NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
August 3, 2017

IM 5311

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

FROM: Carol Cartledge, Director, Economic Assistance

SUBJECT: **Updated Definition of Fleeing Felon**

PROGRAMS: Supplemental Nutrition Assistance Program (SNAP)

EFFECTIVE: Immediately

RETENTION: Until superseded

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

Clarifications have been received for determining fleeing felon status. Specifically, the definition of actively seeking has been enhanced.

Actively seeking can only be established if law enforcement presents a felony arrest warrant conforming to one of the three prescribed national Crime Information Center (NCIC) Uniform Offense Classification codes (escape, flight to avoid prosecution, confinement, etc. and Flight-Escape) **and** a determination by the county that law enforcement is actively seeking to arrest the fugitive felon within 20 days if law enforcement approaches the county or 30 days if the county initiates the inquiry with law enforcement.

Fleeing Felons, Parole or Probation Violators

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 presenting a felony arrest warrant **AND** the County is informed 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 **AND** the County is informed they intend to enforce an outstanding felony warrant or to arrest an individual within 30 days of the date of a request from an Eligibility Worker about a specific outstanding felony warrant or probation or parole violation.

- 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.