



Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

## 2018 ICAOS Annual Business Meeting

### Docket Book

Oct. 1-3, 2018





## **2018 ANNUAL BUSINESS MEETING DOCKET BOOK**

**WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT  
1850 HOTEL PLAZA BOULEVARD • LAKE BUENA VISTA • ORLANDO, FL 32830  
OCTOBER 1 - 3, 2018**

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- Agenda
- Annual Business Meeting Minutes from October 11, 2017
- ICAOS Statute
- ICAOS Bylaws
- ICAOS Rules
- Presenter Biographies
- DCA Training Institute Handout
- Budget & State Dues Assessments
- Data Collection
- Committee and Region Reports
- IVINS Update & 2018 IVINS Survey Results
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## 2018 Annual Business Meeting Agenda

### Interstate Commission for Adult Offender Supervision

Wyndham Lake Buena Vista Disney Springs Resort  
1850 Hotel Plaza Boulevard • Lake Buena Vista • Orlando, FL 32830  
October 1 - 3, 2018

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#### Monday, October 1

8:30 am – 5:00 pm

**Deputy Compact Administrators Training Institute**  
*Horizon Ballroom, Mezzanine Level*

#### **Welcome & Committee Introductions**

- *Anne Precythe (MO), Commissioner*
- *Tracy Hudrlik (MN), DCA*

9:45 am – 10:00 am

*Break*

#### **Painting the Supervision Picture**

- *Tracy Hudrlik (MN), DCA*

#### **Retaking is Required ‘Upon the Request of the Receiving State’**

- *Dori Littler (AZ), Commissioner & Margaret Thompson (PA), DCA*

#### **Obtaining and Tracking Warrants Panel**

- *Dori Littler (AZ), Commissioner; Tracy Hudrlik (MN), DCA & Matthew Charton (NY), DCA*

11:30 am – 12:30 pm

*Lunch [on your own]*

#### **Pending Charges & Revocable Behavior**

- *Chris Moore (GA), Commissioner & Timothy Strickland (FL), DCA*

#### **Probable Cause Hearings: Review of the Basics & Best Practices**

- *Jane Seigel (IN), Commissioner & Jacey Rader (NE), Commissioner*

2:30 pm – 2:45 pm

*Break*

**Subpoenas for Receiving State Officers to Testify in the Sending State at a Violation Hearing**

- *Hope Cooper (KS), Commissioner & Russell Marlan (MI), Commissioner*

**ICAOS Trivia Feud**

- *Dori Littler (AZ), Commissioner & Margaret Thompson (PA), DCA*

**3:15 pm – 5:00 pm**

**Executive Committee Meeting**

*Park Lake, Lobby Level*

**Tuesday, October 2**

**8:30 am – 8:45 am**

**Opening Remarks**

*Horizon Ballroom, Mezzanine Level*

- *Sara Andrews (OH), Commission Chair*

**8:45 am – 10:15 am**

**East Region**

*Sandy Lake, Lobby Level*

**Midwest Region**

*Spring Lake, Lobby Level*

**South Region**

*Park Lake, Lobby Level*

**West Region**

*Rock Lake, Lobby Level*

*10:15 am – 10:30 am*

*Break*

**10:30 am – 11:45 am**

**Policy and Practices in Corrections**

- *Angela Hawken, Ph.D., Professor of Public Policy, NYU Marron Institute of Urban Management and BetaGov Founder and Director*

*11:45 am – 1:00 pm*

*New Commissioners Lunch*

*Lakeview, Mezzanine Level*

**1:00 pm – 2:30 pm**

**Human Trafficking Coalition of the Palm Beaches**

- *Randy Foley, PBSO Lieutenant, Special Investigations Division, Palm Beach County Sheriff's Office, FL & Shaun O'Neill, FBI Supervisory Special Agent, Palm Beach County RA, Miami Division, FL*

*2:30 pm – 2:45 pm*

*Break*

**2:45 pm – 4:15 pm**

**Personal Wellness**

- *Jaime Brower, Psy.D, founder of Brower Physiological Police & Public Safety Services*



**4:15 pm – 5:00 pm**      **Spirit Awards**  
• *Shawn Arruti (NV), Commissioner*

**5:00 pm – 6:00 pm**      **Reception**  
*Lakeview, Mezzanine Level*

**Wednesday, October 3**

**General Session**  
*Horizon Ballroom, Mezzanine Level*

**8:30 am – 8:45 am**      **Call to Order**

**Flag Presentation**  
• *Florida Department of Corrections Honor Guard*

**Roll Call**

**8:45 am – 9:30 am**      **Approval of Agenda**

**Approval of Minutes**  
• *October 11, 2017*

**Welcome Address**  
• *Sara Andrews (OH), Commission Chair*  
• *Jenny Nimer (FL), Commissioner*  
• *Julie L. Jones, Secretary, Florida Department of Corrections*

**9:30 am – 10:00 am**      **Committee Reports**

- **Training, Education & Public Relations Committee**
  - *Anne Precythe (MO), Chair*
- **Information Technology Committee**
  - *Gary Roberge (CT), Chair*
- **Compliance Committee**
  - *Allen Godfrey (MN), Chair*
- **Rules Committee**
  - *Jane Seigel (IN), Chair*
- **Finance Committee**
  - *Charles Lauterbach (IA), Chair*
    - *FY 2020 Budget*
- **DCA Liaison Committee**
  - *Tracy Hudrlik (MN), Chair*

- **ABM Workgroup**
  - *Jeremiah Stromberg (OR), Commission Vice Chair*

10:00 am – 10:15 am

*Break*

10:15 am – 11:00 am

**Committee reports (cont.)**

11:00 am – 11:45 am

**Face-to-face Committee Meetings**

**Training, Education & Public Relations Committee**  
*Spring Lake, Lobby Level*

**Information Technology Committee**  
*Park Lake, Lobby Level*

**Compliance Committee**  
*Bay Lake, Lobby Level*

**Rules Committee**  
*Lakeview, Mezzanine Level*

**Finance Committee**  
*Sandy Lake, Lobby Level*

**DCA Liaison Committee**  
*Rock Lake, Lobby Level*

11:45 am – 1:00 pm

*Lunch [on your own]*

1:00 pm – 3:00 pm

**Interstate Compact Victim Notification Service (IVINS) Discussion**

3:00 pm – 3:15 pm

*Break*

3:15 pm – 3:45 pm

**Awards Presentation**

- *Executive Chair Award & Peyton Tuthill Award – Sara Andrews (OH), Commission Chair*
- *Executive Director Award – Ashley Lippert, Executive Director*

3:45 pm – 4:15 pm

**Old Business / New Business**

- *Approved Bylaws Amendment*
- *Election of Officers*
- *Call to the Public*

**Adjourn**



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

**Wyndham Grand Pittsburgh Downtown Hotel  
600 Commonwealth Pl, Pittsburgh, PA 15222**

**October 11, 2017**

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### **Call to Order**

The meeting was called to order by Chair S. Andrews (OH) at 8:30 a.m. ET. The Navy Operational Support Center Color Guard presented the flags.

### **Roll Call**

Roll was called by Executive Director A. Lippert. 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 Littler, Commissioner          |
| 4. Arkansas             | Sheila Sharp, Commissioner          |
| 5. California           | Steve Marshall, Commissioner        |
| 6. Colorado             | Melissa Roberts, Commissioner       |
| 7. Connecticut          | Gary Roberge, Commissioner          |
| 8. Delaware             | Jim Elder, Commissioner             |
| 9. District of Columbia | Elizabeth Powell, Official Designee |
| 10. Florida             | Jenny Nimer, Commissioner           |
| 11. Georgia             | Chris Moore, Commissioner           |
| 12. Hawaii              | Sidney Nakamoto, Commissioner       |
| 13. Idaho               | Denton Darrington, Commissioner     |
| 14. Illinois            | Dara Matson, Commissioner           |
| 15. Indiana             | Jane Seigel, Commissioner           |
| 16. Iowa                | Charles Lauterbach, Commissioner    |
| 17. Kansas              | Hope Cooper, Commissioner           |
| 18. Kentucky            | Kim Potter-Blair, Commissioner      |
| 19. Louisiana           | Gregg Smith, Official Designee      |
| 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	Anne Precythe, 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	James Plousis, Commissioner
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	<i>Not in attendance</i>
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Kevin Duckworth, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Michael Potteiger, Commissioner
40. Puerto Rico	<i>Not in attendance</i>
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	Alisha James, Commissioner
45. Texas	Libby Elliott, Commissioner
46. Utah	James Hudspeth, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	<i>Not in attendance</i>
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn Lopez, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Probation and Parole Association – Veronica Cunningham
- American Jail Association - *Not in attendance*
- Association of Paroling Authorities International – Joe Pacholsky
- Association of Prosecuting Attorneys – David LaBahn
- Conference Of State Court Administrators - Sally Holewa
- Interstate Commission for Adult Offender Supervision – Pat Tuthill
- Interstate Commission for Juveniles – MaryLee Underwood
- International Association of Chiefs Police - *Not in attendance*
- 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*

- National Organization for Victim Assistance - *Not in attendance*
- National Association for Public Defense - *Not in attendance*
- National Association of Police Organizations - *Not in attendance*
- National Sheriff's Association - *Not in attendance*

### **Approval of Agenda**

Chair S. Andrews (OH) requested to add *Risk Assessment Ad Hoc Committee Report* after the *ABM Workgroup Report* to the agenda.

**Commissioner J. Hudspeth (UT) moved to approve the agenda as amended. Commissioner A. Precythe (MO) seconded.**

**Agenda approved as amended.**

### **Approval of Minutes**

**Commissioner R. Maccarone (NY) moved to approve the ABM 2016 minutes as presented. Commissioner D. Crook (VT) seconded.**

**Minutes approved as presented.**

### **Welcome & Overview**

Chair S. Andrews (OH) welcomed the Commission members to Pittsburgh, Pennsylvania.

Chair S. Andrews (OH) introduced Michael Potteiger, Commissioner of the Commonwealth of Pennsylvania to deliver the welcome address.

Commissioner M. Potteiger (PA) introduced Leo Dunn, Chairman of the Pennsylvania Parole Board to deliver the keynote speech. Chairman Dunn gave a presentation on the Pennsylvania Board of Probation and Parole and its recent reforms.

Mr. 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. Through 26 years of commitment to the citizens of the Commonwealth, Mr. Dunn served two state agencies including his tenures as assistant director and later Director of Policy and Legislative Affairs for the Board of Probation and Parole. Prior to working for the Board, Mr. Dunn spent 15 years in various roles with the Department of Agriculture. 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. On March 15, 2016, Governor Tom Wolf appointed Mr. Dunn Chairman of the Parole Board. Mr. Dunn currently serves as the Vice Chair of the Pennsylvania Bar Association's Corrections System Committee.



Chairman L. Dunn introduced Dr. Rachel Levine, Acting Secretary of Health and Physician General for the Commonwealth of Pennsylvania to the Commission. Dr. Levine gave a presentation on the prescription opioid and heroin crisis.

Dr. 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. 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 in 1979 and the Tulane University School of Medicine in 1983. She completed her training in Pediatrics at the Mt. Sinai Medical Center in New York City in 1987 and then did a Fellowship in Adolescent Medicine at Mt. Sinai from 1987-88.

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

Chair S. Andrews (OH) accepted the DCA Liaison Committee, Compliance Committee, Victims' Advocate, and Legal Counsel written reports on behalf of the Commission.

### **ABM Planning Workgroup Report**

Commissioner J. Stromberg (OR) presented the workgroup report to the Commission. He thanked the workgroup members: Michael Potteiger, PA; Suzanne Brooks, OH; Matt Billinger, KS; Natalie Latulippe, CT; Margaret Thompson, PA; Shawn Arruti, NV; Mark Patterson, OR; Jenna James, GA; and Elizabeth Powell, DC.

The Committee recommends an annual business meeting (ABM) agenda to the Executive Committee for the upcoming year; reviews feedback from previous ABMs, region meetings, and additional input; considers emerging trends in supervision; provides support for the hosting state; and develops engagement activities at the ABM.

Commissioner J. Stromberg (OR) informed the Committee that this year's annual business meeting agenda was primarily built on the suggestions from the post ABM survey. He encouraged Commissioners to join the workgroup.

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

### **Risk Assessment Ad Hoc Committee Report**

Commissioner J. Stromberg (OR) presented the Risk Assessment Ad Hoc report to the Commission. He thanked the ad hoc committee members for volunteering on the Committee: Commissioner S. Marshall (CA), Commissioner A. James (TN), Commissioner R. Marlan (MI), Commissioner N. Ware (DC), and Commissioner R. Maccarone (NY).

The ad hoc Committee has explored the feasibility of incorporating the use of the principles of effective classification in the interstate compact transfer process. The

Committee reissued a survey conducted in 2011 to gather additional information from states. Based on the preliminary results, the Committee recommends against incorporating a compact specific risk assessment tool. The Committee will focus on ways to incorporate the primary domains of risk and needs into the transfer package.

Commissioner C. Moore (GA) recommended using such tool to determine eligibility for compact offenders.

Ex-Officio V. Cunningham (APPA) noted that the risk and needs is a huge topic among departments and agencies across the country. She suggested collaborating with another organization to work on this subject.

Chair S. Andrews (OH) accepted the ad hoc Committee report.

### **Information Technology Report**

Commissioner G. Roberge (CT), Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service to the Committee: Commissioner Nancy Ware (DC), Commissioner Chris Norman (AL), Commissioner Sheila Sharp (AR), Commissioner Shawn Arruti (NV), DCA Natalie Latulippe (CT), DCA Matt Billinger (KS), DCA Candice Alfonso (NJ), DCA Felix Rosa (NY), and DCA Julie Lohman (VA).

The Information Technology Committee met six times since last year's Annual Business Meeting. In the past year, the Committee worked on the following projects:

#### **ICOTS system update**

2017 Rule Amendments were implemented in ICOTS in June of this year. The implementation included managed progress report process and modification to the violation process (behavior requiring retaking).

#### **ICOTS Offender Photo Review**

The national office completed the offender photo quality review. Standards for ICOTS photos were developed based on the review.

#### **ICAOS Website**

The new ICAOS website launched in August 2017. Besides the new look, the website is mobile friendly and has better security, tabbed navigation, interactive U.S. map, and improved site search.

#### **IVINS (ICOTS Victim Notification Information Service)**

The Information Technology Committee rebranded the VINEWatch victims' notification system and agreed to name the new system IVINS (ICOTS Victim Notification System). The system will allow victims to self-register to receive notifications of status changes -

address change, leaves state, and engages in behavior requiring retaking in timely fashion.

### Upcoming Projects

In the upcoming year, the Committee will be assisting the national office with the Offender Photo Quality audit. The Committee will also continue its work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for re-taking purposes. Commissioner G. Roberge (CT) asked the Commission members to reach out to their local CSO (CJIS System Officers) to co-sponsor this project.

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

**Motion passed unanimously.**

### Training, Education & Public Relations Committee Report

Commissioner A. Precythe (MO), Training, Education and Public Relations Committee Chair, expressed her gratitude towards the Committees members, trainers, and the national office staff for their work throughout the year.

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

Trainers: Sally Reinhardt-Stewart (NE), Tracy Hudrlik (MN), Joe Beaman (MI), Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); Holly Kassube (IL); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Littler (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 provided the following trainings: Compact Staff (Dec 2016 & May 2017); General Rule (WebEx & On demand); *Promoting a Single Standard for Supervision* workshop at the APPA Winter Training Institute. The national office also redesigned the ICAOS Support page.

At the direction of the Training and DCA Liaison Committees, national office staff contacted DCAs to inquire on states' supervision and judicial practices for responding to non-compliant behavior. Specifically, information was gathered on what was done with and without court/parole board involvement. In states where court/parole boards were not involved, it was further confirmed whether officers had full authority to sanction up to revoke or extend supervision, as well as if and how jail sanctions were imposed and applied.

The purpose of gathering this information was to identify outstanding training issues specific to receiving states responsible for supervision and reporting, as well as future training topics. The following issues were identified: PC hearing requirements; reporting jail time used as a sanction; definition of behavior requiring retaking; state sponsored programs used in rehabilitation not offered to interstate offenders; stakeholder involvement/overcoming resistance; and documentation consideration.

Commissioner A. Precythe (MO) encouraged Commission members to volunteer as trainers.

Commissioner A. Precythe (MO) reminded the states to use Commission training tools and resources, share solutions among each other, and engage their State Councils.

**Commissioner S. Nakamoto (HI) moved to accept the Training Committee report. Commissioner J. Hudspeth (UT) seconded.**

**Motion passed unanimously.**

### **Finance Committee Report**

Commissioner C. Lauterbach (IA) presented his report to the Commission. Last year, the elected Treasurer was unable to complete her term and the Executive Committee asked Commissioner C. Lauterbach to step in to the role.

He noted that the Interstate Commission continued to be in excellent financial condition. As FY 2018 begins, the Commission has over \$1.5 million in cash accounts meaning Commission's cash balance exceeds the yearly budget of the Commission.

The Commission has over \$1.5 million in a Vanguard Long Term Investment Portfolio. The money in the portfolio is invested in a combination of 60% stock market index funds and 40% short-term bond funds. Although the Commission is no longer in a position where it is investing new funds in the long-term investment portfolio, the balance in the fund has continued to grow. In fact, the commission produced a 12.3% rate of return this year.

Savings from the Commission's disassociation from the Council of State Governments and the diligent efforts of the national office staff, the Commission ended fiscal year 2017 8% below budget. In FY 2017, the Commission had \$1,700,856 in total revenue. Total Commission expenses were \$1,561,229. As a result, the Commission was able to return \$139,000 to cash reserves.

All but two states and territories have paid their 2018 dues assessment. The national office staff is working with them to collect those funds.

Commissioner C. Lauterbach (IA) recognized the Finance Committee members: Commissioner Sheila Sharp (AR), Commissioner Christy Gutherz (MS), DCA Debbie Duke (TN), and Commissioner Melissa Roberts (CO).

**Commissioner S. Nakamoto (HI) moved to approve the FY 2019 budget. Commissioner R. Maccarone (NY) seconded.**

**Motion passed unanimously.**

### **Rules Committee Report**

Commissioner J. Seigel (IN), Rules Committee Chair, thanked the Rules Committee members and the national office staff for their hard work: Commissioner Dori Littler (AZ); Commissioner Jenny Nimer (FL); Commissioner Chris Moore (GA); Commissioner Robert Maccarone (NY); Commissioner Doug Clark (SD); Commissioner Coltan Harrington (WY); Commissioner Shawn Arruti (NV); Commissioner Libby Elliott (TX); DCA Tracy Hudrlik (MN); DCA Margaret Thompson (PA); DCA Tim Strickland (FL); and DCA Pat Odell (WY).

Commissioner J. Seigel (IN) presented the 2017 rule proposals.

Commissioner J. Seigel (IN) presented the proposal for 2.104 and 3.107 proposed by East Region and the Rules Committee.

#### ***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 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.

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

None.

**ICOTS impact:**

None.

**Scope and Metric**

N/A

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 2.104 and 3.107 proposed by the East Region and the Rules Committee. Commissioner D. Littler (AZ) seconded.**

**Motion passed unanimously.**

Commissioner J. Seigel (IN) presented the proposal for 3.101-1 proposed by the East Region.

***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 15<sup>th</sup> 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.

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

None

**ICOTS impact:**

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%

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 3.101-1 proposed by the East Region. Commissioner M. Potteiger (PA) seconded.**

**Motion passed unanimously.**

Commissioner J. Seigel (IN) presented the proposal for 3.104 and 4.111 (b) proposed by the East Region and the Rules Committee.

***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 45<sup>th</sup> 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.
- (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:

**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.

**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**

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

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 3.104 and 4.111 (b) proposed by the East Region and the Rules Committee. Commissioner D. Crook (VT) seconded.**

**Motion passed by 47 to one.**

Commissioner J. Seigel (IN) presented the proposal for 3.108-1 proposed by the Rules Committee.

