



Interstate Compact for the Parole Board Member

Interstate Compact for Adult Offender Supervision

Presented by:

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Presentation Objectives

Today you will learn about:

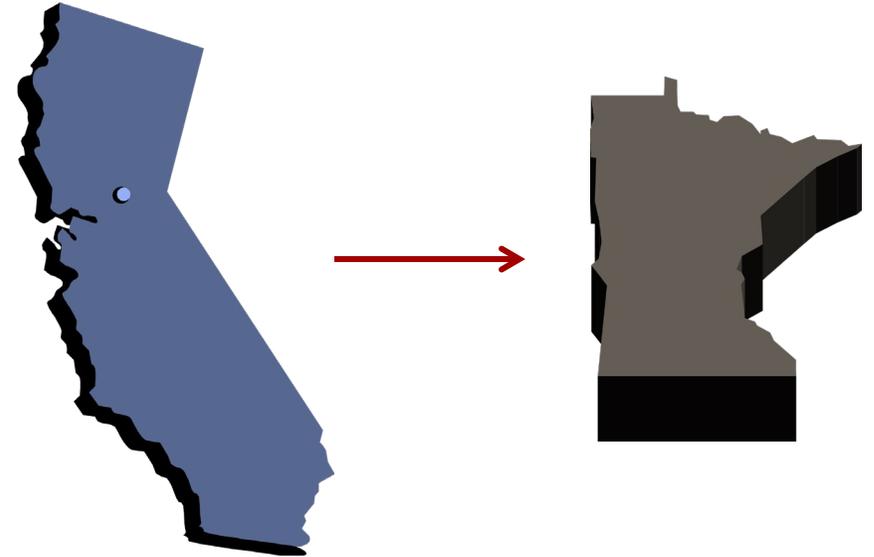
- › Overview of the Compact Transfer Process
- › Supervision Expectations
- › Strategies for Addressing Non-Compliant Behavior vs. Retaking

Interstate Compact for Adult Offender Supervision



ICAOS regulates how offenders are:

