

ICAOS Plan

Rescinding Applicability of Rule 2.111

Summary

The COVID-19 emergency forced the Commission to consider factors beyond the Compact's anticipated standards. To ensure the continued processing of offender applications despite the onset of the global pandemic, the Commission adopted [Rule 2.111](#) 'Emergency suspension of enforcement.' Subsequently, the Executive Committee invoked the rule, temporarily suspending enforcement of timelines in Chapters 3, 4, and 5 of the Commission's rules. This action provided states with the ability to address urgent and emerging issues resulting from emergency declarations and state closures.

From the outset, the Commission focused on fostering cooperation and accommodation pending the availability of additional information. While recognizing constraints and requirements imposed by state emergency management laws, the Commission strove to promote safety and support reasonable initiatives to contain the spread of the virus. With expert advice from counsel, the Commission evaluated limitations of state laws relative to the compact and adopted rules and policies to create a sustainable response and environment for continued compact operation.

Objective

Provide states with information and data for rescinding Rule 2.111 to ensure preparedness.

National Response

Directives from the White House, state authorities, local officials, and criminal justice agencies around the country modified operations to comply with social distancing and mandatory health orders. These operational changes resulted in modifications to corrections departments, court orders and court closures.

Today, however, our operational environments are in a different place. According to the National Center for State Courts, there are currently no court closures or restrictions in effect at this time. While many courts and state offices continue to operate with modifications to their operations, there are no significant restrictions in place.

National Data

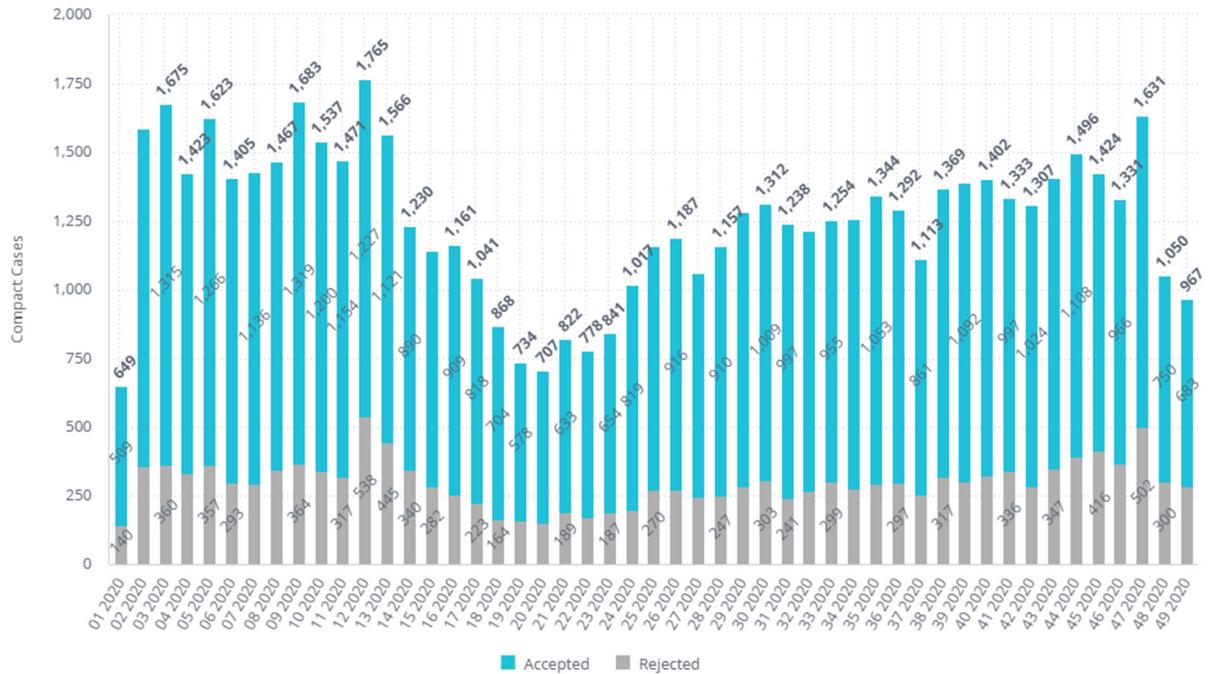
- Dashboard compliance (6 standards)

