



Interstate Commission for Adult Offender Supervision

# Annual Business Meeting Docket Book

SEPTEMBER 21-29, 2021



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# DOCKET BOOK

SEPTEMBER 21-29, 2021

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- Agenda
- Annual Business Meeting Minutes from September 16, 2020
- Rule and ICOTS Enhancement Proposals
- Committee and Region Reports
- FY 2023 Budget
- Revised State Dues Assessment
- Data Collection
- Award Recipients
- Spirit Sighting Recipients
- Statute
- Bylaws
- Rules
- Robert's Rules of Order Summary



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

# AGENDA

(All times indicated in EDT)

### TUESDAY, SEPTEMBER 21, 2021

#### **Rule and ICOTS Proposal Presentation**

*Presenters:*

2:00 p.m. – 3:30 p.m.

- *Commissioner Mary Kay Hudson (IN), Rules Committee Chair*
- *Commissioner Dori Littler (AZ), Rules Committee Vice-chair*
- *Thomas Travis, ICAOS General Counsel*
- *DCA Suzanne Brooks (OH), DCA Liaison Committee Chair*
- *Xavier Donnelly, ICOTS Project Manager*
- *Mindy Spring, ICAOS Training Coordinator*

### WEDNESDAY, SEPTEMBER 22, 2021

10:00 a.m. – 12:00 p.m. **East Region Meeting**

2:00 p.m. – 4:00 p.m. **Midwest Region Meeting**

### THURSDAY, SEPTEMBER 23, 2021

10:00 a.m. – 12:00 p.m. **South Region Meeting**

2:00 p.m. – 4:00 p.m. **West Region Meeting**

### MONDAY, SEPTEMBER 27, 2021

11:00 a.m. – 1:00 p.m. **Executive Committee Meeting**

2:00 p.m. – 3:00 p.m. **Public Hearing**

2:00 p.m. – 4:00 p.m.

**General Session**

**Call to Order**

- *Roll Call*

**Opening Remarks**

- *Commissioner Jeremiah Stromberg (OR), Chairman*

**Approval of Agenda**

**Approval of Minutes**

- *September 16, 2020 Annual Business Meeting*

**Committee Reports**

- ABM Workgroup
  - *Commissioner Hope Cooper (KS)*
- Compliance Committee
  - *Commissioner Allen Godfrey (MM)*
- DCA Liaison Committee
  - *DCA Suzanne Brooks (OH)*
- Finance Committee
  - *Commissioner Gary Roberge (CT)*
    - *Budget FY 2023*
- Training, Education & Public Relations Committee
  - *Commissioner Joselyn López (WI)*
- Rules Committee
  - *Commissioner Mary Kay Hudson (IN)*
    - *Rule Amendments*
- Information Technology Committee
  - *Commissioner Chris Moore (GA)*
    - *ICOTS Enhancements*

**Old/New Business**

- Recognition and Awards
- Call to the Public

**Adjourn**



# 2020 ANNUAL BUSINESS MEETING MINUTES

*Interstate Commission for Adult Offender Supervision*

Virtual Annual Business Meeting  
September 16, 2020

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## **Call to Order**

Chair J. Stromberg (OR) called the meeting to order at 2:03 p.m. ET.

## **Roll Call**

Executive Director A. Lippert called the roll. Fifty out of fifty-three members were present, thereby constituting a quorum.

- |                         |                                 |
|-------------------------|---------------------------------|
| 1. Alabama              | Tom Langer, Commissioner        |
| 2. Alaska               | Rebecca Brunger, Commissioner   |
| 3. Arizona              | Dori Littler, Commissioner      |
| 4. Arkansas             | Amber Schubert, Commissioner    |
| 5. California           | David Babby, Commissioner       |
| 6. Colorado             | Merideth McGrath, Commissioner  |
| 7. Connecticut          | Gary Roberge, Commissioner      |
| 8. Delaware             | Terra Taylor, Commissioner      |
| 9. District of Columbia | <i>Not in attendance</i>        |
| 10. Florida             | Joe Winkler, Commissioner       |
| 11. Georgia             | Chris Moore, Commissioner       |
| 12. Hawaii              | Dwight Sakai, Commissioner      |
| 13. Idaho               | Denton Darrington, Commissioner |
| 14. Illinois            | Rebecca Walton, Commissioner    |
| 15. Indiana             | Mary Kay Hudson, Commissioner   |
| 16. Iowa                | Sally Kreamer, Commissioner     |
| 17. Kansas              | Hope Cooper, Commissioner       |
| 18. Kentucky            | Steve Turner, Commissioner      |
| 19. Louisiana           | <i>Not in attendance</i>        |
| 20. Maine               | Susan Gagnon, Commissioner      |
| 21. Maryland            | Martha Danner, Commissioner     |
| 22. Massachusetts       | Gloriann Moroney, Commissioner  |
| 23. Michigan            | Russell Marlan, Commissioner    |
| 24. Minnesota           | Allen Godfrey, Commissioner     |
| 25. Mississippi         | Christy Gutherz, Commissioner   |
| 26. Missouri            | Julie Kempker, Commissioner     |
| 27. Montana             | Cathy Gordon, Commissioner      |

28. Nebraska	Jacey Rader, Commissioner
29. Nevada	Sheri Sliva, Commissioner
30. New Hampshire	Benjamin Jean, Commissioner
31. New Jersey	Samuel Plumeri, Commissioner
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Timothy Moose, Commissioner
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Katrina Ransom, Commissioner
37. Oklahoma	James Rudek, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	<i>Not in attendance</i>
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Patricia Coyne-Fague, Commissioner
42. South Carolina	Jerry Adger, Commissioner
43. South Dakota	Brad Lewandowski, Commissioner
44. Tennessee	Lisa Helton, Commissioner
45. Texas	David Gutierrez, Commissioner
46. Utah	Dan Blanchard, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	Wynnie Testamark, Commissioner
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn López, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Jail Association (AJA) – *Not in attendance*
- American Probation and Parole Association (APPA) – *Not in attendance*
- Association of Paroling Authorities International (APAI) – *Not in attendance*
- Association of Prosecuting Attorneys (APA) – *Not in attendance*
- Conference of Chief Justices (CCJ) – *Not in attendance*
- Conference of State Court Administrators (COSCA) – *Not in attendance*
- International Association of Chiefs of Police (IACP) – *Not in attendance*
- Interstate Commission for Juveniles (ICJ) – Jedd Pelander
- National Association for Public Defense (NAPD) – *Not in attendance*
- National Association of Attorneys General (NAAG) – Bereket Tesfu
- National Association of Police Organizations (NAPO) – *Not in attendance*
- National Conference of State Legislatures (NCSL) – *Not in attendance*
- National Criminal Justice Association (NCJA) – *Not in attendance*
- National Governors Association (NGA) – *Not in attendance*
- National Institute of Corrections (NIC) – *Not in attendance*
- National Organization for Victim Assistance (NOVA) – *Not in attendance*
- National Sheriffs' Association (NSA) – *Not in attendance*



Chair J. Stromberg (OR) welcomed Commission members to the first-ever virtual annual business meeting. Though initially, the Commission planned to be together in downtown Milwaukee, like the rest of the world at this time, it adjusted. This was a year of many changes and as a result, the Commission adapted, became stronger, adopted new rules and policies to meet the challenges of today and tomorrow, and grew closer fostering a greater sense of collaboration and community.

He added that the Commission continued to pursue investments in technology and expanded engagement with partners through training and collaboration. Throughout this difficult year, the Commission remained true to its principles to serve the communities, states, and nation, to ensure public safety, and to seek successful outcomes for offenders.

#### **Approval of Agenda and Minutes**

**Commissioner R. Maccarone (NY) moved to approve the agenda as presented. Commissioner M. Pevey (WA) seconded. Agenda approved.**

**Commissioner S. Plumeri (NJ) moved to approve the Annual Business Meeting's minutes from October 9, 2019, as drafted. Commissioner C. Gordon (MT) seconded. Minutes approved.**

**Commissioner S. Sliva (NV) moved to approve the Special Meeting's minutes from April 21, 2020, as drafted. Commissioner J. Rader (NE) seconded. Minutes approved.**

#### **DCA Liaison Committee Report**

DCA T. Hudrlik (MN), the DCA Liaison Committee chair, presented her report to the Commission. She thanked the national office staff and the committee members for their work: DCA East Region Chair Natalie Latulippe (CT), DCA Midwest Region Chair Matthew Billinger (KS), DCA South Region Chair Timothy Strickland (FL), and DCA West Region Chair Tanja Gilmore (WA) as well as region representatives - Denis Clark (ME), Simona Hammond (IA), Elizabeth Powell (DC), and Pat Odell (WY).

DCA T. Hudrlik (MN) presented the DCA Liaison Committee's mission to provide a mechanism for Deputy Compact Administrators (DCAs) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

DCA T. Hudrlik (MN) noted that the committee goals for the year were:

- Identify issues or concerns affecting DCAs and support effective discussion and action to find resolution.
- Identify issues of relevance for referral to standing committees.
- Support the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

In the last six months, the DCA region chairs held regular DCA region meetings and worked together given the issues around COVID-19 and its impact on corrections operations.

The committee originally had a quarterly DCA newsletter and in FY 2020, it contemplated ceasing the publication. After receiving positive feedback from readers, the committee agreed to continue publishing the newsletter.

In the past year, the DCA Liaison Committee forwarded three ICOTS enhancement recommendations to the Technology Committee as well as assisted in the preparation and training of the new ICAOS rule amendments that went into effect on April 1, 2020.

The committee worked closely with the Training Committee, ABM Planning Workgroup, and ICAOS National Office staff to coordinate planning and implementation of the 2020 DCA Training Institute.

DCA T. Hudrlik (MN) reminded the Commission about the DCA Mentoring Program. The mentoring program was designed to coach, train, and counsel new and existing DCAs on compact office operations. The mentoring program encouraged active participation in the Commission and collaboration with member states to promote successful strategies and best practices.

**Commissioner D. Littler (AZ) moved to accept the DCA Liaison Committee report as presented. Commissioner R. Maccarone (NY) seconded. Motion passed.**

### **Training, Education & Public Relations Committee Report**

Commissioner J. López (WI), the Training Committee Chair, recognized the committee members: Commissioner Roberta Cohen (NM), Commissioner Russell Marlan (MI), Commissioner Amy Vorachek (ND), Commissioner Jacey Rader (NE), Commissioner Patricia Coyne-Fague (RI), and Commissioner Jim Parks (VA) as well as ex-officio Sally Reinhardt-Stewart (NE), ex-officio Mark Patterson (OR), and ex-officio Tanja Gilmore (WA).

She expressed her gratitude to the trainers who delivered the 2020 Amendment training and the ABM's DCA session: Dori Littler (AZ), Natalie Latulippe (CT), Matthew Billinger (KS), Tracy Hudrlik (MN), and Suzanne Brooks (OH).

The Training Committee continued to follow its mission to enhance public safety through awareness and consistent administration. The committee developed and enhanced educational resources and training materials for use by member states and stakeholders.

Commissioner J. López (WI) listed the committee's goals in FY 2021:

- Expand the outreach to stakeholders and other organizations to increase education on the mission of the Compact, including state council members and sheriff's association;
- Expand education on NCIC and importance of warrant tracking;
- Launch a new cost-effective Learning Management System;
- Assist with conclusion of the ICOTS Training Integration (aka Help Points) Project; and
- Integrate Hearing Officer's Guide and ICAOS Support Site articles into CORE.

Commissioner J. López (WI) presented some of the committee's accomplishments to the Commission:

- Created a new strategy to utilize a needs assessment to collect specific Annual Business Meeting's training and session ideas;



- Reviewed and provided feedback on ICOTS Training Integration Project (help points) to the Technology Committee.
- Created OnDemand dashboard reports trainings for commissioners, DCAs, and compact staff.
- Provided legal webinars in partnership with the National Center for State Courts and the National Association of Attorneys General.
- Provided trainings for Compact Staff on the 2020 Rules Amendments and updated all training resources.
- Worked with the DCA Liaison Committee and the ABM Workgroup on the curriculum for the 2020 virtual DCA Training Institute.
- Delivered ICAOS Rules training for over 200 new officers in Massachusetts via Technical and Training Assistance Policy in November 2019.

Commissioner J. López (WI) noted that in the past year, over 5,700 individuals accessed on-demand modules, a 10% increase from last year.

**Commissioner D. Crook (VT) moved to accept the Training, Education & Public Relations Committee report as presented. Commissioner S. Gagnon (ME) seconded. Motion passed.**

### **Rules Committee Report**

Commissioner M. Hudson (IN), the Rules Committee Chair, thanked the Rules Committee members for their hard work. The Rules Committee members were Dori Littler, Vice Chair (AZ), Rebecca Brunger (AK), Joe Winkler (FL), Chris Moore (GA), Robert Maccarone (NY), Linda Rosenberg (PA), Joselyn López (WI), ex-officio Turran Blazier (IN), ex-officio Timothy Strickland (FL), ex-officio Tracy Hudrlik (MN), ex-officio Margaret Thompson (PA), and ex-officio Patricia Odell (WY).

The Rules Committee mission was to administer the Commission's rulemaking procedures and objectively review or develop rule change proposals as appropriate.

The committee's FY 2021 Goals were to present rules for consideration in 2021, including resolving a conflict with Rule 4.111 and recently revised Rule 5.101. In addition, the committee would review and provide recommendations for region and committee referred rule proposals.

In the past year, the committee worked closely with the Executive Committee to draft and adopt Rule 2.111 Emergency Suspension of Enforcement. The rule was implemented on April 21, 2020.

Furthermore, the committee monitored implementation of rule amendments by providing training, feedback, and clarification. They reviewed proposals to amend Rule 3.103 and Rule 2.105 and a new rule for domestic violence without taking a formal action.

The Rules Committee along with the Compliance Committee participated in a warrant audit workgroup and currently assigned a workgroup to review timeframes for issuing warrants in the rules.

**Commissioner G. Roberge (CT) moved to accept the Rules Committee report as presented. Commissioner C. Gordon (MT) seconded. Motion passed.**

### **Compliance Committee Report**

Commissioner A. Godfrey (MN), the Compliance Committee chair, expressed his appreciation for the national office staff and committee members' commitment and hard work throughout the year.

The Compliance Committee was responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee oversaw developing appropriate enforcement procedures for the Commission's consideration.

The Committee set three for this year:

- Continue to review compliance trends and make recommendations, if necessary.
- Meet and review compliance issues within 30 days of an Executive Committee referral and
- Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

During the past year, the committee reviewed and made recommendations to the Executive Committee on the following matters:

- Representatives from the Compliance and Rules Committees collaborated on planning for the FY 2021 audit that included documenting action steps taken by each state to address any deficiencies found in issuing warrants and retaking. The Executive Committee deferred the FY 2021 audit due to the COVID-19 pandemic.
- The committee addressed one formal complaint regarding the release of an interstate compact offender with an active nationwide warrant. The committee found the complaint was not substantiated and recommended applicable training.
- A state did not respond to the FY 2019 and FY 2020 audits and failed to provide a corrective action plan within 30 days for failing to meet compliance standards. The state was also in fault for failing to pay its annual dues within 120 days of the fiscal year. The committee recommended the state submit a corrective action plan within 10 days or incur a \$3,000 fine.
- Pre-COVID-19, the committee monitored the compliance dashboards to determine if any state was below 80% over four consecutive quarters in a fiscal year. Three states had five or more consecutive quarters below 80% on compliance standards and were required to submit a corrective action plan.

Commissioner A. Godfrey (MN) stated that based on the compliance dashboard reports, including the data from the months of COVID-19 pandemic in the U.S., the commission members continued to maintain a high level of excellence operating above the 80% level. He thanked the states for their hard work to adhere to the Compact rules.

He added that the committee continued to monitor the compliance dashboards without enforcement during the pandemic.

In the upcoming year, the committee would prepare for future warrant audits through data obtained nationally. It would continue to reinforce the proactive review of processes at the local level, especially the discretionary transfer cases and increase in denials. The committee would review pandemic formed strategies and procedures to keep post COVID-19.

**Commissioner M. Pevey (WA) moved to accept the Compliance Committee report as presented. Commissioner J. Rudek (OK) seconded. Motion passed.**

### **Finance Committee Report**

Commissioner G. Roberge (CT), Treasurer and the Finance Committee Chair, thanked the national office staff, and the Finance Committee members for their work and diligence throughout the past year.

Commissioner G. Roberge (CT) stated that the Commission was in a good financial health. The Commission finished FY 2020 4.2% under budget. It was estimated that \$5,600 of reserve funds would be needed to balance the budget. Additional earning on interest and dividend income coupled with spending practices allowed for a surplus and \$100,000 was moved into reserves.

In FY 2020, the Commission's total expenses were \$1,509,584.27 and the total revenue was \$1,609,208.83. The Commission cash reserve is \$1,519,694.73. The Commission also maintained investments in two long-term Vanguard investment accounts. These funds included an investment grade bond fund and a total stock market index fund. Currently, these funds hold \$1,887,103.49.

Commissioner G. Roberge (CT) stated that the Commission did not have a policy in place governing its investments. The committee recommended the approval of the Administrative Policy 02-2020 on Investments drafted by the national office. The policy provided the Commission's investment objectives and defined responsibilities for managing the Commission's investments with target asset allocations, including permissible investments and diversification requirements.

Commissioner G. Roberge (CT) stated that the Commission successfully completed a financial audit by an independent auditor. The auditor found the Commission in good financial status and provided a clean and unmodified report. The audit report was included in the FY 2020 Annual Report.

Commissioner G. Roberge (CT) presented the FY 2022 budget for Commission's vote. The budget was consistent with prior years with modest economical increases. The Finance and Executive Committees reviewed and recommended approval of the proposed budget.

**Commissioner G. Roberge (CT) moved to approve the FY 2022 budget as presented. Commissioner J. Stromberg (OR) seconded. Motion passed by vote 45 to zero.**

Commissioner G. Roberge (CT) noted that the state budgets face uncertainty regarding the size and duration of the economic challenge presented by COVID-19. The Commission's investment income along with operational changes created a stable fiscal position capable of supporting a one-time 30% dues reduction to all member states for FY 2022. Though continued and expanded

use of investment funds may result in dues increases in the future, operational changes today allow for a manageable temporary adjustment without significant effect on the Commission's services or goals.

The Commission collects \$1,516,253 in dues assessments annually and estimates spending for FY 2021 to total \$1,443,100. If the Commission approves the reduction, in FY 2022, it will collect \$1,061,377.10 in dues. Cost savings anticipated over the next two years requires accessing roughly \$281,470 from reserves to cover the reduction.

Commissioner R. Maccarone (NY) expressed his appreciation to the Executive Committee members for taking a proactive approach and recommending the 30% reduction to the annual dues. Earlier this year, New York sent a letter to the Executive Committee requesting for relief of their dues payment due to the economic impact from the pandemic.

**Commissioner C. Moore (GA) moved to approve the annual dues reduction proposal as presented. Commissioner R. Marlan (MI) seconded. Motion passed by vote 45 to zero.**

**Commissioner R. Maccarone (NY) moved to accept the Finance Committee report as presented. Commissioner J. López (WI) seconded. Motion passed.**

### **Information Technology Report**

Commissioner C. Moore (GA), the Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service: Benjamin Jean (NH), Dan Blanchard (UT), Mac Pevey (WA), Joselyn López (WI), ex-officio Matthew Billinger (KS), ex-officio Daryn Cobb (MI), and ex-officio Julie Lohman (VA).

Commissioner C. Moore (GA) listed the committee's goals for FY 2021:

- Implement ICOTS changes prior to the effective date of any rule changes;
- Provide guidance on future ICOTS enhancements;
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies;
- Continue to pursue value enhancing data export of ICOTS offender and case information with state agencies; and
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for retaking purposes.

In the past year, the Technology Committee worked on the following projects:

*ICOTS FY 2020 Rule amendment changes* - On April 1, 2020, three functional rule amendment enhancements launched in ICOTS:

- New verbiage on absconder violations reports;
- New definition of sex offender and management of sex offender status; and
- New documentation requirements on progress reports that mirror the requirements on the violation report.

*Website redesign project* - The national office is working on a complete redesign of the ICAOS website. The project will bring the website into compliance with ADA standards, simplify navigation, consolidate some overlapping content areas, and provide a clean and modern look.

*ICOTS Help Points* - On Wednesday, July 15, 2020, Appriss released the first batch of ICOTS training help points. The ICOTS help points designed to replace and improve upon the ICOTS User Guide PDF. Instead of a large and cumbersome document that is difficult to update, Appriss integrated easy to understand tips and explanations within the application itself. The remaining of help points will be added to ICOTS later this fall.

*ICOTS FY 2021 Enhancements* - Fiscal year 2020 was the first year the committee utilized the new enhancement request policy. Although seven proposals were approved, the committee is recommending six of those to stay within the approved annual budget of \$50K. The enhancement not being proposed for vote allowed users to choose and respond to more than one Compact Action Request. It was priced at a little over \$30K.

Commissioner C. Moore (GA) presented ICOTS Enhancement *01 - Update Language on CCN Due Notifications* with a production cost of \$2,190 to the Commission's consideration. Enhancement will improve the timing and wording of the Case Closure Notice is due/due notification emails, so it is clear the receiving state is responsible for submitting the Case Closure Notice on the Supervision End Date or within 10 business days after the Supervision End Date. The new text will also provide instructions for the sending state to update the supervision end date in ICOTS (which serves as the Case Closure due date), if needed.

**Commissioner D. Crook (VT) moved to approve ICOTS Enhancement 01\_CCNDueNotifications as presented. Commissioner S. Turner (KY) seconded. Motion passed by vote 45 to zero.**

Commissioner C. Moore (GA) presented ICOTS Enhancement *02 - Remove Retaking Obligation* with a production cost of \$22,350 to the Commission's consideration. The enhancement creates a new process available to Compact Office users to change the violation recommendation option to "Retaking no longer required" when PC is not found or other reasons a receiving state would no longer require retaking of an offender.

**Commissioner J. Adger (SC) moved to approve ICOTS Enhancement 02\_RemoveRetakingObligation as presented. Commissioner D. Skiles (WV) seconded. Motion passed by vote 46 to zero.**

Commissioner C. Moore (GA) presented ICOTS Enhancement *04 - New Compact Action Request Specialization: Travel Permit* with a production cost of \$3,480 to the Commission's consideration. The enhancement creates a new option for specialized CARs for travel permits.

