



Interstate Compact: Ensuring Successful Supervision through Cooperative Solutions

Interstate Compact for Adult Offender Supervision

Presented by:

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Presentation Objectives



Learn about the principles and purpose of the Interstate Compact



Important considerations for extradition officials



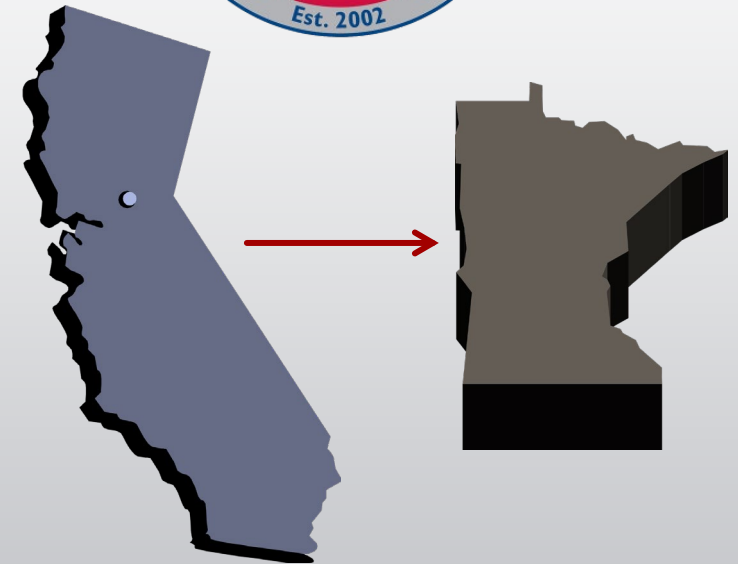
Essential engagement with extradition officials to ensure Interstate Compact compliance



Reflect on how your state's compact office is a resource and point of contact

ICAOS regulates how supervised individuals are:

- › Transferred from one state to another
- › Supervised while on Compact Supervision
- › Returned to a sending state when supervision is not successful



National Governing Body



Members of the ICAOS:

- › All 50 states
 - › District of Columbia
 - › US Virgin Islands
 - › Puerto Rico
-
- Rule Making Authority
 - Compliance Enforcement



Authority of an Interstate Compact

Authorized

The Compact is authorized by US Constitution & Crime Control Act



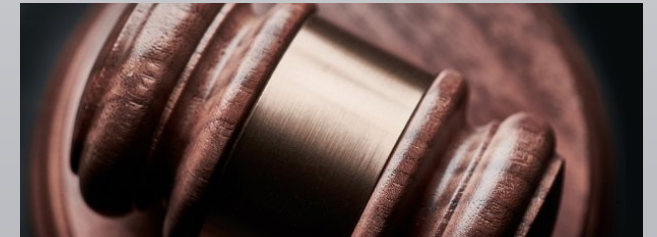
Binding

The Compact is binding upon all state authorities & citizens



Supersedes

The Compact rules supersedes conflicting state law



Interstate Compact Legislation

Courts, Parole Boards, Community Corrections & Other Executive Agencies:

- Subject to the ICAOS Rules
- Must enforce & effectuate the Compacts



Authority to Regulate

There is no “right” of convicted persons to travel across state lines or to serve one’s sentence in a particular state. See, *Jones v. Harris*, 452 U.S. 412 (1981); *Meachum v. Fano*, 427 U.S. 215 (1976)

Convicted persons have no right to control where they live; the right is extinguished for the balance of their sentence. *Williams v. Wisconsin*, 336 F.3d 576 (7th Cir. 2003), *Pelland v. RI*, 317 F. Supp. 2d 26 (2004)



Purposes of the Compact

Promote Public
Safety



Protect the Rights
of Victims

Ensure Effective
Supervision &
Rehabilitation

Control/Track
Movement of
Supervised
Individuals

Rules Applied to Promote Success not Barriers!

