

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
October 29, 2015**

IM 5263

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance

SUBJECT: Fleeing Felons

PROGRAMS: Supplemental Nutrition Assistance Program (SNAP)

EFFECTIVE: Immediately

RETENTION: Until superseded

SECTIONS

AFFECTED: 430-05-77-55 – Other Disqualifications

The 2008 Farm Bill required the Food and Nutrition Service to define the terms “fleeing” and “actively seeking” to ensure States use consistent procedures when disqualifying individuals fleeing to avoid prosecution, custody or confinement after conviction for committing a crime or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or is violating a condition of probation or parole under Federal or State law.

Following are the changes in policy based on the definitions received:

Fleeing Felons, Parole or Probation Violators

~~An individual who is a fleeing felon, parole or probation violator is ineligible to participate in the program and the appropriate TECS code on SSDO is DF.~~

~~If an individual indicates on the application, application for review or reports that they are a fleeing felon, parole or probation violator, the worker must obtain information to substantiate the report. Any information received must be forwarded to the State SNAP Office. The~~

~~State SNAP Office will review the information to determine if the violation disqualifies the individual from the SNAP and notify the worker. If appropriate, the State SNAP Office will enter the disqualification on the sanction screen in TECS, change the individual's participation code to DF and enter the individual into the DRS system.~~

An individual who is a fleeing felon, parole or probation violator is ineligible to participate in the program. The appropriate TECS code on SSDO is DF.

An individual will be considered a fleeing felon when a Federal, State, or local law enforcement officer acting in his or her official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes:

- Escape (4901);
- Flight to Avoid (prosecution, confinement, etc.) (4902); or
- Flight-Escape (4999).

A warrant, containing one of these codes would be presented to the County by law enforcement to obtain information on the location of and other information about the individual named in the warrant. Only information allowed by policy at 430-05-05-35 – Disclosure of Information can be released.

An individual will be considered in violation of probation or parole imposed under Federal or State law if Federal, State, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole.

Actively seeking is defined as:

- A Federal, State, or local law enforcement agency informing the County they intend to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual;
- A Federal, State, or local law enforcement agency presenting a felony arrest warrant;
- A Federal, State, or local law enforcement agency stating they intend to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from a Eligibility Worker about a specific outstanding felony warrant or probation or parole violation.

The status of the parole or probation violator must be verified.

Warrants along with any other information received must be forwarded to the State SNAP Office. The State SNAP office will review the information to determine if the violation disqualifies the individual, enter the disqualification on the sanction screen and into the eDRS system and notify the worker. The eligibility worker will need to change the participation code to DF.

NOTE: TANF Policy regarding fleeing felons and parole and probation violators remains unchanged.