



# ICAOS ANNUAL BUSINESS MEETING 2007



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Interstate Commission for Adult Offender Supervision

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**Interstate Commission for Adult  
Offender Supervision  
2007 Annual Business Meeting  
Docket Book**

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## **Agenda**



- 8:45 am **Rules Committee Report**  
➤ *William Rankin, Chair*
- 10:45 am **Break**
- 11:00 am **Legal Counsel Report**  
➤ *Rick Masters, Legal Counsel*
- 11:30 am **Information & Technology Committee Report**  
➤ *David Guntharp, Chair*
- 12:00 pm **Lunch**  
*[On Your Own]*
- 1:00 pm **Compliance Committee Report**  
➤ *Robert Guy, Chair*
- 1:30 pm **DCA Liaison Committee Report**  
➤ *Milt Gilliam, Chair*
- 1:45 pm **Finance Committee Report**  
➤ *Scott Taylor, Treasurer*
- 2:45 pm **Break**
- 3:00 pm **Training, Education and Public Relations Committee Report**  
➤ *Ann Clarke, Chair*
- 3:15 pm **Victim Advocate Report**  
➤ *Pat Tuthill, Victim's Advocate*
- 3:30 pm **Old Business**
- 3:40 pm **Awards Presentation**
- 3:50 pm **Oath of Office**
- 4:00 pm **New Business**
- 5:00 pm **Adjourn**
- 5:30 pm **Executive Committee Meeting** *[Baja]*

**Minutes October 4-5, 2006**



## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

### ANNUAL BUSINESS MEETING

October 4-5, 2006

Pointe South Mountain Resort  
7777 South Pointe Parkway  
Phoenix, Arizona

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**Wednesday, October 4, 2006**

#### **Call to Order**

- The meeting was called to order by Chairman D. Guntharp (AR) at 8:00 a.m. MST. Chairman D. Guntharp (AR) gave welcoming remarks and an overview of the agenda.

#### **Roll Call**

- Executive Director D. Blackburn instructed the Commission on the Audience Response System (ARS) to be used during voting.
- Roll was called by Executive Director D. Blackburn. 52 of 53 members were present, thereby constituting a quorum.

- |                         |                   |
|-------------------------|-------------------|
| 1. Alabama              | Robert Oakes      |
| 2. Alaska               | Leitoni Tupou     |
| 3. Arizona              | Dori Ege          |
| 4. Arkansas             | David Guntharp    |
| 5. California           | Marilyn Kalvelage |
| 6. Colorado             | Jeanene Miller    |
| 7. Connecticut          | Theresa Lantz     |
| 8. Delaware             | Karl Hines        |
| 9. District of Columbia | Paul Quander, Jr. |
| 10. Florida             | R. Beth Atchison  |

- |                    |                   |
|--------------------|-------------------|
| 11. Georgia        | Joe Kuebler       |
| 12. Hawaii         | Ronald Hajime     |
| 13. Idaho          | Kevin Kempf       |
| 14. Illinois       | Michelle Bushcher |
| 15. Indiana        | Jane Seigel       |
| 16. Iowa           | Jeanette Bucklew  |
| 17. Kansas         | Jerry Bauer       |
| 18. Kentucky       | Lelia VanHoose    |
| 19. Louisiana      | Genie Powers      |
| 20. Maine          | Wayne Theriault   |
| 21. Maryland       | Judith Sachwald   |
| 22. Massachusetts  | Maureen Walsh     |
| 23. Michigan       | John Rubitschun   |
| 24. Minnesota      | Ken Merz          |
| 25. Mississippi    | Lora Cole         |
| 26. Missouri       | Wanda LaCour      |
| 27. Montana        | Mike Ferriter     |
| 28. Nebraska       | James McKenzie    |
| 29. Nevada         | John Allan Gonska |
| 30. New Hampshire  | Mike McAlister    |
| 31. New Jersey     | John D'Amico      |
| 32. New Mexico     | Edward Gonzales   |
| 33. New York       | Francis G. Herman |
| 34. North Carolina | Robert Lee Guy    |
| 35. North Dakota   | Warren Emmer      |
| 36. Ohio           | Harry Hageman     |
| 37. Oklahoma       | Milton Gilliam    |
| 38. Oregon         | Scott Taylor      |
| 39. Pennsylvania   | Benjamin Martinez |
| 40. Puerto Rico    | Did Not Attend    |
| 41. Rhode Island   | A. T. Wall        |
| 42. South Carolina | D. Ann Clarke     |
| 43. South Dakota   | Ed Ligtenberg     |
| 44. Tennessee      | Gary Tullock      |
| 45. Texas          | Kathie Winckler   |
| 46. Utah           | Leo Lucey         |
| 47. Vermont        | Jacqueline Kotkin |
| 48. Virginia       | James Camache     |
| 49. Virgin Islands | Arline Swan       |
| 50. Washington     | Doreen Geiger     |
| 51. West Virginia  | Henry Lowery      |
| 52. Wisconsin      | William Rankin    |
| 53. Wyoming        | Les Pozsgi        |

➤ After roll call Executive Director D. Blackburn recognized ex-officio members:

- Pat Tuthill *Victim's Representative*
- Gerald Vandewalle *Conference of Chief Justices*
- Dave Byers *Conference of State Court Administrators*

➤ The Commissioners introduced their DCAs and guests:

- |                         |   |
|-------------------------|---|
| 1. Alabama              | Rich Pierce   |
| 2. Arizona              | Mary Schamer  |
| 3. Arkansas             | Linda Strong, David Eberhart and<br>Ann Gedding                         |
| 4. California           | Nancy Sears   |
| 5. Colorado             | Sally Skiver  |
| 6. Connecticut          | Pam Mason   |
| 7. Delaware             | Alan Kerrigan   |
| 8. District of Columbia | Jody Tracey   |
| 9. Florida              | Karen Tucker  |
| 10. Georgia             | Kimberly Jones  |
| 11. Hawaii              | Sid Nakamoto, Max Otani and Miki McGarvey                               |
| 12. Idaho               | Judy Mesick   |
| 13. Indiana             | Robert Champion   |
| 14. Iowa                | Charles Lauterbach  |
| 15. Kentucky            | Angela Tolley and Amanda Burt   |
| 16. Louisiana           | Gregg Smith   |
| 17. Maryland            | Melanie Brock   |
| 18. Massachusetts       | Edward McDermott, Patrick Bradley, John<br>Talbot and Donald Giancioppo |
| 19. Michigan            | Cynthia Johnson   |
| 20. Minnesota           | Rose Ann Bisch  |
| 21. Mississippi         | Jackie Brunson-Cage and Richie Spears                                   |
| 22. Montana             | Cathy Gordon  |
| 23. Nebraska            | Kari Rumbaugh and Joan Fabian   |
| 24. Nevada              | Christopher Grebb and Kim Madras  |
| 25. New Jersey          | Debra Alt and John Gusz   |
| 26. New Mexico          | Roberta Cohen   |
| 27. New York            | Rich Bitel, Sandra Layton, Linda Valenti                                |
| 28. North Carolina      | Anne Precythe   |
| 29. North Dakota        | Chuck Placek  |
| 30. Ohio                | Katrina Ransom  |
| 31. Oregon              | Denise Stitler  |
| 32. Pennsylvania        | Colleen Fickle, Margaret Thompson                                       |
| 33. Puerto Rico         | Carmen Ayala  |
| 34. Tennessee           | Bobby Haliburton  |
| 35. Texas               | Regina Grimes and Bryan Collier   |
| 36. Utah                | Barbara Longmore  |
| 37. Virginia            | Walter Pulliam, Jr. and James Sisk                                      |

➤ Executive Director D. Blackburn introduced the staff of the National Office.

**Approval of Minutes**

- Motion to approve the January 2006, November 2002 and September 13-14, 2005 meeting minutes made by Commissioner K. Merz (MN), seconded by Vice-Chairman H. Hageman (OH). Kathy Winckler (TX) proposed changes to the minutes. Minutes were approved with the changes proposed.

**Approval of Agenda**

- Agenda approved without objection.

**By-Law Amendment**

- R. Masters, Legal Counsel, presented the proposed By-law amendment to call for making the outgoing Executive Chair an ex-officio member of the Executive Committee. 2/3<sup>rd</sup> s vote of the Commission is needed to approve the amendment.
- Motion to amend Article VII, Section 3 of the By-Laws made by Commissioner Wayne Theriault (ME), seconded by Commissioner K. Merz (MN). Motion carried fifty-one (51) votes to one (1).

**Sex Offender Ad Hoc Committee**

- Commissioner D. Ege (AZ) gave a summary of the Sex Offender Ad Hoc Committee's activities over the year and encouraged Commissioners to participate on the committee in the coming year.
- Chairman D. Guntharp (AR) announced the meeting between the Information and Technology Committee and representatives from Softscape, Inc. to take place on Wednesday, October 4, 2006.

**Rules Committee Report**

- Commissioner M. Gilliam (OK) recognized the members of the Rules Committee. He then outlined the process for determining the rule amendments to be voted on during the Annual Business Meeting. He reviewed the public hearing held on Tuesday, October 3, 2006 and outlined the process to address comments made during that hearing.
- Motion to approve the orders of the day to include the immediate adoption of Rule 2.109 made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.
- Motion to approve Rule 2.109 to be effective immediately made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried by vote of fifty-one (51) to one (1).

