

## 2008 Compliance Issues Survey

Questions regarding survey results can be directed to [mspring@csq.org](mailto:mspring@csq.org)

The National Office launched a survey in May 2008 to assess the significant compliance issues states are currently encountering with the ICAOS rules. The goal of this survey was to determine the top three compliance issues affecting states.

The survey was sent to Commissioners and Deputy Compact Administrators of which 65 responded from 47 states. Each participant was asked to identify and rank the issues in order of importance to their state. The results of this survey are listed below in the noted order of importance. Upon analysis, there was a pronounced divide in the top issues as being the prevailing issues, the middle 4 issues were close in rank to one another and there was another significant gap between the middle and bottom three issues.

- 1. Offenders in Receiving State without permission or reporting instructions**
- 2. Failure to complete investigations within appropriate time frame**
- 3. Failure to retake an offender**
- 4. Judges circumventing the Compact**
- 5. Rejecting mandatory transfers because the receiving state and the sending state do not agree**
- 6. Failure to submit violation or progress reports**
- 7. Incomplete applications for transfer**
- 8. Failure to conduct probable cause hearings**
- 9. Sex offenders being allowed to leave the sending state before the transfer request is approved or reporting instructions are issued**
- 10. Receiving state imposing special conditions on compact offenders that would not be impose on offenders sentenced in the receiving state**

Below are some additional comments gathered from the participants from the survey:

5. Comments	
#	Response
1	In general I think the majority of the States do really well. The one area that I think that most states are not in compliance with is re-taking.
2	These are resource and training issues, primarily.
3	The 2nd and 3rd priority issues (offenders in RS without permission & Judges circumventing) are often related. We would probably see less offenders in our state without permission if they went ordered by Judges to be here (and vice versa).
4	This survey does not allow us to weigh each of the 3 issues chosen. The way this survey is worded, choice 2 may be viewed as being only slightly less important than choice 1 and choice 3 only slightly less important than choice

	<p>2 when in fact, for my state, choice 1 is far and away the most significant compliance issue we must deal with and issues 2 &amp; 3 of only minor significance. Without the ability to give weights to each of our 3 choices I feel that your final analysis of the results may not be as informative as it could have been. Had I been asked to rate each of the three that I selected on a scale of 1 to 10 in terms of importance I would have rated my first choice a 9.5 (offenders in the receiving state without permission), my second choice (Failure to complete investigations within appropriate time frame) a 3 and my third choice (failure to retake an offender) a 1.5.</p>
5	<p>Generally, these problems are solved with a quick phone call since I get good cooperation from the other states.</p>
6	<p>Failure to respond at all or to respond appropriately to Offender Violation Reports is more the issue than receipt of the Offender Violation Report itself. Receipt of Progress Reports has always been an issue. Also incomplete transfers is not an issue often as far as the required documents being included, but rather the information provided on those documents does not give the receiving state enough historical or social information to determine whether or not the offender is a resident of the receiving state. With this new sex offender rule, it seems that judges are circumventing the compact as soon as they are aware of issues surrounding the transfer.</p>
7	<p>The failure to retake (or order the offender to return) is occurring even after 3 or more separate violation reports have been submitted.</p>
8	<p>Responses to violation reports and progress reports have been very difficult to get. About 3,700 are overdue now.</p>
9	<p>There are several other items of importance that affect compliance in our state, however, as instructed we listed the top three.</p>
10	<p>Although NJ receives violation reports from other states such reports are often incomplete.</p>
11	<p>Probation Warrants not being entered nationwide is an element in this issue.</p>
12	<p>4th Incomplete applications 5th Off. in rec. state w/out permission 6th Judges circumventing Compact process</p>
13	<p>I would suggest that "Failure to respond to violations within the appropriate time frame" be included as a choice in future surveys.</p>
14	<p>Thank you for asking!</p>
15	<p>Failure to respond to Violation Reports, and incomplete or inadequate Violation Reports were frequent complaints from line staff.</p>
16	<p>Failure to retake - rule as written/applied affords compact offenders privileges not be afforded to RS offenders.</p>
17	<p>All of these are an issue at some point or another. I have tried to narrow it down to the top three.</p>
18	<p>CT (Probation) is presently experiencing issues regarding sex offenders who are long time residents of NY and being denied transfer in various counties because of school zones.</p>