



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

2019 ICAOS Annual Business Meeting

Docket Book

October 7-9, 2019





2019 ANNUAL BUSINESS MEETING DOCKET BOOK

October 7-9, 2019
Wyndham San Diego Bayside Hotel • San Diego, California

- Agenda
- Annual Business Meeting Minutes from October 3, 2018
- 2019 Rule Proposals
- TUESDAY - Rule Proposals PPT
- TUESDAY - Face-to-face Region Meeting Agendas
- TUESDAY - Supervision in the Receiving State PPT
- Budget & State Dues Assessments
- Committee Reports
- Region Reports
- Presenter Biographies
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- Spirit Sighting Nominations
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- ICAOS Statute
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2019 ANNUAL BUSINESS MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Wyndham San Diego Bayside Hotel • 1355 N Harbor Dr. • San Diego, California
October 7-9, 2019

MONDAY, OCTOBER 7

1:30 pm – 3:30 pm

Executive Committee Meeting

Embarcadero

4:00 pm - 5:00 pm

Public Hearing

Porthole

- *Jeremiah Stromberg (OR), Commission Chair*
- *Doug Clark (SD), Commissioner*
- *Rick Masters, ICAOS General Counsel*

TUESDAY, OCTOBER 8

8:30 am – 8:45 am

Welcome

Pacific A&B

- *Jeremiah Stromberg (OR), Commission Chair*
- *Hope Cooper (KS), Commission Vice-Chair*
- *Ashley Lippert, ICAOS Executive Director*

8:45 am - 10:30 am

2019 Rule Proposals Discussion

Pacific A&B

- *Doug Clark (SD), Commissioner*
- *Dori Littler (AZ), Commissioner*
- *Joselyn Lopez (WI), Commissioner*
- *Tracy Hudrlik (MN), Deputy Compact Administrator*
- *Margaret Thompson (PA), Deputy Compact Administrator*

10:30 am – 10:45 am

Break

10:45 am – noon

East Region Meeting

East Coast Ballroom

Midwest Region Meeting

West Coast Ballroom

South Region Meeting
Pacific D

West Region Meeting
Pacific C

Noon – 1:30 pm

New Commissioner Lunch
Porthole

1:30 pm – 2:30 pm

Supervision in the Receiving State

Pacific A&B

- *Jacey Rader (NE), Commissioner*
- *Tracy Hudrlik (MN), Deputy Compact Administrator*

2:30 pm – 2:45 pm

Break

2:45 pm - 4:30 pm

Opioid Initiative Panel

Pacific A&B

- *Russell Marlan (MI), Commissioner*
- *Judge Jennifer Bailey, West Virginia 13th Judicial Circuit*
- *Judge Jonathan Cleary, Indiana Dearborn Superior Court*
- *Judge Duane Slone, Tennessee Circuit Court 4th Judicial District*
- *Donna Strugar-Fritsch, Principle at Health Management Associates*

4:45 pm – 6:00 pm

Reception

Loma Vista Terrace

WEDNESDAY, OCTOBER 9

General Session

Pacific A, B & C

8:30 am – 9:15 am

Call to Order

- *Richard J. Donovan Correctional Facility Honor Guard Flag Presentation*
- *Roll Call*

Welcome & Overview

- *Jeremiah Stromberg (OR), Commission Chair*

Approval of Agenda

Approval of Minutes

- *October 3, 2018*

Welcome Address

- *Jeffrey Green (CA), Commissioner*

Overview of Criminal Justice Reforms in California

- *Ralph Diaz, Secretary of the California Department of Corrections and Rehabilitation*

9:15 am - 10:15 am

Ex-officio Members Panel

10:15 am - 10:45 am

Committee Reports

- **ABM Workgroup**
 - *Hope Cooper (KS), Commission Vice-Chair*
- **Compliance Committee**
 - *Allen Godfrey (MN), Chair*
- **DCA Liaison Committee**
 - *Tracy Hudrlik (MN), Chair*
- **Finance Committee**
 - *Gary Roberge (CT), Treasurer*
 - *FY 2021 Budget*
- **Information Technology Committee**
 - *Chris Moore (GA), Chair*
- **Training, Education & Public Relations Committee**
 - *Jacey Rader (NE), Chair*

10:45 am – 11:00 am

Break

11:00 am – Noon

Committee Reports (cont.)

- **Rules Committee**
 - *Doug Clark (SD), Chair*
 - *Rule Amendment Proposals*

Noon – 1:30 pm

Lunch [on your own]

1:30 pm – 3:00 pm

Executive Session – Litigation Matters

- *Michael Buenger, Executive Vice President and Chief of Operations for the National Center for State Courts*
- *James Markham, Associate Professor of Public Law and Government for the University of North Carolina*
- *Richard Masters, ICAOS General Counsel*

Deputy Compact Administrator Session

Pacific D

- *Tracy Hudrlik (MN), Deputy Compact Administrator*
- *Sally Reinhardt-Stewart (NE), Deputy Compact Administrator*

3:00 pm – 3:15 pm

Break

3:15 pm – 4:00 pm

Face-to-face Committee Meetings

Compliance Committee

Porthole

DCA Liaison Committee

Embarcadero

Finance Committee

Captain V, 2nd Floor, Tower I

Information Technology Committee

Captain IV, 2nd Floor, Tower I

Rules Committee

Pacific D

Training, Education & Public Relations Committee

Captain III, 2nd Floor, Tower I

4:15 pm – 4:45 pm

Old Business / New Business

Pacific A, B & C

Awards Presentation

- *Executive Chair Award & Peyton Tuthill Award – Jeremiah Stromberg (OR), Commission Chair*
- *Executive Director Award – Ashley Lippert, ICAOS Executive Director*

Oath of Office

Call to the Public

Adjourn

5:00 pm – 6:00 pm

Executive Committee Meeting

Embarcadero



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION 2018 ANNUAL BUSINESS MEETING MINUTES

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

Call to Order

The meeting was called to order by Chair S. Andrews (OH) at 8:30 a.m. ET. The Florida Department of Corrections Honor 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 | Tom Langer, Commissioner |
| 2. Alaska | Carrie Belden, Commissioner |
| 3. Arizona | Dori Littler, Commissioner |
| 4. Arkansas | <i>Not in attendance</i> |
| 5. California | Anthony Pennella, Commissioner |
| 6. Colorado | Merideth McGrath, Commissioner |
| 7. Connecticut | Natalie Latulippe, Official Designee |
| 8. Delaware | Jim Elder, Commissioner |
| 9. District of Columbia | James Berry, Commissioner |
| 10. Florida | Jenny Nimer, Commissioner |
| 11. Georgia | Chris Moore, Commissioner |
| 12. Hawaii | Dwight Sakai, 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 | Johnathan Hall, Commissioner |
| 19. Louisiana | <i>Not in attendance</i> |
| 20. Maine | Denis Clark, Official Designee |
| 21. Massachusetts | Paul Treseler, Commissioner |
| 22. Maryland | Joseph Clocker, Commissioner |
| 23. Michigan | Russell Marlan, Commissioner |
| 24. Minnesota | Allen Godfrey, Commissioner |
| 25. Mississippi | Christy Guthertz, 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	Samuel Plumeri, Commissioner
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Tracy Lee, Official Designee
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	<i>Not in attendance</i>
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Linda Rosenberg, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	<i>Not in attendance</i>
45. Texas	Brody Burks, Commissioner
46. Utah	James Hudspeth, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	Rick Mullgray, Commissioner
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 Pacholski
- Association of Prosecuting Attorneys – David LaBahn
- Conference of State Court Administrators – *Not in attendance*
- Interstate Commission for Adult Offender Supervision – Pat Tuthill
- Interstate Commission for Juveniles – Anne Conner
- International Association of Chiefs of Police – *Not in attendance*
- National Governors Association – *Not in attendance*
- National Conference of State Legislatures – *Not in attendance*
- 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 – Chief Justice Richard Barajas
- National Association for Public Defense – *Not in attendance*

- National Association of Police Organizations – *Not in attendance*
- National Sheriffs' Association – *Not in attendance*

Approval of Agenda

Chair S. Andrews (OH) requested to amend the agenda by adding the Legal Counsel Report.

Commissioner D. Littler (AZ) moved to approve the agenda. Commissioner A. Precythe (MO) seconded.

Commissioner D. Littler (AZ) moved to amend the agenda by adding the Victim Advocate Report to the agenda. Commissioner S. Arruti (NV) seconded.

Agenda approved as amended.

Approval of Minutes

Commissioner J. Rader (NE) moved to approve the ABM 2017 minutes as presented. Official Designee I. Siliezar (RI) seconded.

Minutes approved as presented.

Welcome & Overview

Chair S. Andrews (OH) welcomed the Commission members to Orlando, Florida.

Chair S. Andrews (OH) introduced Jenny Nimer, Commissioner of the State of Florida to deliver the welcome address.

Commissioner J. Nimer (FL) welcomed the Commission and introduced Julie Jones, Secretary of the Florida Department of Corrections to deliver the keynote speech.

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

Training, Education & Public Relations Committee Report

Commissioner A. Precythe (MO), Training, Education, and Public Relations Committee Chair, expressed her gratitude toward the committee 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); and Ex-officio Tim Strickland (FL).

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 to over 5,000 individuals in total: Compact Staff training; General Rule training (via WebEx and On-demand); and *Promoting a Single Standard for Supervision* workshop at the APPA Winter Training Institute and at the APAI conference. The national office modernized On-demand modules making them available on mobile devices and updated all published and training documents and ICOTS system with 2018 rule amendments.

The Training Committee assisted the DCA Liaison Committee during its transitioning period to a new committee structure. The new DCA Liaison Committee consists of a DCA committee chair, four elected DCA region chairs, and additional region representatives.

In the upcoming year, the committee plans to assist the national office in a Bench Book revision, continue its ICOTS and Compact Staff trainings, and prepare the Compact states for FY 2020 compliance audit.

Commissioner A. Precythe (MO) reminded the states to use Commission's training tools and resources, share solutions among each other, and engage their state councils and cabinet members.

Commissioner D. Crook (VT) moved to accept the Training, Education & Public Relations Committee Report. Commissioner J. Hudspeth (UT) seconded.

Motion passed.

Information Technology Report

Commissioner G. Roberge (CT), Information Technology Committee Chair, was unable to attend the meeting. Executive Director A. Lippert presented a report to the Commission on his behalf. The committee chair thanked the national office staff and the Information Technology Committee members for their service to the Committee: Commissioner Nancy Ware (DC), Commissioner Shawn Arruti (NV), Commissioner Mac Pevey (WA), Commissioner Joselyn Lopez (WI), DCA Natalie Latulippe (CT), DCA Tim Strickland (FL), DCA Matt Billinger (KS), DCA Candice Alfonso (NJ), DCA Felix Rosa (NY), and DCA Julie Lohman (VA).

In the past year, the committee worked on the following projects:

ICOTS System Update: Twenty enhancements and eight code releases were implemented in ICOTS this year. The implementation included managed electronic acceptance of ICOTS user agreement, tolling functionality, Compact workflow comments, and a system-driven process for subsequent transfers.

ICOTS Offender Photo Audit (July 1, 2017 - December 31, 2017): In March 2017, the Executive Committee approved photo quality standards adopted into the ICOTS Privacy Policy. The national office analyzed over 38,000 photos using *Amazon's Rekognition* photo software. Results of the audit were 65.4% (25,048 photos) met each photo quality

standard; 28.1% (10,777) met passing standards; and 6.5% (2,475 photos) did not meet photo quality standards.

Helpdesk Tickets: As a result of the national office's continuous improvement and stabilization of the ICOTS system, the number of helpdesk tickets reduced to 879 in FY 2018 compared to over 2000 in FY 2015.

FBI Data Sharing: Each month, the national office continues to export over 200,000 compact records to the FBI NDex data center. The records include offender case and offense information.

New and Improved Dashboards: The national office launched new compliance dashboards in December 2017 removing or consolidating 15 reports and creating 17 new reports.

Upcoming Projects: In the upcoming year, the committee will focus on 2019 ICOTS enhancements, ICOTS data exports, and data sharing opportunities. The committee will also continue its work on the NCIC initiative to improve the Wanted Person File related to Interstate Compact warrants and bond information for retaking purposes.

Executive Director A. Lippert invited commissioners to join the committee.

Commissioner M. Pevey (WA) moved to approve the Information Technology Committee Report as presented. Commissioner R. Mullgrav (VI) seconded.

Motion passed.

Compliance Committee Report

Commissioner A. Godfrey (MN), Compliance Committee chair, expressed his appreciation for national office staff and committee members' commitment and hard work: Commissioner Jacey Rader (NE), Commissioner James Hudspeth (UT), Commissioner Cathy Gordon (MT), Commissioner Amy Vorachek (ND), Commissioner Mike McAlister (NH), and Commissioner Hope Cooper (KS).

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

The committee supports proactive measures in addressing compliance concerns. This included promoting enhanced use of the new dashboard measures, conducting quarterly performance reviews, and ensuring compliance on issuing nationwide warrants.

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.

In the upcoming year, the committee will focus on reviewing quarterly dashboard audits, creating a template for filing a complaint, and providing tools for FY 2020 compliance audit on warrants.

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

Motion passed.

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 Brody Burks (TX); Commissioner Linda Rosenberg (PA); DCA Tracy Hudrlik (MN); DCA Margaret Thompson (PA); DCA Tim Strickland (FL); and DCA Pat Odell (WY).

In the past year, the Rules Committee focused on reviewing the sex-offender definition and Rule 3.101-3. To evaluate the scope of the issue, the Rules Committee requested each region to discuss and evaluate the effectiveness of the sex offender related rules. The committee then appointed a sub-committee to look at the sex offender definition and rules.

Another issue the committee discussed in the past year, was the challenge presented by lifetime supervision, particularly if an offender was considered to be ‘unsupervised’ or whether the offender being a subject to revocation was impacted by a valid plan of supervision. The committee surveyed 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.

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 intended to reside in the receiving state.

In the upcoming year, the committee plans to continue its discussion on the victim notification rules and review proposals referred by the West and Midwest Regions.

Commissioner B. Burks (TX) moved to accept the Rules Committee report. Commissioner J. Rader (NE) seconded.

Motion passed.

Finance Committee Report

Commissioner C. Lauterbach (IA) recognized the Finance Committee members: Commissioner Christy Gutherz (MS), Commissioner Anthony Pennella (CA), and DCA Debbie Duke (TN).

Commissioner C. Lauterbach (IA) presented his report to the Commission. He stated that the Commission continued to be in excellent financial condition. The Commission finished FY 2018 3% under budget. The Commission did not have to access reserve funds in the last two years.

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.

Commissioner C. Lauterbach (IA) stated that the Commission successfully completed a financial audit by an independent auditor. The auditor found the Commission in good financial status. The final audit letter is included in the FY 2018 Annual Report.

Commissioner C. Lauterbach (IA) presented FY 2020 budget for review and approval. The Commission had not increased membership dues since 2008 and no dues increase was recommended for FY 2020.

Commissioner C. Lauterbach (IA) moved to approve the FY 2020 budget. Commissioner D. Crook (VT) seconded.

Motion passed.

Chair S. Andrews (OH) informed the Commission that the Executive Committee restructured the DCA Liaison Committee by voting to appoint a Deputy Compact Administrator to lead the DCA Liaison Committee and serve as an Ex-Officio member of the Executive Committee.

DCA Liaison Committee Report

DCA T. Hudrlik (MN), DCA Liaison Committee chair, presented her report to the Commission. She thanked the national office and the committee members for their work: Natalie Latulippe (CT), Matt Billinger (KS), Julie Lohman (VA), Judy Mesick (ID), Margaret Thompson (PA), Simona Hammond (IA), Tim Strickland (FL), and Pat Odell (WY).

The DCA Liaison Committee's mission is to provide a mechanism for Deputy Compact Administrators to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

The FY 2019 committee's goals include identifying issues or concerns affecting DCAs, support effective discussion to find resolution, and forward issues of relevance for referral to standing committees.

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

The committee developed a quarterly DCA-focused newsletter that includes items such as staff highlights and recognition, new staff and retirement announcements, region reports, tip of the quarter and best practices, and highlights of difficult cases and resolutions between states. The first newsletter was launched in September.

The committee is responsible for the DCA Mentoring Program. The mentoring program is designed 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.

Official Designee N. Latulippe (CT) moved to accept the DCA Liaison Committee report. Commissioner C. Belden (AK) seconded.

Motion passed.

ABM Planning Workgroup Report

Commissioner J. Stromberg (OR) presented the workgroup report to the Commission. He thanked the workgroup members: Shawn Arruti (NV), Alisha James (TN), Tim Strickland (FL), Jenny Nimer (FL), Mark Patterson (OR), Jenna James (GA), Jim Hudspeth (UT), Roberta Cohen (NM), Suzanne Brooks (OH), Dori Littler (AZ), Matt Billinger (KS), Natalie Latulippe (CT), Margaret Thompson (PA), and Elizabeth Powell (DC).

The workgroup recommends an annual business meeting 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) noted that this year's annual business meeting agenda was primarily built on the recommendations from the post 2017 ABM survey. He encouraged commissioners to join the workgroup.

Commissioner M. Pevey (WA) moved to accept the ABM Workgroup report. Commissioner R. Maccarone (NY) seconded.

Motion passed.**Victims Advocate Report**

Victims Advocate P. Tuthill presented her report to the Commission.

Victims Advocate P. Tuthill attended the National Association of Victim Assistance in Corrections (NAVAC) annual conference in Boise, ID past June. She stated that based on information she collected at this meeting, most states had a victim notification system for local offenders. The majority of states did not have a victim notification system for interstate offenders.

Victims Advocate P. Tuthill is a 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.

Chair S. Andrews (OH) accepted the Victims Advocate's Report on behalf of the Commission.

Legal Counsel Report

General Counsel Rick Masters stated that the Executive Committee voted to appoint a Deputy Compact Administrator to lead the DCA Liaison Committee and serve as an Ex-Officio member of the Executive Committee. General Counsel R. Masters presented an amendment to the Bylaws to accommodate this change. The Commission reviewed the Bylaws marked in red that clarified the new role of DCA Liaison Committee chair.

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.

Commissioner D. Littler (AZ) moved to accept the amendment to ICAOS Bylaws Article VII Section 1 to change the DCA Liaison Chair status. Commissioner J. Hudspeth (UT) seconded.

Motion passed.

General Counsel R. Masters advised the Commission to enter executive session to discuss litigation matters.

Commissioner R. Maccarone (NY) moved to enter the executive session to discuss ongoing litigation case involving the Commission. Commissioner A. Precythe (MO) seconded.

Motion passed.

The Commission exited the executive session.

Chair S. Andrews (OH) accepted the legal counsel's report on behalf of the Commission.

The Commission recessed for face-to-face committee meetings at 10:15 am ET.

The Commission resumed the general session at 1:00 pm ET.

Interstate Compact Victim Notification Service (IVINS) Discussion

Chair S. Andrews (OH) opened a discussion on the continued support and use of the Commission's automated victim notification service, IVINS. The Commission's contract with Appriss for IVINS was set for renewal on December 1, 2018.

Chair S. Andrews (OH) advised the Commission to make a decision on whether to sustain a supplemental, automated victim notification service maintained by the national office or to develop processes and rules that enhance states utilizing their existing solutions for victim notification. Chair S. Andrews (OH) added that the Commission had no intention of eliminating victim notification and that the Commission's work was guided by its mission to manage the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victims' rights.

Executive Director A. Lippert presented a timeline of events to the Commission. She stated that last year, the Commission signed an 18 month extension to the IVINS contract that expires on December 1, 2018. The reason behind the extension was to determine, if there was any usage increase after opening the public portal. Early this year, the Executive and Technology Committees began conversations on the effectiveness of IVINS. After four years, the system received minimal use, primarily because states used their own established and existing victim notification services.

Additionally, the national office was devoting a lot of staff time and resources towards this project.

Earlier this spring, Executive Director A. Lippert received a call from North Carolina citing a potential public safety concern with IVINS anonymous notifications, when an offender registers to receive them. An offender in North Carolina received a violation report notification, when he anonymously registered for his own IVINS notifications, and subsequently threatened his parole officer at the encounter. As a result, Appriss disabled the above notification.

Executive Director A. Lippert stated that it was difficult to support IVINS. She noted that the Appriss team that developed and maintained IVINS was not the same team that worked on ICOTS. The IVINS team did not understand the complexity of the compact process and that the national office did not have an expertise in victim notification. She added that IVINS itself was a subscription service and the Commission did not own the software.

At its face-to-face meeting in March, the Executive Committee asked the Technology Committee to research the issue and provide a recommendation.

The Technology Committee assessed the system, looked at alternative methods of notifications, and polled the states on their victim notifications status. There was a lot of discussion in the region and committee meetings.

Executive Director A. Lippert stated that one of the difficulties with managing this project was the lack of a functioning testing environment and Appriss developers not comprehending the complex compact process. State information for notifications were inaccurate, so testing scenarios for the correct sending and receiving state notifications cannot be properly run. The national office used a proper testing environment for ICOTS, to make changes and confirm bug fixes. Without a similar environment for IVINS, testing issues and confirming fixes were clumsy, inefficient, and time-consuming.

