

Jail Officials' Guide



Interstate Commission for Adult Offender Supervision

Through cooperative action among states, the Interstate Commission for Adult Offender Supervision (ICAOS) regulates the transfer of supervised individuals across state lines. ICAOS enhances public safety and accountability by establishing a single standard of supervision for individuals being transferred and providing a mechanism to effectively track, report on progress, and control the movement of supervised individuals who may be returned to a sending state without an extradition proceeding due to an applicant waiver. This guide supports jail officials managing detention and disposition of individuals on interstate compact supervision.

Benefits of the Compact

- Enables supervised individuals to reside and receive services in a state where they have family and community support or access to rehabilitation resources.
- Requires supervised individuals to receive the same level of resources and supervision as similarly sentenced in-state individuals. This includes access to incentives, corrective actions, graduated responses, and other effective supervision methods.
- Establishes rights for victims, including the right to be notified of an interstate transfer and the right to appear and be heard to express concerns.

Who transfers through the Compact?

Supervised individuals who seek to relocate to another state for more than 45 days, who have been convicted of a felony or qualifying misdemeanor (Rule 2.105), and who have 90 days or more of supervision remaining.

How does a supervised individual apply for an interstate transfer?

Individuals may work with their supervising officer or release agent to initiate an interstate transfer. The Compact allows states to submit a pre-release transfer request no earlier than 120 calendar days before a planned release.

Once requested, the receiving state has 45 days to investigate the supervision plan. During this period, no travel to the receiving state is allowed (exceptions exist for offenders living in the receiving state at the time of sentencing or for some emergency circumstances – Rules 3.101-1, 3.103 & 3.106)

Why would a transferred individual be returned to the sentencing state?

Sentencing states have the sole discretion to retake any individual who transfers through the Compact. (Rule 5.101)

Retaking may also be initiated when a supervising state has exhausted all available options to supervise a non-compliant transferee and one of the following occurs: a conviction for a new felony offense or violent crime (Rule 5.102), the supervised individual has engaged in behavior requiring retaking (Rule 5.103), or the individual absconds (Rule 5.103-1).

What happens after a supervising state initiates retaking?

When retaking is initiated by a supervising state, a sending state has 15 days to issue an NCIC warrant for nationwide pickup with no bond amount set and without eligibility for bail or release (Rule 5.101). Once the receiving state detains the supervised individual, the sending state has 30 days to return the individual (Rule 5.105). Importantly, the sending state may request a probable cause hearing to establish facts likely to be used later in any revocation proceeding. (Rule 5.108).

What are the holding requirements for the return of supervised individuals?

The receiving state must detain supervised individuals pending retaking. Jails may not authorize an individual's release without the compact office's approval and acknowledgment, including when a sending state fails to pick up the individual within the thirty days required for retaking. (Rules 2.101 & 5.111)

Who bears the incarceration cost for a Compact supervised individual?

The receiving state is responsible for the cost of holding an individual before retaking via a nationwide warrant. The sending state is responsible for the cost of the retaking, including transportation costs.

Are there other implications of using the Compact?

Failure to comply with the Compact and its rules can result in a state defaulting, resulting in a corrective or punitive action including injunctive relief.

How does the use of the Compact affect the use of extradition proceedings?

Supervised individuals apply for a transfer and waive their rights to an extradition proceeding or governor's warrant through the transfer application.

Frequently Asked Questions

30 Days & Retaking

When does the 30 days allowed for retaking start or how is it calculated?

- Thirty days begin when the client becomes available for retaking and is held solely on the sending state warrant (no other holds exist e.g. bail). Additionally, if probable cause is requested, the 30 days does not begin until the results establishing probable cause have been received by the sending state.

What if jail space does not exist or the thirty days allowed for holding a supervised individual is nearing the end without a resolution from the sending state?

- Early and consistent communication with your state compact office is critical to avoiding delays or navigating challenges. If the end of the thirty days is nearing or has occurred, consult your state's compact office and ask to engage your state's Commissioner in a resolution before releasing an individual held for an interstate compact matter.
- Per Rule 5.111, individuals must be held pending retaking. Rule 2.101 requires that any decisions regarding changes in the supervision of a compact-supervised individual be made only with the involvement of the state's compact office.

Are there limitations to a sending state's retaking of a supervised individual?

- Yes. Unless compact administrators from each state have agreed to retake due to public safety or victim safety concerns, a sending state officer may not take custody of a supervised individual when a detainer has been placed by the receiving state, pending charges exist, or extradition proceedings have been initiated against the individual by a third-party state.

Contacts & Information

When should a jail official communicate with ICAOS?

- Jail officials may communicate with their interstate compact office at any time to better understand the process and implications of transferring and managing supervision between states. There is a [directory](#) for each state's Interstate Compact office on the ICAOS website that references each state's Commissioner, deputy compact administrator, and state council members.

Where may I find more information about legal considerations related to the Interstate Compact?

- The [ICAOS Bench Book](#) is an excellent supplemental resource to the full [ICAOS Rules](#).