***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~~ 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.

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

None.

**ICOTS impact:**

None.

**Scope and Metric**

N/A

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 3.108-1 proposed by the Rules Committee. Commissioner R. Maccarone (NY) seconded.**

Commissioner D. Littler (AZ) stated that Arizona Compact Office and its State Council support this proposal. However, they strongly feel that they need to take information from victims at any time and not hold them accountable to a particular deadline.

Commissioner D. Darrington (ID) inquired about the voting mechanism and whether his votes were being recorded as intended. He requested all his votes to be recorded as affirmative.

**Motion passed unanimously.**

Commissioner J. Seigel (IN) presented the proposal for 4.111 (a) proposed by the East Region and the Rules Committee.

**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.

**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.

**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.

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (a) proposed by the East Region and the Rules Committee. Commissioner C. Harrington (UT) seconded.**

Commissioner S. Arruti (NV) stated that the West Region discussed that this proposal does not reflect the reporting instructions time schedule on a sex-offender. The Region recognized that it was not the intent of this proposal and plans to address this issue at a later time.

**Motion passed by 47 to one.**

Commissioner J. Seigel (IN) presented the proposal for 4.111 (b)(c)(d) proposed by the East Region and the Rules Committee.

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

- (g) 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.
- (h) 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.
- (i) 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
- (j) 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.

- (k) 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.
- (l) 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).
- (m) 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:

**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.

**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

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (b)(c)(d) proposed by the East Region and the Rules Committee. Commissioner M. Pevey (WA) seconded.**

**Motion passed unanimously.**

Commissioner J. Seigel (IN) presented the proposal for 4.111 (e) proposed by the Midwest Region.

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

- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.

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.

#### **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.

**Effective date:**

March 1, 2018

**Commissioner J. Seigel (IN) moved to adopt the proposal for 4.111 (e) proposed by the Midwest Region. Commissioner D. Clark (SD) seconded.**

**Motion passed unanimously.**

Commissioner J. Seigel (IN) stated that the Rules Committee reconsidered proposal 5.102 and asked the East Region to withdraw it. The East Region withdrew the proposal at its region meeting yesterday.

**Gender Specific Risk Assessment Presentation and Panel by Dr. Emily Salisbury**

Commissioner J. Stromberg (OR) introduced Dr. Emily Salisbury to the Commission. Dr. Salisbury gave a presentation on understanding the risk and needs of justice involved women.

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.

Dr. Salisbury moderated a panel consisting of Commissioner A. James (TN), Commissioner R. Marlan (MI), Commissioner S. Arruti (NV), and DCA N. Latulippe

(CT). The panel discussed gender specific programs and their application in different states.

### **Award Presentations**

*Executive Chair Award* presented to Commissioner G. Roberge (CT) by Chair S. Andrews (OH).

*Executive Director Award* presented to DCA M. Billinger (KS) by Executive Director A. Lippert and Commissioner H. Cooper (KS).

*Peyton Tuthill Award* presented to Victims' Advocate J. Blaser-Upchurch (AZ) in recognition of her service and commitment to victims by Chair S. Andrews (OH), Commissioner D. Littler (AZ) and Victims' Advocate P. Tuthill.

### **Region Chairs Recognition**

Chair S. Andrews (OH) recognized the region chairs for their service and dedication: Chris Moore – South Region Chair, Dale Crook – East Region Chair, Doug Clark – Midwest Region Chair, and Shawn Arruti – West Region Chair.

General Counsel R. Masters administered the Oath of Office to newly elected region chairs: Chris Moore – South Region Chair, Dale Crook – East Region Chair, Doug Clark – Midwest Region Chair, and Shawn Arruti – West Region Chair.

Chair S. Andrews (OH) announced that the 2018 Annual Business meeting is scheduled for October 1-3, 2018 in Orlando, Florida.

### **Adjourn**

Commissioner M. Potteiger (PA) moved to adjourn. Commissioner J. Plousis (NJ) seconded. The Commission adjourned at 3:58 pm EDT.

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

**PREAMBLE**

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

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

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

## **ARTICLE I**

### **PURPOSE**

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

The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

## **ARTICLE II**

### **DEFINITIONS**

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

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

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

### **ARTICLE III**

#### **THE COMPACT COMMISSION**

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

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

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

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

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

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

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

#### **ARTICLE IV**

#### **THE STATE COUNCIL**

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

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

## **ARTICLE V**

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

The Interstate Commission shall have the following powers:

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



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

## ARTICLE VI

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. By-laws

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

establishing the fiscal year of the Interstate Commission;

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

providing reasonable standards and procedures:

(i) for the establishment of committees, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VII**

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VIII**

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

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

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

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

When promulgating a Rule, the Interstate Commission shall:

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

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

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

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

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

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

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

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

**Section A. Oversight**

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

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



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

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

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

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

### **Section C. Enforcement**

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

## **ARTICLE X**

### **FINANCE**

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

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

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

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

## **ARTICLE XI**

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

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

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

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

## **ARTICLE XII**

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

### **Section A. Withdrawal**

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

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

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

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

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

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

### **Section B. Default**

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

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

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

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

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

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

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

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

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

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

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

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

**Section D. Dissolution of Compact**

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

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

**ARTICLE XIII**

**SEVERABILITY AND CONSTRUCTION**

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

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

**ARTICLE XIV**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

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

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

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

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

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

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

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

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION 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

## **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:



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

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

## MEETINGS OF THE COMMISSION

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

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

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

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

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

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

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

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

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

## ARTICLE VII

### COMMITTEES

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

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

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

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

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

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

complete its business and shall specify the means by which the *ad hoc* committee shall report its activities to the Commission.

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

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

**ARTICLE VIII**

**FINANCE**

***Section 1. Fiscal Year.***

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

***Section 2. Budget.***

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

***Section 3. Accounting and Audit.***

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

The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such

materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

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

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

***Section 5. Debt Limitations.***

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

***Section 6. Travel Reimbursements.***

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

**ARTICLE IX**

**WITHDRAWAL, DEFAULT, AND TERMINATION**

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

**ARTICLE X**

**ADOPTION AND AMENDMENT OF BY-LAWS**

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

## **ARTICLE XI**

### **DISSOLUTION OF THE COMPACT**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State 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.





Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

## ICAOS Rules

General information

Effective Date:  
March 01, 2018

## 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” adopted September 14, 2016, effective June 1, 2017; “Significant Violation” repealed September 14, 2016, effective June 1, 2017; “Special Condition” repealed September 14, 2016, effective June 1, 2017.*

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

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

## **Rule 2.104 Forms**

- (a) States shall use the forms or electronic information system authorized by the commission.
- (b) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

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

## **Rule 2.105 Misdemeanants**

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 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. 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 15<sup>th</sup> 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; amended October 11, 2017, effective March 1, 2018.*

### **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 15<sup>th</sup> 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 45<sup>th</sup> calendar day following receipt of a completed transfer request in the receiving state's compact office.
- (b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.
- (c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

*References:*

*ICAOS Advisory 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; amended October 11, 2017, effective March 1, 2018.*

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

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

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

### **Rule 3.105 Pre-release transfer request**

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

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

(1) if the planned release date changes; or

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

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

#### *References:*

##### *ICAOS Advisory Opinions*

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 7<sup>th</sup> 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 7<sup>th</sup> business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

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

### **Rule 3.107 Transfer request**

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
- (1) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
  - (2) photograph of offender;
  - (3) conditions of supervision;
  - (4) any orders restricting the offender's contact with victims or any other person;
  - (5) any known orders protecting the offender from contact with any other person;
  - (6) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
  - (7) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
  - (8) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
  - (9) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
  - (10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
  - (11) summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.
- (b) A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. 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; amended October 11, 2017, effective March 1, 2018.*

### **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 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.

*History: Adopted November 4, 2003, effective August 1, 2004; amended October 11, 2017, effective March 1, 2018.*

### **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 receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless 3.104 (b) or (c) applies or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (c) Except as provided in subsection (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.
- (d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (e) 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). 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.
- (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.

*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; amended October 11, 2017, effective March 1, 2018.*

## ***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.*



## Presenter Biographies

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**Sara Andrews** serves as the Director of the Ohio Criminal Sentencing Commission, effective January 2015. 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, served as a member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty and represented the Chief Justice on Governor Kasich's Ohio Task Force on Community-Police Relations. In 2017, Sara was elected to the Executive Board of the National Association of Sentencing Commissions and in 2018, elected President.

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**, currently serves as a Nevada Department of Public Safety (DPS) captain for the Division 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 included 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. He previously served as an ex-officio member of the Rules Committee, Technology Committee, Training Committee, and the Deputy Compact Administrator Liaison Committee and has assisted 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).

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.



**Dr. Jaime Brower**, Psy.D, ABPP is a licensed clinical psychologist working out of Denver, Colorado. She is the owner of Brower Psychological Services, Inc. She is American Board Certified as a specialist in the area of Police & Public Safety Psychology. Dr. Brower has devoted her career to working with those in law enforcement, corrections, detentions, fire, military, and other high stress occupations, as well as ensuring the health and wellbeing of their family members. She further specializes in risk and threat assessment, school violence and hostile workplace investigations. Dr.

Brower is particularly passionate about training and consulting with agencies regarding best practices for enhancing performance, resiliency and wellness.



**Matthew Charton** is currently employed by the New York State Division of Criminal Justice, Office of Probation and Correctional Alternatives. He manages the Probation Interstate Compact Office.

Matt was a probation officer with the Albany County Probation Department for fourteen years.

Matt is a graduate of Siena College.



**Hope Cooper** has served as Deputy Secretary of Community and Field Services since June 2016. Cooper joined the KDOC in 2008 as a program consultant in the community corrections division and had served as warden of the Topeka Correctional Facility prior to being promoted to the KDOC's director of community corrections. Cooper previously worked as a probation officer for the U.S. District Courts in Topeka and for Community Solutions, Inc., an adult day reporting center in Topeka. Cooper has a master's degree in counseling and a bachelor's degree in psychology and criminal justice, both from

Chadron State College in Chadron, Nebraska.



**Randy Foley** has over 18 years of experience working in law enforcement for the Palm Beach County Sheriff's Office. During that time he was assigned to the Narcotics Unit, SWAT, Tactical Unit, Special Victims Unit, and the Human Trafficking Unit. Randy currently serves as a Lieutenant with the Palm Beach County Sheriff's Office and supervises the Financial Crimes Unit, Missing Persons Unit, Computer Crimes and Forensics Unit, Sexual Predator Offender Tracking Unit, and the Human Trafficking Unit. Randy is the

Task Force Coordinator for the Palm Beach County Human Trafficking Task Force which is funded through DOJ, BJA, and OVC.

Randy is honorably discharged from the United States Marine Corps and is a veteran of Operation Iraqi Freedom. Randy served both active duty and reserve before separating in 2009.

Randy has been awarded the Palm Beach County Sheriff's Office Meritorious Service Award, Palm Beach County Sheriff's Office Special Accommodation Award, Palm Beach County Sheriff's Office Honorable Service Award, Palm Beach County SWAT Officer of the Year, and the U.S. Drug Enforcement Agency Law Enforcement of the Year.

Randy holds a Master's Degree in Criminal Justice. He currently speaks on Human Trafficking Investigations and provides instruction for firearms and tactical operation training in the State of Florida.



**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).



**Angela Hawken, Ph.D.**, is a Professor of Public Policy at New York University and director of the Litmus, which is a multidisciplinary team working on implementation and testing of new programs and practices, and new technologies, in the public sector. Dr. Hawken is the founder and director of BetaGov, which supports practitioners in conducting rapid-cycle tests of practices in order to increase the pace of innovation in the government sector. Her team has collaborated with practitioners on over 200 rapid-cycle tests in 30 states and five countries.



**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 the Chair of the DCA Liaison committee and an ex-officio member of the national ICAOS Executive and Rules Committees. 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.



**Julie Jones** was appointed by Governor Scott as the first female Secretary of the Florida Department of Corrections (FDC) on January 5, 2015. She has dedicated more than 35 years of public service and leadership to Florida and seen a decorated career in law enforcement and public safety. As Secretary of FDC, Jones is responsible for the care and custody of over 97,000 inmates and the supervision of nearly 167,000 offenders in the community. She also oversees over 24,000 positions statewide and a budget of 2.4 billion dollars. During her time as Secretary, Jones has implemented a new strategic framework for the Department, focusing on inmate and offender rehabilitation and reductions in recidivism. She created the Office of Intelligence to combat contraband interdiction and crime, advocated for and received an increase in correctional officer base pay for recruitment and retention, and established a data driven culture designed to effectively deliver inmate programs.

Before joining the Department, Secretary Jones served as the Executive Director at the Department of Highway Safety and Motor Vehicles (DHSMV). As Executive Director of DHSMV, she was recognized for reenergizing and reorganizing the Department; creating a results based, fiscally responsible, accountability driven culture; and realigning the Florida Highway Patrol's command structure to increase the number of Troopers patrolling Florida's roads.

Prior to her service at DHSMV, she served as the first female Colonel of Florida Fish and Wildlife Conservation Commission. She set policy for more than 900 Commission members as well as directed responses to civil disturbances, natural and manmade disasters, and other public safety emergencies, including search and rescue operations. She served as a FWC officer for 26 years.

Secretary Jones is a member of the Florida Sheriff's Association, Florida Police Chiefs Association, American Correctional Association and Association of State Correctional Administrators. She has been recognized with awards including the Florida Wildlife Federation's Law Enforcement Officer of the Year Award in 2003 and the Louise Ireland Humphrey Achievement Award for Outstanding Leadership in Managing the State's Fish and Wildlife Resources in 2009. She has also served as the Chairman of the Governor's Law Enforcement Consolidation Task Force.

Secretary Jones received both Bachelor and Master of Science degrees in Biology from Florida Atlantic University.



**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.





**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.



**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.



**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 for interstate compact activities, for all felony offenders under the department's supervision. Prior to being promoted to this position, she held the Deputy Assistant Secretary of Community Corrections.

Mrs. Nimer has 33 years of experience with the Florida Department of Corrections and prior to accepting her current and previous position with the Department, she was the Assistant Bureau Chief for the Bureau of Probation and Parole Field Services. Mrs. Nimer has held several positions within the department including Deputy Circuit Administrator for judicial circuit two in which she was responsible for overseeing 90 probation and parole officers and staff, monitoring workloads, quality assurance, and implementing Department policy and procedures. Mrs. Nimer has also worked in the Department's Bureau of Research and Data Analysis where she was the manager of the community supervision section and was responsible for preparing legislative impact analyses, preparing reports and various other types of information for the Bureau of Probation and Parole Field Services, and preparing reports, briefing packages, and summary materials to the Florida Legislature and the Governor's office.

Mrs. Nimer is a member of the Florida Council on Crime and Delinquency, member of the American Probation and Parole Association, Florida Commissioner for Interstate Commission for Adult Offender Supervision as well as 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 has been certified as a correctional probation officer with the state of Florida.



**Shaun O'Neill** has over 20 years of experience working criminal matters for the FBI to include white collar crime, narcotics, public corruption and organized crime. Shaun is the founder of the Greater Palm Beach Health Care Fraud Task Force. He currently supervises a squad of Agents and Analysts that investigates human trafficking, health care fraud, public corruption and civil rights. Shaun is the Human Trafficking Program

Coordinator for the Miami Division and a member of the Palm Beach County Human Trafficking Task Force.

Shaun is a Certified Public Accountant with an active license in both Florida and Maryland. He holds the designations of Certified Fraud Examiner and is certified in Financial Forensics by the American Institute of Certified Public Accountants.

In 2008, he was the recipient the Attorney General's Distinguished Service Award, Department of Justice's second highest award, for his work creating the Medicare Strike Force prosecution model. In 2015, he was the recipient of the Attorney General's Award for Fraud Prevention for Operation Sledgehammer, an investigation into Chiropractic/PIP fraud in Palm Beach County. In 2017, Shaun was the recipient of the National Health Care Anti-Fraud Association Investigation of the Year award for his work on the sober home fraud epidemic (*United States v. Kenneth Chatman*).

Shaun holds a Bachelor's degree in Accounting. He has been a speaker on various health care fraud and human trafficking topics at national conferences.



**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 three grandsons. During her spare time, she enjoys golfing and spending time with family.



**Jacey Rader** was appointed as Assistant Deputy Administrator of the Administration & Operations Division in May of 2018. Jacey serves as the Commissioner for the Interstate Compact for Adult Offender Supervision (ICAOS) and the Interstate Commission for Juveniles in the State of Nebraska. Jacey graduated from the University of Nebraska at Lincoln in 2002 and has a bachelor's degree in Criminal Justice. She began her career with probation in 2004, and served as a probation officer until 2013, when she was promoted to Compliance Officer with the Administrative Office of Probation. In 2014, she was appointed to the Deputy Compact Administrator position and currently serves as the Commissioner for the Interstate Commission for Adult Offender Supervision (ICAOS).

Jacey serves on the Probation Training and Programs and Services Committees, and chairs the National ICJ Compliance Committee. She is a national trainer for interstate compact matters and serves on numerous special committees. In Nebraska, Jacey spearheaded the implementation of custodial sanctions on interstate compact transfer offenders and worked to implement a process to ensure interstate compact cases are entered into the statewide JUSTICE system. In addition to her work with the Compact Office, Jacey oversees the Compliance Office with the Administrative Office of Probation and the statewide District Evaluation process. Jacey also works to ensure Probation's Policies and Procedures are regularly revised and published and she works with the Information Technology and Data Analyst teams. In 2016, Jacey served as the Interim Chief Probation Officer of District 1. Jacey is a member of the Advanced Coaching 4 Excellence (ACE) Team and is committed to advancing and supporting the implementation of evidenced based case management strategies.

Jacey is a member of the American Probation and Parole Association (APPA) and the National Association of Probation Executives (NAPE). Jacey was awarded Nebraska Probation's Rising Star Award in 2014.



**Gary Roberge** is the Executive Director of the State of Connecticut Judicial Branch, Court Support Services Division (JBCSSD). He directs and manages over 1,241 employees involved with Adult and Juvenile Probation, Family Services (criminal and civil), Juvenile Detention, Alternative Sanctions and Pretrial Release (Bail). He guides the planning, coordination and implementation of the Division's diverse programs and functions, including the supervision of over 41,595 adult probation cases, 9,037 pretrial and family relations cases, and over 2,322 juvenile probation and detention cases daily.

He is also responsible for the administration of the Division's \$214 million annual budget and oversight of the following business functions: Facilities and Materials Management, Human Resources, Information Technology, Programs and Services, Fiscal Administration, Research and Training.

JBCSSD manages over 150 community-centered contracts that provide evidenced-based client services in each Geographical Area/Judicial District Court. These services are designed to enhance judicial decision making, reduce prison/jail overcrowding, lower recidivism rates, and increase offender chances of successful reintegration. This network serves more than 7,400 adult and 250 juvenile clients daily through a continuum of interventions that include residential, substance abuse treatment, behavioral health, individual and group interventions, community services, educational, clinical and vocational support.

In addition, Mr. Roberge represents the Branch and Division on the following Commission and Committees: Connecticut Sentencing Commission, Criminal Justice Policy and Advisory Commission, Juvenile Justice Policy & Oversight committee, Governor's Nonprofit Cabinet on Health and Human Services and the CT. Alcohol and Drug Policy Council. He is also the Commissioner of Interstate Compact for Adult Offenders in Connecticut, a member of the Interstate Compact Adult Offender Supervision Executive Committee and the Chairperson of the Information Technology Committee.

Mr. Roberge received his Bachelors of Science Degree from Eastern Connecticut State University and a Master's Degree in Public Administration from the University of Hartford, where he received the Capstone Project - Public Administration Management and Theory Award. Mr. Roberge is also an adjunct professor in the Central Connecticut State University Criminology Department.