ICAOS owned the non-proprietary parts of ICOTS and Appriss provided hosting, support, maintenance, and ongoing development for the system. In regards to IVINS, ICAOS paid a subscription fee to participate in Appriss victim notification system, which they had modified heavily in order to meet the requirements of compact notifications. The ongoing development and “fixing of issues” for IVINS was not addressed in the subscription agreement.

Victims Advocate P. Tuthill stated that the majority of states did not have a victim notification system on interstate offenders. She urged the Commission to continue using IVINS and suggested the Commission put together a workgroup consisting of a few victim representatives to look at the issues involving IVINS notifications.

Commissioner R. Maccarone (NY) stated that the Commission came together to achieve public safety tasks that could not be completed effectively and efficiently as individual states. The IVINS system efficiently provided states with potential for victim notifications eliminating manual notification and resolving a public safety concern.

He stated that the cost of maintaining IVINS was a concern. He noted that 12.6% of ICOTS cases were determined to be victim sensitive, yet, only 2.9% of victim sensitive cases used IVINS for notifications. If all victim sensitive cases were entered in IVINS, the cost would be just over \$3 per case, looking at the Commission's mission, this cost was a small price to pay. He added that the cost of IVINS was a small fraction of Commission's reserve funds.

Commissioner R. Maccarone (NY) proposed the following:

1. Sign a one year extension with Appriss to give the Rules Committee an opportunity to review the rules around victim notifications.
2. Instruct the Rules Committee to create a national standard for all states through IVINS or state system
3. Develop a training program for states to implement the victim notifications
4. Develop resource materials to assist states to implement victim notifications and to educate other stakeholders, such as judges, district attorneys, paroling authorities, etc.
5. Audit the new standards, following a sufficient time period after the new rule implementation.

Commissioner R. Maccarone (NY) added that Commission's business was victims and community safety, and by keeping IVINS, states had an opportunity and authority to implement real and lasting changes.

Commissioner D. Crook (VT) inquired about a non-disclosure agreement Appriss had asked for as part of the renewal and how it affected the Compact, as well as what the cost for an additional national office staff member to oversee a victim notification system would be.

Legal Counsel R. Masters stated that a non-disclosure agreement was a one sided agreement where all liability would be solely and completely shifted to the Commission. Appriss agreed to omit the non-disclosure agreement this year, but would more than likely extend the agreement the next time the Commission was required to sign a contract.

Legal Counsel R. Masters recommends against signing a non-disclosure agreement.

Executive Director A. Lippert stated that an estimated cost to employ an additional staff member would be about \$50-60K annually.

Commissioner J. Hudspeth (UT) stated that each state had its own laws and regulations. It would be burdensome for the national office to build and regulate a system that would

notify victims in accordance to states' local laws especially given the one year time restraint.

He added that the Commission was not in a good position to negotiate on the IVINS contract with Appriss. He spoke against sustaining IVINS in its current form.

Commissioner L. Rosenberg (PA) stated that Pennsylvania employed Appriss on a large scale. She inquired if it was possible to connect local VINE system with IVINS system.

ICOTS Manager X. Donnelly stated that Appriss used the existing VINE infrastructure to work on IVINS workflow. However, the systems were different and did not intersect. The VINE system was relatively simple from a functional standpoint. Notifications were sent on the incarceration status of an offender: in custody, out of custody, and escaped. IVINS provided notifications on the entire compact process, which included exceptions to rules.

Executive Director A. Lippert stated that Appriss informed the national office that they would not keep IVINS for use by individual states.

Commissioner A. Godfrey (MN) spoke for dealing with the victim notification issue on a state level. IVINS did not meet MN Victims Unit's requirements. They recommended for IVINS to go through significant modifications to suit their needs and ultimately get victims to register in IVINS.

Commissioner C. Belden (AK) inquired whether states' victim notification system, VINE, and Commission level notification system, IVINS, were connected and could share entered information.

Executive Director A. Lippert stated that two systems did not connect nor interact with each other, and in both systems victims enter their information themselves.

Official Designee N. Latulippe (CT) spoke on behalf of Gary Roberge, Technology Committee Chair. The Executive Committee asked the Technology Committee to research the issue and provide their recommendation. As the Technology Committee chair, Gary Roberge kept it neutral, and did not influence the committee discussion by the testing results in his own state.

The victim safety was an important aspect of the Compact's mission and since the last year, the Commission tried to increase the states' usage of IVINS. Despite the communication, training, and information efforts, only a handful of states used the system. The system worked for these states, however, the Commission needed to decide if it was allocating resources appropriately.

The Connecticut Compact Office invested a lot of manpower in testing this system. The notifications were confusing, untimely, and inaccurate. After the reported coding errors were fixed, other errors would surface.

If the Commission decided to keep the system, then it needed to reduce the number of notifications.

She added that because of the complexity of the issue, the Technology Committee was unable to make a recommendation regarding the IVINS system.

Official Designee T. Lee (NC) asked for a better vetting process of who was signing up to receive these notifications, to eliminate the abuse of information as it happened in North Carolina earlier this year.

Commissioner J. Nimer (FL) stated that Florida was very active in VINE and IVINS. She emphasized the importance of training and circulation of information. She concurred with New York's five step proposal and asked to postpone the decision for one year.

Commissioner J. Seigel (IN) feared that the Commission entered in the IVINS agreement prematurely. She recommended the Commission evaluate the victim notification standards and then design a system based on those standards.

Commissioner A. Precythe (MO) expressed her concerns about the nondisclosure part of the IVINS agreement.

Legal Counsel R. Masters clarified that the nondisclosure agreement was not required for the renewal of IVINS at this time. However, there was potential that one would be required in the future. He expressed his concerns about the nondisclosure agreement and recommended against signing it.

Commissioner B. Burks (TX) spoke for creating victim notification standards that worked for all states.

Commissioner C. Gordon (MT) stated that the Montana Compact Office discovered misuse of IVINS system when gang members signed up to receive the victim notifications to track other gang members.

Victims Advocate P. Tuthill inquired about the different IVINS notifications offered and whether reducing the number of notification would simplify the system management.

Executive Director A. Lippert stated that the national office logged reported issues with IVINS. She added that lack of a testing environment and developers' unfamiliarity with the complex compact process made it very difficult to manage this piece of technology. A reduction in notifications would help simplify the system, but that other issues remained.

Commissioner J. Parks (VA) stated that IVINS filled the void for states who cannot provide the victims notifications on their own. He added that Virginia used IVINS extensively. He agreed that the Commission should ensure the accurate information in IVINS.

Commissioner R. Cohen (NM) stated that NM victim offices reported on inaccurate and untimely IVINS victim notifications received by victims in their state.

Commissioner S. Arruti (NV) noted that states understood the importance of the victim notifications, however, Appriss had not provided a system that met Commission's requirements.

Commissioner J. Hudspeth (UT) stated that this issue should be dealt on the state level.

Victims Advocate P. Tuthill noted that many states used their own victim notification system, however, these systems did not address the unique interstate movement of offenders overseen by the Compact, and therefore it should not be seen as a state issue. She added that the Compact's mission was to protect the public, which includes protecting victims.

Commissioner M. Pevey (WA) expressed his concerns about the nondisclosure agreement and advised against making premature decisions.

Commissioner D. Littler (AZ) noted that many states were already in compliance with the victim notification rules, otherwise the Commission would have seen cases related to the noncompliance by now. She stated that Arizona complied with this rule manually. It manually notified AZ victims in the way they request – certified letter, emails, texts, etc. She recommended revising the rules to create a national standard that worked the best for all states.

Commissioner D. Crook (VT) moved to discontinue the IVINS agreement and instruct the Rules Committee to evaluate notification rule and look for other options and solutions needed for this Compact and present it at the next Annual Business Meeting. Commissioner P. Treseler (MA) seconded.

Commissioner S. Andrews (OH) amended the motion by adding “to evaluate victim notification rule”. Commissioner D. Crook (VT) and Commissioner P. Treseler (MA) accepted the amendment.

Motion passed by vote 42 to 5.

Award Presentations

Executive Chair Award presented to Commissioner S. Arruti (NV) by Chair S. Andrews (OH).

Executive Director Award presented to DCA M. Thompson (PA) by Executive Director A. Lippert and Commissioner L. Rosenberg (PA).

Peyton Tuthill Award presented to Victim Advocate Susan Smith (FL) in recognition of her service and commitment to victims by Chair S. Andrews (OH), Secretary of the

Florida Department of Corrections J. Jones, Commissioner J. Nimer (FL), and Victims Advocate P. Tuthill.

Chair S. Andrews (OH) thanked the Commission members for the privilege to serve as their Chair. She recognized the Executive Committee members for their dedication and leadership.

Election

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

- Chair – Jeremiah Stromberg accepted the nomination.
- Vice-chair – Hope Cooper accepted the nomination.
- Treasurer – Gary Roberge accepted the nomination.

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

Commissioner J. Stromberg (OR) and Commissioner H. Cooper (KS) spoke briefly to the Commission.

Commissioner D. Darrington (ID) moved to close the nomination and accept the presented slate by acclamation. Commissioner A. Precythe (MO) seconded.

Motion passed.

Chief Justice R. Barajas (NOVA) administered the oath of office to newly elected officers and a region chair: Jeremiah Stromberg – chair, Hope Cooper – vice-chair, and Roberta Cohen – West Region Chair.

Adjourn

Commissioner S. Andrews (OH) moved to adjourn. Commissioner C. Belden (AK) seconded. The meeting adjourned at 3:48 pm ET.



NOTICE OF PUBLIC HEARING

Interstate Commission for Adult Offender Supervision

The Interstate Commission for Adult Offender Supervision (ICAOS) will vote on proposals to amend ICAOS Rules at the 2019 Annual Business Meeting in San Diego, California on Wednesday, October 9, 2019.

In accordance with ICAOS Rule 2.109(c), the Rules Committee shall publish the text of the proposed rules or amendments no later than 30 days prior to the meeting at which the vote on the rule is scheduled. The full text of the proposals is viewable at <http://www.interstatecompact.org/sites/default/files/pdf/meetings/ABM/2019/ICAOS-ABM19-Rule-Proposals.pdf>.

Interested persons may submit written comments regarding the proposed rules or amendments. Electronically submitted comments can be emailed to icaos@interstatecompact.org.

If electronic submission is not possible, mail comments to:

Attention:

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

Electronically submitted written comments must be received by 3:00 pm ET on Sunday, October 6, 2019. Mailed comments must be postmarked by September 20, 2019 to ensure timely receipt. Interested persons may testify in person at the public hearing. As a courtesy, those interested in testifying in person, should submit notice of their intention to attend to Barno Saturday, bsaturday@interstatecompact.org or by calling 859-721-1056.

Location:

Wyndham San Diego Bayside Hotel
Porthole Meeting Room
1355 N Harbor Dr,
San Diego, CA 92101

Time & Date:

4:00 pm–5:00 pm PT on Monday, October 7, 2019

2019 Rule Proposal Summary

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS/ FAIL
ByLawArt2Sect2	Executive	Add NCJA as ex-officio member	N/A	N/A	N/A	
1.101-Revise Definition of 'Abscond' & 4.109 Absconding Violation	Midwest	Require additional documentation validation for reporting absconders	Yes	Yes	Yes \$2,850	
1.101-Revise Definition of 'Sex Offender' & 3.101-3 Transfer of supervision of sex offenders; <u>investigation; additional documents and reporting instructions;</u> 3.107 Transfer Request	Rules	Addresses various issues identified through regions and committees with sex offender rules. <ul style="list-style-type: none"> • States set the bar higher for interstate sex offenders than for the locally convicted sex offenders when conducting transfer investigations as well as when reporting violating behavior; • 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. 	Yes	Yes	Yes \$27,150	

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS / FAIL
1.101-Remove Definition of 'Victim-Sensitive' & 'Temporary Travel Permit,' 3.108 Victims' right to be heard and comment; 3.108-1 Victim Notification & requests for offender information; 3.110 Travel Permits; 4.111 Returning Offenders *NOTE 3 separate votes for this proposal	Rules	During the 2018 ABM the Commission voted to discontinue the use of IVINS and instructed the Rules Committee to evaluate the effectiveness of victim notification and recommend rule changes. The proposed revisions are the result of the Rules Committee's efforts to meet this charge. <i>Motion: Commissioner D. Crook (VT) moved to discontinue the IVINS agreement and instruct the Rules Committee to evaluate victim notification rules and look for other options and solutions needed for this Compact and present it at the next Annual Business Meeting. Commissioner P. Treseler (MA) seconded. Motion carried 42-5</i>	Yes	Yes <i>Separate vote for proposed new Rule 3.110 (Travel Permits)</i>	Yes \$18,015 <i>Separate vote for ICOTS impact</i>	
3.101-1 (a) (1) & (a) (2)-Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services	West	Replaces 'deployed by the military' to 'under orders; "Under orders" applies to a Permanent Change of Station	Yes	Yes	No	
3.101-1 (a) (5) (A)-Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services	West	Intended to streamline the referral and acceptance process for VA treatment and decrease any delay with an offender obtaining the necessary treatment and/or services	Yes	Yes	No	

Rule(s)	Proposed by	Proposal Description/Justification	RC review Complete?	RC Recommend?	ICOTS Change?	PASS / FAIL
Rule 3.103 (a)- Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding by a court, paroling authority or <u>other criminal justice agency following the retaking of the offender from the receiving state</u>	West (Midwest forwarded similar concept)	For offenders qualifying for this rule after a revocation proceeding, this proposal requires that retaking occurred under the compact rules and that a formal authority of a court or paroling authority heard the proceeding	Yes	Yes 3-2 w/ 1 state abstaining (pre-comment) 4-1 (post comment)	Yes Cost TBD	
4.106-Progress Reports on offender compliance and non-compliance	West	Require additional documentation validation for reporting imposition of sanctions and incentives on Progress Reports	Yes	Yes	Yes \$4,155	
4.111 (a)- Offenders returning to the sending state	Midwest	Current language restricts the ability for a receiving state to initiate return of an offender with ANY pending charges, this change would allow for offenders to be returned when new charges are non-violent misdemeanants	Yes	Yes	No	
5.101- Discretionary retaking by the sending state	West	Establishes additional requirements and timeframes for discretionary return and retake of offenders by the sending state	Yes	Yes	No	
5.103 (d)- Offender behavior requiring retaking	West	Clarifies the receiving state's responsibility to serve warrants issued by the sending state for retaking. When offenders are not located, the receiving state must follow absconder protocol (Rule 4.109-2)	Yes	Yes	No	
5.103-1 (a)- Mandatory retaking for offenders who abscond	West	Establishes a timeframe that a warrant is issued for an absconder within 15 business days of Violation Report receipt	Yes	Yes	No	

Proposal to create/amend rules:

Section 2. Ex-Officio Members

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

Justification:

This amendment updates and expands the ex-officio organizations/members.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Rules Committee action:

Executive Committee May 2019: Commissioner G. Roberge (CT) moved to forward the proposed Bylaws changes to include NCJA to the ex-officio member list to be presented at the 2019 ABM for Commission's vote. Commissioner C. Moore (GA) seconded. Motion passed.

Effective date:

Proposal to create/amend rules:

Rule 1.101 Definitions

“**Abscond**” means to be absent from the offender’s approved place of residence ~~or~~ and employment; and failing to comply with reporting requirements—avoiding supervision.

Rule 4.109-2 Absconding Violation

- (a) If there is reasonable suspicion ~~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) Documenting communication attempts directly to the offender, including dates of each attempt;
 - (2) Conducting a field contact at the last known place of residence;
 - (3) Contacting the last known place of employment, if applicable;
 - (4) Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.
- (b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b) (8).

Justification:

Section (a): the term “reason to believe” could be better defined. The revision is more consistent with policy language and legal terminology.

Section (a)(1): identifies a contact that is oftentimes completed but not necessarily reported to the receiving state. This further validates absconder status.

Section (a)(4): the inclusion of “contacts identified in original transfer” identifies another contact that may be overlooked and have been proven successful in locating offender.

Example cases:

ND utilized additional criteria in this proposal on several absconder reports. Results were successful in locating offender and violation report withdrawn by receiving state on offender numbers 707947, 836069, 871880, 720530 (to name a few).

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

Yes. \$2,850

- Change definition of Absconder in the Add Violation screen
- Change text of Detail how the offender was determined to be an absconder field.

Violation Information

Select the type of violation: Absconder

• Violation Discovery Date: MM/DD/YYYY

In determining the offender absconded the receiving state shall conduct:

• Date of last attempted field contact at the known place of residence: MM/DD/YYYY

• Date of last conducted field contact at the known place of residence: MM/DD/YYYY or Not Applicable

• Date of last contact with known place of employment: MM/DD/YYYY or Not Applicable

• Date of last contact with known family members and collateral contacts: MM/DD/YYYY or Not Applicable

• Detail how the offender was determined to be an absconder:

► Closure Details

Scope and Metric

In 2018, 8,463 absconders were reported in ICOTS. Currently, 60% of violation reports in ICOTS are reports of absconders.

Region/Committee action:

Midwest Region Jan 2019: Motion to forward an amendment to Rules 1.101 definition of “abscond” and Rule 4.109-2 to the Rules Committee made by Commissioner D. Matson (IL), seconded by Commissioner S. Andrews (OH). Motion approved unanimously.

Rules Committee Feb 2019: Commissioner R. Maccarone (NY) moved to forward and recommend the approval of proposal to Rule 1.101 & 4.109-2 submitted by the Midwest Region. Commissioner J. Lopez (WI) seconded. Motion passed.

Rules Committee July 2019: Motion to add ‘documenting’ to 4.109-1 (a)(1) and forward for commission vote made by Commissioner B. Burks (TX), seconded by R. Maccarone (NY). Motion carried. *Per legal counsel, this change is considered ‘stylistic’ in nature and does not require approval from the Midwest Region.*

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Effective date:
XXXX

Proposal to create/amend rules:

Rule 1.101 Definitions

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

Rule 3.101-3 Transfer of supervision of sex offenders: eligibility and reporting instructions, investigation, and supervision

- (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 and Investigation*-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 the investigation of the transfer request of a sex offender supervising the offender:
 - (1) ~~(1) All assessment information completed by the sending state; 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) (2) victim information if distribution is not prohibited by law
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim’s representative; and
 - (6) (3) the sending state’s current or recommended supervision and treatment plan.
- (c) Additional documents necessary for supervision in the receiving state, such as a law enforcement report regarding the offender’s prior sex offense(s), sending state’s risk and needs score, or case plan may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

- (d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:
- (1) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
 - (2) Conditions of supervision;
 - (3) Any orders restricting the offender's contact with victims or any other person; and
 - (4) Victim information to include the name, sex, age and relationship to the offender, if available and if distribution is not prohibited by law.
- (e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c).
- (f) Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the offender or family member, or veterans for medical or mental health services - Rules 3.101-1 & 3.103 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 issue reporting instructions no later than 5 business days following the receipt of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence. to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions.~~
 - ~~(2) If the proposed residence is invalid due to existing state law or policy, review the proposed residence. to ensure compliance with local policies or laws prior to issuing reporting instructions.~~
 - ~~(3) 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).~~
- (g) Expedited reporting instructions for sex offenders – Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.

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

Rule 1.101-Definition of "Sex Offender": The current definition is often misinterpreted. It is not clear whose responsibility it is to determine registration in the receiving state; often offenders are allowed to proceed if they were living in the receiving state at the time of sentencing and not required to register in the sending state. The receiving state would still be able to impose registration requirements and sex offender conditions (Rule 4.101).

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Rule 3.101-3-(b): Clarify this section is applicable to information to be provided for the investigation of a transfer request for a sex offender, remove undefined and vague terms and move requests for documents that may be needed to supervision to new section (c)

(c): Breaks out documentation that may be needed to supervision consistent with Rule 3.107 versus an investigation to ensure investigation is not delayed.

(d): Require relevant information related to the offender's crime, conditions, restrictions and victim information when reporting instructions are requested.

(e): Consistent with current rule, no travel permits are allowed for sex offenders without reporting instructions.

(f): Clarify that the 5 days to respond to a request for reporting instructions for sex offenders who meet mandatory criteria for transfer is for the receiving state to review the proposed residence. The new language ensures that denials of reporting instructions are only transmitted when the receiving state documents that a similar sex offender convicted in the receiving state would not be permitted to live at that residence. This will assist an offender in coming up with a new plan for a resubmittal.

(g): Clarify that Rule 3.106 applies to sex offenders except that the receiving state has 5 days to respond to a request for reporting instructions.

Rule 3.107 (a)(1)-Grammatical change

Rule 3.107 (c)-Make language consistent with new language as proposed to Rule 3.101-3.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

Title change for Rule 3.101-1: *Mandatory reporting instructions and transfers of military members, families of military members, employment transfer of the offender or family member, ~~s employed, employment transfer and~~ veterans for medical or mental health services*

ICOTS impact:

Yes. \$27,150

- Remove Receiving State Sex offender screen from RI Reply and TREQ
- Alter definition of Sex Offender on other screens in ICOTS to be SENSTA only.
- Alter definition of Sex Offender on PDFs to be SENSTA only.

Scope and Metric

As of April 24, 2019, ‘sex offenders’ (as currently defined) make up 9,160 (or 8%) of all compact offenders under active supervision in the receiving state.

