

INTRASTATE CASE TRANSFER POLICY (3/3/05)

- A. Transfer Eligibility Criteria** - The following categories of offenders will be eligible for a Transfer Investigation Request, Form 269, and Reply Transfer Investigation Request, Form 275. Transfer is not compulsory between proximate counties that have formal agreements not to transfer offenders between themselves. In all other situations where an offender meets the Transfer Eligibility criteria, a Transfer Investigation Request will be submitted to the county of residence.
1. Misdemeanor and gross misdemeanor person offenders, including but not limited to those convicted of domestic assault, disorderly conduct with domestic assault related conditions or the violation of an order for protection, who have conditions of supervision remaining other than fine payment and/or avoidance of same or similar conduct, who have been determined to be high risk by an assessment and who have at least six months of probation remaining at the time that a Transfer Investigation Request is initiated.
 2. Gross Misdemeanor Driving-While-Under-the-Influence offenders who have conditions of supervision remaining other than fine payment and/or the avoidance of same or similar behavior and who have a minimum of six months of supervision remaining at the time that a Transfer Investigation Request is initiated.
 3. Any supervised release offender.
 4. Felony probationers who have a minimum of six months of supervision remaining at the time that a Transfer Investigation Request is initiated.
 5. All levels of offenders whose current conviction is for a sex offense or sex related offense, which includes any offense for which registration is required and Failure to Register.
 6. Stand-alone misdemeanor, gross misdemeanor or felony offenders not included in one of the aforementioned categories who constitute a recognizable threat to public safety, and the relevant supervisors in the sending and receiving counties agree to the transfer before a Transfer Investigation Request is initiated.

When an offender, who is eligible for transfer pursuant to this policy, is residing in another county with a pending violation, the sending county will notify the receiving county of the offender's presence and status. If the offender is assessed other than low risk, it is recommended that the receiving county accept

supervision and that the sending county pursue the violation and advise the receiving county of the results. If the supervision authority in the sending county declines to act on the violation, the offender will be eligible for transfer.

B. Transfer of Case Assignment Process

1. A Transfer Investigation Request will be initiated before an offender moves to another county when practical; however, a Transfer Investigation Request will not be submitted more than 30 days before the offender plans to move to the second county. When an offender moves to another county without the prior approval the receiving county, a Transfer Investigation Request will be initiated within fifteen days. Permission must be received from the receiving county before a public risk monitoring (PRM) offender moves to another county unless the PRM offender has been under supervision for a minimum of two years without experiencing revocation or restructure.
2. The Transfer Investigation Request, Form 269, will include complete supervised release or probation information i.e. the information identified in the Form 269 as well as copies of recent, relevant progress reports, violation reports or restructures and attachments or explain why any missing information is not provided. Whenever possible, a signed, legible probation or supervised release agreement will accompany the Transfer Investigation Request. The "Reason for Transfer" section will address why the residence and employment in the receiving county are preferable to that in the sending county and how the move will relate to the offender's compliance with and satisfaction of supervision conditions. There is an expectation that the move be consistent with public safety and good correctional practice, that it represent more than an offender's desire to relocate and that it not be part of an offender strategy to avoid accountability. If the absence of a program or service or some other circumstance in the receiving county makes it impossible for an offender to comply with the conditions of supervision, the situation will be resolved with the supervising authority by the sending county before transfer occurs.
3. The receiving county will advise the sending county of the name and telephone number or e-mail address of the assigned agent within thirty days of the initiation of the Transfer Investigation Request. The receiving county will return a Reply to Transfer Investigation Request within 45 days of receipt of the Transfer Investigation Request or advise by memorandum or e-mail of the progress of the investigation. If there is a need for information beyond that contained in the Transfer Investigation

Request or required information is missing, the receiving county will identify and request the needed information. The “Comments Section” of the Reply to Transfer Investigation Request will assess the offender’s current situation and include reasons for acceptance or denial.

4. The sending agent will complete the Transfer of Case Assignment, 279 Form, (attached) upon receipt of a Reply to Transfer Investigation Request indicating acceptance. The agent will send the 279 Form to the sending agent’s supervisor for approval and signature. The supervisor will distribute the form as indicated. The sending agent will send any new file material not previously sent to the receiving agent upon receipt of the agent’s copy of the 279 Form. Until the 279 Form is approved and signed, the sending agent remains the agent of record in the Statewide Supervision System and has supervisory responsibility. Upon receipt of the signed 279 Form, the sending county will place the offender in a status in the county’s data system that does not upload to the Statewide Supervision System so that only the supervising agent is reported in the Statewide Supervision System. Upon receipt of the Form 279, the receiving agent will verify the accuracy of the Statewide Supervision System.
 - a) Transfers from one county or CCA unit to another county or CCA unit will not require notification to the DOC central office unless the offender is a supervised release case. Notification is necessary on supervised release cases to assure accurate information in the Correctional Operations Management System (COMS) and on the Offender Locator web site.
 - b) Parole/supervised release cases will not require notification to the county of original jurisdiction.