Positive
Relationships &
Family Support

Resources/Programs

Ensure
Effective
Supervision &
Rehabilitation

Life Stability

Means of Support &
Employment

Compact Supervision Elements

Duration

Sentencing Authority in the Sending State determines duration of Supervision



Conditions

Supervised individual agrees to conditions imposed by BOTH Sending & Receiving States



Waiver

Supervised individuals applying for transfer must WAIVE rights for extradition



Waiver is valid in all Compact Member States

4. I agree to return to Texas (sending state) at any time I am directed to by the sending state or the receiving state. I know that I may have a constitutional right to insist that the sending state extradite me from the receiving state or any other state where I may be found. This is commonly called the right to extradition. But I also understand and acknowledge that I have agreed to return to the sending state when ordered to do so either by the sending or receiving state. Therefore, I agree that I will not resist or fight any effort by any state to return me to the sending state and I AGREE TO WAIVE ANY RIGHT I MAY HAVE TO EXTRADITION. I WAIVE THIS RIGHT FREELY, VOLUNTARILY AND INTELLIGENTLY.

Offender's signature: _____

Date: _____

Printed name: _____

Witness: _____

Date: _____

Printed name: _____

Authority to Arrest & Detain (Rule 4.109)

Compact supervised individuals may be taken into custody or continued in custody by the receiving state for violating the terms and conditions of supervision



Retaking typically intends revocation of supervision will occur due to non-compliance. Supervised individuals are retaken to a sending state (transported while in custody) under the following scenarios:

- Sending State Initiated *Discretionary* retaking; or
- Receiving State Initiated *Mandatory* retaking when:
 - supervision in the receiving state is no longer feasible,
 - options to address non-compliant behavior have been exhausted and
 - it is documented that the receiving state would pursue revocation (cease community supervision and incarcerate the supervised individual.)

Limited
Exceptions to
Order Return
in Lieu of
Retaking

Mandatory retaking initiated by a receiving state must document options to supervise have been exhausted and that the supervised individual:

- Is apprehended in the receiving state after reported as an absconder (Rule 5.103-1;)
- Has been convicted of a new felony or violent crime and is available for retaking (Rule 5.102;) or
- Engaged in behavior requiring retaking AND specified documented efforts to redirect the behavior are unsuccessful which would result in revocation. (Rule 5.103)

Limited
Exceptions to
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Retaking

Retaking Responsibilities

No bond/release conditions pending retaking See [Rule 5.111](#)

Sending State	Receiving State
Issue Compact compliant 'warrant' (Enter Warrant Details in ICOTS)	Incur cost to incarcerate
Incur cost of retaking	May require PC hearing
Retake within 30 days once 'available'	Keep sending state apprised of location, availability and PC status

Retaking requires a Warrant

Warrants for interstate individuals shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set within 15 business days.

- Incarceration without bail
- Transport while in custody; and
- Probable cause ensuring due process is afforded and violation is substantiated if based on revocable technical violations or absconding. Exceptions include:
 - When the sending state has confirmed the supervised individual will not be subject to revocation once returned; or
 - Geographic distance does not inhibit a supervised individual's ability to present witnesses and exculpatory evidence in a subsequent revocation hearing.

Establish PC
prior to
Retaking!

Common Challenges



Contact Your State's Compact Office for Assistance

Jail Space

- › Pending retaking, individuals must be held
- › Bond/bail not allowed

Transport Cost

- › Less options available
- › Rising cost
- › Sending state incurs cost

Documentation

- › Must be detailed
- › PC prior to retaking documents and confirms violating behavior is revocable

