

Idaho Department of Correction 	Standard Operating Procedure Division of Community Corrections	Control Number: 704.04.02.001	Version: 2.2	Page Number: 1 of 15
		Title: Interstate Compact Agreement		Adopted: 4-2-2001 Reviewed: 9-2-2008 Next Review: 9-2-2010

This document was approved by Kevin Kempf, chief of the Division of Community Corrections, on 9/2/08 (signature on file).

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY STATEMENT NUMBER 704

[Interstate Compact](#)

POLICY DOCUMENT NUMBER 704

[Interstate Compact](#)

DEFINITIONS

[Standardized Definitions List](#)

Absconder: An absconder is an offender who has fled supervision, whose whereabouts are unknown, and for whom a warrant for a violation of supervision has been issued or requested.

Application Fee: A reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.

Arrival: To report to the location and officials designated in the reporting instructions given to an offender at the time of the offender's departure from a sending state under an interstate compact transfer of supervision.

Compact Administrator: The individual in each compacting state appointed under the terms of the compact and responsible for the administration for adult offender supervision as adopted in the member state.

Compliance: When an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

Conditions of Supervision: Conditions or terms of parole or probation as established by either the sending or receiving state.

Detainer: A warrant placed against an offender in a federal, state, county, or city jail, which notifies the holding authority of the intention of another jurisdiction to take custody of that individual when he is released.

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 2 of 15
---	------------------------	---	--------------------------------

Discharge—Community Corrections: The final completion of the sentence that was imposed on an offender by the sending state.

Extradition: The return of an offender to a state in which the offender is accused (or has been convicted) of committing a criminal offense, by the state to which the offender has fled to evade justice or escape prosecution.

Interstate Compact Agreement: An agreement--entered into by eligible jurisdictions in the United States, Puerto Rico, and the U.S. Virgin Islands—that provides the means for those jurisdictions to work cooperatively with probationers and parolees.

Offender: A person under the legal care, custody, supervision, or authority of the Board--including a person within or without the State pursuant to agreement with another state or contractor.

Offender System: A common term used for the Department's Corrections Integrated System (CIS) and Reflections, which are computer databases used for the tracking of offenders.

Parolee: An offender who (1) is released from a facility by the paroling authority prior to the completion of his sentence, (2) agrees to comply with certain conditions established by the paroling authority, and (3) remains under the control of a probation and parole officer (PPO) for the established period of supervision.

Plan of Supervision: The terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support, and the terms and conditions of supervision.

Probable Cause Hearing—Community Corrections: A hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of his parole or probation, to determine if there is sufficient cause to believe a violation has occurred.

Probationer: An offender who the courts allow to continue to live and work in the community--instead of being sent to prison--while being supervised by a probation and parole officer (PPO) for an established period of time.

Receiving State—Community Corrections: A state to which an offender requests transfer of supervision or is transferred.

Relocate—Community Corrections: To remain in another state for more than 45 consecutive days in any 12-month period.

Reporting Instructions—Community Corrections: The orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state.

Resident: An offender who (1) has continuously inhabited a state for a least one year prior to the commission of the offense for which he is under supervision, (2) intends that such state must be his principal place of residence, and (3) has not, unless incarcerated, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

Resident Family—Community Corrections: A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who (1) has resided in the receiving state for 180 days or longer as of the date of the transfer request, and (2) indicates a willingness and ability to assist the offender as specified in the plan of supervision.

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 3 of 15
---	------------------------	---	--------------------------------

Retaking—Community Corrections: The act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

Sending State—Community Corrections: A state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Interstate Compact for Adult Offender Supervision and its rules.

Supervision—Community Corrections: The authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

Transfer Request Packet: A packet that consists of the following Interstate Commission for Adult Offender Supervision (ICAOS) forms: *Transfer Request*, *Offender's Application for Interstate Compact Transfer*, and other documents listed on the *Transfer Request* form.

Travel Permit: A written permission granted to an offender authorizing the offender to travel from one jurisdiction (or state) to another.

Victim: A person or entity who suffers injury or damage as a result of the offender's conduct. A victim shall also include the immediate family of (1) a minor or (2) the actual victim when that victim has been killed and the immediate family member requests to be notified upon certain circumstances during the time of the offender's supervision.

Violation: An offender's failure to comply with the terms or conditions of supervision.

Waive: When an offender voluntarily relinquishes, in writing, a known constitutional right (or other right), claim, or privilege.

