

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION



## Interstate Commission Docket Book

2003 Business Meeting

November 2-5, 2003  
Peabody Hotel  
Little Rock, Arkansas

# Program Agenda

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

November 18-20, 2002  
Scottsdale Plaza Resort  
Scottsdale, Arizona

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\* room locations TBD

### Monday - Nov. 18, 2002

7:00pm Reception for all Attendees

### Tuesday - Nov. 19, 2002

7:30am Continental Breakfast

8:00am **Welcome**  
*TBD*

8:20am **Call to Order**  
*Sen. Denton Darrington, Idaho - Presiding (Interim Chair)*

- Overview of Agenda
- Instructions to Commissioners
- Roll Call

8:30am **Interstate Compact for Adult Offender Supervision:  
Context and Background**  
*Kermit Humphries, National Institute of Corrections*

8:45am **Role of Interstate Commission and Compact Commissioners**  
*Mike McCabe, The Council of State Governments*

9:00am **Commission Administration & Operation: Session #1**  
*Sen. Denton Darrington, Idaho*

- Approval of Interim Chair
- Adoption of Commission Bylaws
- Other Business Items
- Nominating Process for Officers
- Introduction of Regional Meetings

10:00am **Break**

10:30am **Regional Meetings** (using CSG regional distribution)  
*Ex-Officio Members Facilitate*

- Discussion of State Council Experiences
- Discussion of Commission: *Hopes & Questions*
- Elect Regional Representative to Executive Committee  
(These representatives will also compose the Nominating Committee)

Noon **Lunch**

1:30pm **Committee Structure and Function**  
*Sen. Denton Darrington, Idaho*  
*Mike McCabe, The Council of State Governments*

- Overview of Committee process & Requirements
- Introduction of Potential Working Committees
  - Executive Committee
  - Finance Committee
  - Rules & Compliance Committee
  - Information Technology Committee
  - Training, Education & PR Committee
- Adoption of Committees and Structure
- Committee Membership Selection

2:30pm **Break**

3:00pm **Transition Issues**  
*Rick Masters, The Council of State Governments*

- Identify and Discuss Transition Issues
- Consensus on Transition Issues & How to Handle
- Adoption of Transition Rules

4:45pm **Public Comment from Non-Commissioner Attendees**  
*Sen. Denton Darrington, Idaho*

5:00pm **Adjournment**

7:00pm **Compact Commissioner Dinner**  
*(Invitation only)*

**Wednesday – Nov. 20, 2002**

7:30am **Continental Breakfast**

8:00am **Call to Order**  
*Sen. Denton Darrington, Idaho – Presiding (Interim Chair)*

- Overview of Agenda

- 8:15am **Election of Officers**  
*Sen. Denton Darrington, Idaho*
- Nominating Committee Report
  - Election of Officers (by Office)
- 9:15am **Break**
- 9:45am **Commission Administration & Operation: Session #2**  
*Commission Chairperson – Presiding*
- Ratify Interim Budget
  - Adopt Transition Timeline and Plan
  - Adopt Dues Formula and State Fee Assessment  
(with FY'04 expenditure plan)
  - The Council of State Governments: Partnership & Benefits
  - Other Administrative and Fiscal Issues
- 11:30am **Other Business**  
*Commission Chairperson*
- Noon **Lunch**
- 1:30pm **National Information and Data Sharing System**  
*Carl Wicklund, American Probation & Parole Assoc.*  
*Linda Sydney, American Probation & Parole Assoc.*
- 2:30pm **Break**
- 2:45pm **Public Comment from Non-Commissioner Attendees**  
*Commission Chairperson*
- 3:00pm **Meeting Summary & Next Steps**
- 3:20pm **Closing Comments**
- 3:30pm **Final Adjournment**

**\* Meeting facilities will be available for the Executive Committee and any other Working Groups until 7:00pm.**

Compact Project  
Backgrounder & History



# Interstate Compact for Adult Offender Supervision

## How Did We Arrive At This Point? - Context and Process

- 1996 & 1997  
1. How did the problem come to the attention of NIC?
  - Practitioners approached NIC with concerns about managing the movement of parolees and probationers in states other than where they were sentenced.
2. What was the problem?
  - States were ignoring established transfer and acceptance criteria following several high profile compact cases that resulted in violence.
  - By executive order or passage of legislation states were creating state-by-state legal restrictions that were inconsistent with one another and with rules of the Interstate Compact for the Supervision of Parolees and Probationers.
  - Congress was conducting hearings regarding problems associated with interstate movement of parolees and probationers.
  - Parole and probation managers and executives were concerned that the compact would completely fall apart or that Congress would remove from states the authority to manage this function.
3. How did NIC Proceed?
  - ***NIC Board conducted a hearing, and empowered an Ad Hoc committee to consider issues related to interstate movement by parolees and probationers.***
    - NIC Information Center conducted a survey of the field.
      - Compact Administrators
      - Parole and probation administrators
      - Line parole and probation officers
    - Public hearing held in Minneapolis, MN. Four groups presented:
      - Compact Administrators
      - Agency Administrators
      - Parole and probation officers
      - Resource group
    - Ad Hoc Committee developed specific findings and recommendations.
      - Two important themes were identified:
        - public safety concerns, and
        - correctional systems accountability.
      - Reiteration that the compact is an instrument of the states.
      - A wide range of issues were identified, but one primary issue must be addressed - ***the governance of the Compact*** - before other issues can be effectively resolved.
      - Only after governance issues are resolved would the committee recommend initiatives concerning:
        - Improved communications between local agencies.
        - Standardized data collection, measures, and reporting.
        - Expanded education, training, and information exchange.
        - Juvenile and adult issues are similar, but the NIC initiative

**Public Hearing Group**  
Sherry H. Pilkington  
*North Carolina Compact Administrator*

Milton R. Gilliam  
*Oklahoma Compact Administrator*

Timothy L. Carroll  
*District of Columbia Deputy Compact Administrator: Probation*

Don Blackburn  
*Utah Deputy Compact Administrator*

Robert M. Porter  
*Florida Compact Administrator*

C. Douglas Cluck  
*Tennessee Compact Administrator*

Rose Ann Bish  
*Minnesota (Acting) Deputy Compact Administrator*

Stephen C. Lindley  
*Field Service Administrator*  
*Wyoming Department of Corrections*

Cranston Mitchell  
*Chair, Missouri Board of Probation and Parole*

Barbara Broderick  
*Director, Adult Services Division*  
*Arizona Administrative Offices of the Courts*

William F. Ward  
*Chairman, Pennsylvania Board of Probation and Parole*

John Kinkela  
*Chief, Ohio Adult Parole Authority*

Judge Kathleen Gearin  
*District Court Judge, St. Paul, Minnesota*

Richard Mulcrone  
*Assistant Commissioner*  
*Minnesota Department of Corrections*



Joseph M. Chaps  
*Chief of Criminal Justice  
Illinois Office of the Attorney General  
(Representing National Criminal Justice Association)*

Gary Lundeen  
*Career Parole/Probation Officer  
Hennepin County Department of Community Corrections  
Minneapolis, Minnesota*

Frank Gatto  
*District Parole Supervisor  
New Jersey Department of Corrections/Bureau of Parole  
Patterson, New Jersey*

Penny Blotsky  
*Parole Officer, North Dakota Parole and Probation  
Bismarck, North Dakota*

Allison Folmar, Probation Agent  
*Michigan Department of Corrections/Probation Tether Unit  
Detroit, Michigan*

Daniel SooHoo  
*Deputy Probation Officer III  
Alameda County Probation Department  
Oakland, California*

C.W. Rorer, Jr.  
*Chief, Probation and Parole District #8  
Virginia Department of Corrections  
South Boston, Virginia*

**Resource Team for Public Hearing Group**

Mike McCabe, Director  
*The Council of State Governments – Midwest Office*

Carl Wicklund, Executive Director  
*American Probation and Parole Association*

Noian Jones  
*Staff Director, Human Resources Committee  
National Governors' Association*

## **Advisory Board**

**Don Blackburn, Compact Administrator**  
*Utah Department of Corrections*

**Barbara Broderick, Director**  
*Adult Services*  
*Arizona Administrative Office of the Courts*

**Michael McCabe, Director**  
*The Council of State Governments – Midwest Office*

**Anne McCloskey, Founder**  
*Maryland Coalition Against Crime*

**Gail Hughes, Executive Secretary**  
*Association of Paroling Authorities, International*

**Sherry Pilkington, Compact Administrator**  
*North Carolina Department of Corrections*

**Cranston Mitchell, Chair**  
*Missouri Board of Probation & Parole*

**Odie Washington, Director**  
*Illinois Department of Corrections*

**Rob Lubitz, Executive Director**  
*North Carolina Governors' Crime Commission*

**Kim Budnick, Region Chief**  
*State Relations and Assistance Division*

## Drafting Team

Don Blackburn, Compact Administrator  
*Utah Department of Corrections*

Gail Hughes, Executive Secretary  
*Association of Paroling Authorities, International*

Mike Buenger, State Court Administrator  
*Unified Judicial System of South Dakota*

Tim Carroll, Deputy Compact Administrator  
*Court Services & Offender Supervision, Washington, DC*

Mike Lawlor, State Representative  
*Connecticut*

Don Stiles, Court Administrator  
*Superior Court of Arizona*

Milt Gilliam, Compact Administrator  
*Oklahoma Department of Corrections*

Ellen Halbert, Victim's Advocate  
*Travis County District Attorney's Office, Austin, Texas*

Thomas O'Reilly  
*Department of Law & Public Safety  
Office of the Attorney General, New Jersey*

**Commission Planning Group**

Judith Uphoff, Director  
*Wyoming Department of Corrections*

David Guntharp, Director  
*Arkansas Dept. of Community Punishment*

Judith Sachwald, Director  
*Maryland Div. of Parole & Probation*

Robert Steinman, Deputy Director  
*Field Operations Administration*  
*Michigan Department of Corrections*

Raymond Parra  
*PPCAA President and Texas Interstate Compact Administrator*

Milt Gilliam  
*Oklahoma Compact Administrator*

Ellen Halbert  
*Director of Victim/Witness Services*  
*Travis Co. (TX) District Attorney's Office*

Michael Sibbett, Chairman  
*Utah Board of Pardons & Paroles*

## **Project Staff**

**Kermit Humphries, Program Specialist**  
*National Institute of Corrections*  
*Washington, DC*

**George Keiser, Chief, Community Corrections**  
*National Institute of Corrections*  
*Washington, DC*

**Larry Linke, Programs Manager**  
*National Institute of Corrections*  
*Longmont, Colorado*

**Rick Masters, General Counsel**  
*The Council of State Governments*  
*Louisville, Kentucky*

**Mike McCabe, Director**  
*The Council of State Governments – Midwest Office*  
*Chicago, Illinois*

**John Mountjoy, Project Coordinator**  
*The Council of State Governments*  
*Lexington, Kentucky*

**Bob Silvanik, Deputy Executive Director**  
*The Council of State Governments*  
*Lexington, Kentucky*

**Carl Wicklund, Executive Director**  
*American Probation and Parole Association*  
*Lexington, Kentucky*

Role & Authority  
of Commission

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- Role of the Interstate Commission --

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The Adult Compact specifically calls for the development of an Interstate Commission to 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. The Interstate Commission 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. The Commission will also establish a system of uniform data collection, provide access to information on active cases by 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. Further, the Commission will monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The model Compact specifically states:

*"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 that 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."*

# Bylaws

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## BYLAWS

-- DRAFT --

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### 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 a 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; provide a framework for the promotion of public safety and protection of victims; provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; Equitably distribute the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; Coordinate training and education regarding 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.

## **Article II Membership**

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.

## **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 annually by the Commission at any meeting at which a quorum is present, and shall serve for one year 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.

**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.

## **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 there under, the Commission shall defend Commissioner of a Compacting State, his 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.

## **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 in meetings 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.



promulgate; and iii) to any Commissioner or 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 incursion 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.

**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.

**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.

**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 which reduces Membership in the Compact to one Compacting State as provided by the Compact.

## 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 and the chairpersons of each committee and the ex-officio victims representative to the Interstate Commission. 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. Other 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.

## 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 the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall

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.

Nominating Process  
and Procedures

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- NOMINATIONS COMMITTEE & PROCESS --

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During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission's staff once hired.

According to the Adult Compact language (Article VI, Section B), only two elected positions are required: Chair and Vice-Chair.

*"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."*

However, as the Interstate Commission is an administrative entity that has the power to levy dues upon member states and therefore will have a substantial fiscal responsibility, it is also proposed, for consideration by the Commission, that the position of Treasurer be elected as well.

#### **Officers to be Elected**

- Chair
- Vice-Chair
- Treasurer

#### **Nominating Process**

Throughout Tuesday, November 19 (Day One of the Commission Meetings), members will have an opportunity to nominate Commissioner members for the 3 identified offices: Chair, Vice-Chair and Treasurer. Commissioners may be nominated in the following ways:

- Put name in the Nominations Box (accessible throughout the day & evening)
- Inform your Regional Group of Nominations (during meeting on Day One)
- Inform a member of the CSG or NIC staff

These nominations will be treated as private information and will only be revealed to the Nominating Committee following the Commissioner Dinner on Tuesday, November 19.

### **Nominations Committee**

The Nominations Committee will be composed of one representative selected from each regional group (South, East, Midwest and West). These selections will occur on Tuesday, November 19 during the 10:30am Regional Group Breakout Sessions and will be made by the Commissioner members from each region.

The Nominations Committee will convene its first meeting on Tuesday, November 19 following the Commissioner Dinner, scheduled to begin at 7:00pm. CSG's Mike McCabe and Rick Masters will staff the committee. During this meeting, the four members will review the nominations made (see Nominating Process) and will select a slate of officers to be presented to the full Commission body on Wednesday, November 20 at 8:15am.

### **Nominations Committee Procedures**

- 1) Elect a temporary chair of the Nominating Committee.
- 2) Nominate one person for each position
- 3) Contact each nominee on the evening of Day Two to ensure that the person is willing to serve. (2 year term)
- 4) The chair of the Nominating Committee reports for the committee as a part of the business on Day Three, and places the names in nomination before the full Commission.

Description of  
Officers & Roles



# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### -- ELECTED OFFICERS & DUTIES --

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During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission's staff once hired.

According to the Adult Compact language (Article VI, Section B), only two elected positions are required: Chair and Vice-Chair.

*"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."*

However, the Commission may expand this to 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 annually by the Commission at any meeting at which a quorum is present, and shall serve for one year 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.

#### Officers to be Elected\*

- Chair
- Vice-Chair
- Treasurer

\* Each elected office shall have a term of two-years

#### Officer Descriptions

- **Chair**  
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.

- **Vice-Chair**

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.

- **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.

Committee Structure,  
Format & Explanation

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION MEETING

### – Proposed Committee Structure and Related Action Items –

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Article III of the Interstate Compact for Adult Offender Supervision provides in part that the Interstate Commission “shall establish an Executive Committee which 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 compact further empowers the Commission, under Article V, “to establish and appoint committees . . . which it deems necessary for the carrying out of its functions . . .”

In accordance with these provisions, and in anticipation of the Commission’s needs and objectives, especially during the first year of the Commission’s operation, the Commission will, during its first meeting, establish and appoint such committees as it deems necessary. The proposed committee structure outlined below is offered as a starting point for the Commission’s consideration and will be presented during the Commission meeting.

#### **Proposed Committee Structure**

***Executive Committee*** – Responsible for guiding and overseeing the administration of all Commission activities and for acting on behalf of the Commission, as permitted by the Compact, during the interim between Commission meetings.

***Finance Committee*** – Responsible for monitoring the Commission’s budget and financial practices, including the collection and expenditure of Commission revenues, and for developing recommendations for the Commission’s consideration as appropriate.

***Rules Committee*** – Responsible for administering the Commission’s rulemaking procedures, and for developing proposed rules for the Commission’s consideration as appropriate.

***Compliance Committee*** – Responsible for monitoring the compliance by member states with the terms of the Compact and the Commission’s rules, and for developing appropriate enforcement procedures for the Commission’s consideration.

***Information Technology Committee*** – Responsible for identifying and developing appropriate information technology resources to facilitate the tracking of offenders and the administration of Commission activities, and for developing recommendations for the Commission’s consideration as appropriate.

***Training, Education and Public Relations Committee*** – Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission’s rules.

## Action Items

- **Committee Structure** – The Commission will vote to formally establish the committees it deems necessary. The Compact requires the establishment of an Executive Committee, but all other committees are designated at the Commission's discretion.

**Recommendation:** The Commission should vote to establish the committees outlined above.

- **Committee Composition** – The Compact specifies the required membership of the Executive Committee ("Commission officers, members and others as shall be determined by the Bylaws"), but the Commission is free to determine the composition of other committees as it sees fit.

**Recommendation:** Unless otherwise specified in the Commission Bylaws, the Commission should vote to empower the Commission Chair to appoint the officers of all committees, and, in consultation with the committee officers, to appoint committee members in such numbers as the Commission Chair and the committee officers shall deem appropriate, based upon the committees' designated responsibilities and the expressed interests of Commission members. Committee membership should be open to participation from ex officio, as well as full Commission members, and each committee should include at least one Commission member from each of the four Commission regions.

- **Length of Term** – The Compact is silent regarding the terms of committee members. The Commission is free to specify committee service terms as it sees fit.

**Recommendation:** Unless otherwise specified in the Commission Bylaws, the Commission should vote to approve two-year terms for all committee members. All committee members should be eligible for reappointment to the committees on which they serve, at the discretion of the Commission Chair and the committee officers, without limitation on the number of terms that may be served. The Commission Chair, in consultation with the committee officers, should be empowered to fill any committee vacancies that may arise midterm.

- **Committee Meetings** – The Compact is silent regarding the procedures and frequency of committee meetings. The Commission is free to specify appropriate guidelines as it sees fit.

**Recommendation:** Unless otherwise specified in the Commission Bylaws, the Commission should vote to empower the committees to independently determine the

appropriate mode and frequency of committee meetings, provided that Commission resources for free-standing committee meetings shall not be committed or expended without the prior approval of the Executive Committee. All committees should be encouraged to meet as necessary in conjunction with full Commission meetings whenever possible and by conference call at such other times as may be necessary during the interim between Commission meetings.

Current  
PPCAA Rules





**The Parole and Probation Compact Administrators' Association**

# **Manual**

**Chapter 3**

**Rules**

**With rules effective March 28, 2001**

This version web-posted 12/11/2001 to add revision of section 2-103 done 1/27/1998

Adobe Acrobat Format

# CHAPTER 3

## RULES

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## **RULES OF PRACTICE**

A major portion of the final recommendations of the National Commission to Restructure the Compact consisted of Rules of Practice for the operation of the Compact and Compact Offices. Minor amendments to the Rules were adopted by the Parole and Probation Compact Administrators' Association and have been incorporated in the Rules as set forth herein. These rules are promulgated under the Compact provision allowing the administrators of the various states to jointly adopt rules of procedure for operations under the Compact.

## RULES FOR OPERATIONS UNDER THE COMPACT

### SECTION 100 - LEGAL NOTES ON THE COMPACT

#### Section 1-100.

#### DEFINITIONS (Family definition revised 3.28/2001)

(A) **Absconder** - A parolee or probationer is considered as an absconder when he/she fails to report and his or her whereabouts are unknown. It must be verified that the offender is no longer living at his or her listed residence. An unsuccessful effort to locate the offender through his/her employment is also required.

(B) **Civil Probation or Parole** - Shall refer to persons whose freedom or activities are subject to limitation, supervision, or other restraint where such limitation, supervision, or restraint originates from charges brought against such individual which are civil and not criminal in nature.

(C) **Concurrent Supervision** - Supervision of a parolee or probationer by two separate authorities, i.e., federal and state authorities jointly. This term is also applied when an offender is being supervised by a state for a conviction received in that state as well as convictions received in one or more sending states.

(D) **Conditional Release** - Shall refer to those persons who have been released from incarceration after adjudication of guilt and sentencing with such continued release contingent for a period of time upon the adherence by such person to specified conditions.

(E) **Court Ordered Transfer** - A Court Order Transfer is one in which the transfer is authorized on a written order on the record executed by a Court in a criminal proceeding pertaining to a person supervised or to be supervised under the Compact. Suggested wording would be - supervision may be transferred to (receiving state).

(F) **Detainer** - an order to hold a parolee or probationer in custody.

(G) **Discharge** - final completion of the sentence which was imposed on offender by the sending state.

(H) **Extradition** - Delivery from one state to another of a fugitive upon agreement of the governor or chief executive of the state in which the fugitive is found. Return of parolees or probationers under the terms of the Compact agreement can preclude formal extradition.

(I) **Extraordinary Medical Condition** - Medical conditions in offenders which include infectious diseases, diagnosed psychological disorders or medical conditions that may affect the course of the supervision by the receiving state.

(J) **Failure to Report** - This term applies to a parolee or probationer whose whereabouts are known but who fails to report to his/her assigned officer as ordered or directed.

(K) **Family** - Shall be parents, grandparents, adult children, adult siblings, legal spouse, legal guardian, and step-parent. (Effective 3/28/2001)

(L) **Misdemeanant** - A person convicted of a minor offense for which the sending state's statute provides a lesser penalty than for a felony.

**(M) Non-Convicted Offender** - Shall mean offenders for whom a court has ordered supervision prior to an adjudication of guilt, including individuals released to supervision on their own recognizance. Non-convicted offenders may be supervised under the Compact only pursuant to agreement by the sending and receiving states where statutory authority exists.

