



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

## EXTRADITION FOR INTERSTATE COMPACT CASES

Principal among the provisions of the Interstate Commission for Adult Offender Supervision (ICAOS) is the member states' waiver of formal extradition requirements for the return of offenders who violate the terms and conditions of their supervision. The ICAOS specifically provides that:

The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender the supervision subject to the provisions of this Compact and By-Laws and Rules promulgated hereunder.

As a precondition to transfer supervision, **ALL** offenders must sign a part of the offender application for transfer, thus agreeing to waive extradition from any state. This is **EXTREMELY IMPORTANT** as it replaces the need for an extradition hearing in the Receiving State and the need for a Governor's warrant by the Sending State (Interstate Compact Rule 3.109).

### **Pursuant to ORC 5149.24, Restricting Release on Bond or Final:**

- (A) When a sending state places a hold warrant or detainer warrant on an offender supervised under the interstate compact for adult offender supervision who is in custody in this state and that warrant does not provide that the offender may be released on bond pending return to the sending state, no court or record in this state has authority to release the offender on bond until the sending state withdraws the warrant.
- (B) A receiving state has no authority to grant a final release from supervision to any offender supervised under the interstate compact for adult offender supervision unless and until the final release has been approved by the supervising authority of the sending state. The sending state shall not unreasonably withhold such a final release and shall promptly communicate the release to the supervising authorities of the receiving state.

## When is Extradition of an Interstate Compact Offender Necessary?

Receiving State Requests Retake &:	Mandatory Retake?	Sending State Action
Behavior requiring retaking	Yes	Issue warrant OR order offender to return within 15 business days <ul style="list-style-type: none"> <li>• May ask for PC Hearing</li> </ul>
Conviction of new felony or violent crime	Yes	Issue warrant <ul style="list-style-type: none"> <li>• If serving a new sentence of incarceration for the new crime, sending state <u>may hold violation hearing</u> <ul style="list-style-type: none"> <li>○ Requires approval of authority and offender</li> </ul> </li> <li>• See Rule 5.101-2</li> </ul>
“Absconder” apprehended in receiving state on sending state’s warrant	Yes	Warrant previously issued per Rule 4.109-2 <ul style="list-style-type: none"> <li>• May ask for PC Hearing</li> </ul>

When Ohio is supervising an Interstate Compact offender for another state and a warrant is issued for that offender’s arrest, the responsibilities for Ohio as the Receiving State are:

- Assume the cost of detaining the offender
- No bail or other conditions allowed for offender
- While an extradition hearing is not necessary, the sending state may request that a Probable Cause Hearing be held on the offender
- If an offender has pending charges, they are NOT available for retaking by the sending state until the charges are disposed. If the sending state issues a detainer for an offender while charges are pending, it is the receiving state’s responsibility to hold the offender until they are available for retake.

When an Ohio offender is being supervised under the Interstate Compact agreement in another state and a warrant is issued for violation behavior, the responsibilities for Ohio as the Sending State are:

- When issuing a warrant for an Interstate Compact offender, the warrant must be nationwide
- Assume the cost of retaking the offender
- Retake within 30 days of availability
- Establish authority of officers
- Identify the offender
  - Ensure no detainers against offender exist
  - Ensure no extradition proceedings are pending

### **Potential Consequences for Non-Compliance**

All courts and executive agencies in each member state must enforce the Compact and take all necessary actions to effectuate its purposes. Non-compliance could result in the member state receiving fines/fees, remedial training/technical assistance, legal enforcement, or suspension/termination of membership in the Compact.

**Contact:** For questions regarding an offender's Interstate Compact status, contact the Ohio Interstate Compact Office at 614.387.0809 or by email at [Ohio.Compact@odrc.state.oh.us](mailto:Ohio.Compact@odrc.state.oh.us).