

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

Compliance Guide



The Commission enforces compliance not as a punitive measure, but to facilitate smooth Compact operations and adherence to its mission. This approach promotes cooperation and supports continuous process improvement. This compliance guide aims to provide states with the necessary tools, best practices, and instructions to effectively address compliance challenges and adhere to the rules and regulations of the Interstate Compact for Adult Offender Supervision (ICAOS).

COMPLIANCE REQUIREMENTS

Commissioners serve as the primary point of contact and are responsible for reviewing reports, responding to findings, and developing and implementing corrective action plans when necessary. They receive quarterly and annual dashboard compliance reports, as well as findings from annual audits, and are tasked with communicating with other Commissioners to resolve disputes.

Compliance requirements include:

- **Adhering to Timeframes:** Meeting the established timeframes in the rules.
 - **Meeting Compliance Dashboard Standards:** Achieving the required standards set by ICAOS in compliance monitoring.
 - **Maintaining Privacy Policies and Data Integrity:** Upholding the privacy standards and data integrity of the Interstate Compact Offender Tracking System (ICOTS).
 - **Maintaining State Council Membership:** Keeping an active state council.
 - **Aligning with External Parties:** Ensuring that actions by external parties, such as judges, sheriffs, and jails, are consistent with ICAOS rules and procedures.
 - **Consistent Rule Interpretations:** Ensuring uniform interpretations of ICAOS rules by all states, leading to consistent application and enforcement.
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COMPLIANCE TOOLS AND RESOURCES

Dashboard Compliance

There are forty-nine dashboard reports that offer real-time insights and performance metrics. Twenty-one of these are compliance focused to help states track their adherence to established standards and timelines and promptly resolve issues.

The Commission monitors six dashboards for compliance with timeframes. Commissioners and DCAs receive quarterly updates on their compliance performance. Each July, the Compliance Committee reviews dashboard standards to evaluate states failing to meet an 80% compliance threshold for the prior fiscal year. (Policy 05-2009 IX)

Compliance dashboards include:

- Rules 4.102 & 4.112 (a)(1) & (c): Case Closure Notice
 - Rule 4.112 (d): Case Closure Notice Reply
 - Rule 4.106: Requested Progress Report
 - Rules 3.101-1 (b) 3.101-1 (c), 3.103 (a)(2) & 3.106 (a)(2)(A): Reporting Instructions Reply
 - Rule 3.104: Time Allowed for Investigation
 - Rule 4.109 (c): Response to Violation Reports
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States that fail to meet passing standards in one or more of the six compliance dashboards for a fiscal year are notified and given one quarter to comply. Continued non-compliance requires the submission of a corrective action plan and may result in a monetary penalty if not resolved within the timeline specified in Policy 05-2009 IX. For potential fine assessment, see Policy 01-2019.

Annual Audits

Annual performance audits assess how Commission members manage various required elements of Compact operations (See Policy 05-2009). Each year's audit focuses on different compact processes based on relevant needs and issues. States use audit results to identify areas for improvement, implement training, and develop action plans. The national office and Compliance Committee are valuable resources to assist in developing process improvements and ensuring compliance.

Informal Dispute Resolution

When disagreements arise between states regarding rule interpretations or case handling, the initial step involves the Commissioners of those states engaging in open communication to discuss the issue and attempt to reach a resolution informally. (See Rule 6.101) If a successful resolution is not achieved through direct communication between Commissioners, states should utilize the informal dispute resolution process. (See Policy 03-2008)

1. A commissioner requests informal assistance from the executive director in interpreting Compact rules and managing disputes via email that includes:
 - The involved state(s)
 - The specific rule, procedure, or policy in question
 - The ICOTS case number and details, if applicable
 - Efforts made to resolve the issue before involving the national office
2. The executive director will respond in writing within 10 business days and collaborate with the involved states to reach a resolution.
3. If a resolution is not reached amicably, the executive director works with the appropriate standing committees, subject matter experts or legal counsel.
4. If informal resolution attempts are unsuccessful, the executive director may escalate the issue to a formal complaint process.

Formal Complaint Process

States use the formal complaint process when other attempts to resolve disputes through informal means are unsuccessful. Formal complaints are appropriate for situations where the non-compliance is serious or ongoing, and additional intervention or enforcement action is necessary to ensure compliance with ICAOS rules and regulations. The complainant state submits a written letter to the executive director that includes the following:

- The complainant state and contact information
 - The alleged non-compliant state(s)
 - ICOTS number(s) for specific cases
 - The rule, policy, or statute allegedly violated
 - A description of the issues, including what occurred with relevant facts
 - Pertinent dates and a timeline of events
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- Relevant supporting documentation
 - Outcomes from attempts to resolve the conflict
 - A summary of the enforcement action sought

Upon receiving a formal complaint, the executive director notifies the other involved state(s) and requests a response within thirty days. The executive director reports the matter to the Executive Committee, and it is referred to the Compliance Committee. The Compliance Committee evaluates the case information and presents a recommendation to the Executive Committee, which includes a finding and proposed remedial action.

ADDITIONAL TOOLS AND RESOURCES

Corrective Action Plans

A state may be required to submit a corrective action plan (CAP) in response to identified non-compliance or areas needing improvement in handling compact cases. The submission of a corrective action plan demonstrates the state's commitment to addressing the identified issues and ensuring compliance with ICAOS rules and regulations. The plan is submitted in writing and includes:

1. A detailed description of the problem in need of correction
2. Timelines that allow for effective resolution of the problem
3. A detailed plan outlining the steps to address the issue and individuals responsible
4. Any potential constraints that may hinder the CAP's successful implementation

Rule Interpretation

Commissioners and compact personnel have access to various tools to address questions about rules and policy applications effectively. The Commission's website offers whitepapers, quick reference guides, a comprehensive bench book, and advisory opinions. Commissioners can submit a request for a formal advisory opinion to the executive director that includes:

- A summary of the relevant facts or specific case in question
- Rules or policies relevant to the inquiry
- The state's interpretation of the rules or policies
- A specific and detailed question to be addressed

The Executive Director consults with legal counsel and the Executive Committee to determine whether a formal opinion is necessary or to gather information for a response. Advisory opinions are issued in writing and circulated to all states.

Proactive Measures for Maintaining Compliance

- Review compliance dashboards regularly.
 - Ensure DCAs and compact personnel are properly trained.
 - Monitor timeliness through email notifications in ICOTS.
 - Enlist the help of your state council to manage external partner relationships.
 - Communicate with your state peers regularly.
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