**(N) Parole** - A release from prison, given to a prisoner before expiration of sentence, on condition of future good behavior.

**(O) Pre-Parole Investigation** - Shall mean any investigation or inquiry regarding an individual who has requested transfer under the Compact which relates either to that individual's release, parole or suitability for transfer.

**(P) Probable Cause Hearing** - A hearing conducted in behalf of a parole or probation violator in compliance with the U.S. Supreme Court's rulings in *Morrissey v. Brewer* and *Gagnon v. Scarpelli*. Also referred to as a Preliminary Hearing, Preliminary Probable Cause Hearing, On-Site Hearing or On-Site Probable Cause Hearing.

**(Q) Probation** - Shall mean court-order supervision after a plea of guilty or a trial and adjudication of guilt.

**(R) Post-Sentence** - Shall refer to the time period after a court has, based upon a plea or adjudication of guilt, determined conditionally or otherwise the penalty for an offense and has announced said penalty in open court or in an open or closed record of said court.

**(S) Provisional Travel Permit** - A travel permit issued to allow an offender to travel to a receiving state for the purpose of transfer of supervision.

**(T) Receiving State** - In the process of transfer of supervision of parolees or probationers, the state which is requested to assume supervision of an offender.

**(U) Resident** - For the purpose of transfer of supervision under the terms of the Compact, a parolee or probationer may be considered a resident of a state if the offender has been an actual inhabitant of such state continuously for more than one year prior to coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which the offender has been convicted.

**(V) Rule Variance** - An exception to the "Rules For Operations Under The Compact," agreed upon in writing by two states, to facilitate handling of the case of an offender in which they have some mutual interest.

**(W) Sending State** - In the process of transfer of supervision of a parolee or probationer, the state requesting transfer of supervision.

**(X) Special Condition** - Conditions or terms added to the standard conditions of parole or probation by either the sending or receiving state.

**(Y) Special Investigation** - A non-Compact investigation, usually an investigation of arrest or conviction of a parole or probationer in behalf of another state on a courtesy basis.

**(Z) Supervision Fee** - A fee collected to compensate for the cost of supervision of an offender.

**(AA) Temporary Travel Permit** - A travel permit issued to allow an offender to visit another state for a period not to exceed thirty (30) days. This type of travel permit is not used in conjunction with travel for the purpose of transfer of supervision.

**(BB) Third Party State** - In the process of transfer of supervision of a parolee or probationer, a state, other than the original receiving state, that is requested to assume supervision of an offender. Also a state, other than the sending or receiving state, to which a parole or probation violator may have fled or absconded.

**(CC) Waiver** - A formal written statement relinquishing some right, claim or privilege.

#### **Section 1-101.**

### **CONGRESSIONAL CONSENT**

The Interstate Compact for the Supervision of Probationers and Parolees is authorized by Congress under the Crime Control Act of 1934.

#### **Commentary**

The Interstate Compact for the Supervision of Probationers and Parolees was developed by the states under the Congressional consent given in advance by the Crime Control Act of 1934 which states in part: "[A]n Act granting consent of Congress to any two or more states to enter into agreements or compacts for cooperative efforts and mutual assistance in the prevention of crime and for other purposes."

There is a solid foundation of legal precedent supporting the legality and constitutionality of the Interstate Compact for the Supervision of Probationers and Parolees. To date, no state court of last resort has ever handed down an unfavorable decision. The legality and constitutionality of the Compact has also been tested in the federal courts, again with no unfavorable decision having been issued against the Interstate Compact. The law of interstate compacts as interpreted by the U.S. Supreme Court is clear that interstate compacts are the highest form of state statutory law, having precedence over conflicting state statutes and obligating the member states to the provisions of the agreement as though it were a binding contract as well as a statute entered into by the member states. See the Legal Digest for citations and summaries of court decisions.

#### **Section 1-102.**

### **VIOLATIONS OF INTERSTATE COMPACT AND GRIEVANCE PROCEDURE**

(Effective 3/28/2001)

Violations of the Interstate Compact Agreement shall initially be addressed informally by the states involved in the dispute. If a resolution cannot be reached a formal grievance shall be initiated. The grievance process shall address the issue through the following steps:

- Step 1: The complaining state shall contact the working individual (Compact Administrator or Deputy Compact Administrator) in the offending state by mail, electronic correspondence, or by phone in an effort to resolve the dispute informally.
- Step 2: If the dispute cannot be resolved at the informal level a Parole and Probation Compact Administrators' Association Grievance Form, with all necessary attachments, shall be forwarded to The Executive Council Chair and the Compact Administrator of the offending state. The Executive Council Chair shall discuss the grievance with the

involved states and provide a written informal opinion to them within five working days. The involved states shall indicate acceptance or rejection of the opinion on the grievance form within five working days. If any involved state(s) rejects the written opinion, the grievance will proceed to Step 3. The Executive Council Chair is prohibited from participating in a grievance involving his or her own state. In such cases the grievance would be forwarded to the PCAA President-Elect.

- Step 3: The Executive Council Chair shall convene the Council.
- a. The Council shall render a ruling on the grievance within ten working days.
  - b. The President Elect may serve as a substitute for a Council member in the event of an absence or if there is a conflict of interest.
  - c. The Executive Council Chair shall forward a decision to the Compact Administrator of the Offending State, the Governor of the Offending State, and the Compact Administrator of the complaining state. If appropriate, a time frame shall be set for the offending state to comply with the Council ruling.

- Step 4: If the offending state fails to comply with the ruling the complaining state shall send a written notification to the Executive Council Chair. The Council shall be convened to impose sanctions on the offending state. Sanctions available to the Council are as follows:

- a. Seek the assistance of the offending state's legal counsel.
- b. Seek the assistance of the offending state's Attorney General.
- c. Seek the assistance of the United States Attorney General.
- d. Orchestrate a succession of letters from neutral states urging reconsideration by the offending state.
- e. Write a letter of reprimand to the offending state's Compact Administrator or Deputy Compact Administrator with copies to the Administrators' immediate superior.
- f. Write a letter of reprimand to the offending state's Compact Administrator or Deputy Compact Administrator with copies to the Administrator's immediate superior and the Governor.
- g. Write a letter of complaint to the Governor of the offending state.
- h. Seek the assistance of the Legislature of the offending state.
- i. Request a vote of censure by the full membership of the PCAA.
- j. Request the withdrawal of the offending state from the Compact through the appropriate legislative process.
- k. Take necessary and appropriate legal action.
- l. Other -as the particular situation suggests.

- Step 5: The Executive Council will monitor the sanctions imposed until the final outcome of the process.

(See Chapter 4 (forms) for Grievance form)

### **Section 1-103. COMPUTER AUTOMATION**

A receiving state shall accept as sufficient for investigation and/or acceptance for supervision data transferred to it from an automated system pursuant to any requirements imposed by the Compact Administrators or these rules.



### **Commentary**

This section assumes that the intent of the drafters of the Compact was to use the most efficient means available for Compact operations. The advent of automation technology was not recognized in the Compact rules previously. This section recognizes the availability of such means for information transfer, and legitimizes such transfers under the agreement methods available in the transfer of information.

### **Section 1-104.**

#### **AMENDMENTS TO THE RULES AND REGULATIONS**

Amendments to these rules and regulations shall be adopted finally when agreed to by three-fifths of the administrators of the states signatory to the Compact.

### **Commentary**

Article 5 of the Compact provides that the administrators shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the Compact. The rules and regulations in the Compact Manual carry the same authority as the Compact and therefore it is desirable that amendments or changes be made only after adequate study and consideration have been given to the subject by the administrators. Upon adoption of a rule, however, all states shall give the same credence to the rules and regulations as given to the Compact.

### **Section 1-105.**

#### **NUMBER OF ADMINISTRATORS/DEPUTY COMPACT ADMINISTRATORS**

Each state shall have one Compact Administrator and no more than two Deputy Compact Administrators designated by the Administrator thereof.

### **Commentary**

The framers of the Compact understood that in order to ensure consistency in the interpretation of the Compact and uniformity in application, a limited number of Administrators/Deputy Compact Administrators was necessary. Information shall be channeled through Compact Offices and the Administrator and Deputies are responsible for dissemination.

## SECTION 200 ELIGIBILITY FOR SUPERVISION

### Section 2-101.

#### ELIGIBILITY FOR SUPERVISION

Any state (sending state) who is a party to the Compact may permit any probationer or parolee to reside in any other state (receiving state) party to this Compact, while on probation or parole, if:

- (a) such person is in fact a resident of or has family residing within the receiving state and can obtain employment there. The offender shall have an offer of employment or a visible means of support;
- (b) though not a resident of the receiving state and not having family residing there, the receiving state consents to such person being sent.

#### Commentary

Article (1) of the Interstate Compact for the Supervision of Probationers and Parolees provides that "it shall be competent for the duly constituted judicial and administrative authorities of a state party to this Compact (herein called 'sending state'), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this Compact (herein called 'receiving state'), while on probation or parole, if (a) such person is in fact a resident of or has family residing within the receiving state and can obtain employment there. The offender shall have an offer of employment or a visible means of support;

(b) though not a resident of the receiving state and not having family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one (1) year prior to coming to the sending state and has not resided within the sending state more than six (6) continuous months immediately preceding the commission of the offense for which the conviction occurred.

The Association has refused to adopt proposals for rigid interpretations of the Compact's language regarding residence, family, and employment. The view has always been that the language must be representative of the collaborative effort of its members which makes the Compact a success. The Association's view of desirable policy regarding acceptance of cases for supervision is that individuals should be accepted not only when they have legal residence or relatives in the receiving state, but also when it appears there is a plan for the individual which has merit and will serve to aid in the ultimate rehabilitation of the offender. There may be state laws requiring parolees to have jobs before leaving prison. This would not be applicable to persons sent from other states for supervision.

The receiving state serves only as agent of the sending state and may not determine the conditions of parole or probation in the sending state, but may and should offer recommendations pertaining to such conditions, and impose its own special conditions effective within the receiving state. There is nothing restrictive in the Compact language referring to felony offenses and/or misdemeanor offenses. The Compact covers any infraction of the law, major or minor, for which there has been a conviction.

**Section 2-102.**

**MILITARY PERSONNEL**

Military personnel shall be processed as any other Compact case, however, mere physical presence in another state for military service does not change residence for purposes of the Compact.

**Section 2-103.**

**CONCURRENT SUPERVISION (Revised 1-27-98)**

A probationer or parolee who is sent to another state for concurrent supervision under the Compact, shall be processed and supervised in the same manner as any other Compact case.

Should there be an occasion when the receiving state rejects a concurrent supervision case, it shall provide annual progress reports, if requested by the sending state, until the closing of the rejecting state's case or upon expiration of the sending state's case, whichever occurs first. The rejecting state shall immediately notify the sending state of any violation or termination of supervision in its case.

Each progress report shall address the offender's living arrangements, employment, and response to supervision.

**Commentary**

The Parole and Probation Compact Administrators' Association encourages the acceptance of supervision in these situations as a matter of expediency and public safety. Clearly the sending state has an interest in monitoring the offender's adjustment while he/she resides in the receiving state. Any special conditions imposed in the order for supervision are assumed to be written as enhancements to the supervision plan and should be addressed by the supervising agency. It is important for the receiving state to recognize those interests and cooperate by providing information to the sending state, if not supervision under the Compact.

**Section 2-104.**

**JUVENILES (Effective 3/28/2001)**

No juvenile shall be eligible for supervision under the Compact unless the juvenile has been convicted in judicial proceedings as an adult, requiring adult supervision.

**Commentary**

Since adjudication of delinquency is not considered a "conviction," generally, juveniles are not eligible for supervision under the Interstate Parole and Probation Compact.

**Section 2-105.**

**MERCHANT SEAMEN**

Permission to serve in the Merchant Marine may be granted only in select cases. No parolee/probationer may do so unless the parolee or probationer was a Merchant Seaman (with papers) prior to commitment.

**Commentary**

Permission to serve in the Merchant Marine should only be granted in select cases and only if the individual was a Merchant Seaman (with papers) prior to commitment. If the individual is scheduled to remain in an out-of-state port for a substantial amount of time, the receiving state's administrator

should be notified and given the opportunity to provide supervision.

**Section 2-106.**

**PRETRIAL DIVERSION CASES**

Member states of the Compact may enter into agreements under the Compact with other member states where statutory authority exists under which non-convicted persons may be supervised.

**Commentary**

At the time of adoption of the Compact, pre-trial diversion and similar pre-conviction programs for dealing with offenders were not in frequent use. The development of such programs over recent decades requires that Compact rules be altered to allow for such cases to be handled under the Compact pursuant to agreements that individual Compact states may make with one another. It is the intent of this section to allow such agreements to occur.

**Section 2-107.  
MISDEMEANANTS**

Misdemeanants are eligible for supervision under the Compact.

**Section 2-108.  
FURLOUGH, WORK RELEASE, OR OTHER PRE-PAROLE RELEASE**

No offender released on furlough, work release, or any other pre-parole release program is eligible for supervision under the Compact.

**Commentary**

Offenders released on furlough, work release, or any other pre-parole release are not eligible for supervision as Compact cases, and cannot be returned as violators under the Compact.

**Section 2-109.  
NON-CONVICTED OFFENDERS**

Non-convicted persons who are subject under order of a court to be supervised are not ordinarily subject to supervision under the Compact. However, where reciprocal legislation or other law exists allowing such transfer and supervision, states may do so pursuant to the other authorizing law.

**Commentary**

When the Compact was entered into in 1937, diversion programs and other supervisory programs not involving conviction did not exist. The language of the Compact explicitly states that it is for "... any person convicted of an offense," therefore, non-convicted persons on probation are technically not eligible for supervision under the Compact. However, it is the position of the PPCAA that a non-convicted person who is subject under order of a court to be supervised may be transferred under the Compact if both the sending and receiving states agree to transfer.

**Section 2-110.  
SPECIAL CONDITIONS**

- A) Any receiving state which chooses not to enforce or is not able to enforce a special condition placed upon a parolee or probationer by the sending state shall notify the sending state, as soon as is possible, that the special condition will not be enforced.
- B) Any receiving state which imposes an additional condition upon a parolee or probationer shall notify the sending state of said condition as soon as is possible.

**Commentary**

Whenever a special condition is imposed on a parolee or probationer, the sending state shall, as a part of a request for transfer, fully disclose the special condition, the reason for its existence, and all related information to the receiving state. The receiving state should make every effort to meet the special condition. If a receiving state chooses or is not able to enforce a special condition upon a parolee or probationer, the sending state must be notified that the special condition will not be enforced. The sending state may then choose to either decline to transfer the offender or to transfer the offender with knowledge that the special condition will not be enforced. Where such conditions cannot be enforced, they should be altered by the sending state in accordance with its procedures. Special conditions may be imposed by receiving states as well as by sending states. This section

recognizes this and imposes a duty upon the receiving state to notify the sending state of any additional conditions imposed upon the parolee or probationer. See PPCAA Executive Council Rulings Section, Ruling No. 1 - Receiving State's Right to Add Special Conditions.

**Section 2-111.**

**EXTRAORDINARY MEDICAL/PSYCHOLOGICAL CONDITIONS**

When transferring under the Interstate Compact a parolee or probationer with an extraordinary medical/psychological condition the sending state shall fully disclose all relevant known information regarding an offender's condition and shall obtain a signed waiver from the offender allowing for such disclosure.

**Commentary**

When transferring under the Interstate Compact a parolee or probationer with an extraordinary medical/psychological condition such as an infectious disease, the sending state must fully disclose all relevant known information regarding the offender's condition. A sending state must also obtain a signed waiver from the offender allowing for such disclosure. The clear intent of the Compact itself as well as this provision is to hold that where a parolee or probationer otherwise meets the eligibility requirements of the Compact for mandatory acceptance, states may not reject such a transfer because of the existence of an extraordinary medical/psychological condition.

**Section 2-112.**

**VICTIM NOTIFICATION (Effective 3/28/2001)**

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of the sending state. The sending state will request information as necessary to fulfill victim notification requirements. The receiving state will respond to requests from the sending state within five (5) working days.

To assure compliance and proper handling of victim issues within the receiving state, the interstate compact office of the receiving state shall be the initial point of contact for referral of all victim issues.

**Commentary:** Many states have victim laws whose requirements vary widely. The Council's intent is to design a rule that allows states the flexibility to comply with their laws. Any special victim issues in a case should be communicated to the receiving state at the time of the transfer request or when necessary. The Council realizes that all requested information may not be available within five (5) working days. If this is the case, the response within the five-day period should indicate the anticipated date of completion.

## SECTION 300 ARRANGEMENTS FOR SUPERVISION: STANDARDS AND PROCEDURES

### Section 3-101.

#### OPPORTUNITY TO INVESTIGATE - Revised 1-27-98

#### INVESTIGATION OF PAROLE AND PROBATION PLAN

Any parolee or probationer residing outside the jurisdiction of the sentencing state must be referred for a transfer investigation and decision by the state in which he/she resides. In all cases, except emergency situations, or probation cases in which the offender already lives in the receiving state at the time of sentencing, the receiving state shall be given the opportunity to investigate the prospective plan of the individual prior to movement to the receiving state.

#### I. PROBATION PLAN INVESTIGATION WHEN OFFENDER RESIDES IN ANOTHER JURISDICTION AT THE TIME OF SENTENCING

When an offender has been placed on probation and lives in another state at the time of sentencing the offender may be given a provisional travel permit and be allowed to return to his/her home pending an investigation by the receiving state.

Upon knowledge of the sending state's Interstate Compact Office that the probationer has returned to the receiving state, the sending state shall immediately notify the receiving state of the offender's presence in the receiving state.

The sending state shall request reporting instructions and the receiving state may provide reporting instructions at its discretion.

The sending state shall remain responsible for supervision of the case until the receiving state completes an investigation and accepts a transfer of supervision.

The sending state shall mail the proposed transfer request to the receiving state no later than twenty-one calendar days after notification of the offender's presence in the receiving state. The transfer request shall contain 2 copies of a completed PPCAA Form IA, AInvestigation Request, and all other appropriate information as outlined in Rule 3-103.

A completed investigation containing an acceptance or rejection shall be sent by the receiving state to the sending state within 45 days of the receipt of the investigation request by the receiving state's Interstate Compact Office.

If the receiving state rejects supervision, it is the responsibility of the sending state to arrange for the removal of the probationer from the receiving state.

#### II. PRE-PAROLE PLAN INVESTIGATION

The sending state shall mail the proposed pre-parole plan to the receiving state no sooner than 90 (ninety) days in advance of the planned placement.

The sending state must send two (2) completed copies of Form IA, AInvestigation Request and all other appropriate information as outlined in Rule 3-103 ARequest for Supervision Information. The receiving state must acknowledge in writing receipt of the case.

A completed investigation containing an acceptance with reporting instructions or a rejection shall

be sent to the sending state within 45 days of receipt of the investigation request by the receiving state's Interstate Compact Office.

If a parolee has not proceeded to the receiving state within 120 days after acceptance or confirmation of the validity of the original plan by the receiving state, the receiving state may withdraw its acceptance and close interest with notification to the sending state. The sending state may ask for a reinvestigation of the proposed plan but shall await another acceptance prior allowing the parolee to proceed.

### III. INVESTIGATION PLAN OF PAROLEE OR PROBATIONER PRESENTLY UNDER SUPERVISION - Non Emergency

An offender already under supervision who is requesting transfer to another jurisdiction shall remain in the state where he/she is residing until the receiving state accepts the case for supervision or at its discretion, provides reporting instructions. The receiving state shall complete the investigation and notify the sending state of its decision within 45 days of receipt of the transfer request in the receiving state's Interstate Compact Office. All acceptance decisions should also include reporting instructions.

### IV. EMERGENCY INVESTIGATION REQUEST FOR PAROLEE OR PROBATIONER PRESENTLY UNDER SUPERVISION. (DISCRETION OF RECEIVING STATE)

A state may request an Emergency Investigation of any parole or probation plan if it believes an actual emergency exists.

If the receiving state agrees that an emergency exists and consents to perform an emergency investigation, the sending state shall immediately send to the receiving state by facsimile or electronic mail all documents delineated in rule 3-103.

The receiving state may, upon its discretion, provide reporting instructions. The receiving state may complete an investigation within fifteen business days and advise if the plan is acceptable immediately upon completion of the investigation. If the transfer is accepted and prior reporting instructions have not been provided, the acceptance should include reporting instructions. If reporting instructions were previously granted, the offender shall be placed under immediate supervision.

If the plan is rejected by the receiving state and reporting instructions were previously provided, the offender must immediately return to the sending state. It shall be the responsibility of the sending state to ensure that the offender returns.

If the receiving state does not agree that an emergency exists, this section is not applicable and the transfer shall be governed by section III of this rule.

COMMENTARY: Although permitting offenders to proceed to a receiving state prior to investigation and acceptance of a plan should be generally discouraged, there are circumstances which dictate the offender's travel there are a necessity. These circumstances include probationers who already reside in the receiving state at the time of sentencing, or an emergency situation such as a death in the immediate family which requires the offender's presence to provide continued exclusive care of elderly or dependent relatives, or the imminent threat of the loss of employment. Typically no offender should be allowed to proceed as the result of an emergency situation unless the receiving state has been informed and agrees that an emergency exists. It is the responsibility of the sending state to verify the need for immediate travel to the receiving state through the appropriate sources ie. physicians, employers, landlords, and Court documents. The nature of the



offender's present offense, prior criminal history, risk to the community, and adjustment to supervision are important factors in determining whether the offender should be allowed to travel to another state prior to completion of an investigation.