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





Purpose of ICAOS

Promote Public Safety

Ensure Effective
Supervision &
Rehabilitation



Protect the Rights
of Victims

Control/Track
Movement of
Offenders

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



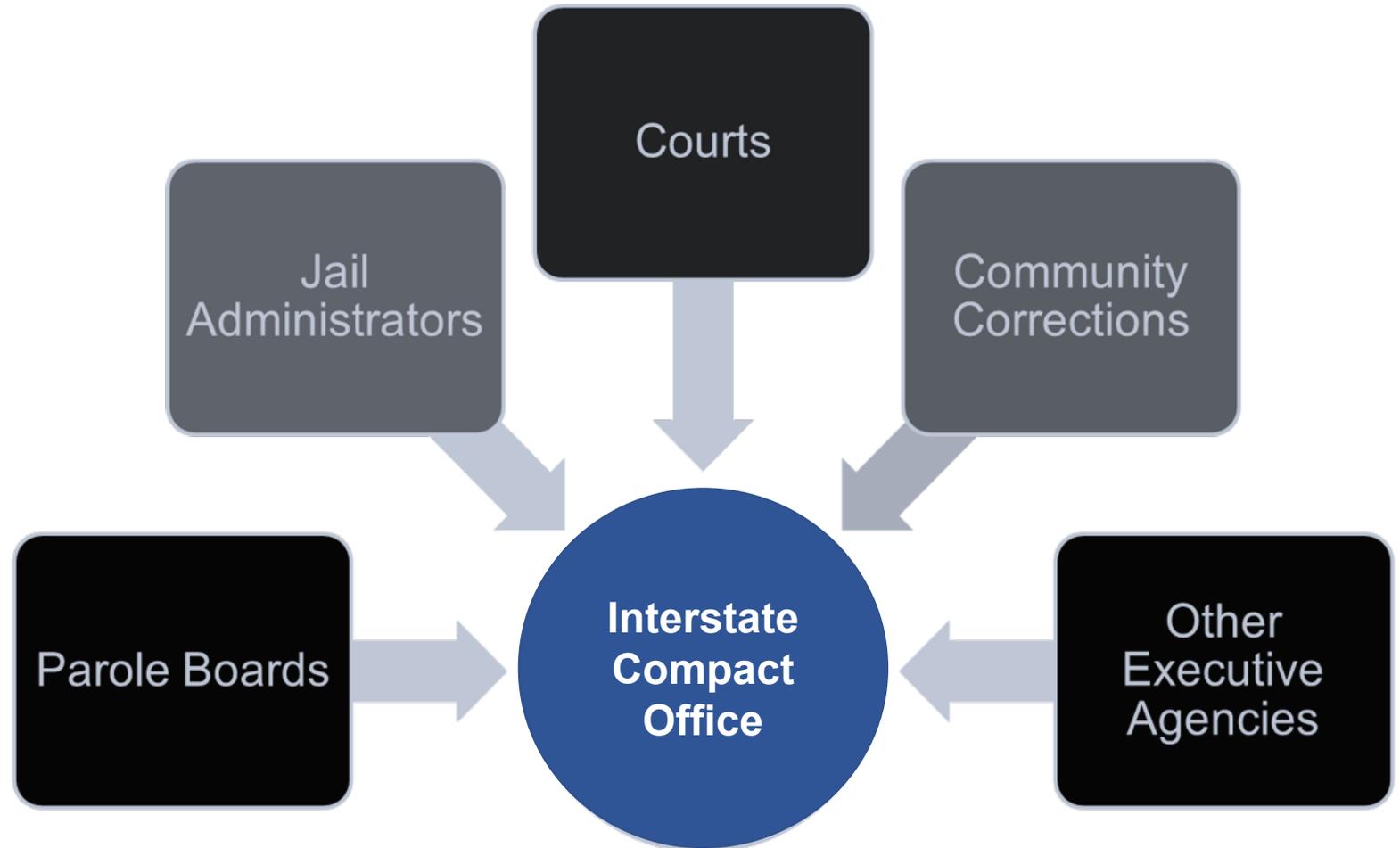
Implications of Non-Compliance

It is incumbent upon prosecutors, judges and other state officials to understand the requirements of the Compact and its rules, as well as the consequences of non-compliance.

Failure of state judicial or executive branch officials to comply with the Compact and its rules results in the state defaulting on its obligations under the Compact and could lead the Commission to take corrective or punitive action, including suit in federal court for injunctive relief.

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 State Council



ICAOS Directory <https://www.interstatecompact.org/regions-states>

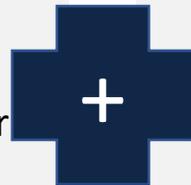
What Triggers the ICAOS?



Offender

Adult who commits a criminal offense (all felonies & specific misdemeanants)

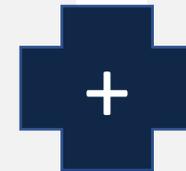
- › Subject to 'supervision'; and
- › Released to the community under the jurisdiction of:
 - › Courts
 - › Paroling Authorities
 - › Corrections
 - › Other Criminal Justice Agencies



Supervision

2 Distinct criteria:

- › Oversight exercised by a controlling authority, which includes:
 - › Courts
 - › Paroling Authorities
 - › Corrections
 - › Other Criminal Justice Agencies
- › Required to monitor regulations or conditions, other than monetary



Relocate

Offender means to remain in another state for **more than 45 consecutive** days in any 12 month period.

Mandatory versus Discretionary Transfers

Mandatory

All Transfers should illustrate
Successful Completion of
Supervision
Public Safety
Rehabilitation of Offenders
Protect Rights of Victims

Discretionary

Receiving State must accept supervision if:

- Mandatory criteria transfer is met; and
- Information is verified; and
- Plan is valid; and
 - *Acceptable for in state offender*
- Required documentation is provided

Receiving state may accept or reject supervision in a manner consistent with the purpose of the compact

- Sending state must justify “WHY”
- Rejections must include specific reasons for rejection

What Makes an Offender Eligible for Transfer?