Compliance Standard	Performance 2019	Avg Days Overdue 2019	Performance 2020	Avg Days Overdue 2020	% Change
Case Closures	96.2%	0.8	96.8%	0.5	+0.6%
Case Closure Replies	91.6%	8.2	92.2%	3.2	+0.6%

Requested Progress Reports	89.9%	3.3	92.0	1.4	+2.1%
RI-Replies	97.8%	0.1	97.4%	0.1	-0.4%
Transfer Replies	93.6%	0.3	92.9%	0.6	-0.7%
Violation Responses	88.1%	0.9	89.2%	1.0	+1.1%

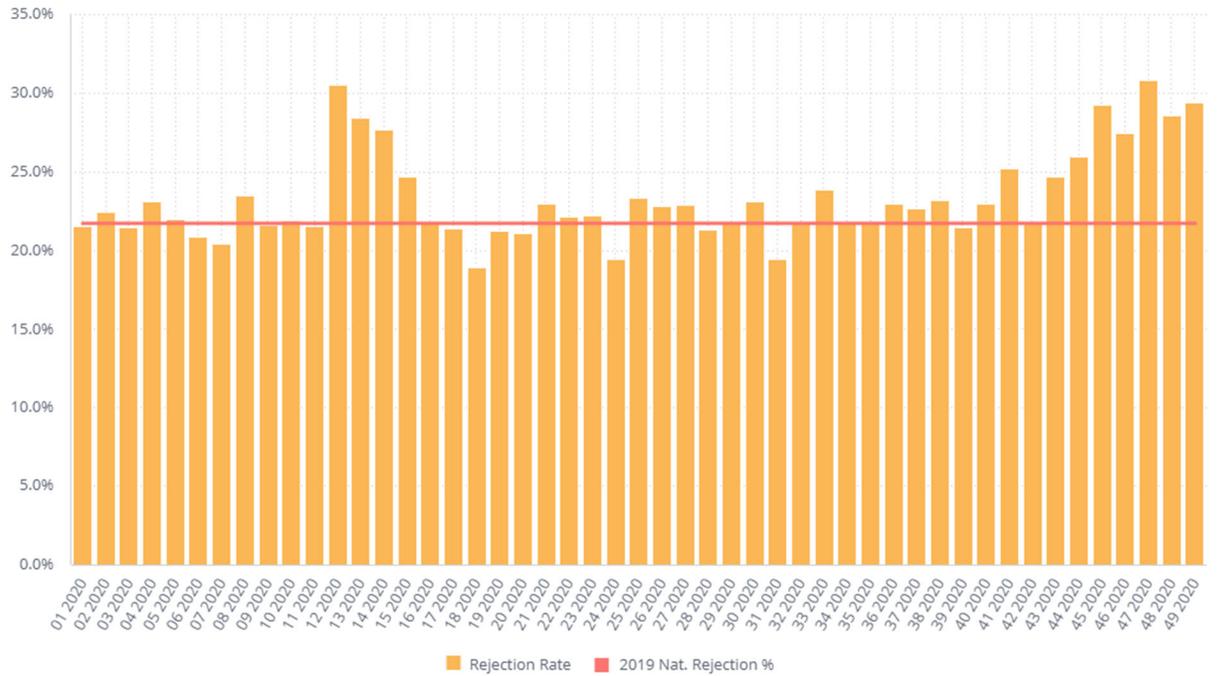
- Transfer Reply Decision by Week

Transfer Reply Decision - By Week



- Rejection Rate by Week

Rejection Rate - By Week



Recommendation

Recommended date to rescind: April 1, 2021

The Executive Committee recognizes the pandemic’s effect and the short-term relief provided by Rule 2.111 whereby states established measures for continuing operations. Resulting from steps taken by states to reopen and manage continuing caseloads, the data presently indicates that corrections agencies are operational. Accordingly, the Executive Committee recommends that the Commission recognize the return to normalcy by establishing a plan to return to normal compact operating standards.

