



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century



2017 ICAOS Annual Business Meeting

Docket Book

October 9-11





2017 ANNUAL BUSINESS MEETING DOCKET BOOK

ANNUAL BUSINESS MEETING • PITTSBURGH, PENNSYLVANIA
OCTOBER 9 - 11, 2017

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
ANNUAL BUSINESS MEETING AGENDA

WYNDHAM GRAND PITTSBURGH DOWNTOWN HOTEL
600 COMMONWEALTH PL, PITTSBURGH, PA 15222
OCTOBER 9 – 11, 2017

Monday, October 9

1:30 pm – 3:30 pm

Executive Committee Meeting
Rivers, Ballroom Level

4:00 pm – 5:00 pm

Public Hearing
Commonwealth 1, Lobby Level

- *Sara Andrews (OH), Chair; Jane Seigel (IN), Rules Committee Chair; and Rick Masters, General Counsel*

Tuesday, October 10

8:30 am – 9:00 am

Welcome
Grand Ballroom 2, Ballroom Level

- *Sara Andrews (OH), Chair; Michael Potteiger (PA), Commissioner; and Ashley Lippert, ICAOS Executive Director*

2017 Rule Proposals Overview

- *Jane Seigel (IN), Rules Committee Chair*

9:10 am – 10:45 am

Region Meetings
East Region
Rivers, Ballroom Level

Midwest Region

Fort Pitt, Lobby Level

South Region

Sterlings 2-3, Lobby Level

West Region

Birmingham, Lobby Level

10:45 am – 11:00 am

Break

11:00 am – Noon

2017 Rule Proposals Discussion

Grand Ballroom 2, Ballroom Level

- Rules Committee Members

Noon – 1:15 pm

New Commissioner Lunch

Brigade, Ballroom Level

1:15 pm – 2:30 pm

Who's telling the story? Details, Accuracy and Due Process!

Grand Ballroom 2, Ballroom Level

- Anne Precythe (MO), Training, Education & Public Relations Committee Chair

2:30 pm – 2:45 pm

Break

2:45 pm – 4:00 pm

Implementing the 2016 Rules

Grand Ballroom 2, Ballroom Level

- Anne Precythe (MO), Training, Education & Public Relations Committee Chair

4:30 pm – 6:00 pm

Reception/Recognition Session

King's Garden 1-3, Ballroom Level

- Jeremiah Stromberg (OR), Vice Chair; Shawn Arruti (NV), Commissioner; and Matthew Billinger (KS), Deputy Compact Administrator

Wednesday, October 11

General Session

Grand Ballroom 1, Ballroom Level

8:30 am – 8:45 am

**Call to Order
Flag Presentation
Roll Call**

8:45 am – 9:30 am

Welcome & Overview

- Sara Andrews (OH), Chair

Approval of Agenda

Approval of Minutes

- *September 14, 2016*

Welcome Address

- *Michael Potteiger (PA), Commissioner*
- *Leo Dunn, Pennsylvania Chairman of Parole Board*

9:30 am – 11:00 am

Presentation on Opioid Management

- *Dr. Rachel Levine, Pennsylvania Acting Secretary of Health and Physician General*

11:00 am – 11:15 am

Break

11:15 am – Noon

Committee Reports

- **ABM Workgroup**
 - *Jeremiah Stromberg (OR), Vice Chair*
- **Information Technology Committee**
 - *Gary Roberge (CT), Chair*
- **Training, Education & Public Relations Committee**
 - *Anne Precythe (MO), Chair*
- **DCA Liaison Committee**
 - *Michael Potteiger (PA), Chair*
- **Compliance Committee**
 - *Allen Godfrey (MN), Chair*
- **Finance Committee**
 - *Charles Lauterbach (IA), Chair*
 - *FY 2019 Budget*
- **Victims' Advocate**
 - *Pat Tuthill, Victims' Advocate*
- **Legal Counsel**
 - *Rick Masters, General Counsel*
- **Rules Committee**
 - *Jane Seigel (IN), Chair*
 - *New Rule Proposals*

Noon – 1:30 pm

Lunch [on your own]

- 1:30 pm – 3:30 pm** **Gender Specific Risk Assessment Presentation and Panel**
- *Moderator/Presenter: Dr. Emily Salisbury, University of Nevada, Las Vegas*
 - *Panelists: Jeremiah Stromberg (OR), Commissioner; Shawn Arruti (NV), Commissioner; Russ Marlan (MI), Commissioner; Alisha James (TN), Commissioner; and Natalie Latulippe (CT), Deputy Compact Administrator*
- 3:30 pm – 3:45 pm* *Break*
- 3:45 pm – 4:00 pm** **Awards Presentation**
- 4:00 pm – 4:15 pm** **New Business/Old Business**
- **Oath of Office**
 - *Region Chairs*
- 4:15 pm – 4:30 pm** **Call to the Public**
- Adjourn**
- 5:00 pm – 6:00 pm** **Executive Committee Meeting**
Rivers, Ballroom Level



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
ANNUAL BUSINESS MEETING MINUTES**

**The Westin Cleveland Downtown Hotel
777 Saint Clair Ave NE • Cleveland, OH 44114
September 14, 2016**

Call to Order

The meeting was called to order by Chair S. Andrews (OH) at 8:30 a.m. ET. The Cleveland Division of Police Color Guard presented the flags.

Roll Call

Roll was called by Executive Director H. Hageman. Forty nine out of fifty-three members were present, thereby constituting a quorum.

- | | |
|-------------------------|--------------------------------------|
| 1. Alabama | Christopher Norman, commissioner |
| 2. Alaska | Carrie Belden, commissioner |
| 3. Arizona | Dori Ege, commissioner |
| 4. Arkansas | Sheila Sharp, commissioner |
| 5. California | Guillermo Viera Rosa, commissioner |
| 6. Colorado | Alison Morgan, commissioner |
| 7. Connecticut | Gary Roberge, commissioner |
| 8. Delaware | John Sebastian, official designee |
| 9. District of Columbia | Elizabeth Powell, official designee |
| 10. Florida | <i>Not in attendance</i> |
| 11. Georgia | Chris Moore, commissioner |
| 12. Hawaii | Sidney Nakamoto, commissioner |
| 13. Idaho | Denton Darrington, commissioner |
| 14. Illinois | Dara Matson, commissioner |
| 15. Indiana | Turran Blazier, official designee |
| 16. Iowa | Charles Lauterbach, commissioner |
| 17. Kansas | Matthew Billinger, official designee |
| 18. Kentucky | <i>Not in attendance</i> |

19. Louisiana	Pete Fremin, commissioner
20. Maine	Scott McCaffery, commissioner
21. Massachusetts	Paul Treseler, commissioner
22. Maryland	Joseph Clocker, commissioner
23. Michigan	Russell Marlan, commissioner
24. Minnesota	Allen Godfrey, commissioner
25. Mississippi	Christy Gutherz, commissioner
26. Missouri	Ellis McSwain, commissioner
27. Montana	Cathy Gordon, commissioner
28. Nebraska	Jacey Nordmeyer, commissioner
29. Nevada	Shawn Arruti, commissioner
30. New Hampshire	Mike McAlister, commissioner
31. New Jersey	Robin J. Stacy, Esq., official designee
32. New Mexico	Roberta Cohen, commissioner
33. New York	Robert Maccarone, commissioner
34. North Carolina	Anne Precythe, commissioner
35. North Dakota	Charles Placek, commissioner
36. Ohio	Sara Andrews, commissioner
37. Oklahoma	Anthony Rowell, commissioner
38. Oregon	Jeremiah Stromberg, commissioner
39. Pennsylvania	Margaret Thompson, commissioner
40. Puerto Rico	<i>Not in attendance</i>
41. Rhode Island	Laura Queenan, designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, commissioner
44. Tennessee	Bobby Straughter, commissioner
45. Texas	Libby Elliott, commissioner
46. Utah	James Hudspeth, commissioner
47. Vermont	Dale Crook, commissioner
48. Virginia	James Parks, commissioner
49. Virgin Islands	Rick Mullgrav, commissioner
50. Washington	Anmarie Aylward, commissioner
51. West Virginia	Diann Skiles, commissioner
52. Wisconsin	Tracy Hudrlik, commissioner
53. Wyoming	Coltan Harrington, commissioner

Executive Director H. Hageman recognized ex-officio members:

- National Governor Association - *Not in attendance*
- National Conference Of State Legislatures - Craig Tieszen
- National Organization of State Chief Justices - *Not in attendance*
- National Association of Attorneys General – *Not in attendance*
- National Organization of Crime Victims – *Not in attendance*
- National Institute of Corrections - *Not in attendance*
- American Probation and Parole Association – Veronica Cunningham
- Association of Paroling Authorities International – Monica Morris

- Interstate Commission for Juveniles – Ashley Lippert
- Conference Of State Court Administrators - *Not in attendance*
- National Organization for Victim Assistance - Jeannette Adkins
- Association of Prosecuting Attorneys - Marlene Botros
- National Association for Public Defense - Elizabeth Miller
- International Association of Chiefs Police - *Not in attendance*
- American Jail Association - *Not in attendance*
- National Association of Police Organizations - *Not in attendance*
- National Sheriff's Association - *Not in attendance*

Welcome & Overview

Chair S. Andrews (OH) welcomed the Commission to Cleveland, OH. She introduced Ohio Senator John Eklund, who gave the keynote speech.

Ohio Chief Justice Maureen O'Connor welcomed the Commission members via a video message.

Chair S. Andrews (OH) recognized OH State Council members that were present at the meeting. She thanked the Commission for the opportunity to serve as its chair. For the last two years, she made sure the Commission preserved its traditions that continue to advance the mission of the Compact while improving and expanding services to the states within the confines of the current budget.

Chair S. Andrews (OH) presented a PowerPoint presentation about Cleveland and Ohio.

Chair S. Andrews (OH) instructed the Commission on the rules and procedures of the meeting.

Approval of Agenda

Chair S. Andrews (OH) requested to change the order of the Committee Report on the agenda starting the meeting with the Training Committee report followed by the Technology Committee and the Rules Committee reports and asking the Victims' Advocate report be removed from the agenda, since P. Tuthill was not able to attend this meeting.

Commissioner A. Morgan (CO) moved to approve the agenda as amended. Commissioner S. Nakamoto (HI) seconded.

Agenda approved as amended.

Approval of Minutes

Commissioner R. Maccarone (NY) moved to approve the ABM 2015 minutes as presented. Commissioner J. Stromberg (OR) seconded.

Minutes approved as presented.

Training, Education & Public Relations Committee Report

Commissioner A. Precythe (NC), Training, Education & Public Relations Committee chair, expressed her gratitude towards the Committee's members, trainers, and the national office staff for their work throughout the year.

Training Committee Members: Anne L. Precythe, chair (NC); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME); Dara Matson (IL); Chris Moore (GA); Joseph Clocker (MD); Russell Marlan (MI); Mark Patterson, ex-officio (OR); Sally Reinhardt-Stewart, ex-officio (NE); and Tim Strickland, ex-officio (FL).

Trainers: Tim Strickland (FL); Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); Jim Ingle (UT); Janice Young (ND); Roberta Cohen (NM); Rose Ann Bisch (MN); Holly Kassube (IL); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Jacey Nordmeyer (NE); Matthew Billinger (KS); and Dori Ege (AZ).

The Training Committee continues to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. This year, the Training Committee's focus has been on expanding and redesigning the on-demand trainings; updating, consolidating and reviewing of training materials available as well as emphasizing the state compact offices' roles and responsibilities. Last year, the Training Committee established a trainer group recognizing trainers with specific content expertise. These trainers continue to highlight the importance of operationalizing the rules and to "Work the Rules, Don't Let the Rules Work You!" always remembering the purposes of ICAOS to ensure public safety, track offender movement, and support offender rehabilitation efforts by providing effective supervision.

Trainings this year included amendment training for compact staff, general rules training for field staff, and a special compact staff training in May specifically highlighting the significant roles, authority compact offices possess, and the importance of quality information and communication between states. Discussions from the May Compact Staff training will continue at the DCA Training Institute in Cleveland. Stats show states are expanding their usage of the ICAOS On-Demand training available and requests for Technical and Training Assistance to use ICAOS' WebEx services to supplementing their own state's training efforts.

Other notable accomplishments

- Published Training Bulletin 1-2016 - *Managing Returning Offenders*
- Reviewed and archived old Training Bulletins
- Presented at the Winter APPA Training Institute
- Along with the Rules Committee, clarified questions regarding Rule 5.101-2

- Worked with the DCA Liaison Committee to develop workshop curriculum based on suggestions provided by the ABM workgroup

Looking ahead in FY2017

- Assist in development of training for rule changes including impacts to ICOTS
- Expand compact office/administrator trainings in conjunction with the DCA Liaison Committee
- Support state compact offices' responsibilities to train stakeholders in their state on ICAOS Rules and purpose
- Reinforce the authority of the compact offices
- Emphasize the goals of the Compact
 - What's in the best interest of public safety?
 - What's in the best interest of the offender?

Commissioner A. Precythe (NC) encouraged the Commissioner to get to know their Compact Staff and be involved in Compact trainings. She praised Commissioner J. Clocker (MD) for his involvement with his Compact Office.

Commissioner D. Ege (AZ) moved to accept the Training, Education & Public Relations Committee report. Commissioner T. Hudrlik (WI) seconded.

Motion passed.

Information Technology Report

Commissioner G. Roberge (CT), Information Technology Committee chair, thanked the national office staff and the Technology Committee members for their service to the Committee.

The Information Technology Committee consists of 11 members, including six commissioners and five ex-officio members. Commissioners include Gary Roberge – chair (CT), Nancy Ware – vice chair (DC), Chris Norman (AL), Sheila Sharp (AR), Charles Placek (ND), and Shawn Arruti (NV). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), John Gusz (NJ), Felix Rosa (NY), and Julie Lohman (VA).

The Information Technology Committee met by telephone and WebEx conference five times since last year's annual business meeting.

The Committee worked on the following matters during the 2016 fiscal year:

FBI NDex Data Sharing

The National Office successfully implemented a comprehensive data export to the FBI NDex data center last fiscal year. Each month over 200,000 compact records, which include offender case and offense information, are exported to the FBI data center.

Fusion Center Data Exchange Project

The Fusion Center Data Exchange project continues to expand and now includes the Rocky Mountain Information Network, which maintains a centralized data-sharing network for several states including Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. The Connecticut state fusion center is in the process of finalizing their ICOTS data exchange and should be completed in the Fall of 2016.

ICOTS Offender Photos

Throughout this past fiscal year, the national office worked in conjunction with Appriss to develop a process to export ICOTS offender photos to a data warehouse accessible to the national office. Upon completion of the photo warehouse in the Fall of 2016, the national office Technology Committee, and Compliance Committee will conduct an analysis of the current state and quality of photos within the ICOTS application. The primary goal of the photo analysis is to identify issues with the current photos in the ICOTS system and to develop standards for offender photos uploaded into ICOTS. This is an extremely important exercise as ICOTS photos are exported to numerous databases. It is imperative for safety and intelligence purposes that photos are current and meet certain quality standards.

ICOTS VINEWatch

Appriss enhanced the victim notification system this past year to include SMS text messages to the list of victim notification options in ICOTS VINEWatch. In addition, the Commission is working with Appriss to enhance the functionality of ICOTS VINEWatch system to allow for self-registration. The usage of this function is very low.

Executive Director H. Hageman asked for Commission's consensus regarding this issue to let Appriss know to proceed with this enhancement or not.

The Commission voted to proceed with the VINEWatch self-registration function.

ICOTS Data Exports

Connecticut and Virginia continue to collaborate with Appriss and are now receiving data exports of ICOTS data on a daily basis. Both states will utilize this data in conjunction with their internal case management information systems to create activity reports for

their supervising officers and to further enhance compliance with ICAOS supervision and reporting activities. Both states are also in the process of cataloging the work they are doing with Appriss on this project and the information will be available to other states that may be interested in establishing similar data exchanges with Appriss.

ICOTS FY 2017 Enhancements

In the fiscal year 2017, the Executive Committee approved a \$90,000 appropriation for ICOTS enhancements. The Information Technology Committee analyzed the statements of work prepared by Appriss to prioritize the enhancements that will have the most significant impacts for end users and recommended to the Executive Committee three-system enhancements that include multiple enhancements in each system upgrade. The Executive Committee approved the recommended enhancements for FY 2017.

The Information Technology Committee was made aware that the Rules Committee would be proposing a rule amendment during this year's Annual Business meeting, which may impact the \$90,000 appropriation if passed. If the proposed rule amendment passed, the Information Technology Committee needed to modify the approved enhancements to remain within the \$90,000 appropriation.

ICOTS Helpdesk Support

The ICOTS Helpdesk received approximately 1,058 ICOTS support tickets throughout the 2016 fiscal year, which is approximately a 50% reduction from FY 2015. This reduction in helpdesk support tickets can be attributed to the following three areas: the ICOTS enhancement limiting the creation of duplicate offenders, continued bug fix releases from Appriss, and increased ICOTS training initiatives from the Training Committee.

External Reports

Usage of the external reports rose from over 20,000 page views in FY 2015 to over 22,000 page views in FY 2016; an increase of 10%.

Compliance Dashboards

Use of the compliance dashboards rose from over 3,000 page views in FY 2015 to over 3,700 page views in FY 2016; an increase of 23%.

ICAOS Website

Visits to the website were up by 2.5% from the previous fiscal year, with over 525,000 visits. Desktop users dropped 8.7% to 324,000 visits, mobile users were up 32% to 200,000 visits, and tablet users were up 6% to 18,000 visits. Users on mobile or tablet devices accounted for more than 38% of the visits to the ICAOS website in FY 2016.

The following are identified goals and challenges for FY 2017:

- Ensure that the necessary ICOTS system changes are developed and implemented prior to the effective date of any rules changes that are adopted during the 2016 Annual Business Meeting;
- Provide guidance to the Commission with respect to future ICOTS system enhancements;
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies;
- Continue to collaborate with the Commission and Appriss to enhance VINEWatch functionality;
- Document the work Connecticut and Virginia are doing with Appriss to obtain ICOTS offender and case information;
- Assist the Commission in identifying potential issues related to photos in ICOTS and developing minimum standards for future photos entered into the system; and,
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for re-taking purposes.

Commissioner D. Crook (VT) moved to approve the Information Technology Committee Report as presented. Commissioner R. Maccarone (NY) seconded.

Motion passed.

Rules Committee Report

Commissioner R. Maccarone (NY) and Commissioner T. Hudrlik (WI) thanked the ad hoc committee members, Rules Committee members, and the national office staff for their hard work throughout the year.

Rules Committee chair Commissioner Seigel was not able to be present at this meeting.

Commissioner T. Hudrlik (WI) presented the rules amendments as a package deal. The Rules were previously discussed on Monday and Tuesday prior to the general session.

Commissioner T. Hudrlik (WI) informed the Commission members that they can submit their changes to the ICOTS reports for the next ten days.

Commissioner J. Hudspeth (UT) spoke against the proposed amendments. He stated that the UT State Council suggests voting on individual rules, rather than a rule package.

Commissioner A. Morgan (CO) expressed the same concern regarding the voting on the whole package vs. the individual rules. She stated that the rules work as they are and suggested more conversation.

Commissioner L. Elliot (TX) supports Colorado and Utah's opinion on this matter.

Commissioner D. Ege (AZ) stated that AZ State Council supports the proposal as is. If one of the rules is changed, the other ones must be changed as well, that is why the Rules Committee presented the amendments as one package.

Commissioner A. Precythe (NC) stated that the amendments aligns with the North Carolina's justice reforms.

Commissioner S. Arruti (NV) spoke in favor of the rule amendments.

Ex-Officio C. Tieszen (NCSL) stated his three observation of these amendments: they are a continuation of the new wave of criminal justice reforms; proposed rule changes present a solid supervision plan; and that these amendments express the maturing of the Compact. All of that shows the increased trust level among states.

Commissioner A. Aylward (WA) moved to adopt the rule amendments package as presented by the Rules Committee. Commissioner C. Moore (GA) seconded.

Commissioner A. Precythe (NC) stated that the Training Committee is committed to provide all necessary support to the states to implement the rules.