**Commissioner S. Plumeri (NJ) moved to approve ICOTS Enhancement 04\_NewCARSpecializationTravelPermits as presented. Commissioner S. Gagnon (ME) seconded. Motion passed by vote 44 to zero.**

Commissioner C. Moore (GA) presented ICOTS Enhancement 05 - *Include first 100 characters of text from CAR in Email Notification* with a production cost of \$6,420 to the Commission's consideration. The changes will include first 100 characters of text from first attachment on the compact action request. This change does not include modifications to the email notification for the CAR reply.

**Commissioner G. Roberge (CT) moved to approve ICOTS Enhancement 05\_CommentPreviewinCAREmails as presented. Commissioner S. Plumeri (NJ) seconded. Motion passed by vote 48 to zero.**

Commissioner C. Moore (GA) presented ICOTS Enhancement 06 - *Re-word the 'Rejected Case Requires Attention' Email* with a production cost of \$1,170 to the Commission's consideration. The enhancement will re-word the 'rejected case requires attention' email notifications with clearer instructions. This enhancement will also ensure this notification is only transmitted when the Case Status is Pending.

**Commissioner G. Roberge (CT) moved to approve ICOTS Enhancement 06\_UpdateRejectedCaseNotifications as presented. Commissioner R. Maccarone (NY) seconded. Motion passed by vote 48 to zero.**

Commissioner C. Moore (GA) presented ICOTS Enhancement 07 - *Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs* with a production cost of \$3,210 to the Commission's consideration. The enhancement will re-word the 'rejected case requires attention' email notifications with clearer instructions. This enhancement will also ensure this notification is only transmitted when the Case Status is Pending.

**Commissioner S. Sliva (NV) moved to approve ICOTS Enhancement 07\_AddAddresstoCaseClosurePDF as presented. Commissioner J. López (WI) seconded. Motion passed by vote 47 to zero.**

Commissioner C. Moore (GA) stated that the enhancements would go into production on or before June 20, 2021. The approved enhancements would launch in multiple code releases.

**Commissioner G. Roberge (CT) moved to accept the Information Technology Committee Report as presented. Commissioner S. Gagnon (ME) seconded. Motion passed.**

Chair J. Stromberg (OR) reminded the commission members that they could find written reports from each committee and region in the Annual Business Meeting docket book.

Chair J. Stromberg (OR) introduced new General Counsel Tom Travis to the Commission. By engaging Mr. Travis, the Commission gains additional skill in legal representation while also enhancing long-term business continuity and organizational memory. Mr. Travis' wealth of knowledge and experience includes a cum laude Juris doctorate from the University of Kentucky College of Law. Chair J. Stromberg (OR) added that with the addition of Mr. Travis, the Commission had not lost the benefit of proficiency from Rick Masters. Through his continuing association, he now serves as special counsel to the Commission, offering his unparalleled

knowledge and long-standing expertise in Compact Law. A report from legal counsel is contained within the meeting's docket book.

Chair J. Stromberg (OR) announced John Gillis as the appointed ex-officio Victims Representative from the National Organization for Victim Assistance (NOVA). He noted that Mr. Gillis went right to work establishing a new resource to help victims receive information about the Interstate Compact. Upon his recommendation and in collaboration with NOVA, the Commission established a victims' resource email to allow victims to ask compact specific questions and receive a response from qualified victims' representatives. Through this resource, the Commission continues its support and protection of the rights of victims.

### **Award Presentations**

*Executive Chair Award* presented to Commissioner C. Moore (GA). Serving as the commissioner for the State of Georgia since 2012, Commissioner Moore is a member of the Executive and Rules Committees and now chairs the Information Technology Committee. In addition, Commissioner Moore's service includes a prior tenure as the South region chair. Chris is an active leader, supporting principled change and responsible growth while maintaining focus on the critical mission of public safety.

*Executive Director Award* presented to DCA S. Brooks (OH). Over the past six years, DCA Brooks has served as the DCA for Ohio. Through that time, she has worked tirelessly to educate officials throughout her state and improve Ohio's compliance rate; and, she has been an active voice and participant on the ABM Workgroup and Compliance Committees. Suzanne's enthusiasm and generosity have earned the respect of staff, Commissioners, and her peers.

*Peyton Tuthill Award* presented to Victim Advocate Lisa Kinard (FL). For 34 years, Ms. Kinard has served as a victim advocate, spokesperson, and change agent. Ms. Kinard is a Florida certified contract manager, auxiliary probation officer, and member of the Florida Crisis Response Team. She serves as an at-large board member with the National Association of Victim Service Professionals in Corrections (NAVAC). Additionally, she is an active member of the Big Bend Victim Assistance Coalition (BBVAC), Florida Council on Crime and Delinquency (FCCD), and the National Institute of Corrections' (NIC) Post-Conviction Victim Service Providers Network. She is a passionate supporter of the rights and safety of victims, inspiring others to become advocates.

### **Committee Chairs Recognition**

Chair J. Stromberg (OR) expressed his appreciation to all committee chairs for their diligent work toward achieving their goals amidst a difficult year.

He recognized the committee chairs for their service and dedication: Tracy Hudrlik – DCA Liaison Committee Chair, Alan Godfrey – Compliance Committee Chair, Chris Moore - Information Technology Committee Chair, Mary Kay Hudson - Rules Committee Chair, and Joselyn López - Training, Education and Public Relations Committee Chair.

He expressed a special thanks to the officers - Hope Cooper – Commission's Vice Chair and Gary Roberge – Treasurer and Finance Committee Chair.



**Old Business**

There was no old business.

**New Business**

*Election of Officers:* Commissioner D. Crook (VT), the nomination committee spokesperson, presented a slate of nominees for consideration:

- Chair – Jeremiah Stromberg (OR)
- Vice-chair – Hope Cooper (KS)
- Treasurer – Gary Roberge (CT)

Commissioner D. Crook (VT) asked for the nominations from the floor. No other nominations were received.

**Commissioner J. López (WI) moved to close the nomination. Commissioner R. Marlan (MI) seconded. Motion passed.**

**Commissioner D. Skiles (WV) moved to accept slate of officers as presented. Commissioner C. Gordon (MT) seconded. Motion passed.**

This year, the oath of office will be secured in writing.

Chair J. Stromberg (OR) announced that the 2021 Annual Business Meeting was scheduled for September 27-29, 2021, in Milwaukee, WI.

**Adjourn**

**Commissioner D. Crook (VT) moved to adjourn. Commissioner S. Plumeri (NJ) seconded.**

The meeting adjourned at 3:41 pm ET.



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

### NOTICE OF PUBLIC HEARING

The Interstate Commission for Adult Offender Supervision (ICAOS) will vote on proposals to amend ICAOS Rules at the 2021 Virtual Annual Business Meeting on Wednesday, September 29, 2021. In accordance with ICAOS Rule 2.109(c), the Rules Committee shall publish the text of the proposed rules or amendments no later than 30 days prior to the meeting at which the vote on the rule is scheduled. Amendments to the following rules are scheduled for vote:

**Rule 1.101:** Definitions - Resident

**Rule 5.108:** Probable Cause Hearing in the Receiving State (*Midwest Region*)

**Rules 2.110, 4.111, 5.101, 5.102, 5.103, & 5.103-1:** Warrant Timelines

#### **Public Hearing Location**

Zoom meeting number: 878 1557 0119

Password: icaos

Date: Monday, September 27, 2021

Time: 2:00 p.m. – 3:00 p.m. ET

#### **Notification Procedures**

Interested persons may submit their intent to attend and/or written comments to:

**Ashley Lippert, ICAOS Executive Director**

3070 Lake Crest Circle, Suite 400-264

Lexington, KY 40513

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Electronically submitted written comments must be received by 3:00 pm ET on Sunday, September 26, 2021. Mailed comments must be postmarked by September 17, 2021, to ensure timely receipt.

## 2021 Rule/ICOTS Proposal Summary

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS/ FAIL
ByLawArt2Sect2	Executive	Add NDAA as ex-officio member	N/A	N/A	N/A	
1.101-Revise Definition of 'Resident'	Rules	Change qualification for 'resident' to: lived in the receiving state 1 year prior to sentencing or supervision start date	Yes	Yes	Yes <b>\$1,020</b>	
5.108-Probable Cause Hearing in the Receiving State	Midwest	Clarify PC must be established prior to retaking on a violation that is justifiably revokable in the receiving state	Yes	Yes	No	
2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1	Rules	Expand (except 5.101) timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking	Yes	Yes	Yes Separate Vote	
ICOTS	Proposed by	Proposal Description/Justification	TC review Complete?	RC/TC Recommend?	ICOTS Cost	PASS/ FAIL
New Warrant Status Tracking/Audit Tool	Rules/ Tech	<ol style="list-style-type: none"> <li>1. New Warrant Status for ICOTS records: User entered data related to compact compliant warrants.</li> <li>2. New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information)</li> <li>3. New managed activity for Discretionary Retaking</li> </ol>	Yes	Yes-Warrant Status Tracking  Neutral-Disc Retake	Yes Warrant Status Bundle - \$56,565  New Disc Retaking activity - \$38,625 = <b>\$95,190 Total</b>	



# 2021 ICOTS & Rule Proposals

Interstate Commission for Adult Offender Supervision

## Presentation Objectives

### Today you will learn about:

- › ICOTS Proposal for Warrant Tracking
  - › Warrant Status Bundle
  - › New Discretionary Retaking Activity
- › ICAOS Rule Proposals
  - › Voting procedures
  - › Cost for related ICOTS changes
  - › Practical impact & considerations for states

# ICOTS Proposal for Warrant Tracking (2 SEPARATE VOTES)

## #1 Warrant Status Bundle

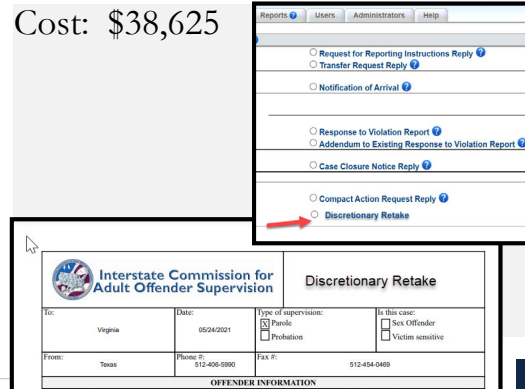
## #2 New Discretionary Retaking Activity

Cost: \$56,565

- > New special status – Warrant Status: \$36,525
- > New warrant status email notifications: \$16,500
- > Warrant status data export: \$3,540

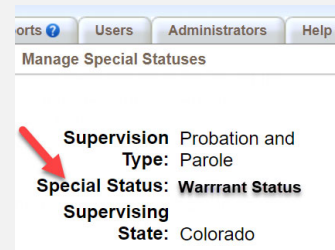


Cost: \$38,625



# Warrant Status Bundle: \$56,565

## New Special Status



## Email Notifications

*From: ICOTS Notification <icots@globalnotifications.com>  
Sent: {DATE}  
To: {USER EMAIL}  
Subject: Warrant Status Update information is NEEDED for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID})*

*This email is a notification that Warrant Status update information is NEEDED for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID}), based on {Notification Trigger Reason (see note at bottom)}.*

**\*IMPORTANT\*** Arrests should not occur based on this information alone. Warrant Status does not necessarily indicate an active NCIC warrant, though the process of issuing a warrant may have been initiated. Inaccurate information should be reported to your state compact office immediately.

*Offender Name: {OFFENDER\_NAME}  
Age: {Age based on DOB}  
ICOTS Offender #: {OFFENDER\_ID}  
ICOTS Case #: {COMPACT\_CASE\_ID}*

*Sending State: {SENSTA}  
Receiving State: {RECSTA}  
Supervision Type: {SUPERVISION\_TYPE}  
Special Status: {SPECIAL\_STATUS\_LIST}  
Offender Profile: {OFFENDER\_PROFILE\_URL}*

*Triggered by ICOTS activities/action and missing warrant data (e.g. NCIC verification)*

## Data Export

Data Field	Required to Create Record	Considered 'INCOMPLETE' without part of each trigger	Displayed in Email Notifications
{WARRANT_STATUS_ID} Unique identifier			
{CREATED_TS} Date Warrant Status was created			
{UPDATED_BY} User that updated Warrant Status			
{UPDATED_TS} Date Warrant Status was last updated			
{UPDATED_BY} User that updated Warrant Status			
{OFFENDER_ID} Unique offender ID in ICOTS			
{WARRANT_STATUS} Current status of the warrant record, values = (Active/Completed/Withdrawn)			
{DATE} Request for a warrant be issued was sent to the Court/Parole Board/Other Issuing Authority			YES
{DATE} Court/Parole Board/Other Issuing Authority issued the warrant	YES	YES	YES
{NAME} State of issuing Authority	YES	YES	YES
{TEXT} Contact Info for Issuing Authority (Email, phone, address, etc.)			YES
{TEXT} Warrant Issuance Number (NIC Number)			YES
{DATE} Warrant NCIC entry			YES
{DATE} Warrant Screened Response received 'read only'			YES
{DATE} Warrant Withdrawal Request received 'read only'			YES

## Warrant Status Bundle: Workflow

Add Warrant Status records anytime via the Offender profile

ICOTS will prompt the user (via email notifications) to add warrant records upon submission of:

- Failure to Arrive;
- Mandatory Retaking (via Violation Report) w/Sending state response of 'Warrant Issued/Requested;' or
- New Discretionary Retaking (If approved, separate vote)



'Warrant Status Update Needed' notifications sent when required fields are blank:

- Warrant issuing authority
  - NCIC verification date
- Warrant Status record historical after indicating warrant is 'withdrawn' or 'served'

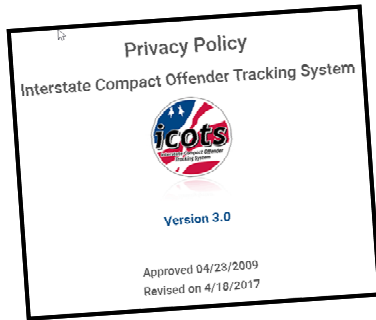
5

## Warrant Status Functionality

- Allows for multiple entries by various users with a time/date audit trail of ICOTS user entry data.
- Warrant data can be added to any active or historical record (e.g. absconder cases may be closed when entering warrant information)
- Sending state-assigned PO, supervisors, and compact office can enter warrant status data (Compact Office does NOT need to reassign case)
- Clear audit trail of who, what, and when an entry is made.

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## Warrant Status Expectations for States



- Make training a priority. Procedures to obtain compact compliant warrants varies by state. System only as good as the data.
- Self-audit regularly to ensure ICOTS privacy policy compliant data entry.
- Ensure users know that ICOTS/ICAOS does not confirm active/compliant warrants. States will need to verify. *Disclaimer included in screens & email notifications*

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## Discretionary Retaking Activity: \$38,625

- › Communicates Sending State's intent to Retake under Rule 5.101 (b) 'retake an offender via warrant'
- › Mirrors Progress Report workflow, except sending state transmits:
  - › PO->Supervisor->Compact Office.
  - › When transmitted to the Receiving State, the activity will become final except for the assigned user's ability to withdraw
- › Compliments the New Warrant Status Enhancement as a trigger for email notifications to instruct the user to enter a 'Warrant Status Record'

Interstate Commission for Adult Offender Superversion		Discretionary Retake	
To:	Virginia	Date:	05/24/2021
From:	Texas	Type of supervision:	<input type="checkbox"/> Parole <input type="checkbox"/> Probation
	Phone #: 512-406-5990	In this case:	<input type="checkbox"/> Sex Offender <input type="checkbox"/> Victim sensitive
	Fax #: 512-454-0469	OFFENDER INFORMATION	

Reports	Users	Administrators	Help
<input type="radio"/> Request for Reporting Instructions Reply			
<input type="radio"/> Transfer Request Reply			
<input type="radio"/> Notification of Arrival			
<input type="radio"/> Response to Violation Report			
<input type="radio"/> Addendum to Existing Response to Violation Report			
<input type="radio"/> Case Closure Notice Reply			
<input type="radio"/> Compact Action Request Reply			
<input type="radio"/> <b>Discretionary Retake</b>			

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## Discretionary Retake Activity Considerations

- › Tracks frequency Rule 5.101 (b) is invoked
- › Communicates ‘reason’ sending state invoked retaking
- › Captures compliance data for notifying receiving state within 15 business days of warrant issuance
- › Prompts users to enter a ‘warrant status record’ if not entered previously



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## Technology Committee Recommendation

- › **Warrant Status Bundle:**  
Unanimous recommendation to approve at 2021 ABM
- › **Discretionary Retaking Activity:**  
Neutral on prioritization for 2021 ABM pending region discussions

Warrant Status Bundle:  
\$56, 565  
+  
Discretionary Retake  
Activity:  
\$38,625  
=  
**Total \$95, 190**

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# ICAOS Rule Proposals

ABM 2021

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## Summary of Proposals

1 Bylaw Vote

3 Rule Proposal Votes



Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS/ FAIL
ByLawArt2Sect2	Executive	Add NDAA as ex-officio member	N/A	N/A	N/A	
1.101-Revise Definition of 'Resident'	Rules	Change qualification for 'resident' to lived in the receiving state 1 year prior to sentencing or supervision start date	Yes	Yes	Yes <b>\$1,020</b>	
5.108-Probable Cause Hearing in the Receiving State	Midwest	Clarify PC must be established prior to retaking on a violation that is actually revokable in the receiving state	Yes	Yes	No	
2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1	Rules	Expand (except 5.101) timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking	Yes	Yes	Yes Separate Vote	

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## By-Law Proposal Article 2, Section 2

### Section 2. Ex-Officio Members

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense, [National District Attorneys Association](#) and the International Association of Chief of Police may be ex-officio members of the Commission.

Adds National District Attorney's Association as ICAOS ex-officio member

Oldest/largest association of prosecutors: 5,000 members

Previous collaborations:

- Training
- Information Sharing

Executive Committee Recommends Adoption

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### Rule 1.101 'Resident' Definition

- Current definition is:
  - Restrictive
  - Commonly misapplied
  - Causes delays/denials
- Qualifying reason remains tied to commission of offense for which a transfer is requested
- Individuals who have resided in the receiving state for an extended time between commission of the offense and placement on supervision, will qualify as 'resident' under this revised definition

#### Rule 1.101 Definitions

"Resident" means a person who—

1. ~~has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested~~ has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated or under active military ~~orders~~ deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.



ICOTS Change: Remove Definitions from Transfer and Transfer Reply PDFs **\$1,020**

Rules Committee Recommends Adoption

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## Rule 1.101 'Resident' Definition

### Implications for Approving Definition of 'Resident'

#### Rule 1.101 Definitions

"Resident" means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated or under active military orders deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

- Need for ICOTS user & Stakeholder training on new criteria for mandatory transfer

- Anticipate increase in eligible offenders for transfer under 'resident' reason

- Anticipate improved acceptance rates for 'resident' due to common misapplication under current definition

- Considers where the offender lived immediately prior to EITHER the supervision start date or sentence date, rather than where offender lived prior to committing the offense.

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## Rule 5.108 (b) & (f) Probable Cause Hearing in the Receiving State

- Rule 5.108 (b) Additional language clarifies the waiver must include admission of a revocable violation.

ICAOS Benchbook for Judges:  
"the intent of the rule is that the offender must admit guilt to a violation that would result in revocation."

#### **Rule 5.108 – Probable cause hearing in receiving state**

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.



ICOTS Change: **NONE**

Rules Committee Recommends Adoption

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## Rule 5.108 (b) & (f) Probable Cause Hearing in the Receiving State

- Rule 5.108 (f) Ensures PC hearing reports meet proper criteria illustrating probable cause for a ‘revocable’ violation.

ICAOS Benchbook for Judges:  
“officials in the receiving state must show through documentation that the offender has engaged in behavior requiring retaking.”



ICOTS Change: **NONE**

### Rule 5.108 – Probable cause hearing in receiving state

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer’s report, notify the receiving state of the decision to retake or other action to be taken.

Rules Committee Recommends Adoption

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## 5.108 (b) & (f) Probable Cause Hearing in the Receiving State

### Implications for Approving Rule 5.108

#### Rule 5.108 – Probable cause hearing in receiving state

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing

- Clarifies the intent of the Rule consistent with training, ICAOS Hearing Officer’s Guide & ICAOS Benchbook

- Ensure documentation illustrates the offender engaged in revocable behavior
  - PC Waivers
  - PC Hearing Results

1. Behavior Requiring Retaking

[PDF](#)

Attachments  
No violation attachments provided

Probable Cause Records

	Date	PC Established	Description	Attachment	PDF
	09/30/2020	—	Awaiting Hearing		
NEW	10/30/2020	Yes	Hearing Complete - 10/29/2020		

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Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1  
15 Business Day Standard for Issuing Compact Warrants

### Summary of Rules

Rules 2.110, 4.111& 5.103	Offender does not return as ordered (Expands timeframe from 10 to 15 business days)
Rules 5.101	Offender does not return as ordered (Reduces timeframe from 30 calendar to 15 business days)
Rule 5.102	Creates timeframe to issue warrant after invoking mandatory retaking for new felony or violent crime conviction
Rule 5.103-1	Expands timeframe from 'upon receipt' to 15 business days

Rules Committee Recommends Adoption

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Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1  
15 Business Day Standard for Issuing Compact Warrants

### Implications for Approving 15 Business Day Standard

Standard timeframe improves efficiency for stakeholder training

Streamlines audit standards for new potential 'Warrant Status' ICOTS enhancement



*Reminder: ICOTS Enhancement related to warrant tracking is an independent vote at 2021 ABM.*

Ensures timeframe supports public safety and efficient actions for managing offender movement as required in each state's compact statute



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**April 1, 2022**

Effective Date for Rule Proposals & ICOTS Enhancements

*Bylaw amendment takes effect immediately upon Commission approval*

**2021 Rule/ICOTS Proposal Summary**

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?
ByLawArt25sect2	Executive	Add NDAA as ex-officio member	N/A	N/A	N/A
1.101-Revise Definition of 'Resident'	Rules	Change qualification for 'resident' to lived in the receiving state 1 year prior to sentencing or supervision start date	Yes	Yes	Yes \$1,020
5.108-Probable Cause Hearing in the Receiving State	Midwest	Clarify PC must be established prior to retaking on a violation that is actually revokable in the receiving state	Yes	Yes	No
2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1	Rules	Expand (except 5.101) timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking	Yes	Yes	Yes Separate Vote
ICOTS	Proposed by	Proposal Description/Justification	TC review Complete?	RC/TC Recommend?	ICOTS Cost
New Warrant Status Tracking/Audit Tool	Rules/Tech	<ol style="list-style-type: none"> <li>New Warrant Status for ICOTS records: User entered data related to compact compliant warrants.</li> <li>New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information)</li> <li>New managed activity for Discretionary Retaking</li> </ol>	Yes	Yes-Warrant Status Tracking  Neutral-Disc Retake	Yes Warrant Status Bundle - \$56,565 New Disc Retaking activity - \$38,625 = <b>\$95,190 Total</b>



**Thank You**

Interstate Compact for Adult Offender Supervision



Proposal to modify/enhance ICOTS application:

**Create ICOTS Processes to Track Warrant Status and New Activity for Discretionary Retaking**

Proposed by: Rules & Technology Committees

**Users Impacted:**

PO (Field User), Supervisor, Compact Office

**Statement of Need:**

In November 2020, the ICAOS Rules Committee formally recommended an ICOTS enhancement to create new managed warrant tracking process for compact offenders. This recommendation aimed to provide an effective tracking, communication, and measurable compliance tool.

