

Sixth District Department of Correctional Services POLICY	Issue Date 06/28/92	Effective Date 02/10/18	Policy Number 126-18
Subject TRANSFER OF SUPERVISION		Review Month December	Author 0323 (RER)
Rescinds 126-17	References Public Folders / Department of Corrections / ICON Business Rules-CBC		

POLICY:

Agents transfer offenders to another Agent within the District or to another Judicial District when it is in the best interests of the offender. This policy pertains to all pretrial, probation and parole offenders.

DEFINITION:

1. Intra-District Transfer - Reassignment of an offender's supervision between Agents within the District.
2. Intra-State Transfer - Reassignment of an offender's supervision between the Department and another Judicial District within the State.
3. Interstate Transfer – A transfer of an offender’s supervision to another State through the Interstate Commission for Adult Offender Supervision system. Refer to Interstate Compact Policy (1200). This is required when an offender intends to remain in another State for any reason including employment and treatment for more than forty-five (45) consecutive days in any twelve (12) month period.
4. Receiving Agent - Agent who receives a transfer request.
5. Sending Agent - Agent who initiates a transfer request.
6. Plan of Supervision – The terms under which an offender is supervised; including proposed residence, proposed employment, and viable means of support.
7. Resident – A person who resides in the receiving District at the time of sentencing.
8. 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.
9. 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.

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PROCEDURE:

1. Intra-District:
 - A. Intra District transfers are accomplished through the respective Supervisors. The guidelines for initiating an Intra-District transfer are consistent with the guidelines for Intra-State Transfer as referenced in this policy.
 - B. **NEW CASE-NOT ASSIGNED TO AN AGENT:** Release With Supervision (RWS) and Probation new case offenders may be transferred to other units within the District without being assigned to an Agent when the offender already lives in a different area within the District. The offender's address is verified. A memo (ICON ⇒ Reports ⇒ Templates ⇒ All-New to You Transfer Memo) is prepared and sent to the receiving unit Supervisor along with required documentation as noted in memo. Required ICON data entry is completed in the sending unit. Supervisor review is determined by each unit.
 - C. **CASES ASSIGNED TO AN AGENT:** The transfer is initiated by the sending Agent entering a Transfer Instance to Field or Residential in ICON. Detailed information regarding the proposed placement is entered in the comments section of the Transfer Instance. Whenever possible, transfer details are to be verified prior to initiating the transfer. It is noted if the transfer details are unverified. An Iowa Risk Revised (IRR) is completed and a current DRAOR caseplan, if required.
 - D. Required information in transfer summary includes:
 - Address and phone if different than ICON address and phone;
 - Relationship to person(s) in proposed residence;
 - Employment, educational opportunities, or financial support;
 - Reasons (justification) for transfer;
 - Status of supervision fee collection;
 - Any pertinent medical and mental health information.
 - E. The following items are scanned and attached to the appropriate screens in ICON or are in the case file before sending the file to receiving unit:
 - All pertinent court orders, including sentencing order;
 - Signed probation agreement;
 - Restitution information (as applicable);
 - Pretrial information;
 - Reports from treatment agencies;
 - No contact orders;
 - Trial Information and Minutes of Testimony;

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- F. A memo (ICON ⇒ Reports ⇒ Templates ⇒ All-Transfer Summary /Field or Residential or Sex Offender) is prepared and attached to the case file. The sending unit Supervisor approves the transfer prior to sending the file to the receiving unit.
 - G. The assigned receiving Agent starts the transfer investigation as quickly as possible. Any delay is documented in ICON Generic Notes. The Agent has up to thirty (30) calendar days upon assignment of the case to approve or deny the transfer in ICON. The receiving Agent conducts a home visit to verify residence before accepting or denying the transfer. The receiving Agent accepts the transfer or consults with their unit Supervisor regarding the reason(s) for denial. Denials require supervisory approval. The sending unit Agent and Supervisor are contacted regarding the reasons for denial.
2. Intra-State:
- 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. The Agent in the sending District makes a reasonable effort to sign new offenders to supervision agreement(s) prior to transfer and to complete the Iowa Risk-Revised (IR-R) to establish the initial level of supervision. The Agent in the receiving District reviews the IR-R for accuracy.
 - D. In general, offenders that are not on new case status (which is the first thirty [30] days from Agent assignment) are not allowed to relocate until the receiving District has had the opportunity to investigate the proposed transfer. Exceptions are 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 is entered in the comments section of the Transfer Instance. It is noted if the transfer details are unverified.
 - F. 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.

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- G. The following items are entered or scanned and attached to the appropriate screens in ICON as soon as the Transfer Instance is entered:
- 1.) All pertinent court orders, including sentencing order
 - 2.) Signed probation agreement
 - 3.) Restitution information, as applicable
 - 4.) Travel permit
 - 5.) Pre-trial information
 - 6.) Reports from treatment agencies
 - 7.) No contact order(s)
 - 8.) Trial information and Minutes of Testimony
 - 9.) Supervision fee balance;
- H. The receiving District has thirty (30) calendar days upon assignment of the case to approve/deny the transfer. The receiving District consults with the sending District regarding the reason(s) for rejection. The receiving District notifies the sending District via email of the acceptance of the case or the reason(s) for rejection.
- I. All denials of transfers are reviewed by the Supervisor of the receiving District.
- J. For an offender sentenced in one District, transferred to a second District and requests transfer to a third District, the receiving Agent first contacts the sending Agent. The receiving Agent prepares the transfer request, and upon receipt of the acceptance from the third Agent/Judicial District, the receiving Agent notifies the sending Agent by email of the acceptance of the third Agent/Judicial District. The sending Agent then directs all correspondence to the third Agent/Judicial District.
- K. For intra-state transfer cases which desire to transfer to another State:
- 1.) After verifying with the sending Agent that there are no impediments to the transfer, the receiving Agent prepares the Interstate Compact transfer request; (See DOC Interstate Compact Section, <http://docportal.doc.gov.state.ia.us/Docs/default.aspx?RootFolder=%2FDocs%2FDocs%20Policies%2FSection%207%20%2D%20Interstate%20Compact&FolderCTID=0x012000AD00A88C22299248AE5868EE5B26BD80&View=%7B464667C2%2DA442%2D4C65%2D8A48%2DDB12D49C3778%7D> or 6th District Policy (1200).
 - 2.) A copy of the transfer request is sent to the sending Agent and both Districts are notified by Interstate Compact when the reply is received from the other State;
 - 3.) If the transfer is accepted, the receiving District closes the file and the sending Agent resumes monitoring the case like any other case transferred out on the Interstate Compact.

