

Minnesota Standards for Transfer Cases

Purpose: Minnesota currently has a three-dimensional delivery system of supervision services. Within two of these delivery systems (Court Services counties and Community Corrections Act counties) each has become its own delivery system. Therefore, in fact, Minnesota has numerous independent delivery systems of supervision services. This has lent itself to a wide variety of practices and procedures regarding the supervision of cases. Nowhere does this become more apparent than in the area of transfer cases. In an attempt to provide, at least some degree of consistency in this area, the Metropolitan Supervisors Group has approved the following "Standards for Transfer Cases". It is our recommendation these standards be reviewed and accepted throughout the state.

A. Transfer Investigation Request

When a possible transfer of supervision is to be considered, the sending county should submit a Transfer Investigation Request memo to the DOC Supervisor, CCA Liaison, or Court Services Director. This request should include the following information:

1. The residence and relationship of the offender to the occupant(s) of the residence.
2. Proposed employment or source of income.
3. A listing of the special conditions and the extent to which they have been completed.
4. The following documents:
 - a. PSI (should contain a minimum of face sheet, and victim identification and address)
 - b. Official version or compliant
 - c. Prior Record (Not the BCA Printout).
 - d. Sentencing Guidelines Worksheet. (When available)
 - e. Court Sentencing Notice and or transcript. (When available)
 - f. Legible copy of probation/supervised release agreement (should be signed if possible).
 - g. A brief case summary or legible chronos.
 - h. Other pertinent materials (assessments/evaluations/risk assessments/case plans)
5. Upon acceptance of the case for supervision the sending county will submit a "Transfer of Case Assignment" (279) that will serve as a FORMAL transfer of the case.

B. Investigation of the Transfer Request

When a receiving county receives a Transfer Investigation Request, it has the following responsibilities:

1. If possible, send a confirmation that the Transfer Investigation Request has been received and agent assignment for the investigation has been completed.
2. Commence the investigation within two weeks.
3. Submit a Reply to the Transfer Investigate Request as soon as possible, but no longer than 90 days, to the sending county.

C. Supervision of a Transfer Case

Upon receipt of Reply to Transfer Investigation Request, the receiving county will supervise the case, using the same criteria, standards and procedures they would use for the own District Court cases.

1. Offender Contact per the receiving county standards.
 2. All of the offender's special conditions ordered by the court will be monitored the receiving county.
 3. Submission of Reports
- ✦ Violations - as soon as possible following the occurrence of the violation.

- ✦ Annual Review (continuance) reports - per the receiving county policy OR per the request of the sending county (this will need to be stated on the transfer of case assignment).
- ✦ Early Discharge - at the discretion of the receiving county (Note - certain jurisdictions will not consider early discharge for certain offenses or offenders.)
 - The sending county shall notify the receiving county of the court's decision within 30 days. If the sending county fails to notify the receiving county of the court decision, the receiving county may close their interest via the Transfer of Case Assignment form.
 - If the request for early discharge is denied, the receiving county will continue to supervise the offender per their supervision standards.
 - Expiration - the receiving county will submit a report on all expiration cases a minimum of 60 days prior to expiration.

D. Return to Sending County

1. Warrants

- a. When an offender has absconded and the receiving county is requesting a warrant, the Transfer of Case Assignment form will accompany the violation report.
- b. When the receiving county has requested a warrant for a violation other than absconding, the sending county will be responsible for scheduling a hearing. If the hearing is not scheduled within 90 days, the procedure for returning the case will be the same as the summons request.

2. Summons Request

- a. When the Receiving County files a violation requesting a summons, the case will remain with the receiving county for 90 days. If a hearing is not scheduled within 90 days, the receiving county will make a call to the sending county to check on the progress of the request. If a hearing is still not scheduled, the agent will return the case via the Transfer of Case Assignment form and close interest in the case.

3. Transfers back to the sending county.

- a. When the offender returns to the sending county, the receiving county will submit a Transfer Investigation Request to the liaison in that jurisdiction.
- b. In most cases the reply should be submitted within 90 days of the request

E. Additional Standards

1. Stand-alone misdemeanor cases will not, under normal circumstances, be considered for transfer. In the event this level of offense contained circumstances that would warrant the transfer of a stand-alone misdemeanor, the supervisors from each county must agree upon the possibility of a transfer prior to a request being sent. If there is agreement, the investigation should reflect this and that the case will be given consideration of a transfer with preliminary agreement by the supervisors.
 - a. This will be limited to "high risk" case involving person offenses.
 - b. If there is a companion case to a felony or gross misdemeanor and the expiration occurs prior to the expiration either the felony or the gross misdemeanor, it is expected that the case will be accepted.
2. Offender's currently in violation status should not be referred to transfer. Violation status can be achieved by offender action or by lack of resources to realize conditions. The transferring county should verify there are no active warrants requiring resolution prior to submitting a transfer investigation.
3. The receiving county is not expected to fund treatment related conditions except those they are required to be paid under state law due to residence.
4. Cases with less than six months of supervision will not be considered for transfer.
5. The sending county will complete any reports that are due within 90 days of the transfer.

6. The sending county must address and provide information regarding the following:
 - a. Restitution must be determined and information regarding payments are to made and verified must be supplied.
 - b. Jail time must be completed and the offender must be living back in the community. In cases where jail time is scheduled at a later date, the sending county will monitor and ensure completion of the condition. The receiving county should be notified of completion date.
 - c. Arrangements for Electronic Home monitoring will be made prior to transfer.
 - d. Arrangements for Sentencing to Service/Community Service will be made prior to transfer.
 - e. The sending county must provide victim notification information to the receiving county.
7. Sex Offender registration, change of address forms, and DNA testing will be completed prior to forwarding the Transfer Investigation form.
8. Per Department of Corrections Policy, Public Risk Monitoring Cases are not allowed to relocate until the case has been formally accepted via the Transfer Investigation and the Formal Case Assignment Form.
9. Cases shall not be rejected on the basis of one dirty urinalysis. Requests for Transfer can be rejected after the second dirty UA.
10. As a general rule, agents in the Receiving County should be excused from attending "Admit and Deny" hearings in the sending county. If the matter progresses to a contested hearing, and the agent's testimony is the basis for the revocation, the sending county will subpoena the reporting agent.

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