

VAN BUREN COUNTY – ALL COURT POLICY

SUBJECT: MICHIGAN DEPARTMENT OF CORRECTIONS AUTHORIZATION REGARDING PROBATIONERS' OUT OF STATE TRAVEL AND SUPERVISION TRANSFERS	SECTION: GENERAL	DATE: 5/22/18
REVISIONS PREPARED BY: Frank Hardester	NUMBER: VBC-0030	SUPERSEDES: n/a

Renumbered to "Policy 2.002" on 9/16/20

REFERENCES:

- MCR 8.110
- Michigan Department of Corrections (MDOC) Policies (attached):
 - 06.01.110 Interstate Compact (transfers to other states)
 - 06.04.110 Travel Restrictions for Probationers and Parolees (out of state travel)

BACKGROUND: The purpose of this policy is to document the court's authorization for MDOC to make decisions regarding probationers' travel out of the State of Michigan and to transfer supervision of cases to other states.

POLICY STATEMENT:

- A. Unless otherwise prohibited by this Court, MDOC probation agents assigned to Van Buren County Circuit are authorized to make decisions regarding probationers' travel to other states.
- B. Unless otherwise prohibited by this Court, MDOC probation agents assigned to Van Buren County Circuit are authorized to make decisions regarding probationers' transfer to other states.
- C. This policy must be consistent with MDOC policies and procedures and Interstate Compact rules and regulations regarding interstate travel and transfer.
- D. MDOC may approach the court on a case by case basis to discuss any case that is questionable.

APPROVAL:

Effective Date: _____

Date: _____

Kathleen M. Brickley – Chief Judge

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 12/21/2015	NUMBER 06.01.110
SUBJECT INTERSTATE COMPACT ADMINISTRATION		SUPERSEDES 06.01.110 (01/01/1999)	
		AUTHORITY 1937 PA 144; MCL 780.1 et. seq.; 1976 PA 161; MCL 780.111 et. seq.; 1961 PA 141; MCL 780.601 et. seq.; 1953 PA 232; MCL 791.201 et. seq.; 1934 PA 89; MCL 798.101 et. seq.	
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POLICY STATEMENT:

Interstate compacts and agreements and statutes related to uniform interstate crime control acts shall be implemented as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. The Field Operations Administration (FOA) Deputy Director is designated by the Governor as the Administrator of the Interstate Compact for the Supervision of Parolees and Probationers. The Director is designated by statute as the Administrator of the Interstate Agreement on Detainers (IAD) and as the person responsible for entering into contracts under the Interstate Corrections Compact.
- B. The Interstate Compact Supervisor, Office of Parole and Probation Services (OPPS), is appointed as Deputy Administrator for the Interstate Compact for the Supervision of Parolees and Probationers and for the IAD.

INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS

- C. All 50 states of the United States, the District of Columbia, Puerto Rico and the Virgin Islands are signatories to this compact.
- D. The rules of practice for this compact as promulgated by the Parole and Probation Compact Administrators Association are adopted by the Michigan Department of Corrections.
- E. All convicted offenders, and some deferred offenders, including misdemeanants, placed on parole or probation, who have positive parole action are eligible to make application for transfer under this compact. The supervision of an offender shall be transferrable to another state if the offender is a resident of the receiving state or has family in the receiving state and can obtain employment there. Transfer of supervision may also be granted to offenders who are nonresidents and to offenders with no family members in the receiving state if the receiving state consents. Non-convicted offenders are not eligible for services under this compact, however, most signatory states agree to grant courtesy supervision.
- F. Unless otherwise stated, all communications concerning transfer or supervision of offenders under the provisions of this compact shall be routed through the Michigan Interstate Compact Office.
- G. All correspondence prepared by Michigan field agents regarding compact offenders shall be completed using the Interstate Compact for Offender Tracking System (ICOTS) web portal.