Importantly, there will also be proposed rule amendments related to warrants. However, the ICOTS enhancement will be considered as a separate vote at the 2021 ABM.

*‘Warrant’ – means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.*

The Technology Committee approved functional specifications for a new ‘warrant status,’ initiated by retaking or failure to report and new activity for ‘Discretionary Retaking.’ The Technology Committee recommended three components to this enhancement proposal:

1. New Warrant Status for ICOTS records: User entered data related to compact compliant warrants.
2. New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information)
  - a. Warrant Status Needed-when no warrant record exists and/or data fields for ‘Issuing authority’ and ‘NCIC verification date’ are NULL
  - b. Warrant Status Updated-when any data is added to a warrant record
3. New managed activity for Discretionary Retaking

## **ER\_2021\_01\_CreateWarrantTrackingProcess\_Technology**

### **Current Practices:**

States continue to face significant challenges identified in the FY2020 Warrant Audit. Reported delays (primarily probation cases) result from multi-step processes involving various stakeholders and a lack of consistent or identified tracking efforts. Moreover, although the ICOTS Dashboards provide data on cases where a warrant is required, (e.g., failure to arrive, warrant issued/requested) tracking warrants and warrant compliance is accomplished outside of ICOTS.

*The following information is drafted by the Technology Committee:*

---

### **Justification of Enhancement Priority:**

The need to track warrants in ICOTS, although discussed in prior years, was a focal point in the FY2020 Warrant Audit. That audit asked states to provide data on randomly selected absconder cases. Data gathered in the audit had flaws due to inconsistent self-reporting. Further, 21 percent of cases were unsuitable for audit.

Provision of warrant-related tracking data in ICOTS would enhance public safety, compliance measurement, and reporting capacity as defined by Compact goals.

### **Region/Committee action:**

Rules Committee Nov 2020: Commissioner D. Littler (AZ) moved to adopt the workgroup's rule proposal package (*which includes a warrant tracking ICOTS enhancement*) expanding the timeframe for issuing compact compliant warrants to a standard 15-business day for Commission's consideration at the 2021 Annual Business Meeting. Commissioner R. Brunger (AK) seconded. Motion passed 7 to 1.

Technology Committee June 2021: Committee reviewed the 4 comments for the draft functional specifications of the warrant tracking enhancement. Two in support, one suggestion which is already included in the specifications and the remaining comment provided suggestions which are outside the scope of the defined warrant tracking project. Motion to proceed for Commission consideration without changes to the functional specification draft made by Commissioner S. Turner (KY), seconded by M. Pevey (WA). Motion carried unanimously.

Technology Committee August 2021: Committee reviewed the costs for the proposed FY22 ICOTS enhancements (noted below) specifically discussing whether to prioritize both the warrant status bundle and new Discretionary Retaking activity or have the Commission vote on each separately. Motion to present as separate votes recommending the Commission approve the warrant tracking bundle @ a cost of \$56, 565 but remain neutral on prioritizing the new discretionary retaking @ a cost of \$38, 625 pending additional region discussions on use of this new activity made by Commissioner S. Turner (KY), seconded by J. Lopez (WI). Motion carried unanimously.

**Impact on Other ICOTS Processes:**

Current activities for Violation Responses of ‘Warrant Requested/Issued’ (transmitted by a sending state) and Notice of Failure to Arrive (transmitted by a receiving state) will trigger the Warrant Status Needed notification. Also, the new process for Discretionary Retaking in this proposal will trigger the notification.

**Impact on External Data:**

All the new data fields created to track the special status will be added to the daily ICOTS data export in a new table. States will be able to monitor and audit details entered on warrants as well as compliance with ICAOS rules requiring warrant issuance.

**Development Cost:**

- 1.) Warrant Status Bundle - \$56,565
  - a. Special status – Warrant Status: \$36,525
  - b. New warrant status email notifications: \$16,500
  - c. Warrant Status data fields to data export: \$3,540
  
- 2.) New Discretionary Retaking activity - \$38,625

**Functional Specifications Drafted by National Office:**

***Overview***

This enhancement will be comprised of three major sections:

- 1.) New compact activity to manage discretionary retaking by the sending state
- 2.) New status (like current special statuses) that can be updated on the offender profile
- 3.) New email notifications covering “Warrant Status Needed” and “Warrant Status Update”

***Permissions & Description of Workflow***

**1 - Discretionary Retaking**

***Workflow***

This retaking workflow will mirror the progress report workflow and notifications with the caveat that it will originate from the sending state. It will follow the normal workflow on the SENSTA side, PO->Supervisor->Compact Office. When transmitted to the RECSTA, the activity will become final except for the assigned user’s ability to withdraw.

This process will not apply to offenders ordered to return in-lieu-of-retaking under Rule 5.101 (a) or 5.103 (b). Rather, those offenders will use the existing return reporting instruction procedure.

## **ER\_2021\_01\_CreateWarrantTrackingProcess\_Technology**

### ***Permissions***

Only the sending state assigned user will create the new compact activity and may withdraw the activity at any time (including after transmission) until case closure. This activity will only occur when invoking Rule 5.101(b) due to triggering the need for a new Warrant Status Record.

## **2 - Warrant Status**

### ***Workflow***

The Warrant Status record will allow for multiple entries by various users with a time/date audit trail of ICOTS user entry data. Addition of warrant data will be available for any active or historical record (absconder cases are closed in ICOTS.)

The Warrant Status record is associated with the offender profile, and not a specific compact case. This mirrors how the current special status records, like Sex Offender, are handled in ICOTS.

The required data fields for this status new status are shown, but not limited to, the sample emails for #3.

For example, the assigned PO may initially create the warrant status record entering data elements related to the date a warrant request was sent to the issuing authority and contact information for the issuing authority. As the process advances, a compact office user may provide additional data to the record such as the warrant number (NIC number) and NCIC verification date. The record remains 'active' in ICOTS to allow for additional details until data is entered that the warrant has been served or withdrawn. At that time, the record is 'read-only.'

### ***Permissions***

Functionality included will allow the sending state-assigned PO, supervisors, and compact office to create/update the Warrant Status data. The compact staff will not need to reassign the case to themselves to add a warrant status update.

## **3 - Email Notifications for Warrant Status Process**

Create two new types of email notifications:

1. 'Warrant status needed' - All users associated with the case in the sending state will receive these email notifications (PO, Supervisor, Compact Office)
2. 'Warrant status updated' - All users associated with the case in both the sending and receiving states will receive these email notifications (PO, Supervisor, Compact Office)

### ***1 - "Warrant Status Needed"***

This email notification reminds users that warrant status information is needed in ICOTS. Emails are prompted when no warrant status records exist or are incomplete (Issuing authority and NCIC verification date are NULL) and triggered by:

- Discretionary Retaking (New Activity)

## ER\_2021\_01\_CreateWarrantTrackingProcess\_Technology

- a. Timeframes:
  - i. Upon transmission of Discretionary Retaking Activity
  - ii. 5, 10, 15, and 30 calendar days after transmission of the activity
- b. Stop Triggers:
  - i. Withdraw of Discretionary Retaking Activity
  - ii. Warrant Status is updated to indicate warrant execution
  - iii. Warrant Status is updated to indicate warrant withdrawal
- Failure to Arrive Notice:
  - a. Timeframes: 5, 10, 15, and 30 calendar days after FTA transmitted
  - b. Stop Triggers:
    - i. Successful NOA transmitted after NOFA
    - ii. Warrant Status is updated to indicate warrant execution
    - iii. Warrant Status is updated to indicate warrant withdrawal
- OVR Response w/ Warrant Issued/Requested
  - a. Timeframes: 5, 10, 15, and 30 calendar days after OVR Response transmitted
  - b. Stop Triggers:
    - i. Mandatory Retaking obligation removed by receiving state compact office (post-2021 enhancement)
    - ii. Warrant Status is updated to indicate warrant execution
    - iii. Warrant Status is updated to indicate warrant withdrawal

### **Sample Email**

Below is sample language for this new email notification. Text in red is language not previously used on ICOTS email notifications.

*From: ICOTS Notification <icots@globalnotifications.com>  
Sent: {DATE}  
To: {USER EMAIL}  
Subject: Warrant Status Update information is NEEDED for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID})*

*This email is a notification that Warrant Status update information is NEEDED for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID}), based on {Notification Trigger Reason (see note at bottom)}.*

*\*IMPORTANT\*: Arrests should not occur based on this information alone. Warrant Status does not necessarily indicate an active NCIC warrant, though the process of issuing a warrant may have been initiated. Inaccurate information should be reported to your state compact office immediately.*

---

*Offender Name: {OFFENDER\_NAME}  
Age: {Age based on DOB}  
ICOTS Offender #: {OFFENDER\_ID}  
ICOTS Case #: {COMPACT\_CASE\_ID}*

## ER\_2021\_01\_CreateWarrantTrackingProcess\_Technology

*Sending State: {SENSTA}  
Receiving State: {RECSTA}  
Supervision Type: {SUPERVISION\_TYPE}  
Special Status: {SPECIAL\_STATUS\_LIST}  
Offender Profile: {OFFENDER\_PROFILE\_URL}*

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*NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is proprietary and/or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system immediately without copying or forwarding it, and notify the sender of the error by replying via email, so that our address record can be corrected.*

### 2 - "Warrant Status Update"

This email notification is sent to all associated users in both the sending and receiving states upon entry of new warrant status data on an existing warrant record.

#### **Sample Email**

Below is sample language for this new email notification. It includes a display of a select number of data fields from the warrant record entered in ICOTS. Text in red is language not previously used on ICOTS email notifications.

Data elements added prompting this email notification will display a 'NEW' flag in the email notification.

*From: ICOTS Notification <icots@globalnotifications.com>  
Sent: {DATE}  
To: {USER EMAIL}  
Subject: A Warrant Status Update for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID}) has been submitted*

*This email is a notification that a Warrant Status Update for {STATE} offender {OFFENDER\_NAME} ({OFFENDER\_ID}) has been submitted.*

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*Date Warrant Requested of Issuing Authority: {DATE} {NEW}  
Date Warrant Issued: {DATE} {NEW}  
Issuing Authority Name: {NAME} {NEW}  
Warrant Identifier Number (NIC #): {NUMBER} {NEW}  
Date Warrant Entered in NCIC: {DATE} {NEW}  
Date Warrant Served Record Became "Read Only": {DATE} {NEW}  
Date Warrant Withdrawn Record Became "Read Only": {DATE} {NEW}  
Warrant Status Comments: {TEXT SAMPLE} {NEW}*

*\*IMPORTANT\*: Arrests should not occur based on this information alone. Warrant Status does not necessarily indicate an active NCIC warrant, though the process of issuing a warrant may have been initiated. Inaccurate information should be reported to your state compact office immediately.*

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*Offender Name: {OFFENDER\_NAME}  
DOB: {DOB\_LIST}  
ICOTS Offender #: {OFFENDER\_ID}  
ICOTS Case #: {COMPACT\_CASE\_ID}  
Sending State: {SENSTA}  
Receiving State: {RECSTA}  
Supervision Type: {SUPERVISION\_TYPE}  
Special Status: {SPECIAL\_STATUS\_LIST}  
Offender Profile: {OFFENDER\_PROFILE\_URL}*

---

*NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is proprietary and/or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system immediately without copying or forwarding it, and notify the sender of the error by replying via email, so that our address record can be corrected.*

### ***Additional Notes***

- Data will include a clear audit trail of who, what, and when an entry is made.
- Each state will need to determine how to train on these new processes as procedures to obtain compact compliant warrants varies by state.
- States will need to determine lines of communication to ensure ICOTS privacy policy compliant data entry.
- Users must know that ICOTS/ICAOS does not confirm active/compliant warrants.
- Include this disclaimer on the warrant status screens in ICOTS as well as on every email notification regarding warrant status updates:

*“Arrests should not occur based on this information alone. Warrant Status does not necessarily indicate an active NCIC warrant, though the process of issuing a warrant may have been initiated. Inaccurate information should be reported to your state compact office immediately.”*

**Proposal to create/amend ICAOS Bylaws:**

***Section 2. Ex-Officio Members***

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense, National District Attorneys Association and the International Association of Chief of Police may be ex-officio members of the Commission.

**Justification:**

This amendment adds the National District Attorney Association (NDAA) as an ex-officio member. NDAA is a national association that provides training, technical assistance and services to prosecutors around the country. It is the oldest and largest association of prosecutors in the country with over 5,000 members, their mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people by providing its members with the knowledge, skills, and support they need to ensure justice is attained.

ICAOS has collaborated with NDAA over the last year to deliver training, share information and collaborate on issues affecting both organizations. Inviting NDAA to become an Ex Officio formalizes our partnership and cooperative efforts.

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**Executive Committee action:**

*Executive Committee January 2021:* Motion to amend the ICAOS Bylaws to include the National District Attorneys Association (NDAA) as an ex-officio member of the Commission made by Commissioner G. Roberge (CT), seconded by Commissioner C. Moore (GA). Motion carried.

**Effective date:**

September 29, 2021



Proposal to create/amend rules:

## **Rule 1.101 Definitions**

“Resident” means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision;~~ and
2. intends that such state shall be the person’s principal place of residence.; and
3. has not, unless incarcerated or under active military orders deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

### **Justification:**

The current definition of resident in Rule 1.101 is overly restrictive and does not address the circumstances of individuals who have resided in a receiving state for an extended time, especially between commission of the offense and placement on supervision. Moreover, the current definition makes it particularly challenging for the sending state to provide proper documentation to support residency in such circumstances. The misapplication and limitations of the current definition often result in unnecessary delays or denials of the transfer request because the individual does not meet the current criteria of “resident”, despite having a valid plan of supervision in the receiving state. This proposal maintains the protections provided to the receiving state under the existing “resident” rule, while recognizing individuals who have established themselves with the requisite supports in the receiving state. Lastly, this proposal ensures that the request for transfer under the qualifying reason remains tied to the commission of the offense for which the offender is placed under supervision.

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions, or dispute resolutions:**

Benchbook updates required. Possible AO footnotes/changes needed.

### **ICOTS impact:**

Technology Committee June 2021: Discussion on updating the definitions listed on Transfer Request & Transfer Reply PDF ICOTS generated forms questioned whether these serve a practical purpose as help points already exist to assist the user. Motion to recommend removal of the definitions listed on the generated forms made by Commissioner S. Turner (KY), seconded by M. Pevey (WA.) Motion carried.

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\* Resident of receiving state - a person who (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under (2) with the intent that such state shall be the person's principal place of residence and (3) who has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.  
\*\* Resident family - a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who-1) has resided in the receiving state for 180 days or longer; and 2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

Cost: \$1,020

### **Scope and Metric**

Definition change is expected to increase the number of offenders qualifying as a 'resident' as well as increase the acceptance rate.

As of 11/18/2020 the number of active compact cases transferred as 'resident' = 54,099 or 49% of total compact offenders

#### Acceptance Rates:

2018: 86.5%

2019: 87.5%

2020: 86.5%

### **Region/Committee action:**

*Rules Committee March 2021:* Motion to forward and recommend NY's version of the proposed amendment to the definition of 'resident' made by Commissioner R. Maccarone (NY), seconded by Commissioner R. Brunger (AK). Motion carried.

*Rules Committee June 2021:* Upon review of comments received, revisions were made to add 'continuously and immediately' to section 1 clarifying the trigger for when the 1-year timeframe for qualification for a resident starts as well as the committee decided not to strike section 3 referencing military duty and incarceration. Motion to amend proposal for Rule 1.101 definition of 'resident' and approve for final version for Commission vote at the ABM made by Commissioner R. Maccarone (NY), seconded by Commissioner D. Littler (AZ). Motion carried.

### **Effective date:**

April 1, 2022

**Proposal to create/amend rules:**

***Rule 5.108 – Probable cause hearing in receiving state***

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.

3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

**Justification:**

Added language to this rule would align it more with both ICAOS Bench Book and ICAOS training of this rule. In 2016 this rule was amended to remove language as the commission no longer used the term "significant" in referring to violations resulting in revocation in order to be consistent with the supervision of probationers and parolees in the receiving state. The intent was to create a single standard of supervision in the respective states by eliminating the three significant violations. However, by removing the word significant it leaves open interpretation that any admission of any violation could result in the requirement for retaking. For example, a receiving state may report a combination of violations including major violations such as violence or prohibited contact, in addition to a minor violation of failing to report. Should the offender only admit guilt to the failing to report, many could and do interpret that to create a mandatory retaking situation. In discussion of this amendment, multiple states reported this occurring multiple times. In this situation, it would then require the sending state to request further action from the sending or be forced to conduct a probable cause hearing in the sending state, foregoing rights such as the opportunity to confront witnesses, and have the hearing near the location of the violation.

This is in accordance with the ICAOS Bench Book 4.7.3.3 Probable Cause Waiver, where it states that the effect of waiving the probable cause hearing is "in effect, an admission that they have committed an offense of sufficient gravity as to justify revocation...". Also, that "by waiving the hearing, the offender is implicitly admitting that their actions could justify revocation of supervised release". It is important to clarify that the intent of the rule is that the offender must admit guilt to a violation that would result in revocation.

In accordance with ICAOS Bench Book 4.7.3.2.2 Probable Cause Hearing Report it discusses that the purpose of Rule 5.103 – Offender behavior requiring retaking is "that officials in the receiving state must show through documentation that the offender has engaged in behavior requiring retaking. Therefore, by adding language to both (a) and (f) it supports that the waiver or evidence of a violation that would result in revocation, be supplied to the sending state.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions, or dispute resolutions:**

Consistent with ICAOS Benchbook and Hearing Officer Guide on Rule 5.108.

**ICOTS impact:**

None.

**Scope and Metric**

N/A

**Region/Committee action:**

*Midwest Region Jan 2021:* Commissioner K. Ransom (OH) moved to forward proposal to Rule 5.108 (b) & (f), Commissioner R. Walton (IL) seconded. Motion passed.

*Rules Committee Feb 2021:* Motion to recommend alternate language for the Midwest’s proposal to Rule 5.108 (b) ‘.....that would result in the pursuance of revocation of supervision in the receiving state and require retaking’ for consideration made by Commissioner R. Maccarone (NY,) seconded by Commissioner D. Littler (AZ). Motion carried.

*Midwest Region Feb 2021:* Motion to amend proposal as recommended by the Rules Committee made by Commissioner A. Godfrey (MN), seconded by Commissioner J. Lopez (WI). Motion carried. Replace that are subject to revocation of supervision with that would result in the pursuance of revocation of supervision in the receiving state and require retaking’ in section (b)

*Rules Committee Mar 2021:* Motion to recommend proposal to Rule 5.08 made by Commissioner R. Maccarone (NY), seconded by Commissioner A. Schubert (AR). Motion carried.

*Rules Committee June 2021:* Review of comments from Commission members. No changes made to proposal and is considered final for Commission vote in September.

**Effective date:**

April 1, 2022

## Warrant Timeframe Amendments-Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1

### Summary & Justification:

The following rules package includes amendments to six (6) rules (2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1) expanding the timeframe for issuing compact compliant warrants to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking. In addition, this proposal includes a proposed ICOTS enhancement to create new managed processes for tracking warrants for compact offenders enhancing the Commission's efforts and goals to provide effective tracking and communication.

This package is thought to improve stakeholder training efforts (due to confusion over various timeframes in current rules) while ensuring the timeframe supports public safety and efficient actions for managing offender movement as required in each state's compact statute.

### FAQ's:

Q: My state has compliance concerns of meeting a 15-business day timeframe. Is assistance available?

A: As every state functions differently, states face different challenges issuing compact compliant warrants. States with compliance concerns are encouraged to proactively reach out for assistance sooner than later. The proposed rules actually EXPAND timeframes in most instances a warrant is required. The Commission's [Technical Training Assistance Policy](#) is available to all member states and provides solutions based on your state's specific technical or training needs.

Q: Fifteen business days (3 weeks) is too long, and our in-state policies require warrants to be issued within 5 business days. Why 15 business days?

A: Through various committee/region discussions over the years and based of the 2019 Warrant Audit responses, 15 business days is a balance between public safety and a state's ability to issue warrants. While recognizing some states may face challenges, it is important to establish a standard that can be measured. States can certainly establish their own policies and procedures for shorter timeframes internally to ensure activities are completed within the ICAOS rules.

### Proposal to Create/Amend Rules:

#### ***Rule 2.110 Transfer of offenders under this compact***

- (a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.
- (b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

- (c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.

#### ***4.111 Offenders returning to the sending state***

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless 3.104 (b) or (c) applies or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (c) Except as provided in subsection (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.
- (d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.

#### ***Rule 5.101 Discretionary retaking by the sending state***

- (a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not

return to the sending state as ordered, then the sending state shall issue a warrant no later than ~~30 calendar~~ 15 business days following the offender's failure to appear in the sending state.

- (b) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

***Rule 5.102 Mandatory retaking for a new felony or new violent crime conviction***

- (a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:
- (1) completion of a term of incarceration for that conviction; or
  - (2) placement under supervision for that felony or violent crime offense.
- (b) When a sending state is required to retake an offender, the sending state shall issue a warrant no later than 15 business days and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

***Rule 5.103 Offender behavior requiring retaking***

- (a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.
- (b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.
- (c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.
- (d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to apprehend the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).



***Rule 5.103-1 Mandatory retaking for offenders who abscond***

- (a) ~~Upon~~ Within 15 business days of receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.
- (b) If an offender who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108 (b).
- (c) Upon a finding of probable cause, the sending state shall retake the offender from the receiving state.
- (d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.
- (e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c), or supervision is resumed pursuant to paragraph (d).

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**Effect on other rules, advisory opinions, or dispute resolutions:**

Possible footnote to [Advisory Opinion 3-2012](#)

**ICOTS impact:**

A separate ICOTS Enhancement to create a compliance measuring tool for warrant issuance will be proposed at the Annual Business Meeting as a separate vote. Review the functional specifications for this enhancement.