How Should States Prepare

As states prepare for enforcement measures to resume, the National Office recommends that each state reviews its state dashboard reports. Administrators should identify the extent of normalization for interstate transfers and adherence to compliance measures to determine actions required to ensure compliance with standards. See [Overview of Compliance Standard Performance & Transfer Reply Compliance Dashboards](#)

States should identify cases pending retaking to determine the offenders and justifications affecting a sending state’s ability to retake. See [Offenders Awaiting Retaking Administrative Dashboard](#) States should establish the likelihood of resolving cases pending with stakeholder involvement or assistance from the National Office.

Continuing Actions

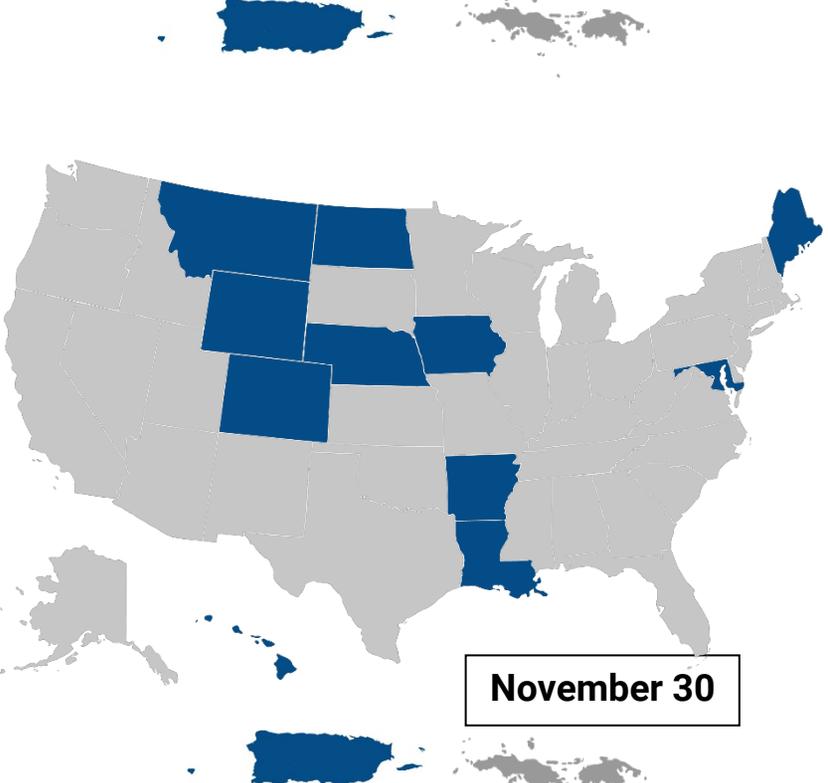
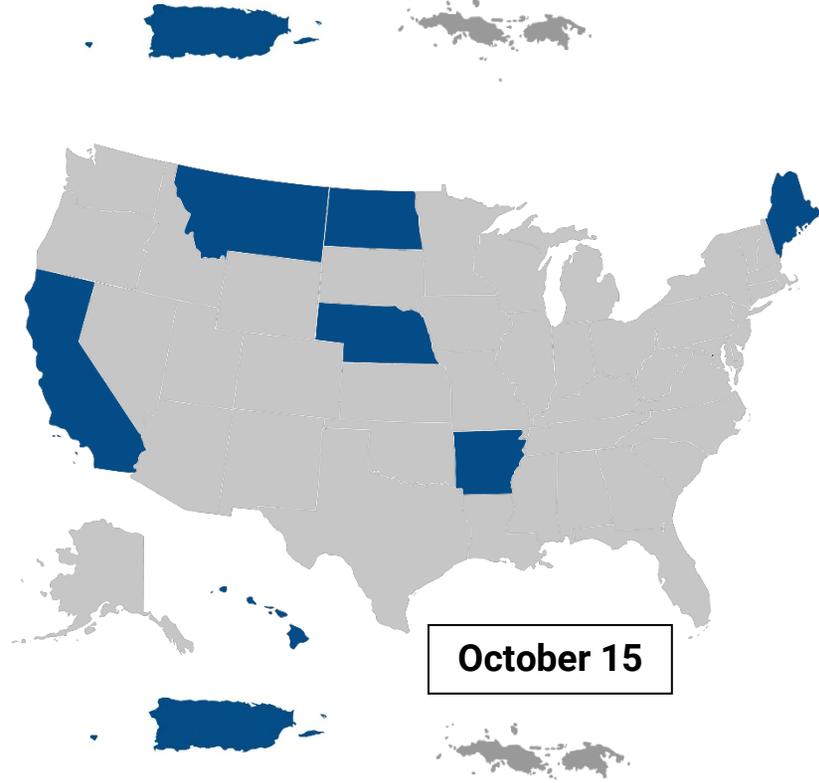
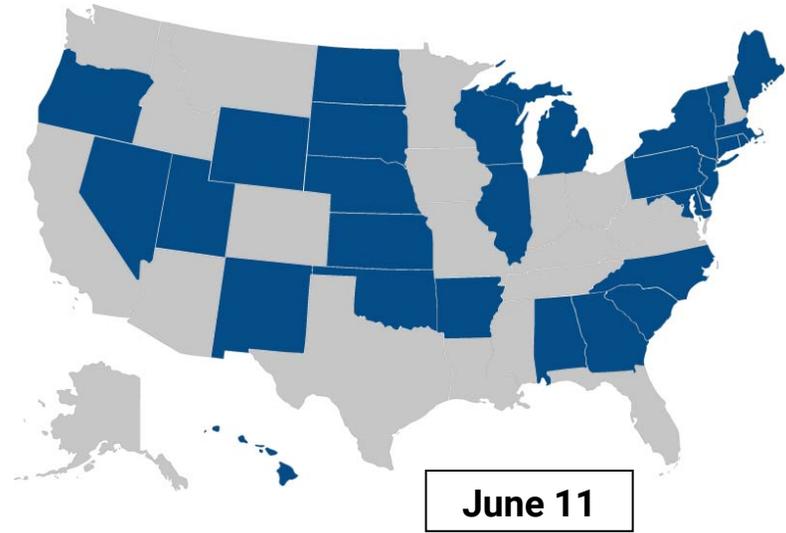
