

Appendix 7I

Training Memo—Probation Transfer in Domestic Violence Cases

Additional complexity is likely when supervision is transferred in domestic violence-related offenses. This arises from the involvement of multiple agencies, the attenuation of the link to the sentencing jurisdiction, and the potential impact on victim safety and engagement. Whether the case is being transferred to or from the local agency these circumstances make it vital to adhere to the interagency approach in transfer cases.

The first concern in transfer cases is whether the transfer raises victim safety issues. For example, if the victim or a close relative lives in the receiving jurisdiction, does the transfer increase their safety concerns? To make that determination, the cooperation of the agency in the transferring jurisdiction is needed to facilitate contact with the victim and evaluate the risk. If the transfer increases safety concerns, interagency cooperation will either help prevent the transfer where allowed by law or, if the transfer will go forward, make a plan to mitigate its effects on safety.

When a transfer occurs, the supervising agent must have the information necessary to effectively supervise the transferee. Each jurisdiction's presentence investigation (PSI) protocol varies, so it is not enough to request and receive the PSI. Every effort should be made to access the records used in: preparing the PSI, evaluating the type and severity of the domestic violence, assigning the offender to a supervision level and otherwise informing the probation officer's (PO) supervision of the client. Similarly, for effective supervision of transferred local offenders, the local PO should transmit the same types of information to the receiving jurisdiction.

Coordination between agencies is necessary to ensure that the supervising jurisdiction can respond swiftly to any violations. Both jurisdictions must ensure that up-to-date identity of and contact information for the responsible agent in each jurisdiction is known to their counterpart in the other agency. The receiving agency depends upon the transferring agency to respond expeditiously to reports of violations from the receiving agency. And, the sending agency depends upon the receiving agency to transmit adequate information to prove and proceed with the alleged violation.

Knowledge of the context and severity of the offense is essential to the supervising PO's ability to effectively structure a programming and/or supervision plan for the client, to respond to victim concerns and to determine an appropriate response to violations. Because of the continuing nature of domestic violence, it is important that transfers of probation do not have the effect of lessening the monitoring of the client or increasing the risk to the victim. If agents in both jurisdictions relax their supervision as the result of the dual responsibility for the transferred case, a decrease in monitoring and/or an increase in risk is likely to result. To avoid this result, agents in both jurisdictions have a continuing responsibility for supervision in the case. Transferred cases can also result in less effective supervision if, as a result of the transfer, the victim is unsure of who to contact with concerns or perceives herself/himself as "getting the run-around" when she/he contacts the "wrong" agent. To avoid this, the agent in the transferring jurisdiction must take responsibility for ensuring that concerns and reports from the victim are relayed to the receiving jurisdiction agent. A victim who is unaware that the client has moved to another jurisdiction, or has moved back from another jurisdiction, may not have the information necessary to exercise appropriate caution to ensure the safety of self, dependents or close relatives. Whenever possible, the victim should be consulted about proposed transfers and notified when the client moves from or to the jurisdiction.

There is delay inherent in responding to probation violations because the violations must be referred back to the sending agency for action and in some cases, the client must be returned to the sending jurisdiction to have the violation heard. For this reason, it is important to determine whether there is an increased risk to victim safety when evaluating a proposed transfer. If the transfer occurs, the agents in both jurisdictions must ensure that violations are met with a swift response.

A substantial portion of domestic violence offenders initially delay and sometimes escape consequences for their violence by simply being "gone on arrival" when the police arrive. It is important that the transfer of supervision not send the message to either the victim or the offender that this same strategy will allow the offender to evade consequences for violations in transfer cases. The message that this strategy will not work can be conveyed to the offender and the victim by: making clear that as a result of the transfer there will now be two agents monitoring the offender, not just one; by adopting policies to ensure that the receiving jurisdiction has the information necessary to provide effective

supervision; by making clear that transfers that increase victim risk should be denied when possible; by providing for monitoring while the case is awaiting transfer; and, by adopting policies to minimize delay when violations occur.

To meet these additional considerations, in addition to the general Ramsey County Community Corrections policies and protocols and Department of Corrections policies, the following additional provisions apply to transfer cases.