Motion passed by vote 34 to 14.

DCA Liaison Committee Report

Commissioner T. Hudrlik (WI), DCA Liaison Committee chair, presented her report to the Commission. She thanked the national office and the committee members for their work.

Committee Members

Tracy Hudrlik (WI) – commissioner (DCA Liaison Committee chair)
Alison Morgan (CO) - commissioner (DCA Liaison Committee vice-chair)

Donna Pratt (VT) – DCA (East Region DCA chair)
Julie Lohman (VA) – DCA (South Region DCA chair)
Judy Mesick (ID) – DCA (West Region DCA chair)
Matt Billinger - (Midwest Region DCA chair)

Cathy Gordon (MT) – commissioner / DCA
Diann Skiles (WV) – commissioner
Anthony Rowell (OK) - commissioner
Tim Strickland (FL) – DCA
Joseph Beaman (MI) – DCA

Regina Grimes (TX) – DCA
Elizabeth Powell (DC) – DCA

Mission

The DCA Liaison Committee is responsible to act as the liaison between commissioners and deputy compact administrators (DCAs). The committee ensures that communication and feedback are forwarded appropriately. The Committee identifies and provides training opportunities for the deputy compact administrators.

Goals

The DCA Liaison Committee is working on three goals for this year:

1. Define the DCA mentoring process for notifications;
2. Establish a formal mentoring process via worksheet/checklist; and,
3. Work with the Training Committee on the DCA Training Institute and ongoing training

DCA 2016 Updates:

East Region:

Maine – Bill Goodwin
New Jersey - Robin Stacy, Parole

South Region:

Kentucky – Don Werner, Parole
Maryland – Cornelius Woodson

Midwest Region:

Illinois – Dara Matson, Parole

West Region:

Colorado – Meredith McGrath, Parole
Nevada – Deon McDaniel
Washington- Tanja Gilmore

Mentoring

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

- *Participant*: Any DCA who is either new or requests (through commissioner) additional coaching or assistance.
- *Mentor*: The DCA Liaison Committee Regional chair or another DCA in good standing. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period*: Typically, one year. Extensions may be granted, if needed.

Committee Work

The committee met on April 26, 2016 and on July 26, 2016. In April, the goals for the coming year were determined as indicated above.

The committee is currently working on the communication process for DCAs and commissioners to ensure that new DCAs are welcomed and encouraged to participate in the mentoring program in a consistent manner. Further communication is being developed so that commissioners and existing DCAs are aware of the referral process and ongoing benefits available through mentoring for existing DCAs who may need the additional resources.

This process will be shared with commissioners when final. The committee is working with national office staff to place all mentoring materials and information in one location so that DCA participants will have easy access to all materials electronically.

Committee members also worked with the Training Committee to develop and present the topics at the DCA Training institute at this year's ABM.

The DCA liaison committee works with the regional committees to establish DCA region chairs who then facilitate regional DCA meetings. These meetings are excellent opportunities to identify concerns and collaborate toward solutions. The DCA region chair can then bring these issues to the DCA Liaison Committee where they can be further addressed.

Commissioner D. Ege (AZ) moved to accept the DCA Liaison Committee report. Commissioner A. Morgan (CO) seconded.

Motion passed.

Compliance Committee Report

Commissioner J. Stromberg (OR), Compliance Committee chair, thanked committee members for their work:

Jeremiah Stromberg, chair, OR

Mike McAlister, NH
Charles Placek, ND
Chris Norman, AL
Ellis McSwain, MO
Cathy Gordon, MT
Margaret Thompson, PA
James Hudspeth, UT
Genie Powers, LA*
Kathleen Graves, KS*
Kim Madris, NV*
Cathy Gibson-Beltz, NE*

*Denotes retired or left position during 2016

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

Goals and Objectives

The Committee has four specific goals for this year:

- Continue to review compliance trends and make recommendations regarding rules and training as necessary;
- Increase committee participation to at least 2 members from each region;
- Set a goal of initial complaint reviews to be conducted within 30 days of notification; and,
- Develop a more formal review process regarding Corrective Action Plans.

Compliance Issues and Outcomes

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

- **April 2016:** Recommended the closure of Georgia's corrective action plan as Georgia met all the conditions and expectations. Executive Committee approved.
- **April 2016:** Recommended legal counsel to engage in federal action by which the State of Maryland shall be forced to comply with the rules of the compact and a fine of \$10,000 for violation of ICAOS rules 5.103, 5.108, and 5.111. Executive Committee voted to have legal counsel author a demand letter to the Maryland chief justice, governor, and commissioner to comply with the rules of the compact and imposed a fine in the amount of \$10,000. Maryland has responded that they are attempting to rectify through education, training, and direction to the violations noted above.

- **May 2016:** Recommended legal counsel to engage in federal action by which the Virgin Islands shall be forced to comply with the appointing of a commissioner. Executive Committee voted to have legal counsel author a demand letter to the governor to comply with the appointment of a commissioner. The governor has responded that he will do so and will move to have the appointment approved through the senate as soon as possible.

Dashboard Trends

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in all seven primary categories. Between FY 2015 and FY 2016, significant compliance increases can be seen in Closure Notices (7%), Annual Progress Reports (6%), and Violation Responses (4%).

<u>Standard</u>	<u>FY 2014 Compliance Average</u>	<u>FY 2015 Compliance Average</u>	<u>FY 2016 Compliance Average</u>
3.101-1, 3.103 & 3.106-RFRI Reply	95.6%	96%	97.3%
3.104-Transfer Reply	85.6%	87.9%	90.3%
4.102 & 4.112-Closure Notice	88.9%	89%	96.6%
4.112 Closure Reply	85.8%	88.7%	90.1%
4.106 Requested Progress Report	88.9%	95.1%	96%
4.106 Annual Progress Report	76.8%	78.2%	84.7%
4.109 Violation Response	78.4%	81.5%	85.3%

Commissioner J. Hudspeth (UT) moved to accept the Compliance Committee report. Commissioner D. Crook (VT) seconded.

Motion passed.

Finance Committee Report

The Commission continues to be in strong financial condition. The balance in the Commission's cash reserve fund is \$1.8 million. In addition, the Commission maintains a separate legal reserve of \$50,000 to cover litigation expenses. The Commission also participates in a long-term investment program managed by the Council of State Governments. The Commission's balance in this long-term portfolio is currently \$1,382,000. Due to the gradually declining balance in the reserve fund over the past few years, the Commission has not been making new contributions to the long-term portfolio in FY 2015 although portfolio's balance continues to grow.

Maintaining and enhancing the ICOTS information system is probably the most important financial challenge facing the Commission. So far, in FY 2015 the Commission has invested in excess of \$500,000 in ICOTS. In FY 2016 \$410,000 is

budgeted for ICOTS. Another growing area of concern involves costs associated with accounting services, payroll, legal assistance, and human resources.

In June, 2016 the Executive Committee made the decision to terminate the Commission's long affiliation with the Council of State Governments. As a result, the Commission explored various management services options in an effort of conserve funds.

Commissioner C. Lauterbach (IA) noted that the Commission has not needed to increase membership dues since 2008 and no dues increase is being recommended for FY 2018. In recent years the Commission has been spending slightly more than it has collected in revenue however the reserve fund has been more than adequate to cover the deficit. It is hoped the Commission will be able to identify strategies that will reduce Commission expenses and prevent any dues increase, at least in the near term.

Commissioner C. Lauterbach (IA) thanked the national office and the Finance Committee members for their work: Commissioner Christy Gutherz, MS, Commissioner Bobby Straughter, TN, and Commissioner Sheila Sharp, AR.

Commissioner C. Lauterbach (IA) moved to approve the FY 2018 budget. Commissioner A. Morgan (CO) seconded.

Motion passed.

Commissioner G. Roberge (CT) moved to approve the Finance Committee Report. Commissioner D. Crook (VT) seconded.

Motion passed.

ABM Planning Workgroup Report

Commissioner C. Norman (AL) informed the Commission that this year's annual business meeting was a combined effort of commissioners and DCAs.

The following commission members participated in planning the meeting: Scott McCaffrey, ME; Suzanne Brooks, OH; Matt Billinger, KS; Mike McAlister, NH; Natalie Latulippe, CT; Shawn Arruti, NV; Jeremiah Stromberg, OR; Jenna James, GA; Elizabeth Powell, DC; and Judy Mesick, ID.

Chair S. Andrews (OH) accepted ABM Planning Workgroup report.

Legal Counsel Report

General Counsel R. Masters presented his report to the Commission. The General Counsel's Office assists the Commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues that arise in the conduct of their responsibilities under the terms of the Compact, its bylaws and administrative rules.

The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Throughout the year, the general counsel has assisted the Compliance Committee and the Executive Committee in several matters pertaining to investigation, compliance, and enforcement responsibilities under the Compact.

General Counsel R. Masters informed the Commission that because the Commission has the mechanism to enforce the Compact, there were only two cases that elevated to the Executive Committee involvement level and both of them were resolved: appointment and participation of the commissioner and enforcement of the Compact Rules was resolved in extensive education and training programs.

At the request of two compact member states, the Commission, through the general counsel, filed an amicus brief and participated in oral argument before the Massachusetts Supreme Court and provided guidance in another case in which the California Commissioner was named as a Defendant in a lawsuit regarding the interpretation and application of various compact provisions and rules: *Goe v. Commissioner of Probation et al.*, 46 N.E.3d 997 (2016) and *Fielding v. Daniel Stone and California Department of Corrections and Rehabilitation*, 2:15-CV-07086, USDC, Central Dist. of California (2016). Both matters were settled in favor of the Compact.

Chair S. Andrews (OH) accepted the legal counsel's report.

Presentations

Commissioner A. Aylward (WA) moved to suspend the Roberts Rules of Order for the remainder of the meeting. Commissioner D. Crook (VT) seconded.

Motion passed.

Chair S. Andrews (OH) introduced Senator Seitz to the Commission. Senator Seitz discussed national criminal justice reform trends, legislative efforts, overcoming roadblocks, and developing strategies to advance public safety.

State Senator Bill Seitz, a lifelong resident of Western Hamilton County, has worked to represent the best interests of the Greater Cincinnati area at the statehouse. Known for his colorful floor speeches and legal acumen, in a ranking of all 132 legislators published by Columbus Monthly Magazine, Seitz was rated best speechmaker, funniest and was recognized for his effectiveness, his knowledge and his hard work.

Throughout his legislative career, Senator Seitz has been at the forefront of criminal and civil justice issues, leading the effort to reform Ohio's criminal sentencing laws and eliminate the barriers to employment many non-violent offenders face following their release from prison. He has also worked to enhance penalties for violent offenders and to keep sexual predators away from our children.

He was the key architect of Ohio's sweeping tort reforms by which nearly two dozen such bills between 2001-2004 transformed Ohio's civil justice landscape and made Ohio more business-friendly. In these endeavors, he was aided by his legal background. counsel to the Dinsmore & Shohl, LLP law firm since 1978 where he received distinction several times as a *Best Lawyer in America*.

Throughout his adult life, and despite increasing responsibilities in Columbus, Seitz served organizations that promoted livable neighborhoods and strong local communities. He served as president of the Westwood Civic Association and the Western Economic Council; secretary of the Bridgetown Civic Association; a Cincinnati Recreation Commission Commissioner, and a trustee of Invest in Neighborhoods. He also remained active with the Price Hill/Western Hills Kiwanis Club and maintained strong support of law enforcement as a member of the Fraternal Order of Police Associates and past president and secretary of the Cincinnati District 3 Police-Community Relations Committee.

Chair S. Andrews (OH) introduced Dr. Latessa and Dr. Lowenkamp to the Commission. They gave a presentation on organizational development/culture change, implementation science and sustaining effective offender management; risk assessment/evidence based decision-making; recidivism trends and the value of data; and strategies to use program evaluation and effectiveness when making funding decisions.

Dr. Christopher T. Lowenkamp is a social science analyst for the Administrative Office of the US Courts, Probation and Pretrial Services Office. He has prior experience as the director of the Center for Criminal Justice Research, an assistant director of The Corrections Institute and a research professor at the University of Cincinnati.

Dr. Lowenkamp also served as a probation officer and a jail emergency release coordinator in Summit County Ohio, which was when his interests in risk assessment developed. Over the last 20 years Dr. Lowenkamp's research focused on risk assessment, the evaluation of correctional programs, and innovations in community supervision.

Dr. Edward J. Latessa is a PhD recipient from Ohio State University and is director and professor in the School of Criminal Justice at the University of Cincinnati. He is published in over 150 works in the area of juvenile justice, criminal justice and corrections. And, he is author of eight books including *What Works (and Doesn't) in Reducing Recidivism*, *Corrections in the Community*, and *Corrections in America*.

Professor Latessa has directed over 150 funded research projects including studies of day reporting centers, juvenile justice programs, drug courts, prison programs, intensive supervision programs, halfway houses, and drug programs. He and his staff have also assessed over 600 correctional programs throughout the United States, and he has provided assistance and workshops in over forty-five states. He has also received numerous awards.

Award Presentations

Executive Chair Award presented to Commissioner R. Maccarone (NY) by Chair S. Andrews (OH).

Executive Director Award presented to DCA J. Ingle (UT) by Executive Director H. Hageman and Commissioner J. Hudspeth (UT).

Peyton Tuthill Award presented to Victims' Advocate Anne Seymour (FL) in recognition of her service and commitment to victims by Chair S. Andrews (OH) and DCA T. Strickland (FL). Ms. Seymour was not able to attend the meeting.

Committee Chairs Recognition

Chair S. Andrews (OH) recognized officers and committee chairs for their service and dedication: Chris Norman – vice-chair, Charles Lauterbach – treasurer, Jane Siegel – Rules Committee, Tracy Hudrlik – DCA Liaison Committee, Gary Roberge – Technology Committee, Anne Precythe – Training Committee, and Jeremiah Stromberg – Compliance Committee chair.

New Business

Executive Director H. Hageman retires at the end of the year. Chair S. Andrews and Ex-Officio A. Lippert presented him with an appreciation gift.

Election

Commissioner D. Crook (VT), the nomination committee spokesperson, presented the following sleight for nominations and asked the nominees to accept the nominations:

- Chair – Sara Andrews accepted the nomination.
- Vice-chair – Chris Norman accepted the nomination.
- Vice-chair – Jeremiah Stromberg accepted the nomination.
- Treasurer – Charles Lauterbach respectfully declined the nomination.

Commissioner C. Belden (AK) moved to nominate Commissioner Morgan (CO) for Treasurer. Commissioner R. Marlan (MI) seconded.

Motion passed.

Treasurer – Alison Morgan accepted the nomination.

Chair S. Andrews (OH) asked for the nominations from the floor. No other nominations were received.

Commissioner C. Norman (AL) and Commissioner J. Stromberg (OR) presented their election speech to the Commission.

The Commission voted to elect Commissioner Stromberg as the Commission's vice-chair.

The Commission voted to accept the presented sleight.

Judge Russo (OH) administered the oath of office to newly elected officers: Sara Andrews – chair, Jeremiah Stromberg – vice-chair, and Alison Morgan – treasurer.

Chair S. Andrews (OH) announced that the 2017 Annual Business meeting is scheduled for October 10-11, 2017 in Pittsburgh, PA.

Adjourn

The Commission adjourned at 3:35 pm EDT.



Notice of Public Hearing

The Interstate Commission for Adult Offender Supervision (ICAOS) will vote on proposals to amend ICAOS Rules at the 2017 Annual Business Meeting in Pittsburgh, Pennsylvania on Wednesday, October 11, 2017.

In accordance with ICAOS Rule 2.109(c), the Rules Committee shall publish the text of the proposed rules or amendments no later than 30 days prior to the meeting at which the vote on the rule is scheduled. The full text of the proposals is viewable at <http://bit.ly/ABM17-Rule-Proposals>.

Interested persons may submit written comments regarding the above proposed rules or amendments. Electronically submitted comments can be emailed to icaos@interstatecompact.org. If electronic submission is not possible, mail comments to:

Attention:

Ashley Lippert
Interstate Commission for Adult Offender Supervision
836 Euclid Ave., Suite 322
Lexington, KY 40502

Electronically submitted written comments must be received by 3:00 pm ET on Sunday, October 8, 2017. Mailed comments must be postmarked by September 29, 2017 to ensure timely receipt.

Interested persons may testify in person at the public hearing. As a courtesy, those interested in testifying in person should please submit notice of their intention to attend to Barno Saturday, bsaturday@interstatecompact.org or by calling 859-721-1056.

Location:

Wyndham Grand Pittsburgh Downtown
Commonwealth Meeting Room
600 Commonwealth Pl, Pittsburgh, PA 15222

Time & Date:

4:00 pm–5:00 pm ET on Monday, October 9, 2017

Proposal to create/amend rules:

Rule 2.104 Forms

- (a) States shall use the forms or electronic information system authorized by the commission.
- ~~(b) The sending state shall retain the original forms containing the offender's signature until the termination of the offender's term of compact supervision.~~
- (c) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

Rule 3.107 Transfer request

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
 - ~~(1) transfer request form;~~
 - (1) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
 - (2) photograph of offender;
 - (3) conditions of supervision;
 - (4) any orders restricting the offender's contact with victims or any other person;
 - (5) any known orders protecting the offender from contact with any other person;
 - (6) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (7) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
 - (8) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
 - (9) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
 - (10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
 - (11) summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.
- ~~(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state.~~ A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no

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more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

Justification:

Many jurisdictions nationwide are moving toward a paperless system. Proposal provides an option for the sending state to retain originals if they choose. Requiring a 'paperless' state to create a folder just to save a printed copy of an Application for Interstate Transfer form is in direct conflict with what they are trying to achieve.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Scope and Metric

N/A

Proposal History/Committee Action:

Rules Committee May 9, 2017: Motion to forward the rule's committee's version (as presented to amend Rules 2.104 & 3.107) using the East Region's justifications with a request for the East region to withdraw its proposal for Rule 3.107 made by S. Arruti, seconded by D. Clarke. Motion carried.

East Region June 21, 2017: Motion to approve the Rule's Committee's version to Rule 2.104 & 3.107 made by M. McAlister seconded by R. Maccarone. Motion carried.

Rules Committee August 9, 2017: Motion to forward the proposal for commission vote as presented made by S. Arruti, seconded by J. Nimer. Motion carried.

Effective date:

March 1, 2018

Proposal to create/amend rules:

Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services

- (a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:
- (1) *Transfers of military members*- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders or other proof of deployment for the military member shall be provided at the time of the request.
 - (2) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. A copy of the military orders or other proof of deployment for the military member shall be provided at the time of the request.
 - (3) *Employment transfer of family member to another state*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.
 - (4) *Employment transfer of the offender to another state* – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.

(5) *Transfers of veterans for medical or mental health services*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

(A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and

(B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.

(b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.

(c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.

(d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

Justification:

A high percentage of these requests are found to not meet the requirements of these rules once documentation is received. It is incumbent upon the sending state to provide documentation as part of the request.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

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None. As with veterans relocating for treatment, documentation may be provided within the 'conditions' section of the RFRI request

Scope and Metric

Based on 2016 ICOTS data: Number of ICOTS cases expected to effect.

- Military Transfer Offender: 0.05%
- Military Transfer Family Member: 0.22%
- Employment Transfer Family Member: 0.17%
- Employment Transfer Offender: 0.41%

Proposal History/Committee Action:

East Region January 11, 2017: Motion to recommend proposal from East Region to amend Rule 3.101-1 made by M. Potteiger, seconded by G. Roberge. Motion carried.

Rules Committee February 2, 2017: Motion to forward EAST region proposals (Rule 3.101-1, 3.107 & 5.102) for Commission consideration made by R. Maccarone, seconded by S. Arruti. Motion carried.

Rules Committee May 9, 2017: Motion to recommend modified proposal from East Region to amend Rule 3.101-1 made by D. Littler, seconded by D. Clark. Motion carried.

East Region June 21, 2017: By consensus, the East region approved the formatting changes to the proposal to amend Rule 3.101-1.

Rules Committee August 9, 2017: Motion to forward proposal as presented for commission vote made by S. Arruit, seconded by R. Maccarone. Motion carried.

