

Rules 1.101_BRR_Revocation_4.101_4.106_4.109_RemoveTermGraduatedResponses

Rule 1.101 Definitions

Behavior Requiring Retaking - means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through ~~the use of documented corrective actions or graduated responses~~ and would result in a request for revocation of supervision in the receiving state.

Revocation - means the course of action by a court, sentencing authority or paroling authority to rescind a supervised individual's supervision term and impose a jail or prison sentence due to an act or pattern of behavior that could not be successfully addressed through documented corrective actions. ~~or graduated responses in the community.~~

Rule 4.101 Manner and Degree of Supervision in Receiving State

- (a) A receiving state shall supervise individuals transferred under the interstate compact in a manner consistent with the supervision and risk level of other similarly sentenced individuals sentenced in the receiving state.
- (b) If a supervised individual violates conditions of supervision, the individual may be sanctioned in the receiving state during the term of supervision in a manner consistent with similarly sentenced individuals in the receiving state.
- (c) Receiving states shall document the use of incentives, corrective actions, ~~graduated responses,~~ and other supervision techniques.

Rule 4.106 Progress Reports on Supervised Individual Compliance and Non-Compliance

- (c) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.
- (c) A receiving state may ~~initiate~~ **submit** a progress report to document compliant or noncompliant behavior. ~~for supervised individuals that do not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state~~ **The report shall include provide: the** date(s), description(s) and documentation ~~regarding the use of any incentives, corrective actions, including graduated responses or other supervision techniques~~ **used in response** to address the behavior in the receiving state, and the supervised individual's response to such actions.
- (c) A progress report shall include-
 1. supervised individual's name;
 2. supervised individual's current residence address;
 3. supervised individual's current telephone number and current electronic mail address;
 4. name and address of supervised individual's current employer;

5. supervising officer's summary of the supervised individual's conduct, progress and attitude, and compliance with conditions of supervision;
6. treatment programs attempted and completed by the supervised individual;
7. information about any sanctions that have been imposed on the supervised individual since the previous progress report;
8. supervising officer's recommendation;
9. any other information requested by the sending state that is available in the receiving state.

*Rule 4.109 Violation Reports Requiring Retaking**

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain—

1. supervised individual's name and location;
2. supervised individual's state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, ~~including graduated responses~~ or other supervision techniques to address the behavior requiring retaking in the receiving state, and the supervised individual's response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, ~~graduated responses~~ or other supervision techniques;
7. name and title of the officer making the report;
8. if the supervised individual has absconded, the last known address and telephone number, name and address of the employer, and the date of the last personal contact with the supervising officer and details regarding how the supervising officer determined the supervised individual to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

**Note: 4.109 will be excluded from amendments should the Executive Committee's revisions to Chapter 5 be adopted as it also removes the term 'graduated sanction.'*)

Justification:

The proposed removal of the term “*graduated responses*” from five ICAOS rules is intended to improve clarity, align the rules with current supervision terminology, and eliminate redundancy within the rule framework.

When the Commission first incorporated graduated responses into its rules, the term reflected emerging supervision practices designed to address noncompliant behavior in a manner consistent with the compact’s “treat as your own” principle. Since that time, supervision practices have evolved, and the broader concept of corrective actions has become the standard terminology used across community supervision agencies.

Under current practice, graduated responses are considered a subset of corrective actions which are structured interventions applied to address noncompliant behavior in a manner that is proportional and designed to promote behavioral change. Because corrective actions already encompass the range of supervision strategies used to address noncompliance, the continued use of the separate term “graduated responses” is unnecessary and duplicative.

Removing the term does not change the substance of the rules or the expectations placed on states. States will continue to be expected to apply appropriate supervision strategies to address noncompliant behavior prior to seeking retaking where possible. The rules will continue to recognize and support the use of structured, proportional responses to behavior, but those practices will now fall under the broader and more widely recognized category of corrective actions.

Problem Statement: Two definitions and three ICAOS rules reference “graduated responses,” a term that is not defined in the Compact and is increasingly outdated in modern community supervision practice.

Impact on Compliance: This amendment is expected to have minimal operational impact while improving compliance clarity. Because states already document responses to non-compliant behavior as corrective actions in ICOTS, removing the term “graduated responses” reduces ambiguity and promotes more consistent interpretation of Compact requirements.

ICOTS Impact: None

Effective Date: TBD

Committee/Region Action:

RNR Workgroup Meeting 1/6/2026: As revisions to Chapter 5 were proposed, workgroup members identified concerns regarding the use of the term “graduated responses” in the ICAOS rules. Although the workgroup’s proposals to *Violation Reports Requiring Retaking** doesn’t use that term, it requests the Rules Committee review all rules containing this language and consider whether amendments are necessary to ensure consistency with current supervision practices.

Rules Committee 3/9/2026: Motion to recommend amended language in the rules presented (Rule 1.101 definitions, 4.101, 4.106 and 4.109* to be for Commission consideration in 2026 made by K. Ransom (OH), seconded by J. Mosley (MO.) **Note: 4.109 will be excluded from amendments should the Executive Committee's revisions to Chapter 5 be adopted as it also removes the term 'graduated responses.'*