Interstate Transfers and Requests for Reporting Instructions:

1. Minnesota and non-Minnesota offenders (Minnesota is either sending or receiving state):

- a. In all cases the agent will make diligent efforts to contact the victim pursuant to **Probation Protocol 2: Victim Engagement Guidelines in Domestic-Violence Related Cases:**
 - i. solicit input regarding the proposed transfer and proposed residence
 - ii. ascertain any safety concerns for the victim or close family members
 - iii. provide the victim with information regarding who to contact with ongoing concerns
- b. In all cases the agent will make diligent efforts to notify the victim if the offender:
 - i. Commits a significant violation
 - ii. Changes addresses
 - iii. Is being returned from the receiving state
 - iv. Transfers to a new receiving state
 - v. Is issued a temporary travel permit
- c. Whenever victim contact is required, if the agent cannot otherwise contact the victim, the agent will try to contact the victim through any community advocacy program that has previously worked with the victim.

2. Minnesota Offenders only (Minnesota is the sending state):

- a. Cases where agent has discretion:

- i. Agent has the discretion not to request an interstate transfer or request reporting instructions when Minnesota is the sending state and the transfer is not related to military or employment transfers (DOC Policy 260.020)
- ii. Generally, an agent will not initiate a transfer request or request reporting instructions in cases where:
 1. The victim objects due to safety concerns
 2. The victim cannot be reached and the requested transfer is to the state in which the victim and/or close family members reside
 3. The transfer increases the risk to the victim or close family members of the victim
- b. While the transfer is pending, the probation officer will conduct an in-person meeting with the offender which:
 - i. Includes a review of all general and special conditions of probation, all no-contact orders (NCOs), orders for protection (OFPs) or harassment order (HRO's) requirements and a review of firearm/ammunition prohibitions.
 - ii. Establishes reporting requirements pending the transfer.
- c. When determining whether to request reporting instructions prior to completion of transfer:
 - i. consider the following:
 1. nature of present offense;
 2. criminal history;
 3. risk to community; and,
 4. adjustment to supervision.
 - ii. Due to victim safety concerns, temporary travel permits generally will not be issued if:
 1. the victim objects; or,
 2. the victim cannot be reached and the victim and/or close family members reside in the receiving state.

- d. When requesting a transfer, the following should be transmitted to ICU for forwarding to the receiving jurisdiction:
 - i. Victim contact information and known victim concerns
 - ii. The name and contact information for the person in the transferring agency with continuing responsibility for the case
 - iii. Information regarding the instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence.
 - iv. Police reports related to conviction offense(s)
 - v. Any available supervision history
 - vi. All available information regarding the offender's domestic violence history
 - vii. PSI
 - viii. Results of any evaluations, including risk evaluations.
 - ix. Information regarding any prior programming
 - x. Information regarding any current/past NCOs, OFPs or HRO's for this victim
 - xi. Information regarding any current NCO's, OFP's or HRO's for other victims
 - xii. Information related to any court-ordered financial obligations, including fines, court costs, restitution and family support.
- e. While the case is being supervised by the receiving jurisdiction, the probation officer will:
 - i. Follow the pertinent provisions of **Probation Protocol 2: Victim Engagement Guidelines in Domestic-Violence Related Cases**
 - ii. Relay any pertinent information received to the supervising agent in the receiving jurisdiction.

- iii. Ensure that victim concerns and/or questions are communicated to supervising agent in the receiving jurisdiction.
- f. Violation of Supervision:
 - i. Absconder Violation Report: agent will issue a warrant effective in all states;
 - ii. Other Violation Report:
 - 1. As soon as practical, but no more than 7 days from receiving violation documentation through ICU, agent will submit a Response to Violation report
 - 2. The agent will follow Probation Protocol 4: Violation and Revocation of Probation, Paragraphs 3 and 12 in determining the response to the violation

3. Non-Minnesota Offenders (Minnesota is the receiving state):

- a. Discretionary cases: (DOC Policy 260.020 A.1.2.):
 - i. Agent has the discretion not to accept an interstate transfer when Minnesota is the receiving state only in the limited class of cases where the transfer request does not fall into one of the mandatory categories
 - ii. Generally an agent will reject a discretionary transfer request in cases where:
 - 1. The victim objects due to safety concerns;
 - 2. The victim cannot be reached and the victim and/or close family members reside in Minnesota; or,
 - 3. The transfer increases the risk to the victim or close family members of the victim:
- b. Mandatory Cases:
 - i. In all other cases Minnesota is limited to investigating to see if the case meets the standards for mandatory acceptance; and,
 - ii. Reviewing the supervision conditions to:

1. Notify sending state of any conditions Minnesota will not be able to enforce; and,
 2. Notify sending state of special conditions that will be imposed by Minnesota.
- iii. When investigating mandatory cases, the agent will reject transfers if the offender:
1. is not being deployed to Minnesota by the military; and,
 2. is not a resident of Minnesota; and,
 3. the offender:
 - a. does not have family residing in Minnesota willing and able to assist according to the supervision plan; or,
 - b. Offender cannot obtain employment or does not otherwise have a means of support. (DOC Policy 206.020 A.1.a.(2))
- c. In both mandatory and discretionary transfers of domestic-violence related offenses the probation officer will review sending state's information for compliance with ICAOS Rule 3.107. If any of the following are missing from the documentation, the agent will request that the sending state provide the missing information:
- i. Information regarding the instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence.
 - ii. Supervision history, if available
 - iii. Any orders restricting the offender's contact with victim(s) or any other person;
 - iv. PSI, if available.
 - v. Information related to any court-ordered financial obligations, including fines, court costs, restitution and family support.

- d. In both mandatory and discretionary transfers of domestic-violence related offenses the probation officer, if not provided as part of the transfer request, will attempt to obtain the following information from the sending state:
- i. Victim contact information, known victim concerns and contact information for any community advocacy group that has worked with the victim.
 - ii. The name and contact information for the person in the transferring agency with continuing responsibility for the case
 - iii. Police reports related to conviction offense(s)
 - iv. All available information regarding the offender's domestic violence history, including past police reports involving any domestic violence related incident.
 - v. Results of any evaluations, including risk evaluations.
 - vi. Information regarding any prior programming
 - vii. Information regarding any past NCO's, OFP's or HRO's for this victim
- e. In both mandatory and discretionary transfers of domestic-violence related offenses the probation officer will ask for any additional conditions necessary to the meet the goals of victim safety and offender accountability. If not already conditions of supervision, these will generally include:
1. All standard conditions of probation;
 2. All standard DV conditions;
 3. Abstinence and random UA's when there is a nexus between the violence and use; and,
 4. No contact orders if:
 - a. the victim requests one;
 - b. the victim cannot be reached; or,

- c. the local probation office would recommend a no contact order over the objection of the victim.

f. Violations:

i. Absconding:

1. Defined as “absent from the offender’s approved place of residence or employment with the intent of avoiding supervision.”
2. If the offender absconds:
 - a. Notify sending state; and,
 - b. Close case.

ii. Offender commits a significant violation:

1. defined as “offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.”
2. In determining whether the violation is significant, the agent will follow Probation Protocol 4: Violation and Revocation of Probation, Paragraphs 3 and 12
3. Responses to significant violations:
 - a. Third significant violation or a new felony conviction: sending state is required to retake.
 - b. Non-felony convictions or a first or second significant violation follow Probation Protocol 4: Violation and Revocation of Probation, Paragraphs 3 and 12 in determining whether to request restructure through HRU
4. Because of the delays inherent in interstate supervision, take prompt action when violation is discovered.
5. Because of the inherent public safety risk, except in extraordinary circumstances warrants (or Arrest and Detention orders when the warrant cannot be

processed) should be utilized for any significant violation in a domestic-violence related case.

Intrastate Transfers (DOC Policy 201.020 E):

1. Ramsey and non-Ramsey offenders (Ramsey is either sending or receiving county):

- a. In all cases the agent will make diligent efforts to contact the victim pursuant to **Probation Protocol 2: Victim Engagement Guidelines in Domestic-Violence Related Cases** to:
 - i. solicit input regarding the proposed transfer and proposed residence;
 - ii. ascertain any safety concerns for the victim or close family members; and,
 - iii. Provide the victim with information regarding who to contact with ongoing concerns.
- b. In all cases the agent will make diligent efforts to notify the victim if the offender:
 - i. Commits a significant violation;
 - ii. is being returned from the receiving county; or,
 - iii. transfers to a new receiving county.
- c. Whenever victim contact is required, if the agent cannot otherwise contact the victim, the agent will try to contact the victim through any community advocacy program that has previously worked with the victim.