***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.**

**(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 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 a quorum~~ of the commissioners, take final action on the proposed rule or amendment by a vote of yes or no. ~~or by referring the rule back to the Rules Committee for further action.~~ 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 sixty 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 ninety 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.

## PASSED: Effective October 4, 2006

- Commissioner Kathy Winckler (TX) asked Commissioner M. Gilliam (OK) to cite in Rule 2.109 the provision for referring back to the Rules Committee.
- R. Masters, Legal Counsel, responded that according to Roberts Rules of Order anyone in the body may table or bring up an issue. Chairman D. Guntharp (AR) noted that the topic needed to be shifted to New Business.
- Commissioner M. Gilliam (OK) reviewed the Rules that the Committee decided not to bring for a vote at the Annual Business Meeting.
  - Definition of “Special condition”;
  - Definition of “warrant”;
  - Rule 3.108-1;
  - Rule 4.111;
  - Rule 5.106.

### **Rule 1.101**

- Relocate: Motion to adopt the proposed definition made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D’Amico (NJ). Motion carried.
  - Discussion of “90 days”.
  - Discussion of consecutive vs non-consecutive days.

“Relocate” means to remain in another state for more than **90 45 consecutive days in any 12 month period.**

## PASSED: Effective January 1, 2007

- Commissioner J. Sachwald (MD): point of order. The previous year the voting system showed how each Commissioner voted. Executive Director D. Blackburn disputed this claim and reviewed how the automatic voting system functioned. Commissioner J. Sachwald (MD) asked if the Commission would keep a record of how each Commissioner voted and D. Blackburn noted that it would.

### **Rule 2.110**

- Motion to accept the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D’Amico (NJ). Motion failed.
  - Discussion of definition of “formal”.
  - Discussion of enforcement avenues if rule passed.

### **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.

## FAILED

### *Rule 2.105*

- Motion to accept the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion failed.
  - Discussion of "due to its seriousness".
  - Discussion of felony classifications among the states.
  - Discussion that language is difficult for interpretation and enforcement.

### **RULE 2.105 Misdemeanants**

- (a) A misdemeanor offender whose sentence includes one 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 one 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 second or subsequent misdemeanor offense 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.
  - (5) **a drug offense which due to its seriousness originated as a felony and was amended to a misdemeanor.**

**FAILED****Rule 3.101**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**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 days or an indefinite period of supervision remaining; 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 a **visible** means of support.

**PASSED: Effective January 1, 2007****Rule 3.101**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

***RULE 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed;***

- (a) *Transfer of Military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be immediately eligible for reporting instructions and transfer of supervision.
- (b) *Transfer of Offenders who live with family who are members of the military-* An offender who meets the **other** criteria specified in Rules 3.101 **(a), (b), &** (c) and **3-101** (e)(2) and who lives with a family member who

has been deployed to another state, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.-

- (c) *Employment transfer of family member to another state-* An offender who meets the **other** criteria specified in Rules 3.101(a), (b), & (c) and 3.101(e)(2), and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.

**PASSED: Effective January 1, 2007**

*Rule 3.103*

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

***RULE 3.103 ~~Acceptance of the offender by receiving state; exception~~ Reporting Instructions; Probation Exception to Rule 2.110***

~~(a) A sending state shall not allow an offender under supervision in the sending state to relocate to a receiving state without the receiving state's acceptance of the transfer of supervision.~~

~~(b) Exception—~~

~~(a)(1)(A) A sending state may grant a travel permit to an offender who was living in the receiving state at the time of sentencing. A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within seven calendar days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a seven day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.~~

~~(B) This exception is not applicable to offenders released to supervision from prison.~~

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

(3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision. 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 exception 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)(3) 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.

(d)(4) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 calendar 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 a travel permit reporting instructions, or if the sending state fails to send a completed transfer request by the 15th calendar day following the granting of a travel permit reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request from the receiving state, direct the offender to return to the sending state immediately by a date specified by the sending state and the supervision responsibility shall revert to the sending state.

(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 compact member states without limitation as to specific geographic area, or an order to return no later than 10 calendar days following the offender's failure to appear in the sending state.

(C) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.

**PASSED: Effective January 1, 2007****Rule 3.104-1**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**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) 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. **This does not apply to paroling offenders. See Rule 3.105 (e)(1).**

**PASSED: Effective January 1, 2007****Rule 3.106**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE 3.106 Request for expedited reporting instructions**

- (a)(1) A sending state may request that a receiving state agree to expedited transfer 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 that agrees to expedited transfer reporting instructions for an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately issue a travel permit transmit a departure notice.

(B) 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~~ reporting instructions to the offender. ~~The sending state shall immediately transmit the signed forms electronically or by telefax to the receiving state~~ Signed forms shall be maintained in the sending state until termination of compact supervision. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

~~(C) At the time of transmission of the signed forms, the sending state shall provide the receiving state with a copy of the offender's orders and conditions, documentation of the offender's residency, copy of any available pre-sentence report, copy of any order of protection, where applicable, and whether the offender is subject to sex offender registration in the sending state.~~

(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 a ~~travel permit~~ reporting instructions no later than the seventh calendar day following the granting to the offender of the ~~travel permit~~ reporting instructions.

(d)(1) If the receiving state rejects the transfer request for an offender granted a ~~travel permit~~ reporting instructions, or if the sending state fails to send a completed transfer request by the ~~7th~~ seventh calendar day following the granting of a ~~travel permit~~ 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 immediately and the supervision responsibility shall revert to the sending state. by a date specified by the sending state

(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 compact member states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

~~(3) The receiving state shall continue to supervise the offender until a warrant is issued or notice is given by the sending state as required under Rule 4.105.~~

**PASSED: Effective January 1, 2007****Rule 4.103-1**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE ~~5.112~~ 4.103-1 *Effect of special conditions or requirements***

For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a sending state shall give the same effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.

**PASSED: Effective January 1, 2007****Rule 4.109-1**

- Motion to approve the proposed new rule made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE 4.109-1 *Authority to arrest and detain***

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

**PASSED: Effective January 1, 2007****Rule 5.102**

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE 5.102 ~~New felony offense~~ *Mandatory retaking for a new felony conviction.***

Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender's conviction for a new felony offense and —

- (a) completion of a term of incarceration for that conviction; or
- (b) placement ~~on probation~~ under supervision for that felony offense.

If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area.

**PASSED: Effective January 1, 2007**

#### *Rule 5.103*

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE 5.103** Mandatory retaking for *violations of conditions of supervision*

(a) Upon a request by the receiving state and a showing that the offender has committed three or more significant violations arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state .

(b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area.

**PASSED: Effective January 1, 2007**

#### *Rule 5.108*

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

**RULE 5.108** Opportunity for Probable cause *hearing in receiving state*

- (a) An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing in the receiving state consistent with due process requirements.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new felony 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 30 calendar 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 notify the receiving state of the decision to retake or other action to be taken within 30 calendar days of receipt of the hearing officer's report and determination.
- (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.**

**PASSED: Effective January 1, 2007**

*Rule 5.111*

- Motion to approve the proposed amendment made by Commissioner M. Gilliam (OK), seconded by Commissioner J. D'Amico (NJ). Motion carried.

*RULE 5.111 Denial of bail 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 ~~where the offender is found.~~*

**PASSED: Effective January 1, 2007**

- Commissioner M. Gilliam (OK) made a motion to give all rules approved today (with the exception of Rule 2.109) an effective date of January 1, 2007. Seconded by Commissioner J. D'Amico (NJ). Motion carried.
- The Commission recessed for the lunch at 11:30 a.m. MST.
- The Commission reconvened at 1:00 p.m. MST.

**Information & Technology Report**

- Commissioner J. Kuebler (GA), Technology Committee Chair, presented the Committee's report. The presentation recognized the Committee members & technical assistants, goals & accomplishments of the Committee, provided an overview of the ICAOS website statistics, changes and additions and reviewed the status of HelpDesk Software.
- Commissioner J. Kuebler (GA) updated the Commission on the status of NACIS and negotiations with Softscape, Inc.
- Legal Counsel R. Masters explained the contract's arbitration clause and the details of the steps necessary to invoke the clause. He then reviewed the remedies that will be pursued.
- Chairman D. Guntharp (AR) opened the floor to questions. There was discussion of arbitration and remedies as well as alternatives for vendors in the event of contract cancellation and the authority of the Executive Committee to do so. Discussion of time periods.

