administrator, Deputy Compact Administrator, Operations Program Associate,  
Office Operations Assistant

#### DCC REGIONAL STRUCTURE

Community Corrections Supervisors and Agents from each region are designated Compact Specialists by the Regional Chief. Compact Specialists act on behalf of the Compact Administrator in all decisions to accept, reject, or terminate supervision under the Compact. Compact Specialists shall be trained by the Central Office Compact Staff prior to processing Interstate Compact matters.

### **.03 INTERSTATE COMPACTS**

#### INTERSTATE COMPACT FOR SUPERVISION OF PAROLEES AND PROBATIONERS

Enacted in 1937, this Compact regulating interstate transfers of offenders was adopted by all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. This

Compact has been replaced in every jurisdiction by the Interstate Compact for Adult Offender Supervision.

#### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION (ICAOS)

The ICAOS will guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability and victims' rights.

The Compact requires each member state to create a state board providing oversight and advocacy of operations under the Compact.

Additional information, including ICAOS Rules, directory of states' compact offices, and training resources are available at the ICAOS

website: [www.interstatecompact.org](http://www.interstatecompact.org) and **Compact Online Reference Encyclopedia (CORE, an online encyclopedia)**.

#### **.04 ICOTS USER ACCOUNTS**

All Agents and Corrections Field Supervisors who are involved in the compact process should have an ICOTS User Account and agree to comply with the [ICOTS Privacy Policy v3](#).

Other staff may set up an ICOTS user account with the permission from their supervisor.

ICOTS users are required to complete trainings identified by the Compact Office prior to obtaining an account in ICOTS. Staff can refer to the following link to [ICOTS Region Staff User Account Setup](#) for instructions on completing the required trainings.

ICOTS Users will receive email notifications when they have not logged into their account for 3, 6 or 9 months. To retain an active user account, the staff person must log in and complete an action (e.g., search an offender record). If the account has not been logged into and an action completed for 273 days, the account will be de-activated and the user is required to complete the ICOTS trainings again to reactivate their account. Staff who need to reactivate their account can refer to the following link [ICOTS Reactivation Requirements for Region Staff User Account](#) for instructions on completing required trainings.

Staff with an ICOTS account or their supervisor will notify the Interstate Compact office if they are leaving state service, have change their legal name, or are no longer working for the Department of Corrections.

## **.05 DEFINITIONS IN ACCORDANCE WITH ICAOS**

ABSCOND – Means to be absent from the offender’s approved place of residence and employment; and failing to comply with reporting requirements avoiding supervision.

BEHAVIOR REQUIRING RETAKING – 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.

INTERSTATE COMPACT APPLICATION FEE - Fee charged to an offender for each application that is made by an offender to transfer from Wisconsin (WI) to a receiving state through the Interstate Compact.

INTERSTATE COMPACT OFFENDER TRACKING SYSTEM (ICOTS) - The internet-based application for all interstate compact business processes.

RECEIVING STATE - The state which is requested to assume supervision of an offender.

RELOCATE - To remain in another state for more than 45 consecutive days.

RESIDENT - For the purpose of transfer of supervision under the terms of the Compact, an offender may be considered a resident of a state if the offender has continuously inhabited a state for more than one year prior to sentencing or the supervision start date of the offense for which the person is under supervision, and who has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

RESIDENT FAMILY - A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who has resided in the receiving state for 180 days or longer. The family must indicate a willingness and ability to assist the offender as specified in the plan of supervision.

RETAKE – means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

SENDING STATE - The state requesting transfer of supervision.

SEX OFFENDER - Means 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 registered or required to register as a sex offender in the sending state or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

SUBSTANTIAL COMPLIANCE - An offender is in "substantial compliance" if there is no revocation action pending or in progress in the sending state.

SUPERVISION- The oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

VIOLENT CRIME - Any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

## **.06 ICAOS STANDARDS AND RULES**

ICAOS Rules are binding on the compacting states and are enforceable in federal court. The courts and executive agencies of a state are legally bound to enforce the compact and to take all actions necessary to achieve the compact's purposes and intent.

CORRESPONDENCE BETWEEN STATES. All interstate compact business processes must be completed in ICOTS. All other formal interstate correspondence between states must go through the Compact Specialist or the DCC Interstate Compact Central Office.

ELIGIBILITY FOR SUPERVISION. Eligibility to transfer supervision under the ICAOS is subject to the following criteria:

1. Offender is an adult, or a juvenile treated as an adult by the court, and is
2. Subject to supervision, that is required to report or be monitored by supervising authorities, as the result of the commission of a criminal act, and who
3. Has been sentenced or received a deferred sentence for
  1. A felony offense, or
  2. A misdemeanor which meets ALL the following criteria:
    - Offender has been placed on supervision for one year or more; and
    - Offense involves:
      - Direct or threatened physical or psychological harm to a victim, or
      - A second or subsequent OWI, or
      - Use or possession of a firearm, or
      - A sexual offense requiring registration as a sex offender in the sending state; and
4. Is in substantial compliance with the terms of supervision in the sending state
5. Has at least three months of supervision remaining; and
6. Has a valid plan of supervision in the receiving state.

A sending state may request transfer of a case which does not meet the criteria for eligibility if the sending state believes supervision in the receiving state is necessary. The receiving state, for good cause, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

A receiving state shall accept transfer of supervision of an eligible offender who is in substantial compliance with the terms of supervision and the offender is either:

- A "resident" of the receiving state; OR
- Has "resident family" in the receiving state who indicate willingness and ability to provide assistance as specified in the supervision plan, and the offender can obtain employment or has a means of support in the receiving state.

ELIGIBILITY – SPECIAL CIRCUMSTANCES. Offenders who are in substantial compliance with the terms of supervision are not required to meet the “resident” or “resident family” requirement in any of the following circumstances:

- Offender is a member of the military and is under orders in another state;
- Offender resides with a family member is under orders in another state, provided the offender will reside with the military member in the receiving state; or
- Offender resides with a family member who is transferred to another state at the direction of the employer and as a condition of maintaining full-time employment, provided that the offender will reside with the family member, unless the receiving state can show good cause for rejecting the transfer; or
- Offender is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
- *Transfers of veterans for medical or mental health services provided the offender is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state.*

CONDITIONS. If a condition is placed on an offender by the sending state and will not, or cannot, be enforced, the receiving state must notify the sending state at the time of acceptance in the ICOTS Reply to Transfer. A receiving state which places a condition upon an offender shall notify the sending state at the time of acceptance in the ICOTS Reply to Transfer, and notify both the offender and sending state of amended conditions/rules in subsequent Progress Report actions.

OPPORTUNITY TO INVESTIGATE. The receiving state shall be given the opportunity to investigate the prospective plan of the individual prior to movement to the receiving state. Receiving states have up to 45 days to investigate the transfer plan.

TRAVEL DURING INVESTIGATION. Offenders are normally not allowed to travel to a receiving state, without reporting instructions, while a transfer is pending. The only exception(s) are when travel is necessary during the transfer investigation for the purposes of pre-existing employment, treatment or medical appointments. In these cases, the agent

must include in the Transfer Request justification the offender will be allowed to proceed to the receiving state and must return to the sending state each day upon completion of the employment shift or appointment.

ACCEPTANCE TIME LIMIT. An acceptance by a receiving state shall be valid for 120 days. If the sending state has not sent an ICAOS Notice of Departure in that timeframe, the receiving state may withdraw its acceptance and close interest in the case.

