

SUPERVISION/DCC/SUPERVISION PROCESS/INTERSTATE COMPACT

.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 committing offense requires DNA submission, that DNA sample must be submitted and verified with the DOJ prior to the client leaving the state. Exceptions must be approved by the Regional/Assistant Regional Chief. The agent and supervisor should staff the case to develop a plan and timeline with the client for returning to Wisconsin to submit a sample or can work with the SAFE Team to have a sample submitted.

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.

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 other state's supervision begin date is on or after January 1, 2000 and before April 1, 2015 is comparable to a Wisconsin felony offense, then the client should be ordered to law enforcement for DNA submission and appropriate notation entered into COMPAS regarding the order. For questions relating to comparable committing offenses in Wisconsin, agents

should contact their regional DNA SME. Clients who are in Wisconsin from another state are required to provide DNA, regardless of the level of the crime, if the client's supervision begin date in the other state was on or after April 1, 2015.