2. Ramsey offenders (Ramsey is sending county):

- a. Transfer Request:
 - i. In addition to the information mandated by DOC Policy, the transfer request will include:
 1. Any orders restricting the offender's contact with victim(s) or any other person;
 2. PSI, if available;

3. All available information regarding the history of violence between the client and the victim;
 4. Information related to any court-ordered financial obligations, including fines, court costs, restitution and family support;
 5. Victim contact information and known victim concerns;
 6. The name and contact information for the person in Ramsey County with continuing responsibility for the case;
 7. Police reports related to conviction offense(s);
 8. All available information regarding the offender's domestic violence history, including past police reports involving any domestic violence related incident;
 9. Results of any evaluations;
 10. Information regarding any prior programming;
 11. Information regarding any probation violations;
 12. Information regarding probationer's adjustment to probation;
 13. Information regarding any current/past NCOs, OFPs or HRO's for this victim; and,
 14. Information regarding any current NCO's, OFP's or HRO's for other victims.
- ii. The agent will specifically address the expected effect of the proposed transfer on the safety of the victim and the victim's close family members when addressing the following factors in the Reason for Transfer section:
1. Why the residence and employment is preferable;
 2. How the move will relate to compliance with supervision conditions; and,
 3. Why the move is consistent with public safety and good correctional practice.

- iii. The agent will inquire regarding the nature of the Obligor's relationship with anyone else residing at the Obligor's proposed residence and will ascertain if there are any children regularly present at the residence.
- b. Supervision:
 - i. The agent will ensure that any victim concerns are promptly relayed to the receiving county.
 - ii. When there is an apparent violation, the probation officer will:
 - 1. act promptly to ensure that there is a swift, sure response to the violation;
 - 2. follow Probation Protocol 4: Violation and Revocation of Probation, Paragraphs 3 and 12 in determining the response to the violation
 - 3. Promptly notify the victim of the violation; and,
 - 4. Except in extraordinary circumstances , request a warrant be issued for the offender when seeking revocation of probation.

3. Non-Ramsey offenders (Ramsey is receiving county):

- a. Transfer Request Investigation:
 - i. In addition to the information mandated by DOC Policy, the agent will investigate whether the following information exists and if so, requests copies:
 - 1. Whether the offender has been court-ordered to participate in statutorily required DA treatment;
 - 2. Any orders restricting the offender's contact with victim(s) or any other person;
 - 3. PSI, if available.
 - 4. All available information regarding the history of violence between the client and the victim;

5. Information related to any court-ordered financial obligations, including fines, court costs, restitution and family support;
 6. Victim contact information and known victim concerns;
 7. The name and contact information for the person in the sending county with continuing responsibility for the case;
 8. Police reports related to conviction offense(s);
 9. Any custody or parenting time orders for children of victim and offender;
 10. All available information regarding the offender's domestic violence history, including past police reports involving any domestic violence related incident;
 11. Results of any evaluations;
 12. Information regarding any prior programming;
 13. Information regarding any probation violations;
 14. Information regarding probationer's adjustment to probation;
 15. Information regarding any current/past NCO's, OFP's or HRO's for this victim; and,
 16. Information regarding any current NCO's, OFP's or HRO's for other victims.
- ii. The agent will specifically investigate the expected effect of the proposed transfer on the safety of the victim and the victim's close family members when investigating the following factors in the Reason for Transfer section:
1. Why the residence and employment is preferable;
 2. How the move will relate to compliance with supervision conditions; and,
 3. Why the move is consistent with public safety and good correctional practice.

- iii. When necessary, the agent will request that additional probation conditions be added to address any victim safety concerns raised by the transfer.
- b. Supervision:
- i. Domestic violence-related transfer cases will be supervised by the domestic violence unit or an agent with specialized training in domestic violence.
 - ii. When there is an apparent violation, the probation officer will:
 - 1. act promptly to ensure that there is a swift, sure response to the violation;
 - 2. follow Probation Protocol 4: Violation and Revocation of Probation, Paragraphs 3 and 12 in determining the response to the violation;
 - 3. Promptly notify the victim of the violation; and,
 - 4. Except in extraordinary circumstances, request that a warrant be issued for the offender when seeking revocation of probation.
 - iii. The agent shall continue to actively supervise the offender until:
 - 1. The offender is arrested; or
 - 2. Supervision is returned to the sending county.
 - iv. If the offender cannot be contacted after a violation is reported to the sending county, the agent will seek a warrant on the additional ground that the offender has absconded.