### Compliance Committee

- Compliance Chair W. Emmer (ND) presented the Compliance Committee report which was handed out to the Commission at the meeting. Commissioner W. Emmer (ND) gave an overview of the Committee's mission and legal actions and noted that the majority of focus for the past year had been on Rule 2.110.
- Commissioner W. Emmer (ND) gave an overview the case of Ohio v. Texas (Complaint 2-2006) and noted that Commissioner W. Emmer (ND) had been assigned to lead the investigation. Commissioner W. Emmer (ND) described the process for investigation and corrective action and outlined the Committee's recommendations to be read to record.
  - The Committee found that the state of Texas was at fault by violating Rule 2.110. A \$10,000 fine was assessed pending the implementation of a Corrective Action Plan. The fine was vacated with the completion of the Corrective Action Plan.
  - Texas submitted its Corrective Action Plan to the Committee which outlined steps for Harris County, Texas to come into compliance within one (1) year.
  - **Commissioner W. Theriault (ME) made motion to adopt the recommendations and Commissioner R. Oakes (AL) seconded. Motion carried.**
  - Commissioner D. Ege (AZ) noted that one year is an unreasonably long period for one county to have to comply and urged the Committee to make its expectations more clear.
  - Commissioner J. D'Amico (NJ) recommended that the Committee impose fines to give their recommendations teeth.
  - There was discussion about how the Committee determined the amount for the fine.
- Commissioner W. Emmer (ND) gave an overview of the case of Ohio v. Pennsylvania (Complaint 3-2006) and noted that Commissioner L. Lucey (UT) had been assigned to lead the investigation. Commissioner W. Emmer (ND) outlined the Committee's recommendations to be read to record.
  - The Committee found that the state of Pennsylvania was at fault by violating Rule 2.110. A \$10,000 fine was assessed pending the implementation of a Corrective Action Plan. The fine is to be vacated with the completion of the Corrective Action Plan.
  - W. Emmer defined the term "reasonable audit" to mean the same for Pennsylvania as for Texas.
  - **Commissioner W. Rankin (WI) made motion to adopt the recommendations and Commissioner J. Kotkin (VT) seconded. Motion carried.**
- **Motion to accept the Compliance Committee report made by Commissioner W. Theriault (ME). Commissioner J. Sachwald (MD) seconded. Report was adopted.**

- Chairman D. Guntharp (AR) made a motion to amend the agenda to allow the Finance Committee and Training Committee to make their reports today. Commissioner H. Lowery (WV) seconded. Motion carried.
- Commissioner H. Lowery (WV) made a motion to amend the agenda to change the agenda to allow for the Finance and Training Committee presentations to take place immediately following the Information and Technology Committee presentation. Commissioner J. Miller (CO) seconded. Motion carried.

### **Finance Committee Report**

- Treasurer G. Powers (LA) presented the FY 08 budget to the Commission. She also discussed the Council for State Governments' recommendation regarding cash flows in the budget. Commissioner G. Powers (LA) made a motion to adopt the FY 08 budget. Commissioner S. Taylor (OR) seconded. Motion carried.
  - Discussion of delay of NACIS and its effect on cash flows.
  - Discussion of fines against Texas and Pennsylvania vacated by Compliance Committee and the effect it has on the budget.
  - Commissioner K. Winckler (TX) asked why a line-item budget is not presented at the Annual Business Meeting. Chairman D. Guntharp (AR) noted that the National Office provides line-item budgets to Commissioners upon request.

### **Training, Education and Public Relations Committee Report**

- Chairman A. Clarke (SC) gave a summary of WebEx and usage statistics and also encouraged all Commissioners and DCAs to take advantage of them. She then discussed PO recorded sessions and how to register for live sessions. Finally she reviewed the curriculum and publications available on the website and reviewed the new bench book policy and cost. Commissioner E. Ligtenberg (SD) made a motion to accept the Training Committee report and Commissioner W. Emmer (ND) seconded. Motion passed.
- Commissioner M. Ferriter (MT) made a motion to amend the agenda to allow for regional breakouts to happen immediately. Commissioner D. Ege (AZ) seconded. Motion carried.
- The Commission reconvened as a whole at 3:25 p.m. MST. Commissioner R. Oakes (AL) made motion to recess. Commissioner W. Theriault (ME) seconded. Motion passed. Commission recessed at 3:30 p.m. MST.

### **Thursday, October 5, 2006**

#### **Call to Order**

- The meeting reconvened and was called to order by Chairman D. Guntharp at 8:06 a.m. MST.

**Roll Call**

- Roll was called by Executive Director D. Blackburn. 52 of 53 members were present, thereby constituting a quorum.

1. Alabama	Robert Oakes
2. Alaska	Leitoni Tupou
3. Arizona	Dori Ege
4. Arkansas	David Guntharp
5. California	Marilyn Kalvelage
6. Colorado	Jeaneene Miller
7. Connecticut	Theresa Lantz
8. Delaware	Karl Hines
9. District of Columbia	Paul Quander, Jr.
10. Florida	R. Beth Atchison
11. Georgia	Joe Kuebler
12. Hawaii	Ronald Hajime
13. Idaho	Kevin Kempf
14. Illinois	Michelle Bushcher
15. Indiana	Jane Seigel
16. Iowa	Jeanette Bucklew
17. Kansas	Jerry Bauer
18. Kentucky	Lelia VanHoose
19. Louisiana	Genie Powers
20. Maine	Wayne Theriault
21. Maryland	Judith Sachwald
22. Massachusetts	Maureen Walsh
23. Michigan	John Rubitschun
24. Minnesota	Ken Merz
25. Mississippi	Lora Cole
26. Missouri	Wanda LaCour
27. Montana	Mike Ferriter
28. Nebraska	James McKenzie
29. Nevada	John Allan Gonska
30. New Hampshire	Mike McAlister
31. New Jersey	John D'Amico
32. New Mexico	Edward Gonzales
33. New York	Francis G. Herman
34. North Carolina	Robert Lee Guy
35. North Dakota	Warren Emmer
36. Ohio	Harry Hageman
37. Oklahoma	Milton Gilliam
38. Oregon	Scott Taylor
39. Pennsylvania	Benjamin Martinez
40. Puerto Rico	Did Not Attend
41. Rhode Island	A. T. Wall

42. South Carolina	D. Ann Clarke
43. South Dakota	Ed Ligtenberg
44. Tennessee	Gary Tullock
45. Texas	Kathie Winckler
46. Utah	Leo Lucey
47. Vermont	Jacqueline Kotkin
48. Virginia	James Camache
49. Virgin Islands	Arline Swan
50. Washington	Doreen Geiger
51. West Virginia	Henry Lowery
52. Wisconsin	William Rankin
53. Wyoming	Les Pozsgi

### **Elections**

- Commissioner K. Merz (MN) as Chairman of the Nomination Committee introduced the two (2) candidates for Executive Chair: Commissioner W. Emmer (ND) and Commissioner M. Gilliam (OK). Commissioner D. Guntharp made a motion to close the nominations and Commissioner W. Theriault (ME) seconded. Motion passed with a voice vote.
- Both candidates gave speeches. Commissioner W. Emmer (ND) was voted in as new Executive Chair.
- Nomination Committee Chair Commissioner K. Merz then introduced the only candidate for Vice-Chair as Commissioner G. Powers (LA). Commissioner D. Guntharp (AR) made a motion to close the nominations and Commissioner G. Tullock (TN) seconded. Nomination Committee Chair Commissioner K. Merz then moved for the Commission to accept Commissioner G. Powers (LA) as Vice Chair and Commissioner W. Emmer (ND) seconded. Motion passed unanimously by voice vote. Commissioner G. Powers (LA) then spoke briefly.
- Nomination Committee Chair Commissioner K. Merz then introduced Commissioner S. Taylor (OR) and Commissioner A. Clarke (SC) as the Candidates for Treasurer. Commissioner K. Merz (MN) made a motion to close the nominations and Commissioner D. Ege (AZ) seconded. Motion passed with a voice vote.
- Both candidates gave speeches. Commissioner S. Taylor was elected as the Commission's new Treasurer.

### **Award Presentations**

- Executive Chair Award was presented to Commissioner D. Ege (AZ) by Chairman D. Guntharp (AR).
- Executive Director Award was presented to Gregg Smith (LA) by Executive Director D. Blackburn.
- Peyton Tuthill Award was presented to State Senator Robert O'Leary of Massachusetts.

- Recognition was given to the outgoing Committee Chairs for their service to the Commission.

### New Business

- Commissioner K. Winckler (TX) made a motion that Rule 3.103 be referred back to the Rules Committee. Commissioner J. Sachwald (MD) seconded. Motion passed.
- Commissioner K. Winckler (TX) made a motion that Rule 3.106 be referred back to the Rules Committee. Commissioner J. Sachwald (MD) seconded. Motion passed.
  - Commissioner J. McKenzie (NE) also requested that the Rules Committee reinstate paragraph A (2) (c) when the Rule was revisited.
- Commissioner K. Winckler (TX) made a motion that Rule 5.108 be referred back to the Rules Committee. Commissioner J. Sachwald (MD) seconded. Motion failed.
  - Counsel R. Masters noted that this was an alternative motion and therefore would need a 2/3 majority to reopen. He asked that Commissioner K. Winckler (TX) clarify whether the motion was to review or to reconsider.
  - Commissioner D. Ege (AZ) stated that she was against referring back as the Training Committee will be training on these rules and it will be hard to revise the materials again in three (3) months.
  - Commissioner J. McKenzie (NE) also stated that he was against referring the rule back as *Morrisey v. Brewer* trumps everything.
  - Commissioner F. Herman (NY) expressed his support to the comments made by Commissioners D. Ege (AZ) and J. McKenzie (NE).
- Commissioner J. Kuebler (GA) moved to ask the Rules Committee to refer back to the Rules Committee Rule 3.107 to remove sections (r) and (s). Commissioner H. Hageman (OH) seconded. Motion passed.
- Commissioner W. Theriault (ME) proposed a motion to instruct the Executive Committee to reconsider the FY 2008 budget to consider a dues increase to allow DCAs to attend meetings and trainings. Commissioner E. Gonzales (NM) seconded. Motion failed.
  - Commissioner H. Hageman (OH) stated that he was in favor of the motion but would like to offer a friendly amendment that the Executive Committee find money in the budget for the DCAs airfare only.
  - Commissioner A. Wall (RI) stated that he supports the motion.
  - Commissioner A. Swan (VI) stated that she opposed any increase of dues.
  - Commissioner S. Taylor (OR) asked if it was possible to make the motion an advisory motion.
  - Commissioner J. Sachwald (MD) stated that she opposed the motion and charged each Commissioner to find the money in their state budgets.
  - Commissioner M. Kalvalledge (CA) stated that while she supported the DCAs being at the Annual Business meeting, she is concerned that states will not pay.
  - Commissioner W. Emmer (ND) also expressed concern that states would not pay if the choice was left up to them.