ROLE OF THE COMPACT ADMINISTRATOR OFFICE. Acceptance, rejection, or termination of interest in a Compact case shall not occur except through the office of the Compact Administrator or designee.

TRANSFER TO A THIRD-PARTY STATE. Transfer of the supervision to a third-party state is the responsibility of the original sending state. The state supervising the offender shall notify the sending state prior to any transfer to a third-party state. The state supervising the offender shall not close interest prior to acceptance of the transfer by the third-party state. The sending state shall notify the supervising state of acceptance of transfer by the third-party state.

RETURN OF SUPERVISION TO THE SENDING STATE. Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions from the sending state. The sending state shall provide reporting instructions within two business days. The offender shall remain in the receiving state until receipt of reporting instructions. The receiving state submits departure and case closure notice actions. The sending state submits returning notice of arrival and case closure notice response actions.

OBLIGATION TO PROVIDE FOR RETURN OR RETAKE. A sending state 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.

RECIPROCAL DUTIES BETWEEN STATES. Supervision of Interstate Compact offenders will be governed by the same standards which prevail within the state for its own offenders.

INTENSITY AND DURATION OF SUPERVISION. The duration of the period of supervision shall be determined by the sending state. The level (degree of supervision) shall be determined by the receiving state.

DEPARTURE AND ARRIVAL REPORTING. Departure and Arrival reports shall be sent immediately to the receiving or sending state. The date of departure/arrival, offender's address, and offender's telephone number must be noted.

PROGRESS REPORTS. Progress reports shall be provided for reporting imposed incentives/sanctions, provide documentation on compliant and non-compliant behavior that does not require retaking, ability to add new conditions imposed, to report new arrests, and to be clear in recommendations. Progress Reports are required within 30 days upon request by the sending state. Compact rules allow for discretionary retake by the sending state.

COLLECTION OF SUPERVISION FEES. No sending state shall impose supervision fees on an offender being supervised by another state under the Compact. Wisconsin offenders shall continue to pay supervision fees until arrival and acceptance by the receiving state. Upon notification of acceptance and arrival in another state, the Wisconsin agent will submit a Supervision Fee Action Report ([DOC-1682](#)) to the Supervision Fee Designee to stop the Supervision Fee charges. Interstate Compact transfer-in offenders are subject to Wisconsin supervision fees based on the date of the offender's arrival and acceptance in Wisconsin.

COLLECTION OF MONEY BY THE SENDING STATE. Collection of financial obligations remains the responsibility of the sending state. The receiving state may encourage the offender to pay the obligations but is not directly involved in the collection. The sending state may communicate directly with the offender regarding matters of financial obligations. If the sending state notifies the receiving state that an offender is not complying with financial conditions, the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply.

TRAVEL PERMITS (TO A RECEIVING STATE).



*Temporary.* An offender who is not a "sex offender" under the compact, and who is living in the receiving state at the time he or she is placed on probation, may be given a temporary travel permit for up to seven days to allow time for the receiving state to issue reporting instructions.

*Provisional.* Provisional travel permits may be issued by a sending state to allow an offender to proceed to a receiving state prior to completion of an investigation and formal acceptance of the case in emergency situations. NO PROVISIONAL TRAVEL PERMIT MAY BE ISSUED WITHOUT REPORTING INSTRUCTIONS FROM THE RECEIVING STATE.

*Blanket.* Blanket or temporary travel permits are required by the receiving state when the compact offender will be traveling back to the sending state for recurring activity. The purpose of travel and activities must be specified.

CLOSING INTEREST IN COMPACT CASES. Interest in a Compact case shall be closed under any of the following conditions:

- Upon the date of discharge, unless the sending state has informed the receiving state in writing of an earlier or later date to close interest;
- Upon notification of absconder status. In the event of an offender absconding from supervision, the receiving state will alert the sending state via a violation report and close interest;
- In the event an out-of-state offender is incarcerated for 180 days or longer;
- Notification of the death of an offender; or
- The offender has returned to the sending state.

BEHAVIOR REQUIRING RETAKING. Offenders transferred under the Compact have waived their rights to extradition proceedings. Upon request from a receiving state, a sending state shall retake an offender if:

- The offender has been convicted of a new felony or violent misdemeanor offense,
- The offender is an absconder, apprehended in the receiving state

A sending state shall either retake or order an offender to return if:

- The receiving state has reported violation of conditions as a single act/behavior, continued behavior or a combination of behaviors where all evidence-based response to violations have been exhausted and the behavior would rise to the level of revocation.

VICTIM NOTIFICATION. According to the laws of the sending state, if an offender's case is designated victim sensitive, a receiving state will notify the sending state with a minimum of 20 business days advanced notice when the offender:

- Changes address;
- Returns to the sending state where the victim resides;
- Departs the receiving state under an approved plan of supervision in a third state; or
- Is issued a travel permit.

### **.07 INTERSTATE COMPACT APPLICATION FEE**

Staff will review the request to transfer and advise the client the DOC will charge a fee for each application that is made by a PIOC/client requests to transfer supervision from Wisconsin to another state, Washington DC, the US Virgin Islands, or Puerto Rico. Proposed plans should be reviewed with the client for appropriateness prior to fee payment. The client shall also be advised the fee is non-refundable, and be apprised of challenges and barriers that may exist for the application to be approved. This procedure is applicable to staff who are supervising adult persons on community supervision or those staff who are assisting in reentry from a DAI facility to community supervision.

### **PROCEDURE FOR COLLECTION OF INTERSTATE COMPACT APPLICATION FEE**

A PIOC or client will pay an Interstate Compact application fee of \$150.00 prior to the submission of a Transfer Request.

A client who currently resides in another state who is sentenced to Wisconsin probation and intends to return to the other state for supervision shall pay the fee during the intake process prior to leaving Wisconsin. If the client is unable to pay the application fee during the intake process, the agent may approve the client to proceed to their state of residence and have up to ten business days to mail the fee payment in full. With supervisory approval, the client may be permitted to pay the full fee within 3 months if they are not able to pay within 10 business days. A separate application fee will be collected for each proposed residence. A PIOC or client may not complete community service hours in lieu of this fee. A new application fee is not required if a supervision plan is denied due to technical reasons not related to a valid plan of supervision and the application is resubmitted for the same residence. Agents shall advise the client that the application fee is non-refundable once

payment is submitted and the application fee does not guarantee acceptance by the receiving state.

There are two instances in which this application fee is exempt, if applicable:

1. If the client is incarcerated in the receiving state and released to community supervision in the receiving state.
2. If the client has a consecutive/subsequent case, when the offender is already in the receiving state under the interstate compact and has paid the application fee.

#### Staff Responsibilities

After the Social Worker/Agent investigates the proposed plan and determines it is appropriate, they will enter the application fee obligation into WICS ([See Interstate Application Fee Guide](#)). Print the DOC-2756 form which will be automatically sent to the agent's/social worker's email and give it to the PIOC/Client.

Prior to submitting the Transfer Request, the agent/social worker must confirm payment has been submitted. It is important to look at the sub-screen when the fee looks to be unpaid because if the PIOC/Client has restitution, the payment for the application fee will be transferred to restitution per Wisconsin [2015 Act 355](#). If a payment for the application fee is transferred to restitution, it shall be considered payment in full for purposes of the application fee.

The system cannot accept the fee in varied payments. When paying with a money order/cashier's check, it must be made out for the full amount when submitted in order for the fee to be processed.

