
TEXAS INTERSTATE COMPACT QUICK REFERENCE GUIDE

Kathie Winckler, Commissioner

Regina Grimes, Director

All the ICA OS Rules and other information are available
at www.interstatecompact.org

The Interstate Commission for Adult Offender Supervision (ICAOS) oversees the day-to-day oversight of the compact and was created to ensure cooperation in the transfer of offenders' supervision within compact. ICAOS promotes public safety and offender accountability, builds expertise and leadership to improve oversight, administration, and case outcomes. ICAOS also provides legal guidance and interpretation and networking for community supervision and compact administration professionals.

TEXAS INTERSTATE COMPACT OFFICIALS

- ☆ Kathie Winckler-Commissioner and Compact Administrator
- ☆ Regina Grimes –Director and Deputy Compact Administration (DCA)
- ☆ Ethel White – Program Specialist V
- ☆ Sylvia Mokarzel – DCA Offenders A-G
- ☆ Rey Selvera– DCA Offenders H-P
- ☆ Cheryl Monroe – DCA Offenders Q-Z
- ☆ Rheta Perez – Training Coordinator

All correspondence from TX Interstate will be included on a Compact Action Request (CAR), which is an all-purpose form used to make communication easier. It may be used to request information or documents to either the sending or receiving states. The CAR must be filled out completely, emailed or faxed to TXISC.



Key Facts You Need to Know

- ✓ All 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands have signed agreements with the Interstate Commission for Adult Offender Supervision.
- ✓ All written, electronic, or oral communication *has* to be made through the Texas Interstate Compact Office. **Never** communicate directly with the CSCD or parole office or compact office in another state.
- ✓ ***You may not allow an offender to leave Texas before the receiving state has given reporting instructions or has accepted transfer unless the offender was living in the receiving state at the time of sentences (Probation Exception)***
- ✓ Offenders **do not** have the right to live in another state.
- ✓ Common-law is not considered resident family.
- ✓ There are **three** forms that offenders have to sign and **MUST** be included in every transfer packet: Application for ISC Transfer, Consent to Random Drug or Alcohol & Searches form, & Authorization for Release of Medical & Psychological Information
- ✓ The receiving state is required to supervise the interstate offender for the length of time determined by the sending state in a manner that is consistent with the supervision of other similar offenders sentenced in the receiving state.

Important Contact Information

Texas Interstate Compact e-mail address is:

texas.interstate@tdci.state.tx.us

Telephone # is 512-406-5990

Fax #'s are: 512-452-0469 & 512-454-3096

Fax # for Reporting Instructions 512-459-9439

Mandatory Acceptance by Receiving State (ICAOS RULE # 3.101)

An offender is eligible for transfer and it is mandatory that the receiving state accept him if:

- He has 90 days or more remaining on supervision AND
- He has a valid plan of supervision; AND
- He is in substantial compliance with the terms of supervision in the sending state; AND
- He is a resident of the receiving state; OR
- He has resident family in the receiving state who are willing and able to assist the offender; AND
- He can obtain employment in the receiving state or has a means or support

Who is Subject to the Interstate Compact?

The Interstate Compact applies to all felonies and some misdemeanors. Eligible misdemeanors include:

- Offenses in which a person has incurred direct or threatened physical or psychological harm;
- Offenses involving the use or possession of a firearm;
- Second or subsequent misdemeanor offenses of driving while impaired by drugs or alcohol; and
- Sexual offenses that require sex offender registration in the sending state.



Discretionary Transfer of Supervision

Offenders who do not meet the eligibility criteria can still request a transfer. You must provide a detailed plan of supervision and convince the receiving state that the offender will be more successful there than in Texas.

Expedited Requests for Transfer-(Request for Reporting Instructions)

Categories in which reporting instructions may be issued before the investigation is complete and the offender is accepted

There are six (6) categories of offenders who are eligible for reporting instructions before the investigation is complete and offender is accepted. They include:

- Members of the military who have been deployed to another state;
- Offenders residing with military member who has been deployed to another state (Offender must meet the criteria)
- Offenders residing with family member who is transferred to another state by his or her employer (Offender must meet criteria.)
- Probation Exception
- Bona fide & verifiable emergencies
- Offender requests to return to the sending state

When submitting a Request for Reporting Instructions, fax only the form to TX Interstate.

★ The offender must sign the three forms before being allowed to leave the state so that the Request for Transfer may be submitted within 15 days (Probation Exception).

The officer must complete and submit the Request for Reporting Instructions, complete the transfer packet, making sure the offender signs the required forms.

For emergency requests, the receiving state must agree that an emergency exists. Box number 6 must be checked and explained IN DETAIL, explaining why the offender needs to go to the receiving state before the investigation has been completed. You must complete and submit a ICAOS Departure Notice to the Texas Interstate Compact when he leaves. Issue a travel permit. Complete the Transfer Request packet no later than the 7th calendar day after the offender has received reporting instructions.❖

TRANSFER REQUESTS

After it has been verified that the offender is eligible for transfer, the Texas officer must submit a completed transfer request containing all the required information to the Texas Interstate Compact Office **before** allowing the offender to leave Texas.

