



# NC ICAOS News Brief 2008

## Latest Developments

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Vol. 1, No. 1  
January

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Welcome to the first edition of Interstate News. The News Brief will be distributed on a quarterly basis. Several changes have already taken place this year and there are more scheduled for the coming months. I hope this will be a fun and effective way to communicate most of the changes to you. This issue contains updates on many of the rule changes that became effective January 1, 2008. There are several more, but only the rules that have a direct impact on field operations have been included in this issue. Among the most important rule changes are:

### SEX OFFENDER CHANGES TOP THE LIST!

➤A definition of “sex offender” was adopted [Rule 1.101] to implement and administer rules regarding the movement of sex offenders. The definition does not impose on individual state definitions and only addresses registration requirements of the sending and receiving states.

➤Adoption of Rule 3.101-3 regarding the transfer of supervision of sex offenders to address special considerations regarding the management of sex offenders. **NC has been proactive in the transfer of sex offenders for the last year, as a result, this rule will not impact our operations as NC already**

- Conducts a “pre-check of the proposed residence to ensure there are no residential restrictions or minors in the home (where the offense committed was against a minor). It is important to understand that states now have 5 business days to respond to the reporting instructions.

-NO SEX OFFENDER will be allowed to proceed to the other state without approved reporting instructions.

-Will continue to respond immediately in the event the initial residence is not suitable, so the offender can submit a subsequent plan. With each new plan submitted, the 5 business days begins again.

-Additionally, all available assessment information, social history, crime version, victim statement and or any recommended treatment plan must be included with the transfer package.

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Spring  
State Council Meeting:  
Thursday April 3<sup>rd</sup>,  
at the  
Governor’s Crime  
Commission



## NO TRAVEL ALLOWED DURING INVESTIGATION

- Changes to Rule 3.102 prohibiting an offender to travel to a receiving state until that state has replied to a transfer request unless the offender has approved reporting instructions. **Offenders can not be allowed to travel to the receiving state on a travel permit while the investigation is ongoing; that is grounds for the other state to deny the investigation. The offender can only be in the other state with approved reporting instructions. The NC ISC office will begin to authorize denial of investigations, on a case by case basis, if the offender is found in our state and reporting instructions have not been granted. When this occurs, the CPPO needs to call the Interstate Division Coordinator and discuss how to proceed. ISC will begin to keep a record of all offenders in NC without proper authorization. This will allow us to more effectively address non-compliant states from this point forward.**

## NC STILL SUPERVISES AFTER DENIAL

- Changes to Rule 3.103 and Rule 3.106 (regarding reporting instructions) restore a receiving state's authority to exercise control of an offender, who was previously issued reporting instructions, following rejection of a transfer request until the offender returns to the sending state. **When an out of state transfer request is denied by NC, and the offender is in NC with approved reporting instructions, the NC PO will continue to supervise the offender until return to the sending state.**

Another change in the rule allows up to 15 days for an offender to return to the sending state following rejection. **It will be important for the field PO to monitor the offender's departure and if the offender has not left NC, the CPPO is to report the failure to depart immediately to the Interstate Division Coordinator. ISC will notify the other state and it will become the sending state's responsibility for issuing an extraditable warrant within 10 days of the offender's failure to return. The NC ISC office will follow up and confirm that a warrant has been entered into NCIC and upon doing so will send the Authority to Detain and Hold to the field PO for assistance in having the offender detained. NC will not close interest in these cases until we have assisted in the retaking process.**

## ISC-11 AND ISC-12 NO MORE

- Elimination of the requirement for forms "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" (ISC-11) and "Authorization for Release of Medical and Psychological Information" (ISC-12) due to the ICAOS's exemption from HIPAA requirements. **As of 1/1/08, these forms will no longer be available on the ISC forms web site and are not required as part of a complete transfer package.**

### Response time for Reporting Instructions

Two (2) business days for:

- General Requests
- Offender in military
- Offender reside with military family member
- Employment transfer of family member

Five (5) business day for Sex Offenders

Return to Sending State in Victim sensitive cases  
(See page 4 for details)

## 10 Days to issue warrant

When an offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states (extraditable and entered in NCIC), no later than 10 days following the offender's failure to appear in the sending state.

## **DNA A MUST!**

➤ Rule 4.104 has been amended to require receiving states to assist the sending state to ensure DNA collection requirements have been fulfilled. ***In NC, officers must verify that a DNA sample has been collected prior to the offender being given a travel permit. The bottom right corner of the OR11 screen indicates offenders with DNA samples already on file. Per NCGS 15A-266.1, offenders convicted on or after 12/1/03 of any felony or one of the qualifying misdemeanors (Assaults on handicapped persons, Stalking and or Sexual Battery) must submit a blood sample for the purposes of DNA collection the Sheriff in NC. DNA collection in any state other than NC, may not be acceptable, therefore it is imperative and like sex offender registration, collection of DNA must be verified prior to giving the offender a travel permit.***

## **VIOLATION REPORTS TELL ALL**

- Amendments to Rule 4.109 enhanced specific processes for reporting violations on the Offender Violation Report. ***This rule require officers to include additional information and details on the violation report (ISC-8) such as,***
- ***Absconders: include details regarding how the supervising officer determined the offender to be an absconder; efforts made to locate, etc.***
  - ***Pending charges or new convictions: provide any supporting documentation regarding the charge(s) including but not limited to toxicology reports, police reports, arrest warrants, indictments and any preliminary findings.***
  - ***Technical Violations: include letters from treatment providers or outside agencies that document or verify an offender's non-compliance; efforts made to have offender report, verification of failure to pay NC fees, etc.***

***This is considered important information that an officer would need to be able to explain to the Court what type of supervision has been provided in the receiving state and eventually obtain a warrant from the Court.***

## **VICTIMS**

➤ Amendment to Rule 4.111 regarding victim notification requirements for offenders returning to a sending state. ***In cases where victim notification is required, those offenders will not be allowed to receive reporting instructions until the victim has been notified per state law. The victim's response will not necessarily prevent the reporting instructions from being granted. The purpose of the change is to ensure that the victim is given the opportunity to be advised of the offender's return and an opportunity to be heard.*** This change also prohibits a receiving state to allow the returning offender to travel prior to the receipt of reporting instructions.