**Scope and Metric**

ICOTS proposals will provide new managed processes and data elements to enhanced state's warrant tracking efforts.

**Committee action:**

*Rules Committee Nov 2020:* Commissioner D. Littler (AZ) moved to adopt the workgroup's rule proposal package (which includes a warrant tracking ICOTS enhancement) expanding the timeframe for issuing compact compliant warrants to a standard 15-business day for Commission's consideration at the 2021 Annual Business Meeting. Commissioner R. Brunger (AK) seconded. Motion passed 7 to 1.

**2021\_2110\_4111\_5101\_5102\_5103\_51032RULES**

*Rules Committee June 2021:* Review of comments by Commission members. Although one comment expressed concerns for complying with the proposed standard timeframe, no changes were made to the proposal considering it final for Commission vote in September.

**Effective date:**

April 1, 2022



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

# COMPLIANCE COMMITTEE REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Allen Godfrey, Chair, Compliance Committee and Commissioner, State of Minnesota**

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### **Compliance Committee Members**

Allen Godfrey (MN), Chair, Commissioner  
Merideth McGrath (CO), Commissioner  
Hope Cooper (KS), Commissioner  
Gloriann Moroney (MA), Commissioner  
Cathy Gordon (MT), Commissioner  
Amy Vorachek (ND), Commissioner

Sally Reinhardt-Stewart (NE), Commissioner  
Dale Crook (VT), Commissioner  
Diann Skiles (WV), Commissioner  
Jacey Rader (NE), Ex-officio, DCA  
Suzanne Brooks (OH), Ex-officio, DCA  
Tina Balandran (TX), Ex-officio, DCA

The Compliance Committee is responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee is responsible for developing appropriate enforcement procedures for the Commission's consideration.

### **Goals and Objectives**

1. Continue to review compliance trends and make recommendations if necessary.
2. Meet and review compliance issues within 30 days of an Executive Committee referral.
3. Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

### **Compliance Issues and Outcomes**

During the reporting year, the committee reviewed and made recommendations to the Executive Committee on the following matters:

- **December 14, 2020:** The Compliance Committee reviewed the FY 2022 audit plan for acceptance rates that included a pilot involving Minnesota, Maine, and Colorado. The committee also recommended to the Executive Committee, remittance of fines that were imposed given the state and territory completed their corrective action plans and had no subsequent violations. Lastly, the national office presented on the plan and timeline for rescinding rule 2.111.

- April 19, 2021:** The Compliance Committee reviewed the results of a pilot for the FY 2022 audit on discretionary and mandatory acceptance rates in three states, Colorado, Maine, and Minnesota. The committee found the audit information very helpful. When implemented across the Commission, the audit will assist members and the national office in improving acceptance rates, which changed little since FY 2016. Finally, the committee discussed setting benchmark acceptance rates, which were tabled until this fall for further review and discussion.

**Dashboard Trends**

States’ adherence to the outcomes measured across the compliance dashboard continued to trend upward in four of the six primary categories in the last five years and in all primary categories in the last three years. Between FY 2017 and FY 2021, significant compliance increases occurred in Case Closure Replies (2.6%), Transfer Request Replies (3.0%) and Violation Responses (3.9%). While Case Closure Notices and Requested Progress Reports have leveled, they remain relatively high for compliance.

<b>Compliance Standard</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>5 Year Change</b>	<b>3 Year Change</b>
Case Closure Notices	96.2%	96.2%	96.2%	96.4%	96.8%	<b>-0.6%</b>	<b>0.4%</b>
Case Closure Replies	89.8%	90.1%	91.1%	92.0%	92.4%	<b>2.6%</b>	<b>1.3%</b>
Requested Progress Reports	96.4%	88.1%	88.8%	91.1%	91.5%	<b>-4.9%</b>	<b>2.7%</b>
Violation Responses	86.0%	86.1%	88.2%	88.7%	89.9%	<b>3.9%</b>	<b>1.7%</b>
Transfer Request Replies	91.0%	92.0%	93.2%	93.2%	94.0%	<b>3.0%</b>	<b>0.8%</b>
RFRI Replies	97.0%	97.1%	97.8%	97.4%	97.9%	<b>0.9%</b>	<b>0.1%</b>

Respectfully submitted,

*Allen Godfrey*

Allen Godfrey  
 Chair, Compliance Committee  
 Commissioner, State of Minnesota



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

# DCA LIAISON COMMITTEE REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Suzanne Brooks, Chair, DCA Liaison Committee and Deputy Compact Administrator, State of Ohio**

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### **Committee Members**

Suzanne Brooks (OH), Chair, DCA

#### *DCA Region Chairs:*

East - Natalie Latulippe (CT), DCA  
Midwest – Matthew Billinger (KS), DCA  
South – Timothy Strickland (FL), DCA  
West – Tanja Gilmore (WA), DCA\*

#### *Region Representatives:*

East – Denis Clarke (ME), DCA  
Midwest - Simona Hammond (IA), DCA  
South – Brandon Watts (TX), DCA  
West – Patricia Odell (WY), DCA

\*Newly elected West Region Chair – Mark Patterson (OR), DCA

### **Committee Mission**

Provide a mechanism for Deputy Compact Administrators (DCAs) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

### **Committee Goals**

1. Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
2. Identify issues of relevance for referral to standing committees.
3. Supporting the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

### **Committee Work**

Since the last report, the DCA Liaison Committee met four times. Three meetings have occurred since DCA Brooks was appointed as chair in January of 2021. The committee reviewed its mission and goals and continued with the same intent. A significant area of focus for this group in early 2021 was to further discuss and develop the *DCA Liaison Committee's Best Practice & Dashboard*

*Usage Program* that was approved by the Executive Committee for implementation in December 2020. Acknowledging that DCAs across the nation have varying degrees of experience in utilizing the current dashboard reports was an important topic of discussion as tools needed to be developed for users at all skill levels. The DCA Liaison Committee identified the four quarterly topics of review for FY 2022 to include: offender management; retaking management; rejected case clean up (withdraw/close); and user cleanup (remove roles, deactivate after 12 months, etc.). While providing an avenue for cleanup of ICOTS data, the intent of the DCA Liaison Committee is to help develop best practices for states to properly address these topics moving forward.

Issues surrounding the interpretation of rules, training bulletins, and advisory opinions were brought to the DCA Liaison Committee for review since the last report. Conversations held amongst all representatives allowed for the opportunity to discuss varying interpretations from region to region and to further identify how to provide a consistent message to all DCAs. While a decision was made to eliminate the DCA quarterly newsletter, this was largely due to the rollout of the *DCA Liaison Committee's Best Practice and Dashboard Usage Program*, but also because all representatives felt that this information is best shared during DCA region meetings through open dialogue. As issues have been identified, it has been articulated to the DCA region chairs that the expectation is for these topics to be addressed during region meetings and if additional issues or concerns arise, there could be further communication with the Training Committee for possible collaboration to provide additional training resources or opportunities.

The committee also assists in the planning and training of compact office staff through the mentoring program. Several new DCAs have already expressed interest in participating in the mentoring program in 2021. Additionally, the DCA Liaison Committee has begun to invite new DCAs to the DCA Liaison Committee meetings to provide formal introductions with the chair, DCA region chairs, and region representatives. The intent moving forward is to meet twice per year and, in addition to formal introductions, provide a formal overview of the DCA mentoring program, the dashboard reports, and to discuss the importance of the DCA/commissioner relationship. Two members of the DCA Liaison Committee participated in the planning for the 2021 ABM. The DCA Liaison Committee works closely with the Training Committee, ABM Planning Workgroup, and ICAOS National Office staff to coordinate training and presentations.

### **DCA Mentoring Program**

The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs, who need assistance resolving difficult compliance issues in their state. The mentoring program encourages active participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- *Participant*: Any DCA who is either new or requests (through their commissioner) additional coaching or assistance.
- *Mentor*: The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of their role and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.

- *Mentoring period:* Typically, one year. Extensions may be granted, if needed.

Respectfully submitted,

*Suzanne Brooks*

Suzanne Brooks  
Chair, DCA Liaison Committee  
Deputy Compact Administrator, State of Ohio



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

# TREASURER REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Gary Roberge, Treasurer and Commissioner, State of Connecticut**

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In fiscal year 2021, the Coronavirus pandemic and the resulting economic crisis remained dominant. Amidst added responsibilities, the Commission maintained its focus on Compact operations, resulting in a successful financial conclusion to FY 2021 that will support the one-time 30% dues reduction for all member states in FY 2022.

The Commission finished FY 2021 7.05% under budget carrying \$186,853.55 into reserves. At the close of the fiscal year, the balance in the Commission's cash reserves was \$1,295,018.94, which is maintained in a savings account earning .05% interest annually. The Finance Committee recommended to the Executive Committee, allowing a withdrawal from the Vanguard accounts as a preventative measure to assure that the Commission's savings account not drop below the requisite \$500,000 account balance and to maintain a \$750,000 balance as a result of the dues reduction this fiscal year. The Executive Committee approved this recommendation.

As you all know, in addition to our checking and savings accounts, the Commission maintains investments in two long-term Vanguard investment accounts that include an investment grade bond fund and a total stock market index fund. The Commission's investment accounts showed remarkable growth this year. The balance in the Vanguard funds as of June 30, 2021 totaled \$2,399,908.59, a 23.92% increase over the previous year.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2022. However, the 2020 decennial Census provided the Commission with an opportunity to update state populations and evaluate any resulting change in individual, as well as Commission-wide funding totals. Accordingly, the Finance Committee recommends maintaining the six-tiered structure utilizing the existing funding formula and relative dues ratio ranges.



Under the proposed FY 2023 dues scenario using the newest decennial Census figures, total revenue increases to \$1,532,298.30, a change of slightly more than one percent. Using this structure resulted in the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

In FY 2022, the Commission will collect \$1,061,377.28 in dues assessments and spend an estimated \$1,529,533, resulting in a potential \$460,000 withdrawal from our Vanguard account.

Respectfully submitted,

*Gary Roberge*

Gary Roberge, Treasurer  
Chair, Finance Committee  
Commissioner, State of Connecticut



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM** 2021

# TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE REPORT

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**To:** Commissioners of the Interstate Commission for Adult Offender Supervision

**From:** Joselyn López, Chair, Training, Education & Public Relations Committee  
and Commissioner, State of Wisconsin

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### **Training Committee Members**

Joselyn López (WI), chair, commissioner  
Martha Danner (MD), commissioner  
Russell Marlan (MI), commissioner  
Sally Reinhardt-Stewart (NE), commissioner  
Roberta Cohen (NM), commissioner  
Katrina Ransom (OH), commissioner

Patricia Coyne-Fague (RI), commissioner  
Jim Parks (VA), commissioner  
Tracy Hudrlik (MN), Ex-officio, DCA  
Mark Patterson (OR), Ex-officio, DCA  
Tanja Gilmore (WA), Ex-officio, DCA

The Training, Education and Public Relations Committee is responsible for developing and enhancing educational resources and training materials for use by affected member states and stakeholders. In addition, the committee is responsible for enhancing public safety through awareness and consistent administration.

The committee continued to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business, with some accomplishments highlighted below.

Last year, committee members identified the need for state council training. As a result, the national office reorganized the State Council Toolkit in the national website to enhance the state council resources available for all states.

### **Compact Staff training**

In February, Training Coordinator Mindy Spring delivered compact staff training, with the assistance of DCA Liaison Committee Chair, Suzanne Brooks, and members of the Training Committee: Katrina Ransom and Tracy Hudrlik.

The training covered the following updates and announcements:

- *ICOTS email bounces - What states need to know/do to prevent them*
- *2021 ICOTS enhancements – What’s coming?*
- *New DCA Liaison Chair & New Dashboard program kicking off July 2021*
- *FY22 Rejection Assessment plans/pilot update*
- *ICOTS data issues Reporting Instruction requests*

In April, the national office hosted training sessions for compact staff that included two new Dashboards: Case Closure Reason and Transfer Decision Summary, practical use of the Dashboard Retaking Report, and a preview of the DCA Dashboard Program.

We continue to have between 5,000 - 6,000 staff accessing our on-demand modules.

### **Training Bulletin 1-2021i**

At the recommendation of the West Region, the Training Committee approved a training bulletin to address ICOTS user behavior when processing requests for reporting instructions (RFRI) for offenders living in the receiving state at the time of sentencing. The training bulletin emphasized that states should cease the practice of submitting RFRI for ‘living in the receiving state at the time of sentencing’ as “expedited” when outside the 7-day timeframe.

### **American Probation and Parole Association (APPA) Institute Presentations**

This year, we were chosen to present at the American Probation and Parole Association Winter and Summer Training Institutes. In February 2021, our virtual presentation “*Navigating Interstate Compact during a Pandemic*”, included interactive activities for the audience and highlighted the collaboration that states experienced as they worked together to find solutions for challenges during the pandemic. In August 2021, our in-person presentation “*Interstate Compact Success for you and your state*” will cover effective strategies for improving compliance and addressing enforcement of the compact rules.

Special thanks to DCA Tracy Hudrlik (MN) and Training Coordinator Mindy Spring for their work and support during these presentations.

### **Roundtable Discussions**

As states continued to experience the impact of the pandemic, the national office hosted roundtable discussions on topics that proved to be challenging activities for some states. The roundtables aimed to engage stakeholders, promote discussion, and encourage solutions that support the mission and purpose of the compact.

Roundtables held in March 2021 included discussions on *Remote Sentencing/Hearings* and *Electronic Signatures*. General Counsel Tom Travis, Special Counsel Rick Masters, National District Attorneys Association (NDAA) Executive Director Nelson Bunn, and Conference of State Court Administrators (COSCA) member Katherine Stocks moderated these roundtable discussions. As a result of feedback received on the Remote Sentencing discussion, General Counsel Travis drafted a white paper - *Legal Implications of Remote Hearings in Relation to*

*ICAOS Rules*. In addition, the national office included a question-and-answer section in the white paper to provide clarification on concerns that resulted from the roundtable discussions.

In August 2021, the roundtable included discussion on *Retaking Challenges*. This discussion aimed to engage states in sharing how they comply with Rule 5.105 - Retaking within 30 days and discuss retaking challenges and practices states implemented to collaborate during the pandemic when conducting extraditions. This roundtable discussion was moderated by ICAOS Vice-Chair Commissioner Hope Cooper, James Group Consulting CEO, Alicia James, and National Sheriff's Association (NSA) member Sheriff Heath Taylor.

**Identified goals for FY 2022**

1. Expand our outreach to stakeholders and other organizations to increase education on the mission of the Compact.
2. Training on rule amendments and ICOTS enhancements for warrant tracking.

I want to thank our committee members for their collaboration and ongoing support this year. Furthermore, this committee would not be able to deliver these quality resources without the work, knowledge, and talent of the national office team, especially our Training Coordinator, Mindy Spring. Thank you for all you do to support our mission. We are always looking for new members that can help us build on our training, education, and outreach. Please spread the word and consider joining us next year!

Thank you to all Commission members for your attention and continuous support to the efforts of the Training, Education, and Public Relations Committee.

Respectfully submitted,

*Joselyn López*

Joselyn López  
Chair, Training, Education & Public Relations Committee  
Commissioner, State of Wisconsin



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# RULES COMMITTEE REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Mary Kay Hudson, Chair, Rules Committee and Commissioner, State of Indiana**

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### **Rules Committee Members**

Mary Kay Hudson (IN), Chair, Commissioner	Amy Vorachek (ND), Commissioner
Dori Littler (AZ), Vice-chair, Commissioner	Robert Maccarone (NY), Commissioner
Rebecca Brunger (AK), Commissioner	Timothy Strickland (FL), ex-officio, DCA
Amber Schubert (AR), Commissioner	Tracy Hudrlik (MN), ex-officio, DCA
Chris Moore (GA), Commissioner	Margaret Thompson (PA), ex-officio, DCA
Susan Gagnon (ME), Commissioner	Patricia Odell (WY), ex-officio, DCA

### **Mission**

Administer the Commission's rulemaking procedures and objectively review or develop rule change proposals as appropriate.

### **Goals & Objectives**

1. Review rule amendment proposals and make recommendations to the proposing entity to adopt, revise, or withdraw, as appropriate.
2. Review public comment on proposed rules.
3. Present the proposed rule amendments for Commission's consideration at the 2021 Annual Business Meeting.

### **Committee Actions**

Following the 2020 Annual Business Meeting, the committee met on the following dates:

- October 8, 2020
- November 17, 2020
- February 3, 2021
- March 4, 2021 – scheduled face-to-face – amended to teleconference due to pandemic
- June 23, 2021

The majority of the Committee's work focused on preparing the 2021 ICAOS Rule amendment package. The Rules Committee, Midwest Region, and South Region submitted proposed amendments. A summary of the proposed rule amendments and their status relative to the 2021 rule amendment package is below.

### **Rules Committee Proposal**

- *Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1*

The Rules Committee Warrant Timeframe Workgroup proposed amending the timeframe for issuing compact compliant warrant amendments in Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1 to a standard 15-day timeframe. The Rules Committee voted to adopt the workgroup's proposal for Commission's consideration at the 2021 Annual Business Meeting.

Rules Committee Chair M. Hudson (IN) and Vice-chair D. Littler (AZ) attended the region meetings to gather any concerns voiced by states. If the Commission adopts the proposed amendments, the Rules Committee will work with the Training Committee and the ICAOS National Office to assist states in complying with the new time frame and ensuring warrants are entered into NCIC properly.

### **Midwest Region Proposals**

- *Rule 1.101 Definitions – Resident*

The Rules Committee voted to not recommend the Midwest Region proposal. The committee proposed an alternate proposal to amend Rule 1.101, which posted for public comment. At its June 23, 2021, the committee voted to amend its *Rule 1.101* proposal based on the comments received.

- *Rules 4.105 Arrival and departure notifications; withdrawal of reporting instructions*

The Rules Committee voted to recommend the Midwest Region withdraw its proposed amendment in favor of amending the notices of offender departure through an ICOTS enhancement. The Midwest Region withdrew this proposal (see February 3, 2021 and March 4, 2021 meeting minutes).

- *Rule 5.108 Probable cause hearing receiving state*

The Rules Committee voted to accept the Midwest Region's amendment (see March 4, 2021, meeting minutes).

### **South Region Proposal**

- *Rule 3.103 Reporting Instructions; offender living in the state at the time of sentencing or after disposition of a violation or revocation proceeding.*

The Rules Committee voted to recommend the South Region withdraw its proposal based on concerns the proposed language incorporates process into the rules unnecessarily. The South Region voted to withdraw its proposal (see February 3, 2021, and March 4, 2021, meeting minutes).

On September 21, 2021, The Rules Committee chair and vice-chair will present on the proposed rule amendments. On September 27, 2021, the Commission will host a public hearing on the proposed amendments. The Commission will vote on the proposed amendments on September 29, 2021.

Respectfully Submitted,

*Mary Kay Hudson*

Mary Kay Hudson  
Rules Committee Chair  
Commissioner, Indiana



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# INFORMATION TECHNOLOGY COMMITTEE REPORT

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**To:** Commissioners of the Interstate Commission for Adult Offender Supervision

**From:** Chris Moore, Chair, Information Technology Committee Chair and Commissioner, State of Georgia

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### **Information Technology Committee Members**

Chris Moore (GA), chair, commissioner  
Sally Kreamer (IA), commissioner  
Steve Turner (KY), commissioner  
Dan Blanchard (UT), commissioner  
Mac Pevey (WA), commissioner

Joselyn López (WI), commissioner  
Natalie Latulippe (CT), Ex-Officio  
Matthew Billinger (KS), Ex-officio  
Alyssa Miller (ND), Ex-Officio

The Information Technology Committee conducted four meetings since last year's Annual Business Meeting.

The following are highlights of the Information Technology Committee's fiscal year 2021 activities:

### **ICOTS FY 2021 Enhancements**

On April 28, 2021, six functional enhancements covering user experience improvements were launched in ICOTS. A description of each enhancement is as follows:

- Update to rejected case email notifications
- Added new 'Travel Permit' CAR specialization
- Included comment field preview and specialization in CAR email notifications
- Allowed receiving state to remove retaking requirements from violation report
- Included the last primary residence on both the case closure and case closure reply PDFs
- Modified text for case closure email notifications

On July 19, 2021, Appriss ran a batch delete of junk offenders in the ICOTS system. The total number of offenders deleted was over 17,000.



### **ICOTS FY 2022 Rule Amendment Changes**

One functional enhancement covering a proposed rule amendment were reviewed and commented on by the Commission. The amendment and ICOTS impact will be voted on at the 2021 Annual Business Meeting. A description follows:

- Remove definitions of ‘Resident’ from the Transfer Request and Transfer Reply PDFs  
*[Rules 1.101 Definitions]*

### **ICOTS FY 2022 Enhancements**

In all, two ICOTS enhancement packages were considered and reviewed in conjunction with the proposed rule amendments. One enhancement package covers Warrant Status tracking within ICOTS, including warrant status special status, email notifications, and external data export fields. The second enhancement package covers a new compact activity to track discretionary retaking. Currently, the annual budget for ICOTS enhancements and rule changes is \$50,000.

### **ICOTS Help Points**

After last year’s Annual Business Meeting, the final two sets of ICOTS Help Points were launched in September and October 2020.

The second batch of Help Points was launched on September 16, 2020. They covered the following areas:

- Compact workload search
- Thirteen compact activities
- Offenders tab

The third and final batch of Help Points was launched on October 14, 2020. They covered the following areas:

- All reports located within ICOTS
- Users tab
- Administrators tab
- Offender Management
- ICOTS Support tab

### **Compact Online Reference Encyclopedia (CORE)**

In October 2020, updates were launched for the Compact Online Reference Encyclopedia (CORE) on the ICAOS website. Recognizing its high use and value, the Commission built more value into CORE, including: The Hearing Officer’s Guide; Support and Training Articles, Bylaws, and Commission Policies.

### **ICAOS Website Redesign**

A new design for the ICAOS website was launched on September 28, 2020. The changes were aimed at improving navigation, mobile responsiveness, accessibility, and general website usability. Some featured changes include a reorganized menu, more organized home page, better utilization of negative space in website design, and elimination of automatic animation on homepage in accordance with WCAG accessibility standards.

**The following are identified goals and challenges for FY 2022:**

- Implement ICOTS changes prior to the effective date of any rules changes.
- Provide guidance on future ICOTS enhancements.
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies.
- Continue to pursue value enhancing data export of ICOTS offender and case information with state agencies.
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for retaking purposes.