PURPOSE

The purpose of this standard operating procedure (SOP) is to:

- Provide guidance for promoting public safety and protecting the rights' of victims through the control and regulation of the interstate movement of offenders in the community; and
- Provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states.

SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) employees who may:

- Submit offender applications for interstate compact, or
- Supervise offenders who have transferred to Idaho from another state under the Interstate Compact for Adult Offender Supervision (hereafter called "the Compact").

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 4 of 15
---	------------------------	---	--------------------------------

RESPONSIBILITY

Chief of the Division of Community Corrections

The chief of the Division of Community Corrections, assigned to oversee probation and parole services, is responsible to monitor the performance of each district's management of this SOP.

District Managers, Facility Heads, and Section Supervisors

District managers, facility heads, and section supervisors are responsible for implementing and practicing the guidelines, standards, and procedures provided herein.

Administrator(s) of the Interstate Compact Unit

The administrator(s) of the Interstate Compact Unit (located at Central Office) is responsible for processing and coordinating all interstate transfers of offenders.

Table of Contents

General Requirements	5
1. Criteria for Interstate Transfers	5
Mandatory Transfer of Supervision (ICAOS Rule 3.101)	5
2. Sending Offenders Out-of-State: Responsibilities.....	5
When the Case is Accepted for Transfer	6
3. Receiving Offenders from Out-of-State: Responsibilities	9
4. Third State (Subsequent Receiving State) Moves	9
5. Return to Sending State.....	10
6. Request for Reporting Instructions (ICAOS Rule 3.103).....	10
Reporting Instructions for Sex Offenders (ICAOS Rule 3.101-3)	11
7. Travel Permits.....	11
8. Progress Reports (ICAOS Rule 4.106)	11
9. Reports of Violation (ICAOS Rule 4.109).....	12
Probable Cause Hearing in Receiving State (ICAOS Rule 5.108)	12
Retaking by the Sending State (ICAOS Rule 5.101).....	13
Mandatory Retaking for a New Felony Conviction (ICAOS Rule 5.102)	13
Time Allowed for Retaking an Offender (ICAOS Rule 5.105)	13
10. Closing Supervision by the Receiving State (ICAOS Rule 4.112)	13
11. Misdemeanants (ICAOS Rule 2.105).....	14
12. Victim's Rights.....	14
References.....	14

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 5 of 15
---	------------------------	---	--------------------------------

GENERAL REQUIREMENTS

- The IDOC must be a member agency of *the Compact* and must cooperate with other jurisdictions in the supervision and management of probationers and parolees. Nothing in this SOP must conflict with the most currently adopted *Interstate Commission for Adult Offender Supervision (ICAOS) Rules* (hereafter called “ICAOS Rules”).
- The same standard of supervision applied to offenders under the jurisdiction of Idaho must be afforded to out-of-state offenders transferred to Idaho under the terms of the *Compact*. In effect, Idaho must not be expected to do more or less for out-of-state cases than it does for its own cases.
- The duration of supervision must be determined by the sending state.
- The degree of supervision must be determined by the receiving state and must be consistent with the conditions of supervision applied to the receiving state’s probation/parole cases.

1. Criteria for Interstate Transfers

Mandatory Transfer of Supervision (ICAOS Rule 3.101)

At the discretion of the sending state, an offender must be eligible for transfer of supervision to a receiving state under *the Compact*, and the receiving state must accept transfer, if the offender:

- Has more than 90 days **or** an indefinite period of supervision remaining,
- Is able to post the application fee (**Note:** Parolees must also post an extradition bond [i.e., a written instrument that guarantees the offender in the arresting state will surrender for return to the requesting state] to the Idaho Commission of Pardons and Parole.),
- Has a valid plan of supervision,
- Is in substantial compliance (i.e., compliance that does not result in revocation proceedings being held) with the conditions of supervision in the sending state,
- Is a resident of the receiving state, **or**
- (1) Was living in the receiving state at the time of sentencing **or** has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision **and** can obtain employment in the receiving state, or has visible means of support, **or** (2) is military, living with military family member who has been transferred, **or** (3) living with family member who is being transferred with their current employment.