**Jane Siegel** was appointed as interim Chief Administrative Officer of the Indiana Supreme Court on April 19, 2018. Immediately prior to her appointment, she served as the Executive Director of the Indiana Office of Court Services and the Indiana Judicial Center for almost 20 years. In that capacity she served as the Chair of Indiana's Justice Reinvestment Advisory Council, the Commissioner from Indiana for both the Adult and Juvenile Interstate Compacts, and as member of the Indiana Criminal Justice Board of Trustees. She serves on Indiana's state steering committees for both the Juvenile Detention

Alternatives Initiative and Evidenced Based Decision Making. She is also a graduate of the Annie E. Casey Foundation's Applied Leadership Network. Prior to her service with the Court, Ms. Siegel practiced in the area of municipal law, serving as the General Counsel to the Indiana Association of Cities and Towns for 6 years, and as the Deputy Corporation Counsel for the Office of Corporation Counsel at the City of Indianapolis. Undergraduate degree, DePauw University; Graduate of the McKinney School of Law, Indianapolis, Indiana (cum laude). Jane Siegel is married to Chris Siegel; she has two 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 the 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 on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012, first as the Executive Director before being 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 finally 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 the Interstate Probation Services Division and DCA with the Pennsylvania Board of Probation and Parole.

Ms. Thompson is a trainer for the ICAOS Training Committee, a member of the DCA Liaison Committee and ABM Planning Committee as well as 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 \$75,000 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.

**2018 DCA Training  
Institute**

Presented by: ICAOS DCA Liaison Committee &  
Training, Education & Public Relations Committee

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**DCA Liaison Committee**

- Chair: Tracy Hudrlik (MN)
- East Region Chair: Natalie Latulippe (CT)
- South Region Chair: Julie Lohman (VA)
- Midwest Region Chair: Matt Billinger (KS)
- West Region Chair: Judy Mesick (ID)
- Other Members: Margaret Thompson (PA); Simona Hammond (IA); Pat Odell (WY); Tim Strickland (FL)

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### DCA Liaison Committee

**Mission:**

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

**2018 Goals:**

- Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
- Identify issues of relevance for referral to standing committees.

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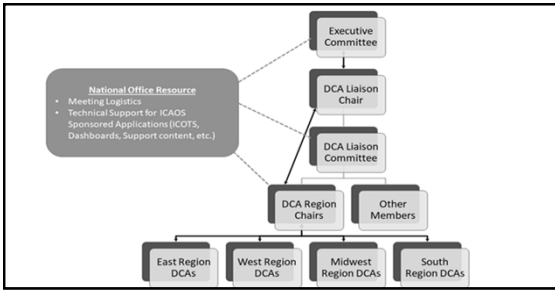
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### DCA Committee Restructure




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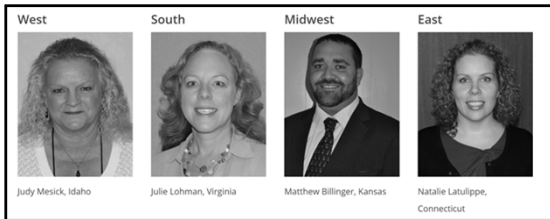
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### DCA Region Chairs




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**Training, Education & PR Committee**

- Chair: Anne Precythe (MO) *Exofficio Members*
- Chris Moore (GA)                      • Sally Reinhardt-Stewart (NE)
- Hope Cooper (KS)                      • Tim Strickland (FL)
- Russ Marlan (MI)                      • Mark Patterson (OR)
- Joseph Clocker (MD)
- Roberta Cohen (NM)
- James Parks (VA)
- Dara Matson (IL)

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**Training, Education & PR Committee**

**Mission:**

- *Develop and enhance educational resources and training materials for use by affected member states and stakeholders. Enhance public safety through awareness and consistent administration.*

**2018 Goals:**

- *Review and revise training modules and resources annually.*
- *Create mobile friendly educational resources for stakeholders.*
- *Support state compact offices' responsibilities to train stakeholders in their state on ICAOS Rules, purpose and best operational practices.*
- *Create dialogue that emphasizes the goals of the Compact: What's in the best interest of public safety? What's in the best interest of the offender?*

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DCA Liaison Committee

- Identify issues & concerns of DCAs
- Support collective resolutions & effective communication in day-to-day business
- Provide feedback for enhancing ICAOS sponsored training
- Refer relevant issues to other standing committees via Executive Committee

Training, Education & PR Committee

- Promote the Commission's role to enhance public safety through awareness & consistent administration
  - *What's in the best interest of public safety?*
  - *What's in the best interest of the offender?*
- Review, create, approve & improve official ICAOS training materials
- Support the DCA Liaison Committee's efforts to operationalize the rules & improve Commissioner/DCA relationships

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### 2018 DCA Institute Agenda

- Painting the Supervision Picture
- Retaking required *'Upon a request of the receiving state'*
- Warrant Tracking
- Dealing with Pending Charges & Revocable Behavior
- Probable Cause Hearing Requirements
- Reacting to Out of State Subpoenas

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### Documentation Review Activity

- 20 minutes to review PR's & OVR's provided by DCAs
- Does the report meet documentation standards for your state?
- What's good about the report?
- What could be articulated better in the report?

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### Promote Quality!

**What's Important**

- Clear, concise, accurate..
- Relevant attachments are included
- YOUR Compact Office sets standards for YOUR field users
- Questions/need clarification? ASK!

**What's NOT Important**

- Format/placement
- Where exactly the attachments are
- Imposing your documentation standards on another state
- What the 'other' state NEVER does....

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### Supervision Goals

Keep supervision LOCAL!

- Offenders transfer for purposes of successful supervision
  - Residents and/or supportive environment exists in the Receiving State
    - Family, employment, etc.
- Use of Evidenced Based Practices (graduated response/sanctions/access to programs) should be the same for compact offenders
  - Promote positive/compliant behavior

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### Supervision Goals

- Provide sentencing state w/ clear picture of supervision practices and offender behavior
- Ensure retaking is initiated ONLY when it MAKES SENSE!
  - Retaking isn't guaranteed to be permanent
  - Retaking costs \$\$
  - Documentation should support revocation at this point clearly demonstrating unsuccessful supervision

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### Supervision Documentation

<p><b>Progress Report</b></p> <ul style="list-style-type: none"> <li>Keeps the sending state informed of supervision practices; offender's progress and behavior</li> </ul>	<p><b>Violation Report REQUIRING RETAKING</b></p> <ul style="list-style-type: none"> <li><b>Invokes</b> requirement for sending state to retake offender</li> </ul>
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*THINK: "What are you documenting in your own state's case management?"  
Keep the Sending State INFORMED!*

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### Violation Requiring Retaking Reporting Considerations

- The sending state is only going to know what you tell them
- Use the same detail if reporting to your own authorities
- Specifics on how the behavior was determined to be revocable
- Has the option of working with the offender (e.g. intervention) been exhausted?

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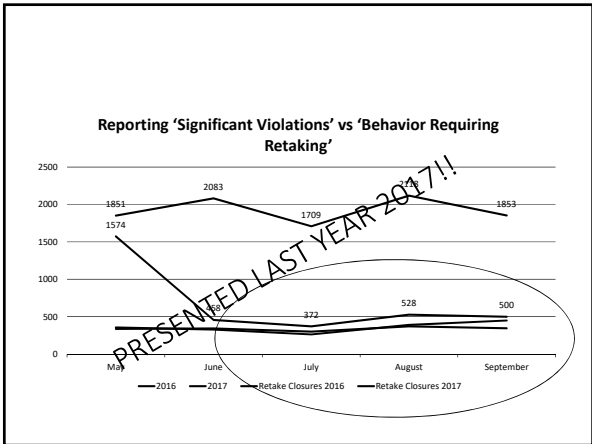
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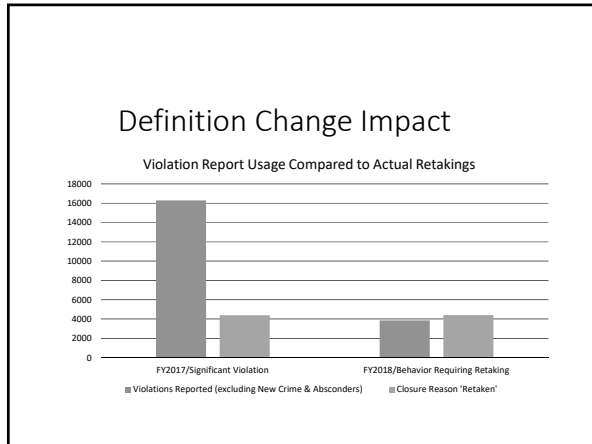
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### Good ISC Policies/Procedures are Key!

- Relate Interstate Business to Instate Processes
- Involve Stakeholders in Policy Development
- Regularly Remind/Train on Policies
- Review/Update Policies Regularly
- Audit to Ensure Compliance

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### Nebraska-Response to Client Behavior Protocol

**Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via Custodial Sanction Process**

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graph TD
    A[PO shall submit Arrest/Violation Report in NRCAMS. When PO chooses to use a custodial sanction to respond to client's parole violation(s), PO shall complete the process for Custodial Sanctions as required by Protocol.] --> B[Client asked to sign a Sanctions Agreement admitting the violation(s) accepting the custodial sanction that the BOP approves or client denies the violation(s) rejects the custodial sanction.]
    B --> C[If client admits the violation(s) accepts the custodial sanction, PO shall instruct client to report to a county jail where client is to remain until custodial sanction is completed and PO shall submit Progress Report to sending state in ICJIS within 30 calendar days of discovery with a copy of Sanctions Agreement.]
    C --> D[If client denies the violation(s) and/or rejects the custodial sanction, PO shall request a hearing before the full BOP be scheduled.]
    D --> E[Following the hearing, PO shall submit Progress Report to sending state in ICJIS within 30 calendar days of discovery with a copy of Commitment Order if custodial sanction imposed.]
    E --> A
            
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Note: The PO shall refer to the Custodial Sanction Protocol and Flow Chart for further information.

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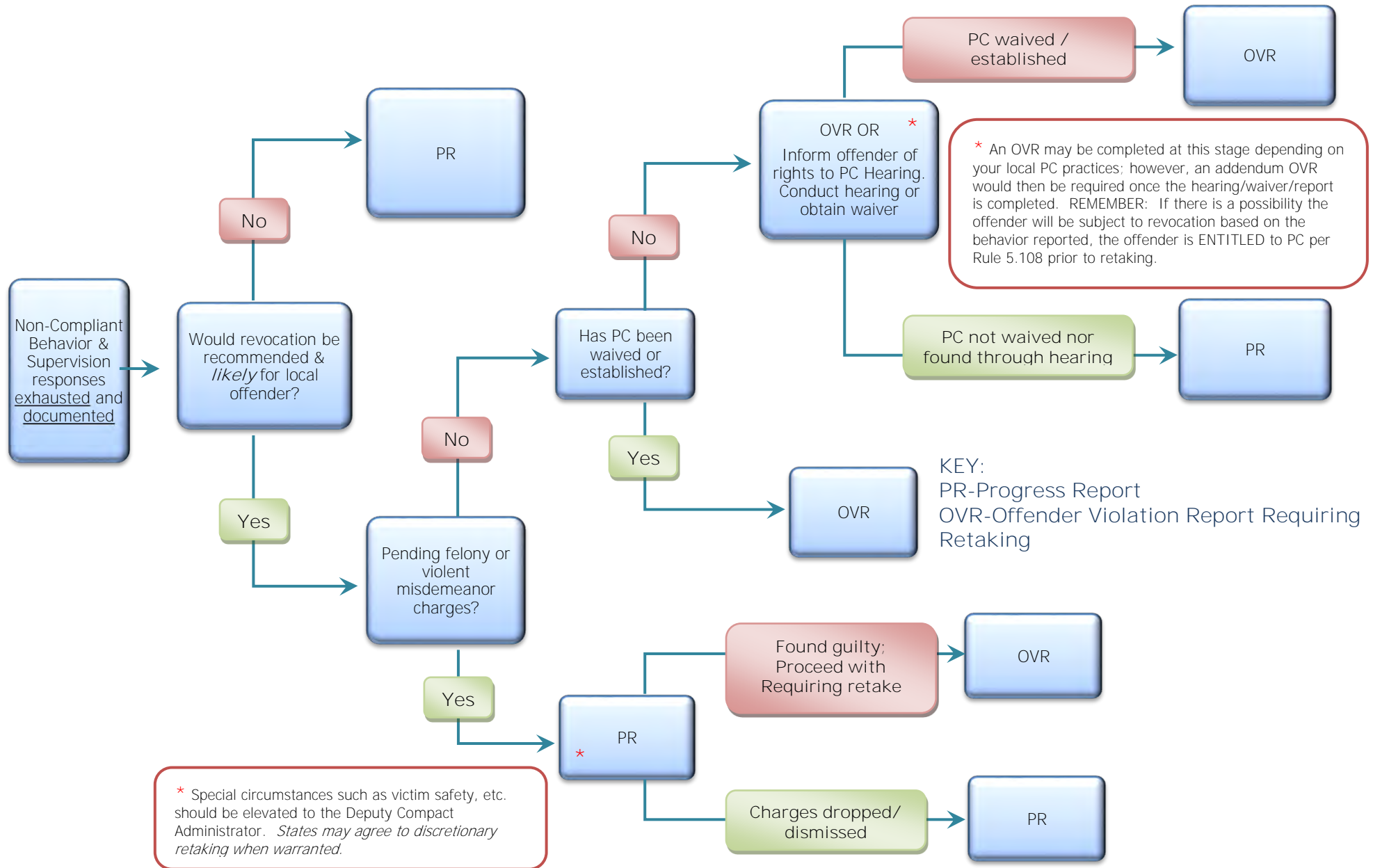
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# Reporting Non-Compliant Behavior





# Flow Chart—How to Notify Sending State of Interstate Compact

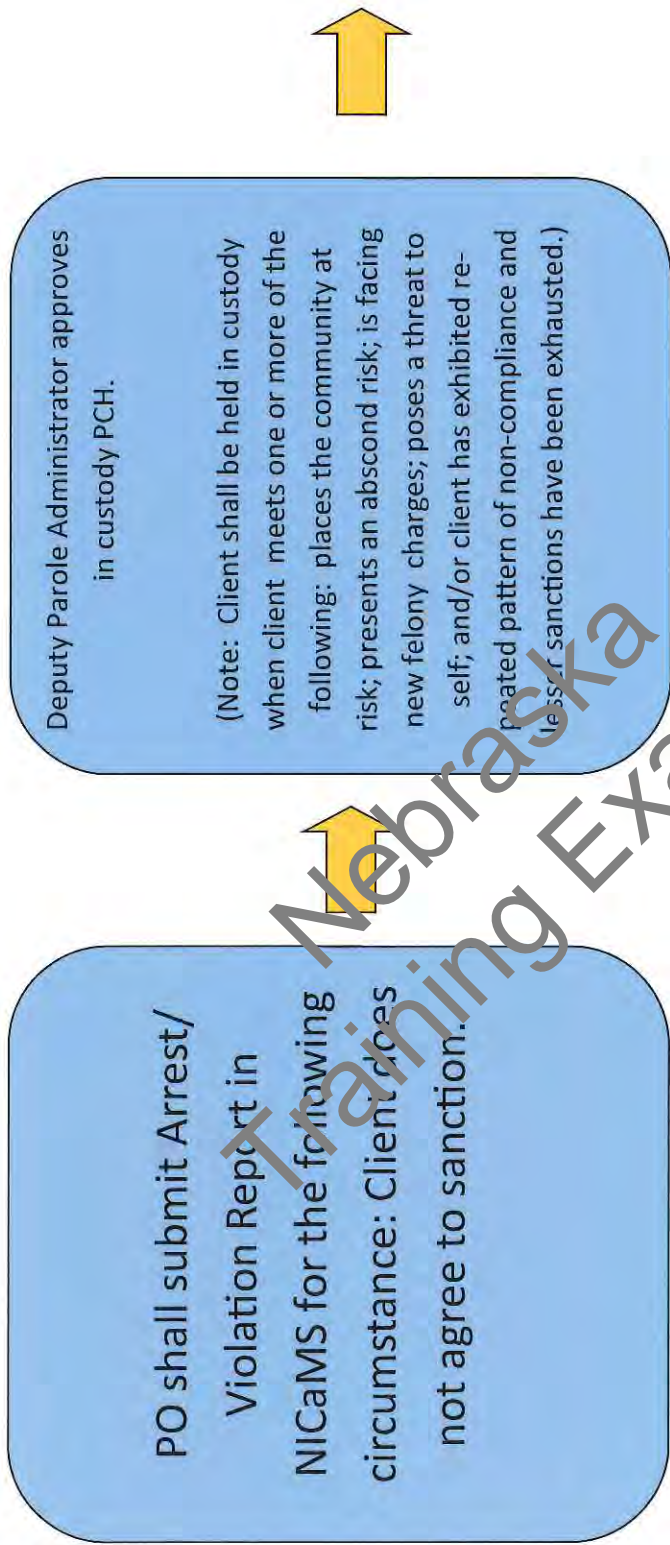
## Client's Violations Handled via BMS/Sanction Agreement Process



**Note:** The sending state has the discretion to retake or order the return of an offender based on violations reported on a Progress Report. If the sending state requests a courtesy Probable Cause Hearing (PCH) be conducted for retaking, PO shall proceed to place the offender in custody and serve the offender for the PCH. Regardless if client pleads guilty/waives the PCH or PCH held and cause found, PO shall submit a Progress Report to sending state in ICOTS with a copy of the PCH packet received from the Deputy Compact Administrator once Hearing Officer/designee puts the packet together. Once the sending state issues its warrant and provides a copy to Nebraska, the PO shall verify the jail received a copy of the warrant and then fax Release Request to the jail. PO shall submit Progress Report or Compact Action Request instead of Addendum informing offender is available for retaking and providing location and contact information so sending state can make arrangements to pick up the offender. If the offender is ordered to return, the PO shall complete the process in *Flow Chart - How to Handle Process for Interstate Compact Client when Sending State Orders to Return*.



# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP— Client Does Not Agree to Sanction



Note: The sending state has the discretion to retake or order the return of an offender based on violations reported on a Progress Report. If the sending state requests a courtesy PCH be conducted for retaking, PO shall proceed to place the offender in custody and serve the offender for the PCH. Regardless if client pleads guilty/waives the PCH or PCH held and cause found, PO shall submit a Progress Report to sending state in ICOTS with a copy of the PCH packet received from the Deputy Compact Administrator once Hearing Officer/designee puts the packet together. Once the sending state issues its warrant and provides a copy to Nebraska, the PO shall verify the jail received a copy of the warrant and then fax Release Request to the jail. PO shall submit Progress Report or Compact Action Request instead of Addendum informing that offender is available for retaking and providing location and contact information so sending state can make arrangements to pick up the offender. If the offender is ordered to return, the PO shall complete the process in *Flow Chart - How to Handle Process for Interstate Compact Client when Sending State Orders to Return*.

