

# 20TH JUDICIAL DISTRICT INTERSTATE COMPACT (ICO) PROBATION



## HOW DO I START THE PROCESS?

- 1. Preparation:** It is helpful to have you, or your attorney, contact Probation and speak with an ICO officer prior to sentencing if a probationary sentence is considered. We can assess your situation and determine whether you will have to go through the Interstate Compact process. If it is determined that your case will need to be transferred, we can schedule an appointment for you as soon (after sentencing) as possible to start the process. You may be required to provide documentation to support the transfer request.
- 2. Fee:** Per Colorado HB 12-1310 there is also a \$100 non-refundable application fee to initiate the transfer process.
- 3. Governing Guidance:** Depending on your charges and length of supervision you may be required to transfer your supervision to another state via Interstate Compact. The Interstate Compact for Adult Client Supervision (ICOAS) rules were created to promote public safety and facilitate the movement of clients nationally. ICOAS rules are federal law and do not impact the sentencing of a client, only how the client is transferred and returned to the sending state when necessary.

## WHO IS ELIGIBLE FOR TRANSFER VIA THE INTERSTATE COMPACT?

1. The current offense is a felony, or an eligible misdemeanor **AND**
2. The client is required to report or be monitored by the supervising authorities **OR** has any condition, qualification, special condition, or requirement imposed. Clients sentenced to non-reporting or unsupervised terms of probation with special conditions are still required to monitor through the Interstate Compact.
3. The client is a resident of the Receiving State or has resident family in the Receiving State willing and able to assist the client **AND**
4. The client can obtain employment in the Receiving State or has visible means of support (employment, family support, SSD/SSI, Workman's Comp) **AND**

5. The case being transferred has 3 months or more remaining under supervision **AND**
6. The client is in substantial compliance with the Sending State.

**Eligible Misdemeanors means a misdemeanor offense in which the client received a sentence of one year or more of supervision and the instant offense includes one or more of the following:**

- a) An offense in which a person has incurred direct or threatened physical or psychological harm. Any domestic violence related offense falls into this category. Probation will also look to see if there is a protection order in place and who the protected party is.
- b) An offense that involves the use or possession of a firearm.
- c) A second or subsequent driving while impaired by drugs or alcohol conviction.
- d) A sexual offense in an adult case that requires the client to register as a sex offender in the sending or receiving state.

## **TWO TYPES OF TRANSFERS**

**1. Mandatory:**

- a) Resident of the receiving state.
- b) Resident family in the receiving state
- c) Transfers of military members.
- d) Transfer of offenders who live with family who are members of the military.
- e) Employment transfer of the client to another state.
- f) Employment transfer of family member to another state.
- g) Veterans for medical or mental health services.

**2. Discretionary:**

- a) Clients who do not meet the eligibility requirements for mandatory transfer.
- b) Sending state must justify "why".
- c) Receiving state has the discretion to accept or reject supervision.
- d) Inpatient treatment programs and higher education will be considered Discretionary unless you have resident family in that state that are also willing to support you

## **REQUEST FOR REPORTING INSTRUCTIONS**

**An expedited or emergency request to the receiving state for reporting instructions due to the following reasons:**

1. Client living in receiving state at time of sentencing or after disposition of a revocation or violation proceeding. Must be submitted within 7 days of sentencing.
2. Transferred client returning to the sending state.

3. Military member or living with family who are military members, who are being transferred out of state. Must be accompanied by written orders.
4. Employment transfer of client or client's family member who is being transferred out of state. Must be accompanied by written documentation from the employer stating this is a condition of employment. This does not apply to new employment.
5. Veterans for medical and/or mental health services. Must be accompanied by written documentation of the medical and/or mental health referral and the offender is approved for care at the receiving states Veterans Health Administration hospital.
6. Expedited: Sending state must provide verification of why an emergency exists. Homelessness and/or unemployment do not constitute an emergency per the ICOAS rules.

## **TRANSFER REQUEST**

The formal request to a receiving state to transfer probation supervision. The receiving state has 45 days to respond to the request. Even if emergency reporting instructions have been granted, the transfer request could be denied.

## **OTHER CONSIDERATIONS**

1. Jail time, including work release, *cannot* be served in the receiving state. Any imposed jail time must be served in the sending state.
2. Electronic Home Monitoring can be served in the receiving state.
3. The sending state retains jurisdiction over your case even if you are out of state. Any violations of probation can result in you returning to the sending state.
4. A client with a sexual offense case *shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved or reporting instructions have been issued by the receiving state.*
5. You will still owe any court fees, fines and restitution to the sending state.

## **ADDITIONAL INFORMATION**

The Interstate Compact for Adult Offender Supervision (ICOAS) rules were created to promote public safety and facilitate the movement of offenders nationally. ICOAS rules are federal law and do not impact the sentencing of an offender, only how the offender is transferred and returned to the sending state when necessary. Compacts such as ICOAS have the authority of federal law and supersede any state law to the contrary. ICOAS allows for enforcement of the Compact against states for noncompliance. All 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands are members of this interstate agreement. Individuals under supervision do not have the

right to an interstate transfer even if all eligibility requirements are met. Transfers are initiated at the discretion of the sending state once a plan of supervision has been verified in another state. For more information, please visit the **Interstate Compact Website** or scan the QR Code below.



## **OFFICE LOCATIONS**

**Boulder Office:** 1777 6th St. Boulder, CO 80302

**Longmont Office:** 1035 Kimbark St. Longmont, CO 80501

## **CONTACT US**

**Interstate Compact (ICO) Supervisor:** Donna Deluca

**Email:** Donna.Deluca@judicial.state.co.us

**Phone:** 720-564-2562

### **Transferring your Probation Supervision Out of State:**

**Boulder Probation Office Phone:** 303-441-4730

**Longmont Probation Office Phone:** 720-564-2555