

Out-of-State Offender Notification for Treatment



C.R.S. 17-27.1-101

Why does Colorado have this law?

Peyton Tuthill

In 1999 Peyton was raped and murdered by an unsupervised probationer in Denver

The probationer had been allowed to come to Colorado for treatment by Maryland

Why does Colorado have this law?

Pat Tuthill
(Peyton's Mother)

Lobbied for the Colorado Law so there is a notification process set up whenever an out-of-state offender seeks treatment in Colorado and to determine if subject must comply with the Interstate Compact Law

Why does Colorado have this law?

Pat Tuthill

Championed the new national law titled the Interstate Compact for the Supervision of Adult Offenders (ICAOS) which was passed in June 2002 and went into effect August 1, 2004

Interstate Compact

<http://www.interstatecompact.org>



Interstate Compact

Rule 2.105 Misdemeanants

(a) A misdemeanor offender whose sentence includes one year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes one or more of the following—

- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
- (2) an offense that involves the use or possession of a firearm;
- (3) a second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
- (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

Interstate Compact

"Supervision"

means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

References:

ICAOS Advisory Opinions

9-2004 [CSL offenders released to the community under the jurisdiction of the Courts]

8-2004 [Suspended sentence requiring payment of monitored restitution]

3-2005 [Requirement to complete a treatment program as a condition of supervision]

Required Forms

◆ Please use the new forms on the Behavioral Health's website

◆ www.colorado.gov

- Behavioral Health
- Community behavioral health (top)
- Programs and Services (left)
- Services for People Involved in a Criminal Justice (left)
- Forms are at the bottom



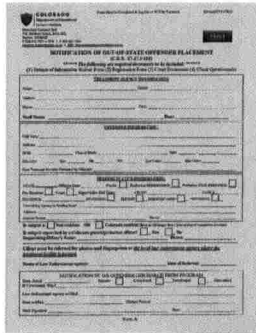
Client Questionnaire



Required Forms

- ◆ Notification of out-of State Offender Form
 - Please complete all sections of the form
 - ◆ Treatment agency information
 - ◆ Offender Information
 - ◆ Sending State's Information

Notification of Out-Of-State Offender Placement (from A)

A thumbnail image of a form titled "NOTIFICATION OF OUT-OF-STATE OFFENDER PLACEMENT". The form includes fields for "STATE OF ORIGIN", "STATE OF DESTINATION", "OFFENDER INFORMATION", and "TREATMENT AGENCY INFORMATION". It also contains checkboxes for "IS THIS OFFENDER CURRENTLY ON PROBATION OR PAROLE?" and "IS THIS OFFENDER CURRENTLY ON A RESTRICTION ORDER?".

Required Forms

- ◆ Notification of out-of-State Offender Registration
 - Must be signed by PD/Sheriff's Officer and returned it to treatment agency
 - Fingerprints must be done on RED Cards
- ◆ Release of Information
 - Please use the form your agency uses and add Interstate Compact



Registration (form B)

ILLINOIS
DEPARTMENT OF CORRECTIONS
REGISTRATION (form B)
REGISTRATION INFORMATION
REGISTRATION FEE INFORMATION

What Happens Next

◆ Once the Interstate office has received a complete referral application and reviewed

- The treatment agency is notified of approval or denial.
- A Treatment notification letter will be sent to the PD/Sheriff's office.



Treatment Notification Letters

- An Approval
 - ◆ Once an Offender is approved a letter of approval will be sent to PD/Sheriff's office as well as CBI.
- A Denial
 - ◆ Once an Offender is denied a letter of denial will be sent to PD/Sheriff's office as well as CBI.
 - ◆ The Offender will also receive a letter with why he was denied and the rules of what he/she need to do.

Approval for Treatment



- ◆ No warrants or does not meet compact criteria
- ◆ Clears warrants
- ◆ Interstate Transfer Request has been submitted and approved
- ◆ DMV Only is verified

Reasons for Denial of Treatment

- ◆ Subject has an outstanding warrant on current case
- ◆ Meets ICAOS misdemeanor criteria
 - **Second DUI's**
ICAOS Advisory Opinion 7-2006 [There are no exceptions to applicability of (a)(3) based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]
 - **Domestic Violence**
 - **Sexual offense that requires sex offender registration**

When Offender Discharges

- ◆ Notification of O/S offender discharge from program
 - Once the offender discharges please notify Instate Compact office
 - Interstate will sent a Notification Letter to CBI.



Discharge (form A)

No Treatment Provider may begin treatment with an out-of-state offender until an approval is received from the Colorado Interstate Compact Office

Violation of Law by Treatment Provider

- ◆ Commits a misdemeanor
- ◆ Each failure to comply is a separate violation
 - First Conviction - \$500.00
 - Second Conviction - \$1,000.00
 - Third Conviction - \$5,000.00

Transfer Investigation Requests

When the offender is denied treatment and must obtain an interstate transfer, the offender must:

- ◆ Contact the court or probation department of the state where offense occurred
- ◆ Request an Interstate Transfer Investigation be submitted to Colorado

Transfer Investigation Requests

If the Court or Probation Department in the other state is unable to assist, then contact that state's Interstate Compact Office.

<http://www.interstatecompact.org>

Look under Directory for contact information

Open Discussion

Questions



Contact Information

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