In all cases where the offender has been, or will be, allowed to travel to the receiving state pending transfer, it is the responsibility of the sending state to immediately notify the receiving state of the offender's departure. The sending state should request reporting instructions and give them to the offender should the receiving state comply. Although the provision of reporting instructions is left to the discretion of the receiving state, this action is encouraged by the PPCAA.

At no time is the receiving state required to provide supervision prior to formal acceptance of the proposed transfer. Supervision responsibilities and liabilities remain with the sending state. Reporting instructions are not to be construed as a transfer of supervision responsibilities or acceptance of the sending state's plan. Granting of reporting instructions by the receiving state is recommend and may facilitate subsequent investigation of the plan, but no attempt at supervision or case management is required prior to the receipt of case material, investigation of the plan, and formal acceptance.

Finally, it is emphasized that it is the responsibility of the sending state to arrange for the removal from the receiving state of any offender who has been allowed to proceed to the receiving state prior to formal acceptance and is later rejected for transfer of supervision.

#### **Section 3-102.**

#### **CHANNELING CASES THROUGH THE ADMINISTRATOR'S OFFICE**

Acceptance, rejection or termination of an interest in a Compact case shall only occur through the Compact Administrator's office or a designated deputy. All written and verbal communication shall be channeled through the Administrator's office or the office of a designated Deputy.

#### **Commentary**

This section clarifies the policy of the Administrators that a single agency in each state handle communications with other states relating to Compact cases.

#### **Section 3-103.**

#### **REQUEST FOR SUPERVISION INFORMATION (Revised 9/27/1996)**

A request for supervision shall contain a presentence investigation report or similar information from other reports which shall include the following information:

- 1) Criminal history of the parolee or probationer;
- 2) Description of the instant offense including information concerning any enhancement or reduction in the charge or penalty;
- 3) Copy of the conditions of parole or probation with commentary regarding any special conditions which have been imposed is granted. In pre-parole cases, the conditions shall be provided within 30 days after parole to plans in the receiving state;
- 4) Application for Compact Services and Agreement to Return Form;
- 5) Copy of the judgment and commitment;

- 6) Current supervision history of parolee or probationer in the sending state.

#### **Commentary**

Given the reality that some states do not have resources available to provide the following material, it is considered desirable, but not mandatory and should be included with the transfer request when it is readily available.

- 1) Photographs and fingerprints
- 2) Psychological reports:
- 3) Information regarding any medical condition which requires medication.

#### **Section 3-104.**

### **PRESENTENCE, PRECONVICTION AND POSTSENTENCE INVESTIGATIONS**

Compact Administrators are not required to make presentence, preconviction, or postsentence investigations. (Revised 3/28/2001)

#### **Commentary**

Administrators sometimes receive requests for investigations regarding prospective placements of individuals who have not been sentenced. It shall be noted that there is a great difference between making an investigation of an individual who has been convicted, but not yet sentenced, and making an investigation of an individual whose guilt has not been determined. Most Administrators seem to be willing to furnish presentence investigations. This is probably good practice in cases where the investigation will take some time and the court will be required to hold a probationer without a definite supervisory plan until the investigation report is received. The making of an investigation before conviction is another matter. The Association has agreed that Compact Administrators do not have any obligation to make such investigations since the Compact covers only "convicted" persons.

There may be state laws which prevent an Administrator from making such an investigation even if the Administrator wishes to cooperate. Moreover, a person charged with a crime is presumed to be innocent and retains relevant rights until found guilty, so there may be considerable doubt as to the legality of certain investigations if such individual has not been convicted.

Administrators should try to cooperate by exchanging information to assist other states in presentence, preconviction, and postsentence investigations. It is difficult for states to make proper decisions when background information is unavailable. Administrators who request information should be specific about the type of information wanted. The investigating state shall be given adequate information about such things as addresses of relatives and former employers.

#### **Section 3-105.**

### **CONFIDENTIALITY OF RECORDS**

Pre-parole and investigation reports which are exchanged between states in connection with interstate supervision are confidential.

### **Commentary**

Pre-parole and investigation reports shall not be revealed directly or indirectly to any person not authorized to receive them. Administrators shall notify persons in charge of records that they are confidential.

### **Section 3-106.**

#### **DISAGREEMENTS OVER ACCEPTING CASES**

No state shall refuse to supervise a parolee or probationer eligible under the Compact who has the necessary employment and residency qualifications. A receiving state cannot reject supervision based on a short period of supervision. Cases with less than 45 days supervision shall not be transferred.

### **Commentary**

Under the terms of the Compact, no state shall refuse to supervise a parolee or probationer who has been convicted and who has the necessary employment and residency qualifications. No state shall refuse to supervise if the offender is considered to be a poor risk, high profile case, or based upon crime(s). A receiving state cannot reject supervision based on a short period of supervision. Sending states are reminded, however, that receiving states have up to 45 days to investigate prior to acceptance. Therefore, cases with less than 45 days supervision shall not be transferred.

### **Section 3-107.**

#### **DIRECT CORRESPONDENCE WITH PRISONERS**

Compact officials shall not engage in direct correspondence with prisoners of another state regarding prospects for interstate supervision.

### **Commentary**

The procedure shall be that when an official receives such a letter, it will be acknowledged but will state that the official cannot act or give information on a case without a request from Compact officials in the sending state. Each state may devise a form letter to use in such cases.

### **Section 3-108.**

#### **ARRANGEMENTS FOR SUPERVISION IN A THIRD STATE**

Transfer of supervision to a third-party state shall be processed by the sending state. The current supervising state shall notify the sending state prior to movement for purposes of changing residence. Sending states shall notify receiving states of acceptance of transfer by the third-party state.

### **Commentary**

The state presently supervising the parolee or probationer will assist in having Form III signed if provided by the sending state, issue a travel permit, when properly authorized, with specific information included. This information shall then be sent to the sending state, which will forward such information to the third-party state. The sending state will notify the original receiving state when acceptance is made by the third state and notify it to close the file.

**Section 3-109.**

**RETURN OF SUPERVISION TO THE SENDING STATE (Effective 3/28/2001)**

Prior to an offender being allowed to return to the sending state, the administrator of the sending state shall be notified and reporting instructions shall be requested. This notice shall include the address of residence, phone number, name and relationship of contact person, and date of departure. A travel permit will be furnished to the offender with a copy to the sending state.

**Commentary**

This rule is intended for offenders with a valid need for return as opposed to those in violation or those who present supervision problems. The sending state is encouraged to provide reporting instructions in an expeditious manner, but failure to do so will not preclude the offender's return. Prior to allowing the offender to return, the receiving state should consider special conditions, victim issues, and other pertinent matters that impact public safety. The travel permit shall include any reporting instructions provided the offender at the time of departure.

**Section 3-110.**

**OBLIGATION TO PROVIDE FOR RETURN**

A sending state shall provide for the return of violators supervised under the Compact, including expenses associated with such return, in a reasonable and expeditious manner.

**Commentary**

Fiscal constraints are not sufficient reason for failure to return violators under the Interstate Compact. It is the duty of the sending state to provide for the return of all offenders supervised under the Compact. Sending states shall provide for the return of violators from receiving states in a reasonable and expeditious manner.

Receiving states shall not be required to bear expenses associated with a physical return to a sending state, except that no sending state shall be required to compensate a receiving state for expenses associated with the normal incarceration, judicial or administrative process of a receiving state. Additionally, neither the sending or receiving state shall ever send a bill for services to the other state.

Failure to return violators due to fiscal reasons may have liability implications for sending states.

**Section 3-111.**

**RULE VARIANCES**

Variations to the rules under this Compact, because of the emergency nature of the circumstances surrounding the need for said variance, may be implemented where clear and convincing evidence can be shown to exist of the need for such variance and where agreed upon in advance by the states affected by such variance. Variations shall be in writing, and should be filed with the Chair of the Executive Council.

**Commentary**

Variations shall be used when the states involved agree upon the need for the variance. Such cases should usually be extraordinary in nature, and variations agreed upon shall be in writing.

## SECTION 400 STANDARDS OF RECIPROCAL SUPERVISION

### **Section 4-101. RECIPROCAL DUTIES BETWEEN STATES**

Each receiving state shall assume the duties of visitation of and supervision over probationers or parolees of any sending state transferred under the Compact, and in the exercise of those duties will be governed by the same standards which prevail for its own probationers or parolees.

#### **Commentary**

The same standard of supervision as applies in the receiving state in the supervision of its own parolees (and probationers) shall apply to out-of-state parolees (and probationers) sent there under the terms of this agreement. The general interpretation of Article (2) of the Compact is subject to no variation. There is unanimous agreement that this language means, in effect, that a receiving state is not expected to do more or less for out-of-state cases than it does for its own cases.

### **Section 4-102. INTENSITY AND DURATION OF SUPERVISION**

The duration of the parole/probation period in a Compact case shall be determined by the sending state. The degree of supervision shall be determined by the receiving state, but shall be consistent with the degree of supervision applied by the receiving state to its cases not involving the Compact.

#### **Commentary**

Some states have parole periods which are much longer than average. Where such periods are fixed by law, it is often impossible for the sending state to discharge a parolee even though the supervision is taking place in a receiving state which does not extend such lengthy supervision to its own parolees. States may place in the lowest level of supervision. Nothing in this section prohibits two states agreeing prior to transfer on the intensity and duration of supervision in a particular case. In accordance with the clear intent of the Compact, sending states shall therefore determine length of supervision, with receiving states determining the degree of supervision applied. See PPCAA Interpretations: Legal & Administrative Section, Legal Opinion No. 1 Closing Supervision Interest.

### **Section 4-103. REPORTING**

The receiving state shall provide the sending state with annual progress reports, unless through the mutual consent of the Administrators involved, they are discontinued. Arrival reports shall be sent within 30 days after the offender's arrival in the receiving state.

#### **Commentary**

The foregoing rule as it applies to progress reports is not to be construed as preventing two or more signatory states from agreeing among themselves upon either more frequent reporting or less frequent reporting concerning their respective parolees or probationers. Progress reports shall cover present residence of the parolee or probationer, name of the employer, type and character of employment and the individual's general conduct and progress, as well as the individual's attitude toward supervision.

**Section 4-104.**

**COLLECTION OF SUPERVISION FEES**

No sending state shall impose a fee for the purpose of supervision on a parolee or probationer who is currently being supervised by another state under the Interstate Compact.

**Commentary**

It is the position of the Parole and Probation Compact Administrators' Association that only a receiving state shall charge a supervision fee. The reasoning behind this policy is that only the receiving state is performing the actual supervision of the parolee or probationer during this time after the transfer, and therefore only the receiving state can justify a "supervision" fee. Fees assessed by sending states for purposes other than "supervision" are not specifically addressed by this rule. Receiving states shall not charge a supervision fee in Compact cases in excess of the amount which would be imposed if the offender were a parolee or probationer of the receiving state.

**Section 4-105.**

**COLLECTION OF MONEY BY THE SENDING STATE**

All money which the sending state desires to collect from parolees or probationers for family support, support of children, restitution, reparation or costs of court or fines, are to be sent directly to the sending state by the parolee or probationer; and the receiving state agrees only to use its best endeavors to see that the individual sends such money as requested.

**Commentary**

Receiving states have no legal authority to administer the collection of funds on behalf of sending states. In addition, it is the belief of the Compact Administrators that requiring receiving states to collect funds on behalf of sending states would be ineffective and would place unnecessary burdens on receiving states to account for funds belonging to another state.

**Section 4-106.**

**TEMPORARY/PROVISIONAL TRAVEL PERMITS**

Although many Interstate Offices regulate travel permits for all parolees and probationers within their state, for PCCA purposes travel permit policies pertain only to Compact cases.

**1) Temporary Travel Permits**

A receiving state shall have the discretionary authority to issue to a parolee or probationer a temporary travel permit to make visits out of the receiving state for a period not to exceed thirty (30) days.

**2) Provisional Travel Permits**

Provisional travel permits may be issued by a sending state to allow a parolee or probationer to proceed to a receiving state prior to completion of an investigation and formal acceptance of the case in emergency situations. See Section 3-101.

**Commentary**

The Interstate Compact has no authority or involvement in the granting of travel in non-Compact cases. Copies of Provisional Travel Permits are to be included in the investigation request transfer package. Also, copies of Temporary Travel Permits issued in Compact cases are to be provided to the appropriate sending state. Copies of Temporary Travel Permits issued in non-Compact cases

will be mailed to states of travel only upon request of those states.

**Section 4-106(1):** The receiving state is authorized in appropriate cases to grant to the parolee (probationer) permission to make temporary visits out of the receiving state, not exceeding thirty days in length.

Before a parolee or probationer is given permission to visit in another state, advance notice of visits shall always be sent to the state to be visited if such Administrator of that state has indicated a desire for such notification.

**Section 4-106(2):** The provisional travel permit is to be used when travel is authorized by a sending state for a parolee or probationer to proceed to a receiving state and there remain pending case transfer. The precautions outlined in Section 3-101 shall be observed by the sending state Administrator before authorizing travel in these cases. If the receiving state rejects supervision of an individual following investigation of the plan, the parolee or probationer must return to the sending state. Provisional travel permits shall contain instructions to the parolee or probationer requiring return to the sending state if transfer of supervision is finally rejected by the receiving state. Travel permits shall be clearly marked as either temporary or provisional permits.

Sending states and receiving states are encouraged to utilize methods of electronic transfer of information to expedite communications in emergency cases.

#### **Section 4-107.**

#### **CLOSING OF CASE RECORDS (Effective 3/28/2001)**

- 1) The receiving state shall close its records and cease supervision of the parolees or probationers upon:
  - A) Receipt of a certificate of discharge from supervision or upon a receipt of permission to close interest from the sending state.
  - B) Notification of absconder status. Such closure shall not jeopardize the sending state's right to retake that individual without extradition. Should said absconder be located within the receiving state, the provisions of these rules and the Compact requiring the receiving state to hold a preliminary hearing shall still apply.
  - C) Notification of institutionalization (per 4-109) or imprisonment.
  - D) Notification of death.
  - E) Return to sending state (per 3-109).
- 2) No receiving state shall close its records on a violator while the sending state is in the process of retaking the parolee or probationer.

#### **Commentary**

It has been established by various court decisions that even when the receiving state has closed its records on an absconder such closure does not jeopardize the right of the sending state to retake him/her without extradition.

A Certificate of Death will be provided if requested by the sending state.

A case shall not be closed on a violator while the sending state is in the process of retaking. The case shall be closed after the offender is removed from the receiving state or when the violator begins to serve a new sentence in the sending state. As a general principal receiving states shall treat Compact cases as they would treat their own state's non-Compact cases. (Effective 3/28/2001)

**Section 4-108.**

**DISCHARGE IN RECEIVING STATE**

The sending state shall notify the receiving state's Compact Administrator of a parolee or probationer's discharge from supervision.

**Commentary**

Notices of discharge shall always be sent to the receiving state's Administrator, so that they will not be in the position of supervising an individual who is no longer on probation or parole. The receiving state's authority to supervise springs from the fact that it is acting as "agent" for the sending state. Therefore, the receiving state shall not continue supervision when there has been a discharge.

It is noted that some states discharge supervisees despite the fact that the receiving state has called attention to the need for continued supervision. The sending state has a legal right to make the final decision regarding discharge; however, it also was agreed that there shall be cooperation in these matters.

**Section 4-109.**

**SUPERVISION OF INDIVIDUALS WHO BECOME MENTALLY ILL OR PHYSICALLY HANDICAPPED WHILE IN THE RECEIVING STATE**

A receiving state shall continue supervision of an offender who is determined to be mentally ill or physically handicapped while in the receiving state, unless the prognosis for recovery is diagnosed as long term or of a permanent nature, where the supervision of long-term commitments reverts back to the sending state.

**Commentary**

It must be remembered in setting supervision rules for the mentally ill or physically handicapped offender, that most such cases are committed for short terms or usually after being charged with a new offense in the receiving state. Closing and resuming Compact supervision on these short commitments would place a needless administrative burden on both the receiving and sending states.

**Section 4-110.**

**INTERPRETATION AND PRACTICES REGARDING VIOLATORS**

**1) Reports of Violations**

A receiving state shall promptly, upon violation, notify the sending state of such violation utilizing the appropriate forms provided for by these rules.

**2) Crimes Against the Laws of the Receiving State**

A receiving state may detain a parolee or probationer who has committed a crime against the laws of the receiving state and hold a trial on that offense.

**3) Detainers Placed by the Sending State**

The following are procedures regarding detainers placed by the sending state against interstate supervisees incarcerated in the receiving state:

- A)** A preliminary hearing shall be conducted as soon as possible by the receiving state and forwarded to the sending state if requested, except where a waiver admitting the fact of the violation has been executed.



- B) The receiving state shall send full information to the sending state regarding such things as the nature of the crime and the length of the new sentence.
  - C) The sending state shall, when filing a detainer, send a letter to accompany the detainer to the receiving state expressing the wishes of the sending state when the individual is released from prison in the receiving state.
- 4) **Detainers Placed by a Receiving State**  
Where allowed by the law of the receiving state, detainers or Compact warrants may be placed by a receiving state upon a violator under the Compact pending a warrant or revocation by the sending state.
- 5) **Requests for Preliminary Hearings**  
All requests by sending states that a receiving state hold a preliminary hearing on a violation shall be honored, except where a waiver admitting the fact of the violation has been executed (unless waivers are prohibited by the sending state).
- 6) **Bail**  
No interstate supervisee who has been arrested in the receiving state shall be admitted to bail while the sending state is in the process of returning the supervisee.

#### **Commentary**

**Section 4-110(1):** Section 5 of the Parole and Probation Rules and Regulations specifies that the receiving state shall "promptly upon violation notify the sending state." An Administrator must give due credit to the recommendations of individual field officers, but should screen notices of violation rather carefully to be sure that there is good and sufficient reason for asking the sending state to retake its parolee or probationer.

The term "revocation of parole" has different meanings under various state laws. When corresponding about violations with the receiving state, it may be well to substitute other terms, such as "delinquency status" or "suspension of parole."

**Section 4-110(2):** If a violator has committed a crime against the laws of the receiving state, that violator may, of course, be held and tried on new charges. This is in accordance with Article 3 of the Compact which states, if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or that suspicion exists of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense."

Sending states clearly have a legal and contractual obligation under the Compact to return an individual where requested, just as receiving states have the related responsibility not to violate in Compact cases more readily than they do in their own cases. The length of a new sentence in the receiving state has no bearing on the sending state's right to retake an individual once the sentence has been served.

**Section 4-110(3):** Subsection (B): The receiving state shall confront all available adverse witnesses at the preliminary hearing where the violation is technical or based on untried complaints. In the case of a new conviction, the receiving state shall send certified minutes of the conviction.

The receiving state shall authenticate any other materials including the violation report and summary of the preliminary (on site) hearing if required by the sending state.

**Section 4-110(4):** When an interstate supervisee has been arrested in the receiving state, such supervisee shall not be admitted to bail while the sending state is in the process of making the return. The Morrissey decision and subsequent court decisions are predicated upon the assumption that the preliminary hearing determines the existence of reason to hold the individual, therefore eliminating the basis for allowance of bail. There shall be a special effort made to advise police, prosecutors and judges of the existence of the sending state's violation warrant.

**Section 4-111.**

**FACTORS INVOLVED IN THE MAKING OF A DECISION TO RETAKE A CASE**

- 1) **Obligation to Retake a Violator**  
A receiving state shall consider a parolee or probationer's residence and family ties before asking a sending state to retake a violator, particularly when the violator has only a few months left to serve for the sending state and is under a new sentence in the receiving state.
- 2) **Alternatives to Retaking Out-of-State Cases**  
There are two alternatives to retaking out-of-state cases:
  - A) In the case of a violator who has committed a crime in the receiving state it may be possible to arrange concurrent supervision.
  - B) Any violator may be committed by the sending state to an institution of the receiving state if both states are signatory to the Out-of-State Incarceration Amendment.
- 3) **Continuation of Supervision when the Sending State Refuses to Retake a Violator**  
A sending state shall apply the same standard for retaking of parolees or probationers as is applied to the taking custody of parolees or probationers within the sending state. The decision of the sending state to retake a person on parole or probation shall be conclusive and non-reviewable within the receiving state.

**Commentary**

**Section 4-111(1):** The receiving state shall try to give due consideration to residence and family ties before asking a sending state to retake a violator, particularly when the violator has only a few months left to serve for the sending state and is under a new sentence in the receiving state. The Association has adopted the following:

"That this Association go on record as favoring the continuance of the practice regarding return principles that has been followed over the years, namely that when a receiving state requests return, the request be honored unless another plan satisfactory to both states can be found."

In special situations the receiving state may feel compelled to ask the sending state to retake a parolee or probationer, even though the violations are relatively minor. It is suggested that in these cases the receiving state explain fully the pressures and special problems which make the continuance of supervision infeasible.

**Section 4-111 (3):** Article 3 requires that "[t]he decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state." See PPCA Executive Council Rulings Section. Ruling No. 4 -Sending State's Refusal to Order Return of an Offender.

The sending state shall reply to any violation report with either a decision or status report within 30 days of its receipt.

#### **Section 4-112.**

#### **FORMS**

The forms in reference to (1) Investigation Request; (2) Information When Subject is Sent to Receiving State; (3) Application for Compact Services and Agreement to Return; (4) Progress and Conduct Report; (5) Violation Report; and (6) Report of Arrival, are found in Chapter 4 and made part of these rules and regulations and are to be used for the purpose indicated. The Reply to investigation Request Form, also found in Chapter 4, is optional.