TRANSFER RULES INTO MICHIGAN

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- H. When a transfer request to Michigan is received by a Michigan agent from the Michigan Interstate Compact Office, the proposed placement plan shall be investigated to determine if the sponsor is willing and able to provide temporary support or to verify that there is confirmed employment or other means of support available to the offender. Commercial placement, placement in an inpatient drug, alcohol or mental health treatment facility, placement in a nursing home or adult foster home, or placement in any other similar facility shall not be arranged for offenders from another state unless the commercial placement is deemed within the spirit of the compact by the supervisor of the Interstate Compact Office. Requests for transfer into Michigan shall be investigated and a response completed within 14 days of the field agent receiving an assignment to investigate from the Michigan Interstate Compact Office. The authority to grant extensions is granted to field office supervisors. Once the offender has arrived in Michigan and reported, a Notice of Arrival (CFJ-107A) shall be sent to the sending state within two business days.
- I. An offender who reports to a field office prior to receipt of an official request for supervision who claims to be on parole or probation from another state shall be instructed to return to the sending state pending receipt of either approved Reporting Instructions (RI'S) or an approved Transfer Request (TR). Notification of the offender's unauthorized arrival will be made to the Interstate Compact Office who will notify the sending state.

TRANSFER RULES OUT OF MICHIGAN

- J. To be considered for transfer to another state, the field agent or Correctional Facilities Administration (CFA) staff shall require that the offender sign an Interstate Compact Application. By doing so the offender:
1. Agrees not to change residence within the receiving state without consent of the authorities in the receiving state;
 2. Agrees to comply with the conditions of probation or parole as fixed by both Michigan and the receiving state;
 3. Agrees to return to Michigan whenever instructed by authorities in Michigan;
 4. Agrees to waive extradition to Michigan;
 5. Understands that failing to comply with any of these agreements will be deemed a violation of his/her parole or probation.
- K. Transfer requests from Michigan to other states shall be processed if the offender is in compliance with the conditions of parole or probation, the prisoner has met the transfer criteria and has a positive parole action, and the receiving state has approved the residential plan as legitimate and appropriate. In determining if a plan is legitimate or appropriate, consideration shall be made of the offender's prior residence in that state, whether there are family members there, whether there is verification of acceptance into a school, and whether there is verification of employment or other means of support. Transfers shall not be processed when there is less than 90 calendar days of supervision remaining. Early discharge or extension of the term of supervision may be considered if the need to relocate is urgent. Transfer requests that have been started shall be canceled if the offender ceases to be in good standing in Michigan.
- L. A transfer request shall be prepared and forwarded to the Interstate Compact Office from either the supervising field office or Parole Release Unit. The non-refundable application fee will be collected from the offender prior to the transfer investigation and a case note

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entered into OMNI documenting the payment. Payment of the application fee may be waived in extenuating circumstances (i.e., the offender's monthly income is at or below the federal poverty guidelines for indigent status) with approval of the agent's supervisor and the Region Manager or designee.

- M. Probationers must always have the sentencing court's written order authorizing the transfer. Further, probationers shall not be allowed to relocate or travel to a receiving state until the receiving state has investigated and approved the placement plan unless, at the time of sentencing, the probationer was residing in that state or as set forth in Paragraph N. Parolees and prisoners shall not be given permission to relocate to a receiving state until the receiving state has investigated and approved the placement plan, except as set forth in Paragraph N.
- N. In the event of an emergency situation, parolees and probationers (excluding prisoners) may relocate to a receiving state prior to investigation if the receiving state's Interstate Compact Office agrees that an emergency situation exists or if the receiving state's Interstate Compact Office agrees to grant discretionary reporting instructions.

TRANSFERS TO A SUBSEQUENT STATE

- O. Offenders transferred for supervision into Michigan shall not be allowed to transfer their residence to a subsequent state until obtaining permission from the sending state. Permission to relocate to the subsequent state shall not be granted until approval has been received from the original sending state.
- P. Offenders transferred for supervision into Michigan shall not be allowed to relocate to the sending state until obtaining permission from the sending state.

