



Interstate Commission  
for Adult Offender Supervision  
**ICAOS Policies**

**Policy Number:** 02-2008  
**Issued:** 2008-08-01  
**Revised:** 2014-10-01

## **INVESTIGATING ALLEGATIONS OF NON-COMPLIANCE 02-2008**

### **I. Authority**

The Executive Committee is vested with the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session. The Executive Committee oversees the day-to-day activities managed by the Executive Director.

### **II. Applicability**

This policy applies to Commissioners, Compact Administrators, Deputy Compact Administrators, State Legal Representatives, and all persons engaged in the business of the compact.

### **III. Policy**

A. This policy defines the process by which the Compliance Committee will act when it receives an allegation. Under this policy and procedure, the Compliance Committee must address substantial or persistent violations after all other efforts to assist states to come into compliance are exhausted or in cases where violations warrant immediate action.

B. The Compliance Committee has the responsibility to ensure that the rules and regulations of the Compact are adhered to for the protection of public safety while promoting offender rehabilitation.

C. The Compliance Committee shall review and/or investigate all allegations of non-compliance that are directed to the Committee and may recommend to the Executive Committee one or more appropriate actions (See Sanctioning Guidelines policy 01-2018). The actions may range from corrective or educational measures to monetary fines, administrative orders, or other punitive sanctions.

### **IV. Investigation**

A. The purpose of the investigation is to substantiate or 'rule out' a factual basis for the allegations by assembling and examining all relevant evidence including witnesses, documents, and all other information that may lead to the discovery of relevant evidence.

B. During the investigation, information may emerge which justifies broadening the scope of the investigation beyond the initial allegations. The Commissioner of the State alleged to be in non-compliance will be informed in writing if new and different allegations are discovered during the investigation.

C. The investigation shall be conducted by a neutral investigator independently employed or otherwise contracted by ICAOS. Current Commissioners of the ICAOS are disqualified from acting as

an investigator, as it may be perceived as a conflict. The investigator, at the direction of the Executive Director, shall use all required materials and reports gathered during the inquiry phase and request all documents that would further assist the investigation. The investigator may interview any person(s) who may have information relevant to the allegation(s) and investigation of non-compliance and may obtain, through an appropriate subpoena or other processes if necessary, all documents and other information relevant to such allegation(s). Under the provisions of the Compact, all such investigatory information and investigative file(s) shall be confidential and not subject to public disclosure.

D. The State alleged to be in non-compliance will be allowed to submit written documents and appear before the investigator at the State's own expense. After the investigation, the investigator will prepare a written report to the Executive Director which shall include a summary of the conclusions.

E. The investigative report shall be confidential and not subject to public disclosure

F. The Executive Director shall forward the report and recommendations to the Chair of the Compliance Committee.

G. This report shall be forwarded within 30 days of the conclusion of the investigation phase unless a time extension has been granted by the Chair or designee.

H. The Chair of the Compliance Committee shall forward the report to the full committee, the State alleged to be in non-compliance, and the complaining State if applicable.

I. The State alleged to be in non-compliance shall be allowed to appear before the Compliance Committee at the State's own expense, or reply in writing at a date and time to be determined by the Compliance Committee.

## **V. Determination**

A. The Compliance Committee will base its findings on the report and any verbal or written submissions.

B. The Compliance Committee will present their findings and make a recommendation to the Executive Committee at their next scheduled meeting. If the State being investigated is found in non-compliance, the State shall reimburse the Commission for all costs associated with the investigation.