Effective date:

March 1, 2018

Proposal to create/amend rules:

Rule 3.104 Time allowed for investigation by receiving state

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.
- (b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.
- (c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless 3.104 (b) or (c) applies.
- (c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.

Commented [M1]: See other proposals for 4.111 (a) (EAST-RULES), 4.111 (b),(c)&(d) (EAST-RULES) & 4.111 (d) (MIDWEST)

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- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

C creates allowance for resubmittal without requiring offender's return 3.104 & 4.111 (b):

Currently, the only time an offender is allowed to remain in the receiving state after receiving a rejection is when the offender is there with granted reporting instructions and the rejection is due to an incomplete TREQ (Rule 3.104(b)). In that instance, the offender's reporting instructions will remain in effect provided the sending state submits a completed TREQ within 15 business days following the rejection. However, if the offender's TREQ is rejected for any other reason, i.e. some aspect of the offender's plan of supervision is found to be unacceptable, the current rule requires the receiving state to initiate the offender's return within 7 business days of submitting the rejection, even if the offender has another plan of supervision to propose. With the current way the rule is written, the receiving state has no discretion to allow an offender to remain in the receiving state with granted reporting instructions while the sending state resubmits an alternative plan of supervision for investigation after receiving a rejection.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None, compact offices managing rejections can ensure either rejections contain alternate plan of supervision information prior to transmission of the rejection. Current ICOTS reports for rejected cases where offender is either in the sending or receiving state can be used to assist in tracking and providing necessary follow up for these cases.

Scope and Metric

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Since timeframe is same for rejections for incomplete, current ICOTS reports can be used to manage these instances too.

Proposal History/Committee Action:

East Region March 21, 2017: Motion to recommend proposal from East Region to amend Rule 4.111 made by G. Roberge, seconded by P. Treseler. Motion carried.

Rules Committee May 9, 2017: Motion to recommend proposal to Rule 4.111 (b) & 3.104 from East Region with modifications made by D. Littler, seconded by J. Nimer. Motion carried.

East Region June 21, 2017: Motion to approve the Rule's Committee's version to Rule 3.104 & 4.111 (b) made by S. McCaffrey, seconded by G. Roberge. Motion carried.

Rules Committee August 9, 2017: Motion to forward proposal for commission vote with amendment to remove 'valid' from 3.104 made by R. Maccarone, seconded by D. Littler. Motion carried.

Effective date:

March 1, 2018

Proposal to create/amend rules:

Rule 3.108-1 Victims' right to be heard and comment

- (a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall, at the time of notification to the victim as required in Rule 3.108 (a), inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office at any time by telephone, telefax, or conventional or electronic mail regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.
- (b)
 - (1) Victims shall have ~~40~~ 15 business days from receipt of notice required in Rule 3.108-1 (a) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.
 - (2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.
- (c) Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding their concerns relating to the transfer request for their safety and family members' safety. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose special conditions of supervision on the offender, if the safety of the offender's victims or family members of victims is deemed to be at risk by the approval of the offender's request for transfer.
- (d) The sending state shall respond to the victim no later than 5 business days following receipt of victims' comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.

Justification:

Victims should have 15 days as the victim may need to process the implication and impact as well as the initial emotion that may occur. This would provide for a total of 20 days. Rules provide time frames for compact offices of 30 days in many rules and offenders may request expedited instructions and travel with 7 days. Victims deserve and it should be their right to have additional time if they need it.

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The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None.

Scope and Metric

N/A

Proposal History/Committee Action:

Rules Committee May 9, 2017: Motion to recommend proposal submitted by Pat Tuthill (victim's rep) to amend Rule 3.108-1 made by D. Littler, seconded by R. Maccarone. Motion carried.

Rules Committee August 9, 2017: Motion to forward proposal as presented made by D. Littler, seconded by S. Arruti. Motion carried.

Effective date:

March 1, 2018

2017-4111(a)-EAST-RULES

Proposal to create/amend rules:

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- (c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

Commented [M1]: See other proposals for 4.111 (b) (EAST-RULES), 4.111 (b),(c)&(d) (EAST-RULES) & 4.111 (d) (MIDWEST)

2017-4111(a)-EAST-RULES

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

Reason(s) for the offender's return 4.111 (a): Currently, when a sending state receives a RFRI for a transferred offender returning to the sending state, there is no requirement for the receiving state to explain why the offender is returning. This rule change will assist in transitioning the offender back to the sending state, will improve safety for the community and victim(s), assist in addressing the offender's needs, their plan of supervision and provide the best chance of success for the offender. This information would be valuable to have and prevents the sending state from having to rely on the offender's version only. This can be achieved through an ICOTS enhancement, Compact Action Request or other means of communication between compact offices.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

As this specific 2017 proposal is the only one involving an ICOTS impact, the Commission has approved implementation for several ICOTS enhancements during FY2018. Adding a new data/attachment field on the RFRI reason screen is included (regardless if this proposed amendment passes.) This field may be used by the receiving state to provide the reason for return. Although package of enhancements is estimated at \$90,000, this specific data/attachment field's cost is estimated to be approximately \$3,100. Compact offices will be responsible to review and ensure the information is provided when a receiving state requests return RI's.

Scope and Metric

Although the attachment field will not be mandatory for the end user, data will be captured and displayed on the PDF representation of the RFRI and through external data to ensure compliance.

Proposal History/Committee Action:

East region March 21, 2017: Motion to recommend proposal from East Region to amend Rule 4.111 made by G. Roberge, seconded by P. Treseler. Motion carried.

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Rules Committee May 9, 2017: Motion to recommend modified proposal from East Region to amend Rule 4.111 (a) made by R. Maccarone, seconded by S. Arruti. Motion carried.

East Region June 21, 2017: Motion to approve the Rule's Committee's version to Rule 4.111 (a) made by G. Roberge seconded by A. Grinstead. Motion carried.

Rules Committee August 9, 2017: Motion to forward proposal as presented made by S. Arruti, seconded by R. Maccarone. Motion carried.

Effective date:

March 1, 2018

2017-4111bcd-EAST-RULES

Proposal to create/amend rules:

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved ~~granted~~ reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days; or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (c) Except as provided in subsection ~~(d)~~(e), the sending state shall grant the request ~~and provide reporting instructions~~ no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The ~~sending state instructions~~ shall direct the offender to return to the sending state within 15 business days from the date the request was received. ~~of the reporting instructions request~~
- (d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (e) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (f) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- (g) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

Commented [M1]: See other proposals for 4.111 (a) (EAST-RULES), 4.111 (b) (EAST-RULES) & 4.111 (d) (MID WEST)

Commented [M2]: If Midwest passes too, it would go here

2017-4111bcd-EAST-RULES

Justification:

The logic in supporting this proposed rule change to Rule 4.111 Offenders returning to the Sending State:

Clarifies responsibilities 4.111 (b), (c) & (d): This rule proposal clarifies that the sending state issues the reporting instructions and provides the date the offender is to return to the sending state. This proposal also clarifies that the receiving state is responsible to provide the instructions to the offender who has previously arrived pursuant to approved reporting instructions and to determine the intended departure date. If unable to provide the instructions or the offender's location is determined unknown after arriving in the receiving state pursuant to initial approved reporting instructions, the receiving state shall follow steps in Rule 4.109-2 in an attempt to locate the offender.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None. Proposal clarifies responsibilities for ICOTS activities related to reporting instructions for returning offenders and expectations when it is possible the offender absconded after arriving in the receiving state with approved reporting instructions.

Scope and Metric

Number of absconder OVRs after denial (acceptance date=NULL) or none

Proposal History/Committee Action:

East Region March 21, 2017: Motion to recommend proposal from East Region to amend Rule 4.111 made by G. Roberge, seconded by P. Treseler. Motion carried.

Rules Committee May 9, 2017: Motion to recommend modified proposal from East Region to amend Rule 4.111 (c) & (d) made by S. Arruti, seconded by R. Maccarone. Motion carried.

East Region June 21, 2017: Motion to approve the Rule's Committee's version to Rule 4.111(c) & (d) made by M McAlistler, seconded by G. Roberge. Motion carried.

Rules Committee August 9, 2017: Motion to forward proposal as amended, adding new language in section (b) as suggested by NY and additional clarification noting the rule

2017-4111bcd-EAST-RULES

applies to offenders who have arrived in the receiving state, made by R. Maccarone, seconded by D. Littler. Motion carried.

Effective date:

March 1, 2018

Proposal to create/amend rules:

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- (c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

Justification:

When an offender returns to the sending state on approved reporting instructions, the Notice of Departure is submitted upon the offender's departure by the receiving state per Rule 4.111 (e). Rule 4.112 provides the receiving state may close its supervision of an offender and cease supervision upon Rule 4.112 (a)(5) return to sending state. Since it is not explicitly referred to in Rule 4.111, the receiving state may not receive confirmation of the offender's return as required in Rule 4.105. Although the Case Closure Notice reply may include this information when it is submitted to the receiving state, which by Rule must occur within 10 business days of receipt, there is no requirement the offender's arrival or failure to arrive be documented.

2017-4111-MIDWEST

The Training Committee made efforts to address this through Rule Amendment training in 2016 by emphasizing that states should verify the offender's return and submit a Notice of Arrival or failure to arrive before validating the Case Closure Notice. In the interest of public safety and sound accountability practices, this Rule Amendment would provide clear direction to the sending state that a Notice of Arrival shall be submitted upon the offender's arrival or failure to arrive prior to validating the Case Closure Notice.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None. ICOTS already has the functionality to submit a Notice of Arrival upon the offender's return to the sending state. Compact offices must ensure NOA's have been submitted prior to transmitting the Case Closure Response.

Scope and Metric

Per ICOTS data, 6,132 offenders returned to the sending state while on supervision in 2016.

Proposal History/Committee Action:

Midwest Region February 21, 2017: Motion to recommend proposal from Midwest Region to amend Rule 4.111 made by J. Nordemeyer, seconded by T. Hudrlik. Motion carried. Nebraska will draft and forward the justification for the proposal.

Rules Committee May 9, 2017: Motion to forward the Midwest region's proposal with recommended changes made by the rules committee made by D. Clark, seconded by R. Maccarone. Motion carried.

Midwest Region June 22, 2017: Motion to approve the Rules Committee's recommended changes to the proposal to Rule 4.111 (e) made by S. Andrews, seconded by J. Seigel. Motion carried.

Rules Committee August 9, 2017: Motion to forward proposal as presented for commission vote made by D. Clark, seconded by S. Arruit. Motion carried.

Effective date:

2017-4111-MIDWEST

March 1, 2018

Proposal to create/amend rules:

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

(a) Upon a request from the receiving state, a sending state shall retake an offender from ~~the receiving state or a subsequent receiving state~~ or any state after the offender's conviction for a new felony offense or new violent crime and:

- (1) completion of a term of incarceration for that conviction; or
- (2) placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

Justification:

The intent of this proposal is to include retake from any state where an offender receives a new conviction for these types of offenses that occurred while under compact supervision.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Scope and Metric

N/A

Proposal History/Committee Action:

East Region January 11, 2017: Motion to recommend proposal from East Region to amend Rule 5.102 made by M. Potteiger, seconded by G. Roberge. Motion carried.

2017-5102-EAST-RULES

Rules Committee February 2, 2017: Motion to forward EAST region proposals (Rule 3.101-1, 3.107 & 5.102) for Commission consideration made by R. Maccarone, seconded by S. Arruti.

Rules Committee May 9, 2017: Motion to recommend modified proposal from East Region to amend 5.102 made by R. Maccarone, seconded by C. Moore. Motion carried.

East Region June 21, 2017: Motion to approve the Rule's Committee's version to Rule 5.102 made by M. Potteiger, seconded by S. McCaffrey. Motion carried.

Rules Committee August 9, 2017: Motion to recommend the East Region withdraw proposal to Rule 5.102 made by D. Littler, seconded by R. Maccarone. Motion carried.

- *Based on discussion regarding conflict with definition of 'retaking,' or related retaking rules and the proposal.*

Effective date:

XXXXX, 2018

Incoming and Outgoing Cases Involving Offenders on Compact Supervisions as of the Close of FY 2017

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	651	3,002	18	3,609	477	1,349	3	1,816	5,425
Alaska	57	129	6	190	25	92	47	161	351
Arizona	618	1,476	-	2,049	228	2,558	-	2,768	4,817
Arkansas	631	1,574	9	2,188	1,724	1,345	16	3,077	5,265
California	1,368	4,083	62	5,465	638	2,268	1	2,899	8,364
Colorado	343	1,245	4	1,562	868	2,396	-	3,221	4,783
Connecticut	151	777	-	915	142	1,033	-	1,172	2,087
Delaware	211	623	16	817	8	305	9	322	1,139
District of Columbia	160	871	18	968	-	457	-	455	1,423
Florida	1,924	5,649	68	7,500	181	5,721	7	5,877	13,377
Georgia	1,174	3,697	5	4,799	1,183	7,944	38	9,022	13,821
Hawaii	33	119	-	151	117	217	-	332	483
Idaho	149	409	24	577	571	1,251	5	1,824	2,401
Illinois	1,178	3,369	-	4,487	1,002	2,152	-	3,129	7,616
Indiana	702	2,209	1	2,877	295	2,044	-	2,314	5,191
Iowa	295	1,071	11	1,351	457	944	6	1,396	2,747
Kansas	455	1,128	1	1,557	454	1,308	1	1,744	3,301
Kentucky	423	1,909	5	2,307	913	2,549	3	3,446	5,753
Louisiana	801	1,855	11	2,639	1,237	1,596	13	2,780	5,419
Maine	89	303	1	386	3	256	-	259	645
Maryland	484	3,014	19	3,436	464	1,414	56	1,756	5,192
Massachusetts	190	1,334	-	1,504	93	1,033	-	1,109	2,613
Michigan	669	2,022	23	2,661	565	1,095	1	1,655	4,316
Minnesota	343	1,330	41	1,690	392	2,444	3	2,771	4,461
Mississippi	697	1,515	13	2,195	482	1,522	7	2,005	4,200
Missouri	910	2,440	20	3,327	1,323	3,289	1	4,510	7,837
Montana	105	351	16	465	168	618	222	1,005	1,470
Nebraska	266	601	-	849	74	369	-	442	1,291
Nevada	223	781	12	1,006	438	1,111	4	1,547	2,553
New Hampshire	89	553	-	636	198	267	-	462	1,098
New Jersey	608	2,007	-	2,572	947	2,288	5	3,178	5,750
New Mexico	225	855	3	1,071	179	734	6	845	1,916
New York	838	4,150	3	4,847	1,538	1,803	-	3,325	8,172
North Carolina	1,047	3,677	47	4,684	303	1,204	21	1,497	6,181
North Dakota	120	693	21	817	44	605	107	744	1,561
Ohio	1,028	3,053	15	4,042	765	1,909	2	2,650	6,692
Oklahoma	867	1,698	16	2,554	197	1,543	2	1,739	4,293
Oregon	291	964	42	1,291	526	758	38	1,315	2,606
Pennsylvania	628	2,344	10	2,939	1,707	4,238	7	5,849	8,788
Puerto Rico	127	146	-	272	20	109	-	129	401
Rhode Island	45	442	-	485	31	852	-	875	1,360
South Carolina	580	2,200	13	2,750	129	784	3	911	3,661
South Dakota	96	439	-	516	238	463	-	698	1,214
Tennessee	938	3,779	30	4,668	450	2,420	17	2,882	7,550
Texas	2,292	4,587	1	6,757	2,831	6,532	5	9,284	16,041
Utah	170	552	6	722	147	310	3	458	1,180
Vermont	72	191	1	262	104	279	1	384	646
Virgin Islands	10	29	-	39	7	5	-	12	51
Virginia	617	1,692	29	2,293	275	6,532	41	6,686	8,979
Washington	506	1,455	90	2,034	114	537	5	655	2,689
West Virginia	200	1,133	4	1,306	372	317	1	687	1,993
Wisconsin	333	1,476	14	1,787	1,317	1,575	56	2,932	4,719
Wyoming	91	306	16	406	157	563	2	719	1,125
Total	27,118	87,307	765	113,277	27,118	87,307	765	113,730	227,007

**Interstate Compact for Adult Offender Supervision
State Dues Assessment FY18**

State	State Dues Ratio	State Population	US Population	State Offender Transfers	US Offender Transfers	State Dues
U.S. Virgin Islands	0.000280358	102,000	312,573,327	54	230,382	\$10,314.65
Alaska	0.002182192	710,231	312,573,327	482	230,382	\$20,629.30
Vermont	0.002333520	625,741	312,573,327	614	230,382	\$20,629.30
Wyoming	0.003074069	563,626	312,573,327	1,001	230,382	\$20,629.30
Maine	0.003325060	1,328,361	312,573,327	553	230,382	\$20,629.30
Hawaii	0.003478156	1,360,301	312,573,327	600	230,382	\$20,629.30
North Dakota	0.003910316	672,591	312,573,327	1,306	230,382	\$20,629.30
Delaware	0.003979959	897,934	312,573,327	1,172	230,382	\$20,629.30
Dist. of Columbia	0.004003133	601,723	312,573,327	1,401	230,382	\$20,629.30
South Dakota	0.004076037	814,180	312,573,327	1,278	230,382	\$20,629.30
Rhode Island	0.004444344	1,052,567	312,573,327	1,272	230,382	\$20,629.30
New Hampshire	0.004536603	1,316,470	312,573,327	1,120	230,382	\$20,629.30
Montana	0.004545164	989,415	312,573,327	1,365	230,382	\$20,629.30
Nebraska	0.005623494	1,826,341	312,573,327	1,245	230,382	\$20,629.30
West Virginia	0.006677493	1,852,994	312,573,327	1,711	230,382	\$20,629.30
Puerto Rico	0.006956036	3,725,789	312,573,327	459	230,382	\$20,629.30
Utah	0.006982143	2,763,885	312,573,327	1,180	230,382	\$20,629.30
Idaho	0.007392907	1,567,582	312,573,327	2,251	230,382	\$20,629.30
New Mexico	0.007877605	2,059,179	312,573,327	2,112	230,382	\$20,629.30
Nevada	0.009480861	2,700,551	312,573,327	2,378	230,382	\$28,651.80
Connecticut	0.010253158	3,574,097	312,573,327	2,090	230,382	\$28,651.80
Iowa	0.011030190	3,046,355	312,573,327	2,837	230,382	\$28,651.80
Kansas	0.011426433	2,853,118	312,573,327	3,162	230,382	\$28,651.80
Oregon	0.012517668	3,831,074	312,573,327	2,944	230,382	\$28,651.80
Mississippi	0.015244343	2,967,297	312,573,327	4,837	230,382	\$28,651.80
Oklahoma	0.015359124	3,751,351	312,573,327	4,312	230,382	\$28,651.80
Massachusetts	0.016003695	6,547,629	312,573,327	2,548	230,382	\$28,651.80
South Carolina	0.016334006	4,625,364	312,573,327	4,117	230,382	\$28,651.80
Washington	0.016707726	6,724,540	312,573,327	2,742	230,382	\$28,651.80
Arkansas	0.016724778	2,915,918	312,573,327	5,557	230,382	\$28,651.80
Minnesota	0.017452004	5,303,925	312,573,327	4,132	230,382	\$28,651.80
Colorado	0.017945773	5,029,196	312,573,327	4,562	230,382	\$28,651.80
Kentucky	0.019461868	4,339,367	312,573,327	5,769	230,382	\$28,651.80
Wisconsin	0.019486310	5,686,986	312,573,327	4,787	230,382	\$28,651.80
Maryland	0.020058844	5,773,552	312,573,327	4,987	230,382	\$28,651.80
Arizona	0.020112753	6,392,017	312,573,327	4,556	230,382	\$28,651.80
Alabama	0.020448433	4,779,736	312,573,327	5,899	230,382	\$28,651.80
Louisiana	0.020488405	4,533,372	312,573,327	6,099	230,382	\$28,651.80
Indiana	0.023033229	6,483,802	312,573,327	5,834	230,382	\$28,651.80
Michigan	0.025454965	9,883,640	312,573,327	4,444	230,382	\$28,651.80
New Jersey	0.026592921	8,791,894	312,573,327	5,773	230,382	\$36,674.30
Tennessee	0.026925700	6,346,105	312,573,327	7,729	230,382	\$36,674.30
Missouri	0.028023316	5,988,927	312,573,327	8,498	230,382	\$36,674.30
North Carolina	0.028650508	9,535,483	312,573,327	6,173	230,382	\$36,674.30
Virginia	0.030480138	8,001,024	312,573,327	8,147	230,382	\$36,674.30
Ohio	0.032545889	11,536,504	312,573,327	6,493	230,382	\$36,674.30
Illinois	0.037723890	12,830,632	312,573,327	7,925	230,382	\$36,674.30
Pennsylvania	0.038037437	12,702,379	312,573,327	8,164	230,382	\$36,674.30
Georgia	0.047580278	9,687,653	312,573,327	14,783	230,382	\$44,696.81
New York	0.047869668	19,378,102	312,573,327	7,774	230,382	\$44,696.81
Florida	0.059862522	18,801,310	312,573,327	13,725	230,382	\$44,696.81
California	0.077241295	37,253,956	312,573,327	8,132	230,382	\$52,719.31
Texas	0.077602682	25,145,561	312,573,327	17,223	230,382	\$52,719.31