TRANSFER RULES WITHIN MICHIGAN

- Q. Transfer of supervision within Michigan of an offender transferred from another state shall be processed in accordance with [PD 06.04.135](#) "Transfer of Parole/Probation Supervision." The receiving field agent shall update the residence information in ICOTS.

SUPERVISION RULES

- R. Offenders accepted for transfer into Michigan from other states shall be supervised using the same standards that apply to Michigan offenders. The parole or probation conditions imposed by the sending state, as well as Michigan's standard conditions of parole or Michigan's statutory conditions of probation shall be enforced. Special conditions of parole may be imposed using the authority contained in the Michigan standard condition entitled Special Conditions. Special conditions of probation may only be imposed by the sentencing court.
- S. The duration of supervision for offenders transferred into Michigan shall be determined by the sending state. Michigan agents shall not close interest until the parole or probation period expires, early discharge is granted by the sending state, the sending state issues an arrest warrant, the offender absconds, is sent to prison, dies, returns his/her residence to the sending state, relocates his/her residence to a different state, or permission to close is granted by the Michigan Interstate Compact Office. Supervision of offenders transferred to Michigan shall cease and the case shall be officially closed on the day after the parole or probation period ends.
- T. Except for offenders transferred into Michigan who have been declared violators or who have absconded, and for those offenders for whom an official discharge has been received, field file documents shall be retained for 90 days after the parole or probation

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period ends. Field files for absconders and for offenders for whom a warrant has been issued are to be retained for one year. After this period of retention, field files shall be destroyed.

- U. Violations shall be reported to the sending state using the same standards that apply for reporting violations to Michigan courts or the Michigan Parole Board. Offenders transferred from other states shall be afforded the same preliminary violation due process afforded to Michigan offenders.
- V. Progress reports shall be prepared for offenders transferred to Michigan within one year of the transfer date with additional reports due every year thereafter until closure or within 30 days upon an official request from the issuing state. In addition, a progress report shall be prepared within the last 90 calendar days of the parole or probation period, but no later than 60 calendar days before it expires. A comprehensive report requesting early discharge or a comprehensive violation report shall substitute for the annual progress report. The date that one of these reports is prepared will establish a new annual progress report due date.
- W. No supervision fees, restitution, court costs, fines, child support, or family support payments shall be collected for any sending state by Michigan from offenders transferred to Michigan. Michigan agents shall impose a supervision fee on offenders transferred to Michigan. Michigan parole/probation supervisors shall have the authority to issue travel permits allowing offenders transferred to Michigan to make temporary visits to other states for a period not to exceed 30 calendar days provided the offender is in current compliance with his/her conditions of supervision. Required supervision contacts shall be taken into consideration when approving the period of travel. Staff should check for crime victims in the receiving state before authorizing the travel permit.

INTERSTATE AGREEMENT ON DETAINERS

- X. The District of Columbia, the Virgin Islands, the Federal government, and all states except Louisiana and Mississippi, are signatories to the interstate agreement on detainers. It allows a prisoner incarcerated within a signatory state against whom there is a detainer filed from a jurisdiction in another signatory state which is based on an untried criminal charge to request that there be a trial held on the pending charge. Further, prosecutors in a signatory state may request temporary custody of prisoners in other signatory states for purposes of trial on a pending criminal charge.

DETAINERS ISSUED ON MICHIGAN PRISONERS

- Y. A detainer received from a jurisdiction in another signatory state based on an untried criminal charge issued on a Michigan prisoner shall be processed within ten working days of receipt. The prisoner is to be advised of the detainer and of his/her right to request trial on the charge upon which the detainer is based. A request from a prosecutor in another signatory state for temporary custody of a prisoner for purposes of trying a charge shall be processed within ten working days of receipt. The prisoner is to be advised of his/her right to contest the request. Absent the Governor's or a court's order denying temporary custody, temporary custody shall be granted after the procedures of the IAD have been followed.