1

Time Remaining on Supervision

The offender has more than 90 calendar days or an indefinite period of supervision remaining

2

Valid Plan

The Offender has a valid plan of supervision

3

Compliance

The offender is in substantial compliance with the terms of supervision

4

Resident/Family

The offender is a resident or has resident family and a willingness to assist the offender AND the offender can obtain employment or has a means of support

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)

Pre-Release Transfer

Submit request within 120 calendar days prior to release date

Sending state shall notify receiving state if:

- the planned release date changes, or
- if release date has been withdrawn or denied



Compact Supervision in a Receiving State



Supervision standard consistent with similar offenders sentenced in the Receiving State

Same programs, incentives, sanctions/interventions

~~FAILURE~~
SUCCESS



'Participation in the ICAOS ensures not only the controlled movement of offenders under community supervision, but also that out-of-state offenders will be given the same resources and supervision provided to similar in-state offenders including the use of incentives, corrective actions, graduated responses and other supervision techniques'

Excerpt from ICAOS Benchbook for Judges & Court Personnel

Supervision Goals



- › Less offenders returning to institution for formal revocation
- › New strategies to address non-compliant behavior
- › Exhaust alternatives to revocation while the offender is supervised in the receiving state
- › Ensure retaking is initiated **ONLY** when it **MAKES SENSE!**
 - › Retaking isn't guaranteed to be permanent
 - › Retaking costs \$\$
 - › Documentation should support revocation

Compact Supervision in a Receiving State

Common Challenges



Differences in Supervision

- › States' responses to behavior and path revocation vary across jurisdictions
- › Recognizing another state's documentation

Stakeholder Involvement

- › Ensure sanctions are exhausted before requiring retaking
 - › If offender is retaken, it means receiving state would revoke
- › Actions and documentation provided by another state
- › Ensure compliance: warrants, timeframes, costs
- › New pending charges = Offender not available for retaking (*unless key stakeholders in both states agree due to public safety concerns*)

Tools & Training



- › **ICAOS Quick Reference Guides:** *Relate to your own instate processes*
 - › Courts
 - › Jails
 - › Transport/Extradition Teams
 - › Probationer/Parolee: Work WITH individuals transferring. Understanding of the process & cooperation promotes acceptances.
- › **Stakeholder Training: Keep Collaborative**
 - › *How can Compact assist?*
 - › *How can Stakeholder assist Compact?*

State Initiative Examples

Promoting Successful Supervision

Minnesota

- Hearing & Release Unit using standardized Prehearing Worksheet (risk based)
 - For incoming cases: Apply worksheet to compact cases to determine whether to resume supervision or pursue retaking
 - For outgoing cases: When violation does not meet criteria for a revocation hearing, MN communicates with the receiving state to avoid retaking when no chance of return to institution is known



Nebraska

- Parole Board Member on NE's State Council
 - Promotes NE's Authority over out of state cases in its Behavioral Management System
 - Ensures NE exhausts/documents ALL efforts to bring offenders into compliance before requiring retake by sending state
 - Including Board of Parole imposed custodial sanctions (up to 60 days) & other revocation alternatives