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- L. Mandatory Transfer Acceptance (Felonies):
 - 1.) At the discretion of the sending District, an offender is eligible for transfer of supervision to a receiving District and the receiving District accepts the transfer, if the offender:
 - a. Has more than ninety (90) days of supervision remaining at the time the sending District submits the transfer request; and
 - b. Has a valid plan of supervision; and
 - c. 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
 - d. Is a resident of the receiving District; or
 - e. Has resident family in the receiving District who indicated a willingness and ability to assist as specified in the plan of supervision; or
 - f. Can obtain employment in the receiving District or has means of support.
 - 2.) The sending District controls the decision of whether or not to transfer an offender. The case is carefully scrutinized by the sending Agent prior to initiating a transfer in ICON.
 - 3.) The receiving District must accept the case as long as the above criteria are met.
- M. Mandatory Transfer Acceptance (Aggravated Misdemeanors):
 - 1.) An aggravated misdemeanor offender that has more than ninety (90) days left on supervision is eligible for transfer provided that all other criteria for transfer have been satisfied, and the instant offense includes one (1) or more of the following:
 - a. An offense which a person has incurred direct or threatened physical or psychological harm;
 - b. An offense that involves the use or possession of a firearm;
 - c. A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
 - d. A sexual offense that requires the offender to register as a sex offender in the sending District;
- N. Discretionary Transfer Acceptance (Aggravated and Serious Misdemeanors):
 - 1.) All other aggravated misdemeanors that do not meet the criteria in Section N, and only serious misdemeanors that score High Normal or above on the Iowa Risk Assessment Revised or are assaultive in nature are eligible for discretionary transfer between Districts.

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- 2.) The sending District may request transfer of supervision of an offender who does not meet mandatory transfer of supervision criteria.
 - 3.) The sending District must provide sufficient documentation to justify the requested transfer.
 - 4.) The receiving District has the discretion to accept or reject the transfer of supervision.
- O. Documentation Entered into ICON:
- 1.) Iowa Risk Revised is required;
 - 2.) A Jesness inventory completed within the last four (4) years, if applicable, except on new case status (when a case is transferred in the first thirty (30) days from Agent assignment);
 - 3.) A DRAOR case plan, if applicable, except on new case status (when a case is transferred in the first thirty (30) days from Agent assignment);
 - 4.) Sentencing order scanned into Offender Attachments;
 - 5.) Treatment summaries, progress forms or otherwise relevant treatment information (if applicable);
 - 6.) Any exceptions to the suggested documentation can be reviewed by the Supervisor.
3. Transfer of Supervision of Sex Offenders:
- A. Early communication between Districts to accommodate the unique and realistic conditions of each sex offender case is strongly encouraged.
 - B. Eligibility for Transfer – at the discretion of the sending District, a sex offender is eligible for transfer.
 - C. All offenders on the Sex Offender Registry and/or subject to the 2,000 foot rule are not approved to leave the area of jurisdiction until a transfer request is accepted by the receiving District.

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- D. Sex offenders may be allowed to travel to the proposed new area to seek and maintain employment and a legal residence. However, they are not 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 maintains supervision but notifies the District serving the proposed new area of the travel plans.
 - E. A sex offender who resides in one (1) District but is convicted in another District is considered a resident of that District where he/she currently resides and any necessary transfer of supervision is mandatorily accepted barring extenuating circumstances, even if the offender is not currently in compliance with the 2,000 foot restriction.
 - F. In the event that a sex offender has been allowed to move pending transfer prior to formal acceptance, the sending and receiving District work to immediately bring the offender under supervision at the current residence pending disposition of the transfer request.
 - G. Exceptions to this policy may be made by the sending and receiving Supervisors as long as they comply with all laws regulating sex offenders.
 - H. Application for Transfer – In addition to the information required in any application for transfer, transfers of sex offenders 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.
 - 5.) Supervisors review all incoming transfers that are denied.
4. Supervision Fees:
- A. Whenever a transfer is initiated within the first thirty (30) days of supervision, the receiving District collects the entire supervision fee.

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- B. If an offender transfers to another District with an unpaid balance from the sending District, the outstanding balance becomes the balance due to the receiving District. The receiving District receives any payments made after the date of transfer.
5. Other Fees Due to the Sending District:
- A. 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 provider money.
6. Restitution:
- A. The sending District provides the receiving District with victim restitution information.
7. Residential Transfer within District and State:
- A. Refer to the residential policy regarding transfer of cases (2500 Residential [GRHC/HH/LANC] or ANCHOR Residential 2300).

BY ORDER OF:

Bruce Vander Sanden, District Director