- Commissioner J. Miller (CO) noted that she concurs with the Commissioners from California and Oregon and asked that the Executive Committee put out a policy statement encouraging states to send DCAs. Executive Committee Chair D. Guntharp (AR) noted that such a statement had gone out prior to the Annual Business Meeting.
  - Commissioner D. Ege (AZ) noted that the motion was not calling for a blanket dues increase but instead called for the Executive Committee research possible funding and expressed her support.
  - Executive Committee Chair D. Guntharp (AR) restated that the motion on the floor is to have the Executive Committee research the budget and possibly increase dues in FY 2008 to allow DCAs to attend the Annual Business Meeting.
  - Commissioner P. Quander, Jr. (DC): is a 2/3 majority needed or just a majority to pass the motion? Counsel R. Masters answered that only a majority was needed because the motion was to reconsider the budget that the Commissioner from Maine had already voted to approve.
  - Commissioner J. Kotkin (VT) made a motion to direct the Executive Committee to look for existing money in the FY 2008 budget to allow for the DCAs to attend the Annual Business Meeting. Commissioner K. Winckler (TX) seconded. Motion passed.
  - Commissioner D. Ege (AZ) made a motion to refer the Sex Offender Predispositional Rule to the Rules Committee. Commissioner J. Miller (CO) seconded. Motion passed.
  - Commissioner J. Siegel (IN) made a motion to have the Rules Committee look at a procedure for bifurcation of the vote on Rules when they have multiple changes in them. Motion passed.
    - Commissioner D. Ege (AZ) offered a friendly amendment to ask the Rules Committee to amend Rule 2.109.
    - Counsel R. Masters noted that a procedure could be devised in the Rules Committee.
    - Commissioner J. Siegel declined the friendly amendment.
  - Commissioner G. Tullock (TN) made a motion to send Rule 2.109 back to the Rules Committee to allow for amendments from the floor. W. Emmer (ND) seconded. Motion failed.
    - Commissioners K. Merz (MN), R. Oakes (AL) and J. McKenzie (NE) all voiced opposition.
  - T. Lantz (CT) made a motion to approve the Technology Committee report. H. Hageman (OH) seconded. Motion passed.
  - Commissioner B. Martinez (PA) made a motion to refer Rule 4.111 to the Rules Committee to look at the discrepancy between Rules 3.108 and 4.111. Commissioner J. Miller (CO) seconded. Motion passed.
- The new Executive Committee members were sworn in by Counsel R. Masters.

- Motion to adjourn made by Commissioner B. Martinez (PA), seconded by Commissioner T. Lantz. Meeting adjourned at 10:10 a.m. MST.

DRAFT

## **ICAOS Rules**

***INTERSTATE COMMISSION***

***FOR***

***ADULT OFFENDER***

***SUPERVISION***



**Adopted by the**

**Interstate Commission for Adult Offender Supervision**

**Pursuant to Articles V & VIII of the**

**Interstate Compact for Adult Offender Supervision**

**Rule effective January 1, 2007**

## **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 on Adult Offender Supervision has received that has received 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 on Adult Offender Supervision pursuant to Article V and Article VIII of the Interstate Compact on 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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# **INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

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<b>Chapter 5</b>	<b><u>Retaking</u></b>
<b>Chapter 6</b>	<b><u>Dispute Resolution and Interpretation of Rules</u></b>

## 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 with the intent of 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.

“**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 2-2004*, [See [Pacileo vs. Walker, 449 U.S. 86 \(1980\)](#), rehearing denied 450 U.S. 960 (1981); and [Michigan vs. Doran, 439 U.S. 282 \(1978\)](#)].

**“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*

**“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.

**“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 one 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, remained in another state or states for a continuous period of six 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 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.

**“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.

**“Significant violation”** means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

**“Special condition”** means a condition or term that is added to the standard conditions of parole or probation by either the sending or receiving state.

**“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](#), [9-2004](#)*

**“Supervision”** means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement 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 Opinion [8-2004](#), [3-2005](#)*

**“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 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.

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

**History:** Adopted November 3, 2003. Rule 1.101(h) amended October 26, 2004; Rule 1.101(r) amended October 26, 2004; Rule 1.101(s) amended October 26, 2004; Rule 1.101(aa) adopted October 26, 2004; Rule 1.101 (bb) amended October 26, 2004; Rule 1.101(ee) amended September 13, 2005; Rule 1.101(ff) amended September 13, 2005; Rule 1.101(ii) adopted September 13, 2005; Rule 1.101(jj) adopted September 13, 2005; Rule 1.101(r) amended September 13, 2005; “relocate” amended October 4, 2006.

## 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.

***RULE 2.102 Data collection and reporting***

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

**History:** Adopted November 3, 2003; amended September 14, 2005.

**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 days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (d)(1) The dues formula is the—  
(Population of the state **divided by** Population of the United States) **plus** (Number of offenders sent from and received by a state **divided by** Total number of offenders sent from and received by all states) divided by two.
- (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.

***RULE 2.104 Forms***

States shall use the forms or electronic information system authorized by the commission for all communication regarding offenders between or among states.

**History:** Adopted November 3, 2003.

***RULE 2.105 Misdemeanants***

- (a) A misdemeanor offender whose sentence includes one 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 one 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 second or subsequent misdemeanor offense 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 [3-2005](#), [4-2005](#), [7-2006](#), [16-2006](#)*

**History:** Adopted November 3, 2003; amended March 12, 2004; amended October 26, 2004.

***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 intervention program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

*References:*

*ICAOS Advisory Opinion [June 30, 2004, 6-2005](#)*

**History:** Adopted November 3, 2003; amended March 12, 2004; amended October 26, 2004.

***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.

***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.

***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.
- (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 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 sixty 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 ninety 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.

*References:*

*ICAOS Advisory Opinion [3-2006](#)*

**History:** Adopted November 3, 2003; amended September 13, 2005; amended October 4, 2006.

***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.

*References:*

*ICAOS Advisory Opinion [3-2004](#), [9-2006](#)*

**History:** Adopted November 3, 2003; amended September 13, 2005.

### 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 days or an indefinite period of supervision remaining; 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 a means of support.

*References:*

*ICAOS Advisory Opinion* [7-2004](#), [9-2004](#), [3-2005](#), [4-2005](#), [7-2005](#), [8-2005](#), [6-2006](#),  
[13-2006](#), [15-2006](#)

**History:** Adopted November 3, 2003; amended October 26, 2004; amended September 13, 2005; amended October 4, 2006

***RULE 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed;***

- (a) *Transfer of military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be immediately eligible for reporting instructions and transfer of supervision.
- (b) *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 immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
- (c) *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, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.

**History:** Adopted September 13, 2005; amended October 4, 2006

***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
- (b) The sending state must 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

*References:*

*ICAOS Advisory Opinion [8-2006](#)*

**History:** Adopted September 13, 2005.

***RULE 3.102    Submission of transfer request to a receiving state***

- (a) Subject to the exception in Rule 3.103 (b), 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) Subject to the exception in Rule 3.103 (b), the receiving state shall be given the opportunity to investigate the proposed plan of supervision prior to allowing the offender to leave the sending state.

*References:*

*ICAOS Advisory Opinion [3-2004](#), [9-2006](#)*

**History:** Adopted November 4, 2003.

***RULE 3.103 Reporting Instructions; Probation Exception to Rule 2.110***

- (a)(1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within seven calendar days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a seven day travel permit to an offender who was living in the receiving state at the time of sentencing. 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 two business days following receipt of such a request from the sending state.
- (3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Signed forms shall be maintained in the sending state until termination of compact supervision. 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 exception 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 calendar 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 calendar 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 immediately and the supervision responsibility shall revert to the sending state.
- (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 compact member states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

*References:*

ICAOS Advisory Opinion [3-2004](#), [1-2006](#)

**History:** Adopted November 4, 2003; amended October 26, 2004; amended October 4, 2006.

***RULE 3.104 Time allowed for investigation by receiving state***

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45<sup>th</sup> calendar day following receipt of a completed transfer request in the receiving state's compact office. Receipt of completed transfer request shall be presumed to occur by the fifth business day following transmission.
- (b)(1) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state of that determination and the nature of the incompleteness no later than five business days following receipt of the transfer request by the receiving state.
- (2) A sending state that has been notified of an incomplete transfer request shall, within five business days following receipt of notice of incompleteness, remedy the incompleteness by providing the missing material or demonstrating good cause why the incompleteness cannot be remedied within five business days, which the receiving state shall consider. Receipt by the sending state of notice of an incomplete transfer request shall be presumed to occur by the fifth business day following transmission by the receiving state.
- (3) The 45-calendar-day period for investigation of and response to a sending state's request for transfer of an offender's supervision shall be suspended until the sending state supplies the missing material in the transfer request.