#### **Commentary**

The objective in using standardized forms is to provide a degree of uniformity in the type and quality of information transmitted between states. Although there may be some minor differences in the format of forms used by the various states, every effort should be made to conform to the requirements of the rule regarding the use of forms. This is especially true where use of the Application for Compact Services and Agreement to Return is concerned as the language used in this form must conform in every respect with the language adopted by the Administrators.

## SECTION 500 RETAKING CASES FROM ANOTHER JURISDICTION

### Section 5-101.

#### GENERAL LEGAL ASPECTS

A duly accredited officer of a sending state may at any time enter a receiving state and apprehend and retake any person on probation or parole after due process.

#### Commentary

Article 3 of the Compact was reinterpreted by the Supreme Court (1972 & 1973) in *Morrissey v. Brewer* and *Gagnon v. Scarpelli*. The Court expanded certain limited due process rights to parole and probation offenders prior to the return of the alleged violator to the receiving state. A preliminary probable cause hearing is required prior to return.

At the time of application for Compact services, a waiver of extradition is executed. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. Some states require an identity hearing prior to return of the alleged violator to the sending state.

Article 3 also prohibits the removal of an alleged violator from the receiving state if: 1) there remains pending within the state any criminal charges, 2) if the alleged violator is suspected of having committed any criminal offenses, 3) unless, the receiving state grants consent to remove the violator prior to discharge from prosecution or from imprisonment for such offense.

### Section 5-102.

#### PROBABLE CAUSE HEARINGS

*Morrissey v. Brewer* and *Gagnon v. Scarpelli* mandate the holding of preliminary probable cause hearings in the receiving state prior to returning an alleged violator to the sending state.

#### Commentary

In the early 1970's the U.S. Supreme Court held in *Morrissey v. Brewer* and *Gagnon v. Scarpelli* that alleged parole and probation violators must be afforded limited due process rights upon arrest and confinement in the receiving state. The court held that an informal hearing is mandated to give assurance that the finding of parole or probation violation is based on verifiable facts and that a reasonably prompt inquiry is made by an impartial hearing officer near the place of alleged violation. The hearing is held to determine whether probable cause exists to believe that a parole or probation condition has been violated.

### Section 5-103.

#### WAIVER OF PROBABLE CAUSE HEARINGS

Waiver of probable cause hearings by a parolee or probationer under the Compact against whom revocation proceedings have begun shall not be accepted unless said waiver shall also include an admission of violation of probation or parole, knowingly signed by the parolee or probationer unless such waivers are prohibited by the sending state.

#### Commentary

Historically, practices differ among states as to the conditions of and acceptability of waivers of probable cause hearings. Problems have occurred in substantiating parole/probation violations in the

receiving state based upon waivers which do not include an admission of violation. To prevent the loss of violation action by the sending state, all waivers of probable cause hearings shall include a signed admission of violation by the parolee or probationer.

#### **Section 5-104.**

#### **ON-SITE PROBABLE CAUSE HEARINGS**

- 1) Parole or probation revocation actions against individuals transferred under the Interstate Compact shall include a preliminary probable cause hearing conducted in the receiving state when at the time of initiation of revocation the parolee or probationer was physically within a receiving state pursuant to transfer under the Compact.
- 2) Preliminary probable cause hearings shall be conducted in a timely and reasonable manner and may be held by courts of appropriate jurisdiction or by administrative officials who are neutral and detached from the specific proceedings as otherwise allowed by law.
- 3) Preliminary probable cause hearings shall be subject to the procedures of the receiving state where not in conflict with the Compact.
- 4) Any evidence acceptable in a preliminary probable cause hearing shall be sufficient when transferred to a sending state as part of the official record of the preliminary probable cause hearing for acceptance as evidence for consideration in a final revocation hearing in the sending state, notwithstanding that it may be otherwise insufficient or objectionable in the form in which it is transferred. See Probable Cause Hearing Information Form.

#### **Commentary**

The Adult Compact clearly mandates that policies and practices in the treatment of Compact offenders are to be governed by the receiving state. Therefore, to maintain uniformity in the administration of interstate preliminary probable cause hearings, the policies, procedures and practices of the receiving state shall prevail. Conflicts between states on the acceptability/admissibility of evidence are resolved through the execution of the Probable Cause Hearing Information Form signed by the parole or probation offender at the time of application for Compact services.

#### **Section 5-105.**

#### **WAIVER OF EXTRADITION**

No transfer shall occur under the Compact without a duly executed waiver of extradition signed by the parolee/probationer.

#### **Commentary**

- 1) Article (3) of the Compact greatly simplifies the procedure for interstate rendition of parolees and probationers. It means that the signatory states have agreed that extradition proceedings shall not be required when a sending state wishes to retake its parolee or probationer.

This agreement between the states is buttressed by an agreement signed by the parolee or probationer leaving the sending state for supervision in the receiving state. By signing this agreement (Form III of the Parole and Probation Forms - "Application for Compact Services and Agreement to Return") the offender waives any right to extradition proceedings in return for the privilege of interstate supervision and agrees to make no contest of "any effort by any state" to force return to the sending state upon demand.

Thus the states, with the consent of Congress, have expressly waived all of their legal requirements to obtain extradition of fugitives under the Compact - and the individual parolees or probationers have agreed - in advance and as a specific condition of their transfer - to waive their right to contest the effort of any state to return them to the sending state. The right of states to retake Compact cases without extradition has been challenged in court many times, but no court of last resort has ever handed down an unfavorable decision to the Compact.

2) The courts in recent years have ruled that if a parolee or probationer has signed a waiver of extradition as part of the agreement, extradition is not necessary. There are numerous relevant court cases (not one court of higher jurisdiction has ever ruled against this method of return). Quite to the contrary, the courts of higher jurisdiction, the U.S. 5th, 7th and 8th Circuits have ruled that a pre-signed waiver (without a Compact transfer) can be used and denied civil judgment against officials involved under USC Section 42, 1983. The courts have also ruled that:

(A) Prior waiver of extradition as a condition of parole is not an unreasonable or coerced condition. See *Pierson v. Grant*, 527 F.2d 161 (8th Cir.1975).

(B) Prior waiver is enforceable if the offender had a "general knowledge and understanding" of the waiver. See *Forester v. California Adult Authority*, 510 F.2d 58 (8th Cir.1975).

(C) Extradition is not an exclusive remedy. See *Cook v. Kern*, 330 F.2d 1003 (5th Cir.1964).

(D) It need only to establish identity of the offender and the authority of the retaking officer.

See *Simmons on behalf of Graff v. Lahman*, 228 E2d 824 (7th Cir.).

See PPCAA Executive Council Rulings Section, Ruling No. 5 - Refusal to Honor Waiver of Extradition.

#### **Section 5-106.**

#### **THIRD PARTY STATE RETURN OF PAROLE/PROBATION VIOLATORS**

When a parolee or probationer executes the Application for Compact Services and Agreement to Return Form (Form III) the individual also waives the right to extradition from any jurisdiction where such person may be found.

#### **Commentary**

There has been no difficulty experienced by probation or parole agencies in effecting the return of violators who are apprehended in the receiving state, particularly where the probationer or parolee has signed the Compact Form III. The courts have uniformly upheld the right of the state to retake in this situation without extradition and no reported case has been found to the contrary. The great weight of authority also holds that a parolee or probationer who has been released to supervision under the Compact in another state and absconds to a third party state may also be returned without formality of extradition proceedings. There are several court decisions upholding the return of an alleged violator from any other state under a pre-signed waiver. The courts have ruled that:

1. Prior waiver of extradition as a condition of parole is not an unreasonable or coerced condition;

2. Prior waiver is enforceable if the offender had "general knowledge and understanding"

of the waiver:

3. Extradition is not an exclusive remedy:
4. There is need only to establish identity of the offender and the authority of the retaking officer.

#### **Section 5-107.**

#### **RIGHT OF PAROLEES AND PROBATIONERS TO LEGAL PROCEEDINGS**

No parolee or probationer under the Compact shall be denied the right to appeal to a court for the protection of individual rights.

#### **Commentary**

Parolees and probationers have sometimes made the claim that the Compact procedure for securing the return of interstate cases is in violation of the Fourteenth Amendment because it deprives them of liberty without due process of the law. This claim has always been rejected.

The following excerpt taken from the *Niederer v. Cary*, 240 N.W.2d 626 (Wis. 1976) case indicates the line of reasoning generally followed by the courts, in upholding the Compact's waiver provisions, "because a parolee is deprived of no federally protected right, constitutional or statutory, in not being afforded an extradition proceeding, there is no due process violation."

The Compact does not and cannot deny to a parolee or probationer the right to appeal to a court for the protection of individual rights. However, the rights of a parolee or probationer are not unlimited and must be balanced against the rights of society. Article 3 of the Interstate Compact under which supervision occurs states, "the decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state." Therefore, certain claims of violation of individual rights must be decided by the courts of the sending state rather than the courts of the receiving state.

The following is a summary of interpretations regarding the jurisdiction of courts of sending and receiving states over claims made by parolees and probationers:

- (1) If the parolee or probationer claims to be the wrong person when the sending state attempts to retake the individual: by the very terms of the Compact the individual can apply in the asylum (receiving) state where the individual is found for a writ of habeas corpus to test "the identity of the person to be retaken."
- (2) If the parolee or probationer claims that the officer sent to retake is not the duly accredited officer of the sending state: by the terms of the Compact, application can be made in the asylum (receiving) state for a writ of habeas corpus to test "the authority of the officer."
- (3) If the parolee or probationer claims that conviction by the sending state was unjust or that the sentence received was disproportionate: the remedy is to appeal to the courts of the demanding (sending) state. There is no right to test innocence or guilt on habeas corpus in the receiving state.
- (4) If the parolee or probationer claims that the sentence has already been served in full: the individual must appeal to a court of the sending state for a decision as to that person's status under the laws of the sending state.

- (5) If the parolee or probationer claims that the violation for which retaking is underway is not serious enough to warrant return to the sending state; the court of the receiving state is relieved of jurisdiction by the express terms of the Compact which states, "the decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state."
- (6) If the parolee or probationer contests the legality of the revocation: this is a question for the demanding (sending) state.

**Section 5-108.**

**TRANSPORTATION OF CASES THROUGH OTHER STATES BY AGENTS OF THE SENDING STATE**

Persons who are duly accredited officers of the sending state under this Compact, shall be permitted to transport prisoners through any and all states party to this Compact without interference.

**Commentary**

Article (4) of the Compact states that "only duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this Compact, without interference."

States may authorize appropriate officials within public or private agencies as official agent of the sending state for purposes of transporting offenders. Nothing in the Compact precludes a state from contracting with private transportation vendors for purpose(s) of transporting offenders across state boundaries.

**Section 5-109.**

**RETAKING OFFENDERS DIRECTLY FROM STATE/FEDERAL CORRECTIONAL FACILITIES**

Duly accredited agents of the sending state may assume custody directly from state/federal facilities provided that: 1) no detainer has been placed by the state in which the institution lies; 2) no extradition proceeding initiated by a 3rd state is pending; 3) that no identity hearing is required by the laws of the state in which the offender is incarcerated.

**Commentary**

Article 3 of the Compact provides for the waiving of extradition rights at the time of application. Unless local charges are pending or unless another party state has initiated extradition proceedings, custody may be directly assumed by the sending state's agents at the place of confinements. In addition, some states require that an identity hearing be held in the state of confinement to establish the identity of the offender and of the sending state's agents.



## SECTION 600 SUGGESTED RULES OF PRACTICE UNDER THE INTERSTATE REVOCATIONS HEARINGS AMENDMENT

**NOTE:** Section 600 contains recommended policies and general provisions for the implementation of interstate revocation hearings between signatory states. The contents of any sub-section contained herein is subject to the approval of the duly appointed Compact Administrators and/or designates representing the signatory states party to this amendment.

### Section 6-101.

#### GENERAL LEGAL PROVISIONS

The service of administering interstate revocation hearings on a reciprocal basis is not a service provided for under any provision of the basic Compact. However, where Compact amendment exists and where a written contractual agreement exists between signatory jurisdictions, states may provide interstate revocation hearings pursuant to law and contractual arrangement. See recommended contract "Contract for Services Between (receiving state) and (sending state) for the implementation of the Revocation Hearings Amendment."

#### Commentary

When the Compact was effectuated in 1937, no provisions were made for authorities of signatory states to hold final revocation hearings for one another. While the Incarceration Amendment to the Compact (late 1960's) recognized and provided for interstate revocation hearings between signatory jurisdictions, its primary intent was to reincarcerate violators in the receiving state. As a result, the Incarceration Amendment's applicability to modern field and correctional systems was questionable.

The Interstate Revocation Hearings Amendment provides the legal basis to permit signatory states to hold final revocation hearings for one another, reciprocally. The amendment legally assigns agent status to the receiving state's officials in the holding of final revocation hearings pursuant to this amendment. There are two separate Compact amendments governing interstate revocation hearings - one statute governs parole revocation hearings and the other statute governs probation revocation hearings. States may opt to pass one or both amendments. In addition to the passage of the Compact amendment(s), signatory states shall enter into written contractual agreements. Said agreements shall provide the basis of how the states' staff conduct business between one another; what offender groups shall be eligible for services; and, which states' applicable laws and regulations shall prevail and govern the administration of final revocation hearings. Nothing in the amendment(s) or contained in any contractual agreement shall abrogate or revoke the sending states authority to review and approve a final revocation hearing recommendation made by the authorities of the receiving state.

### Section 6-102.

#### ELIGIBILITY

Signatory states shall negotiate and agree via written contract as to the scope of offender eligibility.

#### Commentary

The U.S. Supreme Court clearly established that speedy trial rights do not apply to outstanding parole and probation violators when an alleged parole or probation violator is serving an out of state term of imprisonment. *Nash v. Carchman* 473 U.S. 716, 105 S. Ct. 3401 (1985). Given the above holding, interstate Administrators may at their discretion decide on which offender groups may best be served by the hearing process provided for under the Interstate Revocation Hearings Amendment. It is strongly recommended that officials entering into contracts under this amendment

clearly define the offender groups to be served.

**Section 6-103.**

**AGREEMENT OF WAIVER - COMPACT OFFENDER**

In order to partake in services provided under the Compact between states party to the Interstate Revocations Hearings Amendment, the parolee and/or probationer shall execute Form II, "Agreement of Waiver, Revocation Hearings Amendment" in conjunction with "The Application for Compact Services and Agreement to Return" form. All documents shall be contained in the original transfer package compiled at the time of application for transfer.

**Commentary**

Compact services provide certain benefits to the offender group. In consideration of obtaining certain benefits derived from interstate transfer, the offender(s) must waive their rights to formal extradition and must realize and accept certain differences in the administration of parole/probation supervision between states. Where two states have adopted the Interstate Hearings Amendment and have entered into contractual arrangements under the amendment, the offender shall also acknowledge and agree to any differences in the administration of final revocation hearings between sending and receiving states. In addition, the offender must waive any right to a face-to-face revocation hearing in the sending state, and must waive any challenge to the type and character of information reports and documents presented and/or used in consideration against the offender during the final revocation process.

**Section 6-104.**

**AGREEMENT OF WAIVER - NON-COMPACT OFFENDER**

In order to partake in services provided under the Final Revocation Hearings Amendment and to obtain benefits derived there from, non-Compact offenders deemed eligible for revocation hearing by contractual agreement, shall effectuate Form IV- "Agreement of Waiver, Non-Compact Case"; Form IV shall be executed prior to the scheduling of any final revocation hearing within the receiving states. The offender must voluntarily execute a Form IV.

**Commentary**

Form IVs are only executed by non-Compact offenders who voluntarily request that a receiving state hold a final revocation hearing. Non-Compact offenders are only eligible for interstate revocation hearings under this Amendment(s) when signatory states agree to the eligibility of non-Compact offenders via formal contractual provision.

**Section 6-105.**

**STANDARDS OF EVIDENCE**

The type and character of information, reports and documents presented and/or entered into evidence to substantiate or dispel violation allegations brought against an offender under this amendment shall be accepted as legitimate standards of evidence by officials of the sending state provided that such documents are acceptable standards of evidence for revocation proceedings within the receiving state.

**Commentary**

The rule ensures that evidence presented and accepted at a final revocation proceeding in the receiving state be transferable as legitimate evidence when considered by the sending state.

## CHAPTER 4

### FORMS

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# THE BASIC COMPACT FORMS

## FORM USAGE

This section includes the description of the forms deemed necessary for the basic operations of *The Compact for the Supervision of Parolees and Probationers*.

Where these forms differ from similar forms used in the past, the forms contained in this section should replace those forms previously used.

Note: Use of these exact forms is not mandatory. PPCAA recognizes and accepts that states will adopt their own unique forms. However, PPCAA does mandate that uniform information be provided and the intent of the forms must not be changed.

### **Form IA: Investigation Request**

It is suggested that Form IA be executed by the sending state as the summary/transmittal sheet for all transfer investigation requests. The Application for Compact Services and Agreement to Return Form shall accompany Form IA along with all other transfer information contained in the administrative rules, Section: 3-103; Request for Supervision Information.

Distribution: The original and one copy of Form IA plus attachments go to the receiving state. The sending state should maintain one copy in the Compact office.

### **Form IB: Reply To Investigation Request**

Form IB may be executed by the receiving state as the official reply to a transfer investigation. The form provides space for reporting instructions if the receiving state has accepted a case.

Distribution: The original and a copy go to the sending state. A copy is to be maintained in the receiving state's Compact office.

### **Form II: Report of Sending State Upon Parolee Or Probationer Being Sent To Another Jurisdiction**

Form II is to be executed when the parolee or probationer has been accepted by the receiving state and has departed for the receiving state. The form clearly notes reporting instructions and departure dates. It also provides a summary checklist of materials attached and not previously sent to the receiving state.

Distribution: The original and one copy of Form II plus attachments go to the receiving state. The sending state should maintain one copy in the Compact office.

### **Form III: Application for Compact Services and Agreement To Return**

Form III shall be executed by the sending state at the time of application and is to be included in the transfer package. Form III is a legal document whereby the offender accepts the differences in supervision between sending and receiving states in order to gain the benefits of Compact services. Form III also constitutes the legal document whereby offenders waive their respective right to extradition in order to partake in Compact services and hence, Compact benefits. See also Section 5-105; Rules.

Distribution: The original and one copy go to the receiving state. One copy goes to the parolee or probationer. One copy is to be maintained by the sending state's Compact office.

### **Form IV: Progress And Conduct Report**

This form acts as a summary/transmittal form reporting the adjustment of a Compact offender. The form is prepared by the receiving state on an annual basis and is routed to the sending state for review. See also Section 4-103, Rules.

Distribution: The original and one copy go to the sending state. A copy is to be on file in the receiving state's Compact office.

### **Form VI: Probable Cause: Hearing Information Waiver Form**

Form VI is executed by the sending state at the time of the application for interstate transfer. See also Section 5-104, On Site Probable Cause Hearings, Rules.

Distribution: The original and one copy go to the receiving state. One copy is to be maintained by the sending state's Compact office.

### **Form VIIA, VIIB, VIIC: Violation Report Form, Follow-Up Or Continuation Sheet, and Return Form**

Form VII along with the violation follow-up and the return form are forms executed by the receiving state to notify the sending state (1) that a violation has occurred; (2) of the on-going progress of the violation process; and (3) of the offender's availability for return to the sending state, respectively. The contents of each form are self explanatory.

Distribution: The original and one copy go the sending state. A copy is to be maintained in the receiving state's Compact office.

### **Form VIII: Rule Variances**

Form VIII is executed by either the Compact Administrator and/or designate in either the receiving

or sending state. The form is used to provide written confirmation and documentation that two administrators have agreed to a rule variance on a specific case for very specific reasons. See also Section 3-111, Variances, Rules.

Distribution: The original is to be maintained by the requesting state with a copy to the agreeing state. A copy is to be kept on file with the Executive Council Chair. A copy is to be placed in the offender's record.

#### **Form IX: Provisional/Temporary Travel Permit**

Form IX, dependent upon whether the form is utilized by the sending state as a Provisional or Temporary travel form, is executed when a Compact parole or probation offender is traveling to establish residence in a party state prior to formal acceptance or just visiting a party state. See also Section 4-106, Temporary/Provisional Travel Permits, Rules.

Distribution: Original and one copy to the receiving/party state. One copy is to be maintained in the sending state's Compact office.

#### **Form X: Medical Record Release Form**

Form X is to be executed by the sending state at the time of the application for interstate transfer. See also Section 2-111, Extraordinary Medical Conditions, Rules.

Distribution: The original and one copy go to the receiving state. One copy is to be given to the offender. One copy is to be maintained by the sending state's Compact office.

**PAROLE AND PROBATION FORM IA  
Investigation Request**

(Compact Office of Jurisdiction)	Date Requested: Receiving State: County:
----------------------------------	--

- |                                    |  |   |
|------------------------------------|--|---|
| <input type="checkbox"/> Parole    | <input type="checkbox"/> Misdemeanor               | <input type="checkbox"/> Transfer Request |
| <input type="checkbox"/> Probation | <input type="checkbox"/> Felony                    | <input type="checkbox"/> Records Check    |
| <input type="checkbox"/> Other     | <input type="checkbox"/> Sex Offender High Profile | <input type="checkbox"/> Other            |

Re: \_\_\_\_\_ AKA: \_\_\_\_\_  
File No.: \_\_\_\_\_ R/S: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

**Offense(s):**

Date Convicted:	County of Sentence:
Date Sentenced:	Institutional Release Date:
Disposition:	Parole/Probation Period:
Adjudication Guilty ( )	Termination Date:
Adjudication W/H ( )	Maximum Sentence Expires:

Check if offender is in receiving state.