\$1,516,253.26

ICAOS Budget
Fiscal Years 2017-2019

	FY17 <u>Final Budget</u>	FY18 <u>Budget</u>	FY19 <u>Proposed Budget</u>
<u>REVENUE</u>			
Dues Assessment	\$1,517,884.29	\$1,516,253.26	\$1,516,253.26
Cash Reserve	\$147,511.74	\$0.00	\$36,000.00
Dividend Income	\$26,004.60	\$15,000.00	\$15,000.00
INTEREST INCOME**	\$9,455.57	\$14,000.00	\$14,000.00
Total Administration Revenue	\$1,700,856.20	\$1,545,253.26	\$1,581,253.26
<u>EXPENSE</u>			
60000 SALARIES & WAGES	\$423,811.75	\$440,000.00	\$449,000.00
61000 EMPLOYEE BENEFITS	\$186,538.53	\$155,000.00	\$180,000.00
61040 ACCOUNTING	\$6,623.82	\$12,000.00	\$12,000.00
61079 EDUCATION, ACCREDITATION	\$0.00	\$1,000.00	\$1,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$1,075.85	\$1,200.00	\$1,200.00
62000 SUPPLIES	\$1,701.50	\$4,500.00	\$4,500.00
62010 POSTAGE	\$567.59	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$12,365.04	\$12,000.00	\$12,000.00
62130 OUTSIDE WEB SUPPORT	\$27,997.50	\$1,000.00	\$1,000.00
62140 SOFTWARE PURCHASE	\$2,681.47	\$5,000.00	\$5,000.00
62280 INSURANCE	\$11,819.00	\$12,000.00	\$12,000.00
62310 PHOTOCOPY	\$624.68	\$1,500.00	\$1,500.00
62320 MISCELLANEOUS	\$402.80	\$0.00	\$0.00
62360 DIRECT TELEPHONE EXPENSE	\$5,964.23	\$7,000.00	\$7,000.00
62370 CELL PHONE EXPENSE	\$2,349.22	\$3,500.00	\$3,500.00
62410 MARKETING/ADVERTISING	\$585.00	\$0.00	\$0.00
66000 EQUIPMENT PURCHASE	\$3,231.73	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$18,910.30	\$27,000.00	\$27,000.00
68230 MEETING EXPENSE	\$336.18	\$500.00	\$500.00
72000 CONSULTANT SERVICES	\$3,356.58	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$4,421.04	\$5,000.00	\$5,000.00
78050 PRINTING	\$283.35	\$0.00	\$0.00
80000 LEGAL SERVICES	\$10,625.00	\$25,000.00	\$25,000.00
85000 RENT	\$29,625.40	\$34,000.00	\$35,000.00
91010 INDIRECT COST	\$20,994.36	\$0.00	\$0.00
Total Administration Expenditures	\$776,891.92	\$768,700.00	\$803,700.00
<u>OTHER EXPENSE</u>			
11356 Executive Committee Meetings	\$25,723.38	\$15,000.00	\$15,000.00
11363 Annual Meeting	\$172,154.55	\$186,000.00	\$205,000.00
11364 Compliance Committee	\$0.00	\$1,000.00	\$1,000.00
11365 Finance Committee	\$0.00	\$500.00	\$500.00
11366 Rules Committee	\$9,714.97	\$10,000.00	\$20,000.00
11367 Technology Committee	\$0.00	\$1,000.00	\$1,000.00
11368 Training/Education Committee	\$5,659.00	\$10,000.00	\$10,000.00
11370 ABM Workgroup	\$0.00	\$12,000.00	\$12,000.00
11371 DCA Liaison Committee	\$0.00	\$1,000.00	\$1,000.00
11372 Annual Report	\$1,307.00	\$2,000.00	\$2,000.00
11352 Defense Litigation	\$0.00	\$10,000.00	\$10,000.00
11354 ICOTS	\$559,199.59	\$500,000.00	\$500,000.00
Long-term Investment Fund	\$0.00	\$0.00	\$0.00
Other Indirect Cost	\$10,578.88	\$0.00	\$0.00
Total Other Expense	\$784,337.37	\$748,500.00	\$777,500.00
Total Commission Expenses	\$1,561,229.29	\$1,517,200.00	\$1,581,200.00



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

**ANNUAL BUSINESS MEETING • PITTSBURGH, PENNSYLVANIA
OCTOBER 11, 2017**

**Information Technology Committee Report to Commissioners of the Interstate Commission
for Adult Offender Supervision**

The Information Technology Committee (ITC) conducted seven meetings since last year's annual business meeting.

The Information Technology Committee consists of ten members, including five commissioners and five ex-officio members. Commissioners include Gary Roberge – chair (CT), Nancy Ware – vice chair (DC), Chris Norman (AL), Sheila Sharp (AR), and Shawn Arruti (NV). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), Candice M. Alfonso (NJ), Felix Rosa (NY), and Julie Lohman (VA).

The following are highlights of the Information Technology Committee's fiscal year 2017 activities:

FBI NDex Data Sharing

Each month, the national office exports over 200,000 compact records, which includes offender case and offense information, to the FBI NDex data center.

Fusion Center Data Exchange Project

The Commission continued its Fusion Center Data Exchange project where ICOTS offender and residence information is shared with state fusion centers around the country, including Connecticut, Georgia, North Carolina, and New York.

ICOTS Offender Photos

The national office conducted a comprehensive analysis of active offender photos from ICOTS during FY 2017. The primary objective of the offender photo analysis was to better understand the current quality of photos in the application and to develop recommendations for photo quality standards for the Commission to consider. National Office staff manually reviewed over 114,000 photos, and based upon predetermined evaluation criteria, the overall rate of “bad” or inferior photo quality was 15%, or a little over 17,000 photos. The national office developed photo quality criteria and presented standards to the Executive Committee. The Committee adopted the recommended standards and decided that, in FY 2018, the national office was to re-audit states found to have five percent or more photos deemed “bad.”

Only photos uploaded to ICOTS as of July 1, 2017 will be included in the audit.

ICOTS VINEWatch

Members of the ITC tested the victim notifications from VINEWatch. Appriss has been addressing identified issues. Appriss began development of the open registration process for victims of ICOTS offenders. Completion of the project was scheduled for September 2017. The new public-facing portal will be called ICOTS Victim Information Notification Service (IVINS).

ICOTS Data Exports

Connecticut and Virginia continue to collaborate with Appriss and are receiving data exports of ICOTS data on a daily basis. Both states are to utilize this data in conjunction with their internal case management information systems to create activity reports for their supervision officers and further enhance compliance with ICAOS supervision and reporting activities. Arkansas is the latest state to move forward with receiving regular ICOTS data exports to integrate with their own case management system. They are in the final stages of completing the project.

Rule Amendment Release 2017

Appriss implemented a new code release, on May 31, 2017, incorporating the rule changes that were approved during the 2016 ABM. This release included significant modifications to the functionality of both the progress report activity and the offender violation report. A workgroup consisting of DCAs spent two weeks testing the modifications before going into production. The workgroup identified 11 significant bugs that were addressable prior to the nationwide release.

ICOTS FY 2018 Enhancements

In the FY 2017 budget, the Executive Committee approved a \$90,000 appropriation for enhancements to ICOTS. As noted in reports from previous years, the ITC analyzed, prioritized and maintained a list of recommended enhancements based upon the impact to field users and the cost estimates and statements of work provided by Appriss.

The ITC is working with the ICAOS national office and Appriss to implement a number of system upgrades throughout FY2018. There are four to five releases scheduled incorporating

approximately 15-18 system enhancements. Each release is to be supported by a user acceptance testing phase to ensure minimal disruption to field users when a release is put into production.

ICOTS Helpdesk Support

The ICOTS Helpdesk received approximately 800 ICOTS support tickets throughout the 2017 fiscal year, which is approximately a 20% increase from FY 2016, in which the helpdesk received 665 tickets. The increase of 135 tickets this year can be mainly attributed to the rule amendment release put into production on May 31, 2017.

During the first two days subsequent to the launch, the helpdesk received approximately 90 new tickets. It is not unusual for there to be a spike in helpdesk tickets in time periods following the release of a significant development change to ICOTS. In FY 2016, ICAOS did not implement any significant development changes to ICOTS, which resulted in the fewest helpdesk tickets submitted on record.

External Reports

Usage of the external reports dropped from over 20,000 page views in FY 2016 to over 18,400 page views in FY 2017; a decrease of 8%.

Compliance Dashboards

Use of the compliance dashboards rose from over 4,130 page views in FY 2016 to over 4,290 page views in FY 2017; an increase of 3.9%.

ICAOS Website

The Commission has an update to its website this year. Amongst the new features, the website contains an interactive map that allows visitors to easily find a range of state information, new mobile features make information easier to find when using a phone or tablet, and improved navigation allows visitors to browse information based on their specific needs.

Statistics for the website this year include:

- Visits: 574,500 (9.4% increase)
- Desktop users: 304,300 (6.1% decrease)
- Mobile users: 250,900 (25% increase)
- Tablet users: 19,200 (6.7% increase)
- Mobile or tablet users account for more than 47% of the visits

The following are identified goals and challenges for FY 2017:

- Ensure that the necessary ICOTS system changes are developed and implemented prior to the effective date of any rules changes that are adopted during the 2017 Annual Business Meeting;
- Provide guidance to the Commission with respect to future ICOTS enhancements;

- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies;
- Continue to collaborate with the Commission and Appriss to enhance VINEWatch (IVINS) functionality;
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for re-taking purposes; and,
- Continue to work with Appriss regarding electronic signature of the ICOTS Privacy Policy.

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

Respectfully submitted,

Gary Roberge

Gary Roberge
Information Technology Committee Chair
Commissioner, State of Connecticut



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**Training, Education and Public Relations Committee Report to Commissioners of the
Interstate Commission for Adult Offender Supervision**

The Training Committee continued to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. This year, the Training Committee focused on assisting states with the implementation of the rule amendments and new ICOTS requirements effective June 1, 2017. Last year, the Training Committee implemented a training plan soon after the ABM in Cleveland where the Commission passed the rule amendments enhancing expectation for states to establish a single standard for supervision and affirm the authority of the receiving state to supervise a compact offender consistent with the supervision of an offender sentenced in that receiving state. The new rules provided an incentive and expectation for receiving states to not only use incentives and graduated sanctions consistent with the evidence-based principles, but also to report and document efforts used to address offender behavior in ICOTS.

Trainings this year included amendment training for compact staff in both December 2016, and May 2017. Additional general rules training for field staff was also held.

Discussions from the Compact Staff amendment training are to continue at the ABM in Pittsburgh, PA and possibly the DCA Training Institute in Orlando, FL next year. Stats show states are expanding their usage of the ICAOS On-Demand training available and requests for Technical and Training Assistance to use ICAOS' WebEx services to supplementing their own state's training efforts.

Other notable accomplishments:

- Presented at the Summer APPA Training Institute;

- Along with the Annual Business Meeting Workgroup, developed training for the 2017 ABM highlighting importance of good supervision documentation and stakeholder involvement when reporting on offender behavior and applying retaking rules;
- Expanded & revised on demand training modules and curriculum;
- Re-designed ICAOS Support in a more user friendly format;
- Provided training to over 4,000 individuals; and,
- Held DCA calls facilitated by the national office provided one-on-one information from each state's compact office on training issues.

Training issues identified during DCA calls to address in the upcoming year include:

- Maintenance of overall quality of documentation when reporting offender behavior and supervision practices, including PC hearing requirements and reporting jail time used for sanctioning;
- Continuing review of definition and application of 'behavior requiring retaking;'
- Ensuring that receiving states are engaging state council members and stakeholders such as courts, parole boards, and special rehabilitation programs in supervision decisions when those agencies are involved in supervision decisions for local offenders prior to recommending revocation; and,
- Encouraging compact offices to educate their staff on supervision practices, incentives, sanctions, alternatives to revocation, and other corrective actions imposed on offenders.

Training Committee Members: Anne L. Precythe, chair (MO); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME); Hope Cooper (KS); Dara Matson (IL); Chris Moore (GA); Joseph Clocker (MD); Russell Marlan (MI); Mark Patterson, ex-officio (OR); Sally Reinhardt-Stewart, ex-officio (NE); and Tim Strickland, ex-officio (FL).

Trainers: Margaret Thompson (PA); Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Holly Kassube (IL); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Littler (AZ); Sally Reinhardt-Stewart (NE); Joe Beaman (MI); and Tracy Hudrlik (MN).

Looking ahead in FY 2018

- Assist in development of training for rule changes including impacts to ICOTS
- Continue education on issues related to documentation of supervision practices
- Support state compact offices' responsibilities to train and involve stakeholders in their state on ICAOS rules, purposes and authority to provide the same level of supervision afforded to local offenders

- Reinforce the authority of the compact offices
- Emphasize the goals of the Compact
 - What's in the best interest of public safety?
 - What's in the best interest of the offender?

Respectfully submitted,

Anne L. Precythe

Anne L. Precythe
Training, Education & Public Relations Committee Chair
Commissioner, State of Missouri



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DCA Liaison Committee Report to Commissioners of the Interstate Commission for Adult Offender Supervision

Committee Members

Michael Potteiger, commissioner, chair, PA
Elizabeth Powell, deputy compact administrator, DC
Tim Strickland, deputy compact administrator, FL
Judy Mesick, deputy compact administrator, ID
Matthew Billinger, deputy compact administrator, KS
Cathy Gordon, commissioner, MT
Deon McDaniel, deputy compact administrator, NV
Kevin Duckworth, commissioner, OK
Margaret Thompson, deputy compact administrator, PA
Donna Pratt, deputy compact administrator, VT
Julie Lohman, deputy compact administrator, VA
Diann Skiles, commissioner, WV

DCA Region Chairs

EAST - Donna Pratt, deputy compact administrator, VT
MIDWEST - Matthew Billinger, deputy compact administrator, KS
SOUTH - Julie Lohman, deputy compact administrator, VA
WEST - Judy Mesick, deputy compact administrator, ID

Mission

The DCA Liaison Committee is responsible to act as the liaison between the commissioners and the deputy compact administrators (DCAs). The Committee ensures that communication and feedback forwarded appropriately. The Committee identifies and provides training opportunities for the deputy compact administrators.

Goals

The DCA Liaison Committee is working on three goals for this year:

1. Continue DCA Mentoring program. Review and assess program's application.
2. Continue working with the Training Committee on the DCA training institutes, training goals, and ongoing training. Make recommendations when needed.
3. Continue DCA regional meetings and communicating DCA needs.

Committee Work

The Committee met once on April 27, 2017, after Michael Potteiger's appointment as committee chair, to familiarize him with the committee and its objectives. The liaisons provided an update for their respective region.

DCA 2017 Updates:

East Region:

Rhode Island - Ingrid Siliezar

New Jersey - Candice Alfonso, Esq.

South Region:

Mississippi - Jacqueline Brunson

Texas - Sherri Cogbill

Midwest Region:

South Dakota - Charles Frieberg

Indiana – Joel Gruber

Michigan - Daryn Cobb

Minnesota - Tracy Hudrlik

West Region:

Utah - Jennifer Calvo

Mentoring

The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance to resolve difficult compliance issues in their state. The mentoring program should encourage active

participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- Participant: Any DCA who is either new or requests (through Commissioner) additional coaching or assistance.
- Mentor: The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of the role of the Compact office and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.
- Mentoring period: Typically, one year. Extensions may be granted, if needed.

Respectfully submitted,

Michael Potteiger

Michael Potteiger,
Deputy Compact Administrators Liaison Committee Chair
Commissioner, Commonwealth of Pennsylvania



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Compliance Committee Report to Commissioners of the Interstate Commission for Adult Offender Supervision

Compliance Committee Members

Allen Godfrey, chair, commissioner, MN
Chris Norman, commissioner, AL
Kim Potter-Blair, commissioner, KY
Cathy Gordon, commissioner, MT
Amy Vorachek, commissioner, ND
Jacey Nordmeyer, commissioner, NE
Mike McAlister, commissioner, NH
James Hudspeth, commissioner, UT

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

Goals and Objectives

The Committee has set four specific goals for this year:

- Continue to review compliance trends and make recommendations if necessary
- Meet and review compliance issues within 30 days of an Executive Committee referral
- Develop formal process for Corrective Action Plans (CAP) template
- Increase membership to ensure each region is represented

Compliance Issues and Outcomes

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

- **February 2017:** The Committee discussed its FY 2017 goals as well as developing corrective action plan template. It reviewed emerging compliance concerns for upcoming trainings, compliance dashboard and its possible modifications, compliance policies, and a quarterly CAP progress report from Maryland.
- **May 11 2017:** The Committee discussed different compliance related training topics, a quarterly CAP progress report from Maryland, FY 2018 audit requirements, North Carolina's commissioner vacancy, and the U.S. Virgin Islands state council's absence. The Committee recommended approval of the revised AP 2-2015 Corrective Action Plan Policy to the Executive Committee.

Dashboard Trends

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in all six primary categories. Between FY 2013 and FY 2017, significant compliance increases occurred in Closure Notices (9.5%), Progress Reports (11.9%), and Violation Responses (9.8%).

Compliance Standard	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	5 Year Change	3 Year Change
Case Closure Notices	87.8%	89.1%	95.8%	96.6%	96.2%	9.57%	0.42%
Case Closure Replies	86.5%	85.8%	88.6%	89.9%	90.7%	4.86%	2.37%
All Progress Reports	75.8%	78.0%	84.0%	84.7%	84.8%	11.87%	0.95%
Violation Responses	79.0%	79.1%	83.5%	85.1%	86.8%	9.87%	3.95%
Transfer Request Replies	85.1%	86.7%	89.8%	90.4%	90.9%	6.82%	1.22%
RFRI Replies	95.1%	96.0%	97.1%	97.3%	97.0%	2.00%	-0.10%

*Date range for All Progress Reports in FY 2017 is 7/1/2016-5/31/2017.

Respectfully submitted,

Allen Godfrey

Allen Godfrey
Chair, Compliance Committee
Commissioner, State of Minnesota



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**Treasurer Report to Commissioners of the Interstate Commission for Adult Offender
Supervision**

The beginning of FY 2018 finds the Interstate Commission for Adult Offender Supervision in excellent financial condition. As was anticipated, the Commission's decision to disaffiliate from the Council of State Governments resulted in significant cost savings. Thanks primarily to lower administrative costs resulting from the disaffiliation, the Commission finished FY 2017 8% under budget with approximately \$139,000 returned to the Commission's cash reserves.

Currently, the balance in the Commission's cash accounts is \$1,565,196.26. The Commission also maintains investments in a long-term investment program involving two Vanguard funds. These funds include an investment grade bond fund and a total stock market index fund. The balance in these two funds as of June 30, 2017 totals \$1,513,509.35. In FY 2017, the rate of return on these funds was 12.2%. Due to a gradually declining balance in the reserve fund the Commission has not been making new contributions to the long-term investment program since FY2015. In addition, the Commission maintains a separate legal reserve of \$50,000 to cover litigation expenses. Looking forward, we anticipate the Commission to make large investments in maintaining and enhancing ICOTS.

