



2021 ICOTS & Rule Proposals

Interstate Commission for Adult Offender Supervision

Presentation Objectives

Today you will learn about:

- › ICOTS Proposal for Warrant Tracking
 - › Warrant Status Bundle
 - › New Discretionary Retaking Activity
- › ICAOS Rule Proposals
 - › Voting procedures
 - › Cost for related ICOTS changes
 - › Practical impact & considerations for states

2019 Warrant Audit State Responses

- › Verification/Review to ensure compact compliant warrants:
 - › Compact Offices - 78%
- › Entry of warrants into NCIC:
 - › Local sheriffs - 70%
 - › Department of Corrections - 46%
 - › Other local authorities – 30%



ICOTS Proposal for Warrant Tracking (2 SEPARATE VOTES)

#1 Warrant Status Bundle

Cost: \$56,565

- › New special status – Warrant Status: \$36,525
- › New warrant status email notifications: \$16,500
- › Warrant status data export: \$3,540



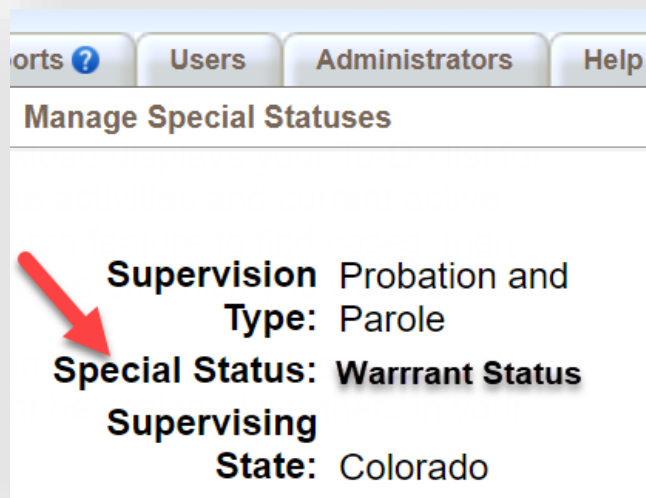
#2 New Discretionary Retaking Activity

Cost: \$38,625

A screenshot of a web interface. The top part shows a list of report types with radio buttons: 'Request for Reporting Instructions Reply', 'Transfer Request Reply', 'Notification of Arrival', 'Response to Violation Report', 'Addendum to Existing Response to Violation Report', 'Case Closure Notice Reply', 'Compact Action Request Reply', and 'Discretionary Retake'. A red arrow points to the 'Discretionary Retake' option. Below this is a form titled 'Discretionary Retake' with the logo of the Interstate Commission for Adult Offender Supervision. The form contains fields for 'To:' (Virginia), 'Date:' (05/24/2021), 'Type of supervision:' (Parole checked, Probation unchecked), 'Is this case:' (Sex Offender and Victim sensitive unchecked), 'From:' (Texas), 'Phone #:' (512-406-5990), and 'Fax #:' (512-454-0469). Below the form is a section labeled 'OFFENDER INFORMATION'.

Warrant Status Bundle: \$56,565

New Special Status



Email Notifications

From: ICOTS Notification <icots@globalnotifications.com>
Sent: {DATE}
To: {USER EMAIL}
Subject: Warrant Status Update information is NEEDED for {STATE} offender {OFFENDER_NAME} ({OFFENDER_ID})

This email is a notification that Warrant Status update information is NEEDED for {STATE} offender {OFFENDER_NAME} ({OFFENDER_ID}), based on {Notification Trigger Reason (see note at bottom)}.

**IMPORTANT*: Arrests should not occur based on this information alone. Warrant Status does not necessarily indicate an active NCIC warrant, though the process of issuing a warrant may have been initiated. Inaccurate information should be reported to your state compact office immediately.*

Offender Name: {OFFENDER_NAME}
Age: {Age based on DOB}
ICOTS Offender #: {OFFENDER_ID}
ICOTS Case #: {COMPACT_CASE_ID}

Sending State: {SENSTA}
Receiving State: {RECSTA}
Supervision Type: {SUPERVISION_TYPE}
Special Status: {SPECIAL_STATUS_LIST}
Offender Profile: {OFFENDER_PROFILE_URL}

Triggered by ICOTS activities/action and missing warrant data (e.g. NCIC verification)

