

Extradition Officials Guide



Interstate Commission for Adult Offender Supervision

Through cooperative action among states, the Interstate Commission for Adult Offender Supervision (ICAOS) regulates the transfer of supervised individuals across state lines. ICAOS enhances public safety and accountability by establishing a single standard of supervision for individuals being transferred and providing a mechanism to return individuals to the sentencing state without the need for formal extradition. Using the Compact to transfer is a privilege, not a right, and requires an application and approval process. This guide supports extradition professionals managing the return of supervised individuals who transfer to another state through the Interstate Compact.

Who transfers through the Compact?

Supervised individuals released to the community who are convicted of a felony or eligible misdemeanor (Rule 2.105), have 90 days of supervision remaining, and a valid plan of supervision.

Why are interstate returns different from traditional extradition?

All transferees sign a waiver of extradition, replacing the need for an extradition hearing and a Governor's warrant. An individual subject to the Compact is not bound by the provisions of the Uniform Criminal Extradition and Rendition Act. Courts have held that the Compact rules for apprehension and retaking do not violate due process laws.

Why would a transferred individual be returned to the sentencing state?

Sentencing states have the sole discretion to retake any individual who transfers through the Compact. (Rule 5.101)

Retaking may also be initiated when a supervising state has exhausted all available options to supervise a non-compliant transferee and one of the following occurs: a conviction for a new felony offense or violent crime (Rule 5.102), the supervised individual has engaged in behavior requiring retaking (Rule 5.103), or the individual absconds (Rule 5.103-1).

How is the retaking or extradition process managed?

The key stakeholders involved in the retaking process vary based on the jurisdiction responsible for the return. The interstate compact offices are the primary point of contact. *Retaking is mandatory in some cases; please consult the ICAOS rules for additional information.*

If a warrant is issued to retake, receiving states must detain the individual until transport arrangements are made. States have 30 calendar days to retake once an individual is in custody and available to return. (Rule 5.105) *If subject to pending charges, the supervised individual may not be available for retaking.*

Sending state officers may apprehend and retake individuals subject to the Compact. (Rule 5.107)

Officers of the sending or receiving state shall transport individuals without interference. (Rule 5.109)

Frequently Asked Questions

Communication

Who do I communicate with regarding extradition matters for Interstate Compact cases?

- Extradition officials should use the sentencing state's interstate compact office as their point of contact. There is a [directory](#) for each state's interstate compact office on the ICAOS website.

How early may an extradition official communicate with ICAOS to gather information concerning a particular case and defendant, and may communication occur prior to the resolution of the case?

- Extradition officials may communicate with their interstate compact office at any time to better understand the process and implications of transferring supervision between states.

What information does an interstate compact office need to know from an extradition official to facilitate a conversation?

- The interstate compact office will need general identity information such as: the supervised individual's name, their FBI number, or other identifying characteristics.

Process and Procedure

Are all interstate compact cases eligible for extradition, including misdemeanors?

- Yes. Anyone subject to the Interstate Compact is subject to its rules, including individuals who meet the criteria for a misdemeanor transfer. (Rule 2.105)

Do individuals who transfer through the Compact need to have an extradition hearing?

- No. Supervised individuals sign a waiver of extradition when they transfer their supervision, which cannot be challenged. (Rule 3.109)

Does the Interstate Compact apply to individuals who are located outside of the United States?

- No. The Interstate Compact applies only to transfers between Compact member states. All 50 states, Puerto Rico, the US Virgin Islands and the District of Columbia are members of the Compact.

Does the Interstate Compact apply to individuals subject to federal charges?

- No. The Interstate Compact only governs transfers of state/county supervision.

Where may I find more information about legal considerations related to the Interstate Compact?

- The [ICAOS Bench Book](#) is an excellent supplemental resource to the full [ICAOS Rules](#).