*Reference:*

ICAOS Advisory Opinion [5-2006](#)

**History:** Adopted November 4, 2003; amended October 26, 2004.

***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) 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.

**History:** Adopted October 26, 2004; amended September 13, 2005 amended October 4, 2006.

***RULE 3.105 Request for transfer of a paroling offender***

- (a) A sending state shall submit a completed request for transfer of a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date.
- (b) A sending state shall notify a receiving state of the offender's date of release from prison or if recommendation for parole of the offender has been withdrawn or denied.
- (c) (1) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the fifth calendar day following the offender's intended date of departure from the sending state.
  - (2) A receiving state that withdraws its acceptance under Rule 3.105 (c) (1) shall immediately notify the sending state.
  - (3) Following withdrawal of the receiving state's acceptance, a sending state must resubmit a request for transfer of supervision of a paroling offender in the same manner as required in Rule 3.105 (a).

*References:*

ICAOS Advisory Opinion [5-2005](#)

**History:** Adopted November 4, 2003.

**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 that agrees to expedited reporting instructions for an offender shall immediately issue reporting instructions for the offender, and a sending state shall immediately transmit a departure notice.
- (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. Signed forms shall be maintained in the sending state until termination of compact supervision. 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 seventh calendar day following the granting to the offender of the reporting instructions.
- (d)(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 seventh calendar 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 immediately and the supervision responsibility shall revert to the sending state.
- (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 compact member states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

**History:** Adopted November 4, 2003; amended October 26, 2004; amended October 4, 2006.

**RULE 3.107 Application for transfer of supervision**

An application for transfer of supervision of an offender shall contain—

- (a) offender's full name and any aliases by which the offender is known;
- (b) indication of whether the offender seeks transfer to the receiving state based on residency in the receiving state, family residing in the receiving state, or consent of the receiving state;
- (c) name, address, and telephone number of family in the receiving state if the offender bases the transfer request on family's residency in the receiving state;
- (d) offender's proposed residence in the receiving state;
- (e) offender's current or prospective employer in the receiving state;
- (f) offender's criminal justice identification number in the sending state;
- (g) offender's date of birth;
- (h) offender's social security number, if known;
- (i) county of conviction or imposition of supervision;
- (j) indication of the type of criminal justice supervision to which the offender has been sentenced;
- (k) instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
- (l) offender's criminal history;
- (m) notice, if applicable, indicating that the supervision of the offender is a victim-sensitive matter;
- (n) date supervision is to begin, if known;
- (o) date supervision is to terminate, if known;
- (p) name and title of supervising officer;
- (q) signed "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the sending state" and "Waiver of Extradition";
- (r) signed "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" form;
- (s) signed "Authorization for Release of Medical and Psychological Information" form;
- (t) photograph of offender;
- (u) conditions of supervision;
- (v) any orders restricting the offender's contact with victims or any other person;
- (w) any known orders protecting the offender from contact with any other person;
- (x) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
- (y) judgment and commitment documents;
- (z) pre-sentence investigation report, if available;
- (aa) supervision history, if available;
- (bb) 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.
- (cc) medical information, if available; and
- (dd) psychological evaluation, if available.

*References:*

*ICAOS Advisory Opinion [1-2005](#), [5-2005](#), [FBI legal Opinion](#)*

**History:** Adopted November 4, 2003; amended October 26, 2004.

**RULE 3.108 Victim notification**

(a) *Notification to victims upon transfer of offenders*

Within one 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) Commits a significant violation;

(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 fifth business day following the receipt of the request.

**History:** Adopted November 4, 2003.

***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 ten 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 fifth 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 five 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.

***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](#)*

**History:** Adopted November 4, 2003.

## Chapter 4

### Supervision in Receiving State

#### ***RULE 4.101 Manner and degree of supervision in receiving state***

A receiving state shall supervise an offender transferred under the interstate compact in a manner determined by the receiving state and consistent with the supervision of other similar offenders sentenced in the receiving state.

*References:*

*ICAOS Advisory Opinion [2-2005](#), [5-2006](#)*

**History:** Adopted November 4, 2003.

***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..

***RULE 4.103 Special conditions***

- (a) At the time of acceptance or during the term of supervision, the compact administrator or supervising authority in the receiving state may impose a special condition on an offender transferred under the interstate compact if that special condition would have been imposed on the offender if sentence had been imposed in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose or has imposed a special condition on the offender, the nature of the special condition, and the purpose.
- (c) A sending state shall inform the receiving state of any special 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 special condition imposed in the sending state shall notify the sending state of its inability to enforce a special condition at the time of request for transfer of supervision is made.

*References:*

*ICAOS Advisory Opinion [2-2005](#)*

**History:** Adopted November 4, 2003; amended September 13, 2005.

***RULE 4.103-1 Effect of special conditions or requirements***

For purposes of revocation or other punitive action against an offender, the probation or paroling authority of a sending state shall give the same effect to a violation of special conditions or requirement imposed by a receiving state as if those conditions or requirement had been imposed by the sending state. Failure of an offender to comply with special conditions or additional requirements imposed by a receiving state shall form the basis of punitive action in the sending state notwithstanding the absence of such conditions or requirements in the original plan of supervision issued by the sending state. For purposes of this rule, the original plan of supervision shall include, but not be limited to, any court orders setting forth the terms and conditions of probation, any orders incorporating a plan of supervision by reference, or any orders or directives of the paroling or probation authority.

**History:** Adopted October 26, 2004; amended October 4, 2006.

***RULE 4.104 Offender registration in receiving 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.

**History:** Adopted November 4, 2003.

***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 a travel permit, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, by telephone, electronic mail or telefax 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 a travel permit, 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, by telephone, electronic mail or telefax 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 in the reporting instructions.

(d) A receiving state that withdraws its reporting instructions or subsequently determines that an offender granted a travel permit has absconded, shall immediately notify the sending state.

**History:** Adopted November 4, 2003.

***RULE 4.106 Progress reports***

- (a) A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown.
  
- (b) A progress report shall include—
  - (1) offender's name;
  - (2) offender's residence address;
  - (3) offender's telephone number and electronic mail address;
  - (4) name and address of offender's 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.

**History:** Adopted November 4, 2003; amended October 26, 2004.

**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 Opinion [2-2006](#), [14-2006](#)

**History:** Adopted November 4, 2003.

***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](#)*

**History:** Adopted November 4, 2003.

***RULE 4.109 Violation reports***

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
  
- (b) A violation report shall contain—
  - (1) offender's name and location;
  - (2) offender's state-issued identifying numbers;
  - (3) date of the offense or infraction that forms the basis of the violation;
  - (4) description of the offense or infraction;
  - (5) status and disposition, if any, of offense or infraction;
  - (6) dates and descriptions of any previous violations;
  - (7) receiving state's recommendation of actions sending state may take;
  - (8) name and title of the officer making the report; and
  - (9) 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.
  
- (c)(1) The sending state shall respond to a report of a violation made by the receiving state no later than ten business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the fifth business day following its 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.*

***RULE 4.109-1            Authority to arrest and detain***

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

***History:*** *Adopted October 4, 2006*

***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," the "Agreement to Return on Demand of the sending state" and the "Consent to Random Drug Testing and to Searches Based on Reasonable Suspicion" forms, 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; amended October 26, 2004.

***RULE 4.111 Return to the sending state***

- (a) Upon an offender's request to return 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.
- (b) The sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.
- (c) A receiving state shall notify the sending state as required in Rule 4.105 (a).

**History:** Adopted November 4, 2003; amended October 26, 2004.

***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) (A) Notification to the sending state of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.  
(B) After 90 days the sending state shall be responsible for the offender.
  - (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 under Rule 5.101.
- (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.

*References:*

ICAOS Advisory Opinion [11-2006](#)

**History:** Adopted November 4, 2003; amended October 26, 2004.

## Chapter 5

### Retaking

#### ***RULE 5.101 Retaking by the sending state***

- (a) Except as required in Rules 5.102 and 5.103, at its sole discretion, a sending state may retake an offender, unless the offender has been charged with a subsequent criminal offense in the receiving state.
- (b) If the offender has been charged with a subsequent criminal offense in the receiving state, the offender shall not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, or the offender has been released to supervision for the subsequent offense.

*References:*

ICAOS Advisory Opinion [12-2006](#)

**History:** Adopted November 4, 2003.

***RULE 5.102 Mandatory retaking for a new felony conviction***

Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender's conviction for a new felony offense and —

- (a) completion of a term of incarceration for that conviction; or
- (b) placement under supervision for that felony offense.

If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area.

**History:** Adopted November 4, 2003; amended October 26, 2004; amended October 4, 2006.

***RULE 5.103 Mandatory retaking for violations of conditions of supervision***

- (a) Upon a request by the receiving state and a showing that the offender has committed three or more significant violations arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state .
  
- (b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area.

*References:*

*ICAOS Advisory Opinion [9-2004](#), [2-2005](#), [10-2006](#)*

**History:** Adopted November 4, 2003; amended October 4, 2006.

***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.

***RULE 5.105 Time allowed for retaking an offender***

A sending state shall retake an offender within 30 calendar days after the decision to retake has been made or upon release of the offender from incarceration in the receiving state.

