

DEPARTMENT OF CORRECTIONS

DIVISION 19

TRANSFER (COMMUNITY CORRECTIONS)

Procedures

291-019-0047

Cases Not Requiring Transfer Request and Corresponding Responsibilities

- (1) New Cases: New cases are not subject to the transfer process.
- (2) If the offender resides in a county other than the one where supervision was incepted, the office serving the county of residence shall assume supervision without requiring any transfer investigation from the sending office.
- (3) If the offender's custody was transferred to another county within 30 working days of the pertinent releasing authority order, the office accepting the transfer shall assume supervision without requiring any transfer investigation from the sending office.
- (4) Ninety-day Rule: If an offender, whose residence is in another county, is sentenced by court order to less than 90 days in jail, the case will be transferred to the office in the county of residence. If a client is sentenced to 90 days or more, the case will be held by the county of conviction until released from jail at which time the case will be handled as a new intake in the county of residence upon verification of residence.
- (5) In situations described in sections (2), (3), and (4) of this rule it is the responsibility of the office for the county in which the conviction occurred to assure that the court order is sent to the office in the county of residence.

Stat. Auth.: [ORS 423.020](#) & [ORS 423.075](#)

Stats. Implemented: [ORS 179.040](#), [ORS 423.020](#), [ORS 423.030](#), [ORS 423.075](#) & [ORS 423.525](#)

Hist.: CD 11-1990, f. & cert. ef. 6-28-90

291-019-0100

Authority, Purpose, and Policy

- (1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with [ORS 179.040](#), [423.020](#), [423.030](#), [423.075](#), and [423.525\(6\)](#).

(2) Purpose: The purpose of this rule is to establish the procedure by which supervision of offenders, is transferred between county community corrections agencies.

(3) Policy: It is the policy of the Department of Corrections that supervision of offenders be provided by the community corrections agency in the offender's county of residence and that offenders shall comply with the standard conditions of supervision requiring them to obtain permission from the supervising officer before moving between counties.

Stat. Auth.: [ORS 179.040](#), [ORS 423.020](#), [ORS 423.030](#) & [ORS 423.075](#)

Stats. Implemented: [ORS 179.040](#), [ORS 423.020](#), [ORS 423.030](#) & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97

291-019-0110

Definitions

(1) County of Residence: County in which the offender lives and sleeps.

(2) Emergency Reporting: For sex offender cases, reporting instructions provided by the receiving county when a documented emergency exists requiring an expedited transfer. Parameters for emerging reporting are document immediate threat to victim(s) or offender and/or documented "other" emergency.

(3) EPR: The probation/parole record on the Law Enforcement Data System (LEDS).

(4) Offender: Any person under the supervision of local community corrections who is on parole, post-prison supervision, or probation status.

(5) New Case: A new case is any case where the offender has been supervised for less than 30 working days by the county of conviction and where the offender is not being supervised in any other jurisdiction at the time of conviction This includes offenders who have been sentenced to probation and released from incarceration with no pending criminal issues. New cases that fail to appear for intake and are closed to abscond can only be transferred through formal transfer processes after violation procedures have been initiated and all reports have been submitted.

(6) Officer: A probation and parole officer employed by or under the direction of the court or the county.

(7) Releasing Authority: Department of Corrections, courts, and Board of Parole and Post Prison Supervision, or supervising authority.

(8) Receiving Office: The county community corrections agency being requested to accept the supervision of an offender.

(9) Sending Office: The county community corrections agency requesting to transfer the supervision of an offender to another jurisdiction.

(10) Residence: For the purposes of this rule, a residence is where the offender is currently residing and where he/she expresses a desire to remain. This includes transient living quarters, fishing boats, and other non-traditional situations, providing that the offender has the ability to remain in those living quarters for a minimum of 30 days.

(11) Transfer: An offender is considered to be transferred when responsibility for his/her supervision is accepted by the receiving county. Assignment of a case to a different parole or probation officer within the same county by administrative action is not a transfer.

(12) Temporary Supervision: The short-term supervision of offenders agreed upon by the two community corrections agencies for the purpose of information gathering or investigation.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97; DOC 11-2001, f. & cert. ef. 4-5-01

291-019-0120

General

(1) Prior to a supervising officer granting an offender permission to move to another county, the offender must present a plan which considers:

(a) Public safety; and

(b) The county which can provide the most effective means of supervising the offender in accordance with conditions as set by the releasing authority (e.g., treatment, stable housing, employment or legitimate source of income).