As of July 8, 2019 there are 10,572 active cases in which the offender is a registered sex offender in either just the sending state or both the sending and receiving states (as currently defined.) There are currently **16 active compact cases in which the offender is a registered sex offender in the receiving state, but not in the sending state.**

Region/Committee action:

Rules Committee October 2018: Motion to recommend adoption of revised definition of ‘sex offender’ at the 2019 ABM made by Commissioner D. Littler, seconded by Commissioner B. Burks. Motion approved.

Rules Committee April 2019: Motion to include modification to Rule 3.107 (c) as part of the sex offender proposal to be presented at the 2019 ABM for commission vote made by J. Lopez, seconded by D. Littler. A friendly amendment to include a grammatical change to Rule 3.107 (a)(1) was offered and approved. Motion carried.

Rule Committee April 2019: Motion to finalize proposal and recommend adoption of revised definition of ‘sex offender’ under Rule 1.101, Rule 3.101-3 and 3.107 in regards to the transfer processes for sex offenders made by D. Littler, seconded by C. Moore. Motion carried.

Rules Committee July 2019: Motion to forward proposal to Rules 1.101 definition of sex offender, 3.101-3 and 3.107 made by GA, seconded by WI. Motion carried with Texas abstaining from the vote.

Effective date:

XXXX

Proposal to create/amend rules:

Rule 1.101 Definitions

~~“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.~~

~~“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.~~

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 victim related 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 to address victim related concerns, 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' related concerns. ~~comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.~~

Rule 3.108-1 Victim notification and requests for offender information

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

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.

Justification:

During the 2018 ABM the Commission voted to discontinue the use of IVINS and instructed the Rules Committee to evaluate the effectiveness of victim notification and recommend rule changes. The proposed revisions are the result of the Rules Committee's efforts to meet this charge.

Motion: Commissioner D. Crook (VT) moved to discontinue the IVINS agreement and instruct the Rules Committee to evaluate victim notification rules and look for other options and solutions needed for this Compact and present it at the next Annual Business Meeting. Commissioner P. Treseler (MA) seconded. Motion carried 42-5

The Rules Committee relied on three key areas in the review of the effectiveness of the current victim related definitions and rules: 1) The 2018 ABM decision to discontinue the use of IVINS 2) The 2018 IVINS Survey Results and 3) How the current rules fit in with the purpose of the Compact, which states, in part:

"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.”

The majority of states surveyed responded that there should be effective communication between the receiving states and sending states but that the sending states are solely responsible for victim notification as prescribed by processes they have established. The compact supports this communication between states by the very nature of our business of tracking offender movement and providing active supervision via the authorized electronic information system known as ICOTS.

Breakdown of proposals and their justifications:

Rules 1.101 Definitions of “Victim sensitive” and “Temporary travel permit”: Proposal to strike both definitions because they only occur in subsection (b) of Rule 3.108.

Justification: These definitions only occur in subsection (b) of Rule 3.108 so the recommendation to strike them must be included in the proposal package.

Rule 3.108-1 Victims’ right to be heard and comment: Proposal to revise the rule number to 3.108 and minor suggestions to simplify and clean up antiquated language.

Justification: Simplify language and clean up antiquated language such as “telefax.”

Rule 3.108 Victim notification: Proposal to revise the rule number to 3.108-1 and add “requests for offender information” to the title. Proposal to strike subsection (b) in its entirety, including any definitions contained solely therein.

Justification: The proposals to strike subsection (b) and the definitions contained therein relies heavily on the facts that victim notification involving compact offenders has been and remains the responsibility of the sending states and that 4 out of 5 of the notifications to the sending states contained in (b) are not necessary since they are governed under separate rules. The receiving state need not know which sending state cases involve a victim since notification of the activities listed are provided in “all” cases under existing rules.

For example, when an offender engages in behavior requiring retaking, notification is made to the sending state under Rule 5.103 and via a violation report in ICOTS; notification to the sending state of changes to the offender’s primary address occurs via automated ICOTS email notifications; offenders returning to the sending state is governed under Rule 4.111; offenders departing to a subsequent receiving state is governed under Rule 4.110. Sending states are currently making required victim notifications when any of these activities are received under these existing rules.

Rule 4.111 Offenders Returning to the Sending State: Proposal to strike section (e)

2019_1101_3108_31081_3110_4111RULES

Justification: With the removal of the ‘victim sensitive’ definition/special status and clarification that the sending state is responsible to manage and provide victim notification, section (e) should be struck.

To be voted separately

New Rule 3.110 Travel Permits

- (a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.
- (b) This rule does not apply to offenders who are employed or attending treatment or medical appointments in the sending state, provided that the following conditions are met:
- (1) Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments; and
 - (2) The offender shall return to the receiving state immediately upon completion of the appointment or employment.

Rule 3.110 Travel Permits: Proposal to create a new rule that would require the receiving state to notify the sending state of the issuance of a travel permit that allows travel back to the sending state. The notification must be made prior to the issuance of the permit and exceptions are made for border travel similar to exceptions outlined in Rule 3.102 during the transfer investigation.

Justification: This new rule would replace subsection (b) (1) (E) of existing Rule 3.108 and would make this notification stand alone. This proposal is in keeping with the purposes of the compact and with providing effective communication about offender movement between states. If a sending state is notified that their offender is traveling back to their state on a travel permit, the sending state is better equipped to notify any victims associated with the case. This proposal limits the notification to travel permits issued for travel to the sending state only and is not required for known travel for employment or medical appointments; this is not believed to be burdensome on the receiving states.

Effect on other rules, advisory opinions or dispute resolutions:

No

ICOTS impact:

Yes. \$18,015 *To be decided by Commission vote (as separate motion at the ABM)*

- Remove all references to Victim Sensitive Details from TREQ and RFRI and responses.
- Remove all references to Victim Sensitive Details on other screens in ICOTS.
- Remove all references to Victim Sensitive Details on PDFs.

Scope and Metric

2019_1101_3108_31081_3110_4111RULES

Currently (as of 8-15-2019), there at 15,000 cases marked 'victim sensitive' (21% of active cases) However, states report the indicator is not used consistently as defined in the rules.

Region/Committee action:

Rules Committee April 2019: Motion to remove 'victim sensitive' definition and indicator in ICOTS made by Commissioner C. Moore, seconded by D. Littler. Motion approved (4-1)

Rules Committee April 2019: Motion to forward proposals to Rules 1.101, 3.108, 3.108-1, 3.110 and 4.111 to be presented for adoption as recommended by the Rules Committee made by D. Littler, seconded by C. Moore. Motion approved unanimously.

Rules Committee July 2019: Motion to strike 'known' from 3.108-1 made by B. Burks (TX,) seconded by R. Maccarone (NY.) Motion carried.

Rules Committee Aug 6, 2019:

Motion to present proposal for new Rule 3.110 as a separate vote from the rest of the rule package made by Commissioner B. Burks (TX) and seconded by Commissioner R. Maccarone (NY.) Motion passed.

Motion to withdraw proposal for Rule 3.110 made by Commissioner R. Maccarone (NY), seconded by Commissioner B. Burks (TX.) Motion failed 2 (NY, TX) - 3 (PA, AZ, SD).

Motion to adopt the remaining rule proposal package and recommend for approval at the 2019 Annual Business Meeting made by Commissioner B. Burks (TX). Commissioner D. Littler (AZ) seconded. Motion passed.

Discussion for 3.110 will continue at Aug 19th meeting.

Rules Committee Aug 19, 2019:

Motion to approve and recommend new rule 3.110 as modified (striking 'daily') made by Commissioner R. Maccarone (NY), seconded by Commissioner L. Rosenburg (PA). Motion passed 4 (FL, GA, NY, PA) -3 (AZ, SD, TX)

Effective date:

XXX

Proposal to create/amend rules:

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

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

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

supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.

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

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

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

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

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

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

Justification:

Deployed as a term left too much up to interpretation, and in military terms is actually used for combat assignments/temporary stations in a combat zone. "Under orders" applies to a Permanent Change of Station (a more "permanent" assignment to a base in a non-combat situation) and more clearly delineates that it is based upon where the military has stationed them and not that they were necessarily deployed from a sending state to a receiving state.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

None.

Scope and Metric

In 2018, 29 compact transfers were submitted under reason ‘Military Member’ of which 24 were accepted by the states. In 2018, 125 compact transfers were submitted under reason ‘Family of Military Member’ of which 108 were accepted by the states.

Region/Committee action:

West Region October 2018: Commissioner S. Arruti (NV) asked all region chairs whether states around the country encountered issues with interpreting Rule 3.101-1 in particular the definition of deployed and stationed. No states have reported any issues with the interpretation of this part of Rule. An East Region state suggested proceeding with a rule change because *deployed* and *stationed* have different meanings.

Commissioner D. Littler (AZ) suggested creating a new definition of *deployed* instead of making changes to Rule 3.101-1.

Commissioner J. Hudspeth (UT) suggested using language *under orders* instead of *deployed* or *stationed*.

Commissioner D. Littler (AZ) moved to amend Rule 3.101-1 to replace deployed with under orders and to make the other rules consistent with new language. Commissioner C. Gordon (MT) seconded. Motion passed.

Rules Committee Jan 2019: Commissioner D. Littler (AZ) moved to forward the West’s proposal to Rule 3.101-1(a)(1) & (2) to the Commission for comment and to recommend for Commission adoption. Commissioner B. Burks (TX) seconded. Motion passed

Effective date:

XXXX

Proposal to create/amend rules:

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

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

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

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

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

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

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

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

Justification:

This rule was passed to assist veterans, with obtaining the necessary treatment/services, as to assistance with completing the terms of supervision. This amendment will streamline the referral and acceptance process for VA treatment and decrease any delay with an offender obtaining the necessary treatment and/or services. The amendment cuts down on duplicating efforts, while still providing supporting documentation of acceptance, for services. The majority of acceptances are based on a referral from another state's VA Hospital. It can be somewhat difficult gathering information from any VA Hospital, in addition to gathering possible duplicated information. The majority of the VA hospitals will only hold a bed for a short period of time. Any delay may result in an offender losing that bed space. The acceptance letter covers the length and type of treatment and the sending state may add information addressing the sending state's VA hospital referral.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

None. Documentation is added as a general attachment.

Scope and Metric

In 2018, 141 compact transfers were submitted under reason ‘Transfer of Military Veteran for medical or mental health services’ of which 127 were accepted by the states.

Region/Committee action:

West Region June 2018: Commissioner M. McGrath (CO) moved to forward the proposal to Rule 3.101-1 to the Rules Committee for consideration. Commissioner C. Belden (AK) seconded. Motion passed.

Rules Committee Jan 2019: Commissioner D. Littler (AZ) moved to forward the West’s proposal to Rule 3.101-1 (a)(5) to the Commission for comment and to recommend for Commission adoption. Commissioner J. Nimer (FL) seconded. Motion passed

Effective date:

XXXX

Proposal to create/amend rules:

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 by a court, paroling authority or other criminal justice agency following the retaking of the offender from the receiving state

- (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 by a court, paroling authority or other criminal justice agency following the retaking of the offender from the receiving state, shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of ~~violation,~~ a 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)

- (1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.
- (2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all 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.

Justification:

For a retaken offender to qualify for return reporting instructions under this rule proposal, a revocation proceeding, not just a violation proceeding, must take place and must be heard by a formal authority of a court or paroling authority. Under the current rule offenders are retaken and officers are often making the decision not to file with their local authority and offenders are allowed to return to the receiving state with no notice or regard to public or victim safety. This rule needs a higher enforcement aspect if this portion is to remain in effect. The proposed addition of the language about "following the retaking of the offender from the receiving state" helps to clarify that this rule is only for compact offenders who have been retaken and request to return to the same receiving state. This rule does not cover "non-compact" absconders who are apprehended, returned to supervision and ask to return to the state where they absconded. That was never the intent of this language and would reward non-compact absconders with mandatory reporting instructions prior to approval to return to a plan that was created while on a "fugitive from justice" status.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

Yes. "Violation" will need to be removed from RFRI builder and PDFs

Intended Departure Date
• Intended Departure Date 02/19/2014
Reasons
 Probationer living in receiving state at time of sentencing or after disposition of a violation or revocation proceeding
 Military member
 Transfer of military veteran for medical or mental health services
 Live with family who are military members
 Employment transfer of family member to another state

Scope and Metric

In FY2018, 485 cases involved retaking and a subsequent re-transfer to the receiving state. Of those, were considered under mandatory reasons for transfer as follows:

329 ‘Residents’

108 ‘Resident family’

Of the 485 cases, 348 are currently (as of July 24, 2018) ‘accepted,’ 64 are ‘closed,’ 26 are ‘pending,’ and 13 are ‘rejected.’

Region/Committee action:

West Region May 2018: Commissioner J. Stromberg (OR) moved to forward the alternative language proposal to Rule 3.103 to the Rules Committee for consideration. Commissioner J. Hudspeth (UT) seconded. Motion passed.

Rules Committee Jan 2019: Commissioner D. Littler (AZ) moved to forward the West’s proposal to Rule 3.103 to the Commission for comment and to recommend for Commission adoption. Commissioner D. Clark (SD) seconded. Motion passed 3 (AZ, FL, SD)-2 (TX, WI) with Georgia abstaining from vote.

Rules Committee Aug 2019: Commissioner D. Littler (AZ) moved to recommend adoption of the West Region proposal to Rule 3.103 at the 2019 Annual Business Meeting. Commissioner D. Clark (SD) seconded. Motion passed by vote 4 (AZ, SD, PA, NY) -1 (TX)

Effective date:

XXXX

Proposal to create/amend rules:

Rule 4.106 - Progress reports on offender compliance and non-compliance

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the offender's response to such actions.

(c) A progress report shall include—

1. offender's name;
2. offender's current residence address;
3. offender's current telephone number and current electronic mail address;
4. name and address of offender's current employer;
5. supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
6. programs of treatment attempted and completed by the offender;
7. information about any sanctions that have been imposed on the offender since the previous progress report;
8. supervising officer's recommendation;
9. any other information requested by the sending state that is available in the receiving state.

Justification:

When Rules 4.109 and 4.106 were revised in June 2017 to include the language regarding the use of incentives, corrective actions and graduated responses, the requirement to include specific dates, descriptions and documentation was added to 4.109, but not 4.106. This proposal will mandate the same requirements for specifics and documentation in both rules when reporting compliant, non-compliant or behavior requiring retaking behaviors.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

Yes. \$4,155

- Add History of Incentive textbox to Progress Report on Incentives and Corrective Actions
- Add attachments to Progress Report on Incentives and Corrective Actions

Progress Report

Incentive and Corrective Actions for Bob smiley

Does your state wish to update the Incentive and Corrective Actions being used for this offender?

Yes
 No

• Select all the incentive actions taken to address the offender's behavior:

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Decreased reporting requirements	<input type="checkbox"/> Submitted positive letter to the court
<input type="checkbox"/> Written letter of recognition	<input checked="" type="checkbox"/> Fewer drug screens	<input type="checkbox"/> Verbal praise
<input type="checkbox"/> Modification of supervision condition	<input type="checkbox"/> Waived program fees	

Other, describe: 0 successfully completed opiate treatment at the XYZ ranch. 0 will only be required to report 2 times per month instead of weekly

• Select all the corrective actions taken to address the offender's behavior:

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Travel Restriction	<input type="checkbox"/> Community service
<input type="checkbox"/> Verbal reprimand/Warning	<input type="checkbox"/> Behavioral Contract	<input type="checkbox"/> GPS/House Arrest/EM
<input type="checkbox"/> Report violation to sending state through Progress Report	<input type="checkbox"/> Increased drug screens	<input type="checkbox"/> Brief period of incarceration
<input type="checkbox"/> Increased office reporting	<input type="checkbox"/> Imposed curfew	<input type="checkbox"/> Cognitive behavioral intervention
<input type="checkbox"/> Loss of privilege	<input type="checkbox"/> Treatment referral	<input type="checkbox"/> Increased field/home visits

Other, describe: May no travel more than 50 miles from residence without written permission from this PQ

Scope and Metric

In 2018, 61,170 Progress Reports were transmitted by states.

Rules Committee action:

West Region Jan 2019: Commissioner D. Littler (AZ) moved to forward a proposal to Rule 4.106 to the Rules Committee for consideration. Commissioner J. Stromberg (OR) seconded. Motion passed.

Rules Committee Feb 2019: Commissioner D. Littler (AZ) moved to forward and recommend the approval of proposal to Rule 4.106 (b) submitted by the West Region. Commissioner R. Maccarone (NY) seconded. Motion passed.

Effective date:

XXXX

Proposal to create/amend rules:

Rule 4.111 Offenders returning to the sending state

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent ~~criminal offense~~ felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender 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:

This rule amendment would align rule 4.111(a) and Rule 5.101-1 so that the language matched regarding eligible returns. It is believed that it was an oversight that rule 4.111 was not amended when Rule 5.101-1 was adopted. The way rule 4.111(a) is currently written would suggest that an offender could not return to the sending state if charged with any new offense, not just felonies and violent crimes. This leads to confusion when requesting and responding to reporting instructions.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None.

ICOTS impact:

None.

Scope and Metric

N/A

Region/Committee Action:

Midwest Region October 2018: Motion to forward an amendment to Rule 4.111 (a) to the Rules Committee made by Commissioner S. Andrews (OH), seconded by Commissioner D. Matson (IL). Motion approved unanimously.

Rules Committee Jan 2019: Commissioner D. Littler (AZ) moved to forward the West's proposal to Rule 4.111 (a) to the Commission for comment and to recommend for Commission adoption. Commissioner C. Moore (GA) seconded. Motion passed

Effective date:

XXXXX

Proposal to create/amend rules:

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. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 30 calendar days following the offender's failure to appear in the sending state.
- (b) ~~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.~~ Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

Justification:

The current rule is silent on notification and tracking of offenders who are retaken by sending states at their own discretion. The result is the loss of tracking of offenders returning to sending states either on their own or via a warrant. This can pose risks to the public, to officers and to victims. The proposed revisions to this rule will close the notification and tracking loopholes that exist and that have been previously addressed by the Commission in other retaking rules, such as Rule 5.103.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

None. This proposal will make this rule consistent with others.

ICOTS impact:

None.

Scope and Metric

2019_5101WEST

N/A

Region/Committee action:

West Region Jan 2019: Commissioner D. Littler (AZ) moved to forward proposals to Rule 5.101(a) and 5.101 (b) to the Rules Committee for consideration. Commissioner C. Gordon (MT) seconded. Motion passed.

Rules Committee Feb 2019: Commissioner D. Littler (AZ) moved to forward and recommend the approval of proposal to Rule 5.101 submitted by the West Region. Commissioner R. Maccarone (NY) seconded. Motion passed.

Effective date:

XXXX

Proposal to create/amend rules:

Rule 5.103 Offender behavior requiring retaking

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

Justification:

Receiving states are not attempting to arrest offenders who have warrants issued by the sending state under Rule 5.103. The warrants stay active and often times CARS are sent stating that the offender cannot be located. Rule 5.103 should give direction on what to do next when a warrant is issued and then when the offender is not located to be arrested. This will close the loophole currently in this rule.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

Training only: Receiving state should use addendums to report custody status when offenders are arrested for retaking. Violation Addendums are designed to allow the receiving state to communicate changes in location, availability and PC status.

2018_5103WEST

Scope and Metric

N/A

Region/Committee action:

West Region May 2018: Commissioner J. Stromberg (OR) moved to forward proposal to Rule 5.103 to the Rules Committee for consideration. Commissioner J. Hudspeth (UT) seconded. Motion passed.

Rules Committee Jan 2019: Commissioner D. Littler (AZ) moved to forward the West's proposal to 5.103 (d) to the Commission for comment and to recommend for Commission adoption. Commissioner C. Moore (GA) seconded. Motion passed

Effective date:

XXXX

Proposal to create/amend rules:

Rule 5.103-1 Mandatory retaking for offenders who abscond

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

Justification:

The current language of "upon receipt" is a mandate that is hard to comply with, especially with probation cases. "Upon receipt" is also open to interpretation. Other ICAOS Rules provide time frames for warrants (Rule 5.103, within 15 business days, for example). A time frame for the warrant should be clear in this rule.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

ICOTS impact:

None.

Scope and Metric



2019 Rule Amendment Proposals

Presented by ICAOS Rules Committee Members:
Doug Clark (Chair, SD) Dori Littler (Vice-chair, AZ)
Joselyn López (WI) Margaret Thompson (PA)
& Tracy Hudrlik (MN)

Rules Committee Membership

- | Commissioners | ExOfficio |
|-------------------------------|-------------------------|
| • Doug Clark, SD Chair | • Margaret Thompson, PA |
| • Dori Littler, AZ Vice Chair | • Tim Strickland, FL |
| • Chris Moore, GA | • Tracy Hudrlik, MN |
| • Robert Maccarone, NY | • Pat Odell, WY |
| • Joe Winkler, FL | |
| • Linda Rosenberg, PA | |
| • Joselyn Lopez, WI | |
| • Brody Burk, TX | |

Rules Committee

- Proposals referred from:
 - Majority of Commissioners at ABM
 - Region
 - Standing Committee
- Provide draft to all Commissioners for review and comment (*post on ICAOS website*)
- Prepare final draft, based on comments;


Adoption of Rules

- Submit to Commission for consideration “not later than the next annual meeting falling in an odd-numbered year”
- Publish text and notice of public hearing, not later than 30 days prior to scheduled vote
- **Interstate Commission shall take final action on the proposal by a majority vote of yes/no.**

Idea for Rule or Amendment?