Cost to Incarcerate

- › Pending retaking, the receiving state incurs cost to incarcerate

Time to Retake

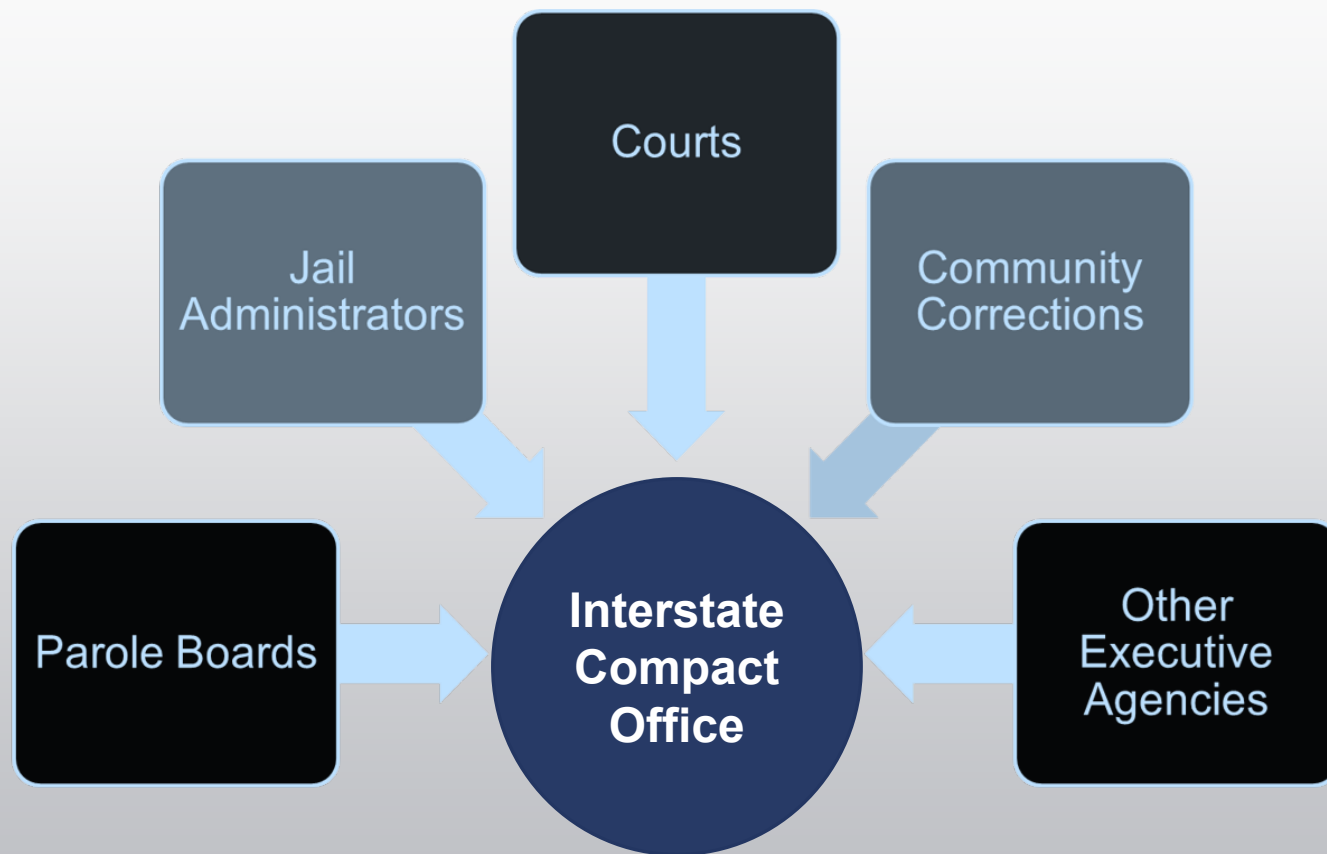
- › Sending state has up to 30 calendar days to retake once offender is solely held on the sending state's warrant

Pending Charges

- › New charges in receiving state?
- › Retaking may not occur without consent of key stakeholders in each state

Interstate Compact Offices

- Administers the Compact
- Point of contact for case-specific questions
- Conducts training
- Resolves issues with other states
- Ensures rule compliance
- Develops & recommends in-state ISC operating procedures to the State Council



