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# Crossing State Lines

Interstate Compacts for Adults and Juveniles

## Presentation Objectives

In this webinar you will learn about:

- › Compact mechanisms, authority & implications
- › Purposes & functions of ICAOS & ICJ
  - › Eligibility & supervision responsibilities
- › Resources available when compact cases arise

## The Compact Mechanism

### Simple, Versatile & Proven Tool



Provides effective, enforceable means of cooperatively addressing common problems

- › Even if state laws differ
- › Without relinquishing authority to the federal government

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## Authority of an Interstate Compact

### Authorized

The Compact is authorized by US Constitution & Crime Control Act



### Binding

The Compact is binding upon all state authorities & citizens



### Supersedes

The Compact rules supersedes conflicting state law



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## Implications of Non-Compliance

It is incumbent upon prosecutors, judges and other state officials to understand the requirements of the Compact(s) and its rules, as well as the consequences of non-compliance.

Failure of state judicial or executive branch officials to comply with the Compact and its rules results in the state defaulting on its obligations under the Compact and could lead the Commission to take corrective or punitive action, including suit in federal court for injunctive relief.

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## Compliance: Monitoring & Enforcement

- The Commission monitors compliance with the interstate compact and its rules, and intervenes address noncompliance.
- Both ICAOS and ICJ conduct annual audits to ensure states' compliance with the Compact and its rules.
- Both ICAOS and ICJ resolve state filed complaints and assist with informal dispute resolution.
- The ICAOS has resolved 65 state filed complaints since 2005. The ICJ has resolved 2 state filed complaints since 2008.

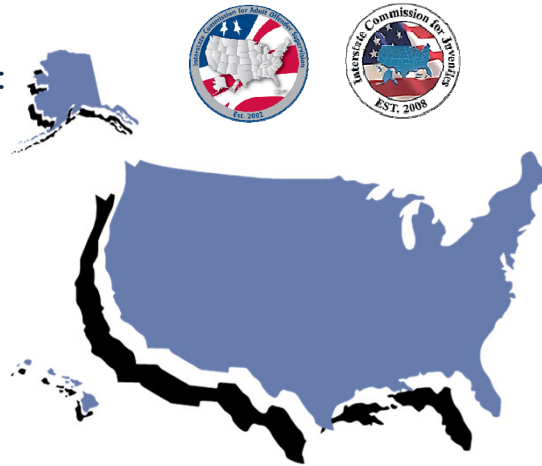
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## National Governing Bodies

### Members of the Interstate Compacts:

- › All 50 states
- › District of Columbia
- › US Virgin Islands
- › Puerto Rico (ICAOS only)

- Rule Making Authority
- Compliance Enforcement



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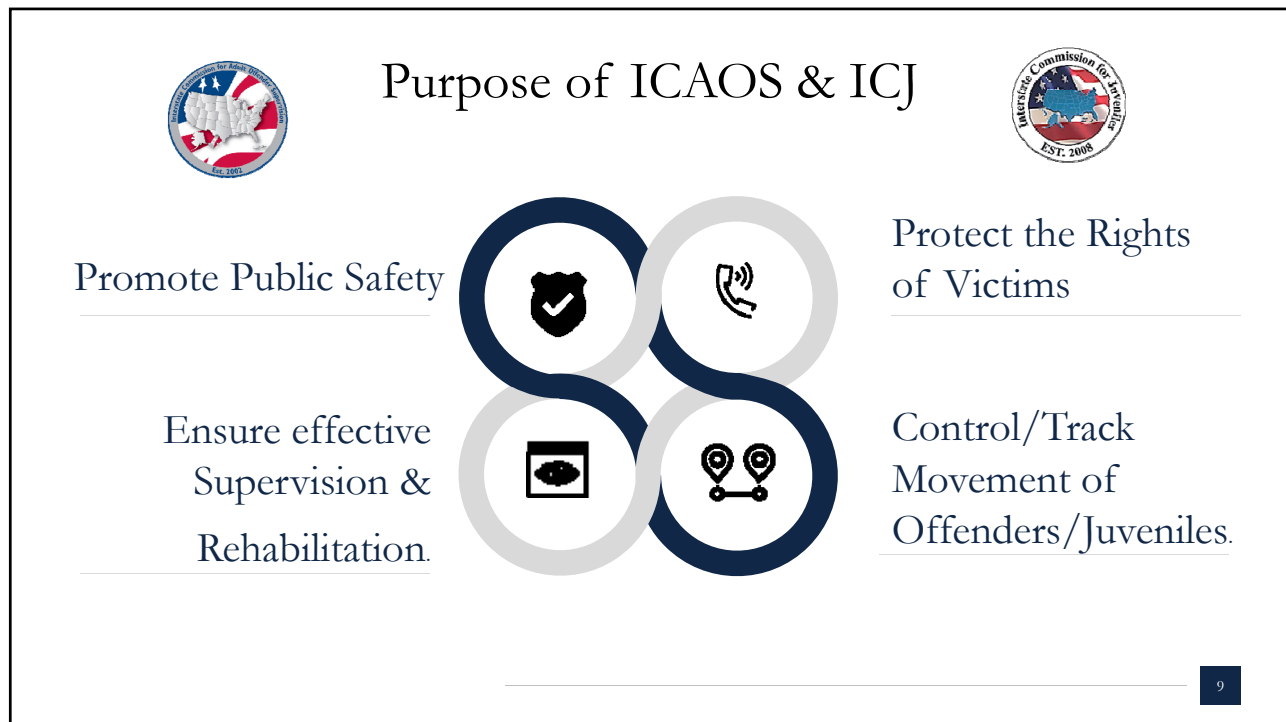
## Interstate Compact Legislation