Not sure where to start?

Rules Proposal Guide provides draft template and outlines ICAOS’s rule/amendment adoption process from draft to final action



<https://www.interstatecompact.org/sites/default/files/pdf/meetings/rules/ICAOS-Rule-Proposal-Guide.pdf>

Summary of 2019 Proposals

- ByLawArt2Sect2 (Executive Committee)
- Rules 1.101 'Abscond' & 4.109 (Midwest Region)
- Rules 1.101 'Sex Offender,' 3.101-3 and 3.107 (Rules Committee)
- Rules 1.101 'Temporary Travel Permit,' 'Victim Sensitive,' 3.108, 3.108-1, 3.110*NEW RULE & 4.111 (Rules Committee) **3 VOTES!**
- Rule 3.101-1 (West Region) **2 VOTES!**

Summary of 2019 Proposals

- Rule 3.103 (West Region)
- Rule 4.106 (West Region)
- Rule 4.111(Midwest Region)
- Rule 5.101 (West Region)
- Rule 5.103 (West Region)
- Rule 5.103-1 (West Region)

BylawArt2Sec2 (Executive Committee)

Section 2. Ex-Officio Members
 The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition, representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, the National Association for Public Defense, the National Criminal Justice Association and the International Association of Chief of Police may be ex-officio members of the Commission.

BylawArt2Sec2 (Executive Committee)

- Expands ex-officio organizations to include NCJA

Rule 1.101 Definitions
 "Abscond" means to be absent from the offender's approved place of residence or and employment; and failing to comply with reporting requirements—avoiding supervision.

Rule 4.109-2 Absconding Violation
 (a) If there is reasonable suspicion 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) Documenting communication attempts directly to the offender, including dates of each attempt;
- (2) Conducting a field contact at the last known place of residence;
- (3) Contacting the last known place of employment, if applicable;
- (4) Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.

(b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b) (8).

Rules 1.101 'Abscond' & 4.109 (Midwest Region)

- Better defines term 'reason to believe'
- Ensures adequate documentation is reported to the sending state
- Identifies individuals noted in original transfer request that should be contacted

<p>IMPACT</p> <ul style="list-style-type: none"> • ICOTS: YES \$2,850 • Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> • Recommends to Adopt

Rules 1.101 'Abscond' & 4.109 (Midwest Region)

Rule 3.108-4 Victims' right to be heard and comment

(1) 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 receiving state, advise the victim of the offender's 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 to advise the receiving state of their concerns 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.

(2) Victims shall have 15 business days from receipt of notice required in Rule 3.108-4 to respond to the sending state. Receipt of notice shall be presumed to be received by the 5th business day following its sending.

(3) The receiving state shall continue to investigate the transfer request while it responds to the victim.

(4) Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding their victim rights. Victims' comments regarding their safety and family members' safety. The sending state shall request the state's interstate compact office to advise the receiving state of their concerns and shall not be disclosed to the public. The sending state shall state any request, special conditions or supervision on the offender to be transferred to the receiving state, if the safety of the offender's victim or family members is at risk.

Rule 3.108-2 Victim notification and requests for offender information

(1) 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 advise notification procedure to victims of the transfer of supervision of the offender in accordance with its own laws to advise victims in the sending state and the receiving state shall advise notification procedure of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.

(2) 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.

(3) Notification to victims upon violation by offender or other change in status.

(4) The receiving state is responsible for reporting information to the sending state.

(5) Changes in behavior requesting setting.

(6) Changes in address.

(7) Changes in the sending state where an offender is victim resident.

(8) Changes in the receiving state under an approval plan of supervision in a subsequent receiving state.

(9) To avoid a temporary travel permit where supervision of the offender has been designated a victim sensitive matter.

(10) Both the sending state and the receiving state shall notify known victims in their respective states of the information in accordance with their own laws or procedures.

Victim Rules Package Proposal

Discussion included:

- 1) The 2018 ABM decision to discontinue the use of IVINS
- 2) The 2018 IVINS Survey Results
- 3) How the current rules fit in with the purpose of the Compact

<p>IMPACT</p> <ul style="list-style-type: none"> • ICOTS: TBD by Commission Vote \$18,015 • Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> • Recommends to Adopt • 3 Separate Votes <ul style="list-style-type: none"> • Other Rules in Package (1.101, 3.108, 3.108-1, 4.111) • New Rule 3.110 Travel Permits • ICOTS impact to remove 'Victim Sensitive' indicator

Victim Rules Package Proposal

Rules 1.101, 3.108, 3.108-1 & 4.111

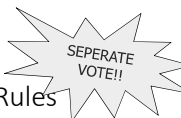
- Strike definitions of "Victim sensitive" and "Temporary travel permit" as revised rules no longer use definitions
- 3.108 & 3.108-1 (Switch rule numbers)
- Simplify and clean up antiquated language such as use of the word 'telex'
- 3.108-1 new title **Victim notification and requests for offender information**

Victim Rules Package Proposal

Rules 1.101, 3.108, 3.108-1 & 4.111

- Notifications to the sending states outlined in 3.108 (b) are not necessary since they are already provided in ALL cases under separate existing rules (*with the exception of travel permits-to be addressed w/New Rule 3.110*)
- Clarification to the Commission that the sending state is responsible for notifying victims, 4.111 (e) is no longer necessary


Victim Rules Package Proposal



ICOTS Impact for Victim Rules

- \$18,015 to remove 'victim sensitive' indicator in ICOTS
- Comments indicate support for rule changes w/ reservations about taking the indicator out
 - *Most states DO NOT utilize the 'victim sensitive' indicator consistently as currently defined*
 - *A few states note they find benefit using the indicator internally*
 - *Other ICOTS management features exist w/o a governing rule associated*

Victim Rules Package Proposal



New Rule 3.110 Travel Permits

(a) Notification of travel permits - The receiving state shall notify the sending state prior to the issuance of a travel permit for an offender traveling to the sending state.

(b) This rule does not apply to offenders who are employed or attending treatment or medical appointments in the sending state, provided that the following conditions are met:

- (1) Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments; and
- (2) The offender shall return to the receiving state immediately upon completion of the appointment or employment.

Victim Rules Package Proposal



New Rule 3.110 Travel Permits

- Addresses removal of 3.108 (b)(1)(E) in current rules
- Better equips sending state w/ victim notification when offender is traveling back to a sending state
- Notification is not required for known travel for employment or medical appointments

Victim Rules Package Proposal

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

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

(1) *Transfers of military members*- An offender who is a member of the military and is under orders in 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 is under orders in 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.

Rule 3.101-1 (a) (1) & (2) (West Region)

- Replace 'deployed' with 'under orders'
- Consist with terms used by the military

IMPACT
• ICOTS: No
• Rule/Opinion: None
Rule Committee Action
• Recommends to Adopt

Rule 3.101-1 (a) (1) & (2) (West Region)

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

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

Rule 3.101-1 (e) (West Region)

- Ensures the rule applies to those 'acceptance' in addition to being 'referred' for treatment
- Streamlines the referral and acceptance process for VA treatment

IMPACT
<ul style="list-style-type: none"> • ICOTS: No • Rule/Opinion: None
Rule Committee Action
<ul style="list-style-type: none"> • Recommends to Adopt

Rule 3.101-1 (e) (West Region)

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 by a court, paroling authority or other criminal justice agency following the retaking of the offender from the receiving state

(8)

(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 by a court, paroling authority or other criminal justice agency following the retaking of the offender from the receiving state, shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, a revocation proceeding or release from incarceration 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.

Rule 3.103 (West Region)

- Requires that a revocation proceeding, not just a violation disposition, must take place and must be heard by a formal authority of a court or paroling authority
- Ensures retaking must have occurred prior to the proceeding

Rule 3.103 (West Region)

IMPACT
• ICOTS: Yes TBD
• Rule/Opinion: None
Rule Committee Action
• Recommends to Adopt

Rule 4.106 - Progress reports on offender compliance and non-compliance

(a) A receiving state shall submit a progress report to the sending state within 30 calendar days of receiving a request.

(b) A receiving state may initiate a progress report to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions or graduated responses imposed. The receiving state shall provide: date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior in the receiving state, and the offender's response to such actions.

Rule 4.106 (West Region)

- Mandates the same documentation requirements for progress reports just as it is for violation reports requiring retaking

Rule 4.106 (West Region)

IMPACT
• ICOTS: Yes \$4,155
• Rule/Opinion: None
Rule Committee Action
• Recommends to Adopt

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 felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.

Rule 4.111 (Midwest Region)

- Aligns Rule 4.111(a) and Rule 5.101-1 so that the language matches in regards to eligible returns

<p>IMPACT</p> <ul style="list-style-type: none"> ICOTS: No Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> Recommends to Adopt

Rule 4.111 (Midwest Region)

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. ~~The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 30 calendar days following the offender's failure to appear in the sending state.~~

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

Rule 5.101 (West Region)

• Establishes timeframes and tracking for offenders retaken by the sending state at its discretion

<p>IMPACT</p> <ul style="list-style-type: none"> • ICOTS: No • Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> • Recommends to Adopt

Rule 5.101 (West Region)

Rule 5.103 Offender behavior requiring retaking

(a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.

(b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.

(c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.

(d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to arrest the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the arrest, the receiving state shall follow Rule 4.109-2 (a) and (b).

Rule 5.103 (West Region)

• Clarifies the receiving state's responsibility to arrest an offender subject to retaking

• When offenders are not located receiving states should be attempting to locate the offender as an absconder under Rule 4.109-2

<p>IMPACT</p> <ul style="list-style-type: none"> • ICOTS: TRAINING ONLY- <i>States should use ADDENDUMS to report on custody status</i> • Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> • Recommends to Adopt

Rule 5.103 (West Region)

Rule 5.103-1 Mandatory retaking for offenders who abscond

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

Rule 5.103-1 (West Region)

- “Upon receipt” is open to interpretation (*particularly for probation cases*)
- Establishes a timeframe as to when a compact compliant warrant must be issued

<p>IMPACT</p> <ul style="list-style-type: none"> • ICOTS: No • Rule/Opinion: None
<p>Rule Committee Action</p> <ul style="list-style-type: none"> • Recommends to Adopt

Rule 5.103-1 (West Region)

Rule 3.101-3 Transfer of supervision of sex offenders: eligibility and reporting instructions, investigation, and supervision

Rule 1.101 Definitions

“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, paroleing authorities, corrections, or other criminal justice agencies, and who is registered or required to register as a sex offender either in the sending or receiving state or is under sex offender terms and conditions in the sending state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Rule 3.101-3 Transfer of supervision of sex offenders: eligibility and reporting instructions, investigation, and supervision

(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 information required in Rule 3.107, in an application for transfer of supervision the sending state shall provide the following information, in the investigation of the transfer request of a sex offender requested by the sending state, including—

(5) (2) Victim information if distribution is not prohibited by law:

- (A) the name, sex, age and relationship to the offender;
- (B) the statement of the victim or victim's representative; and
- (C) the sending state's current or recommended supervision and treatment plan.

(c) Additional documents necessary for supervision in the receiving state, such as a law and needs assessment or case plan may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

Sex Offender Rule Package Proposal

Proposal includes Rules:

- 1.101 'Sex Offender'
- 3.101-3
- 3.107 (minor clean-up)

• Addresses issues identified through region/committee discussions over last 2 years

IMPACT	
• ICOTS: \$27,150	
• Rule/Opinion: None	
Rule Committee Action	
• Recommends to Adopt	

Sex Offender Rule Package Proposal

Definition of 'Sex Offender'

<p>Rule 1.101 Definitions</p> <p>"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 <u>registered or required to register as a sex offender either in the sending or-receiving state or is under sex offender terms and conditions in the sending state</u> and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.</p>

- Addresses misinterpretations for responsibilities during transfer process
- Does NOT limit receiving state's ability to require registration

Sex Offender Rule Package Proposal

Rule 3.101-3

- Distinguishes various compact process requirements eliminating delays:
 - Transfer Request-Defines info needed for *investigation*
 - Removes undefined/vague terms
 - Reporting Instructions-Defines info needed when eligible for Ris
 - No travel w/o Ris & 5 days to review residence (as indicated in existing rule)
 - Ensures denials (due to invalid residences) are consistent with similar offenders convicted in the receiving state
 - Supervision documentation-Similar to Rule 3.107 (c)

Sex Offender Rule Package Proposal

Sex Offender Transfer Considerations

- Ensure conditions/housing restrictions are consistent with instate offenders
 - *Would a similar instate offender be allowed to live @ residence?*
- Sex offender treatment
 - Sending States-be clear on recommendations
 - Receiving States-Ensure resources are the same for similar instate offenders
- Packingham v. NC (2017 US Supreme Court decision)
 - NC law prohibiting sex offenders from accessing social media websites violates 1st amendment rights

Questions



EAST REGION MEETING AGENDA

Interstate Commission for Adult Offender Supervision

East Coast Ballroom • Wyndham San Diego Bayside Hotel • San Diego, California
10:45 am PT • October 8, 2019

Call to Order – *Dale Crook (VT), East Region Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *August 27, 2019*

Discussion

- 2019 Rule Proposals Discussion
- Election of Region Chair

Old Business

New Business

Adjourn



MIDWEST REGION MEETING AGENDA

Interstate Commission for Adult Offender Supervision

West Coast Ballroom • Wyndham San Diego Bayside Hotel • San Diego, California
10:45 am PT • October 8, 2019

Call to Order – *Russell Marlan (MI), Midwest Region Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *May 13, 2019*

Discussion

- 2019 Rule Proposals Discussion
- Election of Region Chair

Old Business

New Business

Adjourn



SOUTH REGION MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Pacific D • Wyndham San Diego Bayside Hotel • San Diego, California
10:45 am PT • October 8, 2019

Call to Order – *Brody Burks (TX), South Region Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *July 30, 2019*

Discussion

- 2019 Rule Proposals Discussion
- Election of Region Chair

Old Business

New Business

Adjourn



WEST REGION MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Pacific C • Wyndham San Diego Bayside Hotel • San Diego, California
10:45 am PT • October 8, 2019

Call to Order – *Roberta Cohen (NM), West Region Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *July 29, 2019*

Discussion

- 2019 Rule Proposals Discussion
- Election of Region Chair

Old Business

New Business

- ‘Increase in Offenders Found in States on Travel Permits without Reporting Instructions or Acceptance’ Discussion – *Commissioner D. Littler (AZ)*


Adjourn

Supervision in the Receiving State

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

Training Objectives

- Learn about differences in supervision between sending & receiving states
 - *Share communication tips/best practices*
- Considerations for dealing with pending charges & revocable behavior

Sending State	Receiving State
<ul style="list-style-type: none"> • Conditions imposed by sentencing authority 	<ul style="list-style-type: none"> • Conditions consistent to a similar instate offender
	
<p><i>Remember! Offender application REQUIRES the offender agree to conditions imposed by BOTH sending & receiving states!</i></p>	

GPS

- What if GPS is imposed at sentencing, but not available in receiving state?
- What if GPS is available in receiving state, but not imposed on a similar in-state offender (due to risk/needs score)?
- What if GPS is required for similar offenders in the receiving state, but was not imposed as a condition at sentencing?

Marijuana

- What if sending state prohibits use of marijuana, but is allowed for recreational use in receiving state? Medical use only?
- What if receiving state prohibits use of marijuana, but is allowed/or not subject to violation in the sending state?

Lifetime Supervision


- Are sending states effectively communicating what 'lifetime supervision' means?
- 'Active' vs 'Non-active' Supervision
 - Are there non-monetary conditions requiring monitoring?
- Sex Offenders: Lifetime registration vs lifetime supervision

Dual Supervision Cases

- Are compact offices ensuring review of offender profile prior to submission of activities to ensure consistency in what is being reported?
- *For example, what if probation sends an absconder violation report....is parole being consulted prior to transmission to sending state?*
- NE's MOU for Dual (concurrent) cases-Parole provides supervision


Supervision Documentation

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

Information ONLY Progress Report

INCENTIVE AND CORRECTIVE ACTIONS
Incentive Actions:
Corrective Actions:
RECOMMENDATIONS-RESPONSE
<input type="checkbox"/> Consider early termination of supervision for good behavior <input type="checkbox"/> Remove conditions/requirements for good behavior <input type="checkbox"/> Review status with the sentencing/parole authority for possible recommendations/extension of supervision <input type="checkbox"/> Await outcome/update of new pending charges <input checked="" type="checkbox"/> Notification purposes only - Continue to supervise  <input type="checkbox"/> Other requests/recommendations - provide explanation below:
Additional Information:
Other Attachments:
Completed community services - Disaguer/Nicole/60223400communityservice16-2019.pdf; Offender is currently in ongoing treatment and treatment facility has recommended treatment for the whole duration of her probation sentence. - Victim impact panel - Disaguer/Nicole/60223400/victimimpactpanel16-2019.pdf

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?

Dealing w/ Pending Charges & Revocable Behavior

What's important....

- Identify and report circumstances of new offense
 - Include other revocable behaviors
- Prosecuting courts information
 - Is the court aware of compact rules and implications?
 - Are hearings scheduled? If so, when?
 - Has bail been given? If so, how much?
 - Is there a condition restricting out of state travel?

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.

What are the issues?

- Path to permanent revocation varies as does what revocation means in definition of 'behavior requiring retaking'
- What differences exist in what is imposed on in-state offenders prior to revocation vs a compact offender when considering submission of a 'violation report requiring retaking'?

What are the issues?

- For some, no authority to supervise offenders when pending charges exist
- With the exception of offender's discharged from supervision by sentencing authority (sending state,) receiving states remain responsible for supervision while the offender remains in the receiving state. See AO 1-2019

What are the issues?

- Some compact offenders (because original sentence is from other state) are afforded bail when an instate offender would be held without bond
- The language of Rule 5.101-1 anticipates the exercise of discretion for bail in a receiving state by providing the caveat that the prohibition against retaking an offender subject to pending charges is applicable **“unless the sending and receiving states mutually agree to the retaking or return.”** See AO 1-2019

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)

Stakeholder Communication is KEY!

- Elevate issues to Commissioner!
- Is your legal department or Attorney General aware of your state’s limitations and/or advising on questions related to due process in these cases?
“How long can an offender be held on new pending charges?”
- Has the issue been raised with State Council?
 - Consider legislation/State Supreme Court ruling?

Questions

ICAOS Budget
Fiscal Years 2019 - 2021

	<u>FY19</u> <u>Final YTD</u>	<u>FY20</u> <u>Budget</u>	<u>FY21</u> <u>Proposed Budget</u>
<u>REVENUE</u>			
Dues Assessment	\$1,518,636.36	\$1,516,253.26	\$1,516,253.26
Cash Reserve			\$48,000.00
Dividend Income	\$39,640.90	\$18,000.00	\$18,000.00
Operating Interest	\$23,401.87	\$15,000.00	\$15,000.00
Total Administration Revenue	\$1,581,679.13	\$1,549,253.26	\$1,597,253.26
<u>EXPENSE</u>			
60000 SALARIES & WAGES	\$494,448.57	\$485,000.00	\$495,500.00
61000 EMPLOYEE BENEFITS	\$113,744.83	\$155,000.00	\$168,000.00
61009 PAYROLL TAX	\$38,098.94	\$37,800.00	\$38,500.00
61040 ACCOUNTING	\$16,164.40	\$13,500.00	\$14,000.00
61079 EDUCATION, ACCREDITATION	\$250.00	\$2,000.00	\$2,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$800.00	\$500.00	\$500.00
62000 SUPPLIES	\$2,259.27	\$4,500.00	\$4,500.00
62010 POSTAGE	\$572.44	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$16,726.81	\$17,000.00	\$17,000.00
62130 OUTSIDE WEB SUPPORT	\$4,500.30	\$3,000.00	\$3,000.00
62140 SOFTWARE PURCHASE	\$4,330.90	\$5,000.00	\$5,000.00
62280 INSURANCE	\$10,441.00	\$12,250.00	\$12,250.00
62310 PHOTOCOPY	\$252.23	\$500.00	\$500.00
62360 DIRECT TELEPHONE EXPENSE	\$3,865.68	\$7,000.00	\$7,000.00
62370 CELL PHONE EXPENSE	\$2,628.95	\$3,000.00	\$3,000.00
66000 EQUIPMENT PURCHASE	\$576.34	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$9,808.88	\$27,000.00	\$27,000.00
68230 MEETING EXPENSE	\$505.20	\$500.00	\$500.00
72000 CONSULTANT SERVICES	\$10,581.13	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$2,823.50	\$5,000.00	\$5,000.00
80000 LEGAL SERVICES	\$13,477.91	\$15,000.00	\$15,000.00
85000 RENT	\$28,287.16	\$35,300.00	\$36,400.00
Total Administration Expenditures	\$775,144.44	\$850,350.00	\$876,150.00
<u>OTHER EXPENSE</u>			
11356 Executive Committee	\$15,704.10	\$15,000.00	\$15,000.00
11363 Annual Meeting	\$188,634.63	\$196,000.00	\$210,000.00
11364 Compliance Committee	\$128.90	\$1,000.00	\$1,000.00
11365 Finance Committee	\$23.74	\$500.00	\$500.00
11366 Rules Committee	\$12,791.39	\$10,000.00	\$20,000.00
11367 Technology Committee	\$114.05	\$1,000.00	\$1,000.00
11368 Training/Education Committee	\$4,869.16	\$10,000.00	\$10,000.00
11370 ABM Workgroup	\$15,527.55	\$10,000.00	\$10,000.00
11371 DCA Liaison Committee	\$272.07	\$1,000.00	\$1,000.00
11372 Annual Report	\$1,963.76	\$2,000.00	\$2,000.00
11352 Defense Litigation	\$2,632.50	\$10,000.00	\$10,000.00
11354 ICOTS	\$504,217.79	\$440,000.00	\$440,000.00
Total Other Expense	\$746,879.64	\$696,500.00	\$720,500.00
Total Commission Expenses	\$1,522,024.08	\$1,546,850.00	\$1,596,650.00

**Interstate Compact for Adult Offender Supervision
State Dues Assessment - FY20**

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

\$1,516,253.26



COMPLIANCE COMMITTEE CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

Compliance Committee Members

- Allen Godfrey (MN), Chair, Commissioner
- Merideth McGrath (CO), Commissioner
- James Berry (DC), Commissioner
- Hope Cooper (KS), Commissioner
- Cathy Gordon (MT), Commissioner
- Jacey Rader (NE), Commissioner
- Amy Vorachek (ND), Commissioner
- Dale Crook (VT), Commissioner
- Suzanne Brooks (OH), DCA
- Tina Balandran (TX), DCA

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

Goals and Objectives

The Committee 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
3. Develop processes to enhance proactive compliance

Compliance issues and outcomes

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

- **February 11, 2019:** The committee discussed FY 2019 goals, which included continued efforts for states to be proactive in addressing compliance concerns. This includes reviewing dashboards yearly to determine which states, if any, were below 80% over four consecutive quarters in a fiscal year. The committee also made recommended changes to ICAOS administrative policies: 05-2009, 01-2009, and 03-2008 for filing a complaint and a template on what information was required when submitting a formal letter to the ICAOS Executive Director.
- **May 20, 2019:** The committee addressed one formal complaint for failing to retake and forwarded its recommendations to the Executive Committee for action. The committee also recommended reviewing baseline data from the FY2019 warrant audit results and establishing compliance standards. For FY2020, the committee decided to re-audit on warrants based on established compliance standards.
- **July 18, 2019:** The committee reviewed states that were not in compliance or were below 80% over four consecutive quarters in a fiscal year using the ICAOS dashboards. The committee provided recommendations to the Executive Committee for states not in compliance.
- **August 22, 2019:** The committee addressed one formal complaint for failing to issue nationwide warrants and retaking. The committee provided its recommendations to the Executive Committee for action.