REQUESTS FOR TEMPORARY CUSTODY OF PRISONERS IN OTHER STATES

- Z. A Michigan prosecutor, under the provisions of the IAD, may request temporary custody of a prisoner who is in a prison in another signatory state. The Michigan IAD Administrator shall authorize agents to take custody of that prisoner after the prosecutor has complied with the provisions of the IAD.

CORRECTIONS COMPACT

- AA. This compact allows the adoption of contracts between signatory states to transfer individual prisoners to correctional facilities in the other state. The decision to adopt contracts is made by the signatory states.

UNIFORM CRIMINAL EXTRADITION ACT

- BB. All states have adopted this act which allows retrieval of fugitives from other states for prosecution of pending charges, for returning escapees from custody and for parole and probation violators. A requesting agency makes a request for extradition to its own Governor who then asks the Governor in the sending state to allow the extradition. The sending state's Governor issues a warrant if the request is granted, which allows detention of the fugitive until agents from the requesting state can take custody.

UNIFORM RENDITION OF PRISONERS AS WITNESSES

- CC. All states, the District of Columbia, Puerto Rico, and U.S. Territories have provisions allowing prisoners to be taken to other states to appear as witnesses in criminal trials. Requests are made by officials in the receiving state directly to a court of record in the jurisdiction where the prisoner is incarcerated.

PROCEDURES

- DD. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

AUDIT ELEMENTS

- EE. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to [PD 01.05.100](#), "Self-Audits and Performance Audits."

APPROVED: HEW 11/09/2015

The following links to forms are provided for use by the Interstate Compact Unit

CFJ-107A	Notice of Arrival
CFJ-107B	Notice of Departure
CFJ-136	Progress Report
CFJ-153	Transfer Request
CFJ-218	Request for Reporting Instructions
CFJ-414	Response to Violation Report
CFJ-415	Case Closure Notice
CFJ-417	Offender Violation Report
CFJ-418	Reply to Transfer Request
CFJ-420	Parole Violation Charges
CFJ-426	Probation Violation Charges
CFJ-458	Compact Action Request
CFJ-500	Special Conditions of Probation - Interstate

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MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 09/21/2015	NUMBER 06.04.110
SUBJECT TRAVEL RESTRICTIONS FOR PROBATIONERS AND PAROLEES	SUPERSEDES 06.04.110 (06/29/2009)	
AUTHORITY MCL 771.3; MCL 791.203; MCL 791.204; MCL 791.231		
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POLICY STATEMENT:

Probationers and parolees may be permitted to travel to other states, including United States territories only as set forth in this policy. Probationers and parolees whose order of probation or parole restricts travel within the State of Michigan also shall be permitted to travel to restricted areas only as set forth in this policy.

RELATED POLICIES:

- [06.01.110](#) Interstate Compact Administration
- [06.04.135](#) Transfer of Parole/Probation Supervision

POLICY:

GENERAL INFORMATION

- A. For purposes of this policy, “offenders” refers to probationers and parolees.
- B. This policy does not apply to probationers in the Special Alternative Incarceration Program facility. This policy also does not apply to parolees who are in a Residential Reentry Program facility. Offenders whose supervision is being transferred to another State pursuant to the Interstate Compact for the Supervision of Parolees and Probationers are governed by [PD 06.01.110](#) “Interstate Compact Administration.”
- C. Parolees shall not travel to other countries. Probationers may only travel to other countries as determined by the court.

TRAVEL OUTSIDE THE STATE OF MICHIGAN

- D. Offenders are permitted to travel outside the State only with prior approval of the supervising field agent, the agent’s supervisor, by the appropriate Region Manager as set forth in Paragraph J, and, in the case of probationers, the sentencing court. If the court has delegated this authority to the Department, written verification of this delegation shall be retained by the Region Manager.
- E. Generally, an offender who wants to travel outside the State must request approval through the supervising agent at least five business days prior to the date of travel to ensure there is adequate time for the request to be reviewed and processed. However, in the case of a verified emergency (e.g., death or serious injury/illness of a family member; immediate need of employer), the field agent or, in the agent’s absence, the supervisor or designee shall expedite the review and approval process.
- F. Offenders shall not be authorized to travel outside the State for more than 30 continuous days per request, unless prior approval is received from the Deputy Director of Field Operations Administration (FOA) or designee for a parolee or from the sentencing court for a probationer. Only requests approved by the field agent and supervisor shall be submitted for consideration. Employment and required treatment and supervision contacts shall be taken into consideration when approving the period of travel.