(2) Nothing in this rule prohibits a county(ies) to engage in an agreement with another county(ies) that is mutually satisfactory regarding the transfer of cases.

Stat. Auth.: [ORS 179.040](#), [ORS 423.020](#), [ORS 423.030](#) & [ORS 423.075](#)

Stats. Implemented: [ORS 179.040](#), [ORS 423.020](#), [ORS 423.030](#) & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97

291-019-0130

Transfers of Supervision Between Community Corrections Agencies: Standards for Request and Acceptance

(1) Requests:

(a) Except for sex offender cases, whenever an officer has given an offender permission to relocate to a different county, within 30 days, the officer shall submit a transfer investigation request to the receiving county on all cases including misdemeanors.

(A) If the purpose of the change of residence is for residential treatment and a return is anticipated, no transfer is necessary.

(B) For limited supervision and limited risk offenders, the county of supervision will notify the county of residence that the offender now resides in their county. The receiving county may review the offender's history in the Corrections Information System to determine whether they wish to assume supervision. The decision to investigate and accept supervision shall be at the discretion of the county of residence.

(C) Under no circumstances shall a probation or parole officer allow a sex offender to move to a new county without first applying for and receiving emergency reporting instructions. If parameters for emergency reporting do not apply, then the offender must remain in the sending county until a full transfer investigation is completed.

(b) Transfer Investigation: In all cases involving the transfer of the supervision responsibility for an offender, the sending county shall assure that the following information is up to date and accurate in the offender's ISIS (computer integrated system) file prior to making the investigation request:

(A) Name: Last, first, and middle;

(B) Date of birth;

(C) SID Number: If none is available, the sending office shall submit a fingerprint card to the State Identification Bureau prior to transfer;

(D) Crime(s);

(E) County(ies);

(F) Sentencing data including county, docket numbers, expiration date, and judge's name for each case;

(G) History/risk score according to the Oregon Case Management System;

(H) Date of request to transfer;

(I) Special Conditions: List all special conditions including specific dollar amounts for restitution, court costs, fines and fees as well as community service hours and any other conditions requiring specificity;

(J) Residence: Provide a complete address; rural addresses should include specific directions on location of the residence as well as a description; and

(K) Conformance: Note any non-compliance with either the general or special conditions of supervision. Reflect the exact amount of any financial obligations owed to date and any other pertinent information.

(c) Sex Offenders: A transfer packet must be sent to the receiving county. The transfer packet shall include:

- (A) Court orders/parole or post-prison supervision order;
- (B) Sex offender evaluation (if available);
- (C) Presentence investigation or police reports;
- (D) Current sex offender risk assessment; and
- (E) Most recent treatment progress report or treatment discharge report.

(2) Acceptance/Rejection:

(a) If a sex offender meets the documented parameters for emergency reporting, the sending county must provide emergency reporting information to the receiving county. The receiving county has up to five days to reply. Once the receiving county has accepted the offender on an emergency basis, a rule transfer packet must be sent to the receiving county.

(b) The receiving county must complete the investigation and respond to the sending county within 30 days.

(c) The transfer request must be accepted if the offender has a job or other legitimate source of income, a residence and the means to comply with the special conditions of his/her supervision unless:

(A) The only active supervision is for a misdemeanor and the receiving county is unable to provide supervision based on misdemeanant status, due to county policy and/or resource limitations; or

(B) Public safety would be compromised by the transfer (e.g . a child molester residing in a dwelling where children are present; a proposed residence provider supporting sex offender's denial or noncompliance; a drug offender residing in a known drug house; an arson offender residing in a boarding house); or

(C) The supervision is for a limited supervision or limited risk offender, whereas the decision to accept supervision is at the discretion of the county of residence.

(d) Neither non-compliance (except for sex offender cases) nor outstanding misdemeanor warrants shall be grounds for rejection. Felony warrants and warrants involving active cases for which an offender is under formal supervision shall be resolved prior to the transfer process.

(e) Supervision of a misdemeanor must be accepted if there is a concurrent felony supervision.