2. Sending Offenders Out-of-State: Responsibilities

When submitting a transfer request packet, it is the responsibility of the supervising officer to:

- Verify that the offender has 90 days or more remaining on supervision,
- Verify that the offender is in substantial compliance with conditions of supervision (**Note:** Ensure cost of supervision fees are current.),

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 6 of 15
---	------------------------	---	--------------------------------

- Collect the application fee (**Note:** Parolees must pay/post bond to the Idaho Commission of Pardons and Parole.),
- Verify residency,
- Verify home offer,
- Verify offer of employment,
- Complete a transfer request packet (**Note:** Obtain offender's signature where required, and retain original of all forms in offender's central file.),
- Include any additional documents listed on page 2 of the ICAOS *Transfer Request* form,
- Forward all documents to the Interstate Compact Unit (located at Central Office),
- **Document the above information (as applicable) in the Corrections Integrated System (CIS) as a supervision contact note**, and
- Continue supervision until a *Reply to Transfer* is received.

Note: The Interstate Compact Unit must review and process the transfer request packet prior to forwarding to the receiving state. Allowing five (5) business days for mailing, the receiving state has 45 calendar days to complete the investigation.

When the Case is Accepted for Transfer

If case is accepted for transfer, Interstate Compact Unit personnel must locate the column in the table below (see page 7) that pertains to the type of offender being transferred and initiate the first step in the column.

Note: Document the acceptance in the CIS as a *supervision contact note*.

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 7 of 15
---	------------------------	---	--------------------------------

Responsibility	Step	Type of Offender				
		Probationer	Rider	Parolee	Pre-parolee	Misdemeanant
Interstate Compact Unit	1	Send the <i>Acceptance</i> to the supervising officer. If “victim sensitive” (see section 12), notify the IDOC’s victim coordinator.	Send the <i>Acceptance</i> to the institution and to the district the crime originated in. If “victim sensitive” (see section 12), notify the IDOC’s victim coordinator.	Send the <i>Acceptance</i> to the supervising officer. If “victim sensitive” (see section 12), notify the IDOC’s victim coordinator.	Ensure the <i>Plan of Supervision</i> is updated and the <i>Acceptance</i> is forward to the Idaho Commission for Pardons and Parole and the institution. If “victim sensitive” (see section 12), notify the IDOC’s victim coordinator.	Send the <i>Acceptance</i> to the Misdemeanor Office.
Supervising Officer or Applicable Facility/Office	2	Place the <i>Acceptance</i> in the offender’s central file.	Place the <i>Acceptance</i> in the offender’s central file.	Place the <i>Acceptance</i> in the offender’s central file.	Place the <i>Acceptance</i> in the offender’s central file.	Place the <i>Acceptance</i> in the offender’s central file.
Supervising Officer or Applicable Facility/Office	3	Forward the <i>Notice of Departure</i> to Interstate Compact Unit when a <i>Travel Permit</i> is issued.	Note: The offender will go before the judge for sentencing and report to the probation/parole office for sign up.	Note: The parolee must send \$500.00 bond to the Idaho Commission for Pardons and Parole.	Note: \$500.00 bond must be paid to the Idaho Commission for Pardons and Parole and the Offender must receive a firm date for release.	Forward the <i>Notice of Departure</i> to Interstate Compact Unit when a <i>Travel Permit</i> is issued.
Supervising Officer or Applicable Facility/Office	4	Close the offender’s Cost of Supervision.	Note: The probation/parole office must enter probation mitt into the Offender System (<i>Reflections</i>).	Forward the <i>Notice of Departure</i> to Interstate Compact Unit when a <i>Travel Permit</i> is issued.	Forward the <i>Notice of Departure</i> to Interstate Compact Unit when a <i>Travel Permit</i> is issued.	Note: The offender’s central file stays in the Misdemeanor Office.

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 8 of 15
---	------------------------	---	--------------------------------

Responsibility	Step	Type of Offender				
		Probationer	Rider	Parolee	Pre-parolee	Misdemeanant
Supervising Officer or Applicable Facility/Office	5	Forward the offenders central file to the Interstate Compact Unit.	Forward the <i>Notice of Departure</i> to Interstate Compact Unit when a <i>Travel Permit</i> is issued.	Forward the offender's central file to the Central Records Unit (located at Central Office).	Note: The institution must forward the offender's central file to the Central Records Unit (located at Central Office).	Note: The Interstate Compact Unit monitors case and enters case notes into Access.
Supervising Officer or Applicable Facility/Office	6	Note: The Interstate Compact Unit's probation/parole officer updates the Offender System (<i>Reflections</i>) to show offender's out-of-state move. (The Interstate Compact Unit assumes supervision.)	Forward the offender's central file to the Interstate Compact Unit.	Note: The Interstate Compact Unit monitors the case.	Note: The Interstate Compact Unit monitors the case.	Note: An incoming misdemeanor case is forwarded to the county Misdemeanor Office for investigation and supervision. If there is not an officer in the county the offender lives in, send the case to the district Felony Office.
Supervising Officer or Applicable Facility/Office	7		Note: The Interstate Compact Unit's probation/parole officer updates the Offender System (<i>Reflections</i>) to show offender's out-of-state move. (The Interstate Compact Unit assumes supervision.)			