#### Social Workers/ Re-entry Staff Responsibilities

If the fee is coming out of the PIOC's account, please email [DOCDCCInterstateCompact@wisconsin.gov](mailto:DOCDCCInterstateCompact@wisconsin.gov) letting us know that the money has been requested from their account and submit the Transfer Request at that time to avoid delays. If a family member or other entity is paying the fee, please wait until the payment is posted in WICS before submitting the transfer request.

#### Agent Responsibilities

##### *Resident of another state sentenced to Probation in Wisconsin*

If they do not have a DOC number, agent of record will request an emergency DOC number and provide the payment coupon to the client. If the client already has a DOC number, the agent of record will create the obligation in WICS and provide the payment coupon to the client. The payment coupon/voucher must be mailed to the agent of record or the address listed on the coupon/voucher.

With supervisory approval, the client is permitted to pay the full fee within 3 months if they are not able to pay within the 10 business days. If the fee does not post in WICS or a 3 month extension to pay the fee is approved prior to submitting the transfer request, send an email to the regional specialist informing them of the payment status and they will notify the Wisconsin Interstate Compact office.

*Current clients who want to move to another state:*

After approving the plan to transfer, please create the obligation in WICS and print out the fee payment document/voucher. The fee needs to be posted in WICS prior to submitting the transfer request. This applies to residents of this state on supervision, or correctional clients releasing from prison.

## **WISCONSIN CASES TRANSFERRING TO OTHER STATES**

### **.01 POLICY**

The purpose of the Interstate Compact for Adult Offender Supervision is to control the interstate movement of offenders. No offender under supervision in Wisconsin who is subject to the ICAOS rules will be allowed to reside in another state except as provided by those rules. No offender may be given a series of temporary travel permits for the purpose of avoiding the compact requirements.

Permitting offenders to proceed to a receiving state without formal acceptance should not be allowed except in limited situations, and then only with the permission of, and reporting instructions from, the receiving state.

If an offender is required to provide a DNA specimen, the agent shall verify that the DNA has been obtained before allowing the offender to leave Wisconsin under the compact.

All financial obligations should be paid or a payment plan established before the offender leaves the State of Wisconsin. The state accepting supervision will not be responsible for the collection of financial obligations. Refusal by the offender to comply with the established payment plan is considered a violation of supervision and an appropriate response should be implemented using an evidence-based response to violation.

Extension orders which are due to unmet conditions, other than monetary conditions, must be sent to the receiving state prior to discharge or that state will close its interest and cease supervision upon the scheduled discharge date.

## **.02 TRANSFER REQUEST REQUIREMENTS**

The interstate compact application fee must be paid in full before an agent or a social worker can initiate the transfer process. See section .07 Interstate Compact Application Fee for procedures.

### **REQUIRED ICAOS FORMS:**

Offender's Application for Interstate Compact Transfer

NOTE: The offender's completed, signed, and witnessed application is the only ICAOS form required to be attached to a transfer request in ICOTS. All other forms are completely auto-populated within ICOTS, from information entered by the responsible ICOTS User.

Completed forms may be downloaded from ICOTS if there is a business need. **REQUIRED DOC FORMS:**

- [Rules of Community Supervision](#)
- [CR-208A](#) Extension Order for probation cases that have been extended by court.

### **ADDITIONAL TRANSFER REQUEST REQUIREMENTS:**

- Judgment of Conviction
- Criminal Complaint, police report or other official version of offense details
- Transfer Summary (if community supervision is greater than 30 days)
- Summary of offender's criminal history
- Gang affiliation
- Photograph, a front-facing color head shot, sharp image with no dots or pixels, background does not detract from offender face
- Information about court obligations, including address where payments are to be sent
- Pre-Sentence Investigation (if applicable) or COMPAS Bar Chart and Narrative
- Active military orders/documentation (if applicable)
- Relevant medical or psychological information (if available)
- For transfer of supervision of a registered sex offender in Wisconsin (or an offender who is under sex offender terms, conditions and rules) (see 05. [DEFINITIONS](#)) the sending state shall provide the following information, if available: Assessment information including

specific sex offender assessments, social history, information relevant to the sex offender's criminal sexual behavior, law enforcement report with specific details of sex offense, victim information (name or initials, age, sex, relationship) and statement of victim or victim's representative, the sending state's current or recommended supervision and treatment plan.

- The Interstate Commission for Adult Offender Supervision (ICAOS) requires that a state provide a two-year summary of the mental health history of an individual requesting that his or her community supervision be transferred to another state. The procedure is as follows:
  - If the client has been released from prison within the last two years, the agent will determine whether the client has been in treatment with a DCC psychologist since release.
  - If the client has been treated or evaluated by a DCC psychologist since release, the agent shall request that a DCC psychologist submit a copy of the EMR Summary.
  - If the client has not been evaluated or treated by a DCC psychologist, contact the appropriate email address below and request that the Psychological Services Unit (PSU) record is retrieved and provided to the DCI or TCI Psychology Supervisor.
    - DOC DAI DCI Central Medical Records (males)  
([docdaidcicentralmedicalrecords@wisconsin.gov](mailto:docdaidcicentralmedicalrecords@wisconsin.gov))
    - DOC WWCS TCI Inactive Women's Medical Records (females)  
([docwwcstciinactivewomensmedicalrecords@wisconsin.gov](mailto:docwwcstciinactivewomensmedicalrecords@wisconsin.gov))
- Central Medical Records or Inactive Women's Medical Records shall provide the PSU Record to the DCI or TCI Psychology Supervisor who shall designate a PSU staff member to submit a copy of the EMR Summary.
- PSU staff shall forward a copy of the EMR Summary to the requesting agent as an attachment to an email. The PSU shall not forward to the agent any PSU records other than the copy of the EMR Summary.
- The agent shall ask the client to sign the ICAOS version of the DOC-1163A, Authorization for Use and Disclosure of PHI prior to forwarding the EMR Summary to the receiving state Parole Compact Office. Agents shall not alter the [ICAOS version of the DOC-1163A](#).
- File the original DOC-1163A form in the DCC Case File. Do not upload into the ICOTS Transfer Request action.
- If a PIOC or client refuses to sign the ICAOS version of the DOC-1163A, the staff shall submit the transfer request without the EMR Summary. Staff shall note in the Institutional Mental Health section that the client did not consent to the release, and the EMR summary cannot be included in the request.

- If the client has not been incarcerated in a Wisconsin DOC facility in the past 2 years, the EMR Summary does not need to be completed.
- When completing the ICAOS transfer application, please type within the Institutional Mental Health section, "See Mental Health Summary for Interstate Compact", to inform the receiving state on where to find the information to avoid delays. If no mental health information is available, include a statement that no mental health information for the past two years is available. This will ensure the packet is not returned as incomplete.

### **.03 PROCEDURE FOR REQUESTING TRANSFER TO ANOTHER STATE**

An offender on supervision may request transfer to another state. The agent should assess the offender's request, evaluating whether or not the proposed plan in the other state meets the criteria of the Compact. If the agent agrees that transfer to another state is appropriate, the residence address and supervision plan must be verified by contacting the host family member, landlord, employer, or sex offender registry as appropriate. The agent will then submit a complete transfer request, with all required documents, in ICOTS. If the offender is an inmate requesting transfer to another state upon release, social workers should verify the proposed transfer plan and discuss with the assigned agent. If the agent and social worker agree the plan is appropriate and consistent with the criteria for transfer under the Compact, the social worker will submit the transfer request in ICOTS.