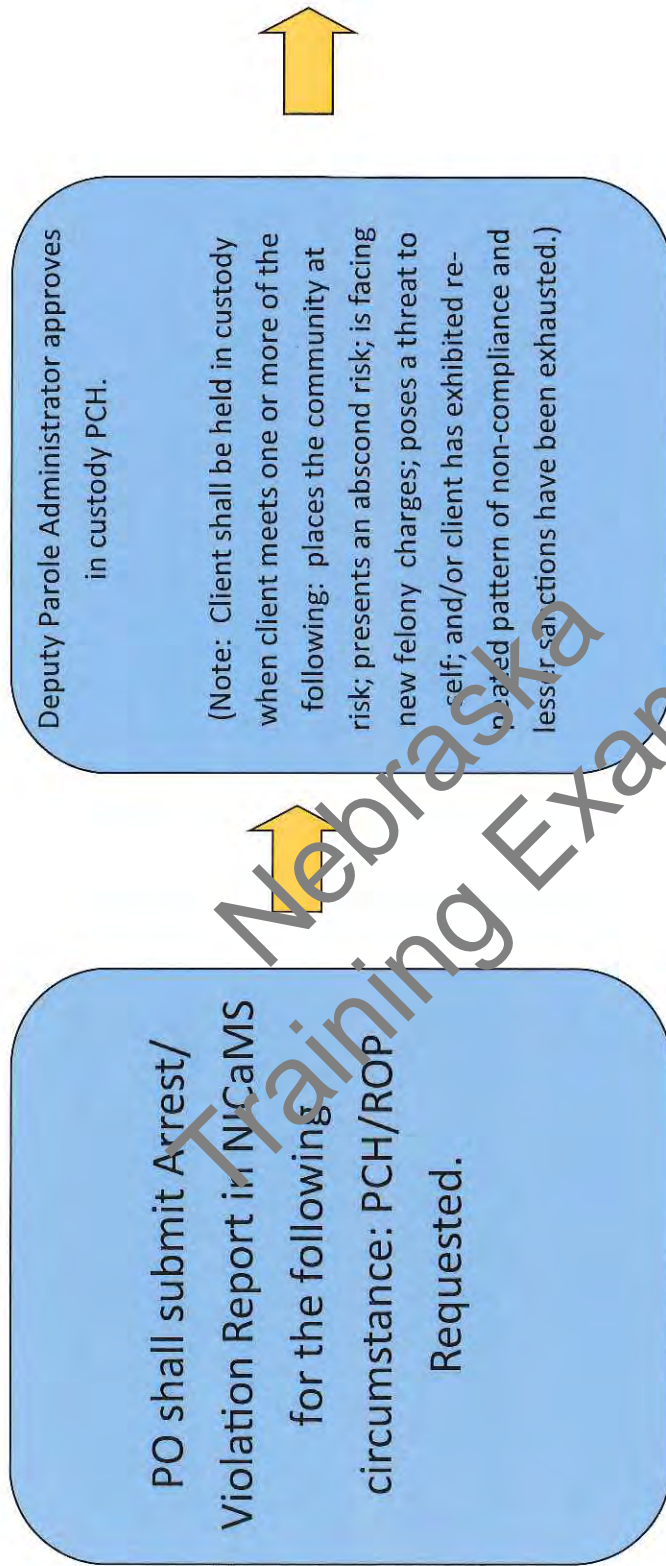


# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP— Client Does Not Agree to Sanction continued...

Client pleads guilty/waives the PCH or PCH held and cause found.

For violations that are technical, infractions, or low level misdemeanors, case shall be staffed by PO, Supervisor, Hearing Officer, and Deputy Compact Administrator. If it is determined the violations do not rise to the level of retaking, the PCH packet shall be submitted to the Deputy Parole Administrator by the Hearing Officer/designee recommending the offender be continued on supervision and the violations be addressed with appropriate sanctions determined by the PO and/or Supervisor. If approved by the Deputy Parole Administrator, the PO shall submit a Progress Report to sending state in ICOTS within 30 calendar days of discovery with a copy of the PCH packet received from the Deputy Compact Administrator once Hearing Officer/designee puts the packet together. If it is determined the violations do rise to the level of retaking, the PO shall complete the process in *Flow Chart—How to Notify Sending State of Interstate Client's Violations Handled via PCH/ROP—PCH/ROP Requested* starting with Step 3.

# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP— PCH/ROP Requested





# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP— PCH/ROP Requested continued...

Client pleads guilty/waives the PCH or PCH held and cause found.

PO shall submit Violation Report Requiring Retaking for "Behavior Requiring Retaking" for an act or pattern of behavior requiring retaking to sending state in ICOTS within 30 calendar days of discovery or determination, with a copy of the PCH packet received from the Deputy Compact Administrator once Hearing Officer/designee puts the packet together.

Note: At the point that a report for Behavior Requiring Retaking is submitted it is saying that we have done everything we would have done for a NE offender and behavior has now risen to the point that the BO would likely revoke if it was a NE offender. Therefore, PO shall include the following in the violation report per Rule 4.109: date(s) and description of the behavior requiring retaking; 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; date(s), descriptions(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking; date(s), descriptions(s) and documentation of previous non-compliance to include a description of the use of corrective actions, graduated responses or other supervision techniques. The report shall tell the story of behavior requiring retaking--the sending state is only going to know what PO tells them--use the same details as if reporting to our own authorities--include specifics on how the behavior was determined to be revocable and address whether the option of working with the offender has been exhausted (e.g. interventions).





# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP—Criminal Charges Pending (Request to Postpone Preliminary Hearing, PCH Conducted, or PCH Waived)

PO shall submit Arrest/  
Violation Report in  
NICaMS for the following  
circumstance: Client ac-  
cused of laws violations.

Deputy Parole Administrator approves in custody PCH.

(Note: Client shall be held in custody when client meets one or more of the following: places the community at risk; presents an abscond risk; is facing new felony charges; poses a threat to self; and/or client has exhibited repeated pattern of non-compliance and lesser sanctions have been exhausted. Please also note that all violations concerning felony charges require submission as PCH/ROP and client remain/placed in custody.)

Upon disposition of charge(s), PO shall obtain a copy of the sentencing documentation.


If charge(s) dismissed, and no witnesses will come forward, a copy of court documentation shall be submitted to the Deputy Parole Administrator by the Hearing Officer/designee recommending the parole hold be lifted and offender be continued on supervision. If approved by the Deputy Parole Administrator, the PO shall fax Release Request to the jail and submit a Progress Report with a copy of the court documentation to sending state in ICOTS to inform.

**OR**

If client convicted of new misdemeanor(s), excluding new violent crime conviction as addressed on next page, case shall be staffed by PO, Supervisor, Hearing Officer, and Deputy Compact Administrator. If it is determined the violations do not rise to the level of re-taking, the PO shall update the Arrest/Violation Report in NICaMS. Upon receipt, the Hearing Officer/designee shall submit to the Deputy Parole Administrator recommending the parole hold be lifted and offender be continued on supervision and the violations be addressed with appropriate sanctions determined by the PO and/or Supervisor. If approved by the Deputy Parole Administrator, the



# Flow Chart—How to Notify Sending State of Interstate Compact Client's Violation Handled via PCH/ROP—Criminal Charges Pending (Request to Postpone Preliminary Hearing, PCH Conducted, or PCH Waived) continued...



If offender requests to postpone the PCH pending disposition of charges, or if PCH is conducted and cause is established or offender pleads guilty/waives the PCH, regardless of which, PO shall submit a Progress Report to the sending state in ICOTS within 30 calendar days of discovery with a copy of the PCH packet (documentation including summary of hearing conducted) received from the Deputy Compact Administrator once Arriving Officer/Designee puts the packet together and informs that the sending state will be notified upon disposition of pending charges.

PO shall submit a Progress Report with a copy of the sentencing documentation to sending state in ICOTS to inform. If it is determined the violations do rise to the level of retaking, the PO shall complete the process in *Flow Chart – How to Notify Sending State of Interstate Compact Client's Violations Handled via PCH/ROP – PCH/ROP Requested* starting with Step 3 since a PCH is not required since there is conviction.

**OR**

If client convicted of a new felony or violent crime (felony or misdemeanor), PO shall submit Violation Report Requiring Retaking with a copy of the sentencing documentation to sending state in ICOTS to request a warrant be issued. Although it will depend on the circumstances, in the majority of cases, the offender will not be available for retaking due to the new sentence to be served. In such case, the PO shall mark the offender is not available for retaking and include the location and contact information where the offender is in custody. The PO shall also include language as follows: *Please file warrant as a detainer*. The PO shall also submit a Case Closure Notice to the sending state in ICOTS. If the offender is available for retaking, such as when given credit for time served, then PO shall mark the offender is available for retaking and include the location and contact information where the offender is in custody. Once the PO verifies the offender has been retaken by the sending state, the PO shall submit a Case Closure Notice to the sending state in ICOTS.



# Flow Chart—How to Handle Placing Interstate Compact Client in Custody on Sending State’s Warrant for Retaking

Should a circumstance arise in which the offender is not in custody at the time the warrant is received from the sending state, PO shall immediately contact law enforcement for assistance in placing client in custody as soon as possible.

Note: At point warrant is issued, it is to be entered in NCIC so it should not be necessary to have a physical copy; however, sometimes law enforcement still requests. If there are any questions, PO shall contact the Nebraska Compact Office.

Once client is placed in custody, PO shall submit as appropriate an Adjudgment, Progress Report, or Compact Action Request to sending state in ICOTS, informing that offender is available for retaking and providing location and contact information so sending state can make arrangements to pick up the offender.

PO shall follow up on client’s status and when learns the client has been picked up by sending state, PO shall submit Case Closure Notice to sending state in ICOTS so Nebraska can close interest.

Note: The PO shall complete any other processes that may be required the same as for Nebraska clients.



# Flow Chart—How to Handle Process for Interstate Compact Client when Sending State Orders to Return

Upon receipt of Response to Violation Report from sending state marked “Order Offender to Return to Sending State”, PO shall immediately inform client of the sending state’s decision and check with client to see if he/she has a residence address in sending state he/she can return to for submitting the Request for Reporting Instructions (RFRI). PO shall verify the residence plan to ensure the client can reside at that location.

**Note:** If an in custody PCH was conducted and sending state orders to return on mandatory retaking, client shall not be released from custody until RFRI approved by sending state. This way the client can be directed to depart immediately.

Once address is verified, PO shall submit RFRI for reason of “Transferred offender returning to sending state”. If client is unable to verify a residence address, PO shall immediately send Compact Action Request (CAR) to sending state to advise that client has no address he/she can return to and request that an address contact information be provided for the RFRI. Upon receipt of information from sending state, PO shall immediately submit RFRI for the reason previously stated.

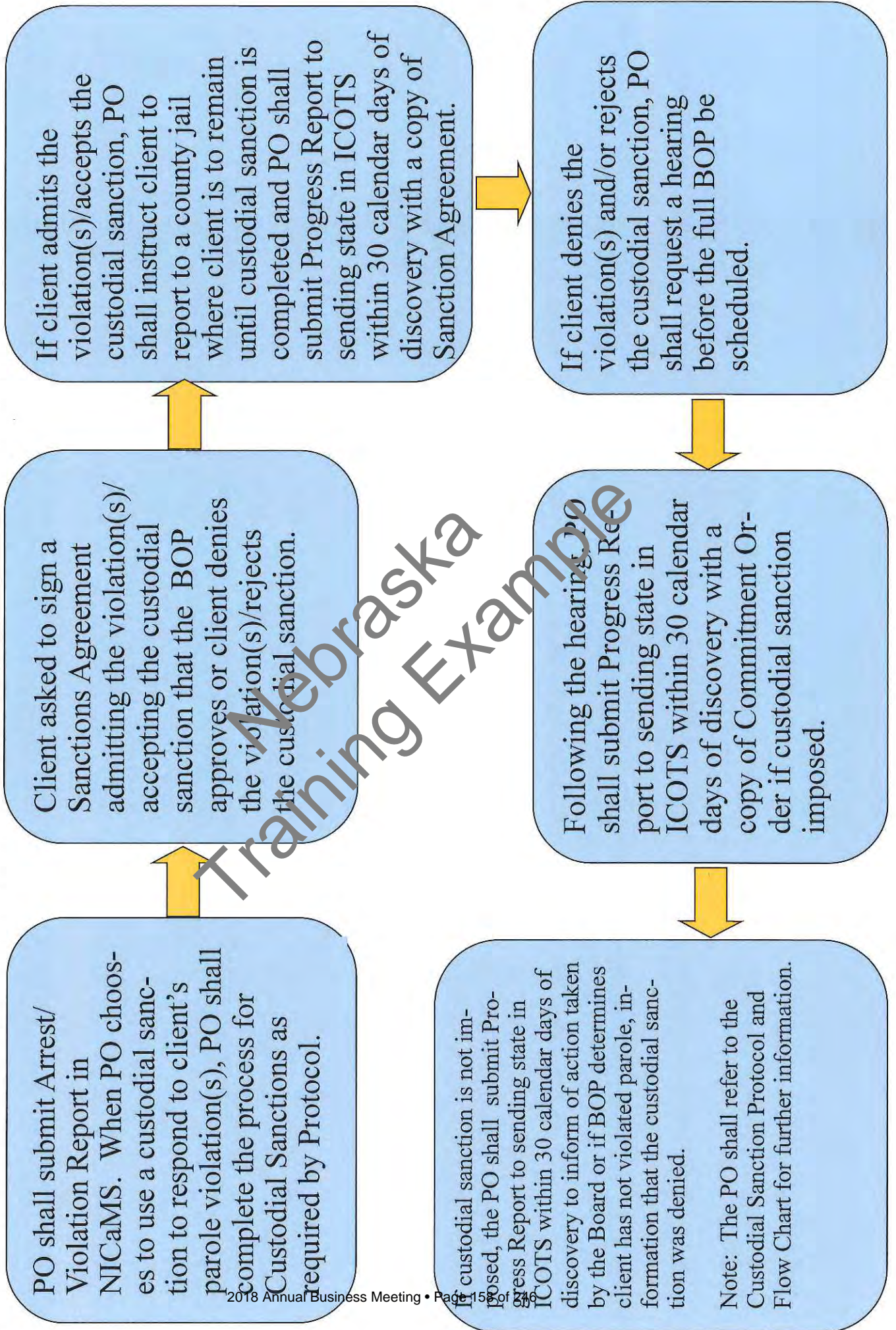
Upon receipt of the approved RFRI, PO shall prepare Travel Permit and submit according to the Travel Permits for Clients Protocol for approval as an emergency. Once approved, PO shall provide Travel Permit to client with reporting instructions. Upon departure, PO shall submit Notice of Departure and Case Closure Notice with a copy of approved Travel Permit attached to sending state in ICOTS. If departure falls on weekend or holiday, PO shall verify offender has departed upon return to the office prior to submitting the Notice of Departure.

**Note:** The PO shall complete any other processes that may be required the same as for Nebraska clients.



# Flow Chart—How to Notify Sending State of Interstate Compact

## Client's Violation Handled via Custodial Sanction Process





# Flow Chart—How to Notify Sending State of Interstate Compact Client's Abscond

PO shall attempt to locate client using same guidelines as for Nebraska clients and activities required by Compact Rule 4.109-2 to determine if offender has absconded: (1) Conduct field contact at last known place of residence; (2) Contact last known place of employment, if any; and (3) Contact known family members and collateral contacts.

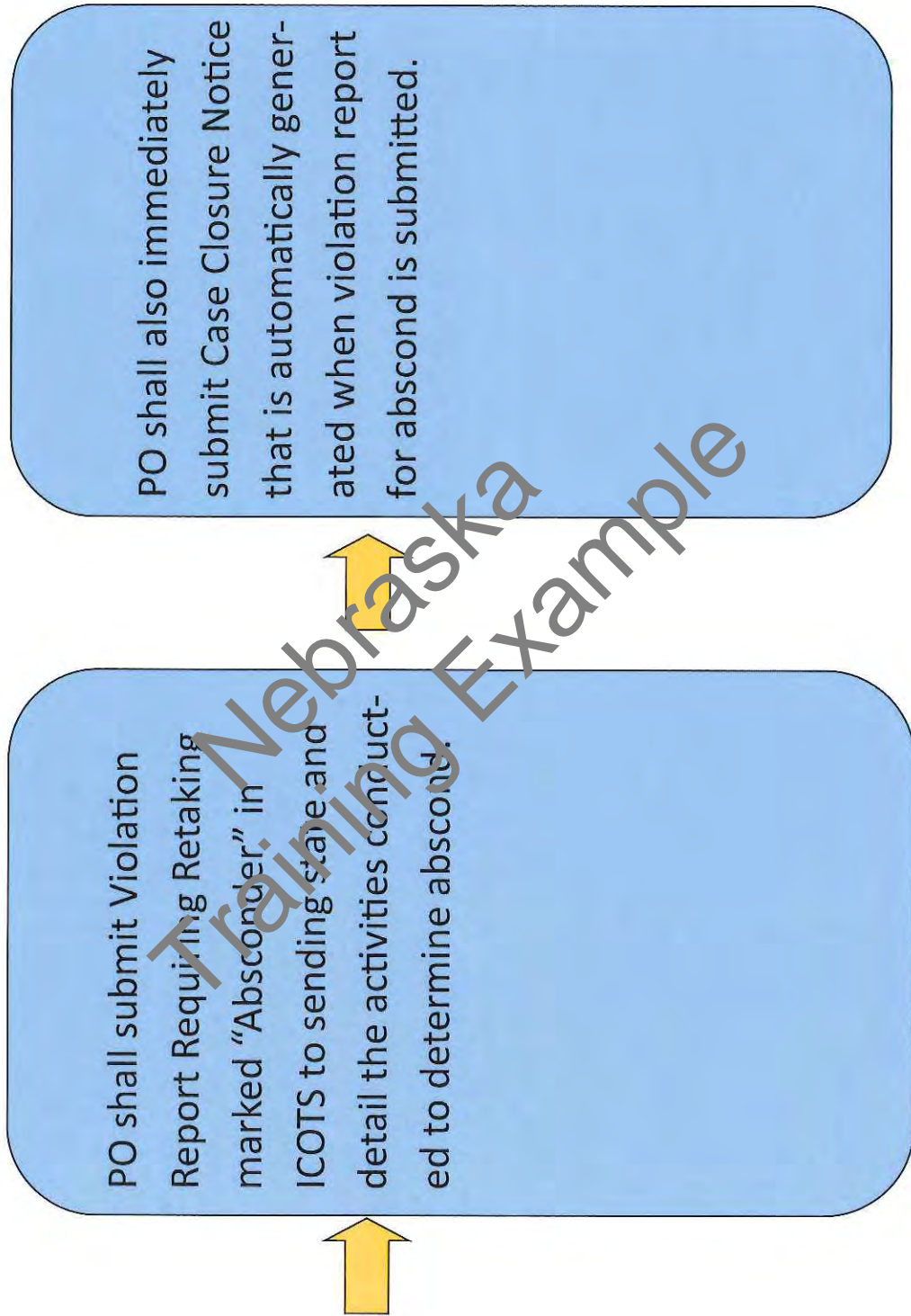
If client unable to be located, PO shall submit Arrest/Violation Report in NICaMS.

Note: For Interstate Compact clients, determination of abscond shall be made once activities are conducted and client is unable to be located—do not need to continue attempts to locate for two weeks.