In FY 2017, the Commission spent \$559,199.59 on ICOTS. That expenditure was easily the Commission's largest line item.

The Commission has not needed to increase membership dues since 2008 and no dues increase is being recommended for FY 2018. The Commission collects \$1,517,884 in dues assessments from member states and territories on a yearly basis. Typically, the Commission spends a little more than that each year with interest and dividend income and cash reserves making up the difference. On balance, the Commission is in a very positive financial position going into the future.

Respectfully submitted,

Charles Lauterbach

Charles Lauterbach
Commission Treasurer and the Finance Committee Chair
Commissioner, State of Iowa



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**Rules Committee Report to Commissioners of the Interstate Commission for Adult Offender
Supervision**

The Rules Committee met by WebEx and in person five times since last year's annual business meeting. The meetings occurred on November 30, 2016, February 1, March 8, May 9, and August 9, 2017.

Rules Committee members for this year are:

Jane Seigel, IN, chair, commissioner
Dori Littler, AZ, commissioner
Jenny Nimer, FL, commissioner
Chris Moore, GA, commissioner
Shawn Arruti, NV, commissioner
Robert Maccarone, NY, commissioner
Doug Clark, SD, commissioner
Libby Elliott, TX, commissioner
Coltan Harrington, WY, commissioner
Tim Strickland, FL, ex-officio
Tracy Hudrlik, MN, ex-officio
Margaret Thompson, PA, ex-officio
Patricia Odell, WY, ex-officio
Rick Masters, legal counsel

The Committee reviewed the rules that passed at the 2016 Annual Business Meeting and discussed an appropriate implementation timeframe based on the enhancements to ICOTS. The Committee recommended to the Executive Committee an effective for the 2016 rules amendments of June 1, 2017, to allow time for adequate training and testing of the ICOTS enhancements.

Given the significant changes in practice required by the 2016 rule amendments, the Committee focused on its work on proposals for 2017 that are more technical in nature, and avoid any costly ICOTS changes. The Committee also approved format changes for the website version of the newly revised offender application for transfer in conjunction with the implementation of the 2016 rule amendments. In addition, the Committee considered rule proposals from the regions and approved the new ICAOS Rule Proposal Guide. Both the rules proposals and the guide will be presented at this annual business meeting.

We are always looking for new members—this is a great committee to really learn the rules! Please consider joining us next year.

Finally, the Committee and I could not begin to function without the incredible support of the national office. The staff is absolutely invaluable—thank you for all that you do!

Thank you for your attention and continuing support of the Rules Committee efforts.

Respectfully submitted,

Jane Seigel

Jane Seigel
Rules Committee Chair
Commissioner, State of Indiana



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**Risk Assessment Ad Hoc Committee Report to Commissioners of the Interstate Commission
for Adult Offender Supervision**

Membership:

Jeremiah Stromberg (OR), chair; Nancy Ware (DC); Alisha James (TN); Russell Marlan (MI); Steve Marshall (CA); Robert Maccarone (NY).

Charge of Committee:

In the interest of enhancing public safety, the Commission wishes to reassess the feasibility of incorporating the use of the principles of effective classification which includes risk, need, responsivity, and professional discretion in the interstate compact transfer process. Specifically, the Commission directs the Committee to consider the following:

1. Determine the requirements for a standard tool for compact use or identify a single risk assessment for use with interstate compact transfer cases;
2. Determine how such a tool can be implemented to the interstate process;
3. Address any concerns regarding the reliability of using a risk assessment as part of the interstate compact transfer process; and,
4. Determine the feasibility of promulgating rules incorporating the use of risk assessment principles. If yes, prepare a draft of the rules for the rule committee's consideration.

Committee Action:

The Ad Hoc Committee began their work by looking at how to incorporate risk assessment principles into the Compact process. In lieu of requiring states to use a separate tool for Compact offenders, the Committee agreed it would be beneficial to provide problem solving recommendations for an individual on supervision. Thus, the Committee determined to look at adding offender's risk level and primary domains of risks to an offenders' profile.

The Committee issued a survey to identify the different risk assessment tools being used by states, the main domains, and their risk and supervision levels. The Committee resolved to make a final recommendation to the Executive Committee and the full Commission.

Respectfully submitted,

Jeremiah Stromberg

Jeremiah Stromberg
Commission Vice-Chair, Risk Ad Hoc Committee Chair
Commissioner, State of Oregon



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Victims' Advocate Report to Commissioners of the Interstate Commission for Adult Offender Supervision

ICOTS VINEWatch National Automated Victim Notification System

- Outreach to victim representatives and Vine administrators promoting victim self (open) registration.
- Coordinated with the Technology Committee on notification process and number of notifications.
- Planned outreach promotion with Florida Vine administrators to educate all stakeholders to inform victims of their rights.
- Provided update at Appriss Vine administrators' meeting.

Annual Meeting Updates

- ACA and APPA annual conference – Victims Committee

Other News

- The Peyton Tuthill Foundation Hearts of Hope Scholarships awarded \$60,000 through July 1, 2017 to young homicide survivors.

- Recipients are from New Mexico, Alabama, Arkansas, South Carolina, California, Virginia, Ohio, Pennsylvania, Florida, Connecticut, New York, Georgia, and Texas.
- Beginning January 2018, the Foundation will accept nominations for the 2017-18 academic years. Spread the word in your state – www.peytontuthill.org.

Respectfully submitted,

Pat Tuthill

Pat Tuthill,
Ex-Officio Victims' Advocate



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General Counsel's Report to Commissioners of the Interstate Commission for Adult Offender Supervision

The General Counsel's Office assists the commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues which arise in the conduct of their responsibilities under the Compact, its bylaws, and administrative rules. The Compact specifically authorizes formal legal opinions concerning the meaning or interpretation of the Compact and its authorized rules that are issued through the executive director and approved by the Executive Committee. These advisory opinions are made available to state officials who administer the compact for guidance. The general counsel also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement; and assists in its rule-making responsibilities. This work includes recent rule amendments addressing violations and retaking of compact offenders, the adoption of a single standard of supervision in which states voted to implement specific reporting requirements, and the authority to impose incentives and graduated sanctions on offenders under compact supervision who violate the terms of their supervision as an alternative to retaking.

Since the last annual business meeting, in addition to advice and counsel furnished to the Commission's executive director, the Executive Committee, the Rules Committee, the Compliance Committee, the Training Committee and the Interstate Commission, the General Counsel's Office in conjunction with the executive director has reviewed several requests from member states for legal guidance concerning the interpretation and application of various provisions of the compact and its administrative rules.

In addition, the general counsel has assisted the Compliance Committee, the Executive Committee and Executive Committee workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the compact.

Respectfully submitted,

Richard L. Masters

Richard L. Masters
General Counsel



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East Region Report to Commissioners of the Interstate Commission for Adult Offender Supervision

The East Region is going strong. This year the East Region was very active working for the Commission by developing and recommending rules changes, attending and participating in meetings, and being involved with projects and work groups.

We have accomplished our goals that we set for ourselves.

The East Region goals were:

- Continue to have quorums at each meeting;
- Continue to expand the East Region presence on committees; and,
- Have region meetings that are productive with discussion and feedback from all members.

East Region Meetings:

- September 13, 2016
- January 11, 2017
- March 21, 2017
- June 21, 2017

Agenda items and topics of discussion at the meetings included:

- Check in and intro of commissioners/DCAs/guests
- 2016 Rules Amendment Discussion
- Officers Election
- 2017 Rule Proposals Discussion
- State Updates
- FY 2017 Compliance Audit
- FY 2018 Compliance Audit

East Region commissioners and deputy compact administrators serve on the following committees:

Executive Committee

- Commissioner Dale Crook (VT)
- Commissioner Gary Roberge (CT)
- Commissioner Michael Potteiger (PA)

Compliance Committee

- Commissioner Mike McAlister (NH)

DCA Liaison Committee

- Commissioner Michael Potteiger (PA)
- Deputy Compact Administrator Margaret Thompson (PA)
- Deputy Compact Administrator Donna Pratt (VT)

Rules Committee

- Commissioner Robert Maccarone (NY)
- Deputy Compact Administrator Margaret Thompson (PA)

Technology Committee

- Commissioner Gary Roberge (CT)
- Deputy Compact Administrator Natalie Latulippe (CT)
- Deputy Compact Administrator Candice Alfonso (NJ)
- Deputy Compact Administrator Felix Rosa (NY)

Training Committee

- Commissioner Scott McCaffery (ME)

Ad Hoc on Risk Assessment

- Commissioner Robert Maccarone (NY)

The East Region has one new commissioner appointed since the last annual business meeting, Michael Potteiger (PA).

Respectfully submitted,

Dale Crook

Dale Crook
East Region Chair
Commissioner, State of Vermont



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Midwest Region Report to Commissioners of the Interstate Commission for Adult Offender Supervision

The Midwest Region commissioners and deputy compact administrators (DCA) met four times since the last annual business meeting (ABM) in Cleveland, Ohio. The Region had a quorum at each of these meetings, demonstrating consistency with one of its established goals.

Midwest Region Meetings:

September 13, 2016, the Region met face-to-face in Cleveland, OH with all 11 commissioners in attendance and 17 DCAs and guests. The Region nominated Commissioner S. Andrews (OH) as the Commission's chair and Commissioner J. Stromberg (OR) as the Commission's vice-chair. Commissioner J. Nordmeyer (NE) was unanimously elected the Midwest Region vice-chair. The Region elected DCA M. Billinger (KS) as the DCA Liaison chair for the Midwest Region. The Region discussed the 2016 rule amendment package, possible rule amendments to submit for consideration in the upcoming year, self-registration function in VINEWatch, and the region's goals. Each state provided jurisdictional updates that included discussions regarding establishing meetings between border-states to discuss ongoing issues, extradition issues, further implementation of evidence based practices, and ongoing training.

December 1, 2016, the Region met via WebEx with six commissioners in attendance and 11 guests, many of which were DCAs. The Region discussed FY 2018 rule proposals. State updates included information regarding respective state council additions, strategies for training on the new rule amendments, and shared experiences with Marcy's Law. Region chair Clark is part of the screening committee that will interview candidates for the executive director position created by the retirement of Hagman in December 2016. Executive director Hageman announced that the Commission officially disaffiliated from CSG on Nov 30.

February 21, 2017, met via WebEx with nine commissioners in attendance and 12 guests, many of which were DCAs. DCA Billinger and Reinhardt-Stewart updated the Region regarding the DCA Midwest region meeting that took place a few days prior. The Region discussed discretionary case definition, Rule 4.111(a)(3), 30-day notifications in ICOTS, and its readiness for rule package implementation tentatively scheduled for June 1, 2017. The Region voted to forward its rule proposal to the Rules Committee for consideration. State updates included information regarding new compact staff members, strategies for training on the new rule amendments, and issues with subpoenas.

June 22, 2017, met via WebEx with seven commissioners in attendance. The Region also benefited by the inclusion of 13 guests, many of which were DCAs and the much appreciated national office staff. The Region voted on the changes to its rule proposal recommended by the Rules Committee. The Region discussed the rules committee calendar, FY 2017 rule implementation and a number of associated issues, one-on one conversation with DCAs conducted by the national office, offender photo review, and FY 2018 audit requirements. States shared information on their respective rule implementation training efforts, audit preparation, and initiated discussion on *Smart on Crime Policy* and victim notification systems.

The Midwest Region continues to be well represented within the commission with the following commissioners and deputy compact administrators serving on the noted committees:

Executive Committee

- Commissioner Sara Andrews (OH), Chair
- Commissioner Charles Lauterbach (IA), Treasurer
- Commissioner Jane Seigel (IN)
- Commissioner Doug Clark (SD)
- Commissioner Allen Godfrey (MN)

Compliance Committee

- Commissioner Allen Godfrey (MN), Chair
- Commissioner Jacey Nordmeyer (NE)
- Commissioner Amy Vorachek (ND)

DCA Liaison Committee

- DCA Matthew Billinger (KS)

Finance Committee

- Commissioner Charles Lauterbach (IA), Chair

Rules Committee

- Commissioner Jane Seigel (IN), Chair
- Commissioner Doug Clark (SD)
- DCA Tracy Hudrlik (MN)

Information Technology Committee

- DCA Matthew Billinger (KS)

Training & Education Committee

- Commissioner Dara Matson (IL)
- Commissioner Hope Cooper (KS)
- Commissioner Russell Marlan (MI)
- DCA Sally Reinhardt-Stewart (NE)

Ad hoc Committee on Risk Assessment

- Commissioner Russel Marlan (MI)

The Midwest Region also welcomed four new commissioners in the past year:

- Hope Cooper (KS)
- Amy Vorachek (ND)
- Joselyn Lopez (WI)

The Commission experienced a number of significant transitions in the past year, including welcoming a new executive director and the preparation for and implementation of a significant package of rules to improve community safety and better align existing processes with the ever-changing world of criminal justice and justice-reinvestment initiatives around the country. Transitions of this magnitude are possible only with strong leadership, effective collaboration and involvement, and the hard work and creativity of many people. On behalf of the Midwest Region, I commend all of those involved with the Commission's work this past year.

Respectfully submitted,

Doug Clark

Doug Clark
Midwest Region Chair
Commissioner, State of South Dakota



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South Region Report to Commissioners of the Interstate Commission for Adult Offender Supervision

The South Region met three times since the 2016 Annual Business Meeting (ABM) in Cleveland, Ohio. A quorum was established in two of the three meetings. There was not a quorum for the meeting on January 17, 2017. Those present discussed plans for implementing the rule amendment passed during the 2016 ABM and out of state subpoenas. On April 25, 2017, the discussion topics were out of state subpoenas, supervision of dual state offenders, and rule amendment implementation. The final meeting leading up to the 2017 ABM was held on August 17, 2017 and the proposed rule amendments for this year's ABM were discussed.

When the South Region last met in August of 2017, there were no commissioner vacancies.

The South Region has representatives on the Executive Committee and each of the standing committees.

Rules Committee

Commissioner Jenny Nimer, FL
Commissioner Chris Moore, GA
Commissioner Elizabeth Elliott, TX
DCA Timothy Strickland, FL

Compliance Committee

Commissioner Chris Norman, AL
Commissioner Kim Potter-Blair, KY

Finance Committee

Commissioner Sheila Sharp, AR
Commissioner Christy Gutherz, MS
DCA Debbie Duke, TN

Technology Committee

Commissioner Nancy Ware, DC
Commissioner Chris Norman, AL
Commissioner Sheila Sharp, AR
DCA Julie Lohman, VA

Training Committee

Commissioner Anne Precythe, MO
Commissioner Chris Moore, GA
Commissioner Joseph Clocker, MD
Commissioner James Parks, VA
DCA Tim Strickland, FL

DCA Liaison Committee

Commissioner Kevin Duckworth, OK
Commissioner Diane Skiles, WV
DCA Julie Lohman, VA (South Region DCA Regional Rep)
DCA Elizabeth Powell, DC
DCA Tim Strickland, FL

Executive Committee

Commissioner Anne Precythe, MO (Standing Chair - Training)
Commissioner Chris Moore, GA (South Region Rep)

Victim's Advocate

Pat Tuthill, FL

Respectfully submitted,

Chris Moore

Chris Moore
South Region Chair
Commissioner, State of Georgia



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**West Region Report to Commissioners of the Interstate Commission for Adult Offender
Supervision**

On behalf of the West Region, we present this report regarding the region's work and activities since the 2016 Annual Business Meeting.

West Region Meetings:

- December 8, 2016
- June 8, 2017
- July 27, 2017

Agenda items and topics of discussion at the meetings included:

- Compact Office Training
- Warrant Tracking Issue
- Commissioner Changes and Election of New Chair
- FY 2017 Rule Amendments Implementation
- FY 2018 Rule Amendment Proposals
- FY 2018 Audit by the National Office
- Establishing a Set Calendar of Regional Meetings
- State Updates

The West Region is supportive of the direction that the Commission has taken with regards the supervision of interstate offenders, the handling of noncompliance with the use of graduated sanctions and the handling of violations. Following the implementation of the new rule amendments, the West Region discussed the impact the new rules have had on member states. Members discussed how the new amendments promote a single standard of supervision by all states, require documentation of supervision practices and justification for retaking, and support

evidence based practices and behavioral change. Member states reported positive feedback from their respective stakeholders on this new direction.

In the upcoming year, the chair will be working with West Region members to identify and develop rule proposals and amendments that will further strengthen the interstate compact and her member states.

Respectfully submitted,

Shawn Arruti

Shawn Arruti
West Region Chair
Commissioner, State of Nevada

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 35th jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

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

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

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

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

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

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

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

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

Section B. Default

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

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

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

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

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

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

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

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

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

Section C. Judicial Enforcement

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

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

Section D. Dissolution of Compact

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

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

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

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

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

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

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

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

Section B. Binding Effect of the Compact

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

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

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

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

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION BYLAWS

ARTICLE I

COMMISSION PURPOSE, FUNCTION AND BY-LAWS

Section 1. Purpose.

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

Section 2. Functions.

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

Section 3. By-laws.

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

ARTICLE II

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

MEMBERSHIP

Section 1. Commissioners

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

Section 2. Ex-Officio Members

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

ARTICLE III

OFFICERS

Section 1. Election and Succession.

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

Section 2. Duties.

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

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

a. *Chairperson.* The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.

b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.

c. *Secretary.* The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.

d. *Treasurer.* The treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

Section 3. Costs and Expense Reimbursement.

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

Section 4. Vacancies.

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

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

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

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

Section 3. Indemnification.

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

ARTICLE VI

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

MEETINGS OF THE COMMISSION

Section 1. Meetings and Notice.

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates.

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

Section 2. Quorum.

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

Section 3. Voting.

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

Section 4. Procedure.

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

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

ARTICLE VII

COMMITTEES

Section 1. Executive Committee.

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

Section 2. Standing Committees.

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

Section 3. Ad hoc Committees.

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

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

Section 4. Regional Representatives.

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

ARTICLE VIII

FINANCE

Section 1. Fiscal Year.

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

Section 2. Budget.

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

Section 3. Accounting and Audit.

The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, to be audited annually by an independent certified or licensed public accountant, as required by the Compact, upon the determination of the Commission, but no less frequently than once each year. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the governors, legislatures, and judiciary of the Compacting States.

The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall

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

promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

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

Section 5. Debt Limitations.

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

Section 6. Travel Reimbursements.

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

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.

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

ARTICLE XI

DISSOLUTION OF THE COMPACT

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

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

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



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

ICAOS Rules

General information

Effective Date:
June 01, 2017



Introduction

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

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

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

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

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Chapter 1 Definitions

Rule 1.101 Definitions

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

“Abscond” means to be absent from the offender’s approved place of residence or employment and avoiding supervision.

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

“Application fee” means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.

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

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

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

“Compact” means the Interstate Compact for Adult Offender Supervision.

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

“Compact commissioner” or “commissioner” means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

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

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

“Detainer” means an order to hold an offender in custody.

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

“Extradition” means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

References:

ICAOS Dispute Resolution

2-2004 [Offenders not transferred through the ICAOS must be returned through the extradition clause of the U.S. Constitution]

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

References:

ICAOS Advisory Opinion

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

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

“Probable cause hearing” a hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating the terms or conditions of the offender’s parole or probation.

“Receiving state” means a state to which an offender requests transfer of supervision or is transferred.

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

References:

ICAOS Advisory Opinion

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

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

“Resident” means a person who—

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

“Resident family” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who--

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

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

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

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

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

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

“Subsequent receiving state” means a state to which an offender is transferred that is not the sending state or the original receiving state.

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

References:

ICAOS Advisory Opinion

7-2004 [determining “substantial compliance when there are pending charges in a receiving state]

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

References:

ICAOS Advisory Opinions

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

8-2004 [Suspended sentence requiring payment of monitored restitution]

3-2005 [Requirement to complete a treatment program as a condition of supervision]

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

“Supervision fee” means a fee collected by the receiving state for the supervision of an offender.