- Cases immediately going to another state require only a COMPAS Primary Needs be completed and the resulting Narrative Summary will be attached in ICOTS. The agent will not enter a "Screener Recommendation", "Start Date", or "Next Review Date" in the Supervision Recommendation screen. A Unified Case Plan will not be created. Cases that will not be transferring for thirty or more days from reception on supervision require standard intake requirements be completed.
- The status keeper will add the intake status (Intake, Intake/Sex Offender, or Intake OWI 2/3), assign the case manager, and mark the intake status as "Primary". Supervision will follow the guidelines set for assigned status until the transfer request has been accepted.

"Sex offenders" as defined in the Compact rules are subject to additional restrictions and information requirements. In order to identify offenders subject to these requirements, the agent must determine if an offender is supervised as a sex offender in Wisconsin. In some states, offenders may be required to register for sexual offenses which do not require

registration in Wisconsin. The agent should contact the receiving state's registration authority to determine the offender's status in that state if:

- The offender is on supervision for a misdemeanor sexual offense;
- The offender has previously been convicted of a misdemeanor sexual offense in Wisconsin; or
- The offender has been convicted of any sexual offense in any other state; and
- The offender denies being registered as a sex offender in the receiving state.

The Compact Specialist will review the transfer request and, if approved, forward the transfer request to the Compact Office. The Compact Office will review the transfer request and, if approved, forward transfer request to the receiving state for investigation.

If the receiving state does not reply within 45 calendar days, the agent may submit a Compact Action Request in ICOTS. If a reply is not received, the Compact Specialist may make inquiry to the Compact Administrator's Office of the receiving state via e-mail, with a copy to the Wisconsin Deputy Compact Administrator. If necessary, this inquiry process should be repeated every 30 calendar days until the case is accepted or rejected.

Issues of policy, compliance with Interstate Compact rules, or problem resolution are to be referred to the Compact Specialist. If the Compact Specialist is unable to resolve an issue, the Compact Specialist will forward the matter to the Wisconsin Compact Administrator for resolution.

ACCEPTANCE: Once notification of formal acceptance by the receiving state is received, the offender may be allowed to proceed to the receiving state. The offender is issued a Travel Permit ([DOC-50](#)). Reporting instructions in the receiving state should be included on the [DOC-50](#). The agent will submit the Notice of Departure in ICOTS.

For an inmate proceeding directly to the receiving state at release, the agent will send the Offender Release Authorization ([DOC-15](#)), the Travel Permit ([DOC-50](#)), and Rules of Community Supervision, including any special rules, to the institution social worker. The social worker will review the rules and reporting instructions with the inmate and obtain the inmate's signature where required. The social worker will submit a Notice of Departure in



ICOTS and forward a signed copy of the Rules of Community Supervision and [DOC-50](#) to the assigned agent.

REJECTION: If the receiving state rejects supervision, the agent must develop a supervision plan in Wisconsin.

TRAVEL PRIOR TO FORMAL ACCEPTANCE: Travel prior to acceptance is only allowed when: The offender is currently employed in the receiving state, has a medical appointment or is receiving treatment. The offender may travel to the receiving state for above purposes, but must return to Wisconsin, daily, during non-working hours or when the medical appointment or treatment is concluded. In these cases, the transfer request must indicate that the offender will be commuting to and from employment, or will be traveling to the receiving state for medical reasons.

The offender (other than a "sex offender" under the compact) is living in the receiving state at the time of being placed on probation. An eligible offender who has been incarcerated for 6 months or less as a condition of probation may be allowed to travel under this exception. Requests for reporting instructions under this exception must be made within seven business days of sentencing or release from incarceration to probation supervision. Upon verification of the offender's residence, the agent may issue a temporary travel permit for up to seven days.

The agent must immediately submit a Request for Reporting Instructions in ICOTS. The receiving state must issue reporting instructions within two business days of a request. The agent must maintain communication with the offender to assure that reporting instructions are promptly relayed to the offender. A Notice of Departure is submitted in ICOTS upon receipt of reporting instructions. A complete transfer packet must be submitted to the receiving state within 15 calendar days following issuance of reporting instructions.

If the probationer residing in the receiving state at the time of sentencing is a "sex offender" under the compact, the sex offender must remain in Wisconsin until reporting instructions are issued. The receiving state may take up to five business days to reply. The

receiving state may deny the reporting instructions if it determines that the residence is not acceptable due to law or policy. In that case, the sex offender must remain in Wisconsin.

If the agent submits a Request for Reporting Instructions in the ICOTS due to other mandatory reasons such as offender or family military transfer, offender or family employer-directed full time employment transfer, or veterans medical or mental health services, the sending state shall provide documentation with the request.

The receiving state has issued expedited reporting instructions. When there are compelling circumstances which require the offender's immediate presence in the receiving state, the agent may submit a Request for Reporting Instructions and Transfer Request together. The receiving state must reply to the Request for Reporting Instructions within two business days. If the receiving state grants the expedited reporting instructions, the agent may issue the Travel Permit and submit the Notice of Departure. No travel permit may be issued prior to receiving reporting instructions.

If the offender has been given permission to proceed to the receiving state prior to acceptance, the offender's status will match the contact standards met by the agent. Upon acceptance, the ledger classification shall be changed to Out of State.

If the offender is required by [s.301.48, WI Stats.](#), to be monitored by a GPS tracking device, the tracking device may be removed when the offender leaves Wisconsin. Should the offender return to Wisconsin, the GPS tracking must be reinstated.

If the offender is required to submit a DNA specimen to the State of Wisconsin Crime Lab, the DNA must be collected before the offender is allowed to relocate.

Upon notification that the receiving state has rejected the transfer request, and unless the receiving state will allow for resubmittal without requiring the offender's return, the receiving state shall request returning reporting instructions and explain why the offender is returning, upon WI Compact approval within 2 business days, submit a returning Notice of Departure and Case Closure Notice. If the offender reports as instructed, the agent submits a Notice of Arrival and validates the Case Closure Notice Response. If the offender does not

report as instructed, the agent must issue an Apprehension Request ([DOC-58](#)) within 15 business days of failing to report as instructed. The agent shall check "Extradite" and include "Interstate Compact case; Have signed waiver; Will retake" in the "Comments" section. The Apprehension Request must be enforceable nation-wide.

## **WISCONSIN CASES UNDER SUPERVISION IN ANOTHER STATE**

### **.01 FINANCIAL OBLIGATIONS**

SUPERVISION FEES. The offender is responsible for paying supervision fees in Wisconsin until the offender has been formally accepted, departed and arrived in the receiving state on compact supervision.

COURT OBLIGATIONS. Whenever feasible, all court obligations should be paid in full, prior to transfer. If obligations are not paid in full, the offender shall not be allowed to transfer out of state unless a realistic payment plan is established between the Wisconsin agent and the offender. The agent should include on the Rules of Community Supervision any payment plan and the address to which payments are to be sent. The Wisconsin agent is responsible for monitoring compliance with the payment plan and taking action, including ordering the offender to return in the event the offender fails to make a good faith effort.

If the offender is being supervised out of state and financial obligations have not been paid 90 days prior to discharge, the Wisconsin agent is responsible for requesting the Court extension or to request the Court enter a Civil Judgment. The agent will attach the Petition and Stipulation to Waive Appearance and Hearing ([CR-207/CR-208A](#)) to a Compact Action Request and submit, via ICOTS, to the supervising agent in the receiving state, requesting assistance to obtain and witness the offender's signature. The request should indicate the date by which the witnessed documents must be returned.