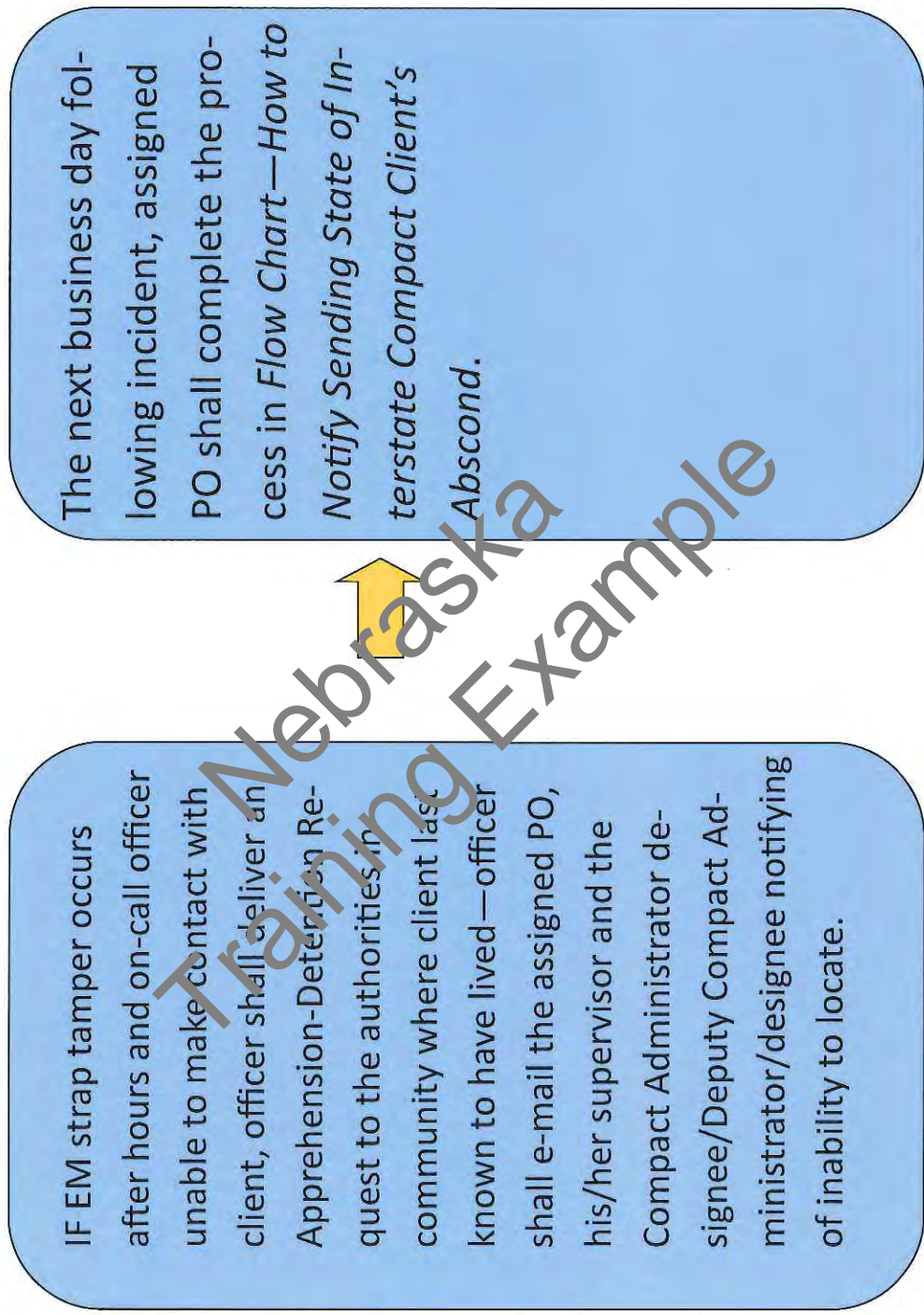
Note: If offender is apprehended before the case is closed in ICOTS by the sending state, PO shall submit an Addendum to Violation Report to the sending state in ICOTS to inform and will need to wait until the offender is picked up by the sending state before closing interest, including disposition of any new charges. If the case is closed before the offender is apprehended, then upon being apprehended, if the sending state requests a courtesy Probable Cause Hearing (PCH) be conducted, PO shall proceed to serve the offender for the PCH and the Deputy Compact Administrator/designee will reopen the case in ICOTS. Regardless if client pleads guilty/waives the PCH or PCH held and cause found, PO shall submit an Addendum to Violation Report to sending state in ICOTS with a copy of the PCH packet received from the Deputy Compact Administrator once Hearing Officer/designee puts the packet together. The PO shall also submit a Case Closure Notice to reclose the case in ICOTS.



# Flow Chart—How to Notify Sending State of Interstate Compact Client's Abscond continued...



# Flow Chart—How to Notify Sending State of Interstate Compact Client's Abscond for EM Strap Tamper when Unable to Make Contact with Client



## Examples of Cases Showing Well Documented Case Progression

Provided by Midwest & South Regions

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ICOTS Offenders:

- 750238
- 834727
- 786653
- 696160
- 842107

# Retaking is Required "Upon a Request....."

Presented by: Dori Littler Arizona Commissioner/DCA & Margaret Thompson Pennsylvania DCA

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## Mandatory Retake for a New Felony or Violent Crime

• **Upon the request of the receiving state**, the sending state **shall issue a warrant and retake**:

- after notice an "offender" has been convicted of a new felony offense OR "violent crime"

Violation Report in ICOTS enforces the ICAOS Retaking Rules

Rule 5.102

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## "Upon a Request of the Receiving State...."

- Receiving State:
  - Has exhausted options
  - No longer a good "plan of supervision"
  - Determined that invoking rule promotes public safety and victim safety

*The receiving state may notify using a Progress Report when not asking for retake.*

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*Retaking is NOT always the answer!*

- Offender's resources solely in receiving state
  - Mental/Medical treatment
  - Caretaker for other family members
  - Drug addicted offenders supervised for non-drug related crimes
- Compliant with other aspects of supervision
  - Employment, financial obligations, reporting, treatment, etc.
- New probation sentence in receiving state
- Offender subject to new lengthy sentence of incarceration in receiving state

*Remember every violation situation is DIFFERENT! Review!*

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Reporting conviction on a Progress Report DOES NOT prevent the sending state from 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.

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**Warrant Tracking**

Panel: Dori Littler Arizona Commissioner/DCA, Tracy Hudrlik Minnesota DCA, Matthew Charton New York DCA

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Warrant Tracking

- How does your state ensure warrants are Compact compliant?
- How do you communicate with your external agencies regarding warrant issues?

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Dealing w/ Pending Charges & Revocable Behavior

Presenters: Chris Moore Georgia Commissioner & Tim Strickland Florida DCA

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**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.

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What are the issues?

- Path to permanent revocation varies as does what revocation means in definition of 'behavior requiring retaking'
- For some, no authority to supervise offenders when pending charges exist
- For some, compact offenders (because original sentence is from other state) are afforded bail when an instate offender would not
  - *New charges sometimes take years to resolve*

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Considerations.....

- Rule 5.101-1 allows for states to *mutually agree* to retaking
- What stakeholders are involved in the revocation process in your state?
- Are the courts notified and educated on the retaking rules when these cases arise?
- Is my state truly complying with Rule 4.101? (providing consistent supervision and imposition of incentives and sanctions)

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Stakeholder Communication is KEY!

- Elevate issues to Commissioner!
- Is your legal department or Attorney General aware of your state's limitations?
- Has the issue been raised with State Council?
  - Consider legislation/State Supreme Court ruling?
- Are Compact Offices effectively communicating on these cases putting public safety #1?
  - *Using discretionary retaking or mutual agreement when it MAKES SENSE!*

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**Probable Cause Hearings**

Presenters: Jane Seigel Indiana Commissioner/ICAOS Rules Chair & Jacey Rader Nebraska Commissioner

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**US Supreme Court Decisions**

- Morrisey vs. Brewer 408 U.S. 471 (1972) (parole)
- Gagnon vs. Scarpelli 411 U.S. 778 (1973) (probation)

*Why is this important to Compact Offenders?*

- Geographical concerns (violations committed outside of Sending State)
- Without PC, violations may be barred from consideration for revocation (Sending State)
  - Offenders are ENTITLED when revocation is possible

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**Purpose of PC Hearing**

- Test Merit of Violation
  - Provides evidence the offender likely violated his or her conditions of supervision
  - Ensure violation meets definition of 'Behavior Requiring Retaking'
    - Receiving States should not arbitrarily revoke relocation once granted
- Creates Record
  - To be used in *possible* subsequent revocation hearing
  - Who, What, When & Where??

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When an Offender is not Entitled to a PC Hearing

- No possibility violations committed in receiving state will be used in revocation proceedings in the sending state
  - e.g. Offender simply returning to resume supervision in Sending State
- New conviction
  - Rule 5.102
  - Conviction is conclusive proof of violation-including misd. conviction if reported as revocable behavior

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PC Hearing Elements

- Conducted by neutral and detached person
- Close proximity to where alleged violations occurred
- Administrative hearing
  - Fact finding, no determination of guilt
  - Level of due process is *usually* less than a revocation hearing; but may be *more* considering the results are intended to be used in a revocation hearing

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Offender's Rights at PC Hearing

**What is an offender entitled to at a PC Hearing?**

- Disclosure of non-privileged/non-confidential evidence
- Opportunity to be heard in person, present witnesses and evidence
- The opportunity to confront and cross-examine adverse witnesses
  - unless the hearing officer determines that a risk of harm to a witness exists

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**Hearing Report Requirements**

**Ensure reports meets local AND Rule 5.108 requirement!**

- Due to sending state within 10 business days after the hearing
- Must include:
  - Date, time, location of the hearing
  - Who was present (who testified/who did not)
    - Clear & concise WRITTEN summary of ALL testimony
  - What evidence was used in decision?
  - Specific statements as to which violations where PC found, not found and offender admitted to

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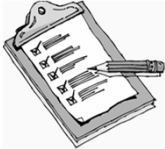
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**Waiver of Probable Cause Hearing**

Waiver acceptable when:

- Offender is apprised of his or her rights to hearing
- No contest to retaking and clearly aware of the facts supporting retaking
- Signed admission to one or more violations

*IMPORTANT! Admission/Waiver must be of sufficient gravity to justify revocation in receiving state*




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**INVALID WAIVER Example**



Sex offender's OVR documents he violated curfew, had unauthorized contact with minors, viewed pornography, access social media, and tested positive for marijuana (which by itself is clearly NOT a revocable violation)

The offender admits guilt on a PC waiver only to the positive marijuana urine screen

*PC must be established on REVOCABLE violations!*

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**Rule 5.108 (c)  
Misinterpretation**

Sex offender's OVR documents he violated curfew, had unauthorized contact with minors, viewed pornography, tested positive for drugs and is convicted in the RS of driving recklessly without insurance (misd conviction by itself is NOT revocable)

The offender's conviction of reckless driving is NOT proof the offender engaged in BRR

*PC must be established on REVOCABLE violations!*

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**Don't forget!**

- As the receiving state you WANT the sending state to revoke with the submission of a Violation Report
- Retaking does not always prevent an offender from qualifying for re-transfer of supervision
- Offender's have a right to PC
- Local procedures for PC vary and may or may not meet the requirements established by Supreme Court Rulings

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**Common Legal/Procedural  
Questions ISC Offices should know**

- What are the rules of evidence for PC hearings?
- Can hearsay be admitted?
- Can it be done proffer?
- Can an affidavit be admitted or is the witness required to be present
- What specifically is "evidence"? Is it transcripts or the exhibits?

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How Can Your State Improve?

- Ensure ICOTS Users are using Addendums and providing PC records appropriately on ICOTS records
  - Through Compact Workload Review
  - Using ICOTS Dashboards
  - Training Field Users
  - Learn more about Field processes for PC and what may be needed in a revocation to better communicate
  - Involve Legal for guidance

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States Sharing PC Procedures/Policies



- Texas
- Tennessee
- Arizona
- Virginia
- South Carolina

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Reacting to Subpoenas

Presenters: Russ Marlan Michigan Commissioner & Hope Cooper Kansas Commissioner

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Compact Rules

- Do not impose a legal obligation for states to comply with out of state subpoenas
- Cannot prevent out of state subpoenas

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Step #1- Why???

- *Why is the subpoena issued?*
- *Can the information or testimony sought in the subpoena be provided in another manner?*
  - *Is it a matter of clarification?*
  - *Is it a matter of understanding the compact?*
  - *Is it an instance where the violation was not documented appropriately or lack of details?*
  - *Is it lack of PC being established appropriately?*

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Legal Guidance is KEY!

- Learn WHY the subpoena was issued
- Involve your legal department or state attorney
- Resolve with good communication btw compact offices & most importantly DIRECTION from legal department or state attorney




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ICAOS Budget  
Fiscal Years 2018 - 2020

	<b>FY18</b> <b><u>Actual YTD</u></b>	<b>FY19</b> <b><u>Budget</u></b>	<b>FY20</b> <b><u>Proposed Budget</u></b>
<b><u>REVENUE</u></b>			
Dues Assessment	\$1,516,290.05	\$1,516,253.26	\$1,516,253.26
Cash Reserve		\$25,000.00	\$36,000.00
Dividend Income	\$31,356.28	\$15,000.00	\$18,000.00
Operating Interest	\$5,744.40	\$14,000.00	\$2,000.00
<b>Total Administration Revenue</b>	<b>\$1,553,390.73</b>	<b>\$1,570,253.26</b>	<b>\$1,572,253.26</b>
<b><u>EXPENSE</u></b>			
60000 SALARIES & WAGES	\$461,447.29	\$461,000.00	\$462,000.00
61000 EMPLOYEE BENEFITS	\$125,447.23	\$140,000.00	\$160,000.00
61009 PAYROLL TAX	\$36,662.36	\$35,000.00	\$35,200.00
61040 ACCOUNTING	\$8,999.80	\$12,000.00	\$12,000.00
61079 EDUCATION, ACCREDITATION	\$900.00	\$2,000.00	\$2,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$762.88	\$500.00	\$500.00
62000 SUPPLIES	\$2,759.96	\$4,500.00	\$4,500.00
62010 POSTAGE	\$915.01	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$15,177.85	\$12,000.00	\$12,000.00
62130 OUTSIDE WEB SUPPORT	\$806.26	\$1,000.00	\$1,000.00
62140 SOFTWARE PURCHASE	\$5,102.21	\$5,000.00	\$5,000.00
62280 INSURANCE	\$10,388.00	\$12,250.00	\$12,500.00
62310 PHOTOCOPY	\$240.24	\$1,500.00	\$1,500.00
62320 MISCELLANEOUS		\$0.00	
62360 DIRECT TELEPHONE EXPENSE	\$5,488.69	\$7,000.00	\$7,000.00
62370 CELL PHONE EXPENSE	\$2,861.03	\$3,000.00	\$3,000.00
62410 MARKETING/ADVERTISING		\$0.00	
66000 EQUIPMENT PURCHASE	\$2,671.80	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$24,137.88	\$27,000.00	\$27,000.00
68230 MEETING EXPENSE	\$585.82	\$500.00	\$500.00
72000 CONSULTANT SERVICES	\$8,800.36	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$4,491.92	\$5,000.00	\$5,000.00
78050 PRINTING	\$0.00	\$0.00	
80000 LEGAL SERVICES	\$7,475.00	\$15,000.00	\$15,000.00
85000 RENT	\$33,260.16	\$34,300.00	\$35,300.00
91010 INDIRECT COST		\$0.00	
<b>Total Administration Expenditures</b>	<b>\$759,381.75</b>	<b>\$800,050.00</b>	<b>\$822,500.00</b>
<b><u>OTHER EXPENSE</u></b>			
11356 Executive Committee	\$15,371.34	\$15,000.00	\$15,000.00
11363 Annual Meeting	\$157,779.63	\$205,000.00	\$185,000.00
11364 Compliance Committee	\$45.29	\$1,000.00	\$1,000.00
11365 Finance Committee	\$6.17	\$500.00	\$500.00
11366 Rules Committee	\$154.85	\$20,000.00	\$10,000.00
11367 Technology Committee	\$385.13	\$1,000.00	\$1,000.00
11368 Training/Education Committee	\$7,400.62	\$10,000.00	\$10,000.00
11370 ABM Workgroup	\$17,675.27	\$10,000.00	\$10,000.00
11371 DCA Liaison Committee	\$160.86	\$1,000.00	\$1,000.00
11372 Annual Report	\$1,414.00	\$2,000.00	\$2,000.00
11352 Defense Litigation		\$10,000.00	\$10,000.00
11354 ICOTS	\$516,762.56	\$500,000.00	\$500,000.00
Long-term Investment Fund		\$0.00	
Other Indirect Cost		\$0.00	
<b>Total Other Expense</b>	<b>\$717,155.72</b>	<b>\$775,500.00</b>	<b>\$745,500.00</b>
<b>Total Commission Expenses</b>	<b>\$1,476,537.47</b>	<b>\$1,575,550.00</b>	<b>\$1,568,000.00</b>





**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY19**

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

**\$1,516,253.26**



Incoming and Outgoing Cases Involving Offenders on Compact Supervision as of the Close of FY 2018

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	654	3,047	44	3,678	502	1,366	4	1,861	5,539
Alaska	49	100	3	151	20	61	48	126	277
Arizona	668	1,528	-	2,147	242	2,623	-	2,851	4,998
Arkansas	691	1,582	12	2,252	1,796	1,410	21	3,219	5,471
California	1,421	4,236	82	5,669	673	2,334	1	2,993	8,662
Colorado	372	1,361	1	1,699	920	2,656	-	3,507	5,206
Connecticut	154	775	-	918	173	1,017	-	1,180	2,098
Delaware	201	648	10	801	9	357	7	371	1,172
District of Columbia	145	977	16	1,055	-	508	-	503	1,558
Florida	1,907	5,791	97	7,648	201	6,145	9	6,312	13,960
Georgia	1,249	3,921	10	5,090	1,061	8,252	243	9,392	14,482
Hawaii	38	126	-	162	127	185	-	311	473
Idaho	161	464	34	654	598	1,382	8	1,983	2,637
Illinois	1,140	3,530	-	4,575	958	2,159	-	3,092	7,667
Indiana	699	2,379	-	3,028	288	2,098	-	2,355	5,383
Iowa	291	1,099	10	1,378	445	957	6	1,391	2,769
Kansas	439	1,117	4	1,525	556	1,479	1	2,011	3,536
Kentucky	459	1,980	15	2,413	856	2,663	4	3,487	5,900
Louisiana	757	1,862	19	2,604	1,157	1,422	11	2,548	5,152
Maine	87	298	-	373	3	267	-	269	642
Maryland	543	3,156	18	3,587	498	1,570	32	1,881	5,468
Massachusetts	192	1,330	-	1,501	100	1,057	-	1,133	2,634
Michigan	694	2,101	28	2,768	533	1,152	4	1,683	4,451
Minnesota	346	1,369	42	1,730	378	2,604	3	2,890	4,620
Mississippi	671	1,527	20	2,181	496	1,553	14	2,055	4,236
Missouri	958	2,684	25	3,606	1,462	3,399	1	4,747	8,353
Montana	108	363	14	479	187	705	262	1,151	1,630
Nebraska	252	586	-	825	73	439	-	510	1,335
Nevada	267	869	16	1,138	525	1,033	6	1,559	2,697
New Hampshire	89	576	1	653	192	252	-	441	1,094
New Jersey	602	2,029	-	2,581	974	2,138	3	3,050	5,631
New Mexico	204	896	2	1,088	173	675	7	778	1,866
New York	844	4,150	5	4,840	1,555	1,911	-	3,447	8,287
North Carolina	1,062	3,960	72	4,952	323	1,169	20	1,471	6,423
North Dakota	124	760	20	883	44	558	115	705	1,588
Ohio	1,018	3,152	21	4,125	800	2,010	3	2,775	6,900
Oklahoma	872	1,716	21	2,569	194	1,707	2	1,897	4,466
Oregon	288	1,000	51	1,325	531	792	40	1,356	2,681
Pennsylvania	689	2,464	10	3,103	1,755	4,365	5	5,979	9,082
Puerto Rico	108	126	-	233	27	108	-	133	366
Rhode Island	49	437	-	481	27	855	-	880	1,361
South Carolina	539	2,309	41	2,831	159	808	3	963	3,794
South Dakota	110	455	-	548	237	433	-	667	1,215
Tennessee	1,014	3,671	56	4,651	438	2,538	19	2,984	7,635
Texas	2,335	4,760	-	6,961	2,802	6,737	3	9,422	16,383
Utah	177	575	8	752	164	300	2	465	1,217
Vermont	60	203	1	260	87	270	1	355	615
Virgin Islands	10	30	-	40	9	6	-	15	55
Virginia	627	1,750	37	2,355	324	6,825	52	6,900	9,255
Washington	571	1,667	117	2,332	106	579	7	690	3,022
West Virginia	216	1,218	1	1,393	441	389	-	823	2,216
Wisconsin	343	1,511	19	1,822	1,311	1,609	48	2,946	4,768
Wyoming	92	328	18	436	146	662	6	811	1,247
<b>Total</b>	<b>27,656</b>	<b>90,549</b>	<b>1,021</b>	<b>116,849</b>	<b>27,656</b>	<b>90,549</b>	<b>1,021</b>	<b>117,324</b>	<b>234,173</b>





# Training, Education & Public Relations Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

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

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**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 Timothy Strickland, ex-officio (FL).

*\*retired*

**Mission:** Develop and enhance educational resources and training materials for use by affected member states and stakeholders. Enhance public safety through awareness and consistent administration.