**History:** Adopted November 4, 2003.

***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..

***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.

***RULE 5.108 Probable cause hearing in receiving state***

- (a) An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing in the receiving state consistent with due process requirements.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new felony 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 30 calendar 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 notify the receiving state of the decision to retake or other action to be taken within 30 calendar days of receipt of the hearing officer's report and determination.
- (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*

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

*Ogden v. Khundt*, 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),

*Interstate Commission for Adult Offender Supervision Rules Effective January 1, 2007*

*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; amended October 4, 2006.

***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.

***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.

***RULE 5.111 Denial of bail 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; amended October 4, 2006.

## 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 one 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 ten 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.

***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 one neutral arbitrator or a panel of arbitrators not to exceed three 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.

**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 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.
- (c) 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.
- (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.

***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.

## **ICAOS Bylaws**

# INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION BYLAWS

## ARTICLE I

### COMMISSION PURPOSE, FUNCTION AND BY-LAWS

#### *Section 1. Purpose.*

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

#### *Section 2. Functions.*

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

#### *Section 3. By-laws.*

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

## ARTICLE II

## **MEMBERSHIP**

### ***Section 1. Commissioners***

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

### ***Section 2. Ex-Officio Members***

The Commission membership shall also include 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 member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. In addition representatives of the National Institute of Corrections, the American Parole and Probation Association and Association of Paroling Authorities International shall be ex-officio members of the Commission.

## **ARTICLE III**

### **OFFICERS**

#### ***Section 1. Election and Succession.***

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

#### ***Section 2. Duties.***

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

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

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

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

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

### ***Section 3. Costs and Expense Reimbursement.***

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

### ***Section 4. Vacancies.***

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

## **ARTICLE IV**

### **COMMISSION PERSONNEL**

#### ***Section 1. Commission Staff and Offices.***

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

or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

***Section 2. Duties of the Executive Director.***

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

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

**ARTICLE V**

**QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION**

***Section 1. Immunity.***

The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any

**History:** Adopted November 20, 2002; amended November 3, 2003; amended October 27, 2004; amended September 13, 2005; amended October 4, 2006

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

### ***Section 2. Defense***

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

### ***Section 3. Indemnification.***

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

## **ARTICLE VI**

### **MEETINGS OF THE COMMISSION**

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

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

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

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

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

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

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

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

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

## ARTICLE VII

### COMMITTEES

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

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

#### *Section 2. Other Committees.*

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee; Rules Committee; Compliance Committee; Information Technology Committee; and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

#### *Section 3. 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.

## ARTICLE VIII

### FINANCE

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

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

**History:** Adopted November 20, 2002; amended November 3, 2003; amended October 27, 2004; amended September 13, 2005; amended October 4, 2006

## ***Section 2. Budget.***

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

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

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

The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

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

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

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

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

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

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary

expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

## **ARTICLE IX**

### **WITHDRAWAL, DEFAULT, AND TERMINATION**

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

## **ARTICLE X**

### **ADOPTION AND AMENDMENT OF BY-LAWS**

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

## **ARTICLE XI**

### **DISSOLUTION OF THE COMPACT**

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

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

## **ICAOS Statute**

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

**PREAMBLE**

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

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

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

## **ARTICLE I**

### **PURPOSE**

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

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

## **ARTICLE II**

### **DEFINITIONS**

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

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

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

### **ARTICLE III**

#### **THE COMPACT COMMISSION**

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

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

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

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

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

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

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

#### **ARTICLE IV**

#### **THE STATE COUNCIL**

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

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

## **ARTICLE V**

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

The Interstate Commission shall have the following powers:

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

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

## ARTICLE VI

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. By-laws

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

establishing the fiscal year of the Interstate Commission;

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

providing reasonable standards and procedures:

(i) for the establishment of committees, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VII**

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VIII**

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

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

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

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

When promulgating a Rule, the Interstate Commission shall:

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

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

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

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

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

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

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

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

**Section A. Oversight**

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

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

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

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

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

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

### **Section C. Enforcement**

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

## **ARTICLE X**

### **FINANCE**

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

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

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

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

## **ARTICLE XI**

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

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

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

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

## **ARTICLE XII**

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

### **Section A. Withdrawal**

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

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

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

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

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

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

### **Section B. Default**

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

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

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

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

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

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

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

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

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

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

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

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

**Section D. Dissolution of Compact**

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

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

**ARTICLE XIII**

**SEVERABILITY AND CONSTRUCTION**

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

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

**ARTICLE XIV**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

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

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

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

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

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

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

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

**Interstate Commission for Adult Offender Supervision  
State Statutes**

<b><u>STATE</u></b>	<b><u>STATUTE</u></b>
Alaska	AS 33-36-3
Alabama	AL ST Sec 15-22-1-1
Arkansas	ACA 12-15-101
Arizona	ARS 31-467
California	Cal. Penal Code 11180
Colorado	CRSA §§ 24-60-2802
Connecticut	CGSA Sec 54-133
Delaware	Delaware Code, Title 11, Chapter 43, §4358 and §4359
District of Columbia	DC ST § 24-133
Florida	FSA 949-07
Georgia	Code 42-9-81
Hawaii	HRS 353B-1
Iowa	ICA Sec 907B-2
Idaho	IC § 20-301
Illinois	45 ILCS 170
Indiana	IC 11-13-4.5
Kansas	K.S.A. § 22-4110
Kentucky	KRS § 439-561
Louisiana	LSA RS 15-574-31
Maine	LD 311 (HP 254)
Maryland	MD Code Correctional Sec 6-201
Massachusetts	Chapter 121 of the Acts of 2005
Michigan	MCLA 3-1012
Minnesota	MN ST 243.1605
Missouri	VAMS § 589.500
Mississippi	MS Code: § 47-7-81
Montana	MCA 46-23-1115
North Carolina	NCGSA 148-4B
North Dakota	NDCC 12-65-01
Nebraska	NE 29-2254
New Hampshire	Section 651-A:29
New Jersey	NJSA 2A:168-26
New Mexico	NMSA 1978 Sec 31-5-20
Nevada	NRS 213-215
New York	Executive Law § 259-MM
Ohio	RC Sec 5149-21
Oklahoma	22 Okl St Ann §§ 1091
Oregon	ORS Sec 144-600
Pennsylvania	61 P.S. § 324.1
Puerto Rico	(P. del S. 2141), 2004, ley 208
Rhode Island	RI ST 13-9.1-1
South Carolina	SDCL Sec 24-16A-1

**Interstate Commission for Adult Offender Supervision  
State Statutes**

South Dakota	SD ST 24-24-16A
Tennessee	TCA 40-28-41
Texas	Texas Government Code Section 510.00 et seq.
Utah	UCA 1953 Sec 77-28C-103
Virginia	§§ 53.1-172 and 53.1-174
Virgin Islands	Act No. 6730, Bill No. 26-0003
Vermont	28 VSAT 22 § 1351
Washington	WA ST 9-94A-745
Wisconsin	WSA 304-16
West Virginia	WVC § 28-7-1
Wyoming	WY ST SEC 7-13-423

## **Proposed Rule Amendments**

# **Annual Report of the Interstate Commission for Adult Offender Supervision Rules Committee**

**September 26, 2007**

**Mr. Chairman and members of the Interstate Commission for Adult Offender Supervision:**

Since the 2006 ICAOS Annual Business Meeting, the Standing Committee on Rules has worked diligently to carry out its responsibility to administer the rule-making procedures defined by the interstate compact and ICAOS rules. The committee's attention has been focused on the following areas:

- Consideration of rules referred by the full commission at the 2006 business meeting;
- Issues identified in ICAOS Dispute Resolutions and Advisory Opinions as meriting review;
- Development of rules proposed by regional or standing committees; and
- Consideration and development of Rules Committee proposals.

In December, the committee adopted a business calendar, setting out a timeline for action on proposals. The primary consideration in developing the schedule was to assure that commissioners and compact staff had sufficient time to introduce, review and discuss proposals well in advance of taking final action at the annual business meeting. Emphasis was placed on promoting discussions within ICAOS regions and soliciting comments on the ICAOS website. A total of 39 states posted comments and suggestions at one or more points during the rule-making process.

Apart from special action required for proposals received from the Executive Committee, the committee was able to adhere to the general outlines of the schedule.

## **CONSIDERATION OF RULES REFERRED BY THE FULL COMMISSION**

At the 2006 Annual Business Meeting, the commission voted to return Rules 3.103, 3.106 and 4.111 to the Rules Committee for reconsideration. The commission did not provide the committee with specific instructions for revising the rules. The committee solicited input from the commissioners and other compact staff through the ICAOS website. Based on the comments and members' understandings of the issues raised at the business meeting, the committee drafted proposed revisions to the referred rules. The draft proposals were posted for comment. In June, the committee approved and referred final proposals for each rule to the full commission for action.

A revision to 3.107 was referred at the request of the Technology Committee. The Rules Committee made technical adjustments to the proposal, which is ready for final action by the commission.

The commission also referred a proposal to create Rule 3-105-1 *Pre-Dispositional Transfer Requests*, drafted by the *ad hoc* Sex Offender Committee. This proposal was posted for comment. Based on the comments received, the committee has forwarded the proposal with a recommendation against passage.