Data Export

Data Field	Required to Create Record	Considered 'INCOMPLETE' Without (part of email triggers)	Displayed in Email Notifications
[WARRANT_STATUS_ID] Unique identifier			
[CREATED_TS] Date Warrant Status was created			
[CREATED_BY] User that updated Warrant Status			
[UPDATED_TS] Date Warrant Status was last updated			
[UPDATED_BY] User that updated Warrant Status			
[OFFENDER_ID] Unique offender ID in ICOTS			
[WARRANT_STATUS] Current status of the warrant record, values = [Active][Executed][Withdrawn]			
[Date] Request for a warrant be issued was sent to the Court/Parole Board/Other Issuing Authority			YES
[Date] Court/Parole Board/Other Issuing Authority issued the warrant	YES	YES	YES
[Name/Title] of Issuing Authority	YES	YES	YES
[Text] Contact info for Issuing Authority (Email, phone, address, etc.)			
[Text] Warrant Identifier Number (NIC Number)			YES
[Date] Warrant NCIC entry			YES
[Date] Warrant Served Record becomes 'read only'			YES
[Date] Warrant Withdrawn Record becomes 'read only'			YES

Warrant Status Bundle: Workflow

Add Warrant Status records anytime via the Offender profile

ICOTS will prompt the user (via email notifications) to add warrant records upon submission of:

- Failure to Arrive;
- Mandatory Retaking (via Violation Report) w/Sending state response of ‘Warrant Issued/Requested;’ or
- New Discretionary Retaking (If approved, separate vote)



‘Warrant Status Update Needed’ notifications sent when required fields are blank:

- Warrant issuing authority
- NCIC verification date

- Warrant Status record historical after indicating warrant is ‘withdrawn’ or ‘served’

Warrant Status Functionality

-

Allows for multiple entries by various users with a time/date audit trail of ICOTS user entry data.

-

Warrant data can be added to any active or historical record (*e.g. absconder cases may be closed when entering warrant information*)

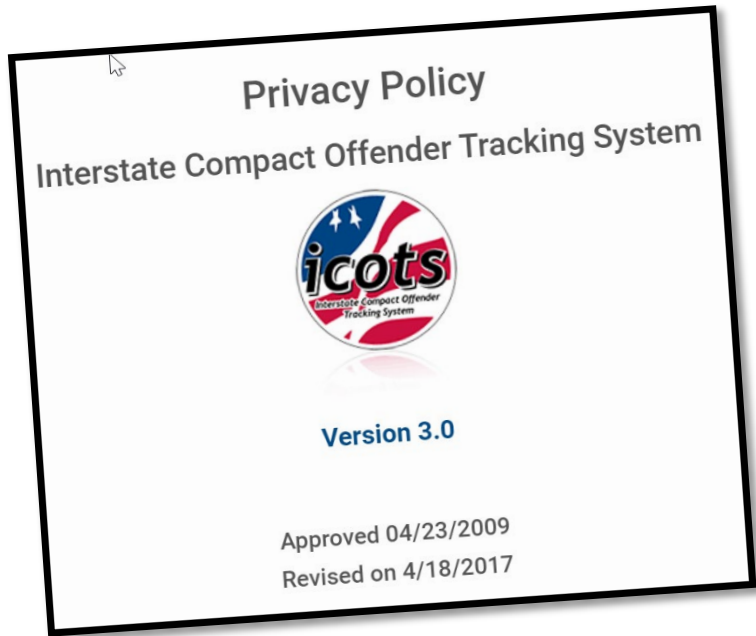
-

Sending state-assigned PO, supervisors, and compact office can enter warrant status data (Compact Office does NOT need to reassign case)

-

Clear audit trail of who, what, and when an entry is made.