### Courts, Parole Boards, Community Corrections & Other Executive Agencies:

- › Subject to the ICAOS & ICJ Rules
- › Must enforce & effectuate the Compacts



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## Interstate Compact for Adult Offender Supervision



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



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## ICAOS Regulates How Offenders are Transferred, Supervised and Returned



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## What Triggers the ICAOS?



### Offender

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

- › 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.

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## ICAOS: What Makes an Offender Eligible for Transfer

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### Time Remaining on Supervision

The offender has more than 90 calendar days or an indefinite period of supervision remaining

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### Valid Plan

The Offender has a valid plan of supervision

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### Compliance

The offender is in substantial compliance with the terms of supervision

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### Resident/Family

The offender is a resident or has resident family and a willingness to assist the offender AND the offender can obtain employment or has a means of support

*There is no "right" of convicted persons to travel across state lines or to serve one's sentence in a particular state. See, Jones v. Harris, 452 U.S. 412 (1981); Meachum v. Fano, 427 U.S. 215 (1976)*

*Convicted persons have no right to control where they live; the right is extinguished for the balance of their sentence. Williams v. Wisconsin, 336 F.3d 576 (7th Cir. 2003), Pelland v. RI, 317 F. Supp. 2d 26 (2004)*

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## Compact Supervision in a Receiving State



Supervision standard consistent with similar offenders sentenced in the Receiving State

~~FAILURE~~  
**SUCCESS**



Same programs, incentives, sanctions/interventions

*Participation in the ICAOS ensures not only the controlled movement of offenders under community supervision, but also that out-of-state offenders will be given the same resources and supervision provided to similar in-state offenders including the use of incentives, corrective actions, graduated responses and other supervision techniques'*

Excerpt from ICAOS Benchbook for Judges & Court Personnel

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## Compact Supervision in a Receiving State

### Common Challenges



### Differences in Supervision

- › States' responses to behavior and path revocation vary across jurisdictions
- › Recognizing another state's documentation

### Stakeholder Involvement

- › Ensure sanctions are exhausted before requiring retaking
  - › If offender is retaken, it means the sending state will revoke supervision
- › Actions and documentation provided by another state
- › Ensure compliance: warrants, timeframes, costs
- › New pending charges = Offender not available for retaking  
(unless key stakeholders in both states agree due to public safety concerns)

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## Interstate Compact for Juveniles



### 1. Interstate supervision

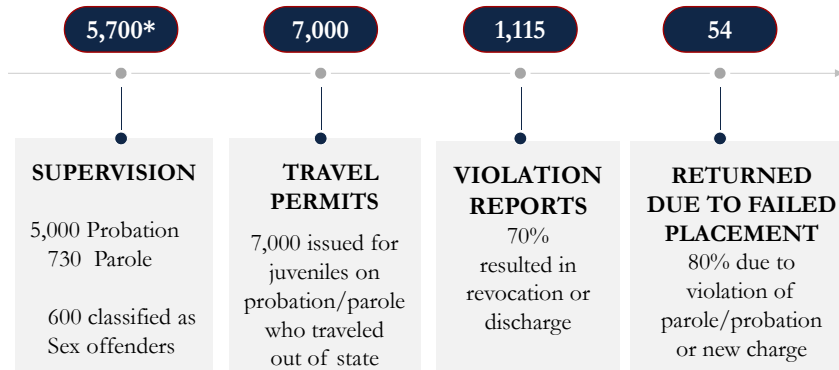
### 2. Returns

- › Failed supervision
- › Runaways who cross state lines
- › Juveniles accused of an offense in another state (alternative to UCEA)

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## Interstate Supervision for Juveniles



\*Annual Averages FY 2015 - 2019

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## Eligibility for Transfer of Supervision