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 9 of 15
---	------------------------	---	--------------------------------

3. Receiving Offenders from Out-of-State: Responsibilities

When the Interstate Compact Unit (located at Central Office) receives an application from out-of-state for Idaho supervision, it must be reviewed and forward to the appropriate district office for assignment to a PPO for investigation.

It is the responsibility of the investigating PPO to:

- Review all documentation submitted,
- Verify home offer,
- After considering all information available, make a decision as to whether supervision of the case will be accepted or rejected, and

If rejected – include valid reason for denial.

If accepted – include any special conditions that will be imposed and provide reporting instructions (if not previously provided).

- Complete ICAOS Reply to Transfer Request form and forward to the Interstate Compact Unit.

Note: If at any time the offender was previously supervised by the IDOC and has an offender number, **document the request in the CIS as a *supervision contact note*.**

4. Third State (Subsequent Receiving State) Moves

During the course of supervision of an interstate case, the offender may desire a move to a third state. The following steps are to be taken in that process:

Functional Roles and Responsibilities	Step	Tasks
Receiving State	1	An officer provides a <i>Progress Report</i> (an Interstate Commission for Adult Offender Supervision [ICAOS] form) to the sending state notifying them that the offender wishes to move to a third (3 rd) state.
		Note: The reason for the transfer, home offer, employment information (letter from employer on the employer's company letterhead) and the officer's recommendation must be included.
Sending State	2	Approves or rejects the application for the third (3 rd) state (subsequent receiving state) move. <ul style="list-style-type: none"> ◆ If approved—proceed to step 3. ◆ If rejected—the process ends here.
Receiving State	3	<ul style="list-style-type: none"> • Completes the transfer request forms and has the offender sign the forms. • Forwards the forms to the sending state. • Collects any applicable fees for the sending state.
		Note: At the point, the offender remains in the <u>original</u> receiving state.)

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 10 of 15
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks
Third State (Subsequent Receiving State)	4	<ul style="list-style-type: none"> • Reviews the forms and sends them to the district office for investigation. • Approves or denies the offender move. <ul style="list-style-type: none"> ◆ If approving—sends the <i>Acceptance</i> and reporting instructions to the <u>original</u> sending state. (Proceed to step 5) ◆ If denying—the process ends here and Idaho continues supervision.
Sending State	5	Forwards a <i>Case Closure Notice</i> to Idaho with reporting instructions for offender to proceed.
Receiving State	6	Gives the offender a <i>Travel Permit</i> and has the case sent to history in the Offender System (<i>Reflections</i>).
		Note: The file remains in the supervising district office's history file and the <i>Case Closure Notice</i> is forwarded to the Interstate Compact Unit (located at Central Office). If the offender is a "sex" offender, the file is sent to the Central Records Unit (located in Central Office).

5. Return to Sending State

When an out-of-state offender requests to return to the original sending state, the receiving state must request return reporting instructions (unless the offender is under active criminal investigation **or** charged with a subsequent criminal offense in the receiving state).

Upon receipt of the reporting instructions, the supervising officer must complete a *Notice of Departure*, *Travel Permit*, and *Case Closure Notice*. The offender's file must remain in the supervising district office's history file. (**Note:** If the offender is a "sex" offender the file must be sent to the Central Records Unit [located in Central Office].)

6. Request for Reporting Instructions (ICAOS Rule 3.103)

- A sending state must not allow an offender who is under supervision to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.
- A *Request for Reporting Instructions* for an offender who was living in the receiving state at the time of sentencing must be submitted by the sending state within seven (7) calendar days of sentencing **or** release from incarceration to probation supervision. (**Note:** The sending state may grant a seven (7) day *Travel Permit* to an offender who was living in the receiving state at the time of sentencing. However, prior to granting the *Travel Permit*, the sending state must verify that the offender is living in the receiving state.) (**Note:** This does not apply to "sex" offenders.)
- The supervising officer must ensure that the offender pays the application fee and signs all forms requiring the offender's signature (pursuant to ICAOS Rule 3.107) prior to granting a *Travel Permit* to the offender. (**Note:** Signed forms must be maintained in the offender's central file.) (**Note:** When ready to issue the travel permit, **enter the CIS and click on the *travel permit* link.**)

