

# Court Officials' Guide

Interstate Commission for Adult Offender Supervision



*Through cooperative action among the fifty states, Puerto Rico, the US Virgin Islands, and the District of Columbia, the Interstate Commission for Adult Offender Supervision (ICAOS) regulates the transfer of supervised individuals across state lines. 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 supports court professionals implementing the supervision of individuals transferring through 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.

## How does a supervised individual apply for an interstate transfer?

Individuals may work with their supervising officer or release agent to initiate an interstate transfer. The Compact allows states to submit a prerelease transfer request no earlier than 120 calendar days before a planned release.

Once requested, the receiving state has 45 days to investigate the supervision plan. During this period, no travel to the receiving state is allowed (exceptions exist for individuals living in the receiving state at the time of sentencing or for some emergency circumstances – Rules 3.101-1, 3.103 & 3.106)

## Are states obligated to accept interstate compact transfer requests?

If an individual is eligible for transfer, has a willing family and a means of support, or is a resident of an intended transfer state and has a valid plan of supervision, the receiving state must accept the transfer. States may also approve discretionary cases for supervised individuals whose transfer would be in the interests of justice and rehabilitation.

## Does transferring through the Compact change the terms of supervision?

Receiving states may impose additional conditions if they impose that same condition on similarly sentenced individuals in their state. The receiving state also informs the sending state if it is unable to enforce a condition at the time a transfer request is made. (see Rule 4.103) Receiving states must provide notice when imposing new conditions such as mandatory treatment, fees, limited incarceration for remediation, or sex offender registration.

**Can individuals relocate without using the Compact?**

Individuals may not relocate to another state for more than 45 consecutive days without triggering the Compact. Eligible supervised individuals must use the Compact to transfer supervision between states (see Rule 2.110).

Allowing a supervised individual to relocate without an approved transfer may result in the individual being ordered to return and the receiving state rejecting the placement.

**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.

## Frequently Asked Questions

### Eligibility

**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.

**What is a mandatory transfer?**

- A mandatory transfer, or one in which the receiving state must accept the transfer if requested by the sending state, occurs if an individual has more than 90 days remaining on monitored supervision, the individual is in substantial compliance with terms of supervision in the sending state, has a valid plan of supervision in the receiving state, and the individual has a mandatory reason for transfer such as being a resident of a receiving state before the offense or having resident family with employment or a means of support in the receiving state.
- Military transfers, military family member transfers, veterans' referrals for medical or mental health services, and employment transfers may also apply. See Rule 3.101-1.

**What is a discretionary transfer?**

- When a supervised individual does not meet the requirements for a mandatory transfer, they may still request a transfer to a receiving state. In this case, the sending state must agree to submit the request and the receiving state must agree that the transfer is likely to promote the successful completion of supervision, provide opportunities for rehabilitation, or promote public safety and victims' rights.

**What other individuals are not eligible for transfer through the Compact?**

- Supervised individuals on furlough or work release, unqualified misdemeanants, and individuals subject strictly to civil penalties (see Rules 2.105 and 2.107). Individuals on federal supervision do not transfer through the Compact unless state charges also apply.

## Eligibility continued

### **Are individuals under supervision through deferred sentencing or prosecution subject to or eligible for transfer through the Interstate Compact?**

- Yes. Individuals subject to supervision who have relinquished their right to trial or where participation in a program requires the individual to make an admission of guilt may be subject to the interstate compact. (Rule 2.106)

## Process & Procedure

### **How does the Compact track supervised individuals?**

- Compact states use a national database that allows the tracking of physical movement from one state to another, provides a communication tool for states, and shares documentation such as sentencing conditions. Additionally, the system informs sending states during the term of supervision of progress, compliance, and non-compliance issues.

### **Why would a transferred individual be returned to the sending state?**

- Sentencing states have the sole discretion to retake or require return of 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).

## Contacts & Information

### **Who should the court contact regarding Compact issues or to ensure that a transfer application is complete?**

- There is a [directory](#) for each state's Interstate Compact office on the ICAOS website. The directory references each state's Commissioner, deputy compact administrator, and state council members who may assist the court.

### **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](#).