- 1

**Age of Majority**

Classified as a juvenile by the Sending State;  
AND
- 2

**Status**

Adjudicated delinquent or status offender, *or* has deferred adjudication;  
AND  
Under jurisdiction of court or appropriate authority;  
AND
- 3

**Length of Stay**

Plans to relocate for 90+ consecutive days in 12 month period;  
AND  
90+ days of supervision remaining at time transfer requested  
AND
- 4

**Residential criteria**

Will live with legal guardian, relative, non-relative, or independently, (excluding residential facilities)  
  
or  
Is a full-time student\*

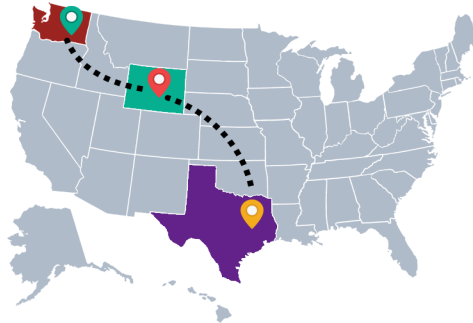
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## Interstate Juvenile Supervision

- Receiving state must apply same standards as for own juveniles
- Sex offenders must comply with Receiving State Sex Offender Laws
- Quarterly Progress Reports & Violation Reports submitted via national data system
- Receiving State may impose additional conditions
- Sending state retains jurisdiction

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## ICJ Returns



Absconders		Runaways		Accused Delinquents		Escapees
820		800		360		50

**2,030 Juveniles Returned in FY 19**

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## ICJ Returns



### Voluntary

- Juvenile in custody agrees to return to home/demanding state
- “Consent for Voluntary Return” (ICJ Form III)

### Non-Voluntary

- Juvenile refuses to return to home/demanding state; may not be in custody
- “Requisition” (ICJ Form I or Form II)

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## Requisition Used for Non-Voluntary Returns

Formal demand for return when juvenile:

- is in custody & refused to voluntarily return,
- is not in custody, but whereabouts are known;
- left with permission, but refuses to return as directed

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**Filed by Appropriate Authority in Home State**  
Legal guardian, custodial agency, or “appropriate authority” petitions court in home/demanding state.

If juvenile is in custody, must be filed within 60 days of notice of juvenile’s refusal to voluntarily return.

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**Hearing in Holding State within 30 days**

Hearing to determine proof of entitlement must be held with 30 days of receipt of requisition.

If not already detained, the court shall order the juvenile be held pending a hearing.

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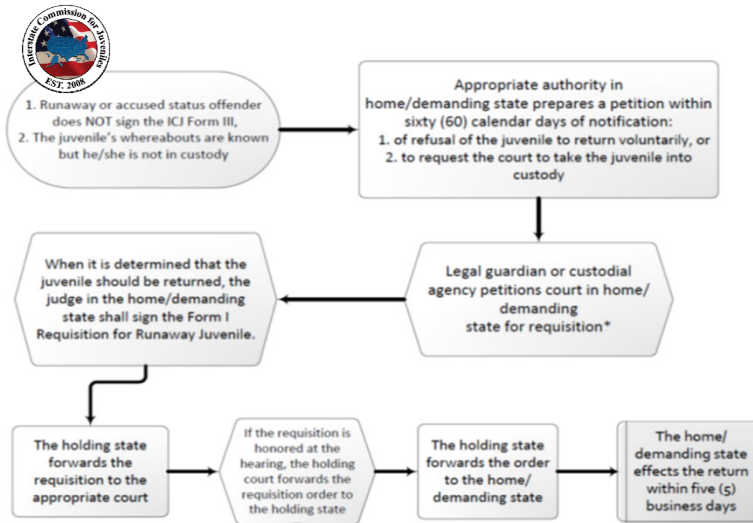
**Return within 5 days of Order**

Juvenile shall be returned by the home/demanding state with 5 business days of receipt of order granting requisition. Timeframe may be extended 5 days, if both states agree.

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## ICJ Bench Book Process Charts

### Non-Voluntary Return of a Runaway or Accused Status Offender



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## Secure Detention of Runaways & Status Offenders

- Youth who is “a danger to themselves or others” must be held in secure facility.
- Otherwise, holding state has discretion to hold at location it deems appropriate.
- Juveniles held pursuant to ICJ are excluded from JJDPA’s deinstitutionalization of status offenders (DSO) requirements.