Warrant Status Expectations for States



- Make training a priority. Procedures to obtain compact compliant warrants varies by state. System only as good as the data.
- Self-audit regularly to ensure ICOTS privacy policy compliant data entry.
- Ensure users know that ICOTS/ICAOS does not confirm active/compliant warrants. States will need to verify. *Disclaimer included in screens & email notifications*

Discretionary Retaking Activity: \$38,625

- › Communicates Sending State's intent to Retake under Rule 5.101 (b) 'retake an offender via warrant'
- › Mirrors Progress Report workflow, except sending state transmits:
 - › PO->Supervisor->Compact Office.
 - › When transmitted to the Receiving State, the activity will become final except for the assigned user's ability to withdraw
- › Compliments the New Warrant Status Enhancement as a trigger for email notifications to instruct the user to enter a 'Warrant Status Record'

Interstate Commission for Adult Offender Supervision		Discretionary Retake	
To: Virginia	Date: 05/24/2021	Type of supervision: <input checked="" type="checkbox"/> Parole <input type="checkbox"/> Probation	Is this case: <input type="checkbox"/> Sex Offender <input type="checkbox"/> Victim sensitive
From: Texas	Phone #: 512-406-5990	Fax #: 512-454-0469	

OFFENDER INFORMATION

Reports ? Users Administrators Help

- Request for Reporting Instructions Reply ?
- Transfer Request Reply ?
- Notification of Arrival ?
- Response to Violation Report ?
- Addendum to Existing Response to Violation Report ?
- Case Closure Notice Reply ?
- Compact Action Request Reply ?
- Discretionary Retake

Discretionary Retake Activity Considerations

- › Tracks frequency Rule 5.101 (b) is invoked
- › Communicates ‘reason’ sending state invoked retaking
- › Captures compliance data for notifying receiving state within 15 business days of warrant issuance
- › Prompts users to enter a ‘warrant status record’ if not entered previously



Technology Committee Recommendation

- › **Warrant Status Bundle:**
Unanimous recommendation to approve at 2021 ABM
- › **Discretionary Retaking Activity:**
Neutral on prioritization for 2021 ABM pending region discussions

$$\begin{aligned} &\text{Warrant Status Bundle:} \\ &\quad \$56,565 \\ &\quad + \\ &\text{Discretionary Retake} \\ &\text{Activity:} \\ &\quad \$38,625 \\ &\quad = \\ &\textbf{Total \$95,190} \end{aligned}$$

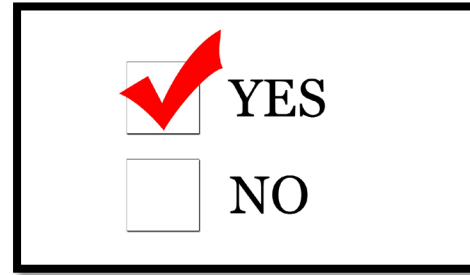
ICAOS Rule Proposals

ABM 2021

Summary of Proposals

1 Bylaw Vote

3 Rule Proposal Votes



Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS/ FAIL
ByLawArt2Sect2	Executive	Add NDAA as ex-officio member	N/A	N/A	N/A	
1.101-Revise Definition of 'Resident'	Rules	Change qualification for 'resident' to lived in the receiving state 1 year prior to sentencing or supervision start date	Yes	Yes	Yes \$1,020	
5.108-Probable Cause Hearing in the Receiving State	Midwest	Clarify PC must be established prior to retaking on a violation that is actually revokable in the receiving state	Yes	Yes	No	
2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1	Rules	Expand (except 5.101) timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking	Yes	Yes	Yes Separate Vote	

By-Law Proposal Article 2, Section 2

Section 2. Ex-Officio Members

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense, National District Attorneys Association and the International Association of Chief of Police may be ex-officio members of the Commission.

Adds National District Attorney's Association as ICAOS ex-officio member

Oldest/largest association of prosecutors: 5,000 members

Previous collaborations:

- Training
- Information Sharing

Rule 1.101

'Resident' Definition

- Current definition is:
 - Restrictive
 - Commonly misapplied
 - Causes delays/denials

- Qualifying reason remains tied to commission of offense for which a transfer is requested

- Individuals who have resided in the receiving state for an extended time between commission of the offense and placement on supervision, will qualify as 'resident' under this revised definition

Rule 1.101 Definitions

“**Resident**” means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person's principal place of residence.; and
3. has not, unless incarcerated or under active military orders deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.



ICOTS Change: Remove Definitions from Transfer and Transfer Reply PDFs **\$1,020**

Rules Committee Recommends Adoption

Rule 1.101 'Resident' Definition

Implications for Approving Definition of 'Resident'

Rule 1.101 Definitions

“Resident” means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person’s principal place of residence; and
3. has not, unless incarcerated or under active military orders ~~deployment~~, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

- Need for ICOTS user & Stakeholder training on new criteria for mandatory transfer

- Anticipate increase in eligible offenders for transfer under ‘resident’ reason

- Anticipate improved acceptance rates for ‘resident’ due to common misapplication under current definition

- Considers where the offender lived immediately prior to EITHER the supervision start date or sentence date, rather than where offender lived prior to committing the offense.