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 11 of 15
---	------------------------	---	---------------------------------

- A *Notice of Departure* for forwarding to the receiving state must be sent to the Interstate Compact Unit (located at Central Office) at the time the *Travel Permit* is issued.
- Supervision must begin upon the offender's arrival to the district office. A *Notice of Arrival* must be submitted to the Interstate Compact Unit when the offender reports to the district office. (**Note:** This applies to "incoming" offenders.)
- A *Transfer Request* form must be forward to the receiving state no later then 15 calendar days following granted reporting instructions. (**Note:** If the completed transfer request packet is not received within the 15 calendar days, the reporting instructions could be rescinded and the offender returned to the sending state.)

Reporting Instructions for Sex Offenders (ICAOS Rule 3.101-3)

Reporting instructions for "sex" offenders living in the receiving state at the time of sentencing is as follows:

- The receiving states must have five (5) business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is invalid to existing state law or policy, the receiving state may deny reporting instructions.
- A *Travel Permit* must not be granted by the sending state until the reporting instructions are issued by the receiving state.

Note: "Sex" offenders shall not leave the State of Idaho without reporting instructions from the receiving state.

7. Travel Permits

A seven (7) day *Travel Permit* may be given to an offender who has been given approved reporting instructions from the receiving state.

Upon issuing a *Travel Permit* based on the above criteria, a *Request for Reporting Instructions* must immediately be forward to the Interstate Compact Unit (located at Central Office).

If reporting instructions are not received from the receiving state, the offender must return to the sending state.

8. Progress Reports (ICAOS Rule 4.106)

A *Progress Report* (an ICAOS form) will be provided annually to the sending state, or more frequently upon the request of the sending state, **and must be documented in the CIS as a supervision contact note.**

The *Progress Report* must include the following:

- The offender's name;
- The offender's residence address;
- The offender's telephone number;
- The name and telephone number of offender's employer;

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 12 of 15
---	------------------------	---	---------------------------------

- The supervising officer's summary of the offender's conduct, progress, and attitude, **and** compliance with the conditions of supervision;
- Information about any sanctions that have been imposed on the offender since the previous *Progress Report*;
- The supervising officer's recommendation; and
- Any other information requested by the sending state that is available in the receiving state.

9. Reports of Violation (ICAOS Rule 4.109)

- A receiving state must notify a sending state of a significant violation of supervision (i.e., failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request to revoke supervision) by an offender within 30 calendar days of discovery of the violation. A *Violation Report* (an ICAOS form) must be submitted and contain the following:
 - ◆ The offender's name and location;
 - ◆ The offender's state-issued identifying numbers;
 - ◆ The date of the offense or infraction;
 - ◆ The status and disposition, if any, of the offense or infraction;
 - ◆ The dates and descriptions of any previous violations;
 - ◆ The receiving state's recommendation of actions the sending state may take;
 - ◆ The name and title of the officer making the report; and
 - ◆ If the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer. (Note: If the offender absconded, also include details regarding how it was determined the offender absconded.)
- Within 10 business days of receipt, the sending state must respond to a *Report of Violation* submitted by the receiving state. (**Note:** The response must include the action to be taken by the sending state, the date by which that action will begin, and its estimated completion date.)

Probable Cause Hearing in Receiving State (ICAOS Rule 5.108)

- An offender subject to retaking for violating his conditions of supervision, which may result in a revocation, must be afforded the opportunity for a probable cause hearing consistent with due process requirements.
- An offender must not waive the probable cause hearing unless a *Waiver of Probable Cause* is accompanied by the offender's admission to one (1) or more [significant violations of supervision](#).
- A copy of a *Judgment of Conviction* regarding the offender's conviction of a new felony offense must be deemed conclusive proof that the offender may be retaken by a sending state without the need for further proceedings.

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 13 of 15
---	------------------------	---	---------------------------------

- The offender must be provided the following at the probable cause hearing:
 - ◆ Written notice of the alleged violation(s);
 - ◆ Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
 - ◆ The opportunity to be heard in person **and** to present witnesses and documentary evidence relevant to the alleged violation(s);
 - ◆ The opportunity to confront and cross-examine adverse witnesses (unless the hearing officer determines that a risk of harm to a witness exists).