Thank you for your attention and continued support of the Commission's technology projects.

Respectfully submitted,

*Chris Moore*

Chris Moore  
Chair, Information Technology Committee  
Commissioner, State of Georgia



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# GENERAL COUNSEL REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Tom Travis, General Counsel**

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

### **Legal Issues**

This year, the Commission began its return to normal operations following the extraordinary circumstances caused by the COVID-19 pandemic. Roundtable discussions with various ICAOS stakeholders, prompted the drafting of a white paper to document the interaction of remote sentencing with ICAOS Rules. Due to the likely increasing permanence of some form of remote legal proceedings, this resource aims to assist member states in adhering to ICAOS Rules while using emerging tools due to ongoing changes prompted by the pandemic.

### **Compliance Issues**

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

### **Litigation Matters**

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

Respectfully submitted,

*Tom Travis*

Tom Travis  
General Counsel,  
Interstate Commission for Adult Offender Supervision



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# SPECIAL PROJECTS REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: ICAOS Executive Committee**

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### Justice Reinvestment Initiative – Warrant Notification Service

Motivated by continuing warrant-centric discussions, the National Office partnered with the National Consortium for Justice Information and Statistics (SEARCH) and the Interstate Commission for Juveniles (ICJ) on a grant from the Department of Justice. The awarded project sought to develop a subscription service for warrant notifications to help compact offices, supervisors, and field officers meet obligations and enhance public as well as officer safety.

Efforts in fiscal year 2020 centered on establishing functional requirements and identifying core project elements. In fiscal year 2021, significant work involved securing a pilot state through which queries of national and state databases would occur and establishing the state requirements to connect to the messaging service.

Kansas, the pilot state, will utilize its Originating Agency Identifier (ORI) to automatically search and find matches between offenders in ICOTS offenders and those with warrant statuses in NCIC and state warrant systems. Additionally, interstate offenders will be automatically entered into the FBI's supervised release file with an option to enter all state offenders.

States who subscribe to the service will automatically receive a notification when 1) a warrant is issued and forwarded to the NCIC Wanted Persons File, and a warrant is issued by 16 states that maintain state warrant systems; and 2) the transferred offender has a serious encounter with law enforcement that prompts a wants and warrants check of the offender by a law enforcement official.

Following successful development of an agreement and operating document, rapid progress is underway in establishing the SNS resource. SEARCH is partnering with NLETS to host the service; and, developers are working to stand up the service by the second quarter of fiscal year 2022. Moreover, the ICAOS National Office continues to work on next phase implementation with other interested states.

## Compact Study

Since the Compact passed in 2002, no formal study has been conducted to determine whether the interstate compact is meeting its mission and purpose. The Commission has stated objectives that include tracking the location of offenders, transferring supervision in an orderly and efficient manner, and returning offenders when necessary. Each of those objectives have a broader aim of promoting public safety, protecting victims, and supporting offender accountability through tracking, supervision, and rehabilitation. The Executive Committee wanted to analyze the Commission's success at meeting these stated objectives and chose to engage the University of Cincinnati Corrections Institute to conduct a Commission-wide study.

Work on the study began in July 2021 and includes the following components:

1. A review and summary of any existing research on the Compact.
2. An analysis of ICOTS data that includes a description of the individuals who are supervised and indicators of their successes or failures during supervision (e.g., new arrests, new convictions, absconsions, revocations, successful completions). To the extent possible, bivariate analyses will be conducted to examine potential relationships between variables such as whether men or women are more likely to successfully complete supervision.
3. A standardized electronic survey that will be sent to all supervision officers identified in ICOTS. The survey will capture additional information about the transfer process and supervision of individuals who are transferred that is not captured in ICOTS to glean insights about the benefits and challenges encountered in practice.
4. Interviews with a subgroup of supervision officers to acquire additional details about the transfer and supervision of individuals, and the experiences of officers who are working in the field. These interviews will be semi-structured and designed based on the findings of the initial survey results.
5. Interviews with a subgroup of individuals who receive supervision services through an interstate transfer. The interviews will capture the perspective of the individuals under supervision including elements of the transfer and supervision that presented challenges and the ways the transfer provided benefits or contributed to their success.

The research team will complete the five tasks described above and integrate their findings into a final report that will be submitted to ICAOS. The research team will also present the results of the study to the Commission at its 20<sup>th</sup> Anniversary celebration planned for September 2022 in New York City, NY.



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

# VICTIMS ADVOCATE REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: John W. Gillis, Ex-officio, National Organization for Victim Assistance**

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Through a collaborative agreement, the Interstate Commission for Adult Offender Supervision (ICAOS) and the National Organization for Victim Assistance (NOVA) have established a protocol to assist victims encountering problems with interstate parole issues. In order that crime victims may receive information, or assistance, from the appropriate agency, ICAOS and NOVA are expanding outreach to crime victims, especially to victims of sexual assault and other violent crimes.

### **Victim Assistance**

The most frequent complaint from crime victims is their inability to make it known they want to “be heard” on issues related to their victimization, when a violent perpetrator is pending released or has already been released in or near the victims’ community. In many instances, victims receive the notification from friends, relatives, and even perpetrators. These are situations when the victim has not been given an opportunity to “be heard” before the paroling authority makes decisions that could jeopardize victims’ safety. Often, when victims attempt to get information regarding their perpetrator they are bounced back and forth between state paroling authorities, with unsatisfactory results.

At the Executive Committee meeting held May 19, 2021, Ex-officio member John Gillis recommended to ICAOS Executive Committee that a process be established whereby victims could be assisted with Interstate Compact issues.

The following program was approved and adopted by the Executive Committee. The program was designed and implemented by ICAOS Executive Director Ashley Lippert and NOVA Executive Director Claire Selib:

### **Victim Interstate Compact Information and Coordination Program**

- Email address where victims can seek assistance on issues relating to Interstate Compact is [ICAOS-help@trynova.org](mailto:ICAOS-help@trynova.org).
- NOVA & ICAOS will publicize the web address through organization newsletters and networking.

- NOVA will staff and monitor email.
- NOVA staff will make personal contact with victim within twenty-four business hours after email is received.
  - If the victims' stated concern is not an ICAOS issue, NOVA will direct the victim to the appropriate agency.
  - If the problem should be addressed by ICAOS, the NOVA Executive Director will contact ICAOS Executive Director for guidance or resolution.

ICAOS and NOVA will continue to examine the reasons why so many sexual assault victims, and other crime victims, are underserved by paroling authorities. We believe we must continue to do everything possible to ensure that crime victims are treated fairly, with dignity, and respect, when dealing with our criminal justice system. Crime victims are truly overwhelmed by the parole system, especially when it comes to interstate transfers and releases.

In a 2018, the Office of Justice Programs released an update to its 9-year study on prisoner recidivism. The update revealed "about 1 in 4 state prisoners released in the 30 states in 2005 were in prison for a violent offense". The study included 401,288 prisoners released in thirty states during 2005 and covered a 9-year follow-up period. Victimization studies have estimated that each violent crime parolee left behind an average of ten crime victims and other severely impacted individuals. When we review these statistics, it is no wonder why, each year, millions of victims live in fear because they do not know when or where their perpetrators will be released from prison.

Respectfully submitted,

*John W. Gillis*

John W. Gillis  
Ex-officio  
National Organization for Victim Assistance



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

### EAST REGION REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Dale Crook, Chair, East Region and Commissioner, State of Vermont**

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As the East Region Chair, I am very proud to represent this region. The East Region is actively engaged in the Commission's operations with our commissioners and deputy compact administrators (DCA) involved in all committees. Including the last Annual Business Meeting, the East Region met on four occasions and had productive and informational meetings.

Every year, we have to say goodbye to some friends and welcome new commissioners and DCAs to the Commission. The outgoing members are Commissioner Benjamin Jean (NH), DCA Fred Watton (CT), DCA Richard Figurelle (DE), DCA Robin Stacy (NJ), and DCA Donna Pratt (VT). The new members are Commissioner David Cady (NH), DCA Parole Joseph Garibaldi (CT), DCA Melissa Kearney (DE), DCA Parole Dina Rogers (NJ), and DCA Rickey Plank (VT).

Despite COVID-19 challenges in the last year and a half, the East Region states continue to stand strong and collaborate with each other to guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victim rights. I am thankful to all East Region DCAs who are the backbone of our effective operations.

#### **East Region Mission**

Serve as a liaison between the Commission and states within a defined geographic area, provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

#### **East Region Goals**

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

#### **East Region Meetings**

- September 8, 2020
- December 10, 2020
- May 3, 2021
- July 13, 2021



**Agenda items and topics of discussion at the meetings included**

- Warrant timelines
- Proposed ICOTS enhancements for full Commission vote at the 2020 ABM
- COVID-19 state updates
- Nomination of officers
- Rule proposals for submission to the 2021 Annual Business Meeting
- States updates: COVID-19 restrictions and/or impact on compact operations
- Executive Director report/national office news
- Rule proposals for Commission's consideration at the 2021 Annual Business Meeting
- ICOTS enhancement proposal to create new managed processes for tracking warrants for compact offenders
- Revisions to proposal to amend Rule 1.101 Definition of Resident

Respectfully submitted,

*Dale Crook*

Dale Crook  
Chair, East Region  
Commissioner, State of Vermont



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# MIDWEST REGION REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Russell Marlan, Midwest Region Chair and Commissioner, State of Michigan**

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The Midwest Region commissioners and Deputy Compact Administrators (DCAs) met four times counting the last annual business meeting (ABM) held virtually in September 2020. The region had a quorum at each of these meetings.

### **Midwest Region Mission**

Serve as a liaison between the Commission and states within a defined geographic area. Provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

### **Midwest Region Goals**

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

### **Agenda items and topics of discussion at the meetings included**

- Warrant Timelines
- Proposed ICOTS Enhancements for 2021 Annual Business Meeting
- COVID-19 state updates
- Rule proposals for submission to the 2021 Annual Business Meeting
- Changes to the proposal to amend Rule 1.101 Definition of Resident

The Midwest Region continues to be supportive of the direction the Commission has taken regarding the supervision of interstate compact offenders. This includes the promotion of graduated interventions, the use of evidence-based practices and risk assessments to support behavioral change and effective supervision, improved documentation requirements, ICOTS enhancements, and the handling of violations with a new standard more focused on effective public

safety. All this work supports a single standard of supervision, improves offender accountability, and promotes increased effectiveness of transfers between states, again, in the interest of public safety.

Respectfully submitted,

*Russell Marlan*

Russell Marlan,  
Chair, Midwest Region  
Commissioner, State of Michigan



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

### SOUTH REGION REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Julie Kempker, Chair, South Region and Commissioner, State of Missouri**

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The South Region had two new commissioners appointed since the last annual business meeting - Bobby Lee (LA) and Nathan Blevins (MS) as well as two new DCAs - Brittany Holley (TN) and Jordan McKinley (WV).

The South Region continues to be well represented within all committees in the Commission.

#### **South Region Mission**

Serve as a liaison between the Commission and states within a defined geographic area, provide assistance, share best practices, recommend rule changes, and report to the Executive Committee.

#### **South Region Goals**

1. Develop a list of known best practices, emerging trends, and training opportunities.
2. Engage discussions on aligning compact practices with principles of reentry and justice reinvestment.

#### **South Region Meetings**

The South Region commissioners and deputy compact administrators (DCAs) met three times counting the last Annual Business Meeting (ABM).

At its **September 10, 2020**, meeting, the region discussed whether the Commission should consider a consistent timeframe for issuing a compact compliant warrant in the interest of training stakeholders and public safety as the current rules had varying warrant timeframes from ‘upon receipt’ to ‘30 days’ and some rules requiring a warrant did not have a timeframe at all. Furthermore, the region reviewed proposed ICOTS enhancements for full Commission vote at the 2020 ABM, discussed the 2021 rule amendment process and deadline, and provided update on current COVID-19 situation in their states. At the conclusion, Executive Director Lippert provided the national office update to the region.

At its **January 11, 2021**, meeting, the region reviewed an amendment to add a remote sentencing process to Rule 3.107 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding. After a discussion, the region voted to move the proposal forward for the Commission’s consideration at the 2021 Annual

Business Meeting. The members provided state updates and Executive Director Lippert provided the national office update. Lastly, the region discussed the Rules Committee recommendation to expand the timeframe for issuing compact compliant warrants to a standard 15-business day, when an offender fails to arrive/return as instructed or is subject to retaking. Concerns were discussed on states' ability to meet proposed warrant timeframes and the challenges states face, particularly on the probation side.

The region met again on **March 1, 2021**. The region discussed the Rules Committee's recommendation to reconsider submitting their proposal to amend Rule 3.103 and consequently voted to withdraw the proposal. Guests Mary Kay Hudson (IN), Rules Committee chair and Dori Littler (AZ), Rules Committee Vice-chair, attended the South Region meeting to address any questions and concerns regarding the warrant timeframe rule proposal package.

In conclusion, I would like to thank all South Region commissioners and DCAs who continue to work together to uphold the purposes of the Compact.

Respectfully submitted,

*Julie Kempker*

Julie Kempker  
Chair, South Region  
Commissioner, State of Missouri



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# WEST REGION REPORT

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**To: Commissioners of the Interstate Commission for Adult Offender Supervision**

**From: Roberta Cohen, Chair, West Region and Commissioner, State of New Mexico**

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The West Region has continued to work hard during the COVID-19 pandemic with many Interstate offices turning to telework and continuing with the Mission of the Compact. Staff continues to work in their new normal of providing effective tracking and transferring of offenders from their homes, while other states have moved back into the office and returned to a 100% workforce. The West Region and the West Region DCAs continued difficult conversations regarding the business of the Compact while ensuring we provide effective supervision to offenders in a whole new way.

The West Region participated in many of the new trainings provided by the ICAOS National Office regarding retaking and how we can continue to work together to make returning offenders more cost effective during the pandemic while still ensuring compliance and safety. The West Region commissioners and DCAs continue to serve and provide effective feedback in all ICAOS committees. As the West Region Chair, I am presenting this report regarding the region's work and activities since the 2020 Virtual Annual Business Meeting.

### **West Region Meetings**

- September 8, 2020
- January 14, 2021
- April 15, 2021
- July 15, 2021

### **Agenda items and topics of discussion at the meetings included**

- Warrant timelines
- New rule proposals
- ICOTS enhancements
- DCA Liaison Committee updates
- Region goals
- Emergency Rule 2.111
- COVID 19 restrictions/practices updates

The West Region has three new commissioners appointed since the last annual business meeting, Guillermo Viera Rosa (CA), Brook Mamizuka (HI), and Deborah Dreyer (NV).

During this upcoming year, the West Region will continue in our efforts and commitment to bring new ideas to the table and work towards compliance.

Respectfully submitted,

*Roberta Cohen*

Roberta Cohen  
Chair, West Region  
Commissioner, State of New Mexico

**ICAOS Budget**  
**Fiscal Year 2021 - 2023**

	<u>FY21</u> <u>Final YTD</u>	<u>FY22</u> <u>Budget</u>	<u>FY23</u> <u>Proposed Budget</u>
<b><u>REVENUE</u></b>			
Dues Assessment	\$1,516,253.30	\$1,061,377.28	\$1,532,298.30
Cash Reserve		\$460,000.00	\$200,000.00
Dividend Income	\$34,981.60	\$26,000.00	\$26,000.00
Operating Interest	\$1,564.85	\$2,000.00	\$2,000.00
<b>Total Administration Revenue</b>	<b>\$1,552,799.75</b>	<b>\$1,549,377.28</b>	<b>\$1,760,298.30</b>
<b><u>EXPENSE</u></b>			
60000 SALARIES & WAGES	\$505,552.17	\$540,000.00	\$555,000.00
61000 EMPLOYEE BENEFITS	\$153,780.99	\$180,000.00	\$190,000.00
61009 PAYROLL TAX	\$40,955.53	\$37,500.00	\$41,585.00
61040 ACCOUNTING	\$16,630.40	\$14,500.00	\$15,000.00
61079 EDUCATION, ACCREDITATION	\$0.00	\$2,000.00	\$2,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$337.00	\$500.00	\$500.00
62000 SUPPLIES	\$1,554.51	\$4,500.00	\$4,500.00
62010 POSTAGE	\$965.46	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$23,192.41	\$22,000.00	\$23,000.00
62130 OUTSIDE WEB SUPPORT	\$4,696.00	\$4,700.00	\$4,700.00
62140 SOFTWARE PURCHASE	\$4,294.75	\$5,000.00	\$5,000.00
62280 INSURANCE	\$11,084.00	\$12,250.00	\$12,250.00
62310 PHOTOCOPY	\$0.00	\$500.00	\$500.00
62360 DIRECT TELEPHONE EXPENSE	\$1,507.77	\$600.00	\$600.00
62370 CELL PHONE EXPENSE	\$3,174.41	\$3,600.00	\$3,600.00
66000 EQUIPMENT PURCHASE	\$4,245.85	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$11,573.51	\$10,000.00	\$10,000.00
68230 MEETING EXPENSE	\$327.07	\$500.00	\$500.00
72000 CONSULTANT SERVICES	\$11,022.35	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$1,705.80	\$5,000.00	\$5,000.00
80000 LEGAL SERVICES	\$14,432.50	\$15,000.00	\$15,000.00
85000 RENT	\$24,352.60		
<b>Total Administration Expenditures</b>	<b>\$835,385.08</b>	<b>\$879,650.00</b>	<b>\$910,235.00</b>
<b><u>OTHER EXPENSE</u></b>			
02 Executive Committee	\$269.82	\$15,000.00	\$15,000.00
XX Annual Meeting	\$57,503.66	\$20,000.00	\$310,000.00
03 Finance Committee	\$0.00	\$250.00	\$250.00
04 Rules Committee	\$0.00	\$10,000.00	\$20,000.00
05 Technology Committee	\$146.41	\$1,000.00	\$1,000.00
06 Training/Education Committee	\$6,328.95	\$10,000.00	\$10,000.00
07 Compliance Committee	\$0.00	\$500.00	\$500.00
09 ICOTS	\$464,632.35	\$470,633.00	\$468,000.00
10 DCA Liaison Committee	\$0.00	\$500.00	\$500.00
11 Annual Report	\$1,680.28	\$2,000.00	\$2,000.00
12 ABM Workgroup	\$0.00	\$10,000.00	\$10,000.00
13 Compact Study		\$100,000.00	
00 Defense Litigation	\$0.00	\$10,000.00	\$10,000.00
<b>Total Other Expense</b>	<b>\$530,561.47</b>	<b>\$649,883.00</b>	<b>\$847,250.00</b>
<b>Total Commission Expenses</b>	<b>\$1,365,946.55</b>	<b>\$1,529,533.00</b>	<b>\$1,757,485.00</b>



Interstate Commission for Adult Offender Supervision  
Updated 2020 Census and Offender Transfers  
FY23 Dues Assessment