#### ISSUES IDENTIFIED IN ICAOS DISPUTE RESOLUTIONS AND ADVISORY OPINIONS

The committee considered several issues raised in Advisory Opinions and one Dispute Resolution. The issues were:

- Should a rule be adopted requiring a state to issue a warrant upon notification from the receiving state that an offender has absconded? Should the sending state be required to enter the warrant in NCIC? (See Advisory Opinion 12-2006)
- Should an offender transferred under the “mandatory” provisions of 3.101 be subject to retaking and return to the sending state if the offender’s eligibility status changes subsequent to the transfer? (See Advisory Opinion 15-2006)
- Should Rule 4.109-1 and/or Rule 5.108 be revised to clarify the authority and obligations of states upon a violation of terms and conditions of supervision? (See Advisory Opinion 17-2006)
- Should a rule be enacted to require a receiving state to issue reporting instructions and accept transfer of an offender who is subject to federal supervision and who is placed in the receiving state by federal authorities? (See Dispute Resolution 2-2006)

The committee drafted proposals to create or amend rules to address the issues raised by Advisory Opinions 12-2006, 17-2006 and Dispute Resolution 2-2006. The committee did not draft a proposal in response to Advisory Opinion 15-2006, in part because a draft proposal was received from a region committee. The committee’s proposals were posted for comment. Upon review of the comments, the committee voted to withdraw the proposal regarding offenders under federal supervision. Final versions of the remaining proposals were approved and forwarded to the commission for final action.

#### RULES PROPOSED BY REGIONAL OR STANDING COMMITTEES

The committee received a total of nine (9) draft proposals from regional or standing committees. These include two new proposals drafted by the *ad hoc* Sex Offender Committee and referred by the Executive Committee. As required by Rule 2.109 (b), each draft proposal was provided to all

commissioners for review and comment. Based upon the comments received and the committee's review, the Rules Committee revised proposals where necessary for purposes of technical accuracy, clarity or consistency with other rules. Final drafts of each proposal were prepared and forwarded to the commission for final action.

#### DEVELOPMENT OF RULES COMMITTEE PROPOSALS.

A goal of the Rules Committee is to eliminate technical errors in existing rules, reduce confusing or conflicting language, and promote consistent practices. The Rules Committee identified several issues in existing rules and drafted amendments to correct those concerns. The committee also heard from members who proposed policy issues for action by the commission. Proposals approved by a majority of the committee members were posted for comment. Based on comments received and further review by the committee, proposals were forwarded to the commission for final action or, in some cases, withdrawn.

The wordings and justifications for the proposals referred for final action at the 2007 Annual Business Meeting were published in mid-August on the ICAOS website with a notice of the Public Hearing scheduled for September 24, 2007. Those proposals are attached and ready for the commission's action. A complete list of proposals received and acted upon is provided in an Addendum to this report.

At the 2006 Annual Business Meeting, the commission charged the Rules Committee with dividing proposals, where feasible, when a proposal contains multiple issues of substance. This is to assure that commissioners will not be forced to vote for (against) one provision because the commissioner supports (opposes) a separate provision in the same rule. The Rules Committee has reviewed each proposal with this in mind, and will present divided motions to the commission a proposal contains separate and independent substantive issues.

Finally, the committee would be remiss if it did not recognize the invaluable assistance provided by the national office staff. In addition to coordinating on-site and teleconference meetings, staff diligently tracked the myriad of motions made and revisions offered, while gently guiding the committee back on track when it lost its bearings. Throughout some long days of discussion, committee members' attentions may have wandered at times, but the attentions of the staff never wavered. The committee and the commission have been well served.

Respectfully Submitted,

William Rankin, Chair  
Rules Committee



## 2007 RULE AMENDMENT PROPOSALS AND JUSTIFICATIONS

- RULE 1.101
- RULE 2.104
- RULE 2.109
- RULE 3.101
- RULE 3.101-1
- RULE 3.101-3
- RULE 3.102
- RULE 3.103
- RULE 3.105-1
- RULE 3.106
- RULE 3.107
- RULE 4.104
- RULE 4.109
- RULE 4.110
- RULE 4.111
- RULE 4.112
- RULE 5.101
- RULE 5.102
- RULE 5.103
- RULE 5.108
- RULE 5.111 (EAST REGION PROPOSAL)
- RULE 5.111 (RULES COMMITTEE PROPOSAL)
- RULE 5.112
- RULE 6.101

## **RULE TITLE**

Rule 1.101 Definitions

## **RULE LANGUAGE**

“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.

## **REFERRED BY**

Executive Committee

## **JUSTIFICATION**

To effectively implement and administer special rules regarding the movement of sex offenders there is a need for a sex offender definition. States need to identify the offender that is required to adhere to the new rules, as established. The sub-committee recognizes that each state is unique, in regards to who is a sex offender, and subsequently discussed a definition that does not unnecessarily impose on individual definitions. This is a “process definition”.

The Rules Committee amended language to make consistent with other definitions.

## **EFFECT ON OTHER RULES**

No effect of ICAOS Rules, Advisory Opinions, or Dispute Resolutions

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

***RULE 2.104 Forms***

## **RULE LANGUAGE**

(a) States shall use the forms or electronic information system authorized by the commission for all communication regarding offenders between or among states.

(b) The sending state shall retain the original forms containing the offender's signature until the termination of the offender's term of compact supervision.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

Automation of the interstate transfer process is supported by allowing the sending state to retain original forms containing the offender's signature, thereby, not requiring original paper documents to be transmitted as part of the transfer application packet. If the receiving state needs such documents during the supervision process, they will be available by request from the sending state.

## **EFFECT ON OTHER RULES**

To support this change to Rule 2.104, a change to Rule 3.107 (q) is also recommended as follows: signed copy of the "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the sending state" and "Waiver of Extradition...."

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

***RULE 2.109*** *Adoption of rules; amendment*

## **RULE LANGUAGE**

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 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 sixty 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 ninety 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 the purpose of correcting typographical errors, errors in format or grammatical errors. Public notice of any revision 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 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.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

**2.109 (b):** The existing rules have been in place since August 1, 2004 and revisions have been made each year since then. The current process of revising rules on an annual basis has resulted in unforeseen issues such as:

- Training – once states and the training committee complete training on updated rules (which can take several months), they have to start over at the beginning of the calendar year to include the new set of revisions. Each revision requires states and the commission to expend time and money, or to forego updating training materials. Repeated changes also cause confusion among officers, agents, and staff.
- Compliance – for reasons stated above, it is difficult to enforce compliance when the same rules change every year, whether it is time frame changes, etc., since it is not possible to provide the updated training to all member states by January 1<sup>st</sup>.

Considering rule amendments and/or proposals for new rules every other year will alleviate some of the training and compliance issues and will allow the commission to “test” rules to see which ones are working and which ones need further revision. The proposal does not affect the commission’s ability to pass an emergency rule should the need arise.

The proposed amendment does not prevent the Rules Committee from bringing a proposal to the Commission for final action prior to the Annual Business Meeting in an odd numbered year.

**2.109 (k):** Clerical and typographical errors are likely to occur when rules are proposed for publication. This rule clarifies and provides authority to make editorial corrections without the need for action by the full commission. The rule allows any commissioner to challenge a revision if it appears to make a material change to a rule.

## **EFFECT ON OTHER RULES**

No effect on existing rules, advisory opinions or dispute resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

**RULE 3.101** *Mandatory transfer of supervision*

## **RULE LANGUAGE**

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 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 a means of support.

## **REFERRED BY**

East Region

## **JUSTIFICATION**

The revision clarifies how the 90 day period contemplated by this rule is to be determined. The Rules Committee modified language based on comments received in section (a). Also in section (a) the word “transmits” was substituted for the word “submits” in this proposal to be consistent with language in other rules.

## **EFFECT ON OTHER RULES**

No effect on other ICAOS rules. Incorporates the decision in Advisory Opinion 6-2006.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

***RULE 3.101-1 Mandatory Transfers of Military, Families of Military, and Family Members Employed;***

## **RULE LANGUAGE**

- (a) *Transfer of military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be immediately eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.
- (b) *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 immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.
- (c) *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, shall be immediately eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

The current language provides that a receiving state provide reporting instructions under this rule “immediately.” The word immediately is open to interpretation. In addition, the proposed change is consistent with the time frame in reporting instruction Rule 3.103.

## **EFFECT ON OTHER RULES**

No effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

### **Rule 3.101-3 *Transfer of supervision of sex offenders***

## **RULE LANGUAGE**

(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 all 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:
  - i. the name, sex, age and relationship to the offender;
  - ii. 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 living in the receiving state at the time of sentencing* Rule 3.103 applies to the transfer of sex offenders, except for the following:

- (1) The receiving state shall have five 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.

## **REFERRED BY**

Executive Committee

## **JUSTIFICATION**

The Interstate Commission for Adult Offender Supervision appointed the Sex Offender Ad Hoc Committee to consider and respond to the challenges correctional systems face in the transfer of supervised sex offenders across state lines. The Committee recognizes that transferring sex offenders has become increasingly complex and difficult because of individual state laws regarding sex offender registries, residency restrictions and employment restrictions. Nonetheless, the public and elected officials expect correctional agencies to provide more oversight on the movement and supervision of sex offenders for public safety. The Committee believes a proactive approach to the issue of sex offenders will help the Interstate Commission further its broad goals of increasing public safety and offender accountability.