C. Transfer of Case Assignment Special Issues

1. When an offender is eligible for transfer to a county that is served by the Department of Corrections and a County Probation Office and there are companion cases, which meet the transfer eligibility criteria established by this policy and they are supervised by both systems in the receiving county, all cases will be formally transferred to the agency providing the supervision for the highest-level offense.
2. When the supervision of an offender is transferred to another county, it is the responsibility of the sending county to arrange jail service required as a condition of the supervision being transferred. If the receiving county has been the offender’s primary county of residence, it is the responsibility of the receiving county to arrange STS, electronic monitoring and uncompleted assessments ordered as a condition of supervision. This circumstance occurs most frequently when the offender is a resident of the receiving county when an offense is committed and is convicted of the

offense in the sending county. If an offender's primary county of residence has been the sending county or a county other than the receiving county, it is the responsibility of the sending county to arrange electronic monitoring and uncompleted assessments ordered as a condition of supervision whenever possible, and it is the offender's responsibility to arrange STS. DNA testing is the responsibility of the sending county in recognition of the short time allowed for completion. Exceptions to responsibility for the arrangement of special conditions will be justified in the Transfer Investigation Request or by the receiving county.

3. Pursuant to M.S. 244.18, Subd. 3, Community Corrections Act and County Probation Officer counties will not impose additional, annual supervision fees on an offender whose supervision has been transferred to the Department of Corrections.
4. Offenders referred for transfer will not be denied transfer as a result of an initial positive drug or alcohol test. Drug testing is reasonable to establish a baseline but it is unproductive to use as a cause to refuse transfer. Sentencing courts or HRU routinely do not terminate supervision for chemical use, and chemical issues are most productively addressed in the county of residency where assessments are performed according to Department of Human Services rules.
5. Offenders referred for transfer will not be denied transfer as a result of a single missed appointment. The receiving agent will make a diligent effort to establish contact in order to assess the merits of the Transfer Investigation Request.
6. If an offender moves from one county to a second county and later to a third county, it is the responsibility of the second county to arrange the transfer to the third county, since the agent in the second county is the agent of record. Similarly, if an offender moves from one county to a second and later to another state, it is the responsibility of the second county to arrange the interstate transfer. Once the third county or another state has accepted the offender, the originating county will be notified via a copy of the Form 279.
7. If an offender violates the conditions of supervision, subsequent to the transfer of supervision, the supervising agent in the receiving county will submit a violation report to the sending county which will prepare orders and distribute the violation report according to the practice of the sending county. Supervision of the case will be returned to the sending county by Form 279 only if at least one of the violations listed in the violation report is for absconding and a warrant is issued or if 60 days have lapsed since the submission of the violation report and no communication is received from the sending county regarding the status of the violation report.

8. Discharges

- a. If the corrections agency in the sending county does not permit early discharge, and an offender transferred to a receiving county has satisfied all of the conditions of supervision and has met the conditions for a discharge recommendation in the receiving county, the receiving county may transfer the offender back to the sending county by the 279 Form.
 - b. If the sentencing court in the sending county refuses to discharge an offender, the receiving county will continue to supervise according to the supervision standards of the receiving county.
 - c. If the receiving county recommends discharge, the receiving county will not close the case or return it to the sending county until they have received notice from the supervision authority in the sending county or 60 days have lapsed without communication from the sending county or the corrections agency in the receiving county does not permit early discharge of any offender.
9. When an offender has satisfied all conditions of supervision, has met the conditions for discharge in the receiving county and the receiving county has submitted a report recommending discharge, the sending county will advise the receiving county of the status of the discharge report within 60 days. If notification is not received within 60 days, the receiving county may close the case and return supervision to the sending county via the 279 Form.
10. The receiving county will submit a discharge report to the sending county sixty days prior to the expiration of the supervision term of a transferred felony level offender. At a minimum, the discharge report will address the offender's compliance with conditions of supervision and general adjustment. The receiving county will close the case on the expiration date.

D. Dispute Resolution

When there are disputes relative to the transfer of offenders, agents should attempt to resolve matters by referring to the processes and standards identified in this policy. If they are unable to do so, they should refer the matter to their respective supervisors and/ or administrators. If necessary, disputed matters will ultimately be resolved by a decision of the DOC Deputy Commissioner of Community Services.