<https://interstatecompact.org/regions-states>

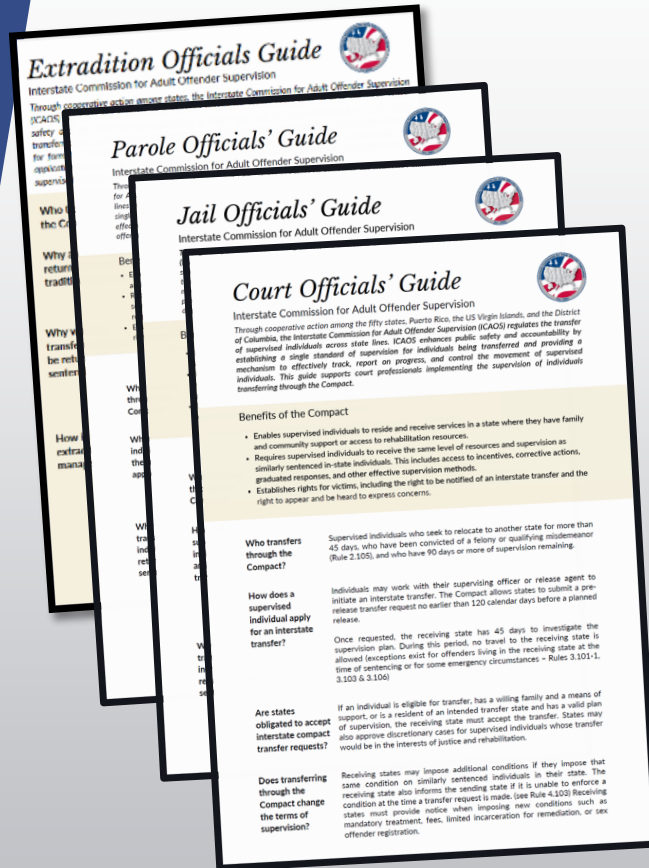
How Can You Help?

- › Work with the County Attorney when an offender is detained on an interstate compact warrant.
- › Ensure County Attorney knows not to file ‘Fugitive from Justice’
- › Work with Judges regarding Interstate Compact rules and recognizing the pre-signed waiver.
- › If a bond is set contact the compact office.
Warrants must be nationwide with no bond

How Can Compact Help You?

- › Confirm whether or not a supervised individual is interstate compact individual
- › Coordinate with probation or parole offices
- › Ensure retaking processes are handled properly
 - › Observe due process rights for subsequent revocation hearings
 - › Timely Detainers and hearings
- › Protect individual liberties while ensuring public safety