Rule 5.108 (b) & (f)

Probable Cause Hearing in the Receiving State

- Rule 5.108 (b) Additional language clarifies the waiver must include admission of a revocable violation.

ICAOS Benchbook for Judges:
“the intent of the rule is that the offender must admit guilt to a violation that would result in revocation.”

Rule 5.108 – Probable cause hearing in receiving state

- (a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.



ICOTS Change: **NONE**

Rules Committee Recommends Adoption

Rule 5.108 (b) & (f)

Probable Cause Hearing in the Receiving State

- Rule 5.108 (f) Ensures PC hearing reports meet proper criteria illustrating probable cause for a ‘revocable’ violation.

ICAOS Benchbook for Judges:
“officials in the receiving state must show through documentation that the offender has engaged in behavior requiring retaking.”

Rule 5.108 – Probable cause hearing in receiving state

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer’s report, notify the receiving state of the decision to retake or other action to be taken.



ICOTS Change: **NONE**

Rules Committee Recommends Adoption

5.108 (b) & (f)

Probable Cause Hearing in the Receiving State

Implications for Approving Rule 5.108

Rule 5.108 – Probable cause hearing in receiving state

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing

- Clarifies the intent of the Rule consistent with training, ICAOS Hearing Officer's Guide & ICAOS Benchbook

- Ensure documentation illustrates the offender engaged in revocable behavior
 - › PC Waivers
 - › PC Hearing Results

1. Behavior Requiring Retaking

[PDF](#)

Attachments

No violation attachments provided

Probable Cause Records

	Date	PC Established	Description	Attachment	PDF
	09/30/2020	—	Awaiting Hearing		
NEW	10/30/2020	Yes	Hearing Complete - 10/29/2020		

Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1
15 Business Day Standard for Issuing Compact Warrants

Summary of Rules

Rules 2.110, 4.111 &
5.103

Offender does not return as ordered (Expands timeframe from 10 to 15 business days)

Rules 5.101

Offender does not return as ordered (Reduces timeframe from 30 calendar to 15 business days)

Rule 5.102

Creates timeframe to issue warrant after invoking mandatory retaking for new felony or violent crime conviction

Rule 5.103-1

Expands timeframe from 'upon receipt' to 15 business days

Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1
15 Business Day Standard for Issuing Compact Warrants

Implications for Approving 15 Business Day Standard

Standard timeframe improves efficiency for stakeholder training

Streamlines audit standards for new potential 'Warrant Status' ICOTS enhancement



Reminder: ICOTS Enhancement related to warrant tracking is an independent vote at 2021 ABM.

Ensures timeframe supports public safety and efficient actions for managing offender movement as required in each state's compact statute



April 1, 2022

Effective Date for Rule Proposals & ICOTS Enhancements

Bylaw amendment takes effect immediately upon Commission approval

2021 Rule/ICOTS Proposal Summary

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?
ByLawArt2Sect2	Executive	Add NDAA as ex-officio member	N/A	N/A	N/A
1.101-Revise Definition of 'Resident'	Rules	Change qualification for 'resident' to lived in the receiving state 1 year prior to sentencing or supervision start date	Yes	Yes	Yes \$1,020
5.108-Probable Cause Hearing in the Receiving State	Midwest	Clarify PC must be established prior to retaking on a violation that is actually revokable in the receiving state	Yes	Yes	No
2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1	Rules	Expand (except 5.101) timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking	Yes	Yes	Yes Separate Vote
ICOTS	Proposed by	Proposal Description/Justification	TC review Complete?	RC/TC Recommend?	ICOTS Cost
New Warrant Status Tracking/Audit Tool	Rules/ Tech	<ol style="list-style-type: none"> New Warrant Status for ICOTS records: User entered data related to compact compliant warrants. New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information) New managed activity for Discretionary Retaking 	Yes	Yes-Warrant Status Tracking Neutral-Disc Retake	Yes Warrant Status Bundle - \$56,565 New Disc Retaking activity - \$38,625 = \$95,190 Total



Thank You

Interstate Compact for Adult Offender Supervision