Resides With:	Employer:
Relationship:	Supervisor:
Address:	Address:
Telephone:	Telephone:

We desire to transfer this person on parole/probation to your state:

- As a resident       Employment       Family resides in your state       With your consent

Case summary and criminal record attached.

- |   |  |
|---|--|
| <input type="checkbox"/> Parole Probation Order                           | <input type="checkbox"/> Compact Forms                     |
| <input type="checkbox"/> Pre Post Sentence Investigation                  | <input type="checkbox"/> Travel Permit                     |
| <input type="checkbox"/> Classification Material Background Investigation | <input type="checkbox"/> Other Court Supervision Documents |

Reply should discuss among other things, stability of prospective residence, employment, family, environment, attitude of receiving state and other pertinent facts.

Comments/Special Conditions:

Interstate Compact Administrator

Prepared by: \_\_\_\_\_  
Approved by: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_  
(Compact Authority)

Office: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_



**PAROLE AND PROBATION FORM 1B**  
**Reply to Investigation Request**

To: \_\_\_\_\_ Date: \_\_\_\_\_  
Re: \_\_\_\_\_

Pursuant to your request of the above case (date) \_\_\_\_\_ has been investigated by this office and our report is attached.

This state (agrees) (does not agree) that it shall be competent for this person to reside here while on (parole) (probation) for the following reasons:

- \_\_\_\_\_ 1. Offender (is) (is not) a resident of this state within the meaning of the Compact.
- \_\_\_\_\_ 2. Offender (does) (does not) have his family residing here.
- \_\_\_\_\_ 3. Offender (does) (does not) have employment here.
- \_\_\_\_\_ 4. This state hereby (gives) (does not give) its consent to the above person residing here while on (parole) (probation).
- \_\_\_\_\_ 5. Additional comments:

The above person shall report immediately upon arrival (in person) (by letter) to:

For:  
By:

**PAROLE AND PROBATION FORM II**  
**Report of Sending State Upon Parolee or Probationer**  
**Being Sent To Another Jurisdiction**

To: \_\_\_\_\_ Date: \_\_\_\_\_  
Parole: \_\_\_\_\_ Probation \_\_\_\_\_ (Check one) Inst. & Number: \_\_\_\_\_  
Re: \_\_\_\_\_

The above mentioned (will depart) (has departed) from  
by \_\_\_\_\_ (method of transportation) on  
(date) and was instructed to report (in person) (by letter) to:

Enclosed please find: (check appropriate items)

1.  Copies of classification material
2.  Photographs
3.  Fingerprints
4.  Certificate of Parole
5.  Probation or Parole Agreement
6.  Application for Compact Services and Agreement to Return (Form III)
7.  Other material described below

Please acknowledge receipt of this material and send arrival report as soon as possible.

Interstate Compact Administrator

For:

By:

**PAROLE AND PROBATION FORM III**  
**Application for Compact Services and Agreement to Return**

Sending State \_\_\_\_\_ Receiving State \_\_\_\_\_

Re:

I, \_\_\_\_\_, hereby apply for supervision as a Probationer/Parolee pursuant to the Interstate Compact for the Supervision of Probationers/Parolees. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in \_\_\_\_\_ and the supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for the Supervision of Probationers/Parolees, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

I also consent to the release of any drug/alcohol treatment information by the State of \_\_\_\_\_ to any authorized agent of the State of \_\_\_\_\_ for the purpose of transferring supervision. This consent remains in effect from \_\_\_\_\_ to \_\_\_\_\_ and becomes revocable upon \_\_\_\_\_.

In view of the above, I do hereby apply for permission to be supervised on probation/parole in (state) \_\_\_\_\_, for the following reasons:

1. That I will make my home with (name) \_\_\_\_\_ (address) \_\_\_\_\_ until a change of residence is duly authorized by the proper authorities of (receiving state) \_\_\_\_\_.
2. That I will comply with the conditions of probation/parole as fixed by both the State of \_\_\_\_\_ and \_\_\_\_\_.
3. That I will, when duly instructed by the (sending state), return at any time to the said state.
4. That I hereby do waive extradition to the State of (sending state) from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of (sending state).
5. Failure to comply with the above will be deemed to be a violation of the terms and conditions of probation/parole for which I may be returned to the State of (sending state).

I (have read the above) (have had the above read and explained to me), and I understand its meaning and agree thereto.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Probationer/Parolee

Witnesses: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, permission was granted to the above probationer/parolee to reside in the State of \_\_\_\_\_ and be supervised by \_\_\_\_\_.

Signed \_\_\_\_\_

Administrator

(Form III and V combined 6/92)

**PAROLE AND PROBATION FORM IV**  
**Progress and Conduct Report**

To: \_\_\_\_\_ Date of Report: \_\_\_\_\_  
\_\_\_\_\_ Date Forwarded: \_\_\_\_\_

Re: \_\_\_\_\_ Number \_\_\_\_\_ State \_\_\_\_\_  
Address of Parolee or Probationer: \_\_\_\_\_

Name and Relationship of Others in Home: \_\_\_\_\_

Contact Dates: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Is Subject's Record Known to Employer: \_\_\_\_\_

Type of Work: \_\_\_\_\_ Hours: \_\_\_\_\_ Wages: \_\_\_\_\_

Conduct, Progress and Attitude: \_\_\_\_\_

Interstate Compact Administrator

For: \_\_\_\_\_

By: \_\_\_\_\_

**PAROLE AND PROBATION FORM VI**  
**Probable Cause Hearing Information Waiver Form**

I, \_\_\_\_\_ (offender's name), have been given this opportunity under the Interstate Compact for the Supervision of Parolees and Probationers to serve my parole/probation in the state of \_\_\_\_\_ (receiving state) with the explicit understanding that I am to faithfully follow the rules and regulations of my parole/probation and submit to the supervision of the state of \_\_\_\_\_ (receiving state). If I fail to follow these rules and regulations, I hereby waive any challenge to the information of the preliminary hearing being used against me at the final revocation hearing.

I hereby acknowledge, understand and accept the above provisions.

Signed: \_\_\_\_\_ (offender's signature) Date:

Witnessed by:

\_\_\_\_\_  
\_\_\_\_\_

Date:

Date:

PAROLE AND PROBATION FORM VIIA  
Violation Report Form

Date:

To: \_\_\_\_\_ From: \_\_\_\_\_  
Parolee: \_\_\_\_\_ Probationer: \_\_\_\_\_ Case Number: \_\_\_\_\_

Type of Report  
Delinquency w/o Arrest: \_\_\_\_\_ Arrest: \_\_\_\_\_ Conviction: \_\_\_\_\_ Follow Up: \_\_\_\_\_

Recommendations  
Warrant requested: \_\_\_\_\_ Remain under supervision: \_\_\_\_\_  
Return for suspension or revocation hearing: \_\_\_\_\_

Arrest Data  
Date: \_\_\_\_\_ City: \_\_\_\_\_ County: \_\_\_\_\_ Agency: \_\_\_\_\_

Specific Charge or Technical Violation	Date Offense or Violation Occurred
(If technical, list rules violated and document under additional comments section.)	
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

Location  
In custody \_\_\_\_\_  
On bond \_\_\_\_\_ Amount \_\_\_\_\_  
ROR \_\_\_\_\_

Address:

Absconding Data  
Date moved w/o permission \_\_\_\_\_  
Last known address \_\_\_\_\_

Court Data  
Date of sentence \_\_\_\_\_ Offense \_\_\_\_\_  
Name and Location of Court \_\_\_\_\_

Court of Record? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of Conviction \_\_\_\_\_

Specific Sentence \_\_\_\_\_ Plea \_\_\_\_\_

Name and address of institution to which committed \_\_\_\_\_

\_\_\_\_\_ felony \_\_\_\_\_ misdemeanor

**VIOLATION REPORT FORM VIIIB**  
**Follow-Up or Continuation Sheet**

Date:

To: \_\_\_\_\_ From:

Parolee: \_\_\_\_\_ Probationer:

Re: \_\_\_\_\_ Case Number:

Date of sentence: \_\_\_\_\_ Name and location of Court:

Offense:

Date of Conviction: \_\_\_\_\_ Specific Sentence:

\_\_\_\_\_ Plea: \_\_\_\_\_ Name and address of  
institution to which committed:

felony \_\_\_\_\_ misdemeanor

Location of subject:

Status of charge:

Recommendations:

Additional Comments:



**PAROLE AND PROBATION FORM VIIC**  
**Return**

Should return be attempted under Interstate Compact? Yes  No   
Will offender waive extradition? Yes  No   
Has offender signed a waiver? Yes  No   
Date and place transfer officers should take custody

Name, address and phone number of person to be contacted upon arrival to pick up violator:

**Additional Comments\***

Please give below or on back of form or on attachments: (1) How violation occurred (give facts); (2) Offender's statement; (3) History of supervision; (4) If recommended, indicate plans for continued supervision as alternative to suspension or revocation.

Recommendations of Administrator or Interstate Correspondent to sending agency:

\*In addition to the information reported here, please attach all documents and material necessary to provide a comprehensive and detailed report of all acts and circumstances about which information is necessary in making a revocation determination.

**PAROLE AND PROBATION FORM VIII**  
**The Interstate Compact for the**  
**Supervision of Parolees and Probationers**  
**Rule Variance**

Pursuant to Section 3, Rule Variances, in the Compact Administrators' Rules Manual, the States of \_\_\_\_\_ (requesting state) and \_\_\_\_\_ (party state) mutually agreed to a variance to rule \_\_\_\_\_. The parties agree that the circumstances indicate the clear need for said variance based upon clear and convincing evidence that the intent of the Compact for the Supervision of Parolees and Probationers would best be served by an agreed variance to the above rule. The circumstances, scope and duration of the variance terms are:

- I. Description of variance (describe how the variance deviates from the rule):
  
- II. Justification for the variance (describe how the variance implements the intent of the Compact):
  
- III. Affected probationer/parolee's name and number:
  
- IV. Effective Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_
  
- V. Signature of authorized agent in the requesting state:  
\_\_\_\_\_ Title: \_\_\_\_\_
  
- VI. Approval received for the state of : \_\_\_\_\_

PPCAA Executive Council Chair:

States Involved:

Offender file: Form:

Date of Form:

**PAROLE AND PROBATION FORM IX**  
**Provisional/Temporary Travel Permit**

Date:

\*Provisional \_\_\_\_\_ \*Temporary

Full Name:

Case Number:

Personal Information:

D.O.B. \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Hair

Eyes \_\_\_\_\_ Height \_\_\_\_\_ Weight

Names, Address and Telephone Number of Destination:

Purpose of Trip:

Date Leaving: \_\_\_\_\_ Date of Returning:

Method of Travel:

Accompanied by: (relationship)

License Number of Vehicle: (if applicable)

Offense:

Length of Sentence: \_\_\_\_\_ Felony \_\_\_\_\_ Misdemeanor

Past History: Crimes Against Persons

Waiver of Extradition

I have been given this permission with the explicit understanding that I am to continue faithfully to follow the rules and regulations of my parole/probation and to travel only to the location designated above. If I should be arrested in any other state during the period of the trip granted me, I will waive extradition and will not resist being returned to \_\_\_\_\_ (state).

Approved by:

Title:

Phone:

Signature:

Offender:

Report back or call the above officer by: \_\_\_\_\_ (date)

\*Rules, Section 4-106

Temporary Travel Permits: A receiving state shall have the discretionary authority to issue to a parolee or probationer a temporary travel permit to make visits out of the receiving state for a period not to exceed thirty (30) days.

Provisional Travel Permits: Provisional travel permits may be issued by a sending state to allow a parolee or probationer to proceed to a receiving state prior to completion of an investigation and formal acceptance of the cases in emergency situations.

**PAROLE AND PROBATION FORM X**  
**Medical Record Release Form**

I, \_\_\_\_\_ (offender's name), have been given the opportunity under the Interstate Compact for the Supervision of Parolees and Probationers to transfer my parole/probation supervision in \_\_\_\_\_ to another state to allow the appropriate class case management and treatment and the protection of society.

For this purpose and with the explicit understanding that I am to faithfully follow the rules and regulations of my parole/probation and submit to the supervision of \_\_\_\_\_, I hereby authorize \_\_\_\_\_ (name of state and program which is to make the disclosure) to transfer any relevant medical information or information concerning drug or alcohol abuse pertaining to me to \_\_\_\_\_ (name of state and program which is to receive the disclosure). This consent is subject to revocation at any time except to the extent that \_\_\_\_\_ (name of state and program which is to make the disclosure) has already taken action in reliance to it. If not previously revoked, this consent will terminate upon \_\_\_\_\_ (date).

Offender's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent or Guardian, or person  
authorized to sign in lieu of offender: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS**

**FORM USAGE - INTERSTATE REVOCATION HEARINGS AMENDMENT**

**The Contract**

In addition to states enacting the reciprocal Compact Amendment governing interstate revocation hearings (enabling legislation), party states utilizing this amendment should enter into contracts to specifically address the scope of the services to be provided, along with the provisions for the specific manner in which business shall be conducted. A suggested contract is attached.

Distribution: Signed copies of the contract to receiving and sending states.

**Form I: Request for Final Revocation Hearing**

It is suggested that Form I be executed by the Compact Administrators of the sending state, to formally request that a final revocation hearing be held in the receiving state.

Distribution: Original and two copies of Form I plus attachments go to the receiving state. One copy of the above should be given to the offender by officials in the receiving state. The sending state should retain two copies one copy is for the compact office file and one copy is for the records of the paroling authority or judicial/administrative officer in the case of a probationer.

#### **Form IA: Notice of Final Revocation Hearing**

It is suggested that Form IA be executed by compact officials in the receiving state to inform the sending state when a hearing has been scheduled. The form also verifies that the offender has received notification of the hearing date and of the violations charged.

Distribution: Original and a copy go to the sending state - one copy is for the compact file and one copy is to be filed with the paroling authority or judicial/administrative officer in the case of a probationer. The receiving state should maintain a file copy.

#### **Form II: Agreement of Waiver - Revocation Hearings Amendment Compact Offender**

It is suggested that Form II be completed by officials in the sending state at the time an offender executes an application for Compact services to a receiving state which is also signatory to the Revocation Hearings Amendment. The document should be contained in the original transfer package. Form II permits offenders to waive their right (s) to certain revocation provisions based on the anticipated benefits obtainable from compact services and the Revocation Hearings Amendment.

Distribution: One copy is to be given to the offender, with the original and one copy to the receiving state - one copy is to be on file with the compact office and one is to be filed with the paroling

authority or administrative/judicial officer when it concerns a probation matter. The sending state should retain a copy of Form II in its Compact office.

### **Form III: Notice of Hearing Results**

This form is executed by the receiving state after a revocation hearing has been held and after a recommendation is made by officials in the receiving state.

Distribution: The original and one copy (along with appended documentation/tape or transcript) is to be sent to the sending state. One copy is to be filed in the Compact Administrator's or deputy's office along with a copy for the paroling authority and/or judicial/administrative officer when it concerns a probation matter. The receiving state should retain one copy in its Compact office.

### **Form IV: Non-Compact Agreement of Waiver**

This form is to be executed by the offender when a revocation hearing is sought in the party state but the offender is not under the supervision of the receiving state pursuant to the Compact for the Supervision of Parolees and Probationers. If a revocation is sought and if the contract between the sending and receiving states permits the eligibility of non-Compact offenders, then the offender must voluntarily agree to a revocation hearing. The Form is to be executed by the offender through the assistance of officials in the receiving state.

Distribution: One copy is to be given to the offender. The original and one copy is to be forwarded to the sending state where one copy is to be maintained on file in the Compact office. The remaining copy is to be forwarded to the paroling authority and/or judicial/administrative officer when it concerns a probation matter. The receiving state should retain one copy in its Compact office.

**CONTRACT FOR SERVICES BETWEEN (receiving state) AND (sending state) FOR  
THE IMPLEMENTATION OF THE PAROLE REVOCATION HEARINGS  
AMENDMENT TO THE COMPACT FOR THE SUPERVISION OF  
PAROLEES AND PROBATIONERS**

In consideration of the cooperative relationship herein undertaken in providing parole revocation hearing services to be rendered reciprocally by each of the parties hereto, and in further consideration of services to be performed and benefits to be derived by each of the parties hereto in the strengthening of the interstate parole acting by their duly constituted authorities, and pursuant to and in order to implement the Parole Revocation Hearings Amendment enacted by each of the parties as follows:

*Sending State:* The Compact for the Supervision of Parolees and Probationers, (*statute citation*); and Parole Revocation Hearings Amendment, (*statute citation*); and

*Receiving State:* The Compact for the Supervision of Parolees and Probationers, (*statute citation*); and Parole Revocation Hearings Amendment, (*statute citation*);

Do hereby covenant and agree with each other as follows:

## **I. PURPOSE AND APPLICATION**

### **1. Parole Revocation Hearings Amendment**

The provisions of the Parole Revocation Hearings Amendment and the Compact for the Supervision of Parolees and Probationers are hereby made an integral part of this agreement and no provisions of this agreement shall be construed in any manner inconsistent with said Amendment or Compact.

### **2. Terminology**

All terms defined in the Compact for the Supervision of Parolees and Probationers and supplemented by the Compact's administrative rules shall have the same meaning in this contract unless otherwise expanded by mutually agreed upon amendment as may from time to time be validly made as an addendum to this contract. The terms "sending state" and "receiving state" shall be construed to include and refer to the appropriate official(s) or agency thereof in each particular state.

### **3. Group Serviced**

The contract shall apply to any person on parole pursuant to the terms of the Compact for the Supervision of Parolees and Probationers provided that such person meets the criteria listed below. The provisions of this contract may also apply to a parolee not under Compact supervision but who voluntarily agrees to a final revocation proceeding in a party state pursuant to the terms of any rider duly processed under this agreement provided that such person meets the agreed upon criteria listed below.

In all cases considered to be heard, there shall exist probable cause to believe that said persons have

violated the condition(s) of their respective parole. The criteria for services under this agreement are:

- a.
- b. (to be determined by parties to this agreement)
- c.

This contract shall not apply to the incarceration or reincarceration for purposes of revocation hearings of any person(s) other than those incarcerated or reincarceration pursuant to the terms of this contract, duly executed contract addendum and/or the Parole Revocation Hearings Amendment to the Interstate Compact for the Supervision of Parolees and Probationers.

#### 4. Incarceration or Reincarceration of Persons in the Receiving State Under the Terms of this Agreement

The period of incarceration of the person(s) for the sole purpose of affording a parole revocation hearing in the receiving state shall be compensated for by reciprocal services in the sending state, provided that the person is not serving a term of imprisonment within the receiving state or is a pretrial detainee unable to make bail for violations of the criminal code of the receiving state. Nothing in this section shall make the sending state responsible for costs or services associated with incarceration of a person(s) who is incarcerated as a result of an arrest, detention, conviction, or term of imprisonment resulting from violations of the criminal code of the receiving state.

Except as otherwise provided herein, the sending state shall bear responsibility of costs associated with extraordinary medical or other expenses resulting from the illness of any person incarcerated or reincarcerated hereunder if the incarceration or reincarcerations is solely to provide a final revocation hearing at the request of the sending state. All medical or other related services except in cases of emergency shall be subject to the approval of the sending state prior to rendering such services in the receiving state. In accordance with the terms of this subsection, the receiving state shall furnish the sending state with fully itemized bills detailing the costs incurred and the services rendered. Such bills shall be forwarded within a reasonable time along with a report describing circumstances prompting the service, the date of the sending state's approval, and/or the circumstances which prompted an emergency.

It shall be the responsibility of the receiving state to confine offenders of the sending state as provided herein, give them reasonable medical, hospital services and supplies; to provide for their physical needs; to make available to them programs of training and treatment if eligible under the receiving states' policies, practices and procedures; to retain them in safe custody; to supervise them and to maintain proper control.

Nothing herein contained shall be construed to require the receiving state or any of its institutions to provide treatment facilities or programs for any offender incarcerated or reincarcerated under the terms of this contract or the Parole Revocation Hearings Amendment which it does not provide for similar inmates of the receiving state.

#### 5. Hearings

If the person was a parolee residing in the receiving state under the terms of the Compact for the



Supervision of Parolees and Probationers, the supervising agent within the receiving state shall be responsible for representing the sending state's case. If services have been expanded to non-Compact offenders by special provision or rider to this contract, the receiving state shall designate an agent to represent the interests of the sending state.

The receiving state shall provide adequate facilities for any hearing(s) requested by authorities of the sending state to which an inmate may be entitled by the law. Upon the request of the sending state, the authorities of the receiving state will be authorized to and shall conduct any such hearing, prepare and submit the record of said hearing(s), together with any recommendations of the hearing officials, to the officer or officers of the sending state. The paroling authority within the sending state shall maintain jurisdiction over the decision to revoke or not to revoke.

The receiving state shall furnish all necessary reports, supplies, equipment, facilities and services necessary at no financial cost to the sending state except as otherwise provided herein and/or as provided in a duly processed addendum to this contract.

#### 6. Retake Clause

The sending state shall assume custody of and return the parolee for the service of parole violation time upon revocation of parole provided that the person(s) is available for retake and is not serving a term of imprisonment, does not have a criminal charge pending and/or is not suspected of having committed a criminal offense in the receiving state. As provided in the section, the cost associated with the retaking of a violator shall be assumed by the sending state.