“Temporary travel permit” means, for the purposes of Rule 3.108 (b), the written permission granted to an offender, whose supervision has been designated a “victim-sensitive” matter, to travel outside the supervising state for more than 24 hours but no more than 31 calendar days. A temporary travel permit shall include a starting and ending date for travel.

“Travel permit” means the written permission granted to an offender authorizing the offender to travel from one state to another.

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

“Victim-sensitive” means a designation made by the sending state in accordance with its definition of “crime victim” under the statutes governing the rights of crime victims

in the sending state. The receiving state shall give notice of offender's movement to the sending state as specified in Rules 3.108 and 3.108-1.

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

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

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

History: Adopted November 3, 2003, effective August 1, 2004; “Compliance” amended October 26, 2004, effective January 1, 2005; “Resident” amended October 26, 2004, effective January 1, 2005; “Resident family” amended October 26, 2004, effective January 1, 2005; “Substantial compliance” adopted October 26, 2004, effective January 1, 2005; “Supervision” amended October 26, 2004, effective January 1, 2005; “Travel permit” amended September 13, 2005, effective January 1, 2006; “Victim” amended September 13, 2005, effective January 1, 2006; “Relocate” adopted September 13, 2005, effective January 1, 2006; “Compact” adopted September 13, 2005, effective January 1, 2006; “Resident” amended September 13, 2005, effective January 1, 2006; “Relocate” amended October 4, 2006, effective January 1, 2007; “Sex offender” adopted September 26, 2007, effective January 1, 2008.; “Supervision” amended November 4, 2009, effective March 1, 2010. “Warrant” adopted October 13, 2010, effective March 1, 2011; “Violent Crime” adopted October 13, 2010, effective March 1, 2011; “Violent Offender” adopted October 13, 2010, effective March 1, 2011; “Resident” amended September 14, 2011, effective March 1, 2012; “Violent Offender” amended September 14, 2011, effective March 1, 2012; “Abscond” amended August 28, 2013, effective March 1, 2014; “Resident Family” amended August 28, 2013, effective March 1, 2014; “Temporary Travel Permit” amended August 28, 2013, effective March 1, 2014; “Warrant” amended August 28, 2013, effective March 1, 2014; “Violent Offender” repealed August 28, 2013, effective March 1, 2014; “Behavior Requiring Retaking” amended September 14, 2016, effective June 1, 2017; “Significant Violation” repealed September 14, 2016, effective June 1, 2017; “Special Condition” repealed September 14, 2016, effective June 1, 2017..

Chapter 2 General Provisions

Rule 2.101 Involvement of interstate compact offices

- (a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.
- (c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.
- (d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

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

Rule 2.102 Data collection and reporting [Expired; See history]

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.
- (b)
 - (1) Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
 - (2) Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
 - (3) Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.
- (c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

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

Rule 2.103 Dues formula

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (d)
 - (1) The dues formula is the—
$$\frac{\text{Population of the state} + \text{Population of the United States}}{\text{Number of offenders sent from and received by a state} + \text{Total number of offenders sent from and received by all states}} \text{ divided by } 2$$
 - (2) The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

History: Adopted November 3, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 2.104 Forms

- (a) States shall use the forms or electronic information system authorized by the commission.
- (b) The sending state shall retain the original forms containing the offender's signature until the termination of the offender's term of compact supervision.
- (c) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

History: Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.

Rule 2.105 Misdemeanants

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
 - (2) an offense that involves the use or possession of a firearm;
 - (3) a 2nd or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
 - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

References:

ICAOS Advisory Opinion

- 4-2005 [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]
- 7-2006 [There are no exceptions to applicability of (a)(3) based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]
- 16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]
- 2-2008 [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]
- 1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended October 7, 2015, effective March 1, 2016.

Rule 2.106 Offenders subject to deferred sentences

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

References:

ICAOS Advisory Opinions

June 30, 2004 [Determining eligibility should be based on legal actions of a court rather than legal definitions]

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

2-2015 [An offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer of supervision under the Interstate Compact for Adult Offender Supervision]

3-2015 [An offender who has been convicted of a criminal offense and who is released to the community under a Home Incarceration Program in Maryland, or similar program in another state, and relocates to the State of Florida, or any other compact state, for the purpose of completing 90 days or more of a period of time required by such a program is eligible for transfer of supervision under the Interstate Compact for Adult Offender Supervision]

History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.

Rule 2.107 Offenders on furlough, work release

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

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

Rule 2.108 Offenders with disabilities

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

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

Rule 2.109 Adoption of rules; amendment

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

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
 - (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 calendar days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
- (d) Each proposed rule or amendment shall state-
 - (1) The place, time, and date of the scheduled public hearing;
 - (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
 - (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
- (e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This

subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.

- (f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.
- (g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.
- (h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (i) Not later than 60 calendar days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
- (j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 calendar days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to-
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.
- (k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice

period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

References:

ICAOS Advisory Opinion

3-2006 [No provisions of the compact contemplates that a proposed rule or rule amendment may be officially voted upon at any point in the rulemaking process by anyone other than the duly appointed Commissioner of each state]

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

Rule 2.110 Transfer of offenders under this compact

- (a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.
- (b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.
- (c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinions

- 3-2004 [Offenders relocating to another state shall not be issued travel permits without the permission of the receiving state as provided by ICAOS rules]
- 9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
- 2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]
- 3-2012 [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]
- 4-2012 ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Chapter 3 Transfer of Supervision

Rule 3.101 Mandatory transfer of supervision

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

- (a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- (b) has a valid plan of supervision; and
- (c) is in substantial compliance with the terms of supervision in the sending state; and
- (d) is a resident of the receiving state; or
- (e)
 - (1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
 - (2) can obtain employment in the receiving state or has means of support.

References:

ICAOS Advisory Opinions

- 7-2004 [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]
- 9-2004 [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]
- 7-2005 [All mandatory transfers are subject to the requirement that they be pursuant to a “valid plan of supervision”]
- 8-2005 [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]
- 13-2006 [An undocumented immigrant who meets the definition of “offender” and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]
- 15-2006 [There is no obligation of the sending state to retake when requirements of 3.101 are no longer met]
- 2-2007 [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]
- 1-2010 [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]
- 1-2012 [ICAOS opines that persons ‘acquitted’ by reason of insanity under the New Jersey ‘Carter-Krol’ statute are not eligible for interstate transfer of supervision under the Compact.]

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

Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services

(a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:

- (1) *Transfers of military members*- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.
- (2) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
- (3) *Employment transfer of family member to another state*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.
- (4) *Employment transfer of the offender to another state* – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
- (5) *Transfers of veterans for medical or mental health services*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
 - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
 - (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
 - (d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initial the offender's return to the sending state under the requirements of Rule 4.111.

History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.101-2 Discretionary transfer of supervision

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

References:

ICAOS Advisory Opinions

4-2005 [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

8-2006 [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

History: Adopted September 13, 2005, effective January 1, 2006; amended October 7, 2015, effective March 1, 2016.

Rule 3.101-3 Transfer of supervision of sex offenders

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
 - (2) social history;
 - (3) information relevant to the sex offender's criminal sexual behavior;
 - (4) law enforcement report that provides specific details of sex offense;
 - (5) victim information
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim's representative;
 - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders*- Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for Rule 3.102 (c).

References:

ICAOS Advisory Opinions

1-2008 [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended October 7, 2015, effective March 1, 2016.

Rule 3.102 Submission of transfer request to a receiving state

- (a) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender who is employed or attending treatment or medical appointments in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for employment, treatment or medical appointment purposes may be permitted to continue to travel to the receiving state for these purposes while the transfer request is being investigated, provided that the following conditions are met:
 - (1) Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
 - (2) The offender shall return to the sending state daily, immediately upon completion of the appointment or employment, and
 - (3) The transfer request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.
- (d) When a sending state verifies an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender meets the eligibility requirements of Rule 3.101 (a), (b) & (c), the sending state shall request expedited reporting instructions within 2 business days of the notification of the offender's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - (1) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.
 - (2) The provisions of Rule 3.106 (b), (c) & (d) apply.

References:

ICAOS Advisory Opinions

3-2004 [Once an application has been made under the Compact, an offender may not travel to the receiving state without the receiving state's permission]

9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such

circumstances, the receiving state can properly reject the request for transfer of such an offender]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding

- (a)
- (1) A request for reporting instructions for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
 - (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
 - (3) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
 - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
 - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

References:

ICAOS Advisory Opinions

3-2004 [Rule 3.103 provides an exemption to 3.102 allowing for certain offenders to obtain reporting instructions pending a reply to a transfer request]

1-2006 [Rule 3.103 is not applicable to offenders released to supervision from prison]

3-2007 [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.104 Time allowed for investigation by receiving state

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.
- (b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

References:

ICAOS Advisory Opinion

5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Rule 3.104-1 Acceptance of offender; issuance of reporting instructions

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under Rule 4.105.
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.
- (e) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.

History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Rule 3.105 Pre-release transfer request

(a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to an offender's planned release from a correctional facility.

(b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:

(1) if the planned release date changes; or

(2) if recommendation for release of the offender has been withdrawn or denied.

(c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

References:

ICAOS Advisory Opinions

5-2005 [A sending state must notify a receiving state if a parolee's release date has been withdrawn or denied]

1-2009 [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

2-2012 [Neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Rule 3.106 Request for expedited reporting instructions

- (a)
- (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
 - (2)
 - (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.
 - (B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
- (b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.
- (d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (e) If the sending state fails to send a completed transfer request by the 7th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

Rule 3.107 Transfer request

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
- (1) transfer request form;
 - (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
 - (3) photograph of offender;
 - (4) conditions of supervision;
 - (5) any orders restricting the offender's contact with victims or any other person;
 - (6) any known orders protecting the offender from contact with any other person;
 - (7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (8) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
 - (9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
 - (10) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
 - (11) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
 - (12) summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.
- (b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

References:

ICAOS Advisory Opinions

5-2005 [For paroling offenders a release date is to be required for the transfer application]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Rule 3.108 Victim notification

- (a) *Notification to victims upon transfer of offenders-* Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.

- (b) *Notification to victims upon violation by offender or other change in status-*
 - (1) The receiving state is responsible for reporting information to the sending state when an offender-
 - (A) Engages in behavior requiring retaking;
 - (B) Changes address;
 - (C) Returns to the sending state where an offender's victim resides;
 - (D) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
 - (E) Is issued a temporary travel permit where supervision of the offender has been designated a victim-sensitive matter.
 - (2) Both the sending state and the receiving state shall notify known victims in their respective states of this information in accordance with their own laws or procedures.

- (c) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2016, effective June 1, 2017.

Rule 3.108-1 Victims' right to be heard and comment

- (a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall, at the time of notification to the victim as required in Rule 3.108 (a), inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office at any time by telephone, telefax, or conventional or electronic mail regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.
- (b)
 - (1) Victims shall have 10 business days from receipt of notice required in Rule 3.108-1 (a) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.
 - (2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.
- (c) Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding their concerns relating to the transfer request for their safety and family members' safety. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose special conditions of supervision on the offender, if the safety of the offender's victims or family members of victims is deemed to be at risk by the approval of the offender's request for transfer.
- (d) The sending state shall respond to the victim no later than 5 business days following receipt of victims' comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.109 Waiver of extradition

- (a) An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state.
- (b) States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required]

History: Adopted November 4, 2003, effective August 1, 2004.

Chapter 4 Supervision in Receiving State

Rule 4.101 Manner and degree of supervision in receiving state

A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

References:

ICAOS Advisory Opinions

2-2005 [Out of state offenders can be arrested and detained for failure to comply with conditions of probation if such a failure would have resulted in an arrest of a similar situated in-state offender]

5-2006 [This rule does not permit a state to impose the establishment of sex offender risk level or community notification on offenders transferred under the Compact if the receiving state does not impose these same requirements on its own offenders]

1-2007 [This rule does not permit the receiving state to provide no supervision and at a minimum the rules of the Compact contemplate that such an offender will be under some supervision for the duration of the conditions placed upon the offender by the sending state under Rule 4.102]

3-2008 [Compact offenders should be subject to the same exceptions as offenders sentenced in the receiving state.]

1-2015 [An offender whose supervision is transferred under the Compact to North Carolina and commits a violation of one or more of the terms and conditions of probation may be subjected to confinement for short periods in lieu of revocation of probation pursuant to a state statute applicable to offenders sentenced in North Carolina.]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 14, 2016, effective June 1, 2017.

Rule 4.102 Duration of supervision in the receiving state

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.103 Conditions of supervision

- (a) At the time of acceptance or during the term of supervision, the receiving state may impose a condition on an offender if that condition would have been imposed on an offender sentenced in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the offender.
- (c) A sending state shall inform the receiving state of any conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made.

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state.....The receiving state can even add additional requirements on an offender as a condition of transfer]

1-2008 [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended September 14, 2016, effective June 1, 2017.

Rule 4.103-1 Force and effect of conditions imposed by a receiving state

The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state.

History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 14, 2016, effective June 1, 2017.

Rule 4.104 Offender registration or DNA testing in receiving or sending state

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008.

Rule 4.105 Arrival and departure notifications; withdrawal of reporting instructions

- (a) *Departure notifications*-At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender's intended departure and the date by which the offender has been instructed to arrive.
- (b) *Arrival notifications*-At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender's arrival or failure to arrive.
- (c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.

Rule 4.106 Progress reports on offender compliance and non-compliance

- (a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.
- (b) A receiving state may initiate a progress report to document offender compliant or non-compliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed.
- (c) A progress report shall include-
 - (1) offender's name;
 - (2) offender's current residence address;
 - (3) offender's current telephone number and current electronic mail address;
 - (4) name and address of offender's current employer;
 - (5) supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
 - (6) programs of treatment attempted and completed by the offender;
 - (7) information about any sanctions that have been imposed on the offender since the previous progress report;
 - (8) supervising officer's recommendation; and
 - (9) any other information requested by the sending state that is available in the receiving state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010; amended September 14, 2016, effective June 1, 2017.

Rule 4.107 Fees

- (a) *Application fee*-A sending state may impose a fee for each transfer application prepared for an offender.
- (b) *Supervision fee*-
- (1) A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
 - (2) A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

References:

ICAOS Advisory Opinions

2-2006 [The sending state is prohibited from imposing a supervision fee once the offender has been transferred under the Compact]

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.108 Collection of restitution, fines and other costs

- (a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.
- (b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

References:

ICAOS Advisory Opinion

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a “supervision fee,” may be collected on Compact offenders at a sending state’s responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.109 Violation report(s) requiring retaking

- (a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

- (b) A violation report shall contain-
 - (1) offender's name and location;
 - (2) offender's state-issued identifying numbers;
 - (3) date(s) and description of the behavior requiring retaking;
 - (4) date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
 - (5) date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
 - (6) date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
 - (7) name and title of the officer making the report;
 - (8) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder; and
 - (9) supporting documentation regarding the violation.

- (c)
 - (1) The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
 - (2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017.

Rule 4.109-1 Authority to arrest and detain

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

History: Adopted October 4, 2006, effective January 1, 2007; amended September 14, 2016, effective June 1, 2017

References:

ICAOS Advisory Opinion

17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

Rule 4.109-2 Absconding Violation

- (a) If there is reason to believe that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:
 - (1) Conducting a field contact at the last known place of residence;
 - (2) Contacting the last known place of employment, if applicable;
 - (3) Contacting known family members and collateral contacts.
- (b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b) (8).

History: Adopted October 13, 2010, effective March 1, 2011

Rule 4.110 Transfer to a subsequent receiving state

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer," and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under Rule 4.105.
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- (c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008 amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016.

Rule 4.112 Closing of supervision by the receiving state

- (a) The receiving state may close its supervision of an offender and cease supervision upon-
- (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
 - (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
 - (3) Notification to the sending state that the offender has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the offender's location;
 - (4) Notification of death; or
 - (5) Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender.
- (c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. The receiving state shall transmit a case closure notice within 10 business days after the maximum expiration date.
- (d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

References:

ICAOS Advisory Opinion

11-2006 [A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

2-2010 [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Chapter 5 Retaking

Rule 5.101 Discretionary retaking by the sending state

- (a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake or order the return of an offender.
- (b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinion

12-2006[Neither the time frame nor the means by which the retaking of the offender shall occur as outlined in Rule 5.101 (a) are provided]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014

Rule 5.101-1 Pending felony or violent crime charges

Notwithstanding any other rule, if an offender is charged with a subsequent felony or violent crime, the offender shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

History: Adopted August 28, 2013, effective March 1, 2014.

Rule 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.

- (a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
- (b) The sending state shall send the violation hearing results to the receiving state within 10 business days.
- (c) If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.
- (d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.
- (e) The receiving state may close the case under Rule 4.112 (a)(3).

History: Adopted October 7, 2015, effective March 1, 2016.

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

- (a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:
 - (1) completion of a term of incarceration for that conviction; or
 - (2) placement under supervision for that felony or violent crime offense.
- (b) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014.

Rule 5.103 Offender behavior requiring retaking

- (a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.
- (b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.
- (c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.

References:

ICAOS Advisory Opinions

- 2-2005 [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, *See* Rule 4.109-1]
- 10-2006 [Offenders transferred prior to the adoption of ICAOS rules August 1, 2004 may be retaken under the current rules if 1 of the significant violations occurred after August 1, 2004]
- 4-2007 [It is unreasonable to assume the subsequent application of Rule 5.103 (a) to include violations occurring prior to an application being accepted as a basis to require retaking]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008, amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended September 14, 2016, effective June 1, 2017.

Rule 5.103-1 Mandatory retaking for offenders who abscond

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

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes [REPEALED]

REPEALED effective March 1, 2014

2-2011 [The sending state is not required to make a determination that an offender is violent at the time of transfer.]

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.104 Cost of retaking an offender

A sending state shall be responsible for the cost of retaking the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.105 Time allowed for retaking an offender

A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

History: Adopted November 4, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 5.106 Cost of incarceration in receiving state

A receiving state shall be responsible for the cost of detaining the offender in the receiving state pending the offender's retaking by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.107 Officers retaking an offender

- (a) Officers authorized under the law of a sending state may enter a state where the offender is found and apprehend and retake the offender, subject to this compact, its rules, and due process requirements.
- (b) The sending state shall be required to establish the authority of the officer and the identity of the offender to be retaken.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.108 Probable cause hearing in receiving state

- (a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more violations of the conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.
- (d) The offender shall be entitled to the following rights at the probable cause hearing:
 - (1) Written notice of the alleged violation(s);
 - (2) Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
 - (3) The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
 - (4) The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.
- (e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.
- (f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.
- (g) If probable cause is not established, the receiving state shall:
 - (1) Continue supervision if the offender is not in custody.
 - (2) Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
 - (3) Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

References:

ICAOS Advisory Opinion

2-2005 [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]

17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

5-2012[Rule 5.108 permits the use of 2-way video closed circuit television during probable cause hearings where determined by the hearing officer to be necessary to protect a witness from harm which might result from testifying in person.]

Gagnon v. Scarpelli, 411 U.S. 778 (1973)

Ogden v. Klundt, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

See, *People ex rel. Crawford v. State*, 329 N.Y.S.2d 739 (N.Y. 1972)

State ex rel. Nagy v. Alvis, 90 N.E.2d 582 (Ohio 1950)

State ex rel. Reddin v. Meekma, 306 N.W.2d 664 (Wis. 1981)

Bills v. Shulsen, 700 P.2d 317 (Utah 1985)

California v. Crump, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

California v. Crump, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

State v. Maglio, 459 A.2d 1209 (N.J. Super. Ct. 1979)

In re Hayes, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

Morrissey v. Brewer, 408 U.S. 471 (1972)

In State v. Hill, 334 N.W.2d 746 (Iowa 1983)

See e.g., *State ex rel. Ohio Adult Parole Authority v. Coniglio*, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended August 28, 2013, effective March 1, 2014; amended September 14, 2016, effective June 1, 2017.