State	State Dues Ratio	State Population	US Population	State Offender Transfers	US Offender Transfers	State Dues	Population Change %	Transfer Change %
U.S. Virgin Islands	0.000265264	104,425	334,839,580	47	214,943	\$10,314.65	2.3%	-7.8%
<b>Alaska</b>	0.001769735	733,391	334,839,580	290	214,943	<b>\$20,629.30</b>	3.3%	-45.9%
<b>Vermont</b>	0.002290862	643,077	334,839,580	572	214,943	<b>\$20,629.30</b>	2.8%	6.1%
<b>Hawaii</b>	0.003066347	1,455,271	334,839,580	384	214,943	<b>\$20,629.30</b>	7.0%	-43.7%
<b>Maine</b>	0.003306776	1,362,359	334,839,580	547	214,943	<b>\$20,629.30</b>	2.6%	-7.6%
<b>Dist. of Columbia</b>	0.003528001	689,545	334,839,580	1,074	214,943	<b>\$20,629.30</b>	14.6%	-16.7%
<b>Delaware</b>	0.003723023	989,948	334,839,580	965	214,943	<b>\$20,629.30</b>	10.2%	-13.3%
<b>South Dakota</b>	0.003854921	886,667	334,839,580	1,088	214,943	<b>\$20,629.30</b>	8.9%	-2.0%
<b>Wyoming</b>	0.003873811	576,851	334,839,580	1,295	214,943	<b>\$20,629.30</b>	2.3%	30.2%
<b>New Hampshire</b>	0.004076138	1,377,529	334,839,580	868	214,943	<b>\$20,629.30</b>	4.6%	-23.3%
<b>Rhode Island</b>	0.004283551	1,097,379	334,839,580	1,137	214,943	<b>\$20,629.30</b>	4.3%	-25.0%
<b>North Dakota</b>	0.004417735	779,094	334,839,580	1,399	214,943	<b>\$20,629.30</b>	15.8%	24.1%
<b>Montana</b>	0.005222302	1,084,225	334,839,580	1,549	214,943	<b>\$20,629.30</b>	9.6%	5.2%
<b>Puerto Rico</b>	0.005723135	3,285,874	334,839,580	351	214,943	<b>\$20,629.30</b>	-11.8%	-19.7%
<b>Nebraska</b>	0.005785592	1,961,504	334,839,580	1,228	214,943	<b>\$20,629.30</b>	7.4%	5.8%
<b>New Mexico</b>	0.007332868	2,117,522	334,839,580	1,793	214,943	<b>\$20,629.30</b>	2.8%	-24.6%
<b>West Virginia</b>	0.007447177	1,793,716	334,839,580	2,050	214,943	<b>\$20,629.30</b>	-3.2%	16.9%
<b>Utah</b>	0.007821010	3,271,616	334,839,580	1,262	214,943	<b>\$20,629.30</b>	18.4%	16.4%
<b>Connecticut</b>	0.009336795	3,605,944	334,839,580	1,699	214,943	<b>\$28,651.80</b>	0.9%	-28.0%
<b>Idaho</b>	0.009499203	1,839,106	334,839,580	2,903	214,943	<b>\$28,651.80</b>	17.3%	45.7%
<b>Nevada</b>	0.010667804	3,104,614	334,839,580	2,593	214,943	<b>\$28,651.80</b>	15.0%	16.3%
<b>Iowa</b>	0.011265750	3,190,369	334,839,580	2,795	214,943	<b>\$28,651.80</b>	4.7%	10.3%
<b>Kansas</b>	0.012063450	2,937,880	334,839,580	3,300	214,943	<b>\$28,651.80</b>	3.0%	2.4%
<b>Oregon</b>	0.012203269	4,237,256	334,839,580	2,526	214,943	<b>\$28,651.80</b>	10.6%	-15.9%
<b>Mississippi</b>	0.013663922	2,961,279	334,839,580	3,973	214,943	<b>\$28,651.80</b>	-0.2%	-3.2%
<b>Oklahoma</b>	0.015370635	3,959,353	334,839,580	4,066	214,943	<b>\$28,651.80</b>	5.5%	-5.7%
<b>Massachusetts</b>	0.015405718	7,029,917	334,839,580	2,110	214,943	<b>\$28,651.80</b>	7.4%	-27.9%
<b>South Carolina</b>	0.015884820	5,118,425	334,839,580	3,543	214,943	<b>\$28,651.80</b>	10.7%	-7.3%
<b>Louisiana</b>	0.016208823	4,657,757	334,839,580	3,978	214,943	<b>\$28,651.80</b>	2.7%	-31.4%
<b>Arkansas</b>	0.017153809	3,011,524	334,839,580	5,441	214,943	<b>\$28,651.80</b>	3.3%	0.3%
<b>Washington</b>	0.018584550	7,705,281	334,839,580	3,043	214,943	<b>\$28,651.80</b>	14.6%	-3.2%
<b>Alabama</b>	0.018779925	5,024,279	334,839,580	4,848	214,943	<b>\$28,651.80</b>	5.1%	-13.5%
<b>Minnesota</b>	0.019547415	5,706,494	334,839,580	4,740	214,943	<b>\$28,651.80</b>	7.6%	16.7%
<b>Maryland</b>	0.019971190	6,177,224	334,839,580	4,620	214,943	<b>\$28,651.80</b>	7.0%	-5.3%
<b>Colorado</b>	0.020152576	5,773,714	334,839,580	4,957	214,943	<b>\$28,651.80</b>	14.8%	21.8%
<b>Wisconsin</b>	0.020210810	5,893,718	334,839,580	4,905	214,943	<b>\$28,651.80</b>	3.6%	-3.5%
<b>Kentucky</b>	0.020331957	4,505,836	334,839,580	5,848	214,943	<b>\$28,651.80</b>	3.8%	7.0%
<b>Arizona</b>	0.021716807	7,151,502	334,839,580	4,745	214,943	<b>\$28,651.80</b>	11.9%	-0.7%
<b>Indiana</b>	0.021870501	6,785,528	334,839,580	5,046	214,943	<b>\$28,651.80</b>	4.7%	-8.5%
<b>Michigan</b>	0.024280679	10,077,331	334,839,580	3,969	214,943	<b>\$28,651.80</b>	2.0%	-17.0%
<b>New Jersey</b>	0.025104023	9,288,994	334,839,580	4,829	214,943	<b>\$36,674.30</b>	5.7%	-21.4%
<b>Missouri</b>	0.027423579	6,154,913	334,839,580	7,838	214,943	<b>\$36,674.30</b>	2.8%	-13.8%
<b>Tennessee</b>	0.028263920	6,910,840	334,839,580	7,714	214,943	<b>\$36,674.30</b>	8.9%	15.8%
<b>North Carolina</b>	0.029089895	10,439,388	334,839,580	5,804	214,943	<b>\$36,674.30</b>	9.5%	-1.1%
<b>Virginia</b>	0.031884582	8,631,393	334,839,580	8,166	214,943	<b>\$36,674.30</b>	7.9%	2.6%
<b>Ohio</b>	0.032753799	11,799,448	334,839,580	6,506	214,943	<b>\$36,674.30</b>	2.3%	7.3%
<b>Illinois</b>	0.036716040	12,812,508	334,839,580	7,559	214,943	<b>\$36,674.30</b>	-0.1%	-5.7%
<b>Pennsylvania</b>	0.038649319	13,002,700	334,839,580	8,268	214,943	<b>\$36,674.30</b>	2.4%	12.2%
<b>New York</b>	0.046074432	20,201,249	334,839,580	6,839	214,943	<b>\$44,696.81</b>	4.2%	-15.1%
<b>Georgia</b>	0.046243136	10,711,908	334,839,580	13,003	214,943	<b>\$44,696.81</b>	10.6%	-5.2%
<b>Florida</b>	0.060076326	21,538,187	334,839,580	12,000	214,943	<b>\$52,719.31</b>	14.6%	-11.3%
<b>California</b>	0.076542860	39,538,223	334,839,580	7,524	214,943	<b>\$52,719.31</b>	6.1%	-6.6%
<b>Texas</b>	0.079219431	29,145,505	334,839,580	15,346	214,943	<b>\$52,719.31</b>	15.9%	-12.4%

**\$1,532,298.26**

## Dues Review 2020 Census and Offender Numbers

According to ICAOS Rule 2.103: *Dues formula*, which states, “The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula. The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.”

***The formula in use since 2002 is as follows: ((State Population/US Population) + (State Offender Transfers/Total US Offender Transfers))/2.***

In 2002, calculations relied on population data from the US Census Bureau and the US Department of Commerce. As well, the Commission incorporated a population estimate for compact offenders as of 4/1/2002. At that time, there were additional estimates and adjustments for territory data due to incomplete information. As applied, the formula produced results for all states that were subsequently divided into five (5) tiers. Those tiers were as follows:

### 2002 Tiers

Tier	Dues Ration Range	States in Range
One	Less than or equal to .007744	19
Two	Between .009746 and .018668	20
Three	Between .021496 and .035263	9
Four	Between .047751 and .05422	3
Five	Between .088867 and .114864	2

In 2008, an ad hoc finance committee studied the formula, developing several tiering iterations that finally resulted in the Executive Committee adopting a variant in May of 2008 that added an additional tier for member states with dues ratios falling below .001. This tiering distribution continued uninterrupted with an adjustment in dues calculation based on population figures from the 2010 decennial Census through FY22’s assessment.

### 2010 Census Tiers

Tier	Dues Ration Range	States in Range
One	Less than .001	1
Two	Between .0011 and .00899	18
Three	Between .009 and .02499	21
Four	Between .025 and .03999	8
Five	Between .04 and .05999	3
Six	Anything .06 and up	2

The 2020 decennial Census provides an opportunity to update state populations and evaluate any resulting change in individual as well as Commission-wide funding totals. Accordingly, the National Office recommends maintaining the following six-tiered (6) structure utilizing the existing funding formula and relative dues ratio ranges approved for use in FY21 and FY22.

## 2020 Census Tiers

Tier	Dues Ration Range	States in Range
One	Less than .001	1
Two	Between .0011 and .00899	17
Three	Between .009 and .02499	22
Four	Between .025 and .03999	8
Five	Between .04 and .05999	2
Six	Anything .06 and up	3

Using this structure results in the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

FY21 dues are recorded at \$1,516,253.26 in revenue. Under the proposed FY23 dues scenario using the newest decennial Census figures, total revenue increases to \$1,532,298.30, a change of slightly more than one percent.

**INCOMING AND OUTGOING CASES - COMPACT SUPERVISION OFFENDERS AS OF 6/30/2021**

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	634	2,595	104	3,269	457	1,148	4	1,595	4,864
Alaska	48	105	2	153	33	65	50	139	292
Arizona	728	1,332	1	2,027	261	2,552	-	2,789	4,816
Arkansas	595	1,523	20	2,100	1,764	1,601	14	3,359	5,459
California	1,327	3,634	87	4,974	805	1,764	1	2,562	7,536
Colorado	388	1,268	-	1,628	768	2,681	-	3,383	5,011
Connecticut	175	622	-	782	155	780	-	930	1,712
Delaware	215	564	3	736	10	217	6	231	967
District of	149	692	10	772	-	297	-	291	1,063
Florida	1,844	4,858	194	6,749	207	5,235	7	5,420	12,169
Georgia	1,332	3,695	24	4,947	955	6,496	758	8,088	13,035
Hawaii	25	101	-	125	129	133	-	262	387
Idaho	182	430	36	641	747	1,555	14	2,311	2,952
Illinois	1,320	3,369	-	4,596	1,094	1,959	-	3,037	7,633
Indiana	674	2,072	-	2,700	250	2,159	-	2,387	5,087
Iowa	358	1,082	13	1,432	462	955	5	1,405	2,837
Kansas	426	1,000	6	1,398	568	1,354	1	1,898	3,296
Kentucky	546	1,841	27	2,388	808	2,716	5	3,499	5,887
Louisiana	643	1,637	26	2,276	844	921	15	1,760	4,036
Maine	95	253	4	349	2	196	-	198	547
Maryland	588	2,538	26	3,038	495	1,335	15	1,618	4,656
Massachusetts	187	1,131	-	1,294	118	725	-	815	2,109
Michigan	728	1,865	42	2,600	462	950	-	1,406	4,006
Minnesota	486	1,428	43	1,914	436	2,507	-	2,851	4,765
Mississippi	566	1,338	40	1,920	535	1,539	7	2,075	3,995
Missouri	1,006	2,651	33	3,626	1,413	2,854	-	4,157	7,783
Montana	109	343	17	461	154	668	281	1,098	1,559
Nebraska	179	543	-	702	75	439	-	510	1,212
Nevada	342	837	28	1,193	541	883	8	1,426	2,619
New Hampshire	78	422	3	491	185	192	2	375	866
New Jersey	571	1,692	-	2,207	944	1,702	1	2,605	4,812
New Mexico	241	934	3	1,165	191	515	5	641	1,806
New York	741	3,087	2	3,717	1,620	1,568	-	3,174	6,891
North Carolina	1,178	3,372	109	4,515	392	1,008	17	1,379	5,894
North Dakota	122	769	26	888	36	378	87	490	1,378
Ohio	962	2,750	33	3,697	993	1,920	1	2,879	6,576
Oklahoma	887	1,810	20	2,674	213	1,187	16	1,408	4,082
Oregon	326	984	53	1,351	569	630	41	1,232	2,583
Pennsylvania	732	2,035	15	2,722	1,781	3,930	1	5,579	8,301
Puerto Rico	110	123	1	232	29	98	-	127	359
Rhode Island	51	318	-	358	40	748	1	782	1,140
South Carolina	638	2,135	152	2,866	217	458	2	675	3,541
South Dakota	103	378	-	473	234	372	-	601	1,074
Tennessee	948	3,464	105	4,436	492	2,841	27	3,351	7,787
Texas	2,318	4,295	1	6,497	2,639	6,440	2	8,968	15,465
Utah	199	594	21	804	221	245	1	465	1,269
Vermont	79	176	-	249	84	235	4	321	570
Virgin Islands	4	26	1	31	12	3	-	15	46
Virginia	617	1,560	41	2,164	335	5,974	52	6,041	8,205
Washington	690	1,619	112	2,391	72	605	4	677	3,068
West Virginia	187	1,049	11	1,197	508	422	3	925	2,122
Wisconsin	332	1,353	12	1,653	1,587	1,688	57	3,288	4,941
Wyoming	84	304	14	397	151	753	6	909	1,306
<b>Total</b>	<b>28,093</b>	<b>80,596</b>	<b>1,521</b>	<b>107,965</b>	<b>28,093</b>	<b>80,596</b>	<b>1,521</b>	<b>108,407</b>	<b>216,372</b>



Interstate Commission for Adult Offender Supervision

## VIRTUAL ABM 2021

### AWARD RECIPIENTS

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#### **Executive Chair Award: Roberta Cohen (MN), Commissioner**

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Each year, the Commission Chair presents an award to a commissioner who makes fundamental and lasting contributions to the success and advancement of the Compact. The individuals recognized through this award exemplify qualities such as leadership, service, dedication, and inspiration.

Commissioner Roberta Cohen is such an individual and is therefore the recipient of the 2021 Executive Chair Award. An active and supportive leader, Roberta maintains focus on the compact's goals and its primary mission of ensuring public safety.

Beginning her career in interstate compact in 2006 as the deputy compact administrator, she rose to become New Mexico's Commissioner in 2014 and continued her service to the Commission through roles on the Executive and Training Committees. She has chaired the West Region since 2018.

It is a pleasure and honor to recognize outstanding colleagues like Roberta. Her hard work and ongoing dedication exemplify her commitment to the compact.

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## **Executive Director Award: Tracy Hudrlik (MN), DCA**

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The Annual Business Meeting is more than the occasion to discuss relevant issues, share experiences, and learn from each other. It is an opportunity to recognize outstanding leadership and service from our peers and friends. To individuals who personify the spirit of the Compact, the Executive Director's award recognizes outspoken advocates of the Commission's values and mission. Tracy Hudrlik, Deputy Compact Administrator for the State of Minnesota, is the recipient of the Executive Director's Award because of her steady daily administration of Compact responsibilities and her passionate support of the Compact's mission.

Tracy's service exceeds the bounds of her state responsibilities. At a national level, she is the former DCA Liaison Chair on the Executive Committee. Currently, she serves on the Rules Committee and is a respected national trainer, working within Minnesota and across the nation to educate judges, attorneys, law enforcement, victim coalitions, and supervision agents on the importance of the Interstate Compact.

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## **Peyton Tuthill Award: Anna Nasset**

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The Peyton Tuthill Award is presented to a legislator, victims' advocate, law enforcement officer, or an individual who demonstrates exceptional leadership and service for the victims of offenders under Compact supervision. While recipients are not professionally involved in the Compact, their outstanding contributions uphold ICAOS' mission to promote public safety, improve offender outcomes, and protect victims.

After surviving a terrifying stalking journey from which it took years of her life to recover, Anna Nasset became a remarkable advocate for crime victims. She emerged as one of the few people able to speak openly about the harrowing experience of being stalked for a decade. Ms. Nasset successfully closed her case with the assistance of the criminal justice system and prosecution, seeing her stalker imprisoned with one of the longest sentences in history (10 years) for stalking.

Ms. Nasset has become a nationally recognized subject matter expert, speaker, and author on stalking and the rights of crime victims. She regularly speaks on college campuses, military installations, and communities across the country. Further, she embodies the activist spirit of the Peyton Tuthill award; and, her representation of victims honors Peyton and her family. More information on Ms. Nasset's journey is available at: <https://www.standupresources.com/>



Interstate Commission for Adult Offender Supervision

## VIRTUAL **ABM 2021**

# SPIRIT OF THE COMPACT

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## What is meant by ‘Preserving the Spirit of the Compact’?

It is the act of going above and beyond the general call of duty to reach a conclusion or solution that best serves public safety. Preserving the ‘Spirit of the Compact’ is an essential part of advancing the Commission’s mission. Individuals recognized through a Spirit Sighting made a significant impact in a particular instance to reach a conclusion or solution that served public safety and the Interstate Compact. <http://www.interstatecompact.org/spirit-nominations>

## SPIRIT SIGHTING RECIPIENTS

### Isaak Avalos / New Mexico

In the COVID-19 pandemic, there are a lot of probation and parole officers, who only provide phone reporting without drug testing and personal interactions with individuals on supervision. I am very impressed with the supervision Isaak has provided on an Interstate Compact case I sent to his location from Kansas. My female probationer has no transportation from Chaparral to Las Cruces, but he helped her establish transportation to her daily treatment through the Partial Hospitalization Program at the Peak Behavioral Health Facility where she is also getting drug and alcohol tested. He has also met with her and has conducted drug tests in the office. When she has tested positive, he has effectively communicated those results to me and has provided an appropriate treatment response to her probation violations. He has remained in contact with her treatment provider and has plans to move her to inpatient treatment if she continues to use drugs.

I have worked in this field almost 30 years and this is the first time I have had such involved and thorough supervision through Interstate Compact supervision. I wish all officers did as much as Isaak does. He deserves to be recognized for going above and beyond in providing quality supervision for an out of state case.

*Submitted by Beverly Hilbish (KS) on April 22, 2021.*



## Crystal Maples / Kansas

As a PO in Travis County, Texas, I monitor a case with a high-profile victim, and the offender is transferred to Kansas. On 1/20/21, we received communication from a third party indicating that the offender was sending a large number of alarming emails. This behavior occurred once before and it was determined to be the result of the offender's mental health medication lapsing, but not before the offender was extradited to Texas and spent a significant amount of time in jail. Upon receiving the recent emails about the offender, I sent a CAR requesting an update on his medication status and why. Ms. Maples responded immediately, and within 3 days was able to contact the mental health provider, have a home visit scheduled, and his medication reinstated. Each time I requested an update on the situation so that the Judge could be kept informed, she responded within 30 minutes.

Ms. Maples' willingness to go above and beyond and ensure the offender was receiving appropriate services both protected the community in which he resides and avoided the need to incarcerate him and the expense of extradition. I hope Ms. Maples can be recognized by her agency and Interstate Compact for her exceptional response and casework in this situation.

*Submitted by Erin Morgan (TX) on February 1, 2021.*

## Samuel Flynn / Florida

Florida Sr. Supervisor Flynn received a phone call from an attorney, Joe Messineo, from Illinois concerning a case pending violation due to a violent crime conviction, misdemeanor battery. In the conversation, Sr. Supervisor Flynn took the time to advise Mr. Messineo on the rules of the Compact and assisted in directing Mr. Messineo to the Compact's website and pointed out specific resources available on the site to assist Mr. Messineo in educating himself on the requirements of the Compact including White Papers for retaking and liability. Sr. Supervisor Flynn also suggested possible accommodations that Florida may agree to for the offender to be instructed to return to Illinois but that such an agreement could only be made by both respective Compact Offices and not by a field supervisor.

Based on the information and advice given by Sr. Supervisor Flynn, Mr. Messineo did review the Compact's website and became more familiar with the requirements of the Compact. Mr. Messineo contacted Illinois DCA Holly Kassube and discussed the option of having the offender instructed to return to Illinois as opposed to being held and retaken under a warrant. Illinois DCA Kassube reached out to Florida DCA Tim Strickland and Florida agreed to having the offender instructed to return. Mr. Messineo also called Florida DCA Strickland and related that his interaction with Sr. Supervisor Flynn was very professional, courteous, and provided more assistance and understanding of the Compact process than Mr. Messineo had expected.

Sr. Supervisor Flynn could easily have dismissed Mr. Messineo's call and directed him to contact Illinois staff, but Sr. Supervisor Flynn took the time to assist Mr. Messineo with better understanding what was required under the Compact and what may be possible. Sr. Supervisor Flynn's actions demonstrated his commitment to fostering a better working relationship and understanding of the Compact with a stakeholder, a defense attorney, who was not from or

practicing in Florida and his example of his caring and knowledge of the Compact demonstrate his professionalism and humanity in how to communicate and assist others.

*Submitted by DCA Tim Strickland (FL) & DCA Holly Kassube (IL) on October 1, 2020.*

## Bill West / Nevada

On September 16, 2020, New Mexico received a request from a local Probation and Parole office asking for the local District Attorney's assistance in the location of a Nevada probation officer. Compact Administrator Cohen submitted an email to DCA Bill West from Nevada asking for assistance in the location and information of this particular PO. DCA West obliged and tried to find the local PO without results. Doing what DCAs do best, he took to action and found out the PO was not from Nevada but from North Dakota and was able work with Commissioner Amy Vorachek of North Dakota, who was able to assist with the information to our local DA. This was an act that was out of side of the norm for Compact offices, but DCA West went above and beyond to assist New Mexico with providing information even when he found out the local PO was not in his local offices. New Mexico appreciates the effort and time spent to assist them.

*Submitted by Compact Administrator Roberta Cohen (NM) on September 17, 2020.*

## Paige Lucas / West Virginia

Paige Lucas assisted North Carolina in granting reporting instructions for an offender that was released from prison homeless. The offender had submitted an address to go to West Virginia to live with his family prior to his release, but due to no cause of his own, the request was not submitted. Once this came to the North Carolina ISC Office's attention, West Virginia was contacted after 4:30 on a Friday before a holiday when most people had left the office for the day. Paige contacted DCA Kirk, and she agreed that the reporting instructions could be granted.

*Submitted by DCA Betty Payton (NC) on September 8, 2020.*

## Turran Blazier / Indiana

Ms. Blazier has served in her role with the Indiana Office of Court Services (IOCS) for 12 years. She continues to represent IOCS and the Justice Services Division in a professional manner when working with other states and outside agencies. She is extremely self-sufficient and ensures Compact issues are addressed immediately.

At the beginning of the year, Ms. Blazier identified an issue that needed addressed with a private community corrections agency. The agency covered two counties and was not working with those probation offices to properly transfer cases out of state. She arranged meetings with all the parties and worked with them to resolve the issues as the rules require. When the pandemic hit last March, she used her skills and knowledge to adapt to the situation. She continued to educate local offices on the requirements, and policies and procedures to ensure Indiana stayed in compliance even through the chaos of the pandemic and relocation of staff to work from home. Her ability to stay

organized ensured everything was addressed immediately to be in compliance with the mandatory timelines. She routinely checked on cases after hours to determine what needed to happen. She developed a process in her division to ensure Compact operated seamlessly and nothing was missed if someone is out of the office.

While we are still in the midst of the pandemic, Ms. Blazier continues to educate stakeholders on new requirements and looks for opportunities to train new and older local officers assigned to Compact for their department. In addition to being amazing at her primary job, she has also taken on staffing the Probation Officer Advisory Board in Indiana. Ms. Blazier took the opportunity to find out what the probation field needs, so she can address those issues as they come up. She is always willing to help and has an amazing ability to keep her sense of humor even when inundated with work and a pandemic.

*Submitted by Angie Hensley-Langrel (IN) on August 26, 2020.*

## Brandon Watts / Texas

Texas DCA Brandon Watts is deserving of recognition for demonstrating Spirit of the Compact in the handling of a parole matter that happened prior to COVID-19. Nebraska Parole had a case in which the offender was being considered for medical parole and DCA Watts and his team worked with the Nebraska Parole Compact Office to approve expedited reporting instructions. However, due to the special circumstances of the case it was determined it would be best to have a decision regarding the Transfer Request prior to the hearing so Texas graciously completed its investigation in short order and the Transfer Request was approved. Although the offender was granted parole at the hearing before the offender could depart for the receiving state he passed away. Nebraska appreciates DCA Watts and his team going above and beyond to ensure a decision prior to the hearing to pave the way so the offender's transfer of supervision could occur. This is an example of the Compact at its best.

*Submitted by DCA Parole Sally Reinhardt-Stewart (NE) on August 24, 2020.*

## Miriam Rabieh / New Mexico

Miriam Rabieh is a discharge planner for Sandoval County Detention Center. Although this is her day-to-day duties, Ms. Rabieh continued to stay in contact with New Mexico Interstate Compact office and provide information on an offender's status as he moved through his pretrial status in New Mexico to his return to Colorado. Ms. Rabieh does not work for NM Corrections Department but her diligence to her client ensured the offender was getting into treatment he needed upon release but continued to advise the New Mexico ISC office of the status of his availability, was going above and beyond what discharge planners do. It is amazing what happens with collaboration and communication with outside community members to ensure the safety of the community and rehabilitation of offenders.

