

Inmates Requesting Transfer Following Release

Transfer requests for incarcerated offenders may be started 120 days prior to release.

Prior to Leaving Oregon

- Most conditions of supervision can be considered for transfer **EXCEPT** active jail time. If another state can not enforce a particular condition of supervision, the receiving state will notify Oregon so that it can be addressed.
- Supervision fees are collected by the receiving state and not the sending state once the case is transferred for supervision.
- If required, the offender must submit a DNA sample or comply with other registration requirements.
- ALL offenders MUST meet with a parole and probation officer to sign the "Offender Application for Interstate Compact Transfer" (*In signing this form, compact offenders waive all rights to extradition*); a photo must be obtained, a copy of the conditions of supervision must be given to the offender, and a payment schedule established if the offender owes any court indebtedness.

Collection of Money

A receiving state is NOT responsible for the collection of any monies owed; they are only responsible for advising the defendant of arrears when notified by Oregon.

Out of State Treatment

Sentencing authorities should refrain from ordering offenders to complete the conditions of supervision to include participation in treatment programs outside of Oregon's jurisdiction. Otherwise, doing so may create liability implications for Oregon due to the offender's presence in a state without transfer through this compact. If an offender desires to attend a treatment program in another state, most likely the case will not qualify under mandatory acceptance criteria; therefore, the receiving state will have the option to allow or disallow the offender to proceed immediately and will ultimately make the decision to accept or reject transfer of supervision as a discretionary transfer.

Effect of Special Conditions or Requirements

For purposes of revocation or other punitive action against an offender, the probation or paroling authority shall give the same effect to a violation of special conditions imposed by a receiving state as if those conditions or requirements had been imposed by Oregon. Failure of an offender to comply with special conditions or additional requirements shall form the basis of punitive action in the sending state.

Q: Why establish rules for EVERY member state to follow?

A: Stephanie Peyton Tuthill is the face of this compact. Peyton, a 24 year old graduate student and resident of Florida, was attending college in Colorado at the time she was murdered by Dante Terrous Paige. In college, she was the president of her sorority, an environmentalist, a volunteer for the American Cancer Society and Habitat for Humanity. She volunteered at a shelter for abused women. At the time he was released from a Maryland prison, Dante Terrous Paige had served 22 months of a 20-year sentence for the violent crime of assault and armed robbery. Even though he had no family members or friends in the state of Colorado, the Maryland court allowed him to proceed to Denver to participate in a half-way house program. This occurred without any notice to Colorado authorities. Paige walked away from his program. Peyton died after returning from a job interview to find her apartment being burglarized by Paige who proceeded to rape and murder her. The state of Maryland settled a civil suit brought by the family.



More information regarding the ICAOS can be found at www.interstatecompact.org

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Interstate Compact Transfer Guide

This guide is intended to provide offenders, lawyers and the judiciary with a better understanding of the mandatory steps to be taken when transferring supervision to another state

The Interstate Commission for Adult Offender Supervision (ICAOS) rules were created to promote public safety and facilitate the movement of 250,000 offenders nationally. ICAOS rules are federal law and do not impact the judicial sentencing of an offender, only how the offender is transferred and supervised over state lines and returned to the sending state when necessary.

Compacts such as ICAOS have the authority of federal law and supersede any state law to the contrary. The ICAOS allows for enforcement of the Compact against member states for noncompliance by: imposing fines and fees, remedial training and technical assistance, legal enforcement, and suspension or termination of membership in the compact. All 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands are members of this interstate agreement.

The Oregon Interstate Compact Office will assist with the transfer of any eligible offender under supervision to another state.

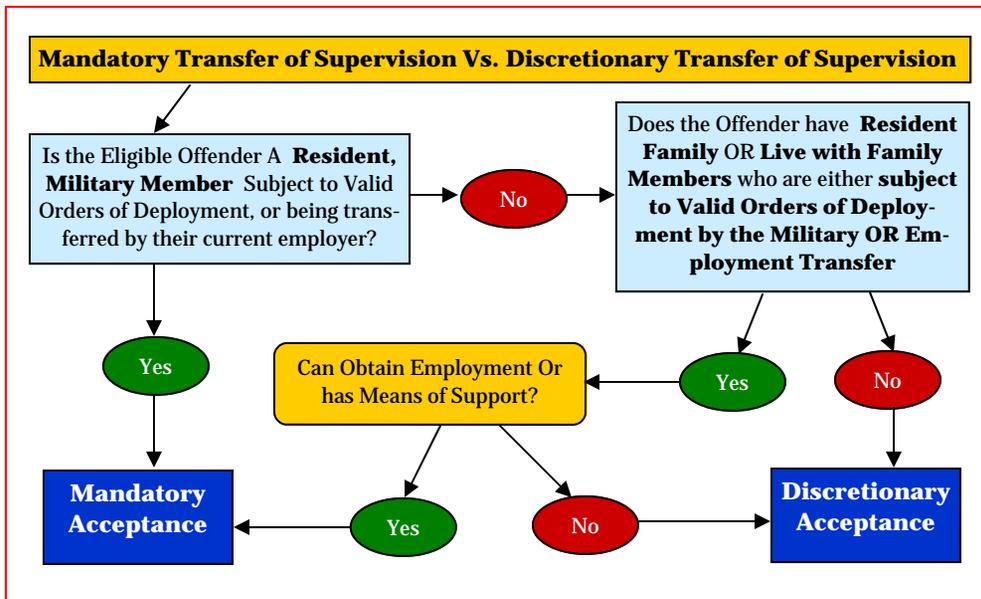
Eligible offenders placed under supervision in Oregon CANNOT leave the state for the purpose of relocating without permission from the Oregon Interstate Compact Office.