## II. LAWS AND REGULATIONS

1. In all essential matters, the practices, procedures, and policies of the receiving state shall govern the administration of final revocation hearings. The parties recognize, however, that the relationship between sending and receiving states created by the Revocation Hearings Amendment is one of principle and agent. The sending state shall keep the receiving state informed concerning the sending state's governing statutes.

The receiving state shall do all things necessary to comply with them to the end that the sending state shall at all time maintain legal jurisdiction over decisions relating to incarceration and/or reincarceration of its parolee for the purpose of providing a speedy disposition of parole violation allegations.

2. Inmates in the custody of the receiving state for the purposes of this agreement shall be subject to the receiving state's internal rules and regulations governing inmate discipline and custody status.

3. While in the custody of the receiving state, the offender shall be subject to the internal regulations and procedures applicable to persons committed for parole violation in the receiving state which are not inconsistent with any constitutional or statutory provision in the sending state.

4. This contract shall not be deemed to restrict the right of parties to make special contractual arrangements applicable to the purpose of this contract and consistent with the orderly administration of policies, practices, and procedures to better effectuate its purpose.

5. Nothing in this contract shall be construed to require the receiving state to violate any court order pertaining to prison or facility overcrowding.

### III. ADMINISTRATION

1. The Compact Administrators and/or duly appointed deputies of the receiving and sending states which are parties hereto shall maintain administrative authority and responsibility for effectuating the purpose of the Parole Revocation Hearings Amendment as agreed hereto and shall promulgate rules and regulations to better effectuate its terms.

2. All notices, reports, forms, billings and correspondences to the respective states signatory to this agreement shall be sent to the compact administrators or duly authorized deputies of the relevant sending and receiving states.

### IV. DURATION/TERMINATION

1. This contract shall enter into full force and effect on \_\_\_\_\_ and shall terminate on \_\_\_\_\_. It may be renewed by the party states under such terms and conditions and for such additional periods as they may determine.

2. This agreement may be terminated by written notice of either party. The termination shall become effective ninety (90) days after receipt of said notice. IN WITNESS THEREOF, the undersigned duly authorized officers have subscribed their names on behalf of the State of (receiving state) and the State of (sending state).

STATE OF

Signature:

Compact Administrator or designee in the receiving state

Date:

Signature:

Compact Administrator or Designee in the sending state

Date:

**ADDENDUM CONTRACTUAL ARRANGEMENT  
INTERSTATE PROBATION REVOCATION HEARINGS**

**SPECIAL NOTATION**

This sample contract may be adjusted to provide the contractual basis for interstate probation revocation hearings under the Probation Revocation Hearings Amendment to the Compact for the Supervision of Parolees and Probationers.

To make this adjustment, "probation" shall be substituted for "parolee." Likewise, "probationer" shall take the place of "parolee" when it appears in the contract. "Administrative/judicial officer" shall replace references to "paroling authority/parole board." All other forms developed for use under the Parole Revocation Hearings Amendment may be used to process offenders under the Probation Revocation Hearings Amendment.

**PAROLE AND PROBATION FORM I**  
**Revocation Hearings Amendment**  
**Request for Final Revocation Hearing**

TO: (Compact Administrator/Designee/Receiving State)

DATE: \_\_\_\_\_ Re: (Case/Case #)

On the basis of the record in the above case and upon the finding of Probable Cause dated (Date of Violation or Probable Cause) \_\_\_\_\_, your agency is hereby requested to afford \_\_\_\_\_ (Offender's Name/#) a Final Revocation Hearing in accordance with the Revocation Hearings Amendment and the contract in effect between the state of \_\_\_\_\_ (Receiving State) and the state of \_\_\_\_\_ (Sending State). Attached hereto is a copy of the Agreement of Waiver; a copy of the Parole Certificate; a copy of the Violations Warrant; Photo and Prints; and other relevant reports and documents listed below:

The offender is being charged with the following violations:

Signed:

(Compact Administrator/Designee/Sending State)

(Official Position)

State of:

(Sending State)

Date:

**PAROLE AND PROBATION FORM IA**  
**Revocation Hearings Amendment**  
**Notice of Final Revocation Hearing**

To: Compact Administrator/Designee (sending state)

Date: RE: Case/Case # I.D. Information

This acknowledges receipt of your Form I, Request for a Final Revocation Hearing.

The above named individual was informed that a hearing has been scheduled for \_\_\_\_\_ in accordance with your request. Attached here to are our agency's internal documents which include notification of the hearing and notification of the violation charges brought against your offender. The offender has been informed of the violations charged and of his due process rights afforded by our revocation process.

Signed:  
Compact Administrator/Designee (receiving state)

Official Position

Date:

**PAROLE AND PROBATION FORM II**  
**Revocation Hearings Amendment**  
**Agreement of Waiver**

\_\_\_\_\_  
Sending State

\_\_\_\_\_  
Receiving State

I, \_\_\_\_\_ have been given the opportunity under the Interstate Compact for the Supervision of Parolees and Probationers to serve my parole/probation in the state of (receiving state) with the explicit understanding that the states of (sending state) and (receiving state) are signatory to the Revocation Hearings Amendment. Under this Amendment the duly appointed authorities of (receiving state) may be requested by the (sending state) to hold a final revocation hearing should I violate the terms of parole within any party state to the Revocation Hearings Amendment. I fully understand that:

1. The holding of a Final Revocation Hearing in the receiving state is a benefit under this Amendment and is not based on any constitutional right;

2. I shall comply with the parole/probation rules of both the receiving and sending states;

3. There may be procedural differences between party states in the administration of final revocation hearings. The holding of final revocation hearings shall be administered in accordance with the rules, regulations, and practices governing such hearings in the receiving state;

4. The sending state shall retain jurisdiction over the final revocation decision but shall base its respective decision on the recommendations and findings of the receiving state's hearing official(s);

5. I hereby waive my rights to any face-to-face hearing provided by any statute and/or administrative rule or policy in effect in the sending state and not in effect in the receiving state;

6. I waive any challenge to the type and character of information, reports and documents presented against me at the revocation hearing and/or used in final consideration against me by authorities of the sending state, provided that such documents meet acceptable standards of evidence for revocation proceedings in the receiving state.

I hereby acknowledge, understand, and accept the above provisions.

Signed: (offender's signature)

Date:

Witnessed by: (witness' signature)

Date:

**PAROLE AND PROBATION FORM III**  
**Revocation Hearings Amendment**  
**Notice of Hearing Results**

TO: \_\_\_\_\_ DATE: \_\_\_\_\_

RE: (Case Name/Number)

On the basis of the evidence presented at a Final Hearing held on (date) at (location), it has been determined by (hearing authority-receiving state) that (offender's name and number) has/has not violated the term(s) of his/her parole/probation. Attached hereto is our notice of decision indicating the nature of the violations. Also enclosed is a (summary, transcript, cassette tape as decided by contract). Please advise us of your decision in this matter as soon as possible.

The current status of the offender is:

- Released from custody pending decision from your state.  
Residing at \_\_\_\_\_
- In custody held on your warrant at (custody location) pending your final decision.
- In custody at (custody location) with pending charges of (list charges). Next court date is \_\_\_\_\_
- In custody serving a term of imprisonment at (custody location) for (offense/sentence).
- Other: \_\_\_\_\_

Signed: \_\_\_\_\_ Official Position: \_\_\_\_\_

State: \_\_\_\_\_ Date: \_\_\_\_\_

**PAROLE AND PROBATION FORM IV**  
**Revocation Hearings Amendment**  
**Non-Compact Case**  
**Agreement of Waiver**

TO: \_\_\_\_\_ (sending state) DATE:

I, \_\_\_\_\_ (offender's name), do hereby request a Final Revocation Hearing within the state of \_\_\_\_\_. I understand that this request constitutes a voluntary request to resolve my parole/probation violation allegations currently pending resolution before (paroling authority/judicial officer - sending state) within the state of (receiving state). I fully understand that:

1. The holding of a final revocation hearing in the receiving state to dispose of a pending revocation is a courtesy and not a right under this Amendment and is not based on any constitutional right;

2. There may be procedural differences between party states in the administration of final revocation hearings. The holding of final revocation hearings shall be administered in accordance with the rules, regulations, and practices governing such hearings in the receiving state;

3. The sending state shall retain jurisdiction over the final revocation decision but shall base its respective decision on the recommendations and findings of the receiving state's hearing official(s);

4. I hereby waive my rights to any face to face hearing provided by any statute and/or administrative rule or policy in effect in the sending state which is not in effect in the receiving state.

5. I waive any challenge to the type and character of information, reports and documents presented against me at the revocation hearing and/or used in final consideration against me by authorities of the sending state, provided that such documents are acceptable standards of evidence for revocation proceedings in the receiving state.

I hereby acknowledge, understand, and accept the above provisions.

Signed: (offender's signature)

Date:

Witnessed by: (witness' signature)

Date:



**PAROLE AND PROBATION COMPACT ADMINISTRATORS' ASSOCIATION  
GRIEVANCE FORM**

---

**PARTIES INVOLVED**

---

COMPLAINING STATE

ADMINISTRATOR

---

OFFENDING STATE

ADMINISTRATOR

---

**RULE(S) VIOLATED**

---

SPECIFIC ARTICLE(S) OF PPCA RULES

---

**ISSUE:**

---

**BACKGROUND:**

---

---

ATTEMPTS TO RESOLVE INFORMALLY

---

---

REMEDY SOUGHT

---

---

SIGNED FOR COMPLAINING STATE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

---

---

EXECUTIVE COUNCIL CHAIR  
INFORMAL OPINION

---

---

COMPLAINING STATE

ACCEPT \_\_\_\_\_ REJECT \_\_\_\_\_

ADMINISTRATORS SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

OFFENDING STATE

ACCEPT \_\_\_\_\_ REJECT \_\_\_\_\_

ADMINISTRATORS SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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EXECUTIVE COUNCIL DECISION

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EXECUTIVE COUNCIL ACTION

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CHAIR, PPCAA EXECUTIVE COUNCIL \_\_\_\_\_

DATE \_\_\_\_\_

Interim Operating  
Budget & Timeline

**Interstate Commission - FY'03 Interim (Transition) Budget**  
 (11/21/02 - 6/30/03)

Category	Computation	Line Item Amount	Category Totals
		94,470	
<b>Consultant &amp; Personnel Services</b>			<b>94,470</b>
		14,990	
<b>Fringe Benefits</b>	27% of personnel costs		<b>14,990</b>
		3,100	
<b>Other</b>			
<b>Rent</b>		1,500	
<b>Phone</b>		8,100	
<b>Photocopying</b>		3,748	
<b>IT (Computers)</b>		2,000	
<b>Supplies</b>		5,200	
<b>Postage</b>		515	
<b>Insurance</b>			<b>24,163</b>
		190,540	
<b>Commission Meetings</b>	Committee & Subcommittee Meetings		<b>190,540</b>

**SUBTOTAL** 324,163

**ADMINISTRATIVE COST RECOVERY** 27% of Indirect Costs 86,875

**TOTAL** 411,038

**\* Assumptions**  
*This budget represents the current funding from NIC to CSG. This funding is to be used to support the efforts and transition of the Commission through the second Commission Meeting.*

**Interstate Commission - FY'03 Interim (Transition) Budget**  
(11/21/02 - 6/30/03)

**Timeline**

<b>Nov-03 &amp; Dec-03</b>	Commission meeting follow-up; Invoice member states; Establish Commission accounting & financial support; Establish contract for services w/ Secretariat organization
<b>Jan-03</b>	Plan for 2003 Committee meetings; Continue outreach to non-member states
<b>Feb-03</b>	Convene Committees (location TBD); Committee Follow-up
<b>Mar-03</b>	Committee Follow-up; Development of Secretariat contract; Plan for 2003 Committee meetings;
<b>Apr-03</b>	Convene Committees (location TBD); Committee Follow-up; Plan for second Commission meeting
<b>May-03</b>	Committee Follow-up; Finalize Secretariat contract; Plan for second Commission meeting
<b>Jun-03</b>	Convene Committees (location TBD; if needed); Committee Follow-up;
<b>Jul-03</b>	Convene Second Commission Meeting

Budget, Staffing  
& State Fee Assessment  
- Commentary -



# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## INTERSTATE COMMISSION

### -- Budget, Staffing, and State Fee Assessment --

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#### ***Background***

A universal question at meetings and legislative hearings over the past three years has been: "What will this new compact cost my state?" Most of these questions have concerned the fiscal note and fee assessment that will be required of member jurisdictions to support the operations and activities of the Commission.

- Prior to the first legislative briefing in November 1999, a projected fiscal note and fee assessment was not developed. This was intentional on the part of The Council of State Governments and the National Institute of Corrections. The primary reason for this omission was that the then proposed compact gave Commission members the authority and responsibility to establish a budget and assessment that best met their needs. CSG/NIC staff felt it presumptive to suggest a budget before the Commission formally met. However, the unequivocal input from legislators in attendance at the first legislative briefing was that while that is a laudable goal in theory, reality mandated a good faith cost estimate before state legislation could go forward. Legislators acknowledged that actual assessment decisions had to be made by the Interstate Commission once it convened, however they said that during the interim an informed estimate of costs was essential.
- In response to legislator's input, NIC/CSG convened a meeting in December 1999 of parole & probation administrators, compact administrators, and executive directors of associations that were somewhat similar in nature to what was anticipated for Adult Compact Commission. Products of their work are the Fiscal Note and State Dues Projection. This fiscal note assumed a stand-alone Commission with extensive staff support and various capital expenses. The resultant state dues projection, based on available data, suggested a five-tiered assessment schedule. Project staff has, at every instance, announced that these figures represent only an informed/good faith estimate, and that actual assessments will be set by the Interstate Commission once it determines a budget.
- Despite efforts to the contrary, it must be observed that the projected assessment figures have been taken by many as being authoritative and they have in fact formed the basis for state fiscal notes and projected state budgeting. However, decisions regarding budget and fee assessment are the sole responsibility of the Interstate Commission under Articles V and X of the compact.

#### ***Transition Budget & Timeline***

NIC funding to support the Commission and its activities is sufficient to insure staff and logistical support from CSG to the Commission through the second Commission meeting. Given FY'04 state budgeting processes and deadlines, the first Interstate Commission meeting November 2002 at this November meeting the Commission must decide the amount of the

annual assessment for states and establish a due date for around July 1, 2003, if a continuity of service to member states is to be maintained. It is necessary to act now so that the Commission may officially invoice states during December 2002. If the fee assessment determination were to be delayed it is likely that the Commission would be without full funding and staff support for a year or more, beginning in the spring or summer of 2003.

The Commission is a start-up organization that, by this time next year, can anticipate having received substantial funding through state fee assessments. The dilemma faced by the Commission is similar to the chicken and egg question...which comes first? Do you set your fees and then build a budget to match or do you determine a reasonable budget and then assess fees to cover it? And on what basis do you justify this first time budget? These are unique one-time questions. By year two the Commission will have an experience base from which to make business decisions. The budget is obviously impacted by decisions made concerning how the Commission will be staffed and what level of services are to be provided.

For purposes of forecasting state assessment totals, this section assumes that 39 jurisdictions will be members of the Adult Compact by the November 2002 Interstate Commission meeting (assuming NC enacts the language). Fee projection totals will need to be adjusted should any of these assumptions prove to be inaccurate.

#### ***State Fee Assessments***

Article X (Finance) of the Interstate Compact for Adult Offender Supervision includes the following language:

*"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 following state fee assessment examples are included in this docket book:

#### **A. Original State Fee Assessment Projection**

Developed in 1999, this assessment is the source of information that contributed to state fiscal considerations. It assumes a working budget projection of \$1.4 million (specifically, \$1,427,100) for a 56 jurisdiction compact (50 states, DC, Puerto Rico, Virgin Islands, Northern Marianas, American Samoa and Guam). It relies on 2000 Census data and NIC Information Center survey data from 1997. The total assessment for the 39 member jurisdictions would generate \$1,045,000 based on the 1999 model. This assessment model is not tied to any specific FY'04 budget amount; rather it was developed following the development of the original Fiscal Note.

### **B. Revised State Fee Assessment Projection**

This model was compiled in October 2002. It assumes the original Fiscal Note of \$1.4 million, but uses 2002 census data and revised state transfer figures from April 2002 (NIC Information Center survey of states). Based on this new data, 7 jurisdictions changed categories. New York, Florida, Georgia, North Carolina, Oklahoma and Delaware all experienced a reduction in projected state assessment based on this model. New Jersey, however, was the only state to experience an increase. Under this model, the total projected assessment revenue is reduced by \$35,000 from original projections. This assessment model is not tied to any specific FY'04 budget amount; rather it was developed following the original Fiscal Note.

### **C. FY'04 State Fee Assessment Projection**

This model was compiled in October 2002. It utilizes the revised State Fee Assessment Projection (2000 census date; 2002 NICIC state transfer figures), but assesses state fees to only those states that are currently members. The resultant figure is also tied to a projected FY'04 budget, including operational costs, meeting expenses and a reserve/capital fund. This assessment represents a total amount sufficient to cover the Interstate Commission's annual budget. Presumably, any fees from additional states becoming members in the first year could be placed in the reserve/capital fund to be managed by the Commission.

Each of the three assessment examples is based on a formula that considers only two factors: the population of the state and the volume of interstate movement of offenders. The formula is:

$$\frac{(\text{State Population} / \text{US Population}) + (\text{State Offender Traffic} / \text{Total of US Offender Traffic})}{2}$$

Language of the compact requires that these two elements (state population and state offender traffic) be in the funding formula, but does not prohibit the Commission from including other factors should it choose to do so, nor does it dictate that a specific weight be given to either criteria.

The Commission is not obligated to accept any of these models as the basis for a first year fee assessment; however, functionally, the Commission must adopt some form of fee assessment at the first Commission meeting or it will lack funding and staff support by mid-2003.

### ***Commission Budget***

Cost discussions regarding the Compact often sound as though the assessment and budget are assumed to be one and the same. It is important to be clear about (1) what the Commission wants and how much that will cost (budget); and as a separate issue, (2) how that will be paid for (assessment).

The Original Fiscal Note contains information on one proposal for positions, salaries, space and support costs. The FY'04 Budget (w/i a secretariat) is a second source of information. The Commission must achieve a budget that represents the type and amount of expenditure that meets its' needs. It does not seem possible that the Commission would be able to independently develop a comprehensive budget at the first meeting, but this information might serve to

stimulate thinking and inform discussions. It will obviously be a much easier task to build informed budgets in future years.

There will always be a keen interaction between budget and projected income. Clearly, during the start-up phase it is an easier task to forecast likely income, than to be clear about what services and staff the Commission wants and how much that will cost.

### *Form & Extent of Staff Support*

State fee assessment models A & B (discussed above) are based on the assumption that for \$1.4 million, a 56 jurisdiction compact would itself acquire its' own office space and equipment and hire its own staff. Related assumptions for this form of organization are detailed in the Original Fiscal Note that has been the companion piece to assessment discussions since 1999. This "separate organization" approach could be tailored to the number of jurisdictions and funding anticipated. This model places complex organizational start-up responsibility on the Executive Committee and Commission.

A second organizational option is available. Model C represents a contract for service with an established organization to provide secretariat and support functions. Many professional associations operate from this model including the Conference of State Court Administrators and the American Probation and Parole Association. Advantages of contracting include substantially less complex start-up activity, flexibility and cost savings by shared use of accounting, legal, human resource, meeting planning and other resources. For a small organization, contracting with a larger organization decreases the potential impact of one employee's illness or termination, while increasing fiscal oversight and accountability. Consistent with Articles IV, and VI, the Executive Committee would hire the Executive Director who would in turn supervise Commission staff.

It is important to stress that either approach presents benefits and challenges. The Commission must determine which approach best meets its' initial needs and requirements. The Commission may over time choose to change models.

Original Fiscal Note  
& State Fee Assessment  
Schedule (1999)

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## Original Fiscal Note, 1999

In response to requests for what a budget might look like, a committee examined the issue and has produced this good-faith estimate. The estimated budget for the operation of the Interstate Compact Commission is \$1,427,100. This figure was calculated based on the following assumptions:

### *Staff Salaries and Benefits*

The staff includes an Executive Director, Deputy Director, General Counsel, Management and Information Systems Executive, Chief Financial Officer, Public Education and Media Relations Director, 2 Program Specialists and 2 Clerical Staff. Total Estimated Annual Personnel Costs are \$588,000 plus benefits estimated at 25 percent (25%) of annual salaries or \$147,000, for a total of \$735,000.

### *Commission Meetings and Subcommittee Meetings*

The National Commission, consisting of Commissioners from all member states, which formulates the policy, rules and regulations for the implementation and enforcement of the Interstate Compact is estimated to require three (3) Commission meetings of all state Commissioners plus staff during the first year of operation to permit sufficient time to adopt the Commission's Bylaws and Rules. It is also anticipated that various Subcommittees including, but not limited to, the Executive Committee, Steering Committee and Nominating Committee consisting of seven (7) members each plus staff will meet an estimated six (6) times during the first year. The estimated travel costs for the first year, which includes transportation, lodging, meals and staff support, is \$365,000. It is estimated that elimination of transportation costs for the three (3) National Commission meetings would result in a 10 percent (10%) reduction in travel costs. Subsequent to the Commission's inaugural year, it is anticipated that the entire Commission will only meet annually.

### *Overhead (Rent and Utilities)*

Overhead cost estimates are premised on the assumption of adequate furnished space including utilities for a ten person staff. Rent is calculated at a rate \$15.00 per square foot for finished office space and meeting rooms consisting of approximately 4,650 sq. ft. and \$7.00 per square foot for storage, mail room, copy room, etc. consisting of approximately 1,060 square feet for a total overhead cost of \$77,100.