*Submitted by Compact Administrator Roberta Cohen (NM) on July 31, 2020.*

**INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS**

**PREAMBLE**

- Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections “compact” established among the states and has not been amended since its adoption over 62 years ago;
  
- Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;
  
- Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;
  
- Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;
  
- Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

Be it enacted by the General Assembly (Legislature) of the state of \_\_\_\_\_:

Short title: This Act may be cited as The Interstate Compact for Adult Offender Supervision.

## **ARTICLE I**

### **PURPOSE**

The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create a Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

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 under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

## **ARTICLE II**

### **DEFINITIONS**

As used in this compact, unless the context clearly requires a different construction:

- **“Adult”** means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.
- **“By –laws”** mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- **“Compact Administrator”** means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.
- **“Compacting state”** means any state which has enacted the enabling legislation for this compact.
- **“Commissioner”** means the voting representative of each compacting state appointed pursuant to Article III of this compact.
- **“Interstate Commission”** means the Interstate Commission for Adult Offender Supervision established by this compact.
- **“Member”** means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

- **“Non Compacting state”** means any state which has not enacted the enabling legislation for this compact.
- **“Offender”** means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.
- **“Person”** means any individual, corporation, business enterprise, or other legal entity, either public or private.
- **“Rules”** means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states.
- **“State”** means a state of the United States, the District of Columbia and any other territorial possessions of the United States.
- **“State Council”** means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

### **ARTICLE III**

#### **THE COMPACT COMMISSION**

The compacting states hereby create the “Interstate Commission for Adult Offender Supervision.” The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state.

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of

interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws.

#### **ARTICLE IV**

#### **THE STATE COUNCIL**

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or



pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state.

## **ARTICLE V**

### **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall have the following powers:

- To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission
- To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
- To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission.
- To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process.
- To establish and maintain offices.
- To purchase and maintain insurance and bonds
- To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

- To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
- To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.
- To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- To establish a budget and make expenditures and levy dues as provided in Article X of this compact.
- To sue and be sued.
- To provide for dispute resolution among Compacting States.
- To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.
- To establish uniform standards for the reporting, collecting, and exchanging of data.

## ARTICLE VI

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. By-laws

The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

establishing the fiscal year of the Interstate Commission;

establishing an executive committee and such other committees as may be necessary.

providing reasonable standards and procedures:

(i) for the establishment of committees, and

(ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

establishing the titles and responsibilities of the officers of the Interstate Commission;

providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and

providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

providing transition rules for "start up" administration of the compact;

establishing standards and procedures for compliance and technical assistance in carrying out the compact.

### **Section B. Officers and Staff**

The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

### **Section C. Corporate Records of the Interstate Commission**

The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

### **Section D. Qualified Immunity, Defense and Indemnification**

The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the Commissioner of a Compacting State, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or

omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the Commissioner of a Compacting State, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

## **ARTICLE VII**

### **ACTIVITIES OF THE INTERSTATE COMMISSION**

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the

member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings.

The Interstate Commission's By-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

- relate solely to the Interstate Commission's internal personnel practices and procedures;
- disclose matters specifically exempted from disclosure by statute;
- disclosure trade secrets or commercial or financial information which is privileged or confidential;
- involve accusing any person of a crime, or formally censuring any person;

- disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- disclose investigatory records compiled for law enforcement purposes;
- disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

## **ARTICLE VIII**

### **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states;

Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA"). All Rules and amendments shall become binding as of the date specified in each Rule or amendment.

If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State.

When promulgating a Rule, the Interstate Commission shall:

- publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule;
- allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available;
- provide an opportunity for an informal hearing; and
- promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record.

Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside.

Subjects to be addressed within 12 months after the first meeting must at a minimum include:

- notice to victims and opportunity to be heard;
- offender registration and compliance;
- violations/returns;
- transfer procedures and forms;
- eligibility for transfer;
- collection of restitution and fees from offenders;



- data collection and reporting;
- the level of supervision to be provided by the receiving state;
- transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact;
- Mediation, arbitration and dispute resolution.

The existing rules governing the operation of the previous compact superceded by this Act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

**ARTICLE IX**

**OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION**

**Section A. Oversight**

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States.

The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

### **Section B. Dispute Resolution**

The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States.

The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States.

### **Section C. Enforcement**

The Interstate Commission, in the reasonable exercise of its' discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

## **ARTICLE X**

### **FINANCE**

The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## **ARTICLE XI**

### **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

Any state, as defined in Article II of this compact, is eligible to become a Compacting State.

The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35<sup>th</sup> jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

## **ARTICLE XII**

### **WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

## **Section A. Withdrawal**

Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof.

The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission

## **Section B. Default**

If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:

Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

Remedial training and technical assistance as directed by the Interstate Commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the

Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State.

Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

### **Section C. Judicial Enforcement**

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce

compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

**Section D. Dissolution of Compact**

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

**ARTICLE XIII**

**SEVERABILITY AND CONSTRUCTION**

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally constructed to effectuate its purposes.

**ARTICLE XIV**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

**Section B. Binding Effect of the Compact**

All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States.

All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.



Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

# Interstate Commission for Adult Offender Supervision

Bylaws

Effective  
October 9, 2019



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***History:** Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended/effective October 3, 2018; amended/effective October 9, 2019.*

# **BYLAWS**

## **ARTICLE I**

### **COMMISSION PURPOSE, FUNCTION AND BY-LAWS**

#### **Section 1. Purpose.**

Pursuant to the terms of the Interstate Compact for Adult Offender Supervision, (the "Compact"), the Interstate Commission for Adult Offender Supervision (the "Commission") is established to fulfill the objectives of the Compact, through means of joint cooperative action among the Compacting States: to promote, develop and facilitate safe, orderly, efficient, cost effective and uniform transfer and supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this Compact to travel across state lines both to and from each compacting state, and, when necessary, return offenders to the originating jurisdictions.

#### **Section 2. Functions.**

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission's activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; oversight and coordination of offender transfer and supervision activities in Compacting States; provision of a framework for the promotion of public safety and protection of victims; provision for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision for dispute resolution; coordination of training and education regarding the regulation of interstate movement of offenders for officials involved in such activity; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

#### **Section 3. By-laws.**

As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

# **BYLAWS**

## **ARTICLE II**

### **MEMBERSHIP**

#### **Section 1. Commissioners**

The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State. Each Compacting State shall forward the name of its Commissioner to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State Council for Interstate Adult Supervision of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

#### **Section 2. Ex-Officio Members**

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition, representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, the National Association for Public Defense, the National Criminal Justice Association and the International Association of Chief of Police may be ex-officio members of the Commission.

**BYLAWS**  
**ARTICLE III**  
**OFFICERS**

**Section 1. Election and Succession.**

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected every two years by the Commission at any meeting at which a quorum is present, and shall serve for two years or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

**Section 2. Duties.**

The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
- c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

**Section 3. Costs and Expense Reimbursement.**

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

## **Section 4. Vacancies.**

Upon the resignation, removal, or death of an officer of the Commission before the next annual meeting of the Commission, a majority of the Executive Committee shall appoint a successor to hold office for the unexpired portion of the term of the officer whose position shall so become vacant or until the next regular or special meeting of the Commission at which the vacancy is filled by majority vote of the Commission, whichever first occurs.

# **BYLAWS**

## **ARTICLE IV**

### **COMMISSION PERSONNEL**

#### **Section 1. Commission Staff and Offices.**

The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission's office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

#### **Section 2. Duties of the Executive Director.**

As the Commission's principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

- a. Recommend general policies and program initiatives for the Commission's consideration;
- b. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
- c. Implement and monitor administration of all policies programs, and initiatives adopted by Commission;
- d. Prepare draft annual budgets for the Commission's consideration;
- e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of account;
- f. Assist Commission Members as directed in securing required assessments from the Compacting States;
- g. Execute contracts on behalf of the Commission as directed;
- h. Receive service of process on behalf of the Commission;
- i. Prepare and disseminate all required reports and notices directed by the Commission; and
- j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

## **BYLAWS**

### **ARTICLE V**

#### **QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION**

##### **Section 1. Immunity.**

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

##### **Section 2. Defense**

Subject to the provisions of the Compact and rules promulgated thereunder, the Commission shall defend the Commissioner of a Compacting State, the Commissioner's representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

##### **Section 3. Indemnification.**

The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

# **BYLAWS**

## **ARTICLE VI**

### **MEETINGS OF THE COMMISSION**

#### **Section 1. Meetings and Notice.**

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

#### **Section 2. Quorum.**

Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

#### **Section 3. Voting.**

Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate and vote in meetings of the Commission and its duly authorized committees by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

#### **Section 4. Procedure.**

Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert's Rules of Order.



# **BYLAWS**

## **ARTICLE VII**

### **COMMITTEES**

#### **Section 1. Executive Committee.**

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons or vice-chairpersons of each committee, the regional representatives or designees, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission and the Chair of the DCA Liaison Committee shall also serve as ex-officio, non-voting, members of the executive committee and the ex-officio victims' representative, immediate past chairperson, and Chair of the DCA Liaison Committee shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

#### **Section 2. Standing Committees.**

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee; Rules Committee; Compliance Committee; Information Technology Committee; and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission. In the event a chairperson of a standing committee is unable to attend a specified meeting of a standing committee or a meeting of the executive committee, each standing committee may designate a vice-chairperson to act on behalf of the standing committee at a specified standing or executive committee meeting.

#### **Section 3. Ad hoc Committees.**

The Commission may establish ad hoc committees to perform special purposes or functions. Upon creation of an ad hoc committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the ad hoc committee shall complete its business and shall specify the means by which the ad hoc committee shall report its activities to the Commission.

#### **Section 4. Regional Representatives.**

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected, beginning with the 2005 annual meeting, by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments. In the event a regional representative is unable to attend a regional meeting or a meeting of the executive committee, that region shall be authorized to designate an alternative representative who is a commissioner from the same region to act on behalf of a regional representative at a specified

regional or executive committee meeting.

**BYLAWS**  
**ARTICLE VIII**  
**FINANCE**

**Section 1. Fiscal Year.**

The Commission's fiscal year shall begin on July 1 and end on June 30.

**Section 2. Budget.**

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

**Section 3. Accounting and Audit.**

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the governors, legislatures, and judiciary of the Compacting States. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

**Section 4. Public Participation in Meetings.**

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

**Section 5. Debt Limitations.**

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules and these By-laws governing the incurring of debt and the pledging of credit.

**Section 6. Travel Reimbursements.**

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by

the Compact.

## **BYLAWS**

### **ARTICLE IX**

#### **WITHDRAWAL, DEFAULT, AND TERMINATION**

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

## **BYLAWS**

### **ARTICLE X**

#### **ADOPTION AND AMENDMENT OF BY-LAWS**

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

## **BYLAWS**

### **ARTICLE XI**

#### **DISSOLUTION OF THE COMPACT**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State that reduces membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Commission shall be wound up. Each Compacting State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact's dissolution. A Compacting State is in good standing if it has paid its assessments timely.

**History:** Adopted/effective November 20, 2002; amended/effective November 3, 2003; amended/effective October 27, 2004; amended /effective September 13, 2005; amended/effective October 4, 2006; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended/effective October 3, 2018; amended/effective October 9, 2019.





Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

## ICAOS Rules

General information

Effective Date:  
April 21, 2020

## INTRODUCTION

### ICAOS RULES

The Interstate Commission for Adult Offender Supervision is charged with overseeing the day-to-day operations of the Interstate Compact for Adult Offender Supervision, a formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. As a creature of an interstate compact, the Commission is a quasi-governmental administrative body vested by the states with broad regulatory authority. Additionally, the Interstate Compact for Adult Offender Supervision has congressional consent under Article I, § 10 of the United States Constitution and pursuant to Title 4, Section 112(a) of the United States Code.

Through its rulemaking powers, the Commission seeks to achieve the goals of the compact by creating a regulatory system applicable to the interstate movement of adult offenders, provide an opportunity for input and timely notice to victims of crime and to the jurisdictions where offenders are authorized to travel or to relocate, establish a system of uniform data collection, provide access to information on active cases to authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. The Commission is also empowered to monitor compliance with the interstate compact and its duly promulgated rules, and where warranted to initiate interventions to address and correct noncompliance. The Commission will coordinate training and education regarding regulations of interstate movement of offenders for state officials involved in such activity.

These rules are promulgated by the Interstate Commission for Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact for Adult Offender Supervision. The rules are intended to effectuate the purposes of the compact and assist the member states in complying with their obligations by creating a uniform system applicable to all cases and persons subject to the terms and conditions of the compact. Under Article V, Rules promulgated by the Commission—“shall have the force and effect of statutory law and shall be binding in the compacting states[.]” All state officials and state courts are required to effectuate the terms of the compact and ensure compliance with these rules. To the extent that state statutes, rules or policies conflict with the terms of the compact or rules duly promulgated by the Commission, such statutes, rules or policies are superseded by these rules to the extent of any conflict.

To further assist state officials in implementing the Compact and complying with its terms and these rules, the Commission has issued a number of advisory opinions. Additionally, informal opinions can be obtained from the Commission as warranted. Advisory opinions, contact information and other important information, can be found on the Commission’s website at <https://www.interstatecompact.org>.

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Each rule references and links to appropriate Definitions, Advisory Opinions, Rule History, and Justifications where applicable. Justifications for rule amendments are available for [2009](#), [2010](#), [2011](#), [2013](#), [2015](#), [2016](#), [2017](#), [2019](#), [2020](#). ***Disclaimer:*** *The information contained in the justification statements is only for the limited purpose of explaining the purpose of a rule or proposed rule. It is not intended as an expression of interpretation, support or opposition to a proposed rule and, while believed to be accurate, is provided for informational purposes only.*

## CHAPTER 1: DEFINITIONS

### RULE 1.101

As used in these rules, unless the context clearly requires a different construction-

**Abscond** - means to be absent from the offender's approved place of residence and employment; and failing to comply with reporting requirements.

**Adult** - means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

**Application Fee** - means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state

**Arrival** - means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender's departure from a sending state under an interstate compact transfer of supervision.

**Behavior Requiring Retaking** - means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state.

**By-Laws** - means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

**Compact** - means the Interstate Compact for Adult Offender Supervision.

**Compact Administrator** - means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

**Compact Commissioner or "Commissioner"** - means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

**Compliance** - means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

**Deferred Sentence** - means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

**Detainer** - means an order to hold an offender in custody.

**Discharge** - means the final completion of the sentence that was imposed on an offender by the sending state.

**Extradition** - means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive

has fled to evade justice or escape prosecution.

*References:*

*ICAOS Advisory Opinion*

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

**Offender** - means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

*Reference:*

*ICAOS Advisory Opinion*

[9-2004](#) [CSL offenders seeking transfer of supervision are subject to ICAOS-New Jersey]

**Plan of Supervision** - means the terms under which an offender will be supervised, including proposed residence, proposed employment or viable means of support and the terms and conditions of supervision.

**Probable Cause Hearing** - a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender's parole or probation.

**Receiving State** - means a state to which an offender requests transfer of supervision or is transferred.

**Relocate** - means to remain in another state for more than 45 consecutive days in any 12 month period.

*Reference:*

*ICAOS Advisory Opinion*

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

**Reporting Instructions** - means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

**Resident** - means a person who

1. has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

**Resident Family** - means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates willingness and ability to assist the offender as specified in the plan of supervision.

**Retaking** - means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

**Rules** - means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

**Sending State** - means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

**Sex Offender** - means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender in the sending state or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

**Shall** - means that a state or other actor is required to perform an act, the nonperformance of which may result in the imposition of sanctions as permitted by the Interstate Compact for Adult Offender Supervision, its by-laws and rules.

**Subsequent Receiving State** - means a state to which an offender is transferred that is not the sending state or the original receiving state.

**Substantial Compliance** - means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

*Reference:*

*ICAOS Advisory Opinion*

[7-2004](#) [determining "substantial compliance" when there are pending charges in a receiving state]



**Supervision** - means the oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

*References:*

*ICAOS Advisory Opinions*

[9-2004](#) [CSL offenders released to the community under the jurisdiction of the Courts]

[3-2010](#) & [4-2010](#) [Offenders not subject to supervision by corrections may be subject to ICAOS if reporting to the courts is required.]

**Supervision Fee** - means a fee collected by the receiving state for the supervision of an offender.

**Travel Permit** - means the written permission granted to an offender authorizing the offender to travel from one state to another.

**Victim** - means a natural person or the family of a natural person who has incurred direct or threatened physical or psychological harm as a result of an act or omission of an offender.

**Violent Crime** - means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

**Waiver** - means the voluntary relinquishment, in writing, of a known constitutional right or other right, claim or privilege by an offender.

**Warrant** - means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

**History:**

**Adopted November 3, 2003, effective August 1, 2004; "Compliance" amended October 26, 2004, effective January 1, 2005; "Resident" amended October 26, 2004, effective January 1, 2005; "Resident family" amended October 26, 2004, effective January 1, 2005; "Substantial compliance" adopted October 26, 2004, effective January 1, 2005; "Supervision" amended October 26, 2004, effective January 1, 2005; "Travel permit" amended September 13, 2005, effective January 1, 2006; "Victim" amended September 13, 2005, effective January 1, 2006; "Relocate" adopted September 13, 2005, effective January 1, 2006; "Compact" adopted September 13, 2005, effective January 1, 2006; "Resident" amended September 13, 2005, effective January 1, 2006; "Relocate" amended October 4, 2006, effective January 1, 2007; "Sex offender" adopted September 26, 2007, effective January 1, 2008; "[Supervision](#)" amended November 4, 2009, effective March 1, 2010; "[Warrant](#)" adopted October 13, 2010, effective March 1, 2011; "[Violent Crime](#)" adopted October 13, 2010, effective March 1, 2011; "[Violent Offender](#)" adopted October 13, 2010, effective March 1, 2011; "[Resident](#)" amended September 14, 2011, effective March 1, 2012 "[Violent Offender](#)" amended September 14, 2011, effective**



March 1, 2012; ["Abscond"](#) amended August 28, 2013, effective March 1, 2014; ["Resident Family"](#) amended August 28, 2013, effective March 1, 2014; ["Temporary Travel Permit"](#) amended August 28, 2013, effective March 1, 2014; ["Warrant"](#) amended August 28, 2013, effective March 1, 2014; ["Violent Offender"](#) repealed August 28, 2013, effective March 1, 2014; ["Behavior Requiring Retaking"](#) adopted September 14, 2016, effective June 1, 2017; ["Significant Violation"](#) repealed September 14, 2016, effective June 1, 2017; ["Special Condition"](#) repealed September 14, 2016, effective June 1, 2017; ["Abscond"](#) amended October 9, 2019, effective April 1, 2020; ["Sex offender"](#) amended October 9, 2019, effective April 1, 2020; ["Temporary travel permit"](#) amended October 9, 2019, effective April 1, 2020; ["Victim sensitive"](#) amended October 9, 2019, effective April 1, 2020

## CHAPTER 2: GENERAL PROVISIONS

### *Rules governing the general provisions of the Interstate Commission for Adult Offender Supervision*

#### **RULE 2.101**

##### **INVOLVEMENT OF INTERSTATE COMPACT OFFICES**

(a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.

(c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

**History: Adopted November 3, 2003, effective August 1, 2004.**

**RULE 2.102**

**DATA COLLECTION AND REPORTING [EXPIRED; SEE HISTORY]**

(a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.

(b)

1. Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
2. Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
3. Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.

(c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

[Expired; See history]

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 14, 2005, effective December 31, 2005. On November 4, 2009, the commission found that the electronic information system in (c) is fully implemented and functional, and ordered that this rule expire, effective December 31, 2009.**

**RULE 2.103**  
**DUES FORMULA**

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.

(b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d)

1. The dues formula is the—  
(Population of the state **divided by** Population of the United States) **plus** (Number of offenders sent from and received by a state **divided by** Total number of offenders sent from and received by all states) divided by 2.
2. The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

**History: Adopted November 3, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.**

**RULE 2.104**

**FORMS**

(a) States shall use the forms or electronic information system authorized by the commission.

(b) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 11, 2017](#), effective March 1, 2018.**

**RULE 2.105**  
**MISDEMEANANTS**

(a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in [Rule 3.101](#), have been satisfied; and the instant offense includes one or more of the following—

1. an offense in which a person has incurred direct or threatened physical or psychological harm;
2. an offense that involves the use or possession of a firearm;
3. a 2nd or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
4. a sexual offense that requires the offender to register as a sex offender in the sending state.

*References:*

*ICAOS Advisory Opinions*

[4-2005](#) [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]

[7-2006](#) [There are no exceptions to applicability of (a)(3) based on either the time period between the 1st and subsequent offense(s) or the jurisdiction in which the convictions occurred]

[16-2006](#) [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]

[2-2008](#) [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]

[1-2011](#) [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; [amended October 7, 2015](#), effective March 1, 2016.**

## **RULE 2.106**

### **OFFENDERS SUBJECT TO DEFERRED SENTENCES**

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pre-trial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

*References:*

*ICAOS Advisory Opinions*

[4-2004](#) [Determining eligibility should be based on legal actions of a court rather than legal definitions]

[6-2005](#) [Deferred prosecution may be equivalent to deferred sentence if a finding or plea of guilt has been entered and all that is left is for the Court to impose sentence]

**History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; [amended November 4, 2009](#), effective March 1, 2010.**

**RULE 2.107**

**OFFENDERS ON FURLOUGH, WORK RELEASE**

A person who is released from incarceration under furlough, work-release, or other preparole program is not eligible for transfer under the compact.

**History: Adopted November 3, 2003, effective August 1, 2004.**



**RULE 2.108**

**OFFENDERS WITH DISABILITIES**

A receiving state shall continue to supervise offenders who become mentally ill or exhibit signs of mental illness or who develop a physical disability while supervised in the receiving state.

**History: Adopted November 3, 2003, effective August 1, 2004.**

## **RULE 2.109**

### **ADOPTION OF RULES; AMENDMENT**

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner.

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:

1. Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
2. Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
3. ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.

(c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 calendar days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each proposed rule or amendment shall state—

1. The place, time, and date of the scheduled public hearing;
2. The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
3. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.

(f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.

(g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(i) Not later than 60 calendar days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 calendar days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to—

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of federal or state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect human health and the environment.

(k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 2.110**

### **TRANSFER OF OFFENDERS UNDER THIS COMPACT**

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.

