

# Parole Officials' Guide



## Interstate Commission for Adult Offender Supervision

*Through cooperative action among the fifty states and three US territories, the Interstate Commission for Adult Offender Supervision (ICAOS) regulates the transfer of supervised individuals across state lines with the force of federal law. 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. This guide offers parole officials useful information and practical insights for implementing the Compact.*

### 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.

### **When may an individual begin the transfer application?**

Requests may be submitted within 120 calendar days before a release date. The sending state must notify the receiving state if the planned release date changes or if the release is withdrawn or denied.

Once requested, the receiving state has 45 days to investigate the supervision plan. During this period and with limited exceptions, travel to the receiving state is not permitted. (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 factors should be considered before requesting behavior requiring retaking?**

Ensure that incentives and sanctions have been exhausted. Documentation must demonstrate that non-compliance would have resulted in revocation in the receiving state and that the intent is for the sending state to revoke rather than retake and reprocess the supervised individual for a subsequent return to the receiving state. Retaking is costly for both states and can increase public safety concerns.

**What happens after a supervising state initiates behavior requiring 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 and they are available for retaking, the sending state has 30 days to return the individual (Rule 5.105).

The sending state may request a probable cause hearing to establish facts likely to be used later in any revocation proceeding. (Rule 5.108).

**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.

**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.

**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.

# Frequently Asked Questions

## Process & Procedure

### **Are sending states obligated to permit a supervised individual's Interstate Compact transfer?**

- No. Supervised individuals do not have a right to interstate travel or supervision in another state. The sending or sentencing state is the final authority on whether to allow a transfer request to proceed.

### **If an individual is released in a sending state before an approved transfer, how and when do they travel to the receiving state?**

- With limited exceptions, no travel is permitted while the investigation is pending. (See Rules 3.101-1, 3.103 & 3.106) Sending state supervising officers or institutional case managers should inform the supervised individual of the authorized travel date.
- Proof of the mode of transportation indicating departure and arrival may be required. Transferring individuals should consult with their supervising officer or institutional case manager for detailed documentation requirements.

### **Are there fees for individuals seeking a transfer?**

- Possibly. Sending states may impose transfer application fees that must be collected before a transfer. Receiving state fees, including continuing supervision fees, must be consistent with other offenders in the receiving state, not just other transferred individuals.
- Sending states may not charge nor collect continuing supervision fees once supervision has been transferred to the receiving state.

## Contacts & Information

### **Who should the parole board contact regarding Compact issues?**

- 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. You may communicate with your interstate compact office at any time to better understand the process and implications of transferring and managing supervision between states.

### **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](#).