Rule 5.109 Transport of offenders

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.110 Retaking offenders from local, state or federal correctional facilities

- (a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that-
 - (1) No detainer has been placed against the offender by the state in which the correctional facility lies; and
 - (2) No extradition proceedings have been initiated against the offender by a third-party state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.111 Denial of bail or other release conditions to certain offenders

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

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Chapter 6 Dispute Resolution and Interpretation of Rules

Rule 6.101 Informal communication to resolve disputes or controversies and obtain interpretation of the rules

- (a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy-*
 - (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
 - (2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.
- (c) *Interpretation of the rules-*Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 6.102 Formal resolution of disputes and controversies

- (a) *Alternative dispute resolution*- Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under Rule 6.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.
- (b) *Mediation and arbitration*
 - (1) Mediation
 - (A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
 - (B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.
 - (2) Arbitration
 - (A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
 - (B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.
 - (C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
 - (D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
 - (E)
 - (i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
 - (ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.
 - (F) Judgment on any award may be entered in any court having jurisdiction.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 6.103 Enforcement actions against a defaulting state

- (a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-
 - (1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
 - (2) Remedial training and technical assistance as directed by the Interstate Commission;
 - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

- (c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

- (d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

- (e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

- (f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

History: Adopted November 4, 2003, effective August 1, 2004; amended August 28, 2013, effective March 1, 2014.

Rule 6.104 Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

History: Adopted November 4, 2003, effective August 1, 2004.

A Motion Chart for Robert's Rules

When you're using Robert's Rules to help your meeting run well, the following chart can come in very handy when you're in the thick of debate on a main motion. It's designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can't be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider	
SECONDARY MOTIONS	PRIVILEGED	Fix the Time to Which to Adjourn		S		A	M	R	
		Adjourn		S			M		
		Recess		S		A	M		
		Raise a Question of Privilege	I				Chair decides		
		Call for Orders of the Day	I				Chair decides		
	SUBSIDIARY	Lay on the Table			S			M	Negative Only*
		Previous Question			S			2/3	R*
		Limit or Extend Limits of Debate			S		A	2/3	R*
		Postpone Definitely			S	D	A	M	R*
		Commit (or Refer)			S	D	A	M	R*
		Amend			S	D*	A*	M	R
		Postpone Indefinitely			S	D		M	Affirmative Only
	Main Motion				S	D	A	M	R
	* See text for exceptions							M = Majority vote	

Consult a book on Robert's Rules for clarification on the exceptions.

Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."

Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified



Presenter Biographies



Sara Andrews serves as the Director of the Ohio Criminal Sentencing Commission, effective January 2015. In 1990, the General Assembly created the Ohio Criminal Sentencing Commission by statute. The Commission is chaired by the Chief Justice of the Supreme Court of Ohio. The Commission is responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes. The Commission consists of 31 members: ten judges appointed by the Chief Justice; twelve members appointed by the Governor; two cabinet directors; two state agency leaders; and four members of the General Assembly.

Before her appointment as the Director of the Ohio Criminal Sentencing Commission, Sara was a more than twenty year veteran with the Department of Rehabilitation and Correction, holding a number of leadership positions, most recently as the Deputy Director of the Division of Parole and Community Services (DPCS) and Chief of the Adult Parole Authority (APA). In that role, she managed the Ohio Parole Board, the Office of Victim Services, the Bureau of Research, Office of Offender Reentry and Religious Services, Jail inspection and oversight, community supervision, fugitive and interstate compact operations, and DRC funded community corrections throughout the State of Ohio. She was also the Ohio Commissioner and national Chair of the Interstate Compact for Adult Offender Supervision and continues to serve in that capacity.

Sara's academic background includes a B.A. from the University of Northern Colorado and M.S. degree from the University of Dayton, Ohio. She is a member of Ohio Justice Alliance for Community Corrections, the American Probation and Parole Association, serves as an appointed member of the Attorney General's Ohio Law Enforcement Gateway Steering Committee and Advisory Board, the Commission on Technology and the Courts of the Ohio Supreme Court, served as a member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty and most recently represents the Chief Justice on Governor Kasich's Ohio Task Force on Community-Police Relations.

In her community and affiliated with her daughter's High School rowing team, Sara served as a trustee and President of the not for profit organization, Upper Arlington Crew. Sara is also a recipient of the United States Attorney General's William French Smith award, the 2013 Ohio Community Corrections Association President's award, 2013 Ohio Justice Alliance for Community Corrections Bennett J. Cooper award, 2014 Interstate Compact Adult Offender Supervision Executive Director's Leadership award and in 2015, a Lifetime Achievement Award from the Department of Rehabilitation and Correction, Division of Parole and Community Services.



Shawn Arruti, Nevada Department of Public Safety (DPS) captain, has over 22 years of combined experience in the field of parole and probation. His previous service includes tenures with the Nevada Division of Parole and Probation as a DPS officer, a field training officer, a sergeant and lieutenant. As well, his experience includes a term as a juvenile probation officer in Maricopa County, Arizona.

Originally assigned to the Nevada Compact Office in April, 2006, he was appointed in 2016 by Governor Brian Sandoval to serve as Nevada commissioner of the Interstate Commission for Adult Offender Supervision and as chairman of the Nevada State Council for Interstate Adult Offender Supervision. He previously served as the deputy compact administrator for Nevada.

Captain Arruti currently serves as chair of the West Region of the Interstate Commission for Adult Offender Supervision. He also serves as a member of the Rules Committee, Technology Committee, and on the workgroup charged with the design of the Annual Business Meeting. Additionally, he serves as a WebEx facilitator for the training designed and conducted by the National Office and has presented on behalf of the ICAOS before the Association of Paroling Authorities International (APAI). Moreover, he previously served as an ex-officio member of the Rules Committee, Technology Committee, Training Committee, and the Deputy Compact Administrator Liaison Committee.

Captain Arruti holds a Bachelor of Arts in criminology and psychology from the University of New Mexico. He is also a graduate of Northwestern University, Center for Public Safety, School of Police Staff and Command.



Matthew Billinger is a director of Interstate Community Services for Kansas Department of Corrections and the deputy compact administrator for the State of Kansas for both the juvenile and adult compact. He plays an active role in the Interstate Compact for Adult Offender Supervision while also supervising a unit that manages Kansas detainees, in absentia, warrants and extraditions. He is co-author of an article with Kansas Assistant Attorney General Steven Karrer entitled, “What a Prosecutor Should Know and Why They

Should Care.” Director Billinger is a graduate of Fort Hays State University with a bachelor’s in justice studies. His almost 15-year service includes tenures as a juvenile detention officer as well as a position in mental health services for the Wyandotte County Mental Health Center. His background also includes work in the Kansas City Parole Office with five years of service as a parole officer managing offenders with severe and persistent mental illness.



Douglas Clark is the executive director of the South Dakota Board of Pardons and Paroles for the South Dakota Department of Corrections. He earned a B.A. in management from the University of Sioux Falls and a graduate certificate in public administration and organizational management from the University of South Dakota.

Doug began his career with the South Dakota Department of Corrections in 1994 as a correctional officer in the South Dakota State Penitentiary located in Sioux Falls. He held numerous positions within security as well as unit management. In 2002, he was hired by the Parole Division to serve as a corrections specialist where he oversaw the development and implementation of the Community Risk Assessment/Re-Assessment instrument and process as well as the Policy-Driven Response to Violation Matrix. In 2008, he was named the director of field operations of Parole Services. Director Clark’s achievements included: arming parole agents, expanding the use of evidence based practices in South

Dakota Parole Services, and assisting with the development and implementation of system-wide strategies and process changes through the 2013 Justice Reinvestment Initiative. In May 2015, Doug was appointed executive director of the South Dakota Board of Pardons and Paroles. In this position, he gained responsibility for oversight of all Parole Board operations, Parole Services operations, and began service as South Dakota's commissioner to ICAOS.

Through ICAOS, he serves on the Rules Committee and as chair of the Midwest Region. When not working, Doug enjoys spending time with his family, coaching youth sports, and boating.



Leo Dunn received a J.D. cum laude from Widener University School of Law Harrisburg in 2007 and three Bachelor of Science degrees from Penn State University in 1987. Mr. Dunn had a solo law practice and was an adjunct professor of law at Widener University. For over 26 years, he served the citizens of the Commonwealth through tenures in two state agencies. He was appointed director of policy and legislative affairs for the Board of Probation and Parole in 2012 after working nine years as an assistant director. Prior to working for the Board, Mr. Dunn spent 15 years with the Department of

Agriculture serving in various roles. He was instrumental in the original development of the PA Preferred Program. He served as a member of the Juvenile Act Advisory Committee, the Homeless Program Coordination Committee, the Mental Health Justice Advisory Committee at the Commission for Crime and Delinquency, chair of the LGBT Rights Committee and as a council member for the Solo and Small Firm Section of the Pennsylvania Bar Association.

He currently serves as the vice chair of the Pennsylvania Bar Association's Corrections System Committee. Mr. Dunn is a northern Pennsylvania native. Resulting from his 2015 senate confirmation and 2016 gubernatorial appointment as chair, Mr. Dunn serves as the first openly gay board member.



Libby Elliott is a senior policy advisor to the Office of the Governor of the State of Texas and is the 2015 appointee to the position of Texas interstate commissioner. She holds a B.A. in criminal justice from St. Edward's University.



Allen Godfrey is the field services director for the State of Minnesota. He is responsible for the oversight of probation and parole, and he serves as the state's ICAOS commissioner. His career includes service to juveniles in Hennepin County's residential facility in 1984, and he has held positions as a probation officer, supervisor, deputy director in Dakota County and Scott County community corrections director. Allen has a master's in human services planning and administration. Allen is a member of the State Evidence

Based Practices (EBP) Policy Committee and serves on the Minnesota Specialty Court Advisory Committee. Director Godfrey's achievements include initiation of the Juvenile Detention Alternative Initiative for Dakota County that led to a reduction of juveniles in detention as well as implementation of specialty courts. Further, he is a recognized leader in the implementation, training, quality assurance and outcomes through (EBP).



Coltan G Harrington is the deputy administrator for Field Services in Wyoming. As such, he manages several programs for the Wyoming Department of Corrections and fills in for the Field Services administrator when needed. Coltan has a B.S. in psychology and an M.P.A, both from the University of Wyoming.



Tracy Hudrlik is currently the deputy compact administrator for the Minnesota Department of Corrections. In this role, she is responsible for statewide direction, planning and coordination of all activities related to the ICAOS and the Interstate Compact on Juveniles (ICJ). She is the primary liaison between the Department of Corrections and the courts, corrections agencies, attorneys, law enforcement, compact staff across the country and other agencies with regard to the interstate compact process. She is an ex-officio member of the national ICAOS Rules Committee. Previous roles include a tenure as Interstate Compact commissioner for the State of Wisconsin as well as more than 20 years of additional work in the field of corrections, holding positions in both Minnesota and Wisconsin. She holds a Bachelor of Arts in criminal justice from University of Wisconsin-Platteville.



Alisha Shoates James joined the United States Probation and Pretrial Services Office in 2011. There, she conducted investigations and prepared reports including sentencing recommendations for individuals convicted of federal offenses and served as a firearms and non-lethal ammunitions instructor. Ms. James joined TDOC in 2014 and served as correctional administrator for the middle Tennessee region. Prior to her appointment to assistant commissioner, she served as the statewide probation administrator.

Ms. James now serves as the assistant commissioner of community supervision for the Tennessee Department of Correction (TDOC). In her current role, she manages more than 1,100 staff members who are responsible for the supervision of over 78,000 offenders in the community. Ms. James continues to play a key role in driving statewide initiatives and is considered a subject matter expert on firearms and defensive tactics. Her extensive knowledge and expertise continue to aid her as she serves in her current role.



Natalie Latulippe is a graduate of Arizona State University with a Bachelor of Arts degree in psychology. She has 19 years of experience in adult probation.

In 1998, Natalie began her career as a probation officer in Maricopa County, Arizona. She then moved back to New England and has been with Adult Probation in the Connecticut Judicial Branch Court Support Services Division since 2001. Natalie is currently a chief probation officer and the probation deputy compact administrator. Although her primary responsibility is overseeing the day to day operations of the Interstate Compact Office, Natalie is also responsible for managing the ACA accreditation process statewide for adult probation. She continues to be actively involved in the ICAOS and currently serves on the Technology Committee. Natalie was the 2015 recipient of the ICAOS Executive Director Award for her professionalism, leadership, and dedication to the Interstate Commission.



Charlie Lauterbach is an executive officer with the Iowa Department of Corrections. His experience includes service in community-based corrections dating from February, 1988. Moreover, his background incorporates positions such as job developer, probation/parole officer, residential counselor, and Community Corrections service representative.

Charles was appointed Iowa's compact administrator in September, 1997. In that role he served on the Probation and Parole Compact Administrators' Association's Training Committee, Finance Committee, and Nominations Committee. Upon adoption in 2001 of the ICAOS, Charles continued to serve as Iowa's compact administrator. In May, 2009 he was appointed Iowa's commissioner. From 2008 to 2010 Charles chaired the Commission's Deputy Compact Administrators Liaison Committee. Since 2010 Charles continued to serve as the Commission's Treasurer.

Charles holds a bachelor's degree from the University of Iowa, Iowa City and an M.B.A. from the University of Phoenix, West Des Moines Campus.



Dr. Rachel Levine is currently the Acting Secretary of Health and Physician General for the Commonwealth of Pennsylvania and Professor of Pediatrics and Psychiatry at the Penn State College of Medicine.

As Physician General, Dr. Levine has made significant strides combating the opioid epidemic and advocating on behalf of the LGBTQ population. She spearheaded the efforts to establish opioid prescribing guidelines and establish opioid prescribing education for medical students. She has also led an LGBTQ workgroup for the governor's office which has worked to create programs and processes that are fair and inclusive in healthcare, insurance, and many other areas. Recently, Dr. Levine was recognized as one of NBC's Pride 30, a national list of 30 people who are both members of and making a difference in the lives of the LGBTQ community.

Her previous posts included: Vice -Chair for Clinical Affairs for the Department of Pediatrics and Chief of the Division of Adolescent Medicine and Eating Disorders at the Penn State Hershey Children's Hospital-Milton S. Hershey Medical Center.

Dr. Levine graduated from Harvard College and the Tulane University School of Medicine. She completed her training in Pediatrics at the Mt. Sinai Medical Center in New York City and then did a Fellowship in Adolescent Medicine at Mt. Sinai. She then practiced pediatrics and adolescent medicine in New York City and was on the faculty of the Mt Sinai School of Medicine. She came to Central Pa. in 1993 as the Director of Ambulatory Pediatrics and Adolescent Medicine at the Polyclinic Medical Center. She joined the staff at the Penn State Hershey Medical Center in 1996 as the Director of Pediatric Ambulatory Services and Adolescent Medicine.

Her accomplishments at the Penn State Hershey Medical Center include the initiation of a Division of Adolescent Medicine for the care of complex teens with medical and psychological problems. In addition, she started the Penn State Hershey Eating Disorders Program which offers multidisciplinary treatment for children, adolescents and adults with eating disorders such as anorexia nervosa and bulimia nervosa. She was the Liaison for the LGBT community for the Office of Diversity at the Penn State College of Medicine. In that role, she established a LGBT faculty and staff affinity group and was the facilitator for the LGBT student group.

Dr. Levine teaches at the Penn State College of Medicine on topics in adolescent medicine, eating disorders and transgender medicine. In addition, she has lectured nationally and internationally and has published articles and chapters on these topics.



Ashley Lippert is the executive director for the ICAOS. She is responsible for the operation of the commission and for representing the commission to legislatures, judiciary bodies, Congress and the general public. Further, she promotes the Compact's concepts and spirit among member states.

Ashley's career development included engagement in public safety issues on both a state and national level. Prior to her current assignment, Ashley served as the assistant director to the ICAOS. As well, she served seven years as the executive director for the Interstate Commission for Juveniles. Further, her past experience included roles in judicial education and pretrial work for the Administrative Office of the Courts for the Commonwealth of Kentucky.

A graduate of Eastern Kentucky University, you can contact Ashley at the Commission's national offices located in Lexington, Kentucky.



Dori Littler was appointed to her current position as the deputy compact administrator (DCA) for Arizona Adult Probation in December, 1999. Prior to this position, Dori was an adult probation officer with the Gila County Probation Department in Globe, Arizona.

As DCA, she is responsible for training and oversight of the interstate compact program. She regularly trains line officers, judges, attorneys and other court personnel on the rules of the interstate compact throughout Arizona. She also has experience training criminal justice personnel in Colorado, Texas, Missouri, Nevada, California, Hawaii, North Dakota, Oklahoma, Idaho, Alaska, New Jersey, Kansas, Iowa, Connecticut, New Mexico, and Washington, D.C.

Appointed as Arizona's compact commissioner in January, 2005, Dori serves on the Rules Committee and is a national trainer for the Training Committee. Her past service includes tenures as chair of the West Region and chair of the Training Committee. Dori is a graduate of St. Cloud State University with a B.A. in criminal justice.



Robert Maccarone, Esq., Mr. Maccarone served four governors, working for New York more than 15 years. Previously, he worked as a prosecutor--deputy bureau chief - for the Westchester County District Attorney's Office, and as a deputy commissioner for the county's corrections department. He was appointed by Governor Andrew Cuomo in August of 2014 to serve as New York State's commissioner and compact administrator for the

ICAOS.

Mr. Maccarone also serves as the New York state (NYS) director of probation and is a deputy commissioner at the NYS Division of Criminal Justice Services, where he oversees New York's more than 200 alternative to incarceration community corrections programs. As well, he oversees NYS' Juvenile Probation Interstate Transfer Unit, the state's Ignition Interlock Device Program, and 20 county re-entry task forces. Mr. Maccarone has undergraduate and graduate degrees in psychology and sociology from Fordham University, and a Juris Doctorate from PACE University.



Russ Marlan began his career with the Michigan Department of Corrections as a parole officer in Detroit in 1992. After two years of supervising a variety of paroled offenders, he was selected to staff Michigan's first-ever specialized parole office handling only released sex offenders.

In 1998, Russ was promoted to parole office supervisor at the state's Special Alternative Incarceration (boot camp) Program. In 2000, he was promoted to program manager of the boot camp and was responsible for all offender intake, education services, treatment and programming at the facility.

In 2002, Russ began working in the department's public information office and assumed the role of public information officer in 2006. In March 2010, he was promoted to the position of administrator of the Executive Bureau where he served as chief of staff to the department director and managed the Legislative Affairs Section and the Public Information Office.

In July 2014, Russ was assigned as the administrator for regions 1-9 of Field Operations Administration. This position was responsible for the administration of Parole and Probation staff and daily operations in 80 counties throughout the state. On October 1, 2014, Russ was selected as the interim deputy director of Field Operations Administration; and was appointed to the position in December, 2014.

Russ graduated with a Bachelor of Arts in criminal justice from Michigan State University.



Rick Masters is general counsel to the ICAOS, providing legal guidance concerning the compact and its administrative rules for application and enforcement to the member state commissioners of ICAOS and other state officials. Rick is also a recognized subject matter expert in the field of interstate compacts and provides legal advice to several other compact governing boards and agencies. He testifies before state legislative committees concerning a wide variety of compact legislation and provides testimony to Congress concerning compact consent legislation and related interstate compact legal issues. Rick is counsel of record in a number of federal and state cases involving important interstate compact issues including a published decision of the U.S. Court of Appeals for the Tenth Circuit upholding the validity of the regional low-level radioactive waste compacts to which most of the states are members. Rick researches and writes in the field of interstate compacts and is published in a wide variety of law review and other legal articles, bench books used by state court judges, and other publications concerning the law and use of interstate compacts. He is also the co-author of the most comprehensive compilation of legal authorities and commentary on the subject published by the American Bar Association in 2016 entitled *The Evolving Law and Use of Interstate Compacts*, 2nd Edition.

Rick received his Juris Doctorate from the Brandeis School of Law of the University of Louisville and his B.A. from Asbury University. He is a former assistant attorney general for the Commonwealth of Kentucky and previously served as general counsel to the Council of State Governments. He also just completed a four-year term as a commissioner for the Kentucky Executive Branch Ethics Commission.



Chris Moore started his service as interstate compact administrator/commissioner for the State of Georgia in 2012. Chris began his career in Community Supervision in 1989 as a probation officer. In 1998, he moved to central office as a field support specialist where he focused on sex offender supervision. In 2005, he was promoted to center administrator of a day reporting center and was later promoted to chief probation officer, 2009.

