

ICAOS BEST PRACTICE 1-2023

UNIFORM FACE SHEETS FOR INTERSTATE WARRANTS



Issued: November 6, 2023

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The ICAOS Commissioner and State Director of Probation in New York sent a formal memo to local probation departments about the timely issuance of interstate warrants, as well as face sheets developed by their office to easily identify the need for full extradition warrants within 15 business days.

The New York Probation Compact Office developed this administrative process with assistance from:


- New York State Division of Criminal Justice Services (DCJS;)
- Office of Court Administration (OCA;) and
- New York City Department of Probation

ADMINISTRATIVE PROCESS & EXAMPLES



Memorandum sent to Probation Directors by ICAOS Commissioner explaining:

- ICAOS & its authority
- The circumstances and timeframes under which a compact compliant warrant is required
- Expectations for using the 'Face Sheet'
- Interstate Compact Office contact information for questions & assistance



NEW YORK STATE
Division of Criminal
Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

ROBERT M. MACCARONE
Deputy Commissioner and Director

STATE DIRECTOR'S MEMORANDUM # 2020-14

TO: All Probation Directors

FROM: Robert M. Maccarone, Deputy Commissioner and Director *RMM*
Office of Probation and Correctional Alternatives

DATE: December 15, 2020

SUBJECT: ICAOS—Interstate Cases--Timely Issuance of Warrants
Uniform Face Sheets

The Interstate Commission for Adult Offender Supervision is designed to regulate the movement of probationers and parolees across state lines, consistent with the goals of community safety. Probationers transferred through the Interstate Compact for Adult Offender Supervision (ICAOS) are subject to the regulations and related timeframes promulgated and enforced by the Compact, which have the force and effect of federal law.

The Commission promulgates rules that set forth the responsibilities of sending states with legal jurisdiction in addressing non-compliant behaviors by probationers located in the receiving state. Violations of Probation submitted for probationers whose supervision has been transferred interstate pursuant to the ICAOS are distinctly different from probation violations prepared for individuals who transfer intrastate--between counties. For interstate cases, legal jurisdiction is retained by the sending state, and consequently the obligation to timely issue warrants for arrest lies with the sending state. Further, the receiving state is expected to have conducted due diligence in attempting to locate probationer absconders prior to requesting the warrant.

When a receiving state submits a Violation of Probation alleging the probationer is non-compliant, the receiving state must submit a Violation of Probation for the probationer to the ICAOS.



New York created three 'Face Sheets' for violations requiring retaking:

- Technical Violations (aka 'Behavior Requiring Retaking') *
- New Felony/Violent Crime Convictions (AND retaking is warranted)
- Absconders

When requesting a compact compliant warrant, the 'Face Sheet' is attached to the Violation Report Requiring Retaking. The 'Face Sheet' summarizes the violation, ICAOS rule requirements and due date for a compact compliant warrant.

**In NY, the sheet is utilized AFTER the probation department determines to request a warrant to retake versus return in lieu of retaking.*



Interstate Compact for Adult Offender Supervision (ICAOS)

**Interstate Transfer -- Violation of Probation
Absconder—Request for Issuance of Warrant**

The attached Violation of Probation pertains to a probationer whose supervision has been transferred pursuant to the Interstate Compact for Adult Offender Supervision (ICAOS), and whose return to New York State is subject to the federal rules and related timeframes enforced through the Compact. The receiving or supervising state affirms this probationer is no longer available for supervision, the probationer's whereabouts are unknown, and he/she is an Absconder.

Absconder Violation: The supervising authority in the receiving state affirms the probationer is an absconder. It has conducted due diligence by performing home contacts and determined the probationer no longer resides at the known address. It has also reached out to all known collateral contacts to locate the probationer with negative results, including any known employer(s). The probationer has stopped reporting. His current whereabouts are unknown.

ICAOS Rule 5.103-1--Mandatory retaking for offenders who abscond requires the court in New York State to issue a warrant, and that the warrant be uploaded into National Crime Information Center (NCIC) with Nationwide Extradition" by [redacted].



Interstate Compact for Adult Offender Supervision (ICAOS)

**Interstate Transfer – Violation of Probation
Technical Violation—Request for Issuance of Warrant**

The attached Violation of Probation and Request for Warrant pertain to a probationer whose supervision has been transferred pursuant to the Interstate Compact for Adult Offender Supervision (ICAOS), and whose return to New York State is subject to the federal rules and related timeframes enforced through the Compact. The receiving or supervising state asserts that the probationer has committed a technical violation.

Technical Violation: The supervising authority in the receiving state asserts the probationer has committed a technical violation of his/her conditions of supervision and represents that this violation(s) could not be addressed through graduated responses. If this probationer were sentenced in the receiving state, the supervising authority would request revocation for non-compliance and violation of the conditions of supervision.

ICAOS Rule 5.103-- Offender behavior requiring retaking

(a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant.

A warrant must be issued and uploaded into the National Crime Information Center (NCIC) with "Nationwide Extradition" by [redacted].



Interstate Compact for Adult Offender Supervision (ICAOS)

**Interstate Transfer – Violation of Probation
New Felony or New Violent Crime Conviction
Request for Issuance of Warrant**

The attached Violation of Probation pertains to a probationer whose supervision has been transferred pursuant to the Interstate Compact for Adult Offender Supervision (ICAOS), and whose return to New York State is subject to the federal rules and related timeframes enforced through the Compact. The supervising authority in the receiving state has shown this probationer has been convicted of a new felony or new violent crime.

This violation of probation and the request that a warrant be issued is based on a new felony or new violent crime conviction. The attached violation packet includes the arrest report, conviction and sentence information.

ICAOS Rule 5.102-- Mandatory retaking for a new felony or new violent crime conviction requires the sentencing court to issue a warrant based on this conviction.

A warrant must be issued and uploaded into the National Crime Information Center (NCIC) with "Nationwide Extradition" by [redacted].

Note: ICAOS Rule 5.101-2: If the probationer is serving a period of incarceration for a new conviction which occurred outside of New York State, the period of incarceration may be recognized by the sentencing court in New York State and permit it to partially or fully satisfy a sentence that it would impose for the violation of probation. Unless the violation of probation hearing is waived by the