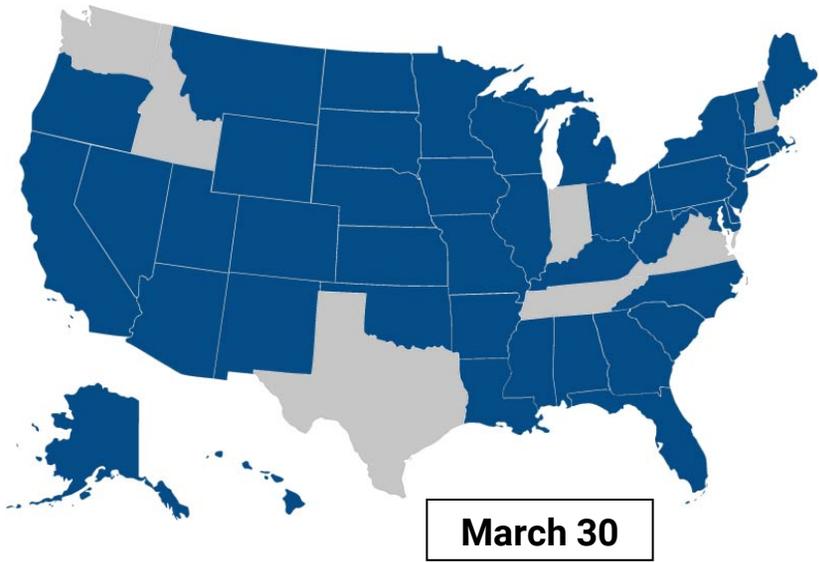
The Executive Committee has wide discretion to coordinate limited responses and take measured actions excluding a formal rule or amendment. Should thresholds change requiring Commission action, the Executive Committee may consider a response similar to the now established precedent.

In the interim, ICAOS Administrative Policy 01-2020, *Emergency Guidelines*, allows the imposition of limited emergency provisions. States may submit a formal written plan to the National Office within a reasonable period following the determination that such conditions necessitating limited suspensions or delays exist. See, [AP 01-2020](#), Section IV Procedures (A).

Interstate Compact State Restrictions Related to COVID-19

■ COVID-Related Restrictions in Place

■ No COVID-Related Restrictions



Interstate Compact State Restrictions Related to COVID-19 – Breakdown

Restrictions in place on November 30, 2020