New Quick Reference Guides

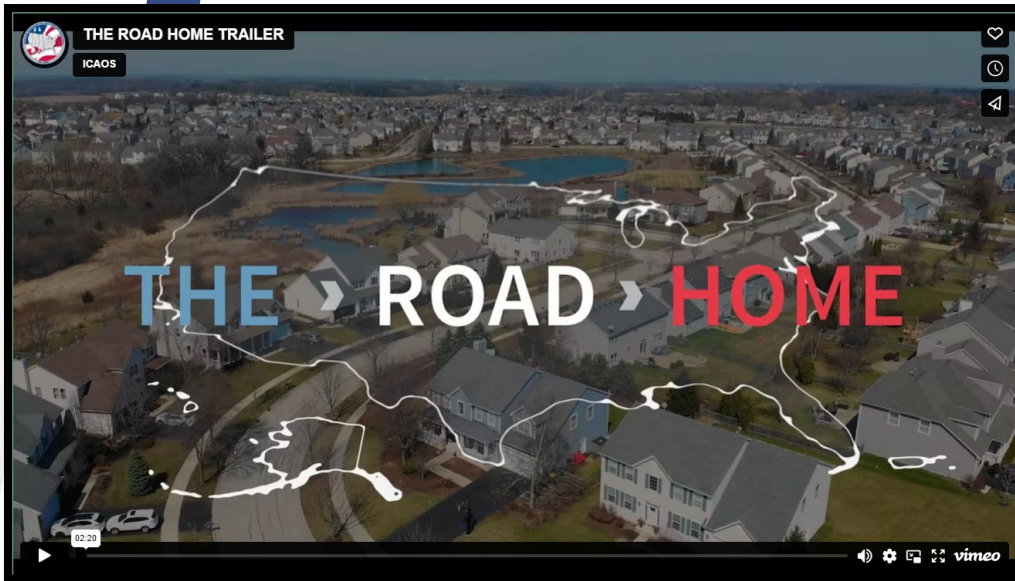


➤ ICAOS Quick Reference Guides:

- Courts
- Jails
- Transport/Extradition Teams
- Parole Officials
- Hearing Officers
- Electronic Signatures



<https://interstatecompact.org/quick-reference-guides>

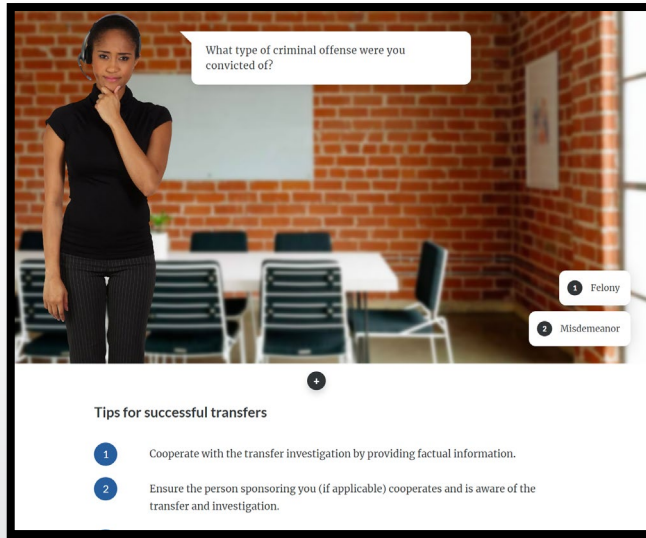


ICAOS Documentary-The Road Home

- Collaboration with NIC
- Follow individuals through the transfer process
- Breaks down stigmas
- Inspirational and everyday journeys of actual supervised individuals
- Educates supervised individuals
- Educates public on community supervision and interstate transfers
- Thousands of views



<https://interstatecompact.org/documentary/the-road-home>

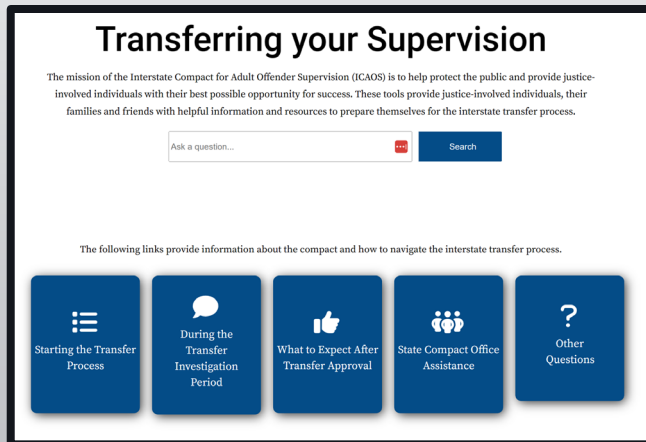


Stakeholder Training & Toolkits

- *How can the Compact assist Stakeholders?*
- *How can Stakeholders assist the Compact?*
- *What toolkits or trainings would promote successful transfers, benefitting public safety?*

Provide Better Training & Tools to:

- *Reduce transfer rejections*
- *Promote better outcomes in supervision*
- *Enhance public safety*
- *Empower individuals*
- *Ensure supervised individual understand expectations during the transfer process and supervision*



<https://interstatecompact.org/resources/transferring-your-supervision>

➤ Warrant Notification Project

- Partnership with National Consortium for Justice Information & Statistics as well as Interstate Compact for Juveniles
- Triggers a notification for subscribers when warrants are checked through the NCIC Wanted Persons File
- Notice also occurs if a law enforcement encounter triggers a wants and warrants check
- Individuals with unknown outstanding issues can work with officers on a plan

JRI GRANT
Automated Notification Service

An automated subscription notification service (SNS) that sends notifications to supervision officials when arrest warrants are issued for offenders whose supervision has been transferred to another state.