FY2019 ICOTS User Administration Audit

The fiscal year 2019 audit examined member states' internal policies and procedures to ensure they addressed user training, user management, data management practices, data sharing policies, data security requirements, and policy enforcement in accordance with the ICOTS Privacy Policy.

As initially submitted, 27 states provided sufficient documentation for their policies and procedures. Twenty-five states subsequently addressed deficiencies with one state remaining deficient. By the end of the audit period, 52 member states met the overall standards of the audit.

Data sharing and data security were the two largest deficiencies found through the audit followed by policy enforcement and general data management. Review of user roles within each state, revealed 7 states with excessive, duplicate, or generic login accounts and 28 states with accounts inactive for more than 12 months. In total, ICAOS National Office staff marked 343 accounts for deactivation at the close of FY2019.

Dashboard Trends

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in three of the six primary categories. Between FY2015 and FY2019, significant compliance increases occurred in Case Closure Replies (3.6%), Violation Responses (5.2%) and Transfer Replies at (3.4%). Requested Progress Report compliance has dipped in recent years, possibly due to recent rule changes, requiring continuation of monitoring and evaluation of this standard. While Case Closure Notices and RFRI Replies have leveled, they remain relatively high for compliance.

Compliance Standard	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	5 Year Change	3 Year Change
Case Closure Notices	95.8%	96.6%	96.2%	96.2%	96.2%	0.4%	0.0%
Case Closure Replies	87.4%	89.2%	89.8%	90.1%	91.0%	3.6%	1.2%
Requested Progress Reports	95.1%	95.7%	96.4%	88.2%	89.3%	-5.8%	-7.1%
Violation Responses	82.7%	84.3%	86.0%	86.1%	87.9%	5.2%	1.9%
Transfer Request Replies	89.8%	90.4%	91.0%	92.0%	93.2%	3.4%	2.2%
RFRI Replies	97.1%	97.3%	97.0%	97.1%	97.9%	0.8%	0.9%

Respectfully Submitted,

Allen Godfrey

Allen Godfrey, Compliance Committee Chair



DCA LIAISON COMMITTEE CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

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)

*On August 1, 2019, new region chairs were elected in the South and West regions. In addition, new region representatives were appointed in the South and East regions.

New Region Chairs:

- South - Tim Strickland (FL)
- West - Tanja Gilmore (WA)

New Region Representatives:

- South - Elizabeth Powell (DC)
- East - Denis Clark (ME)

Thank you to Julie Lohman, Judy Mesick, and Margaret Thompson for their service and dedication to this committee.

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
2. Identify issues of relevance for referral to standing committees

Committee Work

The DCA Liaison Committee met on five occasions since the last report in October 2018. The committee reviewed its mission and goals and continued with the same intent. Committee members feel it is important to provide support and be the “voice” for DCAs nationally. The committee had produced a quarterly DCA-focused newsletter during FY19 that included 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 was distributed in September 2018. Regional DCA chairs provide regular updates on their regions and issues.

The DCA Liaison Committee refers issues to other standing committees. For example, the committee approved and forwarded recommended ICOTS enhancements to the Technology Committee and clarified rule interpretations for regions.

The committee also assists in the planning and training of compact office staff. The DCA Liaison Committee members played an integral role in the DCA Training Institute at the 2018 ABM and had also participated in the planning and presentations for the 2019 ABM. The DCA Liaison Committee works closely with the Training Committee, ABM Planning Workgroup, and ICAOS National Office staff to coordinate training and presentations.

DCA Mentoring Program

Mentoring of new DCAs continues 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 their role and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period:* Typically, one year. Extensions may be granted, if needed.

Respectfully Submitted,

Tracy Hudrlik

Tracy Hudrlik, DCA Liaison Committee Chair



TREASURER REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision
From: Gary Roberge, Treasurer and Commissioner, State of Connecticut

As FY 2020 begins, the Interstate Commission for Adult Offender Supervision continues to be in strong financial condition. The Commission finished FY 2019 4.3% under budget carrying \$59,655.05 into reserves.

The balance in the Commission's cash reserve is \$1,581,915.63 and is maintained in a savings account currently paying 1.5% interest annually. The Commission also maintains investments in two long-term Vanguard investment accounts. These funds include an investment grade bond fund and a total stock market index fund. The balance in the Vanguard funds as of June 30, 2019 totals \$1,782,623.70. In FY 2019, the rate of return on these investments was 7.5%. 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 2021. The Commission collects \$1,516,253 in dues assessments annually and estimates spending for FY 2020 to total \$1,546,850.

Respectfully Submitted,

Gary Roberge

Gary Roberge, Treasurer
Finance Committee Chair



INFORMATION TECHNOLOGY COMMITTEE CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

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

The Information Technology Committee consists of eight members, including four commissioners and four ex-officio members. Commissioners include Chris Moore – Chair (GA), Dan Blanchard (UT), Mac Pevey (WA), and Joselyn Lopez (WI). Ex-officio members include Matthew Billinger (KS), Candice Alfonso (NJ), Daryn Cobb (MI), and Julie Lohman (VA).

The following are highlights of the Information Technology Committee's fiscal year 2019 activities:

FBI NDex Data Sharing

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

Fusion Center Data Sharing

The national office made a concerted effort to expand the number of fusion centers participating in the ICOTS data sharing program. Through these efforts and with assistance from SEARCH, the number of fusion centers receiving ICOTS data doubled in FY 2019. The national office will continue to pursue expansion of the data sharing into more fusion centers in FY 2020.

IVINS/ICOTS VINEWatch

As per the vote of the Commission at 2018 Annual Business Meeting, ICAOS subscription for IVINS/ICOTS VINEWatch was not renewed with Appriss. The IVINS public web portal and the ICOTS VINEWatch administration portal were both taken offline just prior to December 1, 2018.

ICOTS White Paper

The Information Technology Committee recommended the Executive Committee publish a white paper detailing the use of ICOTS documents and data in court proceedings. On behalf of the Commission, the Executive Committee approved and published this white paper, titled “Legal Implications of the Interstate Compact Offender Tracking System (ICOTS)” on December 19, 2018.

ICOTS Helpdesk Support

The ICOTS Helpdesk received approximately 736 ICOTS support tickets throughout the 2019 fiscal year, which is around a 16.3% decrease from FY 2018, in which the helpdesk received 879 tickets. The decrease of 143 tickets this year can be mainly attributed to the effective training and documentation provided prior to the ICOTS enhancement releases during the year. FY 2018 saw a significant number of training related tickets involving the new functionality added to ICOTS.

ICOTS Enhancement Policy

The Information Technology Committee approved and recommended to the Executive Committee the adoption of a new administrative policy for *Enhancement Requests for Electronic System Authorized by the Commission*. The policy defines procedures for referring and managing ICOTS enhancement requests authorized by the Commission and outlines the responsibilities for the request originator, Technology Committee, ICAOS National Office, and Commission. The policy was published on December 19, 2018.

ICOTS FY 2019 Enhancements

During FY 2019, Appriss produced and implemented four new code releases to the ICOTS production environment. Those four releases accounted for 14 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 Workflow Process for Return to Sending State RFRI
- 2.) Generate Notifications when Notice of Arrival is Due for Returning Offenders
- 3.) Allow State Administrators to Edit Compact Office Information
- 4.) Allow Supervisor to Inherit Direct Reports
- 5.) Generate Notifications when Offender Changes Primary Residence

ICOTS FY 2020 Rule Amendments & Enhancements

The Information Technology Committee reviewed the proposed rule amendments and their expected impact on ICOTS. The committee discussed the best functional specifications needed in the system to meet the requirements of the proposed change. Appriss drafted a statement of work based on those functional specifications that was used to produce the cost components of each amendment the Commission will vote on at the 2019 Annual Business Meeting.

ICAOS Dashboards

Eight new dashboards were added to the repository of visualization tools available to commissioners and compact offices, bringing the total to 45. The new dashboards cover violation summary information, last transmitted activities, and compliance summary reports by fiscal year. The framework behind the dashboards was also updated to the latest version, which allowed the

new compliance dashboards to be built with automatic email notifications. Commissioners and DCAs now receive a quarterly email of their state's progress on all 6 compliance standards in the fiscal year to date.

The following are identified goals and challenges for FY 2020:

- 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.

Respectfully Submitted,

Chris Moore

Chris Moore, Information Technology Committee Chair



TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Jacey Rader, Training, Education & Public Relations Committee Chair and Commissioner, State of Nebraska

Training Committee Members: Jacey Rader, Chair (NE); Roberta Cohen (NM); Dara Matson (IL); Russell Marlan (MI); Amy Vorachek (ND); Patricia Coyne-Fague (RI); Jim Parks (VA); and ex-officio Sally Reinhardt-Stewart (NE), ex-officio Mark Patterson (OR), and ex-officio Tanja Gilmore (WA).

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 providing training and support on the ICOTS enhancements and planning for the 2019 Annual Business Meeting.

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

- ICOTS Enhancements
- ICOTS process for Reporting Instructions for Returning Offenders
- Review of compliance and administrative dashboards
- ICOTS Whitepaper
- User administration tips

Additional presentations were also made at the American Probation and Parole Association (APPA) and the Association of Paroling Authorities International (APAI) conferences, and assistance was provided to three states per the Commission's Training and Technical Assistance

Policy. Training and Technical Assistance Policy includes supporting states' in-state training initiatives and opportunities.

In conjunction with the DCA Liaison Committee, the Training Committee prepared for two sessions at this year's Annual Business Meeting. These sessions will focus on supervision in the receiving state and best practices for DCAs.

Other Notable Accomplishments

- Facilitated the 2018 DCA Training Institute, focusing on the following topics: Supervising & Retaking, Warrants, Pending Charges & Revocable Behavior, and Probable Cause Hearings.

These topics were presented with emphasis of maintaining our goal of *Creating dialogue that emphasizes the goals of the Compact: What is in the best interest of public safety? What is in the best interest of the offender?*

- In keeping with the Training Committee's goal to create mobile friendly educational resources for stakeholders, the ICAOS National Office worked toward creating a searchable tool to cross reference the Benchbook with advisory opinions, rules, and trainings.
- Reviewed feedback from the 2018 Annual Business Meeting and DCA Training Institute in order to assess opportunities and successes to present meaningful and relevant information.
- Presented at the winter (Miami) and summer (San Francisco) APPA Training Institutes on the topics of Substance Abuse & Supervision and Innovations in Supervision, respectively.
- Invited to train on promoting one standard of supervision in interstate parole supervision at the APAI Annual Business Meeting, including an APAI Board Member presentation and a general session.
- Engaged regularly with the DCA Liaison Committee to support training initiatives and DCA Liaison Committee goals.
- Added several new ICOTS resources to the ICAOS Support site.
- Provided training to more than 5,000 individuals.

Looking ahead to FY 2020

- Collaborate with other committees on the ICOTS Training Integration Project Plan to develop a tool that provides on-demand resources when ICOTS users require help or have questions while using ICOTS, increase the probability of data integrity, and provide real-time connection to rules.

- Support state compact office responsibilities to train 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.
- Turn our attention to supporting states in creating their own in-state training opportunities for staff and local offices, stakeholders, judges, law enforcement, district attorneys, and jail administrators.
- Emphasize the goals of the Compact: *What is in the best interest of public safety? What is in the best interest of the offender?*
- Continue to use innovative ways to promote each state's unique initiatives and educate around the idea of treating all offenders as we do our own.

Respectfully Submitted,

Jacey Rader

Jacey Rader, Training, Education &
Public Relations Committee Chair



RULES COMMITTEE CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Doug Clark, Rules Committee Chair and Commissioner, State of South Dakota

The Rules Committee had 7 WebEx teleconferences and one face-to-face meeting since the 2018 Annual Business Meeting. Rules Committee members are Dori Littler, Vice Chair (AZ), Joe Winkler (FL), Chris Moore (GA), Robert Maccarone (NY), Linda Rosenberg (PA), Brody Burks (TX), and Joselyn Lopez (WI). Our invaluable ex-officio members are Tim Strickland (FL), Tracy Hudrlik (MN), Margaret Thompson (PA), and Pat Odell (WY).

Rules Committee Mission

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

Rules Committee FY 2019 Goals

1. Incorporate evidenced based practices into rule making and decision making
2. Present rule proposals for managing sex offender transfers based on national feedback
3. Prepare rule proposals for the 2019 Annual Business Meetings
4. Evaluate effectiveness of rules related to victim notification per ABM motion

Work conducted by the sex offender ad hoc group (comprised of three members of the Rules Committee - Dori Littler, Margaret Thompson, and Doug Clark) along with committee discussions, produced a proposal package to be presented for consideration at the 2019 Annual Business Meeting. This proposal intends to clarify and address issues identified through region discussions with the current sex offender definition and transfer rules.

As tasked by the Commission at last year's annual business meeting in Orlando, the Rules Committee evaluated the effectiveness of victim notification and produced a proposal as a result of this charge:

2018 ABM Motion: Commissioner D. Crook (VT) moved to discontinue the IVINS agreement and instruct the Rules Committee to evaluate victim notification rules and look for other options and

solutions needed for this Compact and present it at the next Annual Business Meeting. Commissioner P. Treseler (MA) seconded. Motion carried 42-5.

The Rules Committee relied on three key areas in the review of the effectiveness of the current victim related definitions and rules:

1. The 2018 ABM decision to discontinue the use of IVINS
2. The 2018 IVINS Survey Results
3. How the current rules fit in with the purpose of the Compact, which states, in part:

“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.”

In addition, the committee reviewed and discussed several proposals referred through the regions, most of which intend to provide clarity and support effective communication between states.

Looking ahead, the committee will discuss issues related to domestic violence as referred by the West Region and evaluate the FY 2020 audit results to consider future proposals establishing timeframes for obtaining compact compliant warrants.

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

Respectfully Submitted,

Doug Clark

Doug Clark, Rules Committee Chair



GENERAL COUNSEL REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Richard L. Masters, General Counsel

The general counsel assists the Commission by providing legal guidance for issues that arise under the compact, its bylaws, and administrative rules. Counsel also works with the Commission and its various committees to promote consistent application of and compliance with Commission requirements, including the coordination and active participation in litigation concerning enforcement; and, counsel assists the Commission with rule-making responsibilities.

Compliance Matters

This year, several matters came before the Executive Committee for legal action. The Commonwealth of Kentucky and the Virgin Islands of the United States failed to appoint a commissioner within an appropriate time frame; thus, the Executive Committee found those states in default of their obligations under the Compact and gave notice to respective governors. Similarly, the state of New Mexico failed to appoint a state council and was found in default of its obligations under the Compact. Subsequent to the notice to the governor of impending legal action, these three states complied with Compact requirements and appointed a commissioner and state council respectively.

Further, the Executive Committee considered a complaint filed by the State of Arizona. The complaint alleged that Oklahoma violated ICAOS Rules 2.110, 3.102, 5.102 and 5.103-1 by issuing a warrant with limited jurisdiction, failed to issue compact compliant warrants, and failed to issue a warrant for an offender who was not eligible for transfer.

The committee found Oklahoma in default of its obligations under the Compact and assessed a civil fine in the amount of ten thousand dollars (\$10,000.00). The assessed fine was held in abeyance pending the completion of a corrective action plan.

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 was 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 violations 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.

Relying on prior case decisions from various U.S. Courts of Appeals and the Supreme Court, the Commission filed a brief emphasizing that the ICAOS statute does not create a ‘private right of action.’ 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). Subsequently, the court dismissed the case by order of U.S. District Judge Carlos Mendoza on July 2, 2018. However, the offender 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 11th Circuit. The court granted the motion, and the Commission filed 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.

On July 22, 2019, the U.S. Court of Appeals for the 11th Circuit ruled in favor of the Commission. Accordingly, the appeals court upheld the ruling to dismiss. On August 12, 2019, Mr. Clancy filed a Petition for Rehearing/Petition for En Banc Hearing asserting new claims. The Commission waits to hear from the court on this new development.

Manuel Robert Lucero v. Interstate Commission for Adult Offender Supervision, et al., Eastern Dist. of CA, Case No. 1:18-cv-01448- LJO-SAB

In this *pro se* case, the offender filed suit against four California officials individually and in their official capacities as well as the Commission. The offender alleged civil rights violations under 42 U.S.C. §1983 arising from his transfer from Massachusetts to California under the Compact. He claimed violations of his Fourth, Fifth, and Fourteenth Amendment rights resulting from actions taken by the Commission and the individual Defendants. All claims arose following his move to California and the state’s subsequent imposition of additional conditions of supervision as well as assignment of parole supervision.

Emphasizing that the ICAOS statute does not create a ‘private right of action,’ and relying on prior case decisions from various U.S. Courts of Appeals and the Supreme Court, the Commission filed a motion to dismiss. 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). On July 26, 2019, the court granted the motion to dismiss with leave to amend. However, the court instructed the plaintiff only to amend if he had additional facts that could plausibly suggest liability specifically related to ICAOS’s conduct.

To date, no motion to amend has been filed. Thus, the matter is considered closed.

Respectfully Submitted,

Richard L. Masters

Richard L. Masters
General Counsel



EAST REGION CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

As the East Region Chair, I am very proud to represent this region. The East Region is actively engaged in the Commission's operations with many commissioners and deputy compact administrators (DCA) actively involved in committees. This year, the East Region met on four occasions to discuss updates, rule proposals, training opportunities, warrant tracking, best practices, and a variety of other commission related matters.

As with every year, we have to say goodbye to some friends and welcome new commissioners to the Commission. The East Region has four new commissioners appointed since the last annual business meeting: Gloriann Moroney (MA), Patrick Delahanty (ME), Benjamin Jean (NH), and Wynnie Testamark (VI). The outgoing commissioners are Paul Treseler (MA), Bill Goodwin (ME), Mike McAlister (NH), and Rick Mullgrav (VI).

