



COVID-19

Interstate Compact Response – April 2020

Presentation Objectives

In this webinar your will learn about:

- › Emergency Guidelines Policy
 - › AP 01-2020
- › Expectations During Pandemic
- › Compliance Concerns
 - › Rule Timeframes
- › State Actions Impacting Compact

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“The safety, health, and well-being of offenders, victims, staff, and communities shall be considered when making decisions and determining actions related to (Compact duties) travel, transfers, and returns.”

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Emergency Guidelines

Policy Provisions

- Procedures for documenting disruptions in compact related duties during an emergency
- State MUST maintain required services *to the greatest extent possible* under the emergency circumstances
- State must continue to follow ICAOS rules and procedures
- States shall cooperatively work to address each case on an individual basis with an emphasis on communication designed to foster public safety and positive supervision outcomes.

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Requirements for Imposing Restrictions

1

Specific contact information to allow for continued or ongoing communication

2

Date of effect and timeframe (≤ 60 days)

3

Authority by which changes are adopted

4

Explanation and description of specific Compact duties affected



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Emergency Guidelines

What the Policy Allows

Requires states to conduct business to the best of its ability
 Consistent treatment of states
 Allows for limitations on offender movement
 Cooperatively work together on a case by case basis

What the Policy Does Not Allow

Unlimited restrictions with no end date
 Blanket denial of cases
 Suspending efforts to collaborate and communicate

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Expectations During Pandemic

Continue to Work Together/Stay Connected



#1 ensure we are tracking offenders to the best of ability

- › Prevent absconders
- › Ensure mandatory actions are a priority-
 - › *particularly ensuring own citizens are able to return home*
- › Document in ICOTS!

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Documentation Expectations

- › Use ICOTS to enter cases and conduct business
- › Remember any user can see all activities (pending or historical) regardless where an activity exists in the workflow

Data captured may be useful in preparing for:

- › *Future emergencies*
- › *Assisting states get back to 'normal' once the pandemic subsides*

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Violations Without Ability to Retake

Considerations of instate actions/activities without the need for the offender to physically return to a sending state:

- › Is there a plan to continue supervision, alternative to incarceration or other action available in the receiving state?
- › How are instate offender violations being handled?
- › Electronic hearing capabilities?

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Use Violation Report when REQUIRING Retake

Not ready to require warrant, hold offender, conduct hearings, retake in the next 30 days etc.?

Reporting non-compliant behavior on a Progress Report does NOT prevent:

Use Progress Report

Discretionary retaking/return; or
Future Violation Report Requiring Retaking as circumstances evolve

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Ordering Return in Lieu of Retaking

STATE RESTRICTIONS RELATED TO COVID-19

According to ICADS Policy 91-2020 Emergency Guidelines, "The safety, health, and well being of offenders, victims, staff, and communities shall be considered when making decisions and determining actions related to travel, transfers, and returns." Therefore, information regarding any restrictions imposed is particularly important at this time. Due to the rapidly changing nature of information, please note that the restrictions listed below may not reflect the most recent information available. Please check with State Compact Offices for the most up-to-date information. To access the Compact Office Directory, please click [here](#).

State	Restrictions Imposed	Date Imposed	Length of Restriction	Other Information
Alabama	Y	3/31/2020	3/4/2020	Suspension of travel permits. Working diligently to process transfer requests, may not meet all deadlines due to decrease in staff
Alaska	Y	3/18/2020	30 days	Suspend all compact transfer requests and travel permits
Arizona	Y	3/16/2020	30 days	Maricopa County only
Arkansas	Y	3/20/2020	30 days	Suspension of transfer requests, travel permits, limited visitations
California	Y	3/16/2020	30 days	Suspension of transfer requests, travel permits, visitations (3/20)
Colorado	Y	3/13/2020	30 days	Suspending transfers in/out of certain judicial districts, Suspending visit visits

1

Documented restrictions must exist preventing retake

2

Both states **MUST AGREE &** be in the best interest of the situation

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Use Return Reporting Instruction process when possible

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Other Expectations

Supervise!

Supervision restrictions must be consistent with instate offenders

Escalate!

- Escalate to Commissioner
- Involve Stakeholders
- Identify alternative actions

Minimize!

Minimize complaints

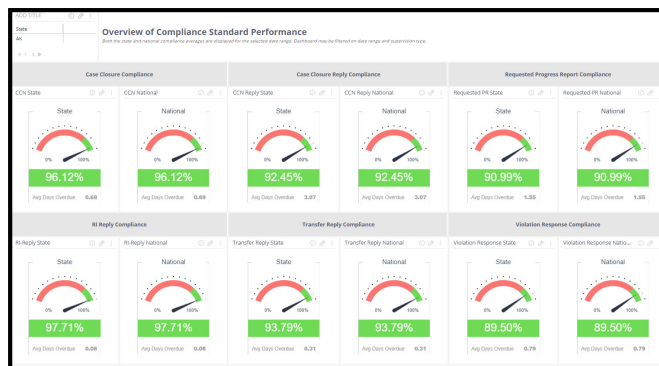
Work issues out as they arise!!

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Rule Compliance Concerns

#1: Ensure public safety and compact objectives over standards

Example: Transfer Rejections merely due to inability to meet 45-day time frame is not valid



Compliance Committee meets April 13th to review state restriction impact on compliance
<https://www.interstatecompact.org/committees/compliance>

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State Actions Impacting Compact Business

Institutions

- › Releasing low-level offenders
- › Increase in COVID-19 Cases

Investigations

- › How are states conducting home evaluations?

Supervision

- › How are states working around the crisis to continue to supervise?
- › What's working?

Retaking/Extradition

- › How are states working around extraditions?

Courts

- › Decrease in sentencing
- › Inability to obtain warrants due to closures
- › 'Tele-sentencing'/'tele-violation hearings'

Training

- › 'Bad habit' concerns with stakeholders once pandemic subsides
- › Are states effectively communicating/collaborating internally during emergency?

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Commission Vote on Emergency Rule 2.111 April 21st @ 2 pm ET

Rule 2.111 Emergency Suspension of Enforcement

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

- (1) The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
- (2) The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
- (3) The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

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Questions

DCA Region Chairs

Midwest



Matthew Billinger, Kansas

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Natalie Latulippe,
Connecticut

South



Tim Strickland, Florida

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