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 with the restructure of the DCA Liaison Committee and planning for the 2018 DCA Training Institute as well as providing training on several enhancements to ICOTS processes and new dashboard reports released during FY 2018.

Trainings this year included 15 training sessions for compact staff with participation from nearly every member state. Topics for administrators and compact staff included:

- Approved amendments from 2017 Annual Business Meeting;
- ICOTS enhancements;
- New compliance and administrative dashboards;
- IVINS resources;
- User administration tips;
- DCA Institute planning;
- Q & A for the FY 2018 Photo Audit.

Additional presentations were also made at the APPA and APAI conferences and assistance was provided to several states per the Commission's Training and Technical Assistance Policy.

In conjunction with the DCA Liaison Committee, discussions from the various compact staff trainings and DCA region meetings are to continue at the DCA Training Institute in Orlando, FL focusing on the importance of states ensuring good documentation practices in ICOTS and sharing solutions for addressing issues and challenges states face in successfully managing compact business with its stakeholders.

Other Notable Accomplishments:

- Presented at the winter and summer APPA Training Institutes;
- Assisted with the reform of the DCA Liaison Committee and provided direction/support for DCA regional discussions;
- Worked in conjunction with the ABM Workgroup DCA Liaison Committee, and the DCA Regions to plan the 2018 DCA Training Institute;
- Updated and revised on-demand training modules and curriculum now viewable from any mobile device;
- Added several new ICOTS and IVINS resources to ICAOS Support; and
- Provided training to over 5,000 individuals;

Looking ahead in FY 2019

- Assist in development of training for compact staff as needed, including process changes to ICOTS, FY 2019/FY 2020 compliance audit support, etc.;
- Expand mobile friendly resources for stakeholders, including revising the ICAOS Bench Book for Judges;
- 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 in conjunction with the DCA Liaison Committee;
- Emphasize the goals of the Compact: What is in the best interest of public safety? What is in the best interest of the offender?



# Information Technology Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Gary Roberge, Information Technology Committee Chair and Commissioner of State of Connecticut**

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

The Information Technology Committee consists of 11 members, including 5 commissioners and 6 ex-officio members. Commissioners include Gary Roberge – Chair (CT), Sheila Sharp (AR), Mac Pevey (WA), Shawn Arruti (NV), and Joselyn Lopez (WI). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), Candice M. Alfonso (NJ), Felix Rosa (NY), Julie Lohman (VA), and Tim Strickland (FL).

The following are highlights of the Information Technology Committee's fiscal year 2018 activities:

## **ICOTS Offender Photo Audit**

As noted in the 2017 report, the national office conducted a comprehensive analysis of active offender photos uploaded in ICOTS and, as a result, developed photo quality standards. The Executive Committee approved the ICOTS photo quality standards and a follow up audit for FY 2018 of new cases opened in ICOTS. The audit was limited to cases in which an offender photo was uploaded to ICOTS between July 1, 2017 and December 31, 2017. National office staff commissioned a developer to automate the analysis of over 38,000 photos using Amazon's Rekognition photo API. The overall failure rate for the approximately 38,000 photos reviewed was 6.5%, or 2,475 photos. Overall, 65.4 % (25,048) photos met each of the photo quality standards while 28.1% (10,777) met passing standards.

### **FBI NDex Data Sharing**

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

### **IVINS/ICOTS VINEWatch**

In late 2017, Appriss completed and implemented the public-facing portal for IVINS. It was anticipated that this enhanced functionality would increase IVINS utilization by states with respect to victim notification. Unfortunately, utilization has only minimally increased to date. A survey was sent to each state asking for information with respect to victim notification. A copy of the survey results can be found in the docket book materials.

### **ICOTS Helpdesk Support**

The ICOTS Helpdesk received approximately 879 ICOTS support tickets throughout the 2018 fiscal year, which is approximately a 9.8% increase from FY 2017, in which the helpdesk received 800 tickets. The increase of 79 tickets this year can be mainly attributed to the number of enhancements launched in ICOTS, though almost all of those tickets involved training issues. The 20 new enhancements launched this past year only generated two reported bug issues after their respective launches, and those bugs were resolved within hours. 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.

### **ICOTS FY 2018 Enhancements**

During FY 2018, Appriss produced and implemented eight new code releases to the ICOTS production environment. Those eight releases accounted for 20 new functional enhancements to our ICOTS system. Only two minor bugs were reported during the code releases and each bug was resolved within hours of being reported. A few of the highlights from this past year's enhancements include:

- 1.) New electronic acceptance of ICOTS End User Agreement and Privacy Policy;
- 2.) Tolling functionality added for compact cases with pending violations;
- 3.) Compact workflow comments now displayed in the case's activity history;
- 4.) New system-driven process for subsequent state transfers.

### **ICOTS FY 2019 Enhancements**

The Information Technology Committee reviewed and prioritized the remaining list of ICOTS enhancements over several meetings. Appriss is generating cost estimates and a work order of the finalized list for development during FY 2019. The number of enhancements that will be completed during FY 2019 will depend upon the Commission's annual ICOTS budget.

### **ICAOS Dashboards**

The new and improved ICAOS Dashboards were launched in December of 2017. These new data visualization tools replace the previous compliance dashboards and ICOTS external reports. In total, 15 reports were removed or consolidated and 17 new dashboards were created, for a total of 37 dashboard reports.



**The following are identified goals and challenges for FY 2019:**

- Continue to 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;
- Ensure that data exports and notifications to external stakeholders contain accurate and timely information;
- Continue to work on the NCIC initiative to improve the Wanted Person File related to Interstate Compact warrants and bond information for re-taking purposes.

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





# Compliance Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

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

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### Compliance Committee Members

- Allen Godfrey, chair, Commissioner, MN
- Cathy Gordon, Commissioner, MT
- Amy Vorachek, Commissioner, ND
- Jacey Rader, Commissioner, NE
- Mike McAlister, Commissioner, NH
- James Hudspeth, Commissioner, UT
- Hope Cooper, Commissioner, KS

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 three specific goals for this year:

1. Continue to review compliance trends and make recommendations if necessary;
2. Meet and review compliance issues within 30 days of an Executive Committee referral; and,
3. Develop processes to enhance proactive compliance.

### Compliance Issues and Outcomes

During the reporting FY 2018 year, the committee reviewed and made recommendations to the Executive Committee on the following matters:

- **January 31, 2018:** The Committee discussed its FY 2018 goals, which included adding a goal for states to be proactive in addressing compliance concerns. This included promoting enhanced use of the new dashboard measures, the national office conducting quarterly performance reviews, and ensuring compliance on issuing nationwide warrants.

### **Dashboard Trends**

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in four of the six primary categories. Between FY 2014 and FY 2018, significant compliance increases occurred in Progress Reports (10.7%) and Violation Responses at (7.4%). While Case Closure Notices and RFRI Replies have leveled, they remain relatively high for compliance.

<b>Compliance Standard</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>5 Year Change</b>	<b>3 Year Change</b>
Case Closure Notices	89.1%	95.8%	96.6%	96.2%	96.0%	<b>6.9%</b>	<b>-0.6%</b>
Case Closure Replies	85.8%	88.6%	89.9%	90.7%	91.0%	<b>5.2%</b>	<b>1.1%</b>
All Progress Reports	78.0%	84.0%	84.7%	84.8%	88.7%	<b>10.7%</b>	<b>4.0%</b>
Violation Responses	79.1%	83.5%	85.1%	86.8%	86.5%	<b>7.4%</b>	<b>1.4%</b>
Transfer Request Replies	86.7%	89.8%	90.4%	90.9%	91.7%	<b>5.0%</b>	<b>1.3%</b>
RFRI Replies	96.0%	97.1%	97.3%	97.0%	97.0%	<b>1.0%</b>	<b>-0.3%</b>



# Rules Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Jane A. Seigel, Rules Committee Chair and Commissioner, State of Indiana**

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The Rules Committee met by WebEx conference three times since last year's Annual Business Meeting. The meetings were held on February 8, May 16, and August 8, 2018.

Rules Committee members for this year are: Dori Littler (AZ), Jenny Nimer (FL), Chris Moore (GA), Robert Maccarone (NY), Doug Clark (SD), Coltan Harrington (WY), Linda Rosenberg (PA), Brody Burks (TX), and Jane Seigel (IN), chair. Our invaluable ex-officio members are: Tim Strickland (FL), Tracy Hudrlik (MN), Margaret Thompson (PA), and Pat Odell (WY).

The Executive Committee asked the Rules Committee to explore whether the Rules Committee could undertake assessing the sex offender rules for changes or if it was necessary to establish a sex-offender ad hoc committee. The committee reviewed Rule 3.101-3 Transfer of supervision of sex offenders, noting:

- States set the bar higher for interstate sex offenders than for the locally convicted sex offenders;
- The original rule was drafted before internet crimes became common; and
- It should be clarified how someone determines whether or not an offender was registerable in a receiving state when registration in the sending state is not required.

The committee requested that each region discuss and evaluate the effectiveness of the sex offender rule and definition. Feedback received from the regions reiterated many of the same concerns and issues already noted by the Rules Committee. The Rules Committee then appointed a sub-committee to look at the sex offender definition as well as the rule.

The sub-committee, comprised of three members of the Rules Committee, Dori Littler, Margaret Thompson, and Doug Clark, were tasked to review the issues brought to the committee and draft proposals to enhance the sex offender-related rules and definition. The proposal intends to address issues related to sex offender registration and streamline what information states should provide to investigate a transfer versus what information is needed to effectively supervise sex offenders once accepted in the receiving state. The full committee will continue to discuss these issues and the proposal.

Another issue the committee discussed was the challenge presented by lifetime supervision, particularly if an offender is considered to be 'unsupervised' or whether the offender is subject to revocation is impacted by a valid plan of supervision. The committee decided to survey states to identify which states have unsupervised/lifetime probation/parole, investigate relevant information regarding each state's laws, and determine the powers by which a compact office interprets this type of supervision. The committee will resume its lifetime supervision discussion at its face-to-face meeting in October.

In conjunction with a previously approved ICOTS enhancement, the committee approved changes to the *Offender Application for Transfer* to remove the specific address the offender intends to reside in the receiving state. The ICAOS Technology Committee will prioritize for implementation in FY 2019.

Looking ahead in the next rule-making year, the committee will consider proposals to the victim notification rules as well as review a number of proposals referred by the West Region.

We are always looking for new members, particularly as some of our current members are retiring this year. Please consider joining this committee as there is always spirited discussion and warm collegiality.

Finally, the committee and I could not begin to function without the incredible knowledge and support of the national office team and our legal counsel, Rick Masters. What a joy to work with them, they are terrific. Thank you for all you do!

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



## Treasurer Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

#### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Charles Lauterbach, Treasurer and Commissioner, State of Iowa**

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As FY 2019 begins, the Interstate Commission for Adult Offender Supervision continues to be financially strong and stable. The Commission finished FY 2018 3% under budget. Due to sound financial management, the balance in the Commission's cash accounts increased by \$159,731 since the beginning of FY 2018.

The balance in the Commission's cash accounts is \$1,724,927. This balance exceeds the Commission's benchmark of maintaining at least one year's annual budget in cash reserves. The bulk of this money, \$1,461,892, is maintained in a savings account currently paying 1.5% interest annually. 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 Vanguard funds as of June 30, 2018 totals \$1,656,986. In FY 2018, the rate of return on these investments was 9.5%. Due to a gradually declining balance in the reserve fund, the Commission stopped making new contributions to the long-term investment program in FY 2015. In addition, the Commission maintains a separate legal reserve of \$50,000 to cover litigation expenses.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2020. The Commission collects \$1,516,290 in dues assessments annually. The Commission's total expenses in FY 2018 were \$1,476,537.

Looking forward, it is anticipated the Commission will continue to make significant expenditures in maintaining and enhancing the ICOTS information system. In FY 2018, the Commission spent \$516,762 on ICOTS. This was \$42,437 less than was invested in ICOTS in FY 2017. The Commission can control, to a significant extent, the expenditures on ICOTS by limiting the number of ICOTS enhancements that are approved each year. The Commission also continues to benefit financially from the decision to disaffiliate from the Council of State Governments. Overall, the Commission continues to find itself in a very sound financial condition.







## DCA Liaison Committee Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Tracy Hudrlik, DCA Liaison Committee Chair and Deputy Compact Administrator, State of Minnesota**

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### Committee Members

- Tracy Hudrlik, MN, chair

DCA Region Chairs:

- East - Natalie Latulippe, CT
- Midwest - Matt Billinger, KS
- South - Julie Lohman, VA
- West - Judy Mesick, ID

Region Representatives:

- East - Margaret Thompson, PA
- Midwest - Simona Hammond, IA
- South - Tim Strickland, FL
- West - Pat Odell, WY

### Committee Mission

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

### Committee FY 2019 Goals

1. Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution; and
2. Identify issues of relevance for referral to standing committees.

### **Committee Work**

The newly reformed DCA Liaison Committee met for the first time this year on June 28, 2018. The committee reviewed its mission and goals. Committee members felt it was important to provide support and be the “voice” for DCAs nationally. The committee plans to develop a quarterly DCA-focused newsletter that will include items such as staff highlights and recognition, new staff and retirement announcements, region reports, tip of the quarter (best practices), and highlights of difficult cases and resolutions between states. The first newsletter is expected to come out in September. Regional DCA chairs are expected to provide regular updates that the committee will refer to other standing committees.

The committee will be assisting in planning and implementing the DCA Training Institute at the 2018 Annual Business Meeting.

### **Mentoring**

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

- *Participant:* Any DCA who is either new or requests (through their commissioner) additional coaching or assistance.
- *Mentor:* The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of 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.



## General Counsel Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Richard Masters, General Counsel**

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The General Counsel's Office assists the Commission by providing legal guidance with respect to legal issues that arise under the compact, its bylaws, and administrative rules. The General Counsel also works with the Commission 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.

#### *Litigation Matters*

#### **Brennen Clancy v. Interstate Commission for Adult Offender Supervision, et al., Middle Dist. of FL, Case No. 6:18-cv-501-Orl-41 KRS**

This is a *pro se* case in which the offender filed suit against the Florida Department of Corrections and the Interstate Commission for Adult Offender Supervision. The offender alleged civil rights allegations under 42 U.S.C. §1983 arising from his transfer from Pennsylvania to Florida under the Compact due to wrongful 'reclassification' of his third conviction for DUI in Pennsylvania as a felony under Florida law.

The Commission filed a brief emphasizing that the ICAOS statute does not create a 'private right of action,' relying on prior case decisions from various U.S. Courts of Appeals and the Supreme Court. See *Doe v. Pennsylvania Board of Probation and Parole*, 513 F.3d 95, 104-107 3d Cir. 2008); *M.F. v. State of New York et al.*, 640 F.3d 491 (2d Cir. 2011).

The Court dismissed the case by order of U.S. District Judge Carlos Mendoza on July 2, 2018, however the offender has now filed a petition for leave to file an appeal in *forma pauperis* (*permission to proceed without payment of the ordinary fees associated with an appeal*) to the U.S. Court of Appeals for the 11<sup>th</sup> Circuit. The motion was granted, thus the Commission will file the appropriate pleading in opposition to the appeal based upon the same grounds on which the U.S. District Judge dismissed the case in the trial court.





## Victims Advocate Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Pat Tuthill, Ex-officio Victims' Representative**

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#### **Interstate Compact Victim Notification Service (IVINS)**

- Presented to National Association of Victim Assistance in Corrections (NAVAC) annual conference on the Compact and IVINS.
- Reviewed IVINS with numerous state victim notification authorities and VINE Administrators.
  - Recommendations:
    - Promote IVINS awareness and training for notification authorities to inform victims of IVINS.
    - Include information on IVINS on VINE brochures and for states without VINE to include on their states notification brochures.
- Recommend no amendments on victim notification rules until IVINS technical and training issues resolved.
- FL VINE Administrator and MN Victim Services can have recommendations on how to increase victim registration.
- Florida Vine Administrator is developing training for all Florida stakeholders based on a similar training in New York.
- States should consider using New York's training on IVINS to all stakeholders as a guide when developing IVINS training.

#### **Other**

- Member of the Office of Victims of Crime (OVC) Project Advisory Board tasked to develop a web-based Best Practices Post-Conviction Victim Services Toolkit.
- In 2018 Peyton Tuthill Foundation awarded \$19,000 in scholarship to children who have lost parents or siblings to homicide. A total of \$75,000 across the country: CA, TN, NM, FL, GA, SC NY, TX, AL, OH, PA, IL.





## East Region Chair Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

#### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

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

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As the East Region Chair, I am very proud to represent this region. The East Region is actively engaged in the commission's operations. We have many commissioners and deputy compact administrators (DCA) who are involved with the commission's committees to find ways to improve public safety.

As with every year, we have to say goodbye to some friends and welcome new commissioners to the commission. The East Region has five new commissioners appointed since the last annual business meeting: Linda Rosenberg (PA), Patricia A. Coyne-Fague (RI), Bill Goodwin (ME), Samuel Plumeri (NJ), and James Elder (DE). The outgoing commissioners are Michael Potteiger (PA), Ashbel T. Wall (RI), Scott McCaffery (ME), James Plousis (NJ), and Alan Grinstead (DE).

Finally, a special thanks to the DCAs. We, commissioners of the East Region, are very thankful that, as a group, we have the best DCAs in the commission. Our DCAs are invaluable assets to our commission, our region, and our states.

#### **East Region Mission**

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

#### **East Region FY 2019 Goals**

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

#### **East Region Meetings**

- October 10, 2017
- March 27, 2018
- August 22, 2018

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

- Check in and intro of commissioners/DCAs/guests;
- FY 2018 rule proposals discussion;
- FY 2017 adopted rules implementation;
- ICOTS VINEWatch/IVINS;
- Recommendation to withdraw rule proposal 5.102;
- Top five measurable public safety compliance factors;
- Issues with the sex-offender and the transfer of sex-offenders rules;
- The bench book's content: its usefulness and user-friendliness;
- "Unsupervised" supervision and how it impacts states that do not have this status;
- The responsibility of sending states in issuing warrants and retaking when a case is closed in ICOTS;
- Discussion about requesting the commission to develop or open the existing ICOTS training site for states to use when training field staff;
- 2018 DCA Training Institute and annual business meeting; and,
- Amendment to Rule 3.101-1 - Mandatory reporting instructions and transfers of military

East Region commissioners and DCAs serve on the following committees:

#### **Executive Committee**

- Commissioner Dale Crook (VT)
- Commissioner Gary Roberge (CT)

#### **Compliance Committee**

- Commissioner Mike McAlister (NH)

#### **DCA Liaison Committee**

- DCA Natalie Latulippe (CT)
- DCA Margaret Thompson (PA)

#### **Rules Committee**

- Commissioner Robert Maccarone (NY)
- Commissioner Linda Rosenberg (PA)
- DCA Margaret Thompson (PA)

#### **Technology Committee**

- Commissioner Gary Roberge (CT)
- DCA Natalie Latulippe (CT)
- DCA Candice Alfonso (NJ)
- DCA Felix Rosa (NY)

#### **Training Committee**

- Commissioner Scott McCaffery (ME)

#### **ABM Workgroup**

- DCA Natalie Latulippe (CT)
- DCA Margaret Thompson (PA)





## Midwest Region Report

### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

#### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Doug Clark, Midwest Region Chair and Commissioner, State of South Dakota**

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

#### **Midwest Region Mission**

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

#### **Midwest Region FY 2019 Goals**

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

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

- Out of state subpoena;
- Top five measurable public safety compliance factors;
- Issues with the sex offender and the transfer of sex offenders rules;
- The bench book's content – its usefulness and user-friendliness;
- 2019 rule proposals from the Midwest Region;
- FY 2018 rule proposals discussion;
- FY 2017 adopted rules implementation;
- ICOTS VINEWatch/IVINS;
- DCA region chair report.