If the court extends the probation case(s), the receiving state must be notified, prior to the original discharge date. The agent shall enter the new discharge date into ICOTS and submit a Compact Action Request with the signed ([CR-208A](#)) to the receiving state. If the court extends the probation but the only remaining condition is monetary obligations, the offender

no longer meets the compact definition of 'supervision.' WI may ask the receiving state to continue compact supervision, but that state is not obligated.

## **.02 COMPAS RESPONSIBILITIES**

The Case Supervision Review will not be used for cases being supervised out of state. Likewise, the case plan does not need to be maintained at a set interval. However, if there was a case plan started prior to the offender's departure, updates can be made as informed by the receiving state via a Progress Report, Compact Action Request, etc.

## **.03 VOLUNTARY RETURN TO WISCONSIN**

A receiving state may not permit a Wisconsin offender who is being supervised in the receiving state to return to Wisconsin, with the intent to remain in Wisconsin, without first obtaining returning reporting instructions. The Compact Office will direct the offender to report to the agent of record and will send notice to the agent and Compact Specialist.

The receiving state will submit an ICOTS Notice of Departure and Case Closure Notice when the offender departs. The Wisconsin agent must answer with an ICOTS Notice of Arrival and Case Closure Notice Response, accepting the closure, in order to remove the case from the agent's active ICOTS caseload.

The Wisconsin agent shall resume supervision upon the offender's return. The agent will notify their status keeper so that the offender's status can be updated. A Case Supervision Review (CSR) and case plan update should be completed.

**.04 DISCRETIONARY OR MANDATORY RETAKE FROM ANOTHER STATE** The Wisconsin agent, for cause, may at any time order an offender to return to this state. The agent shall issue the order in a Compact Action Request or a Response to Violation Report. The agent must specify the date by which the offender must report to the agent.

If the offender fails to return by the specified date, the agent will issue an Apprehension Request ([DOC-58](#)). In all cases, the agent shall check "Extradite" and include the following Comment: "Interstate Compact case; Have signed waiver; Will retake". The Apprehension Request must be enforceable nation-wide.

RECEIVING STATE BEHAVIOR REQUIRING RETAKE REPORT: After a receiving state submits a violation report requiring mandatory retake due to any of the following circumstances, the offender must be retaken:

- The offender has been convicted of a new felony or violent misdemeanor crime;
- The offender absconded while being supervised in the receiving state and has subsequently been apprehended in the receiving state.
- The receiving state has reported violation of conditions as a single act/behavior, continued behavior or a combination of behaviors where all evidence-based response to violations have been exhausted and the behavior would rise to the level of revocation.

Upon a receiving state's request to retake an offender, Wisconsin must request probable cause, issue a warrant and retake or order the offender to return to the sending state.

#### **.05 VIOLATION AND REVOCATION**

An offender under supervision in another state remains subject to revocation in Wisconsin if the offender has violated the rules of supervision of either state. The receiving state must notify Wisconsin within 30 days of discovery of any behavior requiring retaking as defined by ICOTS. The Wisconsin agent must staff the case with the supervisor. Within ten days of receiving the Violation Report, the agent must submit a Response to Violation Report in ICOTS.

If revocation is a possible outcome, the offender is entitled to an on-site Probable Cause Hearing. In that case, the Response to Violation Report shall include a request for an on-site Probable Cause Hearing. This is not necessary if Wisconsin does not intend to initiate revocation of an offender's supervision.

Unless the offender has absconded or is convicted of a new felony or violent misdemeanor, no warrant should be issued by Wisconsin prior to a probable cause determination in the receiving state.

A Probable Cause Hearing may not be waived without a signed admission of at least one significant violation which will be used as a basis for revocation.

If there is no finding of probable cause, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

If probable cause is found and the agent has received the Probable Cause Hearing report or waiver with admission statement, the agent will arrange for the return of the offender to Wisconsin. If the probable cause finding is found on a rules violation, the agent and supervisor staffing decision may be to order the offender to return with specific reporting instructions or issue a warrant and coordinate retake. Once the offender has returned and reported in Wisconsin, the receiving state may close interest. If offender was retaken back to Wisconsin and following the disposition of the violation or revocation hearing, the agent may allow the offender to apply for a new compact transfer back to the receiving state. In probation cases only, the agent has seven days from the disposition of the violation to submit reporting instructions (See [ICAOS Rule 3.103](#) for further details.). The offender will pay a new interstate compact application fee.

If the violation is due to absconding or a new felony or violent misdemeanor conviction, the agent shall request a violation warrant identifying the reasons for the warrant from the DCC Extradition Office. The Extradition Office will forward the warrant and the "Offender's Application for Interstate Compact Transfer" to the holding facility in the receiving state or subsequent receiving state for coordinating retake upon completion of a term of incarceration for that conviction or placement under supervision for that felony or violent crime offense. Wisconsin will stop time and not allow the Wisconsin case to discharge. At the end of the incarceration term, Wisconsin Compact may ask the receiving state Compact to consider not invoking mandatory retake due to special circumstances.

#### **.06 ARRANGEMENTS FOR TRANSFER TO A THIRD-PARTY STATE**

An offender under supervision in another state may request transfer to a third state. If the agent and supervisor disapprove, the agent will submit a Compact Action Reply advising that the transfer plan is not approved and continued supervision in the current supervision state is required.

If the request is approved by the Wisconsin agent and supervisor, the Wisconsin agent is responsible for creating the new request, in ICOTS, to the third state. The Wisconsin agent initiates the process of a new application fee obligation and payment. Once all required information has been entered in ICOTS, but prior to submitting the transfer request, the agent should upload the Offender's Application for Transfer. The application must be sent to the offender's supervising agent in the current receiving state. That agent must obtain and witness the offender's signature. The original, signed document must be returned to Wisconsin and uploaded into the new ICOTS case. Only after the signed application is attached, may the transfer request be submitted.

The offender must remain in the current supervising state until the third-party state issues reporting instructions or formally accepts supervision.

ACCEPTANCE BY THIRD-PARTY STATE: Upon receipt of formal acceptance in the third-party state, the agent will submit a Compact Action Request, requesting the current supervising state to allow the offender to proceed to the third-party state with reporting instructions. The current supervising state will issue a travel permit to the offender and send a Case Closure Notice to Wisconsin. The Wisconsin agent will submit a Departure Notice to the new receiving state in ICOTS.

REJECTION BY THIRD-PARTY STATE: The Wisconsin agent will notify the original receiving state of the third state's decision. If the offender has not left the original receiving state, the offender will remain under supervision in that state.

If the offender has been allowed to travel to the third-party state, and the original receiving state has closed interest, the offender must be ordered to return to Wisconsin for supervision. A new transfer request must be initiated before the offender is allowed to relocate to any other state.

## **.07 PROGRESS REPORTS**

Progress reports shall be provided by the receiving state for reporting imposed incentives/sanctions, provide documentation on compliant and non-compliant behavior that

does not require retaking, ability to add new conditions imposed, to report new arrests, and include clear recommendations. Progress Reports are required upon request by the sending state. Compact rules allow for discretionary retake by the sending state.

Wisconsin agents can request Progress Reports from the receiving state via specialized Compact Action Request. The receiving state shall provide a Progress Report within 30 days of the request.

#### **.08 DISCHARGE**

Discharge certificates for Wisconsin cases being supervised out-of-state are forwarded to the Wisconsin agent. The agent shall follow standard case discharge procedure.

When an offender has multiple cases, discharge certificates from single judgments will be forwarded to the Wisconsin agent, with instruction to retain all such discharges until an absolute discharge issued, and to then mail all discharges to the offender.