- G. All approved requests shall be documented on a Travel Permit (CFJ-118) and in Offender Management Network Information (OMNI) case notes. The supervising field agent shall instruct each offender authorized to travel outside the State that it is his/her responsibility upon arrival in any other State to contact local law enforcement authorities to determine if registration is required as an offender in that State and to register if required.

Parolees

- H. Only parolees who meet the following eligibility criteria may be considered for approval to travel outside the State:
1. During the preceding six month period, the parolee did not test positive for substance abuse or, if tested positive, was referred to and successfully completed a substance abuse treatment program or is currently participating in such programming.
 2. During the preceding six month period, the parolee had no pending felony or assaultive misdemeanor charges except for charges that were either dismissed or resulted in a not guilty finding.
 3. The parolee is not facing any parole violation charges or serving a sanction for parole violation.
 4. The parolee has made a good faith effort to comply with any conditions of parole that require payment of restitution or other financial obligations.
- I. Eligible parolees may travel outside the State only for a verified emergency or other legitimate purpose (e.g., school, work, court appearance). Requests that are solely for recreational purposes shall not be approved unless the activity will contribute to the parolee's ability to successfully complete parole. Requests to travel to a destination where the parolee has a pending application for transfer shall not be approved except if the request is due to a verified emergency at that destination. Travel outside the United States is prohibited.
- J. Notwithstanding Paragraph I, eligible parolees who are registered pursuant to the Sex Offenders Registration Act, those serving for an offense related to interstate travel (e.g., chop shop, sale/delivery of controlled substance), or those who are on electronic monitoring may travel outside the State for verified emergencies, including emergency medical care. With approval of the appropriate Region Manager, they also may travel outside the State for the following purposes:
1. To work at a specific location or worksite outside the State provided the employment is not transient in nature.
 2. To attend college or university classes which are within a reasonable distance from the offender's residence.
 3. To receive non-emergency medical care or treatment at a location which is closer to the offender's residence than comparable care or treatment would be available in the State.

Probationers

- K. Unless otherwise directed in writing by the sentencing court, the standards set forth in

Paragraphs H through K also apply to probationers except that they also must not be facing any probation violation charges, or serving a sanction for probation violation, and must be making a good faith effort to be in compliance with any conditions of probation that require payment of restitution, supervision fees, or other financial obligations. Region Managers shall ensure that courts in their regions are advised of the Department's requirements; written verification of any alternative direction by a court shall be retained by the Region Manager.

TRAVEL WITHIN MICHIGAN

- L. An offender who is restricted from traveling to certain areas within the State of Michigan by his/her order of probation or parole may travel to those areas only with prior approval from the supervising agent and either the Parole Board or, if required by the court, the sentencing court. Such requests shall be submitted through the supervising agent as set forth in Paragraph E for travel permits. If permission is granted, the supervising agent shall complete a travel permit and forward it to the field office in the area to which the offender is allowed to travel. If the restriction was due to concern about potential assaultive behavior toward a person in that area, the travel Permit shall be issued only after the field office in that area has been contacted and satisfactory arrangements for the offender to travel to the area have been made. Such arrangements may include contact with the person who is at potential risk and notification to local law enforcement.

PROCEDURES

- M. Operating procedures are not required for this policy directive.

AUDIT ELEMENTS

- N. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy, pursuant to [PD 01.05.100](#) "Self Audit of Policies and Procedures."

APPROVED: HEW 08/11/2015