The Transfer Request must be submitted with the following attachments:

- Signed *Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion* form
- Signed *Authorization for Release of Medical and Psychological Information* form
- Signed *Offender's Application for Interstate Compact Transfer* form
- Offender's criminal history
- Notice, if applicable, indicating supervision of offender is a victim sensitive matter
- Photograph of offender
- Conditions of supervision
- Any orders restricting contact with victim or other persons
- Any known orders protecting the offender from contact with another
- Information regarding sex offender registry
- Instant Offense details
- Judgment and commitment records
- Information relating to court ordered financial obligations.

Reply to Transfer

Once the investigation is completed, the receiving state may accept or reject the case and must submit page 2 of the form to Interstate Compact. The receiving state must then complete the reporting instructions if the case is accepted.



Time Lines

When submitting transfers or responding to requests, respond in a timely manner

Action	Deadline
Reporting after acceptance	120 days
Complete investigation and respond to sending state's request for transfer	45 days + 5 to receive material
Notify sending state of missing documents or incomplete packets	5 business days
Notice of Arrival	1 business day
Respond to request for missing or incomplete packets	5 business days
Probation Exception - travel permit	7 day travel permit
Probation Exception/Expedited- Submit Request for Reporting Instructions after sentencing or release from confinement	7 days
Probation Exception-- Issue reporting instructions after receiving request	2 Business days
Probation Exception/Expedited- Issue an NCIC warrant if offender fails to report back to Texas after instructing him to return, if Reporting Instructions are denied	10 calendar days
Progress Reports	At least 1 time per year
Violation Reports	30 days
Texas response to Violation Report	10 days
Retaking offender after he has committed 3 separate offenses at different times.	30 days

Third State Transfer

An offender may request transfer to another (subsequent) state. The sending state is responsible for preparing and submitting the request for transfer just like the initial request.

The receiving state is responsible for submitting a progress report, and helping the sending state with the required documents and obtaining the offender's signature on the required signed documents. The receiving state must also issue a travel permit if the transfer is approved.

Notice of Departure/ Notice of Arrival

- * Texas must notify the receiving state of the offender's departure at the time the offender leaves Texas by submitting a Notice of Departure form to Texas Interstate Compact (fax or email).
- * Texas must notify the sending state of the offender's arrival under transfer of supervision or travel permit immediately upon arrival by submitting a Notice of Arrival form to Texas Interstate compact (fax or email).
- * The receiving state must notify the sending state if the offender failed to report by submitting a Notice of Arrival with the "Failed to report" box checked and comments. The officer also must submit a completed Case Closure Notice with the Notice of Arrival to Texas Interstate Compact (fax or email).

Victim Sensitive—

VICTIM MEANS A PERSON WHO IS THE VICTIM OF THE OFFENSE OF SEXUAL ASSAULT, KIDNAPPING, AGGRAVATED ROBBERY, OR INJURY TO A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL OR WHO HAS SUFFERED PERSONAL INJURY OR DEATH AS A RESULT OF THE CRIMINAL CONDUCT OF ANOTHER. §56.01 TEXAS C.C.P.



Offender Violation Report

A significant violation is a violation that would result in a request for revocation of supervision as determined by the receiving state.

Upon request by the receiving state and a showing that the offender has committed three (3) or more significant violations arising from separate incidents, the sending state must retake or order the return of the offender.

The sending state must retake an offender within 30 calendar days after decision to retake or upon offender's release from incarceration in the receiving state.

Response to Violation Report

The sending state must respond to a violation report no later than 10 business days after receiving the report.

The sending state's response must include the action the sending state will take and the date the action will begin and end.

Probable Cause Hearing

- ⊛ The offender shall be afforded the opportunity for a probable cause hearing in the receiving state if Texas is asking the sending state to retake the offender because he has 3 or more significant violations.
- ⊛ This is an informal hearing conducted by an officer.
- ⊛ **The offender shall be given notice and an opportunity to be heard.**
- ⊛ A waiver of the probable cause hearing will not be accepted unless the offender admits to one or more significant violations.
- ⊛ If convicted of a new felony offense, a judgment of conviction is deemed conclusive proof that the offender may be retaken.
- ⊛ The receiving state must prepare and submit a written report of the hearing within 30 calendar days of the hearing.
- ⊛ The report must include date, time, and location of the hearing, who attended, and a summary of testimony and evidence relied upon for the decision.

Offender's Rights in a Probable Cause Hearing

- ▶ Written notice of the alleged violations
- ▶ Disclosure of non-privileged or non-confidential evidence
- ▶ The opportunity to be heard in person and to present witnesses and documentary evidence.
- ▶ The opportunity to confront and cross-examine adverse witnesses.