The Committee worked with the American Probation and Parole Association, the National Institute of Corrections, and the Center for Sex Offender Management to learn more about sex offenders and to define guiding principles for their interstate transfer. The Committee's main guiding principle is ensuring that the transfer of a sex offender enhance the offender's accountability and reduce the likelihood that the offender will recidivate. The rules drafted by the Committee are an important first step in realizing this goal: receiving states will have comprehensive information at the outset to determine the risk and appropriate supervision level for a sex offender.

The Rules Committee made changes to the numbering of the rule and sections (a) & (b) for style and consistency.

## **EFFECT ON OTHER RULES**

The limiting effect of this proposal on Rule 3.103 is stated in subsection (c) of the proposed rule. The intent, as expressed in subsection (a) is for all other provisions of Chapter 3 to apply. The proposal does not limit the applicability of any other rule, e.g., Rule 3.101-1 or 3.106, which may mandate that reporting instructions be issued or a response provided within a definite time. There do not appear to be any ICAOS Advisory Opinions or Dispute Resolutions affected by this proposal.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

**RULE 3.102** *Submission of transfer request to a receiving state*

## **RULE LANGUAGE**

- (a) Subject to the exceptions in Rule 3.103 ~~(b)~~ 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) Subject to the exceptions in Rule 3.103 ~~(b)~~ 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. shall be given the opportunity to investigate the proposed plan of supervision prior to allowing the offender to leave the sending state.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

The amendment removes the reference to Rule 3.103 (b), which was amended at the commission's annual business meeting in 2006. The reference is no longer applicable to section (b) of Rule 3.103.

The amendment adds references to Rule 3.106, which also creates an exception allowing an offender to travel to a receiving state before a complete transfer request is submitted and before the receiving state has replied. The word "replied" is used to section (b) vs the word "accepted." States cannot assume that all cases will be accepted; and denied cases are not prohibited from temporary travel.

Section (b) is amended to clarify the intent of the section.

## **EFFECT ON OTHER RULES**

No effect on existing rules, advisory opinions or dispute resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## RULE TITLE

***RULE 3.103 Reporting Instructions; ~~Probation Exception to Rule 2.110~~ Offender Living in the Receiving State at the Time of Sentencing***

## RULE LANGUAGE

- (a)(1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within seven calendar days of the sentencing date, or release from incarceration to probation supervision. The sending state may grant a seven-day travel permit to an offender who was living in the receiving state at the time of sentencing. 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 two 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. ~~Signed forms shall be maintained in the sending state until termination of compact supervision.~~ 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 ~~exception 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 calendar 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 calendar 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 30 15 calendar days of receiving notice of rejection or failure to send a transfer request. immediately and the supervision responsibility shall revert to the sending state. 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 ~~compact member~~ states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

## **REFERRED BY**

2006 Annual Business Meeting, without direction

## **JUSTIFICATION**

**Title:** The amendment changes the title to more clearly reflect the subject of the rule. To be consistent with Title change language in (a)(5) was proposed to be "exception" to "section."

**3.103 (a)(3):** This revision eliminates an unnecessary sentence which has created confusion and apparent conflict with the requirements of Rule 3.107.

**3.103 (e)(1):** An offender residing in the receiving state may not have resources to return to a sending state immediately upon rejection or failure of the sending state to submit a timely transfer request. Based on comments received, the Rules Committee proposes allowing the offender up to 15 days to return to the sending state. The amendment restores the receiving state's authority to exercise control of the offender during the period between notice of rejection and the date the offender is expected to return to the sending state, or until the sending state has issued a warrant.

**3.103 (e)(2):** The revision eliminates redundant language, i.e., "compact member."

## **EFFECT ON OTHER RULES**

These changes will have no effect on other ICAOS Rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

New Proposed Rule

### **Rule 3.105-1 Pre-Dispositional Transfer Requests**

## **RULE LANGUAGE**

- (a) A sending state may request the transfer for a convicted offender awaiting a pre-sentence report and/or final sentencing disposition 120 calendar days prior to final sentencing in accordance with Rules 3.101, 3.101-1 and 3.103.
- (b) A sending state shall immediately notify a receiving state of the offender's final disposition.
- (c) A receiving state may notify the sending state that it is withdrawing its acceptance or discontinuing its investigation if the final disposition results in "ineligibility" for compact services or incarceration for greater than 120 calendar days.
- (d) Following withdrawal or discontinuance of the receiving state's acceptance or investigation, a sending state shall direct the offender to return to the sending state and it may resubmit a request for transfer pursuant to Rule 3.103.

## **REFERRED BY**

2006 Annual Business Meeting, upon motion by Ad Hoc Sex Offender Committee

## **JUSTIFICATION**

The Sex Offender Ad-Hoc Committee met several times during 2005 and 2006 to discuss possible rule amendments or proposals to provide states with better and up front information concerning an offender's plan to relocate. The proposal is an idea that is heading in the right direction but it is agreed that this concept needs further thought and comment. Comments from states were mixed, but more negative than positive. Objections were related to potentially creating unnecessary work, scope of the rule, authority for the rule and need for the rule.

Based on comments and further review the Rules Committee recommends that this proposal not be adopted.

## **EFFECT ON OTHER RULES**

This proposal may conflict with the compact definition of “offender” since the definition includes someone who is placed under or made subject to supervision. Individuals pending disposition may not meet this definition.

**PROPOSED EFFECTIVE DATE**

January 1, 2008

## RULE TITLE

### *RULE 3.106 Request for expedited reporting instructions*

## RULE LANGUAGE

(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.

Comment [MS1]: Section (a)  
Proposal, Motion #1

(2) (A) A receiving state that agrees to expedited reporting instructions for an offender shall immediately issue reporting instructions for the offender, and a receiving state shall provide a response to a request for expedited reporting instructions to the sending state no later than two 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. Signed forms shall be maintained in the sending state until termination of compact supervision. 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 seventh calendar day following the granting to the offender of the reporting instructions.

(d)(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 seventh calendar 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 calendar 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, immediately and the supervision responsibility shall revert to the sending state.

Comment [MS2]: Section (d)  
Proposal, Motion #2

(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 compact member states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

## **REFERRED BY**

2006 Annual Business Meeting, without direction

## **JUSTIFICATION**

3.106 (a)(2)(A): Current language does not specify a time within which a state must reply to a request for expedited reporting instructions. The absence of a timeframe creates confusion in sending states which do not know if a reply is forthcoming. Given the “emergency” nature of these requests, a timely response is necessary. This revision creates an expectation similar to the requirement found in Rule 3.103.

3.106 (a)(2)(B): This revision eliminates an unnecessary sentence which has created confusion and apparent conflict with the requirements of Rule 3.107. The amendment is consistent with proposed revision of Rule 3.103.

3.106 (d)(1): An offender who has relocated to a receiving state may not have resources to return to a sending state immediately upon rejection or failure of the sending state to submit a timely transfer request. This amendment allows offenders in receiving states with expedited reporting instructions up to 15 days after notice of rejection to return to the sending state. The amendment restores the receiving state’s authority to exercise control of the offender during the period between notice of rejection and the date the offender has been directed to return to the sending state, or until the sending state has issued a warrant.

3.106 (d)(2): The revision eliminates redundant language, i.e., “compact member.”

## **EFFECT ON OTHER RULES**

Proposed revisions have no effect on existing ICAOS rules, Advisory Opinions and Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## RULE TITLE

### RULE 3.107 Application for transfer of supervision:

## RULE LANGUAGE

An application for transfer of supervision of an offender shall contain—

- (a) offender's full name and any aliases by which the offender is known;
- (b) indication of whether the offender seeks transfer to the receiving state based on residency in the receiving state, family residing in the receiving state, or consent of the receiving state;
- (c) name, address, and telephone number of family in the receiving state if the offender bases the transfer request on family's residency in the receiving state;
- (d) offender's proposed residence in the receiving state;
- (e) offender's current or prospective employer in the receiving state;
- (f) offender's criminal justice identification number in the sending state;
- (g) offender's date of birth;
- (h) offender's social security number, if known;
- (i) county of conviction or imposition of supervision;
- (j) indication of the type of criminal justice supervision to which the offender has been sentenced;
- (k) instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
- (l) offender's criminal history;
- (m) notice, if applicable, indicating that the supervision of the offender is a victim-sensitive matter;
- (n) date supervision is to begin, if known;
- (o) date supervision is to terminate, if known;
- (p) name and title of supervising officer;
- (q) copy of the original signed "Offender Application for Interstate Compact Transfer" form, which shall include "Agreement to Return on Demand of the sending state" and "Waiver of Extradition";
- ~~(r) signed "Consent to Random Drug or Alcohol Testing and to Searches Based on Reasonable Suspicion" form;~~
- ~~(s) signed "Authorization for Release of Medical and Psychological Information" form;~~
- ~~(r)(t)~~ photograph of offender;
- ~~(s)(u)~~ conditions of supervision;
- ~~(t)(v)~~ any orders restricting the offender's contact with victims or any other person;
- ~~(u)(w)~~ any known orders protecting the offender from contact with any other person;

- ~~(v)(x)~~ information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
- ~~(w)(y)~~