

# Interstate Commission for Adult Offender Supervision (ICAOS)



# National Center for State Courts (NCSC)



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**What Courts Need to Know About the  
Commission's COVID-19 Response**

# **This Webinar was brought to you in partnership with the Interstate Compact for Adult Offender Supervision (ICAOS) and the National Center for State Courts (NCSC)**

Thursday, April 30, 2020, at 3:00 pm EST

[Recording Link](#)

## › Presenters:

› Jeremiah Stromberg, Commission Chair & Assistant Director of Community Corrections for the State of Oregon.

› Chair Stromberg provides oversight of Community Corrections within Oregon. In his state capacity, he develops statewide legislation, policies, and rules governing community corrections, jail inspections, and program evaluations. In addition, he has an extensive record of service to the Commission including tenures as both the compliance chair and vice-chair before his current role as chairman.

› Thomas Travis, ICAOS legal counsel

› Mr. Travis provides legal guidance to the Commission and its member states to promote consistent application and compliance with the Compact's requirements. He assists the Commission in drafting rules, interpreting existing rules and policies, and providing legal options relevant to the meaning and application of Compact rules, policies, and procedures.

# Presentation Objectives

In this webinar you will learn about:

- › What is the Interstate Compact
- › Compact Functions
- › Compact Response to COVID-19

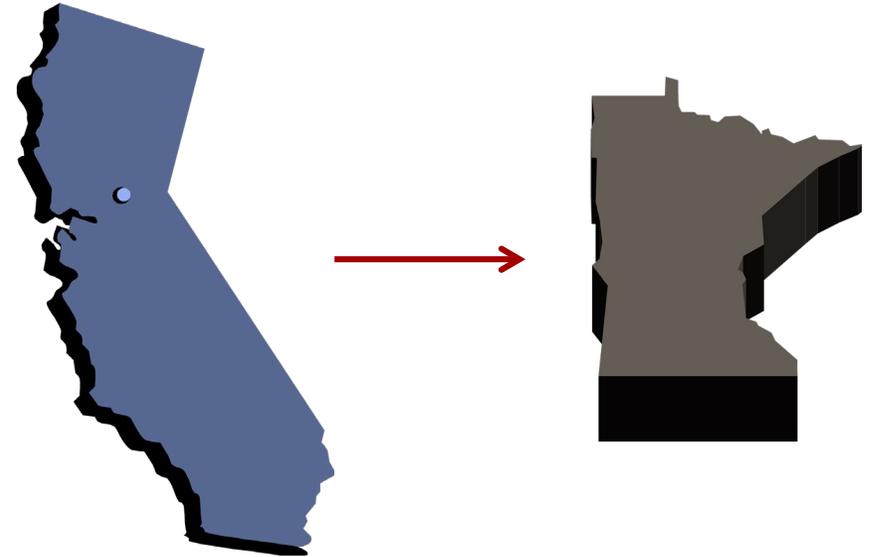
# Interstate Compact for Adult Offender Supervision

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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



# Authority of an Interstate Compact

## Authorized

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The Compact is authorized by US Constitution & Crime Control Act



## Binding

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The Compact is binding upon all state authorities & citizens



## Supersedes

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The Compact rules supersedes conflicting state law



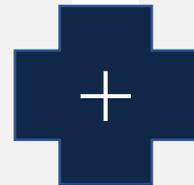
# What Triggers the ICAOS?



## Offender

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

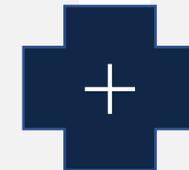
- › Subject to 'supervision'; and
- › Released to the community under the jurisdiction of:
  - › Courts
  - › Paroling Authorities
  - › Corrections
  - › Other Criminal Justice Agencies



## 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.

# COVID-19 Limitations

## Restriction Examples Affecting ICAOS

Travel Permits	Some exceptions; most leisure travel not allowed
Discretionary Transfers	Mostly limited to cases in extenuating circumstances
Mandatory Transfers	Some states only accepting cases in which the offender lived in the Receiving State at the time of sentencing
Home Investigations	Not conducting at all or limited to drive-by or phone
Supervision Restrictions	Suspension of field visits, drug testing
Retakings/Extraditions	Many transport services unavailable
Court Closures	<ul style="list-style-type: none"><li>• Challenges obtaining warrants &amp; conducting violation hearings</li><li>• Decrease in sentencing</li><li>• Increase in alternative sentencing or violation practices such as 'video conferencing'</li></ul>

In January, the President of the United States declared a public health emergency. Since that time, State or public health emergency declarations have been issued in each state and territory, including the District of Columbia.

At least 43 states have imposed some type of restriction affecting interstate compact.



# Commission Actions During Pandemic

## Adopted Emergency Guidelines Policy

- Allows states to limit offender movement
- Provides documentation standards & procedures

## Adopted Emergency Rule 2.111

Authorizes Executive Committee to suspend enforcement of rules or parts thereof

## Communicating & Collaborating

- Regular frequent meetings of member states to discuss:
- Challenges
  - Best practices
  - Alternative actions

# ICAOS Emergency Guidelines

## Administrative 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.

# New Amendment to ICAOS Rules

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- › Addresses Commission's response to state limitations during a declared emergency
- › Minimizes disruptions of Compact duties
- › Clarifies states' obligations to comply with statutory obligations

## **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.

# State Actions Impacting Compact Business

## Institutions

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

## Investigations

- › Conducting home evaluations
- › Preventing absconders or homelessness

## Supervision

- › Working around the crisis to continue to supervise and track offenders

## Retaking/Extradition

- › Working around extraditions

## Courts

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

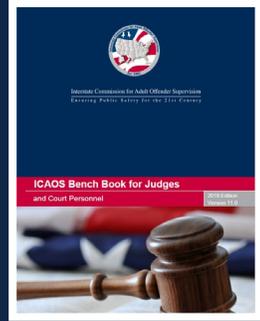
## Training

- › States communicating & collaborating with stakeholders to:
  - › Identify alternative actions
  - › Ensure following the rules ‘*to greatest extent possible*’



# Questions

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## Compact Online Reference Encyclopedia & ICAOS Bench book for Judges

A cross-referenced guide on all ICAOS white papers, advisory opinions, training modules, rules and the bench book.

<https://www.interstatecompact.org/core-search>

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

## Contact the ICAOS National Office



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