Finally, a special thanks to the DCAs. East Region Commissioners are very thankful for the Deputy Compact Administrators who are invaluable assets to the 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 Goals

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

Agenda items and topics of discussion at the meetings included

- FY 2020 warrant tracking compliance audit
- 2019 Rule proposals
- Ad hoc committee on tracking warrants
- Discussion of new rule proposals

- Best practice, emerging trend, and training opportunities
- Advisory Opinion 01-2019 on reopening absconder cases
- Results of ICAOS advisory opinion review
- ICAOS Benchbook revision
- Dashboard compliance email notifications
- Victim notifications in ICOTS
- Offender application fees and exemptions for indigent offenders
- DCA region reports
- Whitepaper outlining legal implications of using ICOTS PDFs as official court documents

East Region commissioners and DCAs serve on the following committees:

ABM Workgroup

- DCA Natalie Latulippe (CT)

Compliance Committee

- Commissioner Dale Crook (VT)

DCA Liaison Committee

- DCA Natalie Latulippe (CT), East Region DCA Chair
- DCA Margaret Thompson (PA)
- DCA Denis Clark (ME)

Executive Committee

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

Finance Committee

- Commissioner Gary Roberge (CT), Chair

Information Technology Committee

- DCA Candice Alfonso (NJ)

Rules Committee

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

Training, Education & Public Relations Committee

- Commissioner Patricia Coyne-Fague (RI)

Respectfully Submitted,

Dale Crook

Dale Crook, East Region Chair



MIDWEST REGION CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

The Midwest Region commissioners and deputy compact administrators (DCA) met four times counting the last annual business meeting (ABM) in Orlando, Florida. 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 Goals

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

Agenda items and topics of discussion at the meetings included

- New Rule Proposals 1.101 and 2.110
- Region Chair & DCA Chair Elections
- AP 02-2018 Enhancement Requests for Electronic System Authorized by the Commission
- Executive Committee Updates
- Re-Opening Absconder Cases
- Absconder Rule Proposal
- Ideas for ICOTS Enhancements
- Audit Standard for Tracking Warrant through Extradition

The Midwest Region continues to be well represented within the Commission with the following commissioners and DCAs serving on the noted committees:

ABM Planning Workgroup

- Commissioner Hope Cooper (KS)

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

Compliance Committee

- Commissioner Allen Godfrey (MN)
- Commissioner Jacey Rader (NE)
- Commissioner Hope Cooper (KS)
- Commissioner Amy Vorachek (ND)
- DCA Suzanne Brooks (OH)

DCA Liaison Committee

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

Executive Committee

- Commissioner Hope Cooper (KS)
- Commissioner Russell Marlan (MI)
- Commissioner Allen Godfrey (MN)
- DCA Tracy Hudrlik (MN)
- Commissioner Jacey Rader (NE)
- Commissioner Sara Andrews (OH)
- Commissioner Doug Clark (SD)

Finance Committee

- Commissioner Charles Lauterbach (IA)
- Commissioner Mary Kay Hudson (IN)

Information Technology Committee

- Commissioner Joselyn Lopez (WI)
- DCA Matthew Billinger (KS)
- DCA Daryn Cobb (MI)

Rules Committee

- Commissioner Joselyn Lopez (WI)
- Commissioner Doug Clark (SD)
- DCA Tracy Hudrlik (MN)

Training, Education & Public Relations Committee

- Commissioner Dara Matson (IL)
- Commissioner Amy Vorachek (ND)
- Commissioner Russell Marlan (MI)
- Commissioner Jacey Rader (NE)
- DCA Sally Reinhardt-Stewart (NE)

The Midwest Region had one new commissioner appointed in the past year, Mary Kay Hudson (IN).

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

Respectfully Submitted,

Russell Marlan

Russell Marlan, Midwest Region Chair



SOUTH REGION REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

From: Brody Burks, South Region Chair and Commissioner, State of Texas

The South Region commissioners and deputy compact administrators (DCA) met four times counting the last annual business meeting (ABM) in Orlando, Florida. The South Region had five new commissioners appointed since the last annual business meeting: Joe Winkler (FL), Martha Danner (MD), Julie Kempker (MO), Steve Turner (KY), and Lisa Helton (TN).

South Region Mission

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

South Region Goals

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

Agenda items and topics of discussion at the meetings included:

- AP 02-2018 Enhancement Requests for Electronic System Authorized by the Commission
- State updates on state council meetings
- Executive Committee updates
- The Executive Committee action on IVINS discontinuation
- 2019 Rule proposals
- Best practices, emerging trends, and training opportunities
- Definition of marriage
- Compact action request – due dates and compliance standards
- Probable cause hearing and absconders
- Current or pending legislation impacting compact cases
- ICAOS advisory opinion review
- ICAOS Benchbook revision
- Dashboard compliance email notifications
- Region and DCA region elections

South Region commissioners and DCAs serve on the following committees:

ABM Workgroup

- Commissioner Alisha James (TN)

Compliance Committee

- Commissioner James Berry (DC)
- DCA Tina Balandran (TX)

DCA Liaison Committee

- DCA Jenna James (DC)
- DCA Tim Strickland (FL)
- DCA Julie Lohman (VA)

Executive Committee

- Commissioner Brody Burks (TX)
- Commissioner Chris Moore (GA)

Finance Committee

- Commissioner Tom Langer (AL)
- Commissioner Christy Gutherz (MS)
- DCA Debbie Duke (TN)

Information Technology Committee

- Commissioner Chris Moore (GA), Chair
- DCA Julie Lohman (VA)

Rules Committee

- Commissioner Joe Winkler (FL)
- DCA Tim Strickland (FL)
- Commissioner Chris Moore (GA)
- Commissioner Brody Burks (TX)

Training, Education & Public Relations Committee

- Commissioner James Parks (VA)

Respectfully Submitted,

Brody Burks

Brody Burks, South Region Chair



WEST REGION CHAIR REPORT

Interstate Commission for Adult Offender Supervision

2019 Annual Business Meeting
San Diego, California

To: Commissioners of the Interstate Commission for Adult Offender Supervision

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

Having met four times this fiscal year, the West Region was busy submitting nine of the fifteen rule proposals for the 2019 annual business meeting. We are presenting this report regarding the region's work and activities since the 2018 Annual Business Meeting.

Agenda items and topics of discussion at the meetings included

- Discussion of rule proposals for the 2019 Annual Business Meeting;
- 2019 Bench Book revision review discussion;
- FY 2019 ICOTS enhancements and implementation;
- IVINS/ICOTS VINE Watch discussion on states changes for notification;
- ICOTS Enhancements on Return Reporting Instructions for Transferred Offenders;
- Continued discussion on best practices for supervision in tribal regions;
- DCA West Region chair report;
- DCA Liaison Committee chair nomination; and
- FY 2020 audit letters discussion.

The West Region has four new commissioners appointed since the last annual business meeting, Rebecca Brunger (AK), Jeff Green (CA), Sheri Silva (NV), and Dan Blanchard (UT) as well as two new DCAs Lorna Colver (AK) and Matthew Poyzer (AZ).

West Region Commissioners and DCAs serve on the following committees:

ABM Workgroup

- Commissioner Jeremiah Stromberg (OR)
- Commissioner Dori Litter (AZ)
- Commissioner Jeff Green (CA)
- Commissioner Roberta Cohen (NM)

Compliance Committee

- Commissioner Merideth McGrath (CO)
- Commissioner Cathy Gordon (MT)

DCA Liaison Committee

- DCA Judy Mesick (ID)
- DCA Pat Odell (WY)
- DCA Tanja Gilmore (WA)

Finance Committee

- Commissioner Sheri Silva (NV)

Executive Committee

- Commissioner Jeremiah Stromberg (OR), Chair
- Commissioner Roberta Cohen (NM)

Information Technology Committee

- Commissioner Dan Blanchard (UT)
- Commissioner Mac Pevey (WA)

Training, Education & Public Relations Committee

- Commissioner Roberta Cohen (NM)
- DCA Tanja Gilmore (WA)
- DCA Mark Patterson (OR)

Rules Committee

- Commissioner Dori Litter (AZ)
- Commissioner Pat Odell (WY)

During this upcoming year, the West Region will continue in our efforts and commitment to train on the upcoming rule proposals to further strengthen the Interstate Compact among the member states. The West Region will also continue on training on warrants to be compact compliant as we continue to move forward into the FY 2020 and FY 2021 audit.

Respectfully Submitted,

Roberta Cohen

Roberta Cohen, West Region Chair



PRESENTER BIOGRAPHIES



Judge Jennifer Bailey is a 1977 graduate of Hollins College and a 1980 graduate of West Virginia University College of Law. She also completed classes at the University of Paris (Sorbonne) and l'institut d'études politique de Paris.

She practiced law in Charleston from 1980 to 1993, completing her practice as a partner with the firm of Hamb, Poffenbarger & Bailey. She was the first full-time lawyer for the West Virginia Senate where she primarily served as Counsel to the Senate Judiciary Committee prior to her 2002 appointment by Governor Bob Wise to the bench in the Thirteenth Judicial Circuit (Kanawha County). She was thereafter elected in 2004, 2008, and 2016 and has served as Chief Judge in Kanawha County in 2008, 2013, and 2017.

Judge Bailey was instrumental in establishing the Kanawha County Day Report Center and serves on its board. Since its opening in 2009, she has presided over the Kanawha County Adult Drug Court. In 2016, the Drug Court celebrated the graduation of 100 participants since its inception.

In addition to the State of West Virginia, she is admitted to practice in the United States District Court for the Southern District of West Virginia, United States Court of Appeals for the Fourth Circuit, and the United States Supreme Court.

She has served longer than any other female circuit judge presently on the bench in West Virginia. Judge Bailey previously served on the Legislative Committee and now serves on the Education Committee and as Chairwoman of the Drug Court Judge Committee of the West Virginia Judicial Association.



Michael L. Buenger Michael L. Buenger is the executive vice-president and chief operating officer for the National Center for State Courts (NCSC), assuming his position on October 5, 2018. He holds a Bachelor of Arts, cum laude, from the University of Dayton (1983), a Juris Doctorate, cum laude, from the St. Louis University School of Law (1989), and an LLM in Public International Law, with distinction, from the Brussels School of International Studies (2011), where he is a recipient of the Ambassador John Macgregor Prize for academic excellence. He is a co-author and contributor to books on the American court system, American federalism, the law of interstate agreements, and the politics of international law. He has published articles examining

state constitutional law, state courts, judicial-legislative relations, human rights, and public international law.

Prior to joining NCSC in 2018, Mr. Buenger held several executive leadership positions in state courts and internationally over a 30-year career. He served as the administrative director of the Supreme Court of Ohio from 2015-2018. He has also served as a state court administrator for the states of South Dakota (1995-2000) and Missouri (2000-2007). From 2007 to 2010, he worked for the NCSC as a senior rule of law adviser in Kosovo, assisting the U.S. Agency for International Development and the Kosovo government on a variety of judicial, legislative, and prosecutorial reform projects. Mr. Buenger also consulted on rule of law projects in Macedonia, Egypt, and Turkey. Moreover, he recently assisted the United Nations Development Program on drafting the implementation measures for the Istanbul Declaration on Judicial Transparency.

Mr. Buenger participated in the drafting of four interstate compacts governing interstate criminal, juvenile justice, child welfare, and education matters. He provided consultation for the Council of State Governments, the Interstate Commission on Adult Offender Supervision, the Interstate Commission on Juveniles, the American Public Human Services Association, and several other federal and state agencies on interstate regulatory matters. In 2005, the NCSC inducted Mr. Buenger into the Warren E. Burger Society in recognition of his contributions to the state courts.



Brody Burks is chair of the South Region, and a delegate to the Rules Committee. He is the criminal justice policy adviser for Governor Greg Abbott of the State of Texas with responsibilities for strategic coordination of agency, stakeholder, and legislative priorities across multiple budgetary and policy areas. Specifically, his purview includes adult and juvenile criminal justice, Second Amendment rights, school safety, and indigent defense.

Prior to joining the Office of the Governor, Mr. Burks was an assistant district attorney for 9 years in Kleberg, Limestone, and McLennan counties. His practice focused on sexual and violent crimes at both the jury trial and appellate level. As a member of the Texas District and County Attorney's Association, he served as faculty adviser and speaker, training and mentoring new prosecutors.

Outside of his legal practice, Mr. Burks is a published author on the topic of military light attack aircraft acquisition. He is a former president of the Groesbeck Lions Club, YMCA t-ball coach, and an avid hiker. He is a graduate of Austin College and the Catholic University of America Columbus School of Law.



Douglas Clark is the executive director of the South Dakota Board of Pardons and Paroles for the South Dakota Department of Corrections. He holds a Bachelor of Arts in Management from the University of Sioux Falls and obtained a Graduate Certificate in Public Administration and Organizational Management from the University of South Dakota through the Governor's Leadership Excellence program.

Commissioner Clark began his career with the South Dakota Department of Corrections in 1994, as a correctional officer in the South Dakota State Penitentiary located in Sioux Falls. Throughout his career, the commissioner held numerous positions within security as well as unit management, serving as a corrections specialist in the Parole Division. Later, he became the director of field operations and South East regional supervisor for Parole Services. During these tenures, he participated in and led initiatives that include the development and implementation of the Community Risk Assessment/Re-Assessment instrument and process and Policy-Driven Response to Violation Matrix, the arming of SD parole agents, expanding the use of evidence based practices in South Dakota Parole Services, and assisting with the development and implementation of system-wide strategies and process changes resulting from the state's Justice Reinvestment Initiative in 2013.

In his current position as executive director of the Board of Pardons and Paroles, he is responsible for the oversight of all Board and Parole Services operations, and he serves as South Dakota's Commissioner to the Interstate Commission. In that capacity, he currently serves as chair of the Rules Committee following his tenure as chair for the Midwest Region.

When not working, he enjoys spending time with his family, coaching youth sports, and boating.



Judge Jonathan N. Cleary presides over Dearborn Superior Court No.1 and is elected to serve the citizens through 2020. He is a lifelong resident of Dearborn County, holds a Bachelor of Science degree from Purdue University, and is a Cum Laude graduate from the Indiana University School of Law, Bloomington.

Prior to his appointment, he served as chief deputy prosecuting attorney in Franklin County from 2007-2008 and chief deputy prosecuting attorney for Dearborn and Ohio Counties in 2006. He also served as chair of the Problem Solving Courts Committee and is the former chair for the Criminal Benchbook Committee for the Judicial Conference of Indiana. Judge Cleary is an active participant of the Regional Judicial Opioid Initiative (Indiana, Michigan, Illinois, Ohio, Pennsylvania, West Virginia, Virginia, Kentucky, and Tennessee), Board Member for Southeast Regional Community Corrections (Dearborn, Ohio, and Switzerland Counties) and a former Board Member of the Safe Passages Domestic Violence Shelter.

Judge Cleary encourages citizens to attend open court and to learn more about them. In furtherance of building links to the community and increasing understanding about the role of the court, he is honored to visit any local schools and community groups to discuss the judiciary.

His awareness of how the court affects its community shaped his work on the non-traditional judicial model. Through efforts led by the Judge and others, 100 courts across 50 counties in Indiana began operating "Problem Solving Courts." As chair of the statewide Problem Solving Court Committee, he has championed a collaborative approach to formerly adversarial proceedings, so all participants can work toward desired outcomes rather than strict incarceration and punishment.



Roberta Cohen started her career in 1994 with the New Mexico Department of Public Safety working with the Financial and Procurement Division, Crime Lab, and New Mexico Law Enforcement Academy Training and Recruiting Division. In January of 2006, she became the deputy compact administrator with the New Mexico Department of Corrections, Interstate Compact office. Subsequently, she received a 2014 appointment as Commissioner of the New Mexico Interstate Compact by Governor Susanna Martinez.

Commissioner Cohen trains all incoming basic probation and parole recruits for the New Mexico Department of Corrections and surrounding state judicial agencies around New Mexico. As well, she sits on the ICAOS Training Committee and is the chair of the West Region.

She is a graduate of Santa Fe Community College in Santa Fe, New Mexico.



Hope Cooper is the Compact Commissioner for the State of Kansas and vice-chair of the Commission. In addition, she is the deputy secretary of Juvenile and Adult Community Based Services.

Commissioner Cooper joined the Kansas Department of Corrections (KDOC) in 2008 as a program consultant in the Community Corrections Division and served as warden of the Topeka Correctional Facility prior to her promotion as the KDOC director of Community Corrections. Moreover, she previously worked as a probation officer for the U.S. District Court in Topeka and for Community Solutions, Inc., an adult day reporting center in Topeka.

She is the recipient of a Master's Degree in Counseling and a Bachelor of Arts in Psychological Sciences and Criminal Justice, both from Chadron State College in Chadron, Nebraska.



Dale Crook has decades of experience within the Vermont Department of Corrections (VTDOC). His extensive career includes positions such as correctional officer, community corrections officer, and probation officer.

In 2008, he began his policy development work in Central Office and became the manager of the Interstate Compact Office for the VTDOC. Subsequently, he became director of classification immediately preceding his current role as director of Field Services, a post he began in 2011.

Current responsibilities include the supervision of ten Probation and Parole district offices that supervise 7,700 offenders on eleven different legal statuses. As well, Commissioner Crook is the East Region chair for the Compact and a member of the National Institute of Corrections' Probation and Parole Executive Network.

He holds a Bachelor of Arts in Law Enforcement from Champlain College and a Master of Science in Administration from St. Michaels College.



Ralph Diaz was appointed by Governor Gavin Newsom as Secretary for the California Department of Corrections and Rehabilitation (CDCR) on March 27, 2019. He has over 27 years of experience in the field of corrections, serving in various leadership roles over the past five years, including Undersecretary of Operations, Deputy Director of Facility Operations, and Associate Director of High Security Institutions. Before that, Mr. Diaz served as a prison warden, correctional counselor supervisor, and correctional counselor, after starting his career as a correctional officer in 1991. He

possesses in-depth knowledge of CDCR and public safety issues, as well as hands-on institutional skills. Mr. Diaz has been instrumental in developing policies and processes that focus on staff well-being and training, inmate rehabilitation and accountability, and communication with victims and families. His own personal history, growing up in a small town in the central San Joaquin Valley, under the guidance of his mother and father, who both worked in law enforcement, contributed to his unique perspective. Mr. Diaz is proud to be a leader in CDCR, as it embraces its mission to rehabilitate the people entrusted to its care, understanding that this is key to the public safety of the people of the State of California, and to the future of the state.



Allen Godfrey is the field services director for the State of Minnesota. In his official capacity, he is responsible for the oversight of probation, parole, and the Interstate Compact Office. Through his Compact role, he serves as chair of the Compliance Committee.

He began his career working with juveniles in Hennepin County's residential facility in 1984. Over his tenure in public service, he also held positions as a probation officer, supervisor, deputy director in Dakota County, and director of Scott County Community Corrections.

While in Dakota County, he initiated the Juvenile Detention Alternative Initiative that led to the reduction of juveniles in detention, and the implementation of specialty courts. Later, he led the implementation, training, quality assurance and outcome measurement of Evidence Based Practices (EBP). Allen is a member of the State EBP Policy Committee and serves on the Minnesota Specialty Court Advisory Committee.

Commissioner Godfrey is the proud recipient of a Master's Degree in Human Services Planning and Administration.



Jeffrey Green was appointed acting director of the Division of Adult Parole Operations on June 14, 2019. Mr. Green has served as the deputy director for the Division of Adult Parole Operations since July 1, 2016. He has held several positions with the division since 2000 including chief deputy administrator, associate director, parole administrator, parole agent III, parole agent II, and parole agent I. He worked at California State Prison, Corcoran from 1996 to 2000, where he served as a correctional counselor, correctional officer, and recreational therapist. From 2005 to 2006, he was adjunct

instructor at Saint Mary's College.

Mr. Green holds a Bachelor of Science degree from California State University, Sacramento and a Master of Arts degree from Saint Mary's College.



Tracy Hudrlik graduated from University of Wisconsin-Platteville with a Bachelor of Arts Degree in Criminal Justice. She began her career with the Wisconsin Department of Corrections in 1993 as a probation and parole agent. Subsequently, she moved to Minnesota, acting as a probation officer from 1995-1999.

With an eventual return to Wisconsin, she held positions including probation and parole agent, staff program development specialist, 2nd Chance Act coordinator, reentry employment coordinator, Corrections Services supervisor and Interstate Compact administrator. From May 2013 to March 2017, Ms. Hudrlik continued in her capacity as Wisconsin's Compact administrator, directing her state's office and serving on the Rules Committee for the Compact. Further, she developed and exercised oversight of offender programming, education, employment and reentry activities for the Division of Community Corrections. As well, she represented the Division on work-groups committees that guided implementation of evidence-based practices.

Today, Ms. Hudrlik is again in Minnesota, where she serves as deputy compact administrator (DCA) for the State of Minnesota. In that capacity, she continues her national service as chair of the DCA Liaison Committee.



Ashley Lippert is the appointed Director of the National Office and serves the interests of the Commission under direction from the Executive Committee. She is responsible for the operation of the Interstate Commission and for representing the Commission to legislatures, courts, Congress, and the general public.

Ashley's career centers on public safety issues on both a state and national level. Her tenures include service as assistant director to the Interstate Commission for Adult Offender Supervision, seven years as the executive director for the Interstate Commission for Juveniles, judicial education, and pretrial work for the Administrative Office of the Courts for the Commonwealth of Kentucky.



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

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

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



Joselyn Lopez was appointed as Interstate Compact Administrator for the State of Wisconsin in June 2017. She has been a member of the Information Technology Committee since 2017 and joined the Rules Committee the following year in 2018.

Joselyn has a Bachelor of Arts in Criminology from Marquette University and a Master of Science in Criminal Justice Administration from the University of Wisconsin.

Joselyn began her career at Wisconsin Community Services as a case manager for juveniles and then transitioned to working with adults in the private sector for a non-profit organization for over 10 years, where she managed community correctional services.

