COVID-19
Interstate Compact Response – April 2020

Presentation Objectives

In this webinar you will learn about:

› Emergency Guidelines Policy
› AP 01-2020
› Expectations During Pandemic
› Compliance Concerns
› Rule Timeframes
› State Actions Impacting Compact
“The safety, health, and well-being of offenders, victims, staff, and communities shall be considered when making decisions and determining actions related to (Compact duties) travel, transfers, and returns.”

Emergency Guidelines

Policy Provisions

• Procedures for documenting disruptions in compact related duties during an emergency
• State MUST maintain required services to the greatest extent possible under the emergency circumstances
• State must continue to follow ICAOS rules and procedures
• States shall cooperatively work to address each case on an individual basis with an emphasis on communication designed to foster public safety and positive supervision outcomes.
Requirements for Imposing Restrictions

1. Specific contact information to allow for continued or ongoing communication

2. Date of effect and timeframe (<=60 days)

3. Authority by which changes are adopted

4. Explanation and description of specific Compact duties affected

Emergency Guidelines

<table>
<thead>
<tr>
<th>What the Policy Allows</th>
<th>What the Policy Does Not Allow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requires states to conduct business to the best of its ability</td>
<td>Unlimited restrictions with no end date</td>
</tr>
<tr>
<td>Consistent treatment of states</td>
<td>Blanket denial of cases</td>
</tr>
<tr>
<td>Allows for limitations on offender movement</td>
<td>Suspending efforts to collaborate and communicate</td>
</tr>
<tr>
<td>Cooperatively work together on a case by case basis</td>
<td></td>
</tr>
</tbody>
</table>
Expectations During Pandemic

Continue to Work Together/Stay Connected

#1 ensure we are tracking offenders to the best of ability

› Prevent absconders
› Ensure mandatory actions are a priority-
   › particularly ensuring own citizens are able to return home
› Document in ICOTS!

Documentation Expectations

› Use ICOTS to enter cases and conduct business
› Remember any user can see all activities (pending or historical) regardless where an activity exists in the workflow

Data captured may be useful in preparing for:
› Future emergencies
› Assisting states get back to ‘normal’ once the pandemic subsides
Violations Without Ability to Retake

Considerations of instate actions/activities without the need for the offender to physically return to a sending state:

› Is there a plan to continue supervision, alternative to incarceration or other action available in the receiving state?

› How are instate offender violations being handled?

› Electronic hearing capabilities?

Use Violation Report when REQUIRING Retake

Not ready to require warrant, hold offender, conduct hearings, retake in the next 30 days etc.? Reporting non-compliant behavior on a Progress Report does NOT prevent:

Use Progress Report

Discretionary retaking/return; or Future Violation Report Requiring Retaking as circumstances evolve
Ordering Return in Lieu of Retaking

1. Documented restrictions must exist preventing retake

2. Both states MUST AGREE & be in the best interest of the situation

3. Use Return Reporting Instruction process when possible

Other Expectations

Supervise!
Supervision restrictions must be consistent with instate offenders

Escalate!
- Escalate to Commissioner
- Involve Stakeholders
- Identify alternative actions

Minimize!
Minimize complaints
Work issues out as they arise!!
Rule Compliance Concerns

#1: Ensure public safety and compact objectives over standards

Example: Transfer Rejections merely due to inability to meet 45-day time frame is not valid

Compliance Committee meets April 13th to review state restriction impact on compliance
https://www.interstatecompact.org/committees/compliance

State Actions Impacting Compact Business

Institutions
- Releasing low-level offenders
- Increase in COVID-19 Cases

Investigations
- How are states conducting home evaluations?

Supervision
- How are states working around the crisis to continue to supervise?
- What's working?

Retaking/Extradition
- How are states working around extraditions?

Courts
- Decrease in sentencing
- Inability to obtain warrants due to closures
- ‘Tele-sentencing’/‘tele-violation hearings’

Training
- ‘Bad habit’ concerns with stakeholders once pandemic subsides
- Are states effectively communicating/collaborating internally during emergency?
Commission Vote on Emergency Rule 2.111
April 21st @ 2 pm ET

Rule 2.111 Emergency Suspension of Enforcement

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;

2. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and

3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

Questions
DCA Region Chairs

Midwest
Matthew Billinger, Kansas

East
Natalie Latulippe, Connecticut

South
Tim Strickland, Florida

West
Tanja Gilmore, Washington

Contact Us

Email
icaos@interstatecompact.org

Phone
859.721.1051

Website
www.interstatecompact.org

Office
836 Euclid Avenue, Suite 322
Lexington, KY 40502