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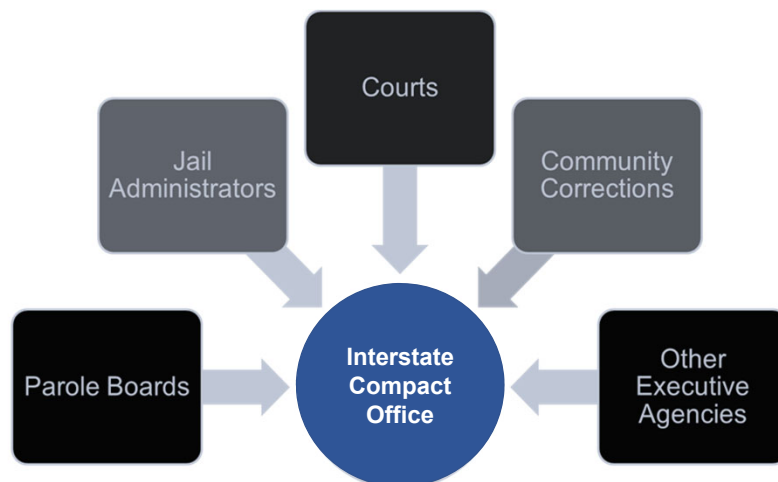
## Distinctions between ICJ and ICPC

ICJ	ICPC
Delinquency & Runaways	Abuse and/or Neglect
Revised ICJ adopted by 50 states, DC, USVI	Revision drafted, but not all states have adopted
Includes explicit remedies for enforcement	Does not include explicit remedies (still enforceable under Constitution & contract law)

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## Interstate Compact Offices

- Administers the Compact
- Point of contact for case specific questions
- Conducts training
- Resolves issues with other states
- Ensures rule compliance
- Develops & recommends in-state ISC operating procedures to State Council



ICAOS Directory <https://www.interstatecompact.org/regions-states>  
 ICJ Directory: <https://www.juvenilecompact.org/directory-list>

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## ICAOS Resources: [www.interstatecompact.org](http://www.interstatecompact.org)



### Compact Online Reference Encyclopedia

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

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



### Training Support

All of the Commission's training material, resources and on-demand modules in one convenient location.

<https://interstatecompact.org/user/login?destination=/litmos-api>



### Interstate Compact Offender Tracking System

The Commission's national tracking system that administers the transfers for all compact offenders.

<https://interstatecompact.org/user/login?destination=/zendesk-api>



### ICAOS Bench Book for Judges and Courts

The Commission's judicial reference tool to assist judges and court personnel on the Compact.

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

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## ICJ Resources: [www.JuvenileCompact.org](http://www.JuvenileCompact.org)



### ICJ Bench Book, Bench Cards, and Toolkit for Judges

The Commission provides a wide array of resources for judges and attorneys.

<https://www.juvenilecompact.org/legal/toolkit-for-judges>



### Trainings Offered Live and On Demand

All of the Commission's training material, resources and on-demand modules in one convenient location.

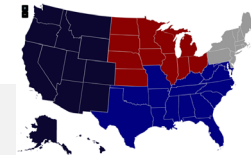
<https://www.juvenilecompact.org/training/on-demand>



### National Electronic Data System

The Commission's national data system is used to track interstate supervision and returns of juveniles.

<https://www.juvenilecompact.org/jids/what-is-jids>



### ICJ State Office Directory

The Commission's online directory makes it easy to connect with State ICJ Offices throughout the U.S.

<https://www.juvenilecompact.org/directory-list>

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# Questions

Interstate Compacts for Adults and Juveniles

## Contact Us

The ICAOS and ICJ National Offices are located in Lexington, Kentucky



### Email

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[mlunderwood@juvenilecompact.org](mailto:mlunderwood@juvenilecompact.org)



### Phone

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 859.721.1060 (Underwood)



### Website

[www.interstatecompact.org](http://www.interstatecompact.org)  
[www.juvenilecompact.org](http://www.juvenilecompact.org)



### Offices

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 Lexington, KY 40502

# Thank You

Interstate Compacts



ASSOCIATION OF  
PROSECUTING  
ATTORNEYS

APA's Mission: Supporting Prosecutors to Create Safer Communities



## The Prosecutor's Role in the Interstate Compact on Adult Offender Supervision

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### Keys for Prosecutors: Governing Authority

- › In member states, the ICAOS is the governing authority on movement of offenders across state lines.
  - › It must be given full force and effect by the courts.
  - › Each member state has a State Council to assist in managing intrastate Compact affairs.
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## The Prosecutor's Role in the Interstate Compact on Adult Offender Supervision

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### Keys for Prosecutors: Understanding the Principles of the Compact

- › Offenders have no constitutional right to relocate
  - › Determining offender eligibility under the Compact requires a multi-prong analysis
    - › Ineligibility may include failure to meet the definition of an offender, failure to commit an offense covered by the Compact, or not being subject to some form of community supervision.
  - › Deferred prosecution: determine if the elements of the program are covered by the Compact
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# Thank You

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