Joselyn joined the Wisconsin Department of Corrections in 2010 as a Program and Policy Analyst, where she developed evidence based programming for offenders and trained staff on evidence

based practices. She is a trainer for Trauma Informed Care in the Criminal Justice System and Risk Reduction Strategies in community supervision. During her years as a Corrections Field Supervisor (2013-2017), Joselyn served on the Dane County's OWI Advisory Board where she lead risk reduction supervision strategies and provided oversight to correctional services. In her current position as Corrections Services Supervisor, Joselyn continues to provide a positive impact on others by providing statewide oversight of offender programming, staff education, employment programming, and reentry initiatives. She also serves as the Chair for the Evidence Based Decision Makers Committee.

Throughout her established and dedicated career, Joselyn has committed herself to Evidence Based Practices and demonstrated the ability to work effectively with diverse groups and populations.



Jamie Markham earned a bachelor's degree with honors from Harvard College. After his undergraduate degree, he served five years in the United States Air Force as an intelligence officer and foreign area officer. He also wrote for a travel publication, Let's Go Inc., contributing to the Russia and Ukraine chapters of Let's Go: Eastern Europe before attending law school. There, he earned a Juris Doctorate with high honors, Order of the Coif, from Duke University, where he was the editor-in-chief of the Duke Law Journal.

Following law school, Professor Markham joined the School of Government faculty at UNC in 2007. There, he was named the Albert and Gladys Coates Distinguished Term Associate Professor for 2015–2017.

Currently, he is the Thomas Willis Lambeth Distinguished Chair in Public Policy and is an extensively published and nationally respected scholar on areas of interest including criminal law and procedure, with a focus on the law of sentencing, corrections, and the conditions of confinement. He is a member of the North Carolina Bar.



Russ Marlan is the deputy director of Field Operations Administration and the Compact Commissioner for the State of Michigan. In that capacity, he serves as chair of the Midwest Region.

Commissioner Marlan began his career with the Michigan Department of Corrections (DOC) as a parole officer in Detroit. Throughout his extensive tenure in public service and corrections, he held numerous positions with increasing responsibility and effect on the corrections system in Michigan. His positions included roles such as parole supervisor and later program manager at the state's Special Alternative Incarceration (boot camp) Program, public information officer for the DOC, administrator of the Executive Bureau with responsibilities for legislative affairs and public information, and administrator for several field regions. Eventually, he became the interim and later appointed deputy director of Field Operations Administration.

The commissioner is a graduate of Michigan State University. He holds a Bachelor of Arts in Criminal Justice.



Rick Masters, formerly an assistant attorney general for the Commonwealth of Kentucky and general counsel to the Council of State Governments (CSG), is of counsel for the Interstate Commission for Adult Supervision (ICAOS). In this capacity, he represents the Commission before legal proceedings and provides interpretation and guidance as requested.

A principal draftsman of the ICAOS legislation, enacted by 50 states and three territory, Rick has published writings and speaks extensively on the subject of interstate compacts. He is a co-author of numerous articles concerning the law of interstate compacts including a law review article about the Interstate Compact for Adult Offender Supervision (See *The Interstate Compact on Adult Offender Supervision: Using Old Tools to Solve New Problems* (Fall 2003), *Roger Williams University Law Review*). As well, he is the co-author of a book on the law and use of interstate compacts (See *The Evolving Use and Changing Role of Interstate Compacts: A Practitioner's Guide* (2007), American Bar Association).

Mr. Masters received a Bachelor of Arts degree from Asbury College in 1976 and his Juris Doctorate from the Louis D. Brandeis School of Law at the University of Louisville in 1979.



Chris Moore is the Compact Commissioner for the State of Georgia. In addition, he is chair of the Technology Committee and the former chair of the South Region.

His career in community supervision began in 1989 as a probation officer. In 1998, he moved to the Central Office as a field support specialist within Sex Offender Supervision. By 2005, he was promoted to center administrator of a day reporting center and later promoted to chief probation officer.

Commissioner Moore is a 1989 Mercer University graduate with a Bachelor of Business Administration degree. He is also a certified Peace Officer Standards Training (POST) instructor and a certified alcohol and drug counselor.



Jacey Rader began her career with probation and served as an officer until her 2013 promotion to compliance officer with the Administrative Office of Probation. Soon thereafter in 2014, she became the deputy compact administrator and commissioner for the Interstate Compact for Juveniles. In 2016, Jacey served as the interim chief probation officer of District 1. Following, Commissioner Rader received her appointment as assistant deputy administrator of the Administration & Operations Division in May of 2018.

Throughout her tenure, she spearheaded the implementation of custodial sanctions on Compact transfer offenders. As well, she implemented a process to ensure entry of Compact cases into Nebraska's statewide JUSTICE system.

Today, Commissioner Rader serves as Nebraska's Compact administrator for the Interstate Commission for Adult Offender Supervision and the Interstate Commission for Juveniles (ICJ). She is chair of the Training, Education, & Public Relations Committee for the Adult Compact, and she chairs the National ICJ Compliance Committee. Moreover, she is a national trainer for interstate compact matters and serves on numerous special committees.

In addition to her work with the Compact Office, Commissioner Rader performs as a Compliance Officer for the Administrative Office of Probation and statewide District Evaluation process. Further, she is a member of the Advanced Coaching 4 Excellence (ACE) Team and is committed to advancing and supporting the implementation of evidence-based case management strategies.

Commissioner Rader is a graduate of the University of Nebraska at Lincoln with a Bachelor of Science in Criminology and Criminal Justice. She is a member of the American Probation and Parole Association (APPA) and the National Association of Probation Executives (NAPE) where she is the 2014 recipient of Probation's Rising Star Award.



Sally Reinhardt-Stewart serves as the deputy compact administrator of Parole within the Nebraska Board of Parole/Division of Parole Supervision. She has served on the ICAOS Training, Education, & Public Relations Committee since 2014.

She began her career in Nebraska Corrections in 1984, serving as an assistant to the director for nearly 22 years. From mid-1998 to June 2006, she served as the Department's legislative liaison. She accepted a position with the Washington Department of Corrections as special assistant to the secretary and was with the agency from June 2006 until March 2008, serving in the roles of legislative liaison and as constituent services contact with the legislature. Shortly after returning to Nebraska Corrections in May 2008, she joined the Parole Compact Office in October at the time the new Interstate Compact Offender Tracking System (ICOTS) started. In August 2009, she became deputy compact administrator serving in this capacity since that time.

Ms. Stewart is a member of the American Correctional Association (ACA) and is the 2018 recipient of an Excellence in Leadership award for the State of Nebraska. Sally is a graduate of Kansas City Business College.



Gary Roberge is the executive director of the State of Connecticut Judicial Branch, Court Support Services Division (JBCSSD). He directs and manages over 1,350 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 38,510 adult probation cases, 10,307 pretrial and family relations cases, and over 2,145 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 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.

Mr. Roberge also 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 a member of the Interstate Compact Adult Offender Supervision Executive Committee and the chairperson of the Finance Committee.

Commissioner Roberge is the recipient of a Bachelor of Science degree from Eastern Connecticut State University and Master of Public Administration Degree from the University of Hartford. He is also an adjunct professor in the Central Connecticut State University Criminology Department.



Judge Duane Slone, a former drug trafficking prosecutor first elected to the 4th Judicial District Circuit Court in 1998, is the co-founder (2009) of his judicial district's Drug Recovery Court. He is widely recognized as an effective collaborator and innovator for his efforts to address the Opioid Driven Addiction Crisis and currently serves as chairman of the 8 State Appalachian-Midwest Regional Judicial Opioid Initiative, the Tennessee Judicial Opioid Initiative, and the Tennessee Judicial Conference Problem Solving Committee. In addition, he is a member of the National Judicial

Opioid Task Force and the SAMHSA Advisory Committee for Women's Services.

Judge Slone and his wife Gretchen have three children, Oakland, Joseph, and Estella.



Jeremiah Stromberg is 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; program evaluations; liaison between the counties of Oregon, the Department of Corrections, and the Interstate Compact. He currently serves as chair of the Commission.

Chair Stromberg served the Oregon Board of Parole & Post-Prison Supervision from 2009–2012 as the executive director and, following an appointment by Governor John Kitzhaber, as a member of the Board. From 1997–2009, he worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; manager of the Adult Secure Residential Treatment Program; manager of the START Drug Court; manager of the Parole and Probation Domestic Violence Unit, and manager of the Local Control Supervision Unit.



Donna Strugar-Fritsch, backed by more than 30 years of health care policy, administration, program development, research and evaluation and clinical nursing experience, Donna Strugar-Fritsch considers herself a generalist. She consults on a wide range of client projects, moving seamlessly between policy and operations. She is a nationally recognized expert in correctional health care, the 340B drug discount program, and employer-sponsored health care benefits.

Donna's recent focus is on developing statewide integration of Medicare and Medicaid services for the dual eligible, establishing health insurance exchanges, and working with prison systems to manage inmate health services. In her work, she draws upon strong systems analysis and facilitation skills to help clients achieve their objectives. Her nursing background adds a patient-centered focus and clinical perspective to her work.

Her public employer clients have sustained health care cost increases of less than 4% during periods of skyrocketing insurance costs. And, her prison system clients in several states are successfully working with their Medicaid agencies to offset state and county budgets by tapping federal matching funds for inmate care.

Donna worked in the public and private sectors and in not-for-profit and for-profit settings. Prior to joining HMA, she was the director of planning and operations for a large public health institute. There, she facilitated several successful public-private-academic partnerships, managed operations, and supervised communications.

She spent nearly a decade at a state hospital association, working on quality initiatives and managing hospital behavioral health and rural health issues. She also held managed care administration positions, implementing home health care, case management, utilization systems, and protocols.

Donna holds a Master's Degree in Public Administration from Western Michigan University and a Bachelor of Science in Nursing from Michigan State University. She is a certified Correctional Health Care Professional, a National Public Health Leadership Institute Fellow, and a licensed registered nurse in Michigan.



Margaret E. Thompson graduated from Pennsylvania State University in 1977 with a Bachelor of Science degree in Vocational Rehabilitation Education and Counseling. She lived in Peru and France for the first thirteen years after graduation. Shortly after returning to the United States, she began her career in Criminal Justice as a Probation Officer with the York County Adult Probation Department and was later promoted to a Supervisor position. In 2002, Margaret was hired by the Pennsylvania Board of Probation and Parole as Director of the Interstate Probation Services Division and in 2019 became the Director of Interstate Parole, maintaining the title of Deputy Compact Administrator in both roles.

Previous involvement with the Commission includes serving as a trainer for the ICAOS Training Committee, East Region DCA Chair, the DCA Liaison Committee, and the ABM Planning Committee. Currently, she serves as an ex-officio member of the ICAOS Rules Committee and the PA State Council for the Interstate Commission for Juveniles. Margaret is the 2018 recipient of the ICAOS Executive Director Award.



COMPLIANCE COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Porthole • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order – *Allen Godfrey (MN), Compliance Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *August 22, 2019*

Discussion

- Review Compliance Committee Goals:
 - Continue to review compliance trends and make recommendations if necessary.
 - Meet and review compliance issues within 30 days of an Executive Committee referral.
 - Develop process to enhance proactive compliance.

Old Business

New Business

Adjourn



DCA LIAISON COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Embarcadero • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order – *Tracy Hudrlik (MN), DCA Liaison Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *August 12, 2019*

Discussion

- Review DCA Liaison Committee Goals:
 - Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
 - Identify issues of relevance for referral to standing committees.

New Business

Old Business

Adjourn



FINANCE COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Captain V • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order – *Gary Roberge (CT), Finance Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *August 20, 2019*

Discussion

- Financial Update
- Review Finance Committee Goals:
 - Recommend funding formula that respects the value of public funds and meets the Commission’s future technological and operational needs.
 - Recommend sustainable annual budget for approval.

Old Business

New Business

Adjourn



INFORMATION TECHNOLOGY COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Captain IV • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order – *Chris Moore (GA), Information Technology Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *May 21, 2019*

Discussion

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

Old Business

New Business

Adjourn



RULES COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Pacific D • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order - *Doug Clark (SD), Rules Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *August 19, 2019*

Discussion

- Review and Update Rules Committee Goals:
 - Incorporate evidenced based practices into rule making and decision making.
 - Present rule proposals for managing sex offender transfers based on national feedback.
 - Prepare rule proposals for the annual business meeting.
 - Evaluate effectiveness of rules related to victim notification per ABM motion.

Old Business

New Business

Adjourn



TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE MEETING AGENDA

Interstate Commission for Adult Offender Supervision

Captain III • Wyndham San Diego Bayside Hotel • San Diego, California
3:15 pm PT • October 9, 2019

Call to Order – *Jacey Rader (NE), Training, Education & Public Relations Committee Chair*

Roll Call

Approval of Agenda

Approval of Minutes – *July 9, 2019*

Discussion

- Review Training, Education & Public Relations 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 is in the best interest of public safety? What is in the best interest of the offender?

Old Business

New Business

Adjourn



SPIRIT OF THE COMPACT

Interstate Commission for Adult Offender Supervision

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

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

<http://www.interstatecompact.org/spirit-nominations>



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Sarah Ball and Doug Clark (SD) and Rick Kuttenkuler (MO)

Recently, the Nebraska Parole Compact Office became aware of a situation involving a Compact client supervised by NE Parole for Missouri. The client was in custody in a county jail on a parole hold on new felony drug charges. It was learned the Judge allowed the offender to be released to go to a treatment facility. (For the record, it has been learned the Judge was not aware of the parole hold when this decision was made.) The Parole officer supervising the client was not aware this had occurred, and upon learning of it, was informed, the client was in a treatment facility on a Reservation in South Dakota. The Nebraska Parole Compact Office reached out to South Dakota Commissioner Doug Clark, who very graciously responded they would be willing to assist in any way they could and that they do allow offenders on parole to Reservations and would be able to provide supervision of the client. The NE Parole Compact Office then reached out to Missouri DCA Rick Kuttenkuler to inform him of the situation, who was very gracious about the matter, and immediately submitted an expedited Request for Reporting Instructions to South Dakota. Parole DCA Sarah Ball approved the request and supervision was assumed. Since that time, the Transfer Request submitted by Missouri was approved by Parole DCA Ball and all states are now awaiting the client's completion of treatment in order for Nebraska to resume supervision until resolution of the drug charges. This matter has resulted in extra work for all states involved to address the situation and Commissioner Clark, DCA Kuttenkuler and DCA Ball are deserving of recognition for exercising the Spirit of the Compact. They have gone above and beyond to help ensure public safety.

Submitted by: Parole DCA Sally Reinhardt-Stewart (NE)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Sally Reinhardt-Stewart (NE)

A Kansas Parole offender was hurt in a work related accident and fell into a coma. The hospital transferred the offender to a hospital in Nebraska. Sally and the Nebraska Interstate Compact Office quickly responded to outreach and worked to make a very smooth transition in transferring supervision to their state. While we recognize that many states would assist in this process, Sally went above and beyond by making this an easy transition, creating only solutions in the situation. In addition, her patience in reporting instructions and working out the many details made the process easy on all parties involved. Sally and her team did a wonderful job in showing what the spirit of the compact really is.

Submitted by: DCA Matthew Billinger (KS)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Bryce Donahue (CA)

I would like to give recognition to Inyo County Probation Officer Bryce Donahue for his assistance in apprehending our Compact offender. Officer Donahue worked extremely hard to ensure the New Mexico Offender was located and taken into custody throughout the last few days, even though he had no obligation to do so because California had closed interest in this case.

Due to the offender's recent behavior, Officer Donahue was very concerned for the safety of the offender's children and did not believe it was in their best interest for her to be around them at this time. On July 25, after Officer Donahue confirmed the nationwide warrant was entered into NCIC, he worked with local authorities to locate the offender hiding in the attic of a parolee's residence and safely taken into custody.

Officer Donahue went above and beyond the scope of his job duties. I am very grateful for his actions and would like Officer Donahue to know that New Mexico Interstate Compact recognizes his hard work and dedication to public safety.

Submitted by: Rio Rancho Probation and Parole Supervisor Jared Haugh and Commissioner Roberta Cohen (NM)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Betty Payton (NC)

Kansas Parole received an offender that was sentenced directly to parole from the county jail with little chance for re-entry planning. Due to high mental health needs and never living in Kansas, the offender was a problem case from beginning. The family, acting on the best interest of the offender and not knowing the interstate compact rules, picked up the offender and took him to North Carolina without knowledge of the supervision agency. Upon finding this out and relaying all the information to North Carolina, they approved expedited reporting instructions within the hour. This greatly benefits the offender and communities in both states by having him supervised in the community with his most natural and best support system. Without approved RFRI, the offender likely would have absconded resulting in a concern for the safety of both North Carolina and Kansas.

Submitted by: DCA Matthew Billinger (KS)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Bamidele Olusola (TX)

John Mullaney of the Texas Compact Office received this e-mail message from Daniel Smith of the Ohio Compact Office that said, in part:

"I sent a lengthy CAR to the Texas PO (Bamidele Olusola) regarding the above offender today. First, I want to thank your PO for doing an excellent job keeping this offender on his toes. The offender is "singing the blues" about how the TX PO is supervising him. That is a good sign considering this offender is highly manipulative and pretends to not understand, etc. This offender is one of those who will need to be kept back on his heels or he will run amuck quickly. He was told numerous times that he needs to speak with his TX PO, and not call me, about his complaints. Additionally, this offender should be obtaining full-time employment which pays by payroll check. I was contacted on 3/26/2019 by the Butler County Ohio Child Support Enforcement Agency regarding this offender. At the time of the call, they were seeking his address so that they could contact him to initiate child support payments. Hence the reason he needs to be getting full time employment by 5/9/19. I am sure TX is just like everywhere else in the country and jobs are plentiful. He needs to get a job or multiple jobs equaling 40 hours per week. I need to get a payroll check stub for him so that I can provide it to Butler County Child Support so they can begin garnishing his pay.

This offender, in March of this year, was observed by the son of the victim in Butler County, Ohio. It was later learned that the offender had in fact left TX without permission and traveled to Ohio. He has since been placed on GPS.

During his phone call with me, he mentioned his ex-girlfriend calling and telling the TX PO lies about him and he appeared to be angry over this. This has caused me some concern. Please do not allow him to travel outside TX without notifying OH first. We want to be sure that the caller is protected from any unwanted contact in person or otherwise. In the future if we receive information, we would appreciate knowing that all calls will be treated as confidential. This will help us protect the callers and will encourage them to continue to provide information about him in the future.

Again, please express my gratitude to the TX PO for implementing a supervision strategy that appears to keep the offender in his lane. THANKS VERY MUCH!

Submitted by: Program Specialist John Mullaney (TX) and IC Analyst Daniel Smith (OH)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Cynthia Root and Matt Billinger (KS)

Oklahoma recently determined that a probationer had traveled to Kansas after sentencing due to receiving incorrect information from the Oklahoma court. The offender had been living in the receiving state for over three months with her family and was working two jobs. Returning to Oklahoma would have caused an unfair hardship on the offender, as she had no resources in Oklahoma and she was not at fault in returning to Kansas. Oklahoma contacted the Kansas Interstate Office and spoke to Cynthia Root, who was acting in DCA Matt Billinger's absence. Ms. Root expressed an immediate willingness to review the case and provide Reporting Instructions. This is only one example of the many times, Kansas Interstate Compact Office, under Matt Billinger's leadership, exemplified the "Spirit of the Compact" by focusing on positive reactions to solving issues related to both public safety and offender rehabilitation. Thank you Cindy and Matt for always resolving issues and contributing to positive relationships between our offices.

Submitted by: Parole Revocation Administrator Deborah Romine (OK)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Dori Littler (AZ)

On February 15, New Mexico Interstate Compact (ISC) received an after-hours call regarding an Arizona offender that came to New Mexico without permission from his local Arizona PO. New Mexico ISC called Arizona Probation DCA Dori Littler to see, if she could assist with the local Arizona PO even though this was a non-interstate case. Due to the federal holiday, DCA Littler was able to make phone calls and assist with getting a warrant in place with the local PO to hold the offender in custody for retaking upon her return. New Mexico ISC, our Espanola Probation and Parole office, and our state police applaud the assistance of DCA Littler and her ability to assist even though this was not a situation we normally would work in, as an Interstate Compact Office. DCA Littler went above and beyond to work with her stakeholders to assist New Mexico and made this public safety situation much easier to resolve. She holds the Spirit of the Compact and we are appreciative of the relationship we hold with our neighboring state.

Submitted by: Commissioner Roberta Cohen (NM)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Sarah Ball and Doug Clark (SD)

Minnesota released a high risk sex offender from a DOC facility to South Dakota on interstate compact. The offender is also on supervision in South Dakota. Minnesota required that this offender be transported by DOC staff to his placement, although South Dakota had no similar requirement. This requirement could have posed quite a problem, when crossing state lines. However, South Dakota Commissioner Doug Clark and Parole DCA Sarah Ball were contacted and readily agreed to assist in transporting the offender. Minnesota drove the offender to the South Dakota border, where a South Dakota agent met them and continued the transport to his destination. To complicate the situation, the scheduled transport had to be cancelled and rescheduled for February 13 due to inclement weather in the Midwest. South Dakota again readily assisted in rescheduling the transport as well as holding the offender's placement in South Dakota despite the change in arrival date.