Note: For additional information regarding detention, warrants, reporting deadlines and other violation procedures and timeframes, see Directive [318.04.02.001](#), *Warrants—Agents, Bench, and Commission*.

Retaking by the Sending State (ICAOS Rule 5.101)

- Except as required in ICAOS Rules 5.102 and 5.103, at its sole discretion, a sending state may retake and offender, unless the offender has been charged with a subsequent criminal offense in the receiving state.
- If the offender has been charged with a subsequent criminal offense in the receiving state, the offender must not be retaken without the consent of the receiving state, **or** until criminal charges have been dismissed, **or** the offender has been released to supervision for the subsequent offense.

Mandatory Retaking for a New Felony Conviction (ICAOS Rule 5.102)

- Upon request from the receiving state, a sending state must retake or order the return of an offender from the receiving state (or a subsequent receiving state) upon the offender's conviction for a new felony offense **and** completion of a term of incarceration for that conviction, **or** placement under supervision for that felony offense.
- If the offender does not return to the sending state as ordered, then the sending state must issue a warrant that is effective in all *Compact* member states, without limitation as to specific geographic area.

Time Allowed for Retaking an Offender (ICAOS Rule 5.105)

A sending state must retake an offender within 30 calendar days after the decision to retake has been made **or** upon release of the offender from incarceration in the receiving state.

10. Closing Supervision by the Receiving State (ICAOS Rule 4.112)

- The receiving state may close its supervision of an offender and cease supervision upon the following:
 - ◆ Unless informed of an earlier or later date by the sending state, the date of discharge indicated for the offender at the time of application for supervision;
 - ◆ Notifying the sending state that the offender absconded in the receiving state;
 - ◆ Notifying the sending state that the offender has been sentenced to incarceration for 180 days or longer **and** receipt of a warrant, detainer, or other

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 14 of 15
---	------------------------	---	---------------------------------

acknowledgement from the sending state that has responsibility for the offender within 90 days of the notification. (**Note:** If the sending state fails to provide the warrant, detainer, or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender. After 90 days the sending state must be responsible for the offender.)

- A receiving state must not terminate its supervision of an offender while the sending state is in the process of retaking the offender under ICAOS Rule 5.101.
- At the time a receiving state closes supervision, a *Case Closure Notice* must be provided to the sending state and must include the offender's last known address and employment information.

11. Misdemeanants (ICAOS Rule 2.105)

A misdemeanor offender whose sentence includes one (1) year or more of supervision must be eligible for transfer, provided that all other criteria for transfer as specified in ICAOS Rule 3.101 have been satisfied, and the instant offense includes one (1) or more of the following:

- An offense in which a person incurred direct or threatened physical or psychological harm,
- An offense that involves the use or possession of a firearm,
- A second or subsequent offense of driving while impaired by drugs or alcohol,
- A sexual offense that requires the offender to register as a "sex" offender in the sending state.

12. Victim's Rights

It is the intent of ICAOS and the Interstate Compact Unit (located at Central Office) to assure victim's rights are maintained throughout the interstate and supervision process. Victims have a right to receive notification of certain activities of the offender, which often requires notification within one (1) business day. It is imperative that interstate forms and documents be marked "victim sensitive" whenever there is a registered victim indicated in the IDOC's Offender System.

Note: When the victim requests to be notified pursuant to Idaho Code 19-5306, list the request in the Offender System (Reflections) "alert module". (Also see IDAPA 06.01.01, Section 105.)

REFERENCES

Department Policy [120](#), *Control, Maintenance, and Disposition of Case Management and Medical Files*

Department Policy [704](#), *Interstate Compact*

Directive [318.04.02.001](#), *Warrants—Agents, Bench, and Commission*

Idaho Code, Section 19-5306, *Rights of the Victim During Investigation, Prosecution, and Disposition of the Crime*

Idaho Code, Section 20-225A, *Payment for Interstate Compact Application*

Idaho Code, Section 20-301, *Compacts with Other States Authorized*

IDAPA 06.01.01, *Rules of the Board of Correction*, Section [105](#), *Victim Notifications*

Control Number: 704.04.02.002	Version: 2.2	Title: Interstate Compact Agreement	Page Number: 15 of 15
---	------------------------	---	---------------------------------

IDAPA 50.01.01, *Rules of the Commission of Pardons and Parole*

Interstate Commission for Adult Offender Supervision (ICAOS), [ICAOS Rules \(effective February 17, 2008\)](#)

– End of Document –

COPY