(f) Outstanding Warrants and Pending Criminal Charges/Violations: Prior to transfer, the sending office shall:

- (A) Make reasonable efforts to resolve any warrants;
- (B) Remove any individual county requirements outside of usual practice;

(C) Report all non-compliance/violations to the releasing authority; and

(D) Be responsible for resolving all pending non-compliance/violations. The sending county should collaborate with the receiving county to determine an appropriate response to pending violations.

(g) When a transfer is rejected in the interest of public safety, the offender shall be directed by the receiving county to return to the sending county or to secure a suitable residence elsewhere, except for sex offenders who have been granted emergency reporting instructions, who shall be directed to return to the sending county and to initiate any further transfer requests from the sending county. Failure of the offender to do so is a violation and may be grounds for revocation. The reason for rejection needs to be specified and reviewed by the unit supervisor.

(h) During the transfer investigation, if an officer from the receiving office observes a violation or has reason to believe that a violation has occurred, that officer shall immediately report the alleged violation to the sending office for appropriate response.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97; DOC 11-2001, f. & cert. ef. 4-5-01

291-019-0140

Notice of Transfer

(1) Notice of Decision on Transfer: The sending office shall be notified by the receiving office of acceptance or rejection or delay in completing the investigation within 30 days of the request.

(2) File Transfer: The sending office shall forward the offender file within five working days of the notice of acceptance of the transfer.

(3) Formal Supervision: Formal supervision of the offender shall begin in the receiving county at the time of notification of acceptance of the transfer.

(4) Law Enforcement Data System (LEDS): The sending office shall modify the EPR record within five working days after notice of transfer acceptance

(5) Corrections Information System (CIS): Upon notification of transfer acceptance, the sending office shall, within five working days, make required changes in the CIS. When the file is received, the receiving office shall assure that the Department's database records and LEDS EPR accurately reflect the county of supervision.

(6) Transfer Chronological Entry: Once a sex offender is accepted for transfer, the parole or probation officer from the sending office shall complete a transfer chronological entry which includes a brief history of violations; record of any community notification; offender's treatment progress; status of polygraphs (when was the last one completed, what were the results); the circumstances under which

an offender is allowed contact with minors (who are the minors, who are the supervisors, when, where).

(7) Sex Offender Registration: The parole or probation officer in the receiving county will assure the sex offender registration is updated by the offender with the designated law enforcement agency.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97; DOC 11-2001, f. & cert. ef. 4-5-01

291-019-0150

Dispute Resolution

Dispute Resolution: It is a matter of policy that the offender should be supervised by the agency serving the offender's county of residence and, with exception of sex offenders, regardless of whether or not the offender is in compliance with conditions. However, if the goals of public safety are clearly compromised by the transfer, rejection is appropriate. The Assistant Director of Community Services for the Department of Corrections or designee shall be consulted whenever a transfer issue cannot be resolved at the local manager/director level.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97; DOC 11-2001, f. & cert. ef. 4-5-01

291-019-0160

Cases not Requiring Transfer Request and Corresponding Responsibilities

(1) New Cases: New cases are not subject to the transfer process.

(2) If the offender resides in a county other than the county of conviction, the office serving the county of residence shall assume supervision without requiring any transfer investigation from the sending office.

(3) Ninety-day Rule: If an offender, whose residence is in another county, is sentenced by court order to less than 90 days in jail, the case will be transferred to the office in the county of residence. If an offender is sentenced to 90 days or more, the case will be held by the county of conviction until released from jail at which time the case will be handled as a new intake in the county of residence upon verification of residence.

(4) In situations described in sections (2) and (3) above, it is the responsibility of the office for the county in which the conviction occurred to assure that the court order is sent to the office in the county of residence.

(5) Six-Month Rule: In the last six months of supervision, and when an offender is in compliance, other options should be considered (i.e., early termination, bench probation, limited risk, inactive/unsupervised status) before attempting to transfer.

(6) The supervision of an offender's 12 month or less sentence to the legal and physical custody of the supervisory authority of a county is not subject to transfer under this rule.

(7) The supervision of an offender's furlough or release agreement while serving a new sentence, revocation sentence, local sanction or sentence as a condition of supervision is not subject to transfer under this rule.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 27-1997, f. & cert. ef. 11-26-97; DOC 11-2001, f. & cert. ef. 4-5-01