The Midwest Region continues to be well represented within the Commission with the following commissioners and DCAs 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)
- DCA Tracy Hudrlik (MN)

### **Compliance Committee**

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

### **DCA Liaison Committee**

- DCA Tracy Hudrlik (MN)
- DCA Matthew Billinger (KS)
- DCA Simona Hammonds (IA)

### **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**

- Commissioner Joselyn Lopez (WI)
- DCA Matthew Billinger (KS)

### **Training & Education Committee**

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

### **ABM Planning Workgroup**

- DCA Suzanne Brooks (OH)
- DCA Matthew Billinger (KS)

The Midwest Region had no new commissioners appointed in the past year.

The Midwest Region continues to be supportive of the direction the Commission has taken regarding the supervision of interstate compact offenders. This includes the promotion of graduated interventions, the use of evidence-based practices and risk assessments to support behavioral change and effective supervision, improved documentation requirements, ICOTS enhancements, and the handling of violations with a new standard more focused on effective public safety. All this work supports a single standard of supervision, improved offender accountability, and promotes increased effectiveness of transfers between states, again, in the interest of public safety. In the upcoming year, the chair will continue to work with Midwest Region members to develop rule proposals that will further enhance the efforts of the interstate compact.



## South Region Report

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

#### ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Chris Moore, South Region Chair and Commissioner, State of Georgia**

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The South Region met four times counting the 2017 Annual Business Meeting (ABM) in Pittsburgh, Pennsylvania. A quorum was established in all of the meetings. At these meetings, the region had robust discussion on the following topics:

- IVINS/ICOTS VINEWatch;
- FY 2019-FY 2020 audit letter;
- Best practices, emerging trends, and training opportunities in the South Region;
- Executive Committee meeting updates;
- Top five measurable public safety compliance factors;
- Issues with the sex offender and the transfer of sex offenders rules;
- The Bench Book's content: its usefulness and user-friendliness;
- Region mission and goals;
- FY 2018 rule proposals;
- FY 2017 adopted rules implementation.

When the South Region last met in July of 2018, there were no commissioner vacancies.

The South Region has four new commissioners appointed since the last annual business meeting Tom Langer (AL), Kevin Murphy (AR), James Berry (MD), and Johnathan Hall (KY).

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 Brody Burks (TX)

DCA Tim Strickland (FL)

**Finance Committee**

Commissioner Christy Gutherz (MS)  
DCA Debbie Duke (TN)

**Technology Committee**

DCA Julie Lohman (VA)  
DCA Tim Strickland (FL)

**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**

DCA Julie Lohman (VA) (South Region DCA Regional Representative)  
DCA Tim Strickland (FL)

**ABM Workgroup**

Commissioner Alisha James (TN)  
Commissioner Jenny Nimer (FL)  
DCA Jenna James (GA)  
DCA Tim Strickland (FL)  
DCA Elizabeth Powell (DC)

**Executive Committee**

Commissioner Anne Precythe (MO) (Training Committee Chair)  
Commissioner Chris Moore (GA) (South Region Chair)

**Victim's Advocate**

Pat Tuthill (FL)



## West Region Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING

ORLANDO, FLORIDA

OCTOBER 3, 2018

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

**FROM: Shawn Arruti, West Region Chair and Commissioner, State of Nevada**

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On behalf of the West Region, we present this report regarding the region's work and activities since the 2017 Annual Business Meeting.

### **West Region Meetings**

- October 10, 2017
- February 26, 2018
- May 3, 2018
- July 24, 2018

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

- FY 2018 rule proposals discussion;
- FY 2017 adopted rules implementation;
- IVINS/ICOTS VINEWatch;
- Executive Committee meeting from January 9, 2018;
- FY 2018 compliance audits;
- FY 2018 rule amendments;
- Proposal to submit recommendation to Executive Committee for the formation of an Ad Hoc Committee to look at the issue of supervision in tribal regions: development of best practices and/or handle by rule/amendments;
- DCA West Region chair report;
- Discussion of rule amendment proposals for submission by the West Region to the 2019 Annual Business Meeting;
- Issues with sex offender rule and transfer of sex offender rule;
- Bench Book revision recommendations;
- DCA Liaison Committee chair nominations; and
- FY 2019-FY 2020 audit letters.

The West Region has three new commissioners appointed since the last annual business meeting, Merideth McGrath (CO), Dwight Sakai (HI), and Anthony Pennella (CA).

During this upcoming year, the West Region will continue in our efforts and commitment to identify and develop rule proposals and amendments that will further strengthen the interstate compact and the member states.

On a personal note, it has been my honor to serve as the Nevada Commissioner and Compact Administrator following my appointment to this position in April, 2016, and as West Region Chair following the nomination and support of the West Region Commissioners at the 2017 Annual Business Meeting. On October 10, 2018, I will be retiring from state service and be resigning as Commissioner for Nevada. Having been involved with the interstate compact for twelve of my twenty years of service, part of what I will truly miss is working with the great individuals that I have had the privilege to meet as part of my work with the commission.



## 2018 IVINS/ICOTS VINEWatch Update

The Commission has closely monitored the usage and effectiveness of IVINS/ICOTS VINEWatch (IVINS) to ensure appropriate practices for its implementation and operation in support of crime victims. To-date, IVINS data indicates that a large majority of states have chosen not to implement it. Moreover, ongoing concerns prompt the Commission to evaluate whether it is an effective solution. Those concerns include an overabundance of notifications, poor understanding of compact processes, inadequate training and resources to implement the system, along with concerns that allowing any individual to register creates public safety issues.

### IVINS Stats

Years of IVINS Development/Deployment:	5
<i>(Contract signed Feb 2013; Renewal is Dec 1, 2018)</i>	
States Reporting IVINS Use:	18
States Reporting Use of Automated Notification System:	41
Total Notification Types in IVINS:	10
Registrations Removed by Request:	663
States Reporting Use of Better or More Compliant System:	34

### Offender Stats

ICOTS offenders (w/active case) have an IVINS indicator:	421 (0.36%)
Total ICOTS Offenders:	115,562
Offenders marked "Victim Sensitive":	14,550
ICOTS offenders requiring victim notification:	12.6%
"Victim Sensitive" cases using IVINS for notifications:	2.9%

### Fixed Costs

Monthly Fee:	\$3,600 <i>(If ICAOS renews, increases to \$3,708 on 12/01/18)</i>
Annual Cost:	\$43,200 <i>(If ICAOS renews, increases to \$44,496 on 12/01/18)</i>
Total Cost To-Date:	\$223,000

*\*Figures do not include staff support*

### Potential Costs and Other Considerations

- Dedicated staff in national office for administrative and technical support, ongoing maintenance, testing, system changes, etc.;
- Supplemental software for testing purposes;
- Rules changes to reduce notifications or determine whether IVINS notifications should meet rule requirements;
- Training and implementation assistance;
- Per Appriss' request, sign a Non-Disclosure Agreement with renewal; and
- Dues increase or reserve funding to support dedicated services.

*(See also, results of national survey)*





## IVINS Survey 2018

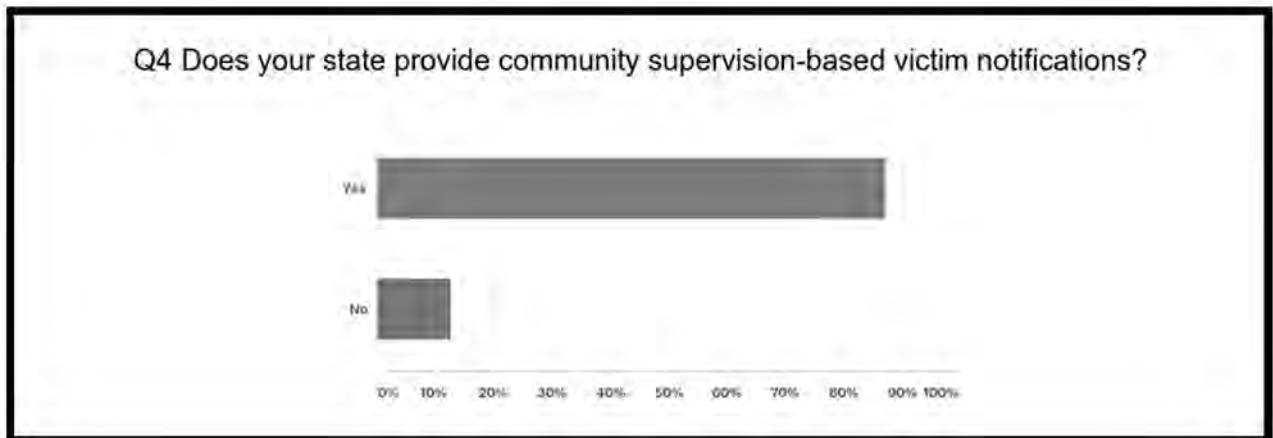
**Background:** Since its implementation in 2013, the Commission has closely monitored the usage and effectiveness of IVINS/ICOTS VINEWatch to ensure its implementation and operation supports victims of crime. Data surrounding IVINS/ICOTS VINEWatch usage indicates that many states have chosen not to implement it. Additionally, ongoing concerns have prompted the Commission to evaluate whether this product is an effective solution.

**Purpose of the survey:** This survey's purpose is to provide baseline data from which the Commission can thoughtfully discuss and recommend strategies at the upcoming 2018 Annual Business Meeting regarding IVINS/ICOTS VINEWatch

**Responders:** Forty-eight (48) responses received from 47 states. States that did not respond include: Kansas, Massachusetts, Michigan, New Hampshire, Oklahoma, Virgin Islands

### Results:

#### Community supervision-based notification practices



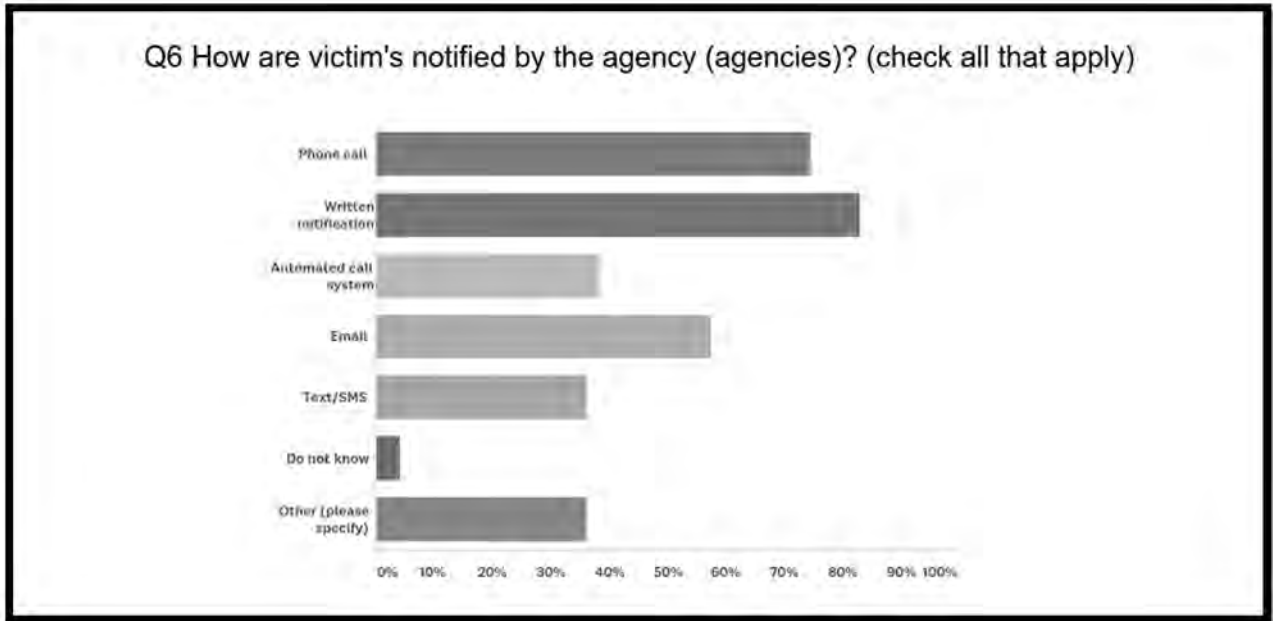
*Eighty-eight (88) percent (42 total) indicated their state provides community supervision-based victim notifications\*. Determination or definition of a crime victim who is required to receive community supervision-based notifications and agencies responsible for such notifications vary widely state to state and for some states it is determined at the local level.*

*\*Based on analysis of survey responses, it is possible some respondents did not interpret 'community supervision-based notifications' consistently or as intended. Comments provided in several responses included information on notifications made for incarcerated (non-community supervision-based) notifications.*

For most respondents, these notifications are required when the individual is determined a victim in a violent crime involving direct or threatened physical harm (e.g. family of homicide victim, sex offense, assault, etc.) and the victim has opted in or registered to receive such notifications.

Most commonly, the state's Victim Services office, local county probation departments, Attorney General's office or Department of Corrections handle notifications for community supervision-based notifications to victims.

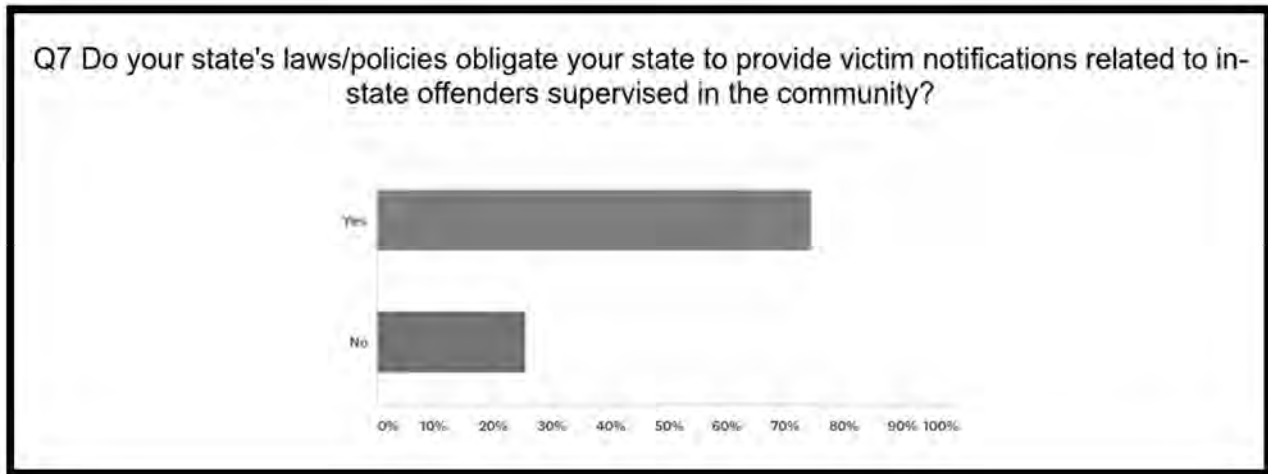
### Method of Notification



Most states notify victims via written notification (83%) or direct phone call (75%) through a victim's representative or responsible agency. Forty (40%) of respondents utilize an automated call system (such as VINE or IVINS).

\*Most respondents choose the 'other' category to provide additional information regarding this question rather than noting an 'other' type of notification.

Victim Notification Laws

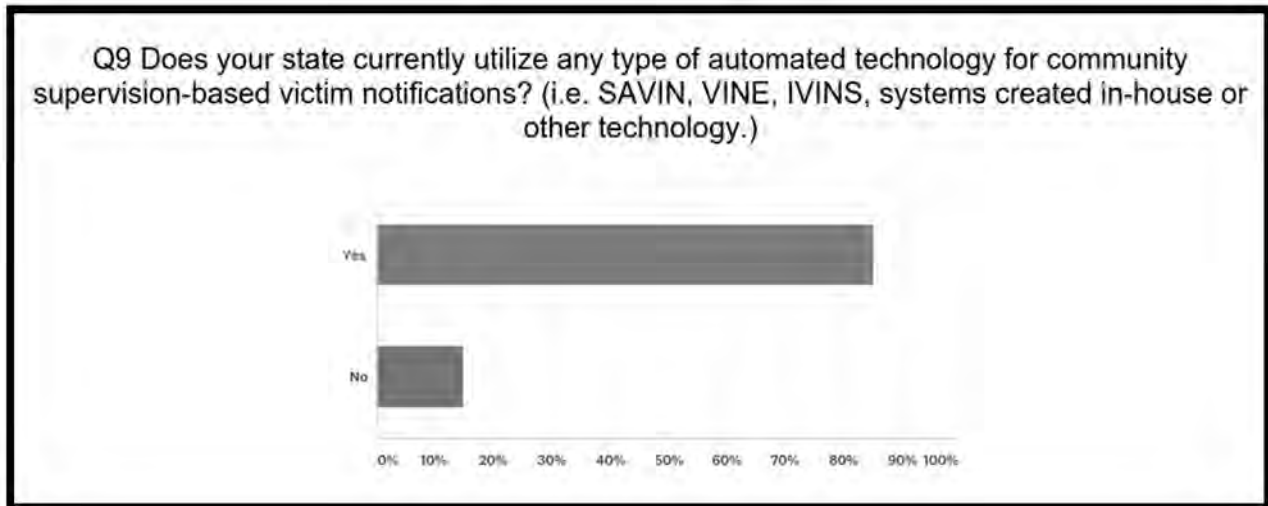


*Seventy-five (75%) percent of responding states indicated their state’s laws or policies obligate notification to victims based on community supervision-based occurrences. Most commonly, victims are notified when an offender is taken in, released or escapes from custody. Victims are also notified when an offender absconds or term of supervision ends. (Eleven respondents skipped this question)*

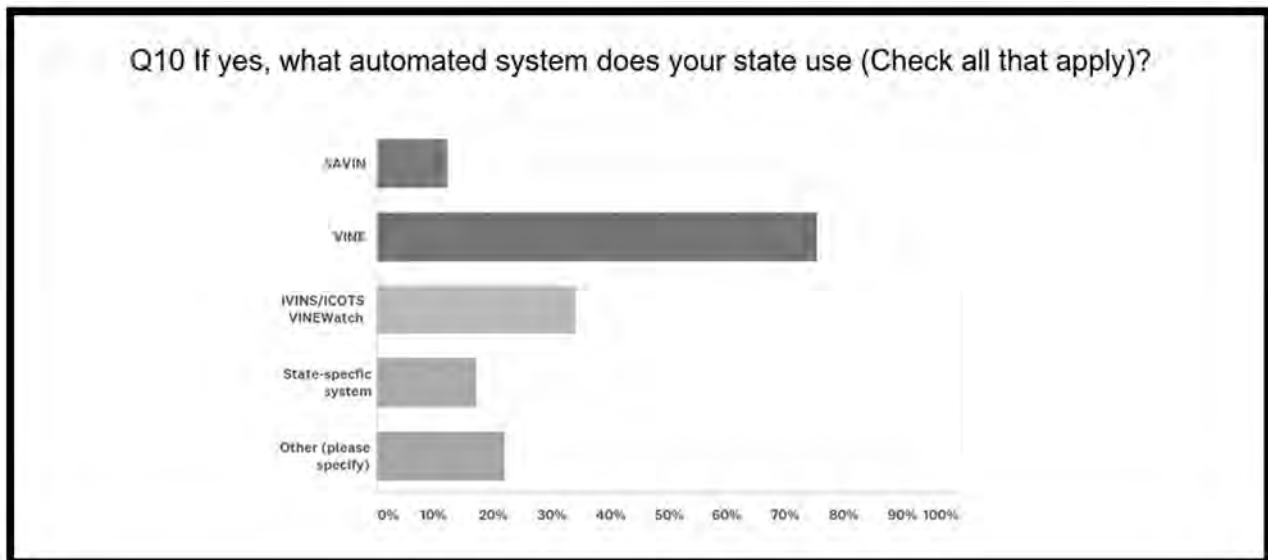
▼ When an offender violates	27.03%	10
▼ When an offender absconds	51.35%	19
▼ When an offender is taken into or released from custody	56.76%	21
▼ When community supervision term ends (probation or parole)	45.95%	17
▼ When an offender's primary residence changes	21.62%	8
▼ Other (please specify)	Responses 56.76%	21