Chris received his B.B.A. from Mercer University in 1989. He is also a certified P.O.S.T instructor and a certified alcohol and drug counselor.



Jenny Nimer is directly responsible for planning, implementing, organizing, and directing operational activities for pre-trial intervention, probation, prison release, community control, and interstate compact activities for all felony offenders under the Department of Corrections' supervision. This responsibility is preceded by her role as deputy assistant secretary of Community Corrections.

Mrs. Nimer has 33 years of experience with the Florida Department of Corrections. Her service includes a tenure as the assistant bureau chief for the Bureau of Probation and Parole Field Services as well as a term as deputy circuit administrator for Judicial Circuit Two.

Through the judicial circuit, she was responsible for overseeing 90 probation and parole officers and staff, monitoring workloads, directing quality assurance, and implementing Department policy and procedures. Later, Mrs. Nimer worked in the department's Bureau of Research and Data Analysis. There, she managed the community supervision section, prepared legislative impact analyses, authored reports for the Bureau of Probation and Parole Field Services, created briefing packages, and summarized materials for the Florida legislature and the governor's office.

Mrs. Nimer serves on various boards and commissions where she acts in capacities. Her service includes terms as member of the Florida Council on Crime and Delinquency, member of the American Probation and Parole Association, Florida's commissioner of ICAOS, state council member for the Interstate Adult Offender Supervision, and board member of the Florida Association of Community Corrections.

Mrs. Nimer holds a bachelor's degree in criminology from Florida State University and is certified as a correctional probation officer with the state of Florida.



Patricia Lyn Odell is a proud graduate of the Meeteetse High School, Meeteetse, Wyoming. She holds a B.A. and J.D. from the University of Wyoming (1982, 1985). She is a member of the Wyoming State Bar Association. Pat has more than 26 years of service with the Wyoming Department of Corrections.



Michael Potteiger began his career as a probation officer in Dauphin County in 1989 following his graduation from Pennsylvania State University with a Bachelor of Science degree in criminal justice. In 2002, Mr. Potteiger became the chief adult probation officer of Northumberland County. There, he implemented treatment courts for offenders with behavioral issues such as drug and alcohol abuse and mental health diagnoses. He was recognized by the Pennsylvania Association of Probation, Parole and Corrections (PAPPC) as its 2006 recipient of the Probation and Parole Professional of the Year Award.

In 2008, Mr. Potteiger returned to Dauphin County as director of adult probation and parole services. As director, he focused on developing and utilizing programs with an emphasis on re-entry that engaged family

members in the process. These efforts included a truancy initiative, an offender mentoring program conducted by successful ex-offenders and family group conferencing. Mr. Potteiger was instrumental in bringing specialized courts to Dauphin County with the implementation of drug and mental health courts. He also was involved with the development of a veterans' court, which was implemented shortly after he was appointed to the Board. Mr. Potteiger was elected as the president of the Pennsylvania County Chief Adult Probation and Parole Officers Association of Pennsylvania in 2008 and held that position until confirmed by the Senate as a member of the Board on December 13, 2011. Mr. Potteiger was appointed chairman by Governor Tom Corbett on January 30, 2012, a position he held until September 16, 2014.



Anne L. Precythe - Missouri Governor Eric R. Greitens nominated Anne L. Precythe as the director of the Department of Corrections on December 23, 2016. The nomination was confirmed on February 9, 2017. Precythe became the seventh director to lead the department since it became its own cabinet-level state agency in 1981.

As director, Precythe is responsible for the 21 adult correctional facilities, six community supervision centers, a community release center, and more than 40 probation and parole offices across the State of Missouri. This includes more than 11,000 staff, 59,000 probationers and parolees, and more than 30,000 inmates.

Precythe brings nearly 30 years of service as a corrections professional into her role as director. Before becoming the second woman director for the Missouri Department of Corrections, Precythe served as the director of community corrections in the North Carolina Department of Public Safety.

Anne L. Precythe began her career in 1988 with the Division of Community Corrections in North Carolina as a probation/parole officer in Duplin County. During her career in North Carolina, she served in many capacities and in 2013 was appointed the first female director of the Division of Community Corrections.

In 1999, Anne transitioned into a quality assurance role where she assisted managers in using data to manage operations. In 2003, she was promoted to lead community corrections analyst supervising all quality assurance personnel and leading the agency in effective case management strategies.

In January 2006, Director Precythe was promoted to the position of Interstate Compact administrator and named deputy commissioner to the ICAOS. In 2007, Anne became a national trainer with the ICAOS. Later, she was presented with the National Interstate Commission for Adult Offender Supervision Executive Director's Award.

In January 2010, she assumed the responsibility of EBP project implementation manager for the Division of Community Corrections; and, in August 2011, she became the supervision services administrator. This role included oversight of the sex offender management program, technology services, in-service training and all DCC programs (TECS, transitional housing, community intervention centers, DART, Black Mountain, drug screening and labs) and services.

Anne career includes service on various councils and commissions. She is a long-standing member of the North Carolina Probation/Parole Association, the Correctional Peace Officer Foundation, and the North Carolina Interagency Council for Coordinating Homeless Programs (NCICCHP). Additionally, she is the 2015 appointee of United States Attorney General Eric Holder to the National Institute of Corrections Advisory Board, representing all of Community Corrections across the country. Further, she remains active

with the national ICAOS office, serving as the current chair of the Training Committee and member of the Executive Committee.

Anne is married with two married daughters and two grandsons. During her spare time, she enjoys golfing and spending time with family.



Gary Roberge is the acting executive director of the Court Support Services Division of the Connecticut Judicial Branch as well as the commissioner of Interstate Compact for Connecticut. He directs and manages over 1,400 employees involved with adult and juvenile probation, juvenile detention, family criminal and civil services, bail pretrial release services and alternative sanctions. He has over 29 years of criminal justice experience within the Branch. His early career includes service with the Office of the Chief Bail Commissioner as a line officer providing direct service to the courts.

Mr. Roberge spent the past 18 years working within the Connecticut Judicial Branch's Court Support Services Division and was formerly director of adult probation and bail field operations. He directed over 700 line and supervisory probation and pretrial staff who supervise over 41,000 probationers and 16,000 pretrial release cases.

Mr. Roberge is also a member of the Interstate Compact Executive Committee and is chair of the Technology Committee. He is also the co-chair of the Sex Offender Assessment and Management Subcommittee for the Connecticut Sentencing Commission.

Mr. Roberge received a Bachelor of Science degree from Eastern Connecticut State University and master of public administration from the University of Hartford. As well, he served as an adjunct professor in the Central Connecticut State University Criminology Department.



Dr. Emily J. Salisbury, Ph.D. is associate professor of criminal justice at the University of Nevada, Las Vegas in the Greenspun College of Urban Affairs. She also serves as editor-in-chief of *Criminal Justice and Behavior*, one of the top research journals for evidence-based corrections. Additionally, she is co-author of the book, *Correctional Counseling and Rehabilitation*, currently in its 9th edition.

Dr. Salisbury's primary research interests include correctional policy, risk/needs assessment, and offender treatment intervention strategies, with a particular focus on justice involved women and gender-responsive policy. Her research publications appear in several top academic journals and edited volumes. And, she has experience building successful grant programs such as her work leading to the Nevada Department of Corrections earning a \$1 million Second Chance offender reentry grant from the U.S. Bureau of Justice Assistance. Further, Dr. Salisbury frequently provides technical assistance for the U.S. Department of Justice's National Institute of Corrections, the U.S. Bureau of Prisons, the Center for Effective Public Policy, and various international NGOs.

During her doctoral career at the University of Cincinnati, she assisted in the development of the Women's Risk Needs Assessment, a suite of assessments specifically designed for predicting the treatment needs of justice-involved women. Notably, the Washington State Department of Corrections invited her to deliver a TEDx talk asking us all to consider how we supervise and treat women in prison.



Jane Seigel is the executive director of the Indiana Office of Court Services (IOCS). The IOCS conducts education programs for judicial officers, probation officers, court alcohol and drug program staff and problem-solving court staff, and other court employees. Ms. Seigel and staff members regularly attend legislative hearings and testify on upcoming court, probation, interstate compact, criminal and juvenile legislation. Ms. Seigel oversees the staff responsible for providing research services for the judicial branch, collecting court statistics, providing support for court programs and projects, administering the interstate compact, certifying probation officers, certifying court alcohol and drug programs, and certifying problem-solving courts. The IOCS provides staff support for all the committees of the Judicial Conference of Indiana. As the executive director, Ms. Seigel chairs the Justice Reinvestment Advisory Council, serves on the Board of Trustees of the Indiana Criminal Justice Institute, and serves as Indiana's commissioner on the ICAOS and the Interstate Juvenile Compact. She is chair of the Rules Committee for the ICAOS and serves on its Executive Committee. She also serves on the State Steering Committee for the Juvenile Detention Alternatives Initiative (JDAI) and is a member of the Annie E. Casey's JDAI Applied Leadership Network.

Prior to assuming this position, she served as the general counsel for the Indiana Association of Cities and Towns and worked in various legal positions at the Indianapolis-Marion County City-County Legal Division, now known as the Office of Corporation Counsel. Ms. Seigel received her B.A. degree from DePauw University and her J.D. degree from the McKinney School of Law in Indianapolis.

She is married and has two grown children.



Tim Strickland, a 1994 graduate from Valdosta State University with a master's in public administration, began his career with the Florida Department of Corrections in 1995 and continued to serve inside the fence as a corrections officer and classification officer prior to transferring out to Community Corrections. There, he served as a correctional probation officer, senior officer, supervisor, senior supervisor, and deputy circuit administrator.

Tim is a Florida Department of Law Enforcement certified instructor in general instruction, defensive tactics, and firearms. He is also a Florida Department of Corrections certified range master.

Tim's rural and urban service throughout the state included work in two prisons and four circuits. His current appointment in the central office began in February, 2015.



Jeremiah Stromberg is currently serving as assistant director of community corrections for the Oregon Department of Corrections. This role includes oversight of the community corrections grant in aid funding; development of statewide legislation, policies, and rules that govern community corrections; jail inspections; liaison between the Counties of Oregon and the Department of Corrections, and Interstate Compact.

Jeremiah served as executive director on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012. Later, he was appointed by Governor John Kitzhaber as a member of the Board.

From 1997-2009, he worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; manager of the Adult Secure Residential Treatment Program; manager of the START

Drug Court; manager of the Parole and Probation Domestic Violence Unit, and manager of the Local Control Supervision Unit.



Margaret E. Thompson graduated from Pennsylvania State University in 1977 with a Bachelor of Science degree in vocational rehabilitation education and counseling. After graduation, she spent the next 13 years in Peru and Europe before returning to the United States in 1989. Shortly after her return, she joined the York County Adult Probation Department as a bilingual probation officer for eight years, specializing in the female offender population. She then served 5 years as supervisor of the Intermediate Punishment, Pre-sentence Investigation, and Pre-Trial Intervention Units. In 2002, she began her career as director of interstate probation services with the Pennsylvania Board of Probation and Parole, which included the title of deputy compact administrator. Ms. Thompson is a trainer for the ICAOS Training Committee and an ex-officio member of the ICAOS Rules Committee and the PA State Council for the Interstate Commission for Juveniles.



Patricia Tuthill: following the murder of her daughter, Peyton Tuthill in 1999, Pat left her career as director of human resources with a medical center to become a legislative activist, public speaker, and advocate for victims issues and public safety. She lobbied all 50 states to pass a new, tougher Interstate Compact for Adult Offender Supervision (ICAOS) to govern interstate relocation and transfers of probationers and parolees across the country. In October 2005, she joined Governor Romney as he signed compact legislation in Massachusetts, achieving her dream of enacting the Compact in all states.

Known as an “outspoken” advocate in promoting public safety and victims’ rights, Pat is a national speaker and trainer for criminal justice professionals, victims groups, judiciary, and policy makers. Further, she continues to focus on restorative justice, speaking to and working with incarcerated inmates on the Impact of Crime, Accountability, and Returning to Communities. In addition, she works with offenders’ families, listening to concerns regarding transfers and informing them on the necessity of Compact and public safety issues.

She received the Ronald Reagan Public Policy Award from US Attorney General Eric Holder in 2014 for championing the implementation of a national automated victim notification system. APPA awarded her Judge Joe Kegans Award for Victim Services in 2011. As well, she was selected as One of 25 Women You Should Know in Florida.

Pat is the founder of the Peyton Tuthill Foundation. The Foundation awards college scholarships to children who have been left behind by homicide; it assists survivors and victims in navigating the criminal justice system to ensure their rights are protected; and, it promotes restorative justice with \$50,000 awarded as of 2016. Her work is the subject of several documentaries by MSNBC, ID Discovery, BBC Discovery Channel, and a French documentary titled Human that premiered at the United Nations in September 2015.



Her appointments include: ex-officio victims’ representative to the National Commission for the Interstate Compact; selection by three Florida governors as the victim representative to the Florida State Compact Council; victim representative to the Florida State Council for the Interstate Juvenile Compact; and American Corrections Association delegate. She is a graduate of Southern Illinois University and holds a M.S. in human resources management. Pat is a member of both APPA and ACA, Victim Issues Committee, POMC, and NOVA.



Interstate Commission for Adult Offender Supervision

Ensuring Public
Safety for the
21st Century


Annual Business Meeting Compact Member Attendee List

ALABAMA	 <p>Chris Norman Commissioner</p>	 <p>Lee Ishman DCA</p>	
ALASKA	 <p>Carrie Belden Commissioner</p>	 <p>Kathryn Luth DCA</p>	
ARIZONA	 <p>Dori Littler Commissioner/ DCA Probation</p>	 <p>Lisa Svoboda DCA Parole</p>	
ARKANSAS	 <p>Shelia Sharp Commissioner</p>	 <p>Linda Mustafa DCA</p>	
CALIFORNIA	 <p>Steve Marshall Commissioner</p>	 <p>Anthony Pennella DCA</p>	
COLORADO	 <p>Melissa Roberts Commissioner</p>	 <p>Merideth McGrath DCA Parole</p>	 <p>Devon Whitefield DCA Probation</p>
CONNECTICUT	 <p>Gary Roberge Commissioner, Technology Committee Chair</p>	 <p>Fred Watton DCA Parole</p>	 <p>Natalie Latulippe DCA Probation</p>
DELAWARE		 <p>John Sebastian DCA</p>	
DISTRICT of COLUMBIA		 <p>Elizabeth Powell Official Designee/DCA</p>	
FLORIDA	 <p>Jenny Nimer Commissioner</p>	 <p>Tim Strickland DCA</p>	
GEORGIA	 <p>Chris Moore Commissioner, South Region Chair</p>	 <p>Jenna James DCA Parole</p>	 <p>Miriam Dyson DCA Parole & Probation</p>




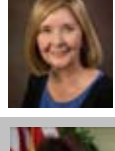

HAWAII	 Sidney Nakamoto Commissioner	 Michael Knott DCA Parole	
IDAHO	 Denton Darrington Commissioner	 Judy Mesick DCA, West Region DCA Chair	
ILLINOIS	 Dara Matson Commissioner/ DCA Parole	 Holly Kassube DCA Probation	
INDIANA	 Jane Seigel Commissioner, Rules Committee Chair	 Turran Blazier DCA Probation	 Joel Gruber DCA Parole
IOWA	 Charles Lauterbach Commissioner, Treasurer	 Simona Hammond DCA	
KANSAS	 Hope Cooper Commissioner	 Matthew Billinger DCA, Midwest Region DCA Chair	
KENTUCKY	 Kim Potter-Blair Commissioner	 Steve Turner DCA Probation	
LOUISIANA		 Gregg Smith DCA	
MAINE	 Scott McCaffery Commissioner		
MASSACHUSETTS	 Paul Treseler Commissioner	 Michael Coelho DCA Probation	 Michael Callahan DCA Parole
MARYLAND	 Joseph Clocker Commissioner	 Cornelius Woodson DCA	
MICHIGAN	 Russell Marlan Commissioner	 Daryn Cobb Acting DCA	

MINNESOTA	 Allen Godfrey Commissioner, Compliance Committee Chair	 Tracy Hudrlik DCA	
MISSISSIPPI	 Christy Gutherz Commissioner	 Richie Spears Compact Administrator/ DCA	
MISSOURI	 Anne Precythe Commissioner, Training Committee Chair	 Lori Zuroweste DCA	
MONTANA	 Cathy Gordon Commissioner/DCA		
NEBRASKA	 Jacey Nordmeyer Commissioner/ DCA Probation	 Sally Reinhardt- Stewart DCA Parole	
NEVADA	 Shawn Arruti Commissioner, West Region Chair	 Deon McDaniel DCA	
NEW HAMPSHIRE	 Mike McAlister Commissioner	 Jeanne Stewart DCA	
NEW JERSEY	 James Plousis Commissioner	 Candice M. Alfonso, Esq. DCA Probation	 Robin J. Stacy, Esq. DCA Parole
NEW MEXICO	 Roberta Cohen Commissioner	 Victoria Vigil DCA	
NEW YORK	 Robert Maccarone Commissioner	 Felix Rosa DCA Parole	 Matthew Charton DCA Probation
NORTH CAROLINA	 Timothy Moose Commissioner	 Jay Lynn DCA	
NORTH DAKOTA	 Amy Vorachek Commissioner	 Janice Young DCA	

OHIO		Sara Andrews Commissioner, Chairman		Suzanne Brooks DCA		
OKLAHOMA		Kevin Duckworth Commissioner		Frank Mesarick DCA		
OREGON		Jeremiah Stromberg Commissioner, Vice Chair		Mark Patterson DCA		
PENNSYLVANIA		Michael Potteiger Commissioner, DCA Liaison Committee Chair		Kay Longenberger DCA Parole		Margaret Thompson DCA Probation
PUERTO RICO		Raquel Colón Commissioner/DCA				
RHODE ISLAND				Ingrid Siliezar Official Designee DCA		
SOUTH CAROLINA		Jerry Adger Commissioner				
SOUTH DAKOTA		Doug Clark Commissioner, Midwest Region Chair		Sarah Ball DCA Parole		Charles Frieberg DCA Probation
TENNESSEE		Alisha James Commissioner		Deborah Duke DCA		
TEXAS		Libby Elliott Commissioner		Sherri Cogbill DCA		Ethel White DCA
UTAH		James Hudspeth Commissioner	Jennifer Calvo DCA			
VERMONT		Dale Crook Commissioner, East Region Chair		Donna Pratt DCA, East Region DCA Chair		

VIRGINIA	 Jim Parks Commissioner	 Julie Lohman DCA, South Region DCA Chair
U.S. VIRGIN ISLANDS	 Rick Mullgrav Commissioner	
WASHINGTON	 Mac Pevey Commissioner	 Tanja Gilmore DCA
WEST VIRGINIA	 Diann Skiles Commissioner	 Amy Kirk DCA
WISCONSIN	 Joselyn López Commissioner	 Mary Evans DCA
WYOMING	 Coltan Harrington Commissioner	 Patricia Odell DCA

EX OFFICIO MEMBER ATTENDEES

American Probation and Parole Association (APPA)	 Veronica Cunningham
Association of Paroling Authorities International (APAI)	 Monica Morris
Association of Prosecuting Attorneys (APA)	 David LaBahn
Interstate Commission for Adult Offender Supervision, Victims' Advocate (ICAOS)	 Pat Tuthill
Interstate Commission for Juveniles (ICJ)	 MaryLee Underwood

National Conference of State Legislatures (NCSL)



Craig Tieszen

Conference of State Court Administrators (COSCA)



Sally Holewa

NATIONAL OFFICE STAFF



Ashley Lippert, Executive Director



Allen Eskridge, Policy and Operations Director



Barno Saturday, Logistics and Administrative Coordinator



Mindy Spring, Administrative and Training Coordinator



Xavier Donnelly, ICOTS Manager



Kevin Terry, Web Analyst

LEGAL COUNSEL



Rick Masters, General Counsel



ORLANDO

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2018 ANNUAL BUSINESS MEETING

OCTOBER 1 - OCTOBER 3, 2018