South Dakota

- Parole case staffing committee reviews revocation recommendations for BOTH instate and compact cases
 - Ensures consistency and compliance w/ ICAOS Rules
 - Technical violations rarely result in revocation in SD, so retaking is rarely initiated for interstate cases supervised in SD
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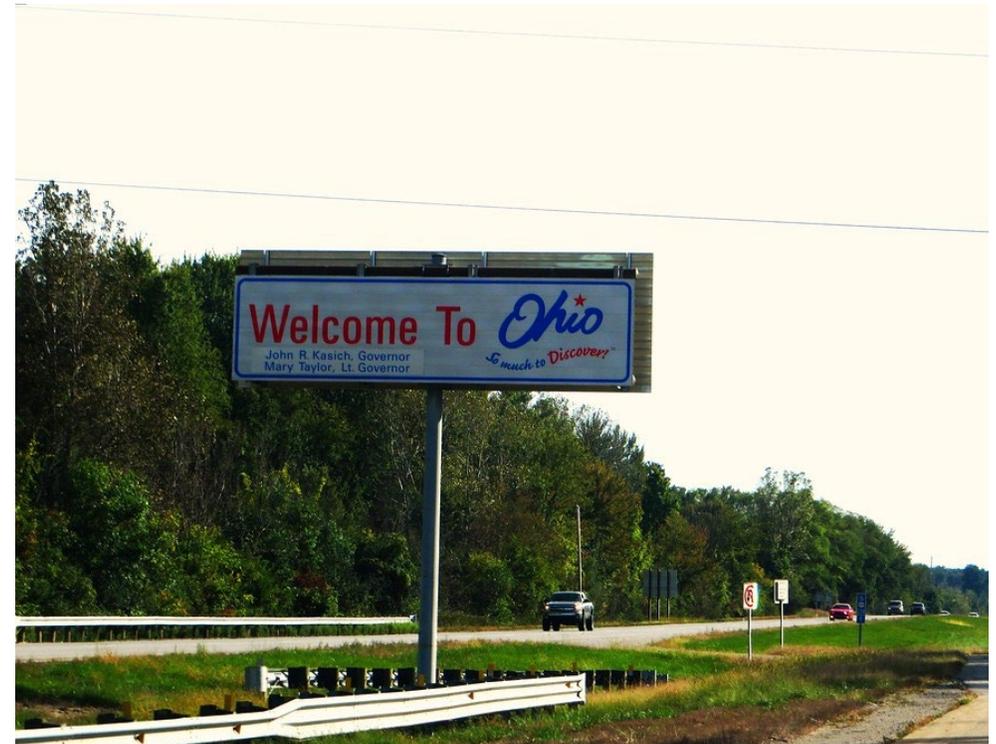
Missouri

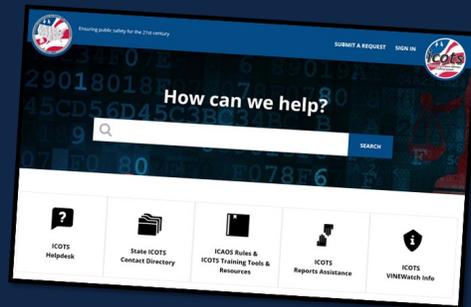
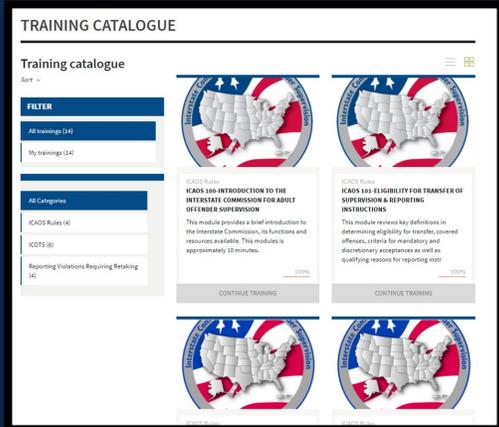
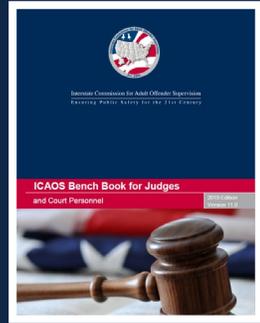
- Lead parole analyst works closely with interstate office
 - Familiar w/ ICAOS Rules & Processes
 - Anticipates questions from board members when dealing with retaking cases and out of state violation documentation



Ohio

- Utilization of violation matrix ensures considerations were made for compact cases
 - Interstate Office has close relationship with Parole Board & Hearing Officers
 - Hearing Officers qualify that supervising officer in Ohio has exhausted efforts and ensure retake for a compact offender = revocation level
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<https://www.interstatecompact.org/core-search>

<https://www.interstatecompact.org/bench-book>

<https://support.interstatecompact.org/hc/en-us>

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