*\*Many respondents choose the ‘other’ category to provide additional information regarding this question rather than noting an ‘other’ type of community supervision-based notification. Analysis of the answers provided in this question also were relevant in determining that some respondents are providing not just community supervision based information regarding victim notification, but also notifications that occur when offenders are incarcerated (non-community supervision-based notifications.)*

## Automated Notification Information



*Eighty-five (85%) percent of respondents use automated technology for providing community supervision-based notifications. As reported, VINE is the most commonly used technology for community supervision-based notifications (76% or 32 respondents.) Fourteen respondents reported using IVINS/ICOTS VINEWatch. (Six respondents skipped this question)*



*States not utilizing IVINS/ICOTS VINEWatch (76% or 32 respondents) noted the service is not used by their state because:*

- *Existing state system satisfies their current state law requirements (71%)*
- *The system's design allowing any individual to register creates a public safety issue (26%)*

*Additional common concerns included:*

- *IVINS/ICOTS VINEWatch does not provide the most effective or accurate information to victims compared to the system they are currently utilizing*

- *The state lacks resources to implement IVINS/ICOTS VINEWatch*

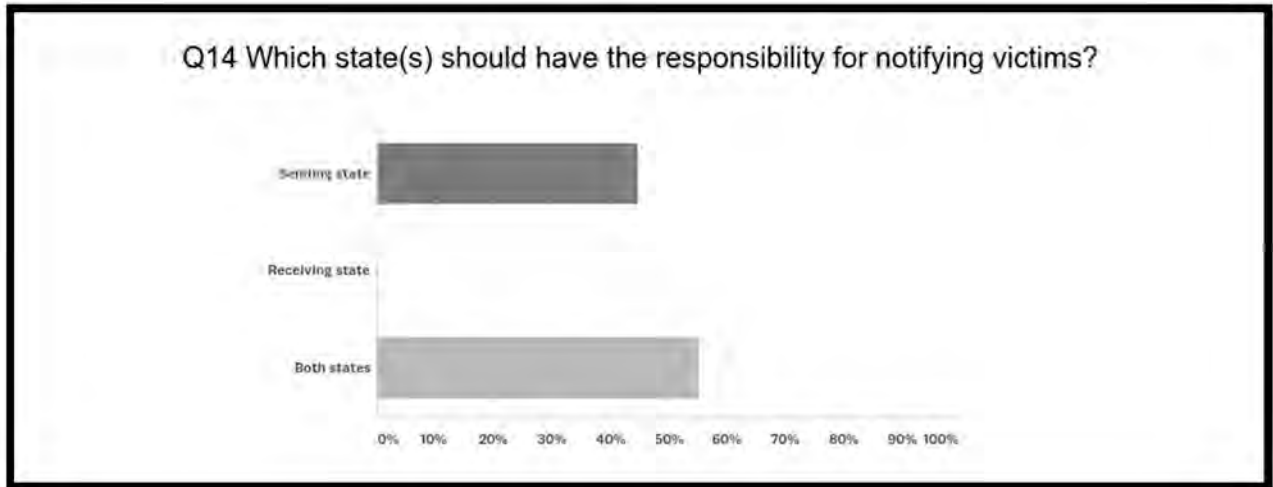
*(Seventeen respondents skipped this question)*

#### IVINS Notification Impact to Victim Safety

The following IVINS/ICOTS VINEWatch notifications were ranked in order of impact and importance on victim safety and security:

1. When a violation report is submitted reporting an offender has absconded  
(77% - high impact; 11% - no impact)
2. When an arrival notice is submitted indicated the offender arrived/failed to arrive in the receiving state  
(66% - high impact; 11% - no impact)
3. When a departure notification is submitted indicating the offender departed the sending state  
(49% - high impact; 11% - no impact)
4. When an offender is reported (via violation report) to have engaged in behavior requiring retaking  
(42% - high impact; 15% - no impact)
5. When an offender's primary residence is changed in ICOTS  
(37% - high impact; 17% - no impact)
6. When a transfer request is accepted by the receiving state  
(30% - high impact; 19% - no impact)
7. When a compact case is closed  
(29% - high impact; 17% - no impact)
8. When transfer to another state is requested  
(26% - high impact; 26% - no impact)
9. When approved reporting instructions are transmitted  
(19% - high impact; 28% - no impact)
10. When reporting instructions are requested by the sending state  
(13% - high impact; 28% - no impact)
11. When a transfer request is withdrawn by a sending state  
(13% - high impact; 33% - no impact)

## Victim Notification Responsibilities



*Fifty-six (56%) percent of respondents indicated both states should be responsible for notifying victims, while forty-four (44%) percent of respondents noted the sending state should solely be responsible.*

## Victim Notification Concerns

IVINS/ICOTS VINEWatch allows for self-registration and there is no mechanism provided in the Commission's subscription to prevent the public from registering. The following questions were raised to provide input related to this feature.

*Seventy-three (73%) percent of respondents **disagreed or strongly disagreed** that the general public should be allowed to register for notifications. Meaning 73% believe the ability to register should be limited to the direct crime victim(s).*

*Sixty-seven (67%) percent of respondents **agreed or strongly agreed** that allowing the general public to register creates a public safety issue for law enforcement or the supervising officer.*

*Seventy-five (75%) percent of respondents **agreed or strongly agreed** that allowing the general public to register creates a public safety issue for the offender.*

Detailed Results of this survey can be accessed via the link below:

<https://www.surveymonkey.com/results/SM-SXRSMN3CL/>



# Training, Education & Public Relations Committee Agenda

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

SPRING LAKE, LOBBY LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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## Call to Order

## Roll Call

## Approval of Agenda

## Approval of Minutes

- *August 9, 2019*

## Discussion

- *2018 DCA Institute Recap*
- *Review Training Committee Goals*
  - *Review and revise training modules and resources annually.*
  - *Create mobile friendly educational resources for stakeholders.*
  - *Support state compact offices' responsibilities to train stakeholders in their state on ICAOS Rules, purpose and best operational practices.*
  - *Create dialogue that emphasizes the goals of the Compact: What's in the best interest of public safety? What's in the best interest of the offender?*

## Old Business

## New Business

## Adjourn







# Information Technology Committee Agenda

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

PARK LAKE, LOBBY LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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## Call to Order

## Roll Call

## Approval of Agenda

## Approval of Minutes

- *July 25, 2018*

## Discussion

- *Technology Committee Overview and Accomplishments*
- *FY 2019 Goals*

## Old Business

- *ICOTS FY 2019 Enhancements*

## New Business

## Adjourn





# Compliance Committee Agenda

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

BAY LAKE, LOBBY LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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## Call to Order

## Roll Call

## Approval of Agenda

## Approval of Minutes

- *August 28, 2018*

## Discussion

- *Template for filing a complaint*
- *Addressing Ongoing Violations*

## Old Business

- *Quarterly Compliance Review - Corrective Action*
- *Minnesota Complaint*

## New Business

## Adjourn





# Rules Committee Agenda

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

LAKEVIEW, MEZZANINE LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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## Call to Order

## Roll Call

## Approval of Agenda

## Approval of Minutes

- *August 8, 2018*

## Discussion

- *Sex-Offender Rules Review*
- *Lifetime Supervision Survey Results*

## Old Business

- *Victim Notification Rules*

## New Business

## Adjourn





# Finance Committee Agenda

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

SANDY LAKE, LOBBY LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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**Call to Order**

**Roll Call**

**Approval of Agenda**

**Approval of Minutes**

- *June 22, 2017*

**Discussion**

- *FY 2018 Final Budget Review*
- *Results of FY 2018 Fiscal Audit*
- *FY 2019 Budget Update*

**Old Business**

**New Business**

**Adjourn**







## DCA Liaison Committee Agenda

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### INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

11:00 AM ET, OCTOBER 3, 2018

ROCK LAKE, LOBBY LEVEL

WYNDHAM LAKE BUENA VISTA DISNEY SPRINGS RESORT, ORLANDO, FLORIDA

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#### Call to Order

#### Roll Call

#### Approval of Agenda

#### Approval of Minutes

- *August 16, 2018*

#### Discussion

- *DCA Training Institute Review*
- *DCA Quarterly Newsletter*
- *DCA Mentor Program*
- *DCA Region Reports*

#### Old Business

#### New Business

#### Adjourn





## Annual Business Meeting Compact Member Attendee List

ALABAMA	 <p>Tom Langer Commissioner</p>	 <p>Lee Ishman DCA</p>	
ALASKA	 <p>Carrie Belden Commissioner</p>		
ARIZONA	 <p>Dori Littler Commissioner/ DCA Probation</p>	 <p>Anthony Oliveri DCA Parole</p>	
ARKANSAS	 <p>Kevin Murphy Commissioner</p>	 <p>Linda Mustafa DCA</p>	
CALIFORNIA	 <p>Anthony Pennella Commissioner</p>	 <p>Chris Smalling DCA</p>	
COLORADO	 <p>Merideth McGrath Commissioner</p>	 <p>Andrews Zavaras 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, DCA East Region Chair</p>
DELAWARE	 <p>James Elder Commissioner</p>	 <p>Terra Taylor DCA</p>	
DISTRICT of COLUMBIA	 <p>James Berry Commissioner</p>	 <p>Elizabeth Powell 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 &amp; Probation</p>

HAWAII		Dwight Sakai Commissioner		Michael Knott DCA Parole		Brook Mamizuka DCA Probation
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		Johnathan Hall Commissioner		Steve Turner DCA Probation		
LOUISIANA		Pete Freeman Commissioner		Gregg Smith DCA		
MAINE		Denis Clark Official Designee				
MASSACHUSETTS		Paul Treseler Commissioner		Richard Ryan DCA Parole		
MARYLAND		Joseph Clocker Commissioner		LaShonda Lee- Campbell DCA		
MICHIGAN		Russell Marlan Commissioner		Daryn Cobb DCA		

MINNESOTA	 Allen Godfrey Commissioner, Compliance Committee Chair	 Tracy Hudrlik DCA, DCA Liaison Committee Chair	
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 Rader 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	 Samuel Plumeri Commissioner	 Candice Alfonso DCA Probation	 Robin Stacy DCA Parole
NEW MEXICO	 Roberta Cohen Commissioner	 Victoria Vigil DCA	
NEW YORK	 Robert Maccarone Commissioner	 Matthew Charton DCA Probation	
NORTH CAROLINA	 Timothy Moose Commissioner	 Betty Payton DCA	
NORTH DAKOTA	 Amy Vorachek Commissioner		

OHIO	 Sara Andrews Commissioner, Chairwoman	 Suzanne Brooks DCA	
OKLAHOMA		 Frank Mesarick DCA	
OREGON	 Jeremiah Stromberg Commissioner, Vice Chair	 Mark Patterson DCA	
PENNSYLVANIA	 Linda Rosenberg Commissioner	 Margaret Thompson DCA Probation	
PUERTO RICO	 Raquel Colón Commissioner/DCA		
RHODE ISLAND	 Ingrid Siliezar Official Designee DCA		
SOUTH CAROLINA	 Jerry Adger Commissioner	 Christopher Harris DCA	
SOUTH DAKOTA	 Doug Clark Commissioner, Midwest Region Chair	 Charles Frieberg DCA Probation	
TENNESSEE	 Alisha James Commissioner	 Deborah Duke DCA	
TEXAS	 Brody Burks Commissioner	 Tina Balandran DCA	 Heather Clark DCA
UTAH	 James Hudspeth Commissioner	 Jennifer Calvo DCA	
VERMONT	 Dale Crook Commissioner, East Region Chair	 Donna Pratt DCA	



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 Paezold- 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 Executive Director
Association of Prosecuting Attorneys (APA)	 David LaBahn President/CEO
Interstate Commission for Adult Offender Supervision (ICAOS)	 Pat Tuthill Victims' Advocate
Interstate Commission for Juveniles (ICJ)	 Anne Connor ICJ Commission Chair
National Organization for Victim Assistance (NOVA)	 Chief Justice Richard Barajas (Ret.) Executive Director
Association of Paroling Authorities International (APAI)	 Joe Pacholski

## NATIONAL OFFICE STAFF

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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

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Rick Masters, General Counsel



### A Motion Chart for Robert's Rules

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

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

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

## Making and Handling Motions According to Robert's Rules

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

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

## Guidelines

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

## The Rules

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

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

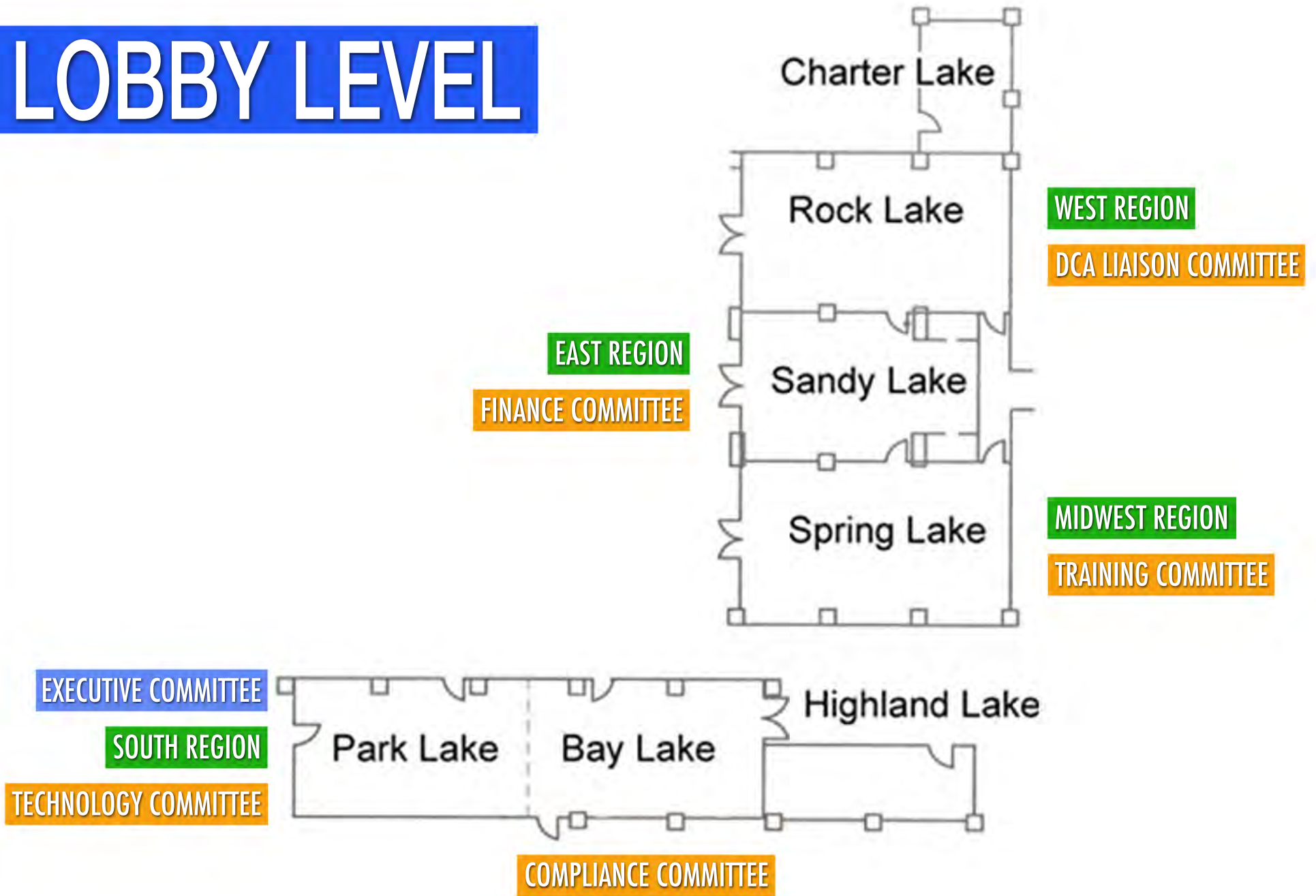
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to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

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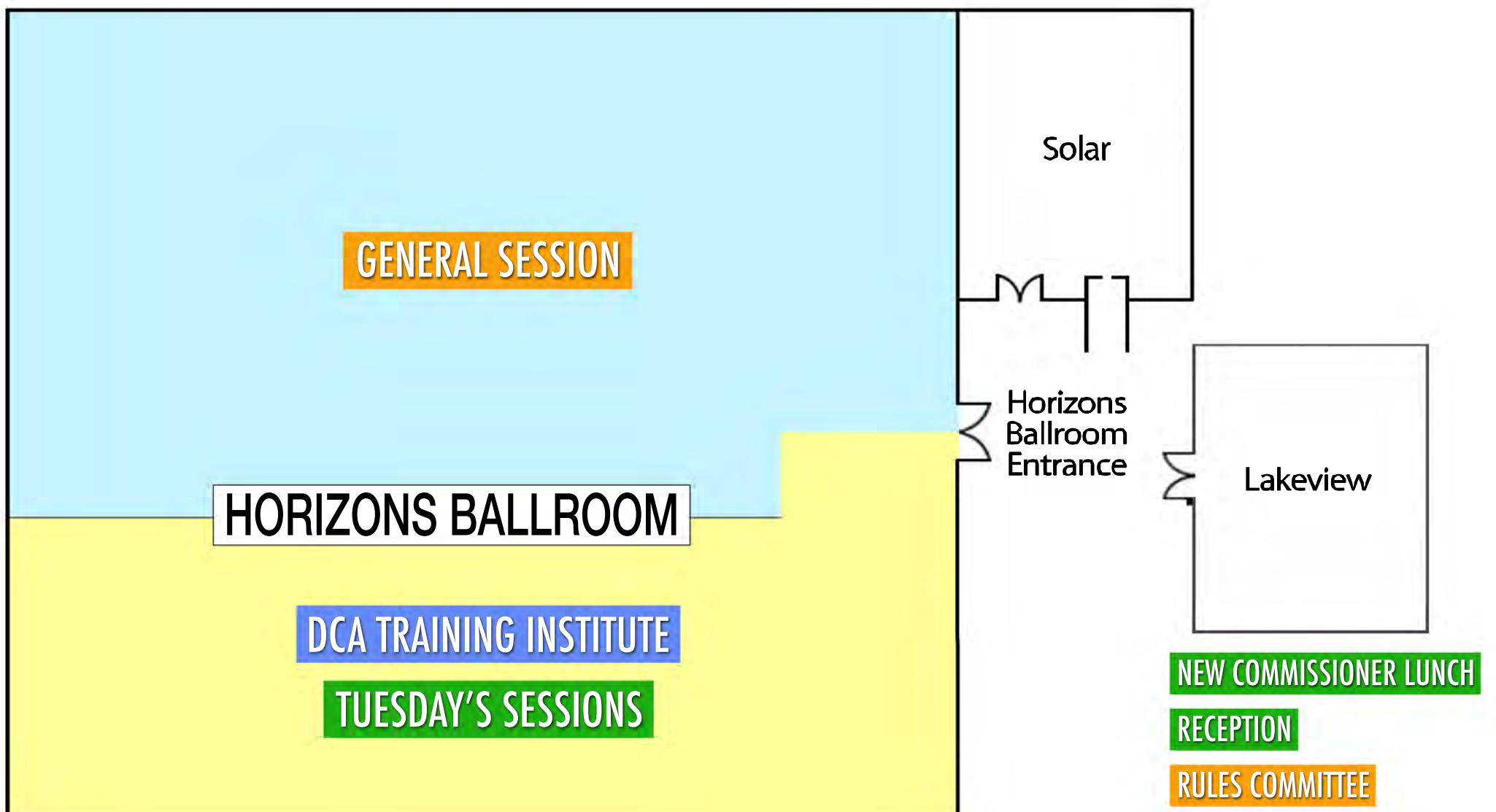
# 2018 ABM MEETING SPACE

Monday ■ Tuesday ■ Wednesday ■

## LOBBY LEVEL



## MEZZANINE LEVEL







Interstate Commission for Adult Offender Supervision  
2018 Annual Business Meeting



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