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# Interstate Compact for Adult Offender Supervision

What Magisterial District Judges and Jails/Prisons Need to Know



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## What is ICAOS?

The regulations of the Interstate Compact for Adult Offender Supervision (ICAOS) have the force and effect of federal law. Currently, all 50 states, Washington D.C., Puerto Rico and the U.S. Virgin Islands are members of the Compact. On June 19, 2002, the Commonwealth of PA became a member of the Compact. The Compact can be located at 61 Pa.C.S. § 7111, et seq. Accordingly, probation and parole agencies, law enforcement, the courts, parole boards, jails and other executive agencies within the Commonwealth are subject to the rules of ICAOS. Compliance with the Compact is enforced by the ICAOS National Office who can impose fines and other penalties on defaulting states.

The Interstate Compact for Adult Offender Supervision provides for the orderly transfer of probation and/or parole supervision from one state to another. It does *not* provide for the transfer of legal jurisdiction, which is retained by the sending state. For example, if an offender is placed on probation or parole supervision in Florida and transfers through the Compact to Pennsylvania (the receiving state) the supervision would be provided by the Pennsylvania Board of Probation and Parole; however, the sentencing court or Parole Board in Florida (the sending state) would retain legal jurisdiction over the offender. The courts or Parole Board in Pennsylvania would have no legal authority over this offender's interstate transfer case.

## How does ICAOS affect jails and prison facilities?

An offender who applies for transfer under the Compact is required to sign the **Offender Application for Interstate Compact Transfer**. This form is often referred to as the "waiver of extradition" as it is signed by the offender and clearly states:

**"...I will not resist or fight any effort by any state to return me to the sending state and I AGREE TO WAIVE ANY RIGHT I MAY HAVE TO EXTRADITION. I WAIVE THIS RIGHT FREELY, VOLUNTARILY AND INTELLIGENTLY."**

If an interstate offender is non-compliant with the conditions of their supervision in the receiving state, the receiving state may submit an Offender Violation Report to the sending state. Depending on the type and severity of the violation/s the sending state may be required to issue a warrant for the offender. According to the Compact rules, warrants are not subject to bail and may not contain any geographic limitations.

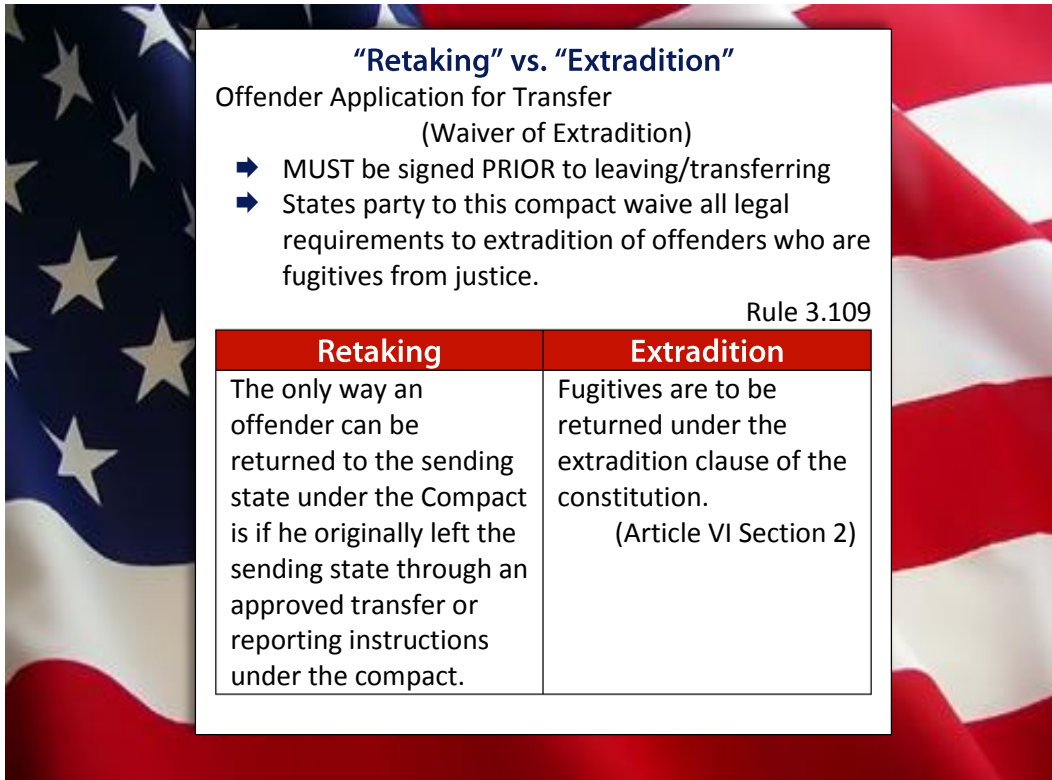
Upon execution of the interstate warrant by the receiving state, the offender must be held in custody until they are retaken by the sending state.

### ICAOS Rule 4.109, Authority to Arrest and Detain states

**"An offender in violation of the terms and conditions of supervision may be taken into custody or continued in custody by the receiving state."**

The facility housing the offender must detain him/her until the sending state retakes.

Since the courts in PA have no authority over an offender's interstate transfer case, an interstate offender should **not** be brought before a Pennsylvania court for extradition proceedings after an interstate warrant has been executed. Instead, the interstate offender must be taken directly into custody and held for retaking. Per Compact definition, retaking means the act of a sending state physically removing an offender, or causing to have an offender removed, from a receiving state.



**“Retaking” vs. “Extradition”**  
Offender Application for Transfer  
(Waiver of Extradition)

- ➔ MUST be signed PRIOR to leaving/transferring
- ➔ States party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

Rule 3.109

| Retaking   | Extradition  |
|--|--|
| The only way an offender can be returned to the sending state under the Compact is if he originally left the sending state through an approved transfer or reporting instructions under the compact. | Fugitives are to be returned under the extradition clause of the constitution.<br>(Article VI Section 2) |

## Other Relevant ICAOS Rules

### ICAOS Rule 5.105

“The sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending states warrant and the offender is being held ***solely on the sending state’s warrant.***”

## ICAOS Rule 5.101-1

Offenders who have been charged with a new criminal offense (in Pennsylvania) cannot be retaken until the charges have been dismissed, the offender is convicted and sentenced, and that sentence has been satisfied, the offender is convicted and the offender is released to supervision, or the sending and receiving states mutually agree to the retaking or return.

## ICAOS Rule 5.106

“The receiving state shall be responsible for the cost of detaining the offender in the receiving state...”

## ICAOS Rule 5.110

### **Retaking offenders from local, state or federal correctional facilities**

(a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender’s release from that facility provided that-

- (1) No detainer has been placed against the offender by the state in which the jail or prison is located; and
- (2) No extradition proceedings have been initiated against the offender by a third party state.

## ICAOS Rule 5.111

### **Denial of bail or other release conditions to certain offenders**

An offender against whom retaking procedures have been instituted by a sending or receiving state shall **not** be admitted to bail or other release conditions in any state.

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For questions concerning the Interstate Compact for Adult Offender Supervision, please contact Margaret Thompson, PA Deputy Compact Administrator- Probation at [mthompson@pa.gov](mailto:mthompson@pa.gov), 717.787.5699 EXT. 1142 or Kay Longenberger, PA Deputy Compact Administrator- Parole at [klongenber@pa.gov](mailto:klongenber@pa.gov), 717.787.5699 EXT. 1128.

Additional information and resources can be found at [www.interstatecompact.org](http://www.interstatecompact.org).