HOW DOES IT WORK

- States subscribe to the NLETS (National Law Enforcement Telecommunication System) hosted notification service that executes CJIS queries at the state-level environment.
- The service establishes an automated and suitable warrant status 'check' for compact offenders.
- The notification process involves monitoring for a triggering event, either the issuance of an arrest warrant or contact with law enforcement in another state, and then alerting the subscriber.

WHY SUBSCRIBE?

There is no automated or reliable way for states to check the warrant status for the 50,000 compact offenders that transfer their supervision each year.

Supervision officials have no means to learn that a warrant is issued without specifically querying national wanted person systems.

WHAT ARE THE BENEFITS

- Receiving state supervision officials are notified when a warrant is forwarded to the NCIC wanted persons file.
- Notices also occur if a compact offender has an encounter with law enforcement that prompts a wants and warrants check.
- Offenders, including non-compact offenders, are automatically entered into the NCIC 'supervised release file, broadening the scope of 'triggering events' monitored by the SNS.

HOW TO SUBSCRIBE

One
The state's ICADS commissioner and CJIS security officer conduct an initial meeting with the ICADS national office and SEARCH.

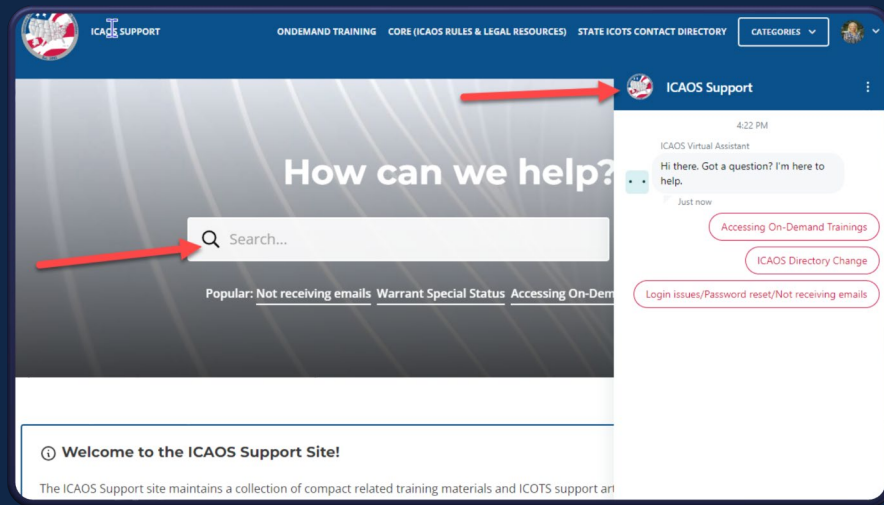
Two
Enter into a management control agreement using an established template that may be modified based on individual state requirements.

Three
Allow SEARCH to establish a connection with the state's messaging system.

“Within the first week of receiving notifications, we discovered four offenders who had outstanding warrants. Three were from states that had initiated discretionary retaking without notice, and one was a local warrant issued by a third state. This service has enormous public safety benefits.”

Dori Littler
Commissioner, AZ

“Within the first week of receiving notifications, we discovered four [supervised individuals] who had outstanding warrants. Three were from states that had initiated discretionary retaking without notice, and one was a local warrant issued by a third state.” **Arizona Commissioner, Dori Littler**



<https://www.interstatecompact.org/core-search>
<https://www.interstatecompact.org/bench-book>
<https://support.interstatecompact.org/hc/en-us>



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Questions and/or Suggestions?