### *Office Equipment and Furnishings*

Estimates for computers are premised upon a fully integrated system including ten (10) desktop and five (5) laptop units equipped with software support, LAN access, Internet access, e-mail

accounts, staff technical support, software updates/upgrades, and computer and application training. Copiers and furnishings (to the extent not included in Overhead) are based upon the assumption that these items will either be leased or purchased from governmental surplus if feasible. Total estimated cost for office equipment and furnishings is **\$250,000**.

### ***Indirect Costs***

In addition to the above mentioned costs, the Interstate Compact Commission can expect indirect costs for organizational expenses not associated with any particular project, but crucial to the functioning of the Commission as a whole. These indirect costs typically consist of accounting and bookkeeping services, human resource services, access to library and research facilities, and miscellaneous supplies and expenses. Based on the structure, location and association of the Interstate Commission with other/similar groups, the Commission can expect to pay an additional 15 percent (15%) to 27 percent (27%) of the estimated budget for annual indirect costs.

### ***Per State Dues Allocation***

The operating budget for the Interstate Compact will be allocated among the states pursuant to Article IX of the Compact. This article provides for an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Commission and its staff in an amount sufficient to cover the Commission's annual budget as approved each year. The allocation of the annual assessment amount for each state will be determined by the Commission, taking into account the population of each state, based on current U.S. Census data and the volume of interstate movement of offenders in each compacting state. Using this formula including the factors referenced here, the above budget estimate and assuming participation by a minimum of 35 and a maximum of 55 jurisdictions, the per state cost for funding the Interstate Compact is estimated to be in the range of **\$18,000 to \$46,000** per state. However, because of the formula contained in the Compact, smaller states with a lower volume of movement would pay less than the average and larger states with a higher volume of movement would pay more than the average.

**This cost analysis has been prepared only as an estimation based on the above assumptions with the aid of the Council of State Governments Budget Book FY 2000. The Interstate Commission created by the Compact, pursuant to Article X, will have the authority, subject to the agreement of the member states, to structure the Budget in a manner and at a funding level that it deems to be adequate to carry out the powers and duties of this Interstate Agency.**

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## ORIGINAL FISCAL NOTE, 1999

### Budget Summary

Salary & Wages	\$735,000
Meetings (Commission & Committee's)	\$365,001
Computers, Copiers, Furniture, Etc.	\$250,000
Rent & Utilities	\$77,100
<b>ESTIMATED BUDGET</b>	<b>\$1,427,101</b>

### Salaries

Executive Director	\$100,000
Deputy Director	\$75,000
General Counsel	\$90,000
Management & Information Systems Executive	\$75,000
Chief Financial Officer	\$75,000
Public Education & Media Relations Director	\$75,000
Program Specialist x 2	\$62,000
Clerical Staff x 2	\$36,000
Subtotal	\$588,000
Benefits (25% annual salaries)	\$147,000
<b>TOTAL SALARY &amp; BENEFITS</b>	<b>\$735,000</b>

### Commission & Committee Meetings

#### Meetings - Commission

Staff Support	\$4,500
Supplies	\$500
Postage	\$645
Photocopy	\$500
Travel	\$42,000
Lodging/Food/Reception	\$30,000
Honoraria	\$7,500
Telecommunications	\$450
Occupancy	\$350
Data Processing	\$420
Printing	\$5,000
Subtotal x 3	\$275,595

#### Meetings - Executive Committee



Staff Support	\$3,000
Supplies	\$240
Postage	\$320
Photocopy	\$414
Travel	\$4,500
Lodging/Food/Reception	\$3,500
Honoraria	\$1,500
Telecommunications	\$350
Occupancy	\$277
Data Processing	\$300
Printing	\$500
<b>Subtotal x 6</b>	<b>\$89,406</b>
<b>TOTAL FOR ALL MEETINGS</b>	<b>\$365,001</b>

#### Rent & Utilities

Mail Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Copy Room (460 sq. ft. @ \$7.00 per sq. ft.)	\$3,220
Storage (175 sq. ft. @ \$7.00 per sq. ft.)	\$1,225
Computer Room (375 sq. ft. @ \$15.00 sq. ft.)	\$5,625
Conference Room (510 sq. ft. @ \$15.00 sq. ft.)	\$7,650
Executive Director (980 sq. ft. @ \$15.00 sq. ft.)	\$14,700
Deputy Director (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
Program Specialist x 2 (150 sq. ft. @ \$15.00 sq. ft.)	\$4,500
General Counsel (577 sq. ft. @ \$15.00 sq. ft.)	\$8,655
CFO (350 sq. ft. @ \$15.00 sq. ft.)	\$5,250
MIS (330 sq. ft. @ \$15.00 sq. ft.)	\$5,250
PR & Media (330 sq. ft. @ \$15.00 sq. ft.)	\$5,250
Clerical x 2 (130 sq. ft. @ \$15.00 sq. ft.)	\$3,900
<b>TOTAL</b>	<b>\$77,100</b>

#### Equipment

Desktop Computers x 10	\$41,400
Laptop Computers x 5	\$48,600
Copiers & Supplies	\$100,000
Furniture & Equipment	\$60,000
<b>TOTAL</b>	<b>\$250,000</b>

**Interstate Compact for Adult Offender Supervision  
State Dues Projection**

State	Projected Dues per State :	State Dues Ratio :	State Population :	U.S. Population :	State Offender Transactions :	U.S. Offender Transactions :
Northern Marianas (a)	\$18,000	0.000145907	43000	285230516	32	226857
American Samoa (a)	\$18,000	0.000155574	46000	285230516	34	226857
U.S. Virgin Islands (a)	\$18,000	0.000346309	102000	285230516	76	226857
Guam (a)	\$18,000	0.000451344	133000	285230516	99	226857
Vermont	\$18,000	0.002301512	608827	285230516	560	226857
Alaska	\$18,000	0.002394962	626932	285230516	588	226857
North Dakota	\$18,000	0.002578213	642200	285230516	659	226857
Wyoming	\$18,000	0.002763255	493782	285230516	861	226857
Maine	\$18,000	0.003261978	1274923	285230516	466	226857
South Dakota	\$18,000	0.003518433	754844	285230516	996	226857
Hawaii	\$18,000	0.004067742	1211537	285230516	682	226857
New Hampshire	\$18,000	0.004112453	1235786	285230516	883	226857
Montana	\$18,000	0.004255009	902195	285230516	1213	226857
Rhode Island	\$18,000	0.00505776	1048319	285230516	1461	226857
Idaho	\$18,000	0.005468512	1293953	285230516	1452	226857
West Virginia	\$18,000	0.005473182	1808344	285230516	1045	226857
Nebraska	\$18,000	0.005624791	1711263	285230516	1191	226857
District of Columbia	\$18,000	0.005867099	572059	285230516	2207	226857
Utah	\$18,000	0.00630164	2233169	285230516	1083	226857
New Mexico	\$18,000	0.00769377	1819046	285230516	2044	226857
Iowa	\$25,000	0.009590713	2926324	285230516	2024	226857
Nevada	\$25,000	0.011181727	1998257	285230516	3484	226857
Connecticut	\$25,000	0.01150417	3405565	285230516	2511	226857
Mississippi	\$25,000	0.011678035	2844658	285230516	3036	226857
Kansas	\$25,000	0.011871406	2688418	285230516	3248	226857
Puerto Rico (a)	\$25,000	0.012856477	3808610	285230516	2804	226857
Delaware	\$25,000	0.013581757	763600	285230516	5539	226857
Alabama	\$25,000	0.014310742	4447100	285230516	2956	226857
Arkansas	\$25,000	0.014761013	2673400	285230516	4571	226857
Oregon	\$25,000	0.01481373	3421399	285230516	4000	226857
Minnesota	\$25,000	0.01506387	4919479	285230516	2922	226857
Kentucky	\$25,000	0.015332578	4041769	285230516	3742	226857
South Carolina	\$25,000	0.016047418	4012012	285230516	4090	226857
Indiana	\$25,000	0.016537049	6080485	285230516	2667	226857
Arizona	\$25,000	0.016829167	5130632	285230516	3555	226857
New Jersey	\$25,000	0.016956323	8414350	285230516	1001	226857
Washington	\$25,000	0.017076543	5894121	285230516	3060	226857
Wisconsin	\$25,000	0.017854812	5363675	285230516	3835	226857
Colorado	\$25,000	0.018101693	4301261	285230516	4792	226857
Massachusetts	\$25,000	0.018187074	6349097	285230516	3202	226857
Louisiana	\$25,000	0.018682216	4468976	285230516	4922	226857
Tennessee	\$25,000	0.01918378	5689283	285230516	4179	226857

**Interstate Compact for Adult Offender Supervision  
State Dues Projection**

<u>State</u>	<u>Projected Dues per State <sup>1</sup></u>	<u>State Dues Ratio <sup>2</sup></u>	<u>State Population <sup>3</sup></u>	<u>U.S. Population <sup>3</sup></u>	<u>State Offender Transactions <sup>4</sup></u>	<u>U.S. Offender Transactions <sup>4</sup></u>
Maryland	\$32,000	0.02067721	5296486	285230516	5169	226857
Oklahoma	\$32,000	0.021957587	3450654	285230516	7218	226857
Missouri	\$32,000	0.025320201	5595211	285230516	7038	226857
Michigan	\$32,000	0.026462713	9938444	285230516	4102	226857
Virginia	\$32,000	0.028876935	7078515	285230516	7472	226857
Ohio	\$32,000	0.029890364	11353140	285230516	4532	226857
Pennsylvania	\$32,000	0.030776413	12281054	285230516	4196	226857
Georgia	\$39,000	0.037063137	8186453	285230516	10305	226857
North Carolina	\$39,000	0.039599815	8049313	285230516	11565	226857
Illinois	\$39,000	0.042025675	12419293	285230516	9190	226857
Florida	\$46,000	0.053603202	15982378	285230516	11609	226857
New York	\$46,000	0.069944618	18976457	285230516	16642	226857
Texas	\$46,000	0.074230496	20851820	285230516	17095	226857
California	\$46,000	0.096297857	33871648	285230516	16752	226857
<b>TOTAL</b>	<b>\$1,435,000</b>					

1 - Based on total projected operating budget.

2 -  $(\text{State population} / \text{U.S. Population}) \times (\text{State Offender Transactions} / \text{Total U.S. Offender Transactions}) / 2$

3 - Population data: U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of June 30, 1997; annual number of offender transactions both into and out of the state

(a) - Territory data is projected based on an average state offender transaction to population ratio (1:1349)

Revised State Fee  
Assessment Schedule  
(2002)

**Interstate Compact for Adult Offender Supervision**  
**State Dues Projection - Revised 2002 Figures**

**REVISED**  
**10/15/2002**

<u>State</u>	<u>Projected Dues per State</u>	<u>State Dues Ratio</u>	<u>State Population</u>	<u>U.S. Population</u>	<u>State Offender Transactions</u>	<u>U.S. Offender Transactions</u>
Northern Marianas (a)	\$18,000	0.000150	43000	285230516	35	234085
American Samoa (a)	\$18,000	0.000160	46000	285230516	37	234085
U.S. Virgin Islands (a)	\$18,000	0.000356	102000	285230516	83	234085
Guam (a)	\$18,000	0.000464	133000	285230516	108	234085
Alaska	\$18,000	0.002257	626932	285230516	542	234085
Wyoming	\$18,000	0.002559	493782	285230516	793	234085
North Dakota	\$18,000	0.003206	642200	285230516	974	234085
Vermont	\$18,000	0.003293	608827	285230516	1042	234085
South Dakota (a)	\$18,000	0.003662	754844	285230516	1095	234085
Maine	\$18,000	0.003687	1274923	285230516	680	234085
New Hampshire (a)	\$18,000	0.004067	1235786	285230516	690	234085
Rhode Island	\$18,000	0.004200	1048319	285230516	1106	234085
Hawaii	\$18,000	0.004249	1211537	285230516	995	234085
Montana	\$18,000	0.004337	902195	285230516	1290	234085
Delaware	\$18,000	0.004338	783600	285230516	1388	234085
Idaho	\$18,000	0.004953	1293953	285230516	1257	234085
West Virginia	\$18,000	0.005554	1808344	285230516	1116	234085
Dist. of Columbia (a)	\$18,000	0.005725	572059	285230516	2211	234085
Nebraska	\$18,000	0.005830	1711263	285230516	1325	234085
Utah	\$18,000	0.005901	2233169	285230516	930	234085
New Mexico	\$18,000	0.007157	1819046	285230516	1858	234085
Nevada	\$25,000	0.009746	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	\$25,000	0.010668	2844658	285230516	2660	234085
Oregon	\$25,000	0.011248	3421399	285230516	2458	234085
Connecticut	\$25,000	0.011250	3405565	285230516	2472	234085
Arkansas	\$25,000	0.012090	2673400	285230516	3456	234085
Puerto Rico (a)	\$25,000	0.013257	3808610	285230516	3081	234085
Oklahoma	\$25,000	0.014729	3450654	285230516	4064	234085
Kentucky	\$25,000	0.014864	4041769	285230516	3642	234085
Colorado	\$25,000	0.014922	4301261	285230516	3456	234085
South Carolina	\$25,000	0.015931	4012012	285230516	4166	234085
Alabama	\$25,000	0.016621	4447100	285230516	4132	234085
Indiana (a)	\$25,000	0.016725	6080485	285230516	2840	234085
Washington	\$25,000	0.017050	5894121	285230516	3145	234085
Arizona	\$25,000	0.017079	5130632	285230516	3785	234085
Massachusetts (b)	\$25,000	0.017405	6349097	285230516	2938	234085
Tennessee	\$25,000	0.017614	5689283	285230516	3577	234085
Louisiana	\$25,000	0.018275	4468976	285230516	4888	234085
Minnesota	\$25,000	0.018665	4919479	285230516	4701	234085
Wisconsin	\$25,000	0.018668	5363675	285230516	4338	234085

**Interstate Compact for Adult Offender Supervision  
State Dues Projection**

**REVISED  
10/15/2002**

<u>State</u>	<u>Projected Dues per State</u>	<u>State Dues Ratio</u>	<u>State Population</u>	<u>U.S. Population</u>	<u>State Offender Transactions</u>	<u>U.S. Offender Transactions</u>
Maryland	\$32,000	0.021496	5296486	285230516	5717	234085
New Jersey	\$32,000	0.024148	8414350	285230516	4400	234085
Michigan	\$32,000	0.025457	9938444	285230516	3762	234085
North Carolina	\$32,000	0.028784	8049313	285230516	6870	234085
Ohio	\$32,000	0.029452	11353140	285230516	4471	234085
Missouri	\$32,000	0.029649	5595211	285230516	9289	234085
Pennsylvania	\$32,000	0.031198	12281054	285230516	4526	234085
Georgia	\$32,000	0.032677	8186453	285230516	8580	234085
Virginia	\$32,000	0.035263	7078515	285230516	10700	234085
Florida	\$39,000	0.047751	15982378	285230516	9239	234085
New York	\$39,000	0.053217	18976457	285230516	9341	234085
Illinois	\$39,000	0.054220	12419293	285230516	15192	234085
Texas	\$46,000	0.088867	20851820	285230516	24492	234085
California	\$46,000	0.114864	33871648	285230516	25978	234085

**\$1,400,000**

1 - Based on total projected operating budget

2 -  $(\text{State population} / \text{U.S. Population}) + (\text{State Offender Transactions} / \text{Total U.S. Offender Transactions}) / 2$

3 - Population data: U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of April 1, 2002; annual number of offender transactions both into and out of the state

1a - Territory data is projected based on an average state offender transaction to population ratio (1:1236)

1b - Projected state transfer numbers; actual numbers not available



FY'04 Operating Budget  
& State Fee Assessment  
Schedule

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

## FY'04 SAMPLE BUDGET

### - NARRATIVE -

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The FY'04 Representative Budget represents a good-faith estimate of the actual operating, meeting and reserve fund costs associated with the operation of the Interstate Commission in Year one of its existence. The budget assumes the housing of the Commission and its staff within an established national organization that can provide various administrative and support services to the Commission.

#### **Staffing**

The FY'04 budget calls for 4 FTE staff in Year One: Executive Director (1 FTE), General Counsel (1 FTE), Training, Education and PR Director (.5 FTE), Program Specialist (1 FTE) and Logistics & Administration Assistant (.5 FTE). This number is significantly less than the 10 FTE's proposed in the Original Fiscal Note. Primary differences include the omission of the Deputy Director role (to be filled by the General Counsel), MIS Executive (services and support to be provided by a secretariat), Chief Financial Officer (services and support to be provided by a secretariat); Program and Administrative staff have been more than halved in Year One; these additional services, if needed, can be provided by the secretariat.

#### **Annual Rent & Utilities**

These figures, based on a good-faith estimate of actual rent and utility charges within an established secretariat, are quite different from the original fiscal note. Primarily, the Commission, if housed within another organization, would eliminate the need for ancillary space such as mailrooms, copy-rooms, conference rooms and server/phone closets. The use of these spaces is built into the per square foot charge for office space.

#### **Telecomm/MIS**

A reduced staff contributes to a reduction in need for computers and telephone services. However, another advantage noted in this budget projection is the "leasing" of computer equipment from a secretariat. Within this per month charge, the Commission would receive e-mail, Internet and website server access as well as personalized IT support and new computer equipment (laptop or desktop computers; or a combination). Under a leasing program, the Commission's personal computer equipment would be replaced every two years. The telecommunications costs are also less due to economies of scale. The Commission, if located within an established secretariat, would have no need to purchase a new phone system; rather the Commission would tap into the existing structure for a significantly reduced monthly charge and no capital outlay.

#### **Miscellaneous Expenses**

It is expected that Commission staff, principally the Executive Director and General Counsel will be required to travel on a regular basis, providing technical support to



member states and seeking enactment of the compact in non-member states. The staff travel budget provides adequate support to these efforts in year one. Education, outreach and Training efforts, while critical to the success of the compact agreement, are likely to be curtailed in Year One. These activities are likely to expand over the coming years.

#### **Commission Meetings**

It is expected that the Interstate Commission will meet only once as a full body in FY'04. However, as the Commission develops in the coming years, there may be the need to increase the frequency of meetings. There may also be the need for the Commission Chairperson to call a special meeting of the members, although this is not anticipated in Year One.

#### **Committee Meetings**

It is expected that the Interstate Commission's Committees will meet up to three times in FY'04. These meetings are anticipated to be separate and apart from the annual meeting of the Commission. Certain committees may have a need to meet more frequently and others less. This portion of the budget could also be used to facilitate meetings via conference call, although it is not explicitly noted in the budget estimate.

#### **Reserve/Capital Fund**

Maintaining substantial cash reserves is prudent, particularly during the start-up of a new initiative that has yet to accurately define the depth of its responsibilities, tasks to be completed and development needs (e.g., level of staff or consultant support). Furthermore, costs and problems associated with the start-up of an organization are difficult to anticipate fully (e.g., additional face-to-face meetings, database development not covered by other funding sources). Cash reserves will allow the Commission the benefit of having enough cash resources to effectively function should a lag in initial or subsequent state dues payments occur. Future reserve amounts can and should be adjusted as the Commission and staff responsibilities become more stable and predictable and state dues assessment and collections become more perfunctory.

Interstate Compact for Adult Offender Supervision  
 Interstate Commission - FY'04 Budget (7/1/03 - 6/30/04)

**State Dues Projection**

**\$1,017,000**

State	Projected Dues per State <sup>1</sup>	State Dues Ratio <sup>2</sup>	State Population <sup>3</sup>	U.S. Population <sup>3</sup>	State Offender Transactions <sup>4</sup>	U.S. Offender Transactions <sup>4</sup>
Northern Marianas (a)	n/a	0.000150	43000	285230516	35	234085
American Samoa (a)	n/a	0.000160	46000	285230516	37	234085
U.S. Virgin Islands (a)	n/a	0.000356	102000	285230516	83	234085
Guam (a)	n/a	0.000464	133000	285230516	108	234085
Alaska	\$18,000	0.002257	626932	285230516	542	234085
Wyoming	\$18,000	0.002559	493782	285230516	793	234085
North Dakota	\$18,000	0.003206	642200	285230516	974	234085
Vermont	\$18,000	0.003293	608827	285230516	1042	234085
South Dakota (b)	\$18,000	0.003662	754844	285230516	1095	234085
Maine	n/a	0.003687	1274923	285230516	680	234085
New Hampshire (c)	n/a	0.004067	1235786	285230516	890	234085
Rhode Island	\$18,000	0.004200	1048319	285230516	1106	234085
Hawaii	\$18,000	0.004249	1211537	285230516	985	234085
Montana	\$18,000	0.004337	902195	285230516	1290	234085
Delaware	n/a	0.004338	783600	285230516	1388	234085
Idaho	\$18,000	0.004953	1293953	285230516	1257	234085
West Virginia	n/a	0.005554	1808344	285230516	1116	234085
Dist. of Columbia (d)	n/a	0.005725	572059	285230516	2211	234085
Nebraska	n/a	0.005830	1711283	285230516	1325	234085
Utah	\$18,000	0.005901	2233189	285230516	930	234085
New Mexico	\$18,000	0.007157	1819046	285230516	1858	234085
Nevada	\$25,000	0.009746	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	n/a	0.010668	2844658	285230516	2660	234085
Oregon	\$25,000	0.011248	3421399	285230516	2458	234085
Connecticut	\$25,000	0.011250	3405565	285230516	2472	234085
Arkansas	\$25,000	0.012090	2673400	285230516	3466	234085
Puerto Rico (a)	n/a	0.013257	3808610	285230516	3081	234085
Oklahoma	\$25,000	0.014729	3450654	285230516	4064	234085
Kentucky	\$25,000	0.014664	4041769	285230516	3642	234085
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**Interstate Compact for Adult Offender Supervision  
Interstate Commission - FY'04 Budget (7/1/03 - 6/30/04)**

**\$1,017,000**

**State Dues Projection**

State	Projected Dues per State	State Dues Ratio <sup>2</sup>	State Population <sup>3</sup>	U.S. Population <sup>3</sup>	State Offender Transactions <sup>4</sup>	U.S. Offender Transactions <sup>4</sup>
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**\$1,017,000**

- 1 - Based on total projected operating budget
  - 2 -  $(\text{State population} / \text{U.S. Population}) + (\text{State Offender Transactions} / \text{Total U.S. Offender Transactions}) / 2$
  - 3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000
  - 4 - Compact populations as of April 1, 2002; annual number of offender transactions both into and out of the state.
- (a) - Territory data is projected based on an average state offender transaction to population ratio (1:1236)  
 (b) - Projected state transfer numbers; actual numbers not available  
 n/a - This jurisdiction has not enacted the Interstate Compact for Adult Offender Supervision

CSG Partnership  
& Benefits

## THE COUNCIL OF STATE GOVERNMENTS

### -- BENEFITS OF PARTNERING WITH CSG --

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The Council of State Governments offers national organizations and administrative bodies the opportunity to partner (short-term) and affiliate (long-term) with CSG to gain a range of benefits and services. Through partnering and affiliation with CSG, national organizations of state officials can share ideas and combine efforts to accomplish mutual goals. Partners/affiliates contribute specialized expertise, information, resources and issues to the overall mission of CSG. In turn, CSG offers a mechanism by which partners and affiliates may tap into CSG's products, services, and a forum for bringing issues to a broader, collective state audience.