#### *References:*

##### *ICAOS Advisory Opinions*

[9-2006](#) [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]

[2-2008](#) [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 2.111**

### **EMERGENCY SUSPENSION OF ENFORCEMENT**

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
2. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

**History:** [Adopted April 21, 2020](#), effective April 21, 2020.

## **CHAPTER 3: TRANSFER OF SUPERVISION**

### ***Rules governing transfer of supervision under the compact of the Interstate Commission for Adult Offender Supervision***

#### **RULE 3.101**

##### **MANDATORY TRANSFER OF SUPERVISION**

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

- (a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- (b) has a valid plan of supervision; and
- (c) is in substantial compliance with the terms of supervision in the sending state; and
- (d) is a resident of the receiving state; or
- (e)
  - 1. has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
  - 2. can obtain employment in the receiving state or has means of support.

*References:*

*ICAOS Advisory Opinions*

[7-2004](#) [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]

[9-2004](#) [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]

[4-2005](#) [Are offenders who are not eligible to transfer under the provisions of Rule 3.101 (a) or Rule 2.105 of the Rules of the Interstate Compact for Adult Offender Supervision permitted to transfer under Rule 3.101 (c) as a discretionary transfer?]

[8-2005](#) [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]

[5-2006](#) [Time allowed for investigation by receiving state, Rule 4.101 - Manner and degree of supervision.]

[6-2006](#) [Clarification of 90 day period of supervision is determined.]

[13-2006](#) [An undocumented immigrant who meets the definition of "offender" and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]

[2-2007](#) [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]

[1-2010](#) [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 3.101-1**

### **MANDATORY REPORTING INSTRUCTIONS AND TRANSFERS OF MILITARY, FAMILIES OF MILITARY, FAMILY MEMBERS EMPLOYED, EMPLOYMENT TRANSFER, AND VETERANS FOR MEDICAL OR MENTAL HEALTH SERVICES**

(a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:

1. *Transfers of military members*—An offender who is a member of the military and is under orders in another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders shall be provided at the time of the request.
2. *Transfer of offenders who live with family who are members of the military*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\) and \(e\)\(2\)](#) and who lives with a family member who is under orders in another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. A copy of the military orders shall be provided at the time of the request.
3. *Employment transfer of family member to another state*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\) and \(e\)\(2\)](#) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.
4. *Employment transfer of the offender to another state*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\)](#) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.
5. *Transfers of veterans for medical or mental health services*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\)](#) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

(A) the sending state provides documentation to the receiving state of the medical and/or mental health referral or acceptance; and

(B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.

(b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).



(d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

**History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.**

## **RULE 3.101-2**

### **DISCRETIONARY TRANSFER OF SUPERVISION**

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

*References:*

*ICAOS Advisory Opinions*

[4-2005](#) [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

[8-2006](#) [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

**History: Adopted September 13, 2005, effective January 1, 2006; [amended October 7, 2015](#), effective March 1, 2016.**

### **RULE 3.101-3**

#### **TRANSFER OF SUPERVISION OF SEX OFFENDERS**

(a) *Eligibility for Transfer*—At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state’s request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) *Application for Transfer*—In addition to the information required in an application for transfer pursuant to [Rule 3.107](#), the sending state shall provide the following information, if available, to assist the receiving state in the investigation of the transfer request of a sex offender:

1. All assessment information, completed by the sending state;
2. Victim information if distribution is not prohibited by law
  - (A) the name, sex, age and relationship to the offender;
  - (B) the statement of the victim or victim’s representative;
3. the sending state’s current or recommended supervision and treatment plan.

(c) Additional documents necessary for supervision in the receiving state, such as a law enforcement report regarding the offender’s prior sex offense(s), sending state’s risk and needs score, or case plan may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

(d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
2. Conditions of supervision;
3. Any orders restricting the offender’s contact with victims or any other person; and
4. Victim information to include the name, sex, age and relationship to the offender, if available and if distribution is not prohibited by law.

(e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c).

(f) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the offender or family member, or veterans for medical or mental health services*—Rules [3.101-1](#) & [3.103](#) apply to the transfer of sex offenders, as defined by the compact, except:

The receiving state shall issue reporting instructions no later than 5 business days following the receipt

of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence

(g) Expedited reporting instructions for sex offenders - Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.

*References:*

*ICAOS Advisory Opinions*

[1-2008](#) [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

**History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended October 7, 2015](#), effective March 1, 2016; [amended October 9, 2019](#), effective April 1, 2020.**

## **RULE 3.102**

### **SUBMISSION OF TRANSFER REQUEST TO A RECEIVING STATE**

(a) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.

(b) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.

(c) An offender who is employed or attending treatment or medical appointments in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for employment, treatment or medical appointment purposes may be permitted to continue to travel to the receiving state for these purposes while the transfer request is being investigated, provided that the following conditions are met:

1. Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
2. The offender shall return to the sending state daily, immediately upon completion of the appointment or employment, and
3. The transfer request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

(d) When a sending state verifies an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender meets the eligibility requirements of [Rule 3.101 \(a\), \(b\) & \(c\)](#), the sending state shall request expedited reporting instructions within 2 business days of the notification of the offender's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

1. The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under [Rule 3.107](#), and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.
2. The provisions of [Rule 3.106 \(b\), \(c\) & \(d\)](#) apply.

#### *References:*

#### *ICAOS Advisory Opinions*

[9-2006](#) [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of [Rule 2.110](#) and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended](#)**

**August 28, 2013**, effective March 1, 2014; **amended October 7, 2015**, effective March 1, 2016.

### **RULE 3.103**

#### **REPORTING INSTRUCTIONS; OFFENDER LIVING IN THE RECEIVING STATE AT THE TIME OF SENTENCING OR AFTER DISPOSITION OF A VIOLATION OR REVOCATION PROCEEDING**

(a)

1. A request for reporting instructions for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
2. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
3. The sending state shall ensure that the offender signs all forms requiring the offender's signature under [Rule 3.107](#) prior to granting a travel permit to the offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
4. The sending state shall transmit a departure notice to the receiving state per [Rule 4.105](#).
5. This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.

(b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.

(c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per [Rule 4.105](#).

(d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.

(e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

(f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

*References:*

*ICAOS Advisory Opinions*

[3-2007](#) [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.**



### **RULE 3.104**

#### **TIME ALLOWED FOR INVESTIGATION BY RECEIVING STATE**

(a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.

(b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

(c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

*References:*

*ICAOS Advisory Opinions*

[5-2006](#) [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018.**

### **RULE 3.104-1**

#### **ACCEPTANCE OF OFFENDER; ISSUANCE OF REPORTING INSTRUCTIONS**

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under [Rule 4.105](#).
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under [Rule 4.105](#).
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.
- (e) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.

**History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 3.105**

### **PRE-RELEASE TRANSFER REQUEST**

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to an offender's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

1. if the planned release date changes; or
2. if recommendation for release of the offender has been withdrawn or denied.

(c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

*References:*

*ICAOS Advisory Opinions*

[1-2009](#) [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

[2-2012](#) [Neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.]

**History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 3.106**

### **REQUEST FOR EXPEDITED REPORTING INSTRUCTIONS**

(a)

1. A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under [Rule 3.104-1](#).
2. (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.  
(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under [Rule 3.107](#) prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per [Rule 4.105](#).

(c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.

(d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

(e) If the sending state fails to send a completed transfer request by the 7th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.**

**RULE 3.107**  
**TRANSFER REQUEST**

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
2. photograph of offender;
3. conditions of supervision;
4. any orders restricting the offender's contact with victims or any other person;
5. any known orders protecting the offender from contact with any other person;
6. information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
7. pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
8. information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
9. supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
10. information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made;
11. summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.

(b) A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 13, 2010](#), effective March 1, 2011; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.**

### **RULE 3.108**

#### **VICTIMS' RIGHT TO BE HEARD AND COMMENT**

(a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.

(b)

(1) Victims shall have 15 business days from receipt of notice required in [Rule 3.108\(a\)](#) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.

(2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.

(c) The sending state shall consider victim related concerns. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose conditions of supervision on the offender to address victim related concerns.

(d) The sending state shall respond to the victim no later than 5 business days following receipt of victim related concerns.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020.**

**RULE 3.108-1**

**VICTIM NOTIFICATION AND REQUESTS FOR OFFENDER INFORMATION**

(a) *Notification to victims upon transfer of offenders*—Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures to victims of the transfer of supervision of the offender in accordance with its own laws.

(b) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

**History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 1, 2020.**

## **RULE 3.109**

### **WAIVER OF EXTRADITION**

(a) An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state.

(b) States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

*References:*

*ICAOS Advisory Opinions*

[2-2005](#) [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at anytime and that formal extradition hearings would not be required.]

[3-2012](#) [Whether an offender whose supervision was never transferred under the Compact, and who subsequently absconds supervision, is subject to the terms of the Compact or the Extradition Clause of the U.S. Constitution.]

**History: Adopted November 4, 2003, effective August 1, 2004.**



**RULE 3.110**  
**TRAVEL PERMITS**

(a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.

(b) This rule does not apply to offenders who are employed or attending treatment or medical appointments in the sending state, provided that the following conditions are met:

1. Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments; and
2. The offender shall return to the receiving state immediately upon completion of the appointment or employment.

**Adopted October 9, 2019, effective April 1, 2020.**

## CHAPTER 4: SUPERVISION IN RECEIVING STATE

### *Rules governing supervision in the receiving state under the compact of the Interstate Commission for Adult Offender Supervision*

#### **RULE 4.101**

##### **MANNER AND DEGREE OF SUPERVISION IN RECEIVING STATE**

A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

##### *References:*

##### *ICAOS Advisory Opinions*

[2-2005](#) [Arresting & Detaining Compact Probationers and Parolees. Authority of officers to arrest an out-of-state offender sent to Florida under the ICAOS on probation violations.]

[5-2006](#) [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

[3-2008](#) [Guidance Concerning Out-of-State Travel for Sex Offenders]

**History: Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.102**

**DURATION OF SUPERVISION IN THE RECEIVING STATE**

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.103**

### **CONDITIONS OF SUPERVISION**

- (a) At the time of acceptance or during the term of supervision, the receiving state may impose a condition on an offender if that condition would have been imposed on an offender sentenced in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the offender.
- (c) A sending state shall inform the receiving state of any conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made.

*References:*

*ICAOS Advisory Opinions*

[2-2005](#) [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state... The receiving state can even add additional requirements on an offender as a condition of transfer]

[5-2006](#) [Special conditions may be imposed by the receiving state after an offender has transferred]

[1-2008](#) [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.103-1**

**FORCE AND EFFECT OF CONDITIONS IMPOSED BY A RECEIVING STATE**

The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state.

**History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.104****OFFENDER REGISTRATION OR DNA TESTING IN RECEIVING OR SENDING STATE**

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008**

## **RULE 4.105**

### **ARRIVAL AND DEPARTURE NOTIFICATIONS; WITHDRAWAL OF REPORTING INSTRUCTIONS**

(a) *Departure notifications*—At the time of an offender’s departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender’s intended departure and the date by which the offender has been instructed to arrive.

(b) *Arrival notifications*—At the time of an offender’s arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender’s arrival or failure to arrive.

(c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.**

## **RULE 4.106**

### **PROGRESS REPORTS ON OFFENDER COMPLIANCE AND NON-COMPLIANCE**

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the offender's response to such actions.

(c) A progress report shall include-

1. offender's name;
2. offender's current residence address;
3. offender's current telephone number and current electronic mail address;
4. name and address of offender's current employer;
5. supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
6. programs of treatment attempted and completed by the offender;
7. information about any sanctions that have been imposed on the offender since the previous progress report;
8. supervising officer's recommendation;
9. any other information requested by the sending state that is available in the receiving state.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; [amended November 4, 2009](#), effective March 1, 2010; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 2020.**



**RULE 4.107**

**FEES**

(a) *Application fee*—A sending state may impose a fee for each transfer application prepared for an offender.

(b) *Supervision fee*—

1. A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
2. A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

*References:*

*ICAOS Advisory Opinions*

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.108**

### **COLLECTION OF RESTITUTION, FINES AND OTHER COSTS**

(a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.

(b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

*References:*

*ICAOS Advisory Opinions*

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.109**

### **VIOLATION REPORT(S) REQUIRING RETAKING**

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain-

1. offender's name and location;
2. offender's state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
7. name and title of the officer making the report;
8. if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.109-1**

**AUTHORITY TO ARREST AND DETAIN**

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

**History: Adopted October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.109-2**  
**ABSCONDING VIOLATION**

(a) If there is reasonable suspicion that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:

1. Documenting communication attempts directly to the offender, including dates of each attempt;
2. Conducting a field contact at the last known place of residence;
3. Contacting the last known place of employment, if applicable;
4. Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to [Rule 4.109\(b\)\(8\)](#).

**History: [Adopted October 13, 2010](#), effective March 1, 2011; amended October 9, 2019, effective April 1, 2020.**

## **RULE 4.110**

### **TRANSFER TO A SUBSEQUENT RECEIVING STATE**

(a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.

(b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under [Rule 3.107](#), and shall transmit these forms to the sending state.

(c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.

(d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.

(e) Notification of offender's departure and arrival shall be made as required under [Rule 4.105](#).

(f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.**

## **RULE 4.111**

### **OFFENDERS RETURNING TO THE SENDING STATE**

(a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.

(b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules [3.101-1](#), [3.101-3](#), [3.103](#) or [3.106](#), the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless [Rule 3.104 \(b\) or \(c\)](#) applies or if the location of the offender is unknown, conduct activities pursuant to [Rule 4.109-2](#).

(c) The sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.

(d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to [Rule 4.109-2](#).

(e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in [Rule 4.105 \(a\)](#) and submit a case closure as required by [Rule 4.112 \(a\)\(5\)](#). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by [Rule 4.105 \(b\)](#) prior to validating the case closure notice.

(f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective day January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020.**

## **RULE 4.112**

### **CLOSING OF SUPERVISION BY THE RECEIVING STATE**

(a) The receiving state may close its supervision of an offender and cease supervision upon-

1. The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
2. Notification to the sending state of the absconding of the offender from supervision in the receiving state;
3. Notification to the sending state that the offender has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the offender's location;
4. Notification of death; or
5. Return to sending state.

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. The receiving state shall transmit a case closure notice within 10 business days after the maximum expiration date.

(d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

#### *References:*

##### *ICAOS Advisory Opinions*

[11-2006](#) [A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

[2-2010](#) [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

[1-2019](#) [Except in those excluded cases where the offender is discharged from supervision under the original application for supervision, absconders who are subsequently apprehended are subject to the compact and Rules 4.112 (b) and 5.107.]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.**



## CHAPTER 5: RETAKING

### *Rules governing retaking an offender under the compact of the Interstate Commission for Adult Offender Supervision*

#### **RULE 5.101**

##### **DISCRETIONARY RETAKING BY THE SENDING STATE**

(a) Except as required in [Rules 5.101-1](#), [5.102](#), [5.103](#) and [5.103-1](#) at its sole discretion, a sending state may order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 30 calendar days following the offender's failure to appear in the sending state.

(b) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

#### *References:*

*ICAOS Advisory Opinions*

[13-2006](#) [Retaking of an undocumented immigrant is at the sole discretion of the sending state unless the offender comes within the exceptions provided in Rule [5.102](#)]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended October 9, 2019](#), effective April 1, 2020**

**RULE 5.101-1**

**PENDING FELONY OR VIOLENT CRIME CHARGES**

Notwithstanding any other rule, if an offender is charged with a subsequent felony or violent crime, the offender shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

*References:*

*ICAOS Advisory Opinions*

[1-2019](#) [The language of Rule 5.101-1 anticipates the exercise of discretion by prosecutors and other state authorities in the determination of whether an offender or absconder should be held subject to retaking bonds or to be detained on bonds set in connection with a new offense.]

**History:** [Adopted August 28, 2013](#), effective **March 1, 2014**.

## **RULE 5.101-2**

### **DISCRETIONARY PROCESS FOR DISPOSITION OF VIOLATION IN THE SENDING STATE FOR A NEW CRIME CONVICTION**

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.

(a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.

(b) The sending state shall send the violation hearing results to the receiving state within 10 business days.

(c) If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules [5.102](#) and [5.103](#) apply.

(d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules [5.102](#) and [5.103](#) apply.

(e) The receiving state may close the case under [Rule 4.112 \(a\)\(3\)](#).

**History: [Adopted October 7, 2015](#), effective March 1, 2016.**

**RULE 5.102**

**MANDATORY RETAKING FOR A NEW FELONY OR NEW VIOLENT CRIME CONVICTION**

(a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:

1. completion of a term of incarceration for that conviction; or
2. placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 5.103**

### **OFFENDER BEHAVIOR REQUIRING RETAKING**

- (a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.
- (b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per [Rule 4.111](#) within 7 business days following the receipt of the violation report response.
- (c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.
- (d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to apprehend the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).

*References:*

*ICAOS Advisory Opinions*

[2-2005](#) [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, See Rule [4.109-1](#)]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended September 14, 2016, effective June 1, 2017.**

**RULE 5.103-1**

**MANDATORY RETAKING FOR OFFENDERS WHO ABSCOND**

(a) Upon receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

(b) If an offender who has absconded is apprehended on a sending state's warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in [Rule 5.108 \(d\) and \(e\)](#) unless waived as provided in [Rule 5.108 \(b\)](#).

(c) Upon a finding of probable cause the sending state shall retake the offender from the receiving state.

(d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.

(e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).

**History: [Adopted October 13, 2010](#), effective March 1, 2011.**

**RULE 5.103-2**

**MANDATORY RETAKING FOR VIOLENT OFFENDERS AND VIOLENT CRIMES [REPEALED]**

*REPEALED effective March 1, 2014*

**History: [Adopted October 13, 2010](#), effective March 1, 2011; [repealed August 28, 2013](#), effective March 1, 2014.**

**RULE 5.104**

**COST OF RETAKING AN OFFENDER**

A sending state shall be responsible for the cost of retaking the offender.

**History: Adopted November 4, 2003, effective August 1, 2004.**



**RULE 5.105**

**TIME ALLOWED FOR RETAKING AN OFFENDER**

A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

**History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.**

**RULE 5.106**

**COST OF INCARCERATION IN RECEIVING STATE**

A receiving state shall be responsible for the cost of detaining the offender in the receiving state pending the offender's retaking by the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004.**

**RULE 5.107**

**OFFICERS RETAKING AN OFFENDER**

(a) Officers authorized under the law of a sending state may enter a state where the offender is found and apprehend and retake the offender, subject to this compact, its rules, and due process requirements.

(b) The sending state shall be required to establish the authority of the officer and the identity of the offender to be retaken.

*References:*

*ICAOS Advisory Opinions*

[11-2006](#) [Officers of a sending state are specifically authorized to enter a state where the offender is found and apprehend and retake the offender notwithstanding case closure]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 5.108**

### **PROBABLE CAUSE HEARING IN RECEIVING STATE**

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

*References:*

*ICAOS Advisory Opinions*

[2-2005](#) [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]

*Case Law*

[Gagnon v. Scarpelli, 411 U.S. 778 \(1973\)](#)

*Ogden v. Klundt*, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

*See, People ex rel. Crawford v. State*, 329 N.Y.S.2d 739 (N.Y. 1972)

*State ex rel. Nagy v. Alvis*, 90 N.E.2d 582 (Ohio 1950)

*State ex rel. Reddin v. Meekma*, 306 N.W.2d 664 (Wis. 1981)

*Bills v. Shulsen*, 700 P.2d 317 (Utah 1985)

*California v. Crump*, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

*California v. Crump*, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

*State v. Maglio*, 459 A.2d 1209 (N.J. Super. Ct. 1979)

*In re Hayes*, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

[Morrissey v. Brewer, 408 U.S. 471 \(1972\)](#)

*In State v. Hill*, 334 N.W.2d 746 (Iowa 1983)

*See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio*, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017.**

**RULE 5.109**

**TRANSPORT OF OFFENDERS**

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

**History: Adopted November 4, 2003, effective August 1, 2004.**

**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 correctional facility lies; and
2. No extradition proceedings have been initiated against the offender by a third-party state.

**History: Adopted November 4, 2003, effective August 1, 2004.**

**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.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.**



## CHAPTER 6: DISPUTE RESOLUTION AND INTERPRETATION OF RULES

### *Rules governing dispute resolution and interpretation of rules under the compact of the Interstate Commission for Adult Offender Supervision*

#### **RULE 6.101**

##### **INFORMAL COMMUNICATION TO RESOLVE DISPUTES OR CONTROVERSIES AND OBTAIN INTERPRETATION OF THE RULES**

(a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) *Failure to resolve dispute or controversy—*

1. Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
2. Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

(c) *Interpretation of the rules—*Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 6.102**

### **FORMAL RESOLUTION OF DISPUTES AND CONTROVERSIES**

(a) *Alternative dispute resolution*—Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under [Rule 6.101](#) may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) *Mediation and arbitration*

#### 1. Mediation

(A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

(B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

#### 2. Arbitration

(A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

(B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

(C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(E)

(i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(F) Judgment on any award may be entered in any court having jurisdiction.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 6.103**

### **ENFORCEMENT ACTIONS AGAINST A DEFAULTING STATE**

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-

1. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
2. Remedial training and technical assistance as directed by the Interstate Commission;
3. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

**History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.**

**RULE 6.104****JUDICIAL ENFORCEMENT**

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

**History: Adopted November 4, 2003, effective August 1, 2004.**

### A Motion Chart for Robert’s Rules

When you’re using Robert’s Rules to help your meeting run well, the following chart can come in very handy when you’re in the thick of debate on a main motion. It’s designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can’t be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider	
<b>SECONDARY MOTIONS</b>	<b>PRIVILEGED</b>	<b>Fix the Time to Which to Adjourn</b>		S		A	M	R	
		<b>Adjourn</b>		S			M		
		<b>Recess</b>		S		A	M		
		<b>Raise a Question of Privilege</b>	I				Chair decides		
		<b>Call for Orders of the Day</b>	I				Chair decides		
	<b>SUBSIDIARY</b>	<b>Lay on the Table</b>			S			M	Negative Only*
		<b>Previous Question</b>			S			2/3	R*
		<b>Limit or Extend Limits of Debate</b>			S		A	2/3	R*
		<b>Postpone Definitely</b>			S	D	A	M	R*
		<b>Commit (or Refer)</b>			S	D	A	M	R*
		<b>Amend</b>			S	D*	A*	M	R
		<b>Postpone Indefinitely</b>			S	D		M	Affirmative Only
	<b>Main Motion</b>				S	D	A	M	R
	<b>* See text for exceptions</b>							<b>M = Majority vote</b>	

Consult a book on Robert’s Rules for clarification on the exceptions.

## Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."

## Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

## The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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