Transfer of Offenders Under This Compact

No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

“Relocate” means to remain in another state for more than 45 consecutive days in any 12 month period.

Any offender that proceeds to the other state before receiving approved reporting instructions, transfer acceptance or being given a travel permit by the Oregon parole and probation officer will be ordered to return to Oregon. Failure to return as instructed will be considered a violation of supervision and an order for arrest will be issued.



Eligibility

- Felony Offenders
- Misdemeanor Offenders with one year or more of supervision and instant offense includes one or more of the following:
 1. An offense in which a person has incurred direct or threatened physical or psychological harm;
 2. An offense that involves the use or possession of a firearm;
 3. A second or subsequent DWI by drugs or alcohol;
 4. A sexual offense that requires the offender to register as a sex offender in the sending state.
- Deferred Sentences – yes, if...
 - Is there a finding of guilt?
 - Has a plea been entered?
 - Has the offender given up the right to trial?

Supervision Has Two Distinct Criteria

- Authority or oversight exercised by a supervising authority which includes courts and parole boards.
- Condition, qualification, special condition or requirement which requires monitoring and is imposed on the offender at the time of release to the community.

The definition of supervision captures offenders placed on “unsupervised” (i.e., Bench probation or inactive forms of supervision) who are required to comply with certain conditions and those conditions are monitored for compliance. The true “unsupervised” case for compact transfer purposes are those offenders whose only conditions are to “obey all laws and pay monetary obligations.”

Transfer of Sex Offenders

- A sex offender (person required to register in either Oregon or the receiving state) SHALL NOT BE ALLOWED to leave Oregon until approved reporting instructions or final acceptance of the transfer request have been given by the receiving state.
- When requesting reporting instructions, the receiving state has 5 business days to review the proposed residence to ensure compliance with local polices or laws. If the residence is found to be invalid due to existing state law or policy, the receiving state may deny the reporting instructions.
- **No travel permit shall be granted by Oregon until reporting instructions are issued by the receiving state.**

Offenders Living in the Receiving State at the Time of Sentencing

Offenders living in the receiving state at the time of sentencing to probation supervision qualify for immediate reporting instructions to be requested as long as the county community corrections officer can verify both the offender’s residence and employment or means of support. Offenders required to register as sex offenders need to make arrangements to stay in Oregon immediately following conviction, until the receiving state provides reporting instructions. Approval from the receiving state can take anywhere from 2 to 5 days depending on the type of conviction. Offenders should plan to be self sufficient while awaiting permission to leave. This may include finding temporary housing.

If an offender under supervision is found to be in the other state without proper authorization, the investigation can be stopped until the offender leaves the state.

Transfer Application Fee

Pursuant to “*ORS 133.865 (2)* Persons on probation, parole, or post-prison supervision in this state who make request to transfer to another state pursuant to the compact shall pay an application fee of \$50.00 for each transfer application submitted. The application fee shall be paid to the Governor’s Extradition Office upon submission of the transfer application. The application fee isn’t subject to waiver; however, upon recommendation of the supervisory authority, the Department of Corrections may reduce the amount of the fee by up to 50%. In determining if a fee reduction is warranted, the supervisory authority shall consider: (a) The offenders’ financial resources; (b) The burden the application fee will impose in light of the offender’s overall obligations; (c) The rehabilitative effect of the application fee and compact transfer; and (d) The community’s interests in the transfer of the offender.

Prior to being given a travel permit to leave Oregon, offenders must pay the \$50.00 application fee. A bank money order or cashiers check will be the only acceptable methods of payment (cash or personal checks will not be accepted).

The Application Fee is non-refundable and doesn’t prohibit the local county community corrections agency from charging their own application fee

Payments should be made out to the State of Oregon/Director of Extradition Services. The supervisory authority shall collect the fee and forward to the Governor’s Office for deposit in the Arrest and Return Account as defined in ORS 133.865.

Offenders Requesting Transfer After a Period of Supervision in Oregon

Offenders that have been supervised for a period of time in Oregon, who now desire to have their supervision transferred out of state must meet the following eligibility criteria:

1. You must be a resident of a receiving state, or (Resident means you continually resided in that state for at least 1 year prior to the commission of the offense in Oregon.)
2. You must have resident family in the receiving state (resident family means: a parent, grandparent, aunt, uncle, adult child, adult sibling, legal guardian, or step-parent) who –
 - has resided in the receiving state for more than 180 days
 - is willing and able to assist in the plan of supervision, and
3. Can obtain employment in the receiving state or has means of support, and
4. You must be in compliance with Oregon’s terms of supervision.

If these criteria exist and the county community corrections officer agrees to request the transfer, the offender must pay the \$50.00 transfer application fee and remain in Oregon until the receiving state provides reporting instructions or approval of the transfer request. Approval from the receiving state can take anywhere from 2 to 45 days. Offenders should plan to be self sufficient while awaiting permission to leave.