By partnering with CSG, the Interstate Commission for Adult Offender Supervision receives several benefits:

#### **Compact Expertise**

Since its founding in 1933, The Council of State Governments has played a key role in helping states develop, implement, and administer dozens of interstate compacts. Currently, CSG is the administrator of the *Emergency Management Assistance Compact*, and has worked with the National Institute of Corrections to ensure the successful enactment of the *Interstate Compact for the Supervision of Adult Offenders*. CSG is also partnered with the Office of Juvenile Justice and Delinquency Prevention in the US Department of Justice to develop the *Interstate Compact for Juveniles*. CSG's decades of experience with interstate compacts has produced a wealth of institutional knowledge about the elements that can help ensure prompt development, enactment, and effective operation and administration of interstate compacts.

#### **Continuity of Service**

Since 1998, The Council of State Governments, partnered with the National Institute of Corrections, has worked to facilitate the development, enactment, and effective operation of the Interstate Compact for Adult Offender Supervision. With the enactment of the Compact in 38 jurisdictions, the Interstate Commission now convenes to conduct the business of the compact. CSG, as the current project manager of the effort, understand the intricacies and political conditions in which the new compact must operate. By partnering with CSG, the Interstate Commission receives uninterrupted services and staff support.

#### **Accounting & Administrative Benefits**

As a partner of The Council of State Governments, the Interstate Commission would enjoy several economic and financial benefits, including personalized accounting, administrative, legal, and technical support. CSG is able to provide the Commission accounting, human resources, and information technology services at significantly lower costs over what may be found in an autonomous scenario and the Commission would have no need to make large capital outlays for computer, phone or office equipment as

these could be provided by CSG at greatly reduced cost. A partnership allows the Interstate Commission to govern while CSG manages its administrative needs.

Specific benefits include, but are not limited to:

### **Accounting**

- Set up and maintain a business bank account. This includes reconciling bank statements (and following up on all discrepancies), negotiating interest rates and service fees, buying checks, obtaining line of credit, monitoring and reconciling investment "sweep" accounts, review banks quarterly and annual financial statements to insure solvency of the bank, setup and maintain payroll direct deposits (and negotiate fees).
- Maintain a reconciling process for all electronic fund transfers, credit card transactions, merchant statements, and handle all inquiries.
- Prepare payroll, compute and make all withholding deposits and complete all related paperwork. File city, state and federal monthly tax returns. File unemployment insurance forms. File all year-end tax reports and issue W-2's before January 31 deadline.
- Design and implement accounting system according to GAAP, FASB and business objectives.
- Coordinate and assume cost of yearly financial audit, A-133 audit, and audit of internal accounting controls.
- Select and purchase accounting software and hardware to match system objectives. Upgrade software and hardware to remain current with latest industry developments and CSG policies.
- Monitor all grants to lend assurance that they are in compliance with federal regulations. Send staff to training and continuing education to stay current on financial accounting standards and Federal OMB circulars A-110, A-122 and A-133.
- Provide training and assistance in the budget process.
- File income tax returns.
- File sales tax returns.
- Apply for and maintain sales tax exemptions for all states.
- Review contracts. CSG in house legal review may be necessary for contracts meeting certain criteria. This process also limits CSG and affiliate organizations legal liability.
- Processing of credit card charges for everything from registration to pub sales. Negotiations with credit card companies on rates. Follow up on all discrepancies and inquiries. Maintenance of system and machines, including keeping loaner equipment up to date and in working order.
- Develop travel policies, expense forms, time sheets, and administer guidelines and procedures that must be maintained.
- Develop and maintain a financial disaster recovery plan.

- Maintain and operate accounts payable department for payment of all invoices and expense reimbursement. Implement internal controls to safeguard assets. Follow up on all discrepancies and inquiries.
- Receive and process all cash deposits. Code and maintain within the uniform accounting system.
- Point of contact for all IRS and other regulatory agencies. Negotiations and representation by licensed CPA's.
- Provide financial reports to all managers and leadership. Direct access to business office for all managers and leadership.
- Third Party supervision and oversight of all financial transactions and business policies.
- Support of meetings through contract review, insurance, and credit checks. Handling of increased volume of receivables, payables, and credit card registrations associated with the meeting.

### **Human Resources**

- Administer and coordinate all health, life, ADD, disability, dental and vision plans for all employees
- Oversee and coordinate retirement plans for all employees
- Maintain records and monitor for compliance with all state and federal benefits laws (COBRA, HIPPA, ERGTA)
- Monitor safety for employees and compliance with OSHA rules and regulations
- Manage worker's compensation plan
- Administer and assist in all employment and recruitment activities from advertising, screening, hiring, orientation of new employees, and separations
- Maintain equity through administration of established compensation and classification systems
- Handle all status changes from classification to salary; monitor compliance
- Develop and administer personnel policies to insure compliance with federal and state employment laws (Fair Labor Standards Act and all non-discrimination and affirmative action laws and executive orders, FMLA, ADA)
- Maintain personnel files to comply with federal regulations
- Direct and monitor performance development activities so that processes and reviews are fair, equitable and compliant
- Provide employee relation resources; mediation, progressive discipline and guidance on all personnel matters
- Administer other workplace benefits; wellness programs, tuition reimbursement
- Manage COBRA plan for separated employees compliant with federal guidelines
- Provide yearly required EEOC reports to remain compliant

### **Additional Benefits**

- Access to CSG library and research facilities.
- Free publications.
- Inclusion of web links on CSG web pages and related link maintenance.
- Opportunity for the Interstate Commission to publish articles related to its' mission in CSG magazines such as State Government News (14,000 circulation) and Spectrum (2,500 circulation).
- Legal review of contracts. Interaction with CSG general counsel to answer legal questions at no additional charge.
- Direct access by managers and leadership to interact face to face on a daily basis with the employees in Executive Management, Accounting, Human Resources, Sales and Marketing, etc. These trained professionals are part of your "team".
- Access to the CSG office in Washington D.C. Including use of the conference room and basic administrative support.
- Executive management function to work with affiliates and promote mutual interests.



National  
Information  
System

# INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

## NATIONAL INFORMATION SYSTEM PLANNING PROJECT

American Probation and Parole Association

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The American Probation and Parole Association (APPA) is administering a project funded by the Bureau of Justice Assistance (BJA) to assist in the development of an information management system for the Interstate Compact for Adult Offender Supervision (Interstate Compact). Key to effective interstate supervision of offenders is timely, accurate, efficient transfer of information, and to address this, the Interstate Compact requires the creation of a national database utilizing current communications technology that will allow States to share critical information. The information management system should also have the ability to create ad hoc reports that would provide summary and management information.

APPA will engage in the following activities to achieve the goal of planning the development of an information system for the Interstate Compact:

1. Assemble a core group of three individuals with expertise in the Interstate Compact and information management, i.e., an Advisory Group, to assist project staff in selecting members for a Working Group, selecting a consultant to provide technical expertise and technical writing skills for the project, and to both define/refine the goal for the project and develop strategies for reaching the goal. A representative(s) from the Interstate Compact Commission will be invited to serve on the Advisory Group and on the subsequent Working Group. Because the National Institute of Corrections (NIC) funded a previous project to discuss technological issues for the implementation of the Interstate Compact, APPA will invite a representative from NIC to work with the Advisory Group and the subsequent Working Group to share and build upon their previously gained knowledge.
2. Project staff working with the Advisory Group will select nine additional members to join the Advisory Group members to form a Working Group to identify the issues, challenges, and goals for the implementation of an information management system for the Interstate Compact. The Working Group will meet up to three times to complete a needs assessment that clearly states what the information management system should be able to do. The needs assessment will provide the basis for future development of system standards and requirements.
3. Project staff and the Advisory Group will select a consultant to attend and facilitate the Working Group meetings, to write reports of the accomplishments and decisions from each meeting, and to write a final report.
4. APPA staff will

- Schedule meetings and conduct meeting planning tasks for the Advisory Group, the Working Group, and other attendees as necessary.
- Arrange conference calls, web-based discussion groups, or other events as necessary to facilitate the project activities.
- Distribute meeting notifications, meeting minutes, reports and other information to group members and other interested parties.

APPA staff will work in concert with the Interstate Compact Commission to both inform and secure input from the commission regarding this project. Devoting adequate and appropriate attention to planning the development of the information management system and including appropriate stakeholders in the process is expected to produce a well-considered, well-designed, and well-articulated plan to guide later steps in further development and implementation of the system.

Compact  
Language

## 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.



State-by-State  
Status & History

<u>State</u>	<u>Bill / Statute Number</u>	<u>Primary Sponsor</u>	<u>Status</u>
Colorado	<u>CRSA §§ 24-60-2802</u>	Sen. Norma Anderson	Signed into law, 4/10/00
Idaho	<u>IC § 20-301</u>	Sen. Denton Darrington	Signed into law, 4/17/00
Kentucky	<u>KRS § 439.561</u>	Rep. Bob Damron	Signed into law, 4/21/00
Vermont	<u>28 VSAT 22 § 1361</u>	Senate Institutions	Signed into law, 4/27/00
Connecticut	<u>SB 553</u>	Judiciary	Signed into law, 6/1/00
Oklahoma	<u>22 Okl St Ann §§ 1091</u>	Sen. Brad Henry	Signed into law, 6/1/00
Hawaii	<u>SB 2152</u>	Sen. Avery Chumbley	Signed into law, 6/7/00
Missouri	<u>YAMS § 569.500</u>	Rep. Randall Reiford	Signed into law, 6/27/00
California	<u>Cal. Penal Code 11180</u>	Sen. John Lewis	Signed into law, 9/24/00
Montana	<u>SB 40</u>	Sen. Chris Christiaens	Signed into law, 2/14/01
Arkansas	<u>SB 252</u>	Sen. Mike Everett	Signed into law, 2/15/01
Wyoming	<u>HB 80</u>	Judiciary Committee	Signed into law, 2/20/01
Utah	<u>HB 18</u>	Rep. Gary Cox	Signed into law, 2/22/01
South Dakota	<u>SB 28</u>	State Affairs Comm.	Signed into law, 2/28/01
Iowa	<u>HF 287</u>	Judiciary Committee	Signed into law, 3/25/01
New Mexico	<u>HB 669</u>	Rep. Ken Martinez	Signed into law, 4/5/01
North Dakota	<u>HB 1270</u>	Rep. Duane DeKrey	Signed into law, 4/5/01
Washington	<u>SB 5118</u>	Sen. Jani Costa	Signed into law, 4/16/01
Maryland	<u>SB 85</u>	S. Frosh & R. Dembrow	Signed into law, 4/20/01
Texas	<u>HB 2494</u>	Rep. Pat Haggarty	Signed into law, 5/11/01
Nevada	<u>SB 194</u>	Sen. Maurice Washington	Signed into law, 6/6/01
Florida	<u>SB 306</u>		Signed into law, 6/13/01
Louisiana	<u>HB 965</u>	Rep. Daniel Martiny	Signed into law, 6/22/01
Oregon	<u>HB 2393</u>	Interim Judiciary Com.	Signed into law, 7/3/01
Ohio	<u>HB 269</u>	Rep. Bob Latta	Signed into law, 10/26/01
Michigan	<u>HB 4680</u>	Rep. Charles LaSala	Signed into law, 3/12/02
Minnesota	<u>SF 2611</u>	Sen. Jane Ranum	Signed into law, 3/26/02
Kansas	<u>SB 95</u>	Sen. David Adkins	Signed into law, 4/4/02
Alabama	<u>HB 231</u>	Rep. John Robinson	Signed into law, 4/17/02

Wisconsin	<u>HB 481</u>	Rep. Scott Walker	Signed into law, 4/22/02
Georgia	<u>HB 885</u>	Rep. Curtis Jenkins	Signed into law, 5/16/02
South Carolina	<u>SB 1172</u>	Sen. Glenn McConnell	Signed into law, 5/28/02
Arizona	<u>HB 2338</u>	Voss, Bortherton, Smith	Signed into law, 5/30/02
Tennessee	<u>SB 1662</u>	Sen. David Fowler	Signed into law, 6/11/02
Alaska	<u>HB 52</u>	Gov. Tony Knowles	Signed into law, 6/19/02
Pennsylvania	<u>SB 391</u>	Sen. Stewart Greenleaf	Signed into law, 6/19/02
Rhode Island	<u>HB 7447</u>	Rep.'s Scott/Watson	Signed into law, 6/25/02
Illinois	<u>HB 4936</u>	Rep. Jay Hoffman	Signed into law, 6/26/02
Indiana			
Maine	<u>LD 1081</u>	Rep. Julie O'Brien	Session Adjourned
Massachusetts			
Mississippi	<u>HB 636</u>	Rep. Warner McBride	Passed House/Senate - confer.
Nebraska	<u>LB 895</u>	Sen. Diana Schmeck	Session Adjourned
New Hampshire			
New Jersey	<u>SB 166</u>	Sen. Richard Bagger	Passed Senate, in Assembly
New York	<u>AB 11523</u>	Assem. Jeff Aubrey	Rules Committee
North Carolina	<u>HB 1641</u>	Rep. Culpepper	Sent to Governor
Virginia	<u>SB 649</u>	Sen. Nick Rerras	Session Adjourned
West Virginia	<u>HB 2785</u>	Del. Roy Givens	Session Adjourned
Amer. Samoa			
Dist. of Columbia	<u>H 5515</u>	US Reps. Connie Morella & Elenor Holmes Norton	Government Reform Comm.
Dist. of Columbia	<u>S 3044</u>	US Sens. Richard Durbin & George Voinovich	Governmental Affairs
Guam	<u>SB 528</u>	Sen. Marcel Camacho	
N. Mariana Is.			
Puerto Rico			
U.S. Virgin Islands			

2002 State  
Transfer Figures

# Measuring the Volume of Movement of Adult Offenders Through The Interstate Compact for Parole and Probation

Surveys by the National Institute of Corrections Information Center

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**Background:** The existing Interstate Compact for the Supervision of Parolees and Probationers has no centralized database or formal system for reporting the number of offenders moving from state to state through the Compact network. In 1997 and 2002, the NIC Information Center conducted national surveys that asked each state Compact administrator to report the number of active probation and parole cases on specific dates that were either 1) transferred from their state to other states for supervision, or 2) transferred from other states to their state for supervision.

This methodology results in one case being counted twice, once as an active case on the records of the sending state and once on the records of the receiving state. In theory, the number of cases reported nationally as being supervised for other states should equal the count of cases being supervised in other states. However, the counts have not been the same because of the decentralized and varied methods of keeping records. A significant factor that also contributes to the discrepancy is that the same cases are not opened and closed on the same dates by states as they continue to use written communications through the mail to transact business. Results from the 1997 survey reported that between 108,439 and 115,362 adult Compact cases were active on June 30, 1997.

The latest survey was conducted in the summer of 2002. Each Compact Administrator was contacted by e-mail through the Parole and Probation Compact Administrators Association and asked to complete an on-line survey. The survey and results are available at:

<http://www.nicic.org/services/special/compact-adults/survey.htm>.

The 2002 survey requested a count of Compact cases that were active on January 1, 2002. As of October 10, 2002, counts were not available from five compact offices. Staff of the NIC Information Center have provided a projected 2002 count for those jurisdictions. The projected count was established by calculating the percentage change in Compact cases between 1997 and 2002 as fully reported in forty-four states, then applying that percentage to the 1997 counts of the five jurisdictions. The change factor was an increase of 2.2% for cases reported to be supervised in other states and a 1.5% decline for cases reported to be supervised for other states. An asterisk (\*) appears by those projected counts on the following table.

Larry Linke  
NIC Information Center  
October 11, 2002

# Active Adult Interstate Compact Cases Reported on January 1, 2002

	Cases Supervised in Other States			Cases Supervised for Other States			<i>All Active Compact Cases In/Out of State</i>
	<i>Probation</i>	<i>Parole</i>	<i>Total</i>	<i>Probation</i>	<i>Parole</i>	<i>Total</i>	
<i>Alabama</i>	1614	567	2181	1454	497	1951	4132
<i>Alaska</i>	240	53	293	184	65	249	542
<i>Arizona</i>	1781	312	2093	1300	392	1692	3785
<i>Arkansas</i>	1444	927	2371	754	341	1095	3466
<i>California</i>	9993	1764	11757	12815	1406	14221	25978
<i>Colorado</i>	1303	538	1841	1309	306	1615	3456
<i>Connecticut</i>	862	62	924	1340	208	1548	2472
<i>Delaware</i>	659	13	672	398	318	716	1388
<i>Dist. of Columbia</i>	0	0	* 1036	0	0	* 1175	* 2211
<i>Florida</i>	3929	248	4177	3675	1387	5062	9239
<i>Georgia</i>	3904	964	4868	2965	747	3712	8580
<i>Hawaii</i>	223	368	591	172	96	404	995

<i>Idaho</i>	687	193	880	283	94	377	1257
<i>Illinois</i>	5521	810	6331	7915	946	8861	15192
<i>Indiana</i>	* 790	374	* 1164	* 940	736	* 1676	* 2840
<i>Iowa</i>	895	271	1166	1138	281	1419	2585
<i>Kansas</i>	670	607	1277	896	283	1179	2456
<i>Kentucky</i>	1252	979	2231	990	421	1411	3642
<i>Louisiana</i>	1339	1153	2492	1758	538	2396	4888
<i>Maine</i>	254	6	260	330	90	420	680
<i>Maryland</i>	1716	513	2229	2341	467	2808	5717
<i>Massachusetts</i>	* 971	187	* 1158	* 1540	240	* 1780	* 2938
<i>Michigan</i>	974	326	1300	1834	628	2462	3762
<i>Minnesota</i>	2111	151	2262	1976	463	2439	4701
<i>Mississippi</i>	259	805	1064	450	1146	1596	2660
<i>Missouri</i>	5813	1911	7004	1564	721	2285	9289

<i>Montana</i>	760	99	859	332	81	431	1290
<i>Nebraska</i>	534	54	588	589	148	737	1325
<i>Nevada</i>	1481	432	1913	649	361	1010	2923
<i>New Hampshire</i>	0	0 *	563	0	0 *	327	890
<i>New Jersey</i>	1873	804	2677	1636	87	1723	4400
<i>New Mexico</i>	495	251	746	876	236	1112	1858
<i>New York</i>	3432	1270	4702	3983	656	4639	9341
<i>North Carolina</i>	3415	129	3544	2656	670	3326	6870
<i>North Dakota</i>	407	81	488	418	68	486	974
<i>Ohio</i>	842	950	1792	1598	1081	2679	4471
<i>Oklahoma</i>	955	121	1076	2137	851	2988	4064
<i>Oregon</i>	868	414	1282	870	306	1176	2458
<i>Pennsylvania</i>	1438	1086	2524	1610	392	2002	4526
<i>Rhode Island</i>	652	39	691	322	93	415	1106



<i>South Carolina</i>	1835	222	2057	1613	496	2109	4166
<i>South Dakota</i>	* 399	294	* 693	* 370	32	* 402	* 1095
<i>Tennessee</i>	1577	449	2026	1018	533	1551	3577
<i>Texas</i>	10984	3454	14438	4608	1869	6477	24492
<i>Utah</i>	245	170	415	403	112	515	930
<i>Vermont</i>	594	55	649	349	42	393	1042
<i>Virginia</i>	6120	900	7020	3082	598	3680	10700
<i>Washington</i>	0	0	795	1730	620	2350	3145
<i>West Virginia</i>	176	168	344	617	155	772	1116
<i>Wisconsin</i>	2448	635	3083	1027	228	1255	4338
<i>Wyoming</i>	340	124	464	246	83	329	793