Submitted by: DCA Tracy Hudrlik (MN)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Deborah Duke (TN) and P&P Staff

Ms. Duke responded promptly to a request from Virginia to consider approving Reporting Instructions or expedited investigation of the transfer request for an elderly Tennessee resident offender who had been granted parole by Virginia and could be released before Christmas. There had been confusion about his parole status and release date on the Virginia side that caused his Transfer Request to not be submitted early enough to have a reply before his earliest possible release date. Ms. Duke granted Discretionary Reporting Instructions and the Tennessee field office expedited and approved the transfer investigation within one day of the request. The offender, his family, the re-entry staff, and our unit are extremely grateful to Ms. Duke and the Tennessee P&P staff for their willingness to go above and beyond during the busy pre-holiday time. Thank you so much for always being willing to help.

Submitted by: Deputy Compact Administrator Julie Lohman (VA)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Tanja Gilmore (WA) and Stephanie Vincenti (NM)

On January 7, 2019, Washington DCA Tanja Gilmore was concerned of returned RI's for a compact offender transferred to New Mexico from Washington. During that call, DCA Gilmore was able to supply supportive information from the offender's father as well as the Washington PO to assist Commissioner Cohen to reach out to Region Manager Stephanie Vincenti of Las Cruces, NM to review the case, make further contact with the father, and determine that the plan of supervision provided by the offender's father would continue to assist the offender on his rehabilitation. The communication by DCA Gilmore and Regional Manager Vincenti was key to determine that returning the offender to Washington, was not in the best interest of the offender or public safety. DCA Gilmore and Ms. Vincenti acted in the Spirit of the Compact providing continued assistance for this offender and making this a teachable moment for both states.

Submitted by: Commissioner Roberta Cohen (NM)



SPIRIT SIGHTING RECIPIENTS

Interstate Commission for Adult Offender Supervision

Roberta Cohen (NM)

Commissioner Cohen went above and beyond the call of duty when she provided prompt assistance to Arizona regarding a non-compact absconder who was apprehended in a small town in New Mexico and who was inadvertently released on Arizona's warrant. When Arizona asked Commissioner Cohen for assistance with a high risk, dangerous probationer, who was not a compact offender, Commissioner Cohen did not hesitate to offer assistance in regard to alerting local law enforcement about this probationer. She even offered to educate her small court on nationwide warrants and waivers of extradition for non-compact cases. Commissioner Cohen has raised the standard of one of the main purposes of the Compact, *Ensuring Public Safety for the 21st Century*, to a new level, by providing assistance in a non-compact related matter. Arizona sincerely appreciates it.

Submitted by: Commissioner Dori Littler (AZ)



Interstate Commission for Adult Offender Supervision

Ensuring Public
Safety for the
21st Century

Annual Business Meeting Compact Member Attendee List

ALABAMA	 Tom Langer Commissioner	 Lee Ishman DCA	
ALASKA	 Rebecca Brunger Commissioner		
ARIZONA	 Dori Littler Commissioner/ DCA Probation	 Matthew Poyzer DCA Parole	
ARKANSAS	 Kevin Murphy Commissioner	 Linda Mustafa DCA	
CALIFORNIA	 Jeff Green Commissioner	 Chris Smalling DCA	
COLORADO	 Merideth McGrath Commissioner	 Andrews Zavaras DCA Parole	 Devon Whitefield DCA Probation
CONNECTICUT	 Gary Roberge Commissioner, Treasurer	 Natalie Latulippe, DCA Probation, DCA East Region Chair	
DELAWARE	 Terra Taylor Official Designee, DCA		
DISTRICT of COLUMBIA	 James Berry Commissioner	 Elizabeth Powell DCA	
FLORIDA	 Joe Winkler Commissioner	 Tim Strickland DCA, DCA South Region Chair	

GEORGIA



Chris Moore
Commissioner,
Technology Committee
Chair



Miriam Dyson
DCA Parole &
Probation

HAWAII



Dwight Sakai
Commissioner



Michael Knott
DCA Parole



Brook
Mamizuka
DCA Probation

IDAHO



Denton Darrington
Commissioner



Judy Mesick
DCA

ILLINOIS



Dara Matson
Commissioner/ DCA
Parole



Holly Kassube
DCA Probation

INDIANA



Mary Kay Hudson
Commissioner



Turran Blazier
DCA Probation

IOWA



Charles Lauterbach
Commissioner



Simona Hammond
DCA

KANSAS



Hope Cooper
Commissioner,
Vice-chair



Matthew Billinger
DCA,
DCA Midwest
Region Chair

KENTUCKY



Steve Turner
Commissioner



Don Werner
DCA Parole

LOUISIANA



Bobby Lee
Official Designee



Gregg Smith
DCA

MAINE



Patrick Delahanty
Commissioner



Denis Clark
DCA

MASSACHUSETTS



Gloriann Moroney
Commissioner



Michael Coelho
DCA Probation



Kevin Keefe
DCA Parole

MARYLAND



Martha Danner
Commissioner



LaShonda Lee-
Campbell
DCA

MICHIGAN



Russell Marlan
Commissioner,
Midwest Region Chair



Daryn Cobb
DCA

MINNESOTA



Allen Godfrey
Commissioner,
Compliance Committee
Chair



Tracy Hudrlik
DCA,
DCA Liaison
Committee Chair

MISSISSIPPI



Christy Guthertz
Commissioner



Richie Spears
Compact
Administrator/
DCA

MISSOURI



Julie Kempker
Commissioner



Rick Kuttenkuler
DCA

MONTANA



Cathy Gordon
Commissioner/DCA

NEBRASKA



Jacey Rader
Commissioner/ DCA
Probation,
Training Committee Chair



Sally Reinhardt-
Stewart
DCA Parole

NEVADA



Sheri Sliva
Commissioner



Deon McDaniel
DCA

NEW HAMPSHIRE



Benjamin Jean
Commissioner

NEW JERSEY



Samuel Plumeri
Commissioner



Candice Alfonso
DCA Probation



Robin Stacy
DCA Parole

NEW MEXICO



Roberta Cohen
Commissioner,
West Region Chair



Victoria Vigil
DCA

NEW YORK



Robert Maccarone
Commissioner



Matthew Charton
DCA Probation



James Carswell
DCA Parole

NORTH CAROLINA



Timothy Moose
Commissioner



Betty Payton
DCA

NORTH DAKOTA



Amy Vorachek
Commissioner

OHIO



Katrina Ransom
Commissioner



Suzanne Brooks
DCA

OKLAHOMA



Kevin Duckworth
Commissioner



Frank Mesarick
DCA

OREGON



Jeremiah Stromberg
Commissioner,
Chairman



Mark Patterson
DCA

PENNSYLVANIA



Alan Robinson
Official Designee



Margaret
Thompson
DCA Parole

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, Rules
Committee Chair



Charles Frieberg
DCA Probation



Sarah Ball
DCA Parole

TENNESSEE



Lisa Helton
Commissioner



Deborah Duke
DCA

TEXAS



Brody Burks
Commissioner,
South Region Chair



Tina Balandran
DCA



Brandon Watts
DCA












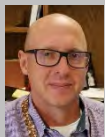

UTAH





Dan Blanchard
Commissioner



Jennifer Calvo
DCA

VERMONT	 Dale Crook Commissioner, East Region Chair	 Mark Devins Acting DCA
VIRGINIA	 Jim Parks Commissioner	 Julie Lohman DCA
U.S. VIRGIN ISLANDS	 Wynn Timer Commissioner	
WASHINGTON	 Mac Pevey Commissioner	 Tanja Gilmore DCA, DCA West Region Chair
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

Association of Prosecuting Attorneys (APA)	 David LaBahn President/CEO
American Probation and Parole Association (APPA)	 Veronica Cunningham Executive Director
Association of Paroling Authorities International (APAI)	 Lonzo Henderson
Conference of State Court Administrators (COSCA)	 Sally Holewa

Interstate Commission for Juveniles (ICJ)



Tony De Jesus

National Association of Attorneys General (NAAG)



Amy Ely

National Sheriffs' Association (NSA)



Sheriff Gabe Morgan

NATIONAL OFFICE STAFF



Ashley Lippert, Executive Director



Allen Eskridge, Policy and Operations Director



Barno Saturday, Logistics and Administrative Coordinator



Mindy Spring, Administrative and Training Coordinator



Xavier Donnelly, ICOTS Manager



Kevin Terry, Web Analyst

LEGAL COUNSEL



Rick Masters, General Counsel

Incoming and Outgoing Cases Involving Offenders on Compact Supervision as of the Close of FY 2019

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	618	3,009	90	3,642	499	1,332	3	1,823	5,465
Alaska	55	114	3	171	24	49	41	111	282
Arizona	667	1,498	-	2,118	225	2,745	-	2,955	5,073
Arkansas	659	1,647	16	2,288	1,769	1,535	15	3,306	5,594
California	1,446	4,453	80	5,889	740	2,360	1	3,080	8,969
Colorado	365	1,436	-	1,772	899	2,716	-	3,542	5,314
Connecticut	146	775	-	910	166	930	-	1,085	1,995
Delaware	179	668	6	794	11	293	8	312	1,106
District of	158	965	13	1,053	-	530	-	524	1,577
Florida	1,882	5,652	128	7,513	195	6,224	9	6,391	13,904
Georgia	1,266	4,022	18	5,204	992	7,705	457	9,027	14,231
Hawaii	45	118	-	162	131	175	-	304	466
Idaho	177	477	35	683	622	1,529	10	2,159	2,842
Illinois	1,168	3,632	-	4,703	973	2,333	-	3,269	7,972
Indiana	694	2,354	-	2,994	268	2,120	-	2,363	5,357
Iowa	301	1,177	9	1,463	463	961	6	1,413	2,876
Kansas	440	1,146	4	1,544	541	1,580	-	2,097	3,641
Kentucky	492	2,007	25	2,484	822	2,799	5	3,593	6,077
Louisiana	734	1,845	21	2,566	1,033	1,204	14	2,207	4,773
Maine	87	316	-	391	3	288	-	291	682
Maryland	568	3,117	23	3,577	506	1,573	26	1,889	5,466
Massachusetts	199	1,349	-	1,523	103	1,140	-	1,211	2,734
Michigan	695	2,065	35	2,749	475	1,133	2	1,603	4,352
Minnesota	361	1,465	38	1,831	388	2,741	3	3,033	4,864
Mississippi	626	1,480	25	2,093	500	1,602	9	2,105	4,198
Missouri	948	2,814	24	3,733	1,476	3,368	-	4,729	8,462
Montana	107	356	11	470	201	762	274	1,233	1,703
Nebraska	228	611	-	822	67	510	-	575	1,397
Nevada	279	901	25	1,188	596	1,034	5	1,625	2,813
New Hampshire	79	611	2	677	174	228	2	404	1,081
New Jersey	601	2,025	-	2,563	932	2,082	1	2,949	5,512
New Mexico	228	915	5	1,132	195	683	6	793	1,925
New York	801	3,995	3	4,643	1,599	1,987	-	3,566	8,209
North Carolina	1,128	3,809	84	4,883	353	1,140	25	1,490	6,373
North Dakota	123	835	23	960	38	463	109	602	1,562
Ohio	1,013	3,092	26	4,066	845	2,128	1	2,929	6,995
Oklahoma	882	1,834	16	2,683	184	1,464	3	1,648	4,331
Oregon	314	1,081	45	1,422	538	766	39	1,335	2,757
Pennsylvania	725	2,440	12	3,109	1,732	4,370	3	5,963	9,072
Puerto Rico	104	131	-	233	25	112	-	137	370
Rhode Island	44	432	1	471	31	843	-	868	1,339
South Carolina	566	2,286	90	2,892	201	685	4	887	3,779
South Dakota	102	452	-	547	247	436	-	681	1,228
Tennessee	938	3,514	74	4,449	396	2,707	16	3,115	7,564
Texas	2,294	4,584	-	6,747	2,701	6,913	1	9,506	16,253
Utah	183	629	15	813	204	284	2	488	1,301
Vermont	68	218	3	286	72	268	2	341	627
Virgin Islands	6	27	-	33	10	4	-	14	47
Virginia	659	1,791	33	2,435	334	6,672	54	6,741	9,176
Washington	633	1,783	119	2,514	103	663	7	770	3,284
West Virginia	186	1,222	5	1,369	559	413	-	966	2,335
Wisconsin	343	1,504	19	1,815	1,406	1,689	50	3,112	4,927
Wyoming	99	332	15	443	142	740	6	886	1,329
Total	27,709	91,011	1,219	117,515	27,709	91,011	1,219	118,046	235,561

INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

PREAMBLE

- Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections “compact” established among the states and has not been amended since its adoption over 62 years ago;

- Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;

- Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender registration;

- Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about an effective management capacity that addresses public safety concerns and offender accountability;

- Whereas: Upon the adoption of this Interstate Compact for Adult Offender Supervision, it is the intention of the legislature to repeal the previous Interstate Compact for the Supervision of Parolees and Probationers on the effective date of this Compact.

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

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

ARTICLE I

PURPOSE

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

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

ARTICLE II

DEFINITIONS

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

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

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

ARTICLE III

THE COMPACT COMMISSION

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

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

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

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

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

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

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

ARTICLE IV

THE STATE COUNCIL

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

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

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

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

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

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. By-laws

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

establishing the fiscal year of the Interstate Commission;

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

providing reasonable standards and procedures:

(i) for the establishment of committees, and

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

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

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

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

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

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

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

Section B. Officers and Staff

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

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

Section C. Corporate Records of the Interstate Commission

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

Section D. Qualified Immunity, Defense and Indemnification

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

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

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

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

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VIII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

When promulgating a Rule, the Interstate Commission shall:

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

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

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

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

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

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

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

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

Section A. Oversight

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

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

Section B. Dispute Resolution

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

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

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

Section C. Enforcement

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

ARTICLE X

FINANCE

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

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

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

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

ARTICLE XI

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

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

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

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

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

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

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

Section B. Default

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

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

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

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

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

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

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

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

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

Section C. Judicial Enforcement

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

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

Section D. Dissolution of Compact

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

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

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

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

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

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

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

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

Section B. Binding Effect of the Compact

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

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

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

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

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION BYLAWS

ARTICLE I

COMMISSION PURPOSE, FUNCTION AND BY-LAWS

Section 1. Purpose.

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

Section 2. Functions.

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

Section 3. By-laws.

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

ARTICLE II

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

MEMBERSHIP

Section 1. Commissioners

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

Section 2. Ex-Officio Members

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

ARTICLE III

OFFICERS

Section 1. Election and Succession.

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

Section 2. Duties.

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

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

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.

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

ARTICLE IV

COMMISSION PERSONNEL

Section 1. Commission Staff and Offices.

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

Section 2. Duties of the Executive Director.

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

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

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

j. Otherwise assist the Commission's officers in the performance of their duties under Article III herein.

ARTICLE V

QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

Section 1. Immunity.

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

Section 2. Defense

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

Section 3. Indemnification.

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

ARTICLE VI

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

MEETINGS OF THE COMMISSION

Section 1. Meetings and Notice.

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

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

Section 2. Quorum.

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

Section 3. Voting.

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

Section 4. Procedure.

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

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 ex-officio, non-voting, members of the executive committee and the ex-officio victims' representative, immediate past chairperson, and Chair of the DCA Liaison Committee shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Standing Committees.

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

Section 3. Ad hoc Committees.

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

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

Section 4. Regional Representatives.

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

ARTICLE VIII

FINANCE

Section 1. Fiscal Year.

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

Section 2. Budget.

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

Section 3. Accounting and Audit.

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

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

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

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

Section 4. Public Participation in Meetings.

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

Section 5. Debt Limitations.

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

Section 6. Travel Reimbursements.

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

ARTICLE IX

WITHDRAWAL, DEFAULT, AND TERMINATION

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

ARTICLE X

ADOPTION AND AMENDMENT OF BY-LAWS

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

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

ARTICLE XI

DISSOLUTION OF THE COMPACT

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

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

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



Interstate Commission for Adult Offender Supervision

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 Advisory Opinion

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

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

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]

8-2005 [determining “substantial compliance” when the offender is arrested in a receiving state during the investigation]

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

References:

ICAOS Advisory Opinions

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

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

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

“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 15th day of each month.
- (c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

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

Rule 2.103 Dues formula

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

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

Rule 2.104 Forms

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

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

Rule 2.110 Transfer of offenders under this compact

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

References:

ICAOS Advisory Opinions

- 9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
- 2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]
- 3-2012 [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]
- 4-2012 ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

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

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]
- 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]
- 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 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018.

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

9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

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

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

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

References:

ICAOS Advisory Opinions

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

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

Rule 3.104 Time allowed for investigation by receiving state

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

References:

ICAOS Advisory 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

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

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

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

Rule 3.106 Request for expedited reporting instructions

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

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

Rule 3.107 Transfer request

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

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]

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.]

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]

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

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

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.

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]

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

Rule 5.103-1 Mandatory retaking for offenders who abscond

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

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

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

REPEALED effective March 1, 2014

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

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]

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.

Rule 6.104 Judicial Enforcement

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

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

A Motion Chart for Robert's Rules

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

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

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

Making and Handling Motions According to Robert's Rules

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

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

Guidelines

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

The Rules

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

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

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

2019 ABM MEETING SPACE



PACIFIC A & B

Tuesday Sessions
Tuesday @ 8:30am

PACIFIC C

West Region
Tuesday @ 10:45am

PACIFIC D

South Region
Tuesday @ 10:45am

DCA Session

Wednesday @ 1:30pm

Rules Committee

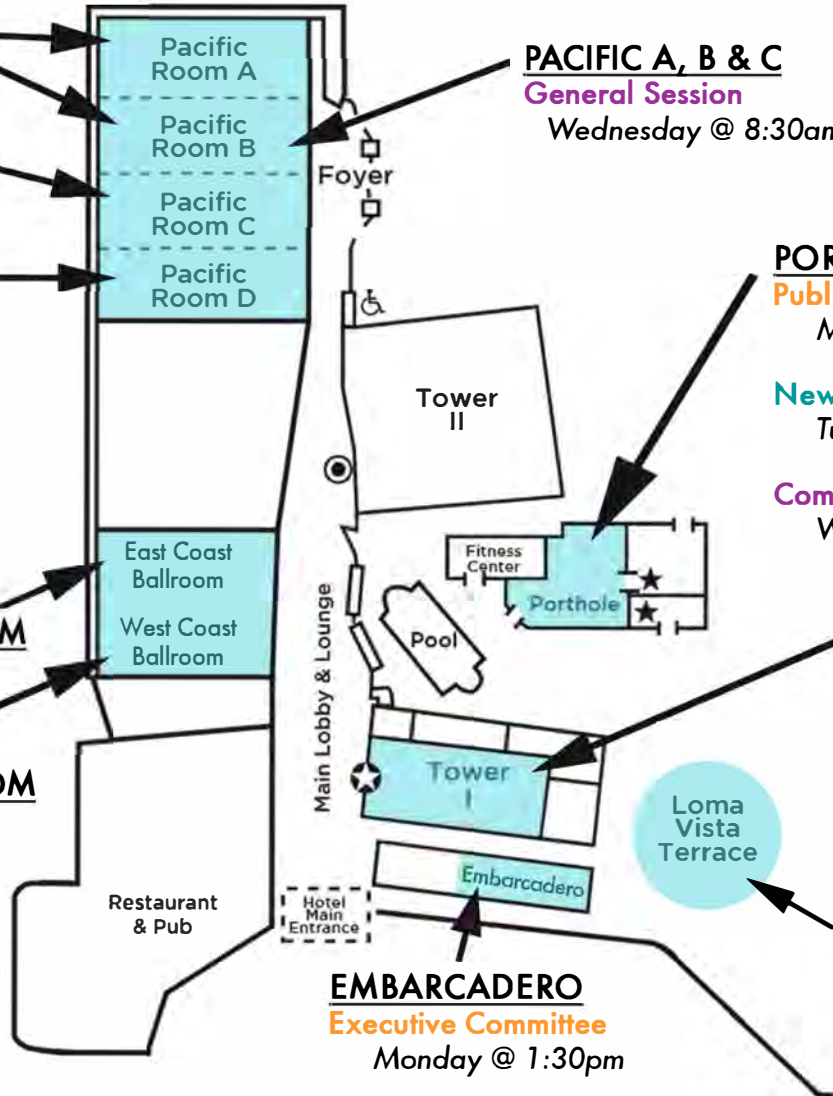
Wednesday @ 3:15pm

EAST COAST BALLROOM

East Region
Tuesday @ 10:45am

WEST COAST BALLROOM

Midwest Region
Tuesday @ 10:45am



PACIFIC A, B & C

General Session
Wednesday @ 8:30am

PORThOLE

Public Hearing
Monday @ 4:00pm

New Commissioner Lunch

Tuesday @ 12:00

Compliance Committee

Wednesday @ 3:15pm

TOWER I, 2ND FL.

Captain III - **Training Committee**
Captain IV - **Technology Committee**
Captain V - **Finance Committee**
Wednesday @ 3:15pm

LOMA VISTA TERRACE

Reception
Tuesday @ 4:45

EMBARCADERO

Executive Committee
Monday @ 1:30pm

DCA Liaison Committee

Wednesday @ 3:15pm

Executive Committee

Wednesday @ 5:00pm

San Diego Bay ↓

Broadway Pier →
Seaport Village

MONDAY
TUESDAY
WEDNESDAY

