



ICAOS GENERAL COUNSEL REPORT

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Thomas Travis, ICAOS General Counsel

The general counsel assists the Commission in rule-making processes and by providing legal guidance on issues arising under the compact, its bylaws, or administrative rules. Counsel advocates for consistent application and compliance with Commission requirements, including the coordination and active participation in enforcement litigation.

Legal Issues Addressed in the Past Year

- The Commission received a request for a dispute resolution in a matter involving Minnesota and Arizona. The matter involved a client seeking a transfer under Rule 3.103, which was denied by Arizona.

Counsel advised the Executive Committee that the sending state determines whether a client is eligible for transfer under Rule 3.103. Once eligibility has been determined, the receiving state is obligated to issue reporting instructions. As a result, the client was properly considered to be living in Arizona at the time of his initial sentencing under Rule 3.103, and Arizona should have issued reporting instructions to Minnesota. The transfer request however may still be subsequently denied by the receiving state if requirements for transfer are not met.

- The Commission responded to a letter sent on behalf of an individual by the Rocky Mountain Victim Law Center alleging that two member states failed to fully comply with ICAOS Rules. The Center was informed that the Compact did not create private rights of action but that, after a thorough review, the Commission found no significant violations by either state.
- Minnesota sought an advisory opinion for an issue related to warrant requirements under Rule 2.110. The matter was subsequently deferred to the Rules Committee where it continues to be discussed.

Compliance Issues

The Commission took action in a complaint filed by the State of Washington against the Commonwealth of Kentucky for failing to issue a nationwide warrant. In response, Kentucky issued its warrant and addressed the concerns presented by Washington. The Compliance Committee did not seek enforcement action, but instead requested a written response from Kentucky outlining its efforts to address future similar issues, which was accepted by the Compliance Committee.

Litigation Matters

No litigation matters came before the Commission since the last annual business meeting.

Respectfully Submitted,

Thomas Travis

Thomas Travis, General Counsel
Interstate Commission for Adult Offender Supervision