#### **.09 AMENDED DISCHARGE DATES**

The receiving state will cease supervision of Wisconsin offenders on the Wisconsin discharge date indicated at the time of application for transfer unless advised otherwise, in advance. If the scheduled discharge changes, the agent must submit a Compact Action Request in ICOTS, advising the receiving state of the change. Attach any related court or administrative order. The agent should also update the supervision end date in ICOTS.

### **SUPERVISION OF CASES FROM OTHER STATES**

#### **.01 POLICY**

Acceptance or rejection of a request for transfer of an offender from a sending state to Wisconsin will be based on the criteria for "Eligibility for Supervision" or "Eligibility-Special Circumstances" see Section 06 and ICAOS rule [3.101](#). The offender's previous supervision experience, lack of treatment, pending charges, outstanding warrants, or threat to the community are not valid reasons for rejecting the offender's supervision.



Subject to all other applicable criteria, Wisconsin will accept for supervision an offender from another state, without legal conviction, if the offender has entered a plea and a court has made a finding that the offender has committed a criminal offense.

## **.02 SUPERVISION CONDITIONS**

Wisconsin agents must enforce compliance with rules and conditions established by the sending state, other than financial conditions (see Definitions: [Supervision](#)). If Wisconsin is unable to enforce a condition imposed in the sending state, the agent shall notify the sending state in the Reply to Transfer Request. The sending state may then determine if the transfer will be allowed to go forward or be withdrawn.

The offender is responsible for direct payment of court obligations to the sending state. Financial obligations are not collected by the Wisconsin agent for the sending state. However, if notified by the sending state that the offender is not making required payments, the Wisconsin agent must notify the offender that he or she is in violation and must instruct the offender where payments are to be sent.

## **.03 DNA REQUIREMENT**

An offender who has been accepted for supervision in Wisconsin under the interstate compact is required to submit a DNA specimen to the State Crime Lab if applicable.

If the client was on supervision in another state on or after April 1, 2015, the client is required to submit a DNA specimen to the State Crime Lab.

If the client was on supervision in another state prior to April 1, 2015 but is applying to transfer to this state, the following procedure applies. After the agent and IC Specialist or designee has submitted an acceptance recommendation in the ICOTS Reply to Transfer, the IC Specialist or designee will complete and email a DOC-2846 Office of Legal Counsel Request for DNA Testing for Interstate Compact Offender form and the following documents for all cases to [DOCOLCOfficeManager@wisconsin.gov](mailto:DOCOLCOfficeManager@wisconsin.gov):

1. Judgement of Conviction or equivalent
2. Law enforcement documents containing official details of offense
3. Sending State offense Statute

4. Any other court documents, if applicable

Office of Legal Counsel will review documents and determine if the offender is required to provide a DNA sample. After determination, the office of legal counsel will email the IC Specialist to inform them if the offender is required to provide a DNA sample. If the offender is required to provide a sample, the offender should be ordered to law enforcement for DNA submission, and the agent will enter a note in COMPAS regarding the order. Agent is responsible for following up to ensure that the DNA is submitted.

Decisions regarding Interstate Compact DNA requirements need to be communicated to the Regional DNA Subject Matter Expert for purposes of entering the DNA obligation into WICS.

#### **.04 TRANSFER REQUEST TO WISCONSIN**

##### OFFENDER IN WISCONSIN (WITH REPORTING INSTRUCTIONS) PRIOR TO INVESTIGATION

Forms Required

- [Rules of Community Supervision](#)
- [DOC-2110 Sex Offender Residence Assessment](#)

Wisconsin assumes responsibility for supervision when an offender, who has received reporting instructions, arrives and reports in Wisconsin as directed. The Compact Specialist will instruct the offender to report to an agent or office. The assigned agent shall have the offender sign the Rules of Community Supervision immediately, even if the transfer request has not yet been received. After verifying the offender's identity through reliable means of identification, e.g... driver's license, social security card, the State Identification (SID) number shall be queried via the Computerized Criminal History (CCH) to ascertain whether the offender has previous history in Wisconsin. If an SID number is not found, Electronic Fingerprint Scanning (EFS) should be utilized. If EFS is not available, an alternate method must be used such as another DCC office or law enforcement agency. The agent shall forward a Notice of Arrival through ICOTS as soon as the offender has reported in person.

Creating the Incoming Case in COMPAS: Issuance of reporting instructions does not imply that a case transfer will be accepted. Once the transfer request is received, the agent shall proceed with the investigation and make a recommendation to accept or deny the transfer.

If the transfer request is rejected, the sending state must order the offender back within 15 calendar days of receiving the reply. The Wisconsin agent requests returning reporting instructions and a returning notice of departure. Once returning offender arrives in the sending state, supervision responsibility reverts to the sending state. The agent should attempt to confirm that the offender did not remain in Wisconsin past the date to return.

For cases that originate in another state and are coming to WI for supervision under interstate compact, the following procedures will apply:

1. The status keeper will manually create the offender and case in COMPAS if needed. The status keeper will then add the status of "New Interstate Compact". WICS will not be used until offender is officially accepted with a Notice of Arrival. At that point, the OOA will then enter the SID # into COMPAS and WICS if available and submit the 2625 to the Status Keeper for creation of the Intake status. Once the case has been entered into COMPAS and a case manager is assigned, the agent will begin investigation.
2. All notes during investigation phase will be completed in COMPAS.
3. However, a COMPAS assessment will not be completed until intake status has been assigned, and the acceptance and Notice of Arrival have been completed.
4. If acceptance and Notice of Arrival has not been completed, on day 30, the primary flag from the "New Interstate Compact" status will be automatically removed. The status keeper will add a "Pending" status with a reason of "Pending New IC Transfer Request", which will be marked as primary. If Reply to Transfer Request and Notice of Arrival has not been completed, the "New Interstate Compact" status will remain active.
5. If the case is rejected, a COMPAS assessment will not be completed and rejection to include the rejection reason will be documented in the last general note entered in COMPAS.

If the offender reapplies through ICAOS for supervision in WI for the same criminal conviction, documentation in COMPAS will remain under the same offender lifecycle. If the offender reapplies later for a new case entirely, a new case in COMPAS will be started indicating a second offender lifecycle.

#### SEX OFFENDER REQUESTING REPORTING INSTRUCTIONS:

When a sending state requests reporting instructions for a sex offender who has been placed on probation and who was already living in Wisconsin, an agent will be assigned to investigate the proposed residence before reporting instructions are issued. Within 5 business days of the request, the agent must complete a [DOC-2110 Sex Offender Residence](#)

Assessment, to determine if the proposed residence is acceptable under applicable laws or DOC policy.

Note: For any sex offender (by Wisconsin or sending state's standards) requesting a transfer to Wisconsin, Central Office Interstate Compact staff will send an email requesting offense detail review by SOR to determine if the offender is required to register as a sex offender in Wisconsin. GPS and SBN screens to the GPS/SBN specialists with a copy to the agent of record or regional Interstate Compact specialist.

SOR Office Responsibilities – Retrieve and review the pertinent information from ICOTS. If additional information is needed, notify the Compact Office. SOR may ask Office of Legal Counsel to determine if the incoming offender will be required to register as a sex offender in Wisconsin. Following the screening, the GPS Specialist will notify the Compact Office and assigned WI agent of the results.

The agent will notify the Compact Specialist if the residence is acceptable. The assigned ICOTS user (agent or Compact Specialist) will complete and submit the sex offender reporting Instructions with approval or denial. If the Sex Offender Registry Program screen determines the offender is to be on lifetime GPS because they will reside, work, go to school, or seek vocation in Wisconsin, the ICOTS Response to Reporting Instructions or Reply to Transfer acceptance recommendation shall include the following special condition: "This offender meets the criteria for Lifetime GPS tracking in the State of Wisconsin. As a result, he/she will be placed on the GPS tracking system upon arrival in Wisconsin. He/she may remain on the GPS tracker through the duration of residency in Wisconsin, including the time following discharge from supervision."

If the residence is not approved, the agent shall indicate the specific reason(s) why the residence is not acceptable and which mandatory eligibility criteria are not met ([ICAOS Rule 3.101](#)). The response should include a specific statement that the residence would not be allowed for an offender convicted in Wisconsin.

The Compact Specialist will review and approve the agent's decision and reasons. The Compact Specialist will submit the Response to Request for Reporting Instructions, in ICOTS, by the date due.

If the agent's investigation is not completed by the date due, reporting instructions must be issued.

## **.05 TRANSFER PROCESS**

### **AGENT RESPONSIBILITIES**

- Locate Transfer Request in ICOTS by clicking the Compact Workload tab or Offender Profile screen "Action Items."
- Investigate the Transfer Request. Verify proposed residence, means of support, and supervision plan.
- Within 30 days of assignment, make a recommendation to accept or deny the transfer. The recommendation should be reviewed with, and approved by, the supervisor.
- Submit the Reply to Transfer Request in ICOTS. If the recommendation is to accept, attach WI rules and any special conditions (e.g., OWI 2/3 requirements, sex offender lifetime GPS statement, etc.), and note if WI is unable to comply with any sending state conditions. If applicable, include reporting instructions. If the decision is to reject the transfer, the Reply must cite the mandatory compact eligibility criteria relied upon in making the decision (ICAOS 3.101). Unless the sending state anticipates a new transfer application will be submitted and WI agrees the client may remain in WI in the interim, the agent shall create and submit an ICOTS returning Request for Reporting Instructions within 7 days of rejection. The sending state approval will be received within 2 business days, at which time the agent shall issue a return Travel Permit with reporting instructions. The agent shall then create and submit a returning ICOTS Notice of Departure and Case Closure Notice.
- Upon the offender's departure from the sending state and their first report to the office, follow the necessary steps to obtaining an SID number. Submit an ICOTS Notice of Arrival. Notify WI Compact with an email to 'DOC DCC Interstate Compact' with the Transfer Request pdf document attached, requesting a new DOC number is generated in WICS (or the incoming case is added to an existing DOC number).

Documents created by the DOC prior to and following acceptance must be maintained on the G:Drive or in a paper file until the client receives a DOC number. Once the DOC number is available, the documents should be imported as outlined in the Case File Setup – Electronic Case File (ECF) section. Please Note: The only ICOTS document that needs to be available in the ECF is the ICAOS Application. **.06 SUPERVISION OF CASES FROM**

### **ANOTHER STATE**

Offenders from other states are supervised in the same manner as if they had been convicted in this state. Agents must complete all the relevant case opening requirements, including obtaining a SID number, if the offender lacks a criminal history in Wisconsin.

Progress Reports shall document the following:

- Current residence and employment information,
- reporting imposed incentives and corrective sanctions,
- provide documentation on compliant and non-compliant behavior that does not require retaking,
- document if court-ordered conditions and rules are met with supporting documentation/completion certificate,
- add new conditions imposed,
- report new arrests,
- make clear recommendations.

16. Reports are required to be created at a minimum every 180 days, and when there is significant activity in the case. A new task due for Progress Reports will be added by the Status Keeper every 180 days in Workload Manager. After agents have completed and the Progress Report has been submitted to the other state by the WI Compact Office, agents will receive a confirmation email that is automatically generated by the ICOTS system. Agents will send this confirmation email to the Status Keeper to remove the task due. A new Progress Report will be due in 180 days.

Progress Reports need to be completed through specialized Compact Action Request (CAR) when requested by the sending state. The agent will complete the *pending* Progress Report activity (no need to create a new one) so as to reply in relation to the CAR.

When submitting a Progress Reports for non-compliant behavior that does not raise to the level of revocation, or any new arrest with pending charges, the Progress Report must be submitted within 30 days of discovery of the violation(s). The report must include any relevant supporting documentation, including but not limited to:

- Signed Violation Summary
- Police reports
- Toxicology reports
- Witness statements
- Offender's statements
- Preliminary hearing findings

## **.07 VIOLATIONS FOR CASES FROM ANOTHER STATE**

**INVESTIGATION AND RECOMMENDATION:** Violations will be investigated and case decisions made according to standard procedure. If a new felony or violent misdemeanor conviction or significant violation has been committed, which would be grounds for revocation in Wisconsin, the agent will submit a Behavior Requiring Retake Report in ICOTS. The recommendation should be to request a warrant or order the offender to return to the sending state.

**ALTERNATIVES TO REVOCATION:** Compact rules require that offenders from other states be supervised in a manner consistent with supervision of similar offenders convicted in Wisconsin. Consequently, offenders supervised under the interstate compact are eligible to participate in programs available to other offenders including DAI-ATR programs.

If an ATR is appropriate and the offender agrees to participate in the program, the agent should clearly advise the sending state a program is available as an alternative to revocation in a Progress Report. Both the offender and the sending state should be aware that failure to complete the ATR program will be considered a behavior requiring retaking and will result in a new recommendation that the sending state retake the offender.

If all community supervision options are exhausted and violations rise to the level of revocation, Wisconsin may invoke mandatory retake of the offender by submitting an ICOTS Violation or Behavior Requiring Retaking Report.

**SUBMIT ICOTS VIOLATION OR BEHAVIOR REQUIRING RETAKING REPORT.** The Violation Report must be submitted within 30 days of discovery of the violation(s). The report must include any relevant supporting documentation (or reference date of Progress Report where supporting documentation was previously submitted), including but not limited to:

- Police reports
- Toxicology reports
- Witness statements
- Offender's statements
- Preliminary hearing findings

If the violation(s) include any of the following circumstances:

- Abscond;
- new felony conviction; or
- new misdemeanor conviction for a violent crime

Wisconsin may invoke mandatory retake of the offender.

If no ICOTS Response to Violation is received from the sending state within ten (10) business days, the agent may submit a Compact Action Request in ICOTS, requesting a Response to Violation Report. If the receiving state has not responded within five (5) working days of the follow-up request, ask the Compact Specialist or Deputy Compact Administrator to contact the Compact Administrator's office in the sending state to request assistance in obtaining a disposition.

Custody of an offender under supervision for another state is subject to the procedures for extending detention in the Violations section under Custody/Extension. The agent, supervisor, and regional chief must consider whether or not the offender should continue in custody pending a response from the sending state. A Probable Cause Hearing should be held or the Order to Detain canceled. If custody is continued, the Administrator's extension must be obtained, even if a Probable Cause Hearing has taken place. If the Order to Detain is canceled, the Wisconsin agent shall resume supervision. If there are pending charges, inform the Court/District Attorney in advance of cancelling the Order to Detain so they may consider an amended bail/bond hearing. Note: new arrests are reported via Progress Report (see 06., above).

It should be communicated to judges and prosecutors that per ICAOS rules, Wisconsin does not have the authority to revoke supervision in these cases, and if released on bail or bond by the court, it is unlikely that the Wisconsin Department of Corrections will be able to keep the client in custody. Exceptions to this include cases in which significant safety to the victim and/or public can be articulated. If deemed necessary to keep the client in custody to protect the public after a bond established by the court is within the client's ability to pay, the administrator or assistant administrator must approve any detention and its extensions that total over 30 calendar days.



ON-SITE PROBABLE CAUSE HEARING: If an on-site Probable Cause Hearing is necessary, the hearing will be scheduled pursuant to the requirements for preliminary hearings used for Wisconsin offenders. The agent will notify the offender of the hearing through the Notice of Interstate Compact Probable Cause Hearing ([DOC-415A](#)). The offender must be afforded the opportunity to confront witnesses against them and present evidence and witnesses in their defense. A Probable Cause determination must be made by the Hearing Magistrate on each allegation. The Magistrate will not make a custody decision.

A Probable Cause Hearing is not required if the basis for retaking is a new felony and offender has been convicted of the new felony offense. A copy of the judgment of conviction is conclusive proof that the offender may be retaken without further proceedings.

The offender may not waive the Probable Cause Hearing unless the waiver is accompanied by a signed statement admitting to one or more significant violations. If the offender chooses to waive the Probable Cause Hearing, the agent will complete the Notice of Interstate Compact Probable Cause Hearing ([DOC-415A](#)) form to facilitate this process. An ICOTS Addendum to Violation Report is submitted with the individual's written statement requiring retaking attached.

Within 10 work days of the hearing, the Magistrate shall prepare a letter of decision that identifies the time, date, and location of the hearing, lists the parties present at the hearing, and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering a decision. The letter of decision and any reports or exhibits, or the signed waiver ([DOC-415A](#)) and admission, will be forwarded to the sending state in an Addendum to Violation Report, requesting that state to issue its warrant and file a detainer with the holding facility.

The agent will cancel the Order to Detain upon verification that the other state's detainer has been received at the holding facility. Wisconsin will not close interest in a case while the sending state is in the process of retaking the offender. Once the sending state has taken custody of the offender, the Wisconsin agent shall submit a Case Closure Notice in ICOTS. Offenders from other states are eligible for Short-Term Sanctions.

## **.08 ABSCONDING**

An offender who is absent from his or her approved residence or place of employment, for the purpose of avoiding supervision, may be an absconder. The agent shall attempt to locate the offender by conducting a field contact at the last known residence, contact the last known employment, if applicable, and contact known family members and collateral contacts. After attempts to locate the offender have failed, an Apprehension Request (DOC-58) shall be issued. The agent must check NO in the Extradite section of the DOC-58. Under no circumstances will the Apprehension Request be entered in NCIC. When the offender is apprehended, follow standard violation investigation procedures.

If the offender's whereabouts are still unknown after thirty (30) days, the Apprehension Request must be canceled. Wisconsin may close interest in a case upon notification to the sending state that an offender has absconded. However, if it is believed that the offender may still be in the area and poses a public safety risk, the Apprehension Request may remain active along with the interstate case. Once the sending state's warrant has been confirmed in NCIC, however, the case should be closed and the Apprehension Request canceled. A Violation Report is submitted in ICOTS and should be followed by a Case Closure Notice. The agent does not have to wait 30 days to send the Violation Report if they have determined that the offender absconded from supervision. The Violation Report shall include conducting a field contact at the last known place of residence, contacting the last known place of employment, contact attempts and dates made to known family members and collateral contacts, and contact attempts and dates made to locate the offender.

Occasionally, an offender who has absconded is subsequently arrested in Wisconsin on the sending state's warrant. In those cases, and upon the request of the sending state, Wisconsin will conduct a Probable Cause Hearing on the violations, unless waived by the offender with admission statement to one or more violations. An agent in the county where the offender is in custody will be assigned to conduct the hearing or obtain a hearing waiver.

## **.09 WAIVER OF EXTRADITION**

An offender must waive all rights to extradition proceedings at the time of application for transfer under the Interstate Compact. By Compact rule, an offender pending retaking is not

eligible to be released on bail. An offender being retaken by a sending state must be released to duly authorized agents of the sending state without extradition.

#### **.10 OUT OF STATE TRAVEL**

Offenders from other states may be issued travel permits for specific or daily activity (including blanket travel permits back to the sending state) in the same manner as Wisconsin's offenders. The agent must notify the sending state at least 20 business days in advance of a travel permit being issued (ICAOS 3.110).

#### **.11 RETURN TO SENDING STATE**

An offender under supervision for another state may request to return to that state. Prior to allowing an offender to move back to the sending state, the Wisconsin agent must submit a Request for Reporting Instructions in ICOTS, indicating the offender is a "transferred offender returning to sending state." The request will provide the offender's destination in the sending state, including address and phone number.

In most cases, the sending state must provide reporting instructions within two business days of receiving the request. In a victim sensitive case, the sending state shall give the victim at least 20 business days advanced notice for their right to be heard prior to issuing the instructions. The offender may not be allowed to leave Wisconsin prior to receiving reporting instructions.

#### **.12 ARRANGEMENTS FOR TRANSFER TO A THIRD STATE**

An offender being supervised for another state may request a transfer to a third state. To initiate the request, the Wisconsin agent will submit a Compact Action Request and Progress Report in ICOTS. Responsibility for arranging transfer to the third state rests with the original sending state.

If requested, the Wisconsin agent will assist the sending state in obtaining the offender's signature on the ICAOS "Offender's Application for Interstate Transfer." The offender must remain in Wisconsin until the sending state advises that the transfer has been accepted in the third state or provides reporting instructions.

Upon notice of acceptance or issuance of reporting instructions in the third state, the Wisconsin agent will issue a Travel Permit and submit a Case Closure Notice in ICOTS.

If the sending state advises that the transfer request is not approved by either the sending state or the third state, supervision will continue in Wisconsin. If the offender has been permitted to travel to the third state with reporting instructions, the offender shall be ordered to return to Wisconsin and supervision will continue.

If the offender fails to return as directed, the agent will submit an absconder Violation Report and a Case Closure Notice in ICOTS.

### **.13 EARLY DISCHARGE**

Early discharge from supervision can only be granted by the sending state. When an agent feels that a case merits such consideration, a Progress Report is sent to the sending state in ICOTS. If the sending state does not issue an early discharge, supervision must be continued by the Wisconsin agent until the scheduled discharge date.

### **.14 DEATH OF OFFENDER**

In the event of a Compact offender's death, the Wisconsin agent will obtain verification. A death certificate is not required. A Case Closure Notice with death verification shall be submitted to the sending state in ICOTS.

### **.15 CASE TERMINATION**

The DCC Interstate Compact Office, upon receipt of a Case Closure Notice, will prompt Central Records Unit (CRU) staff to close the Out of State case for those offenders being supervised by Wisconsin for another state. If there are no other open cases, CRU staff will issue a termination number. If the offender is being supervised for Wisconsin in another state, the Out of State status will be removed in WICS.

Supervision will cease and a Case Closure Notice shall be submitted in ICOTS upon:

- the date of discharge, unless informed of an earlier or later date by the sending state;
- notification to the sending state that the offender has absconded;

- notification to the sending state that the offender has been sentenced to incarceration for more than 180 days;
- notification of death; or
- return to sending state.

In cases where clients received reporting instructions and the case is rejected prior to acceptance, any records created in conjunction with the case shall be destroyed.

For cases rejected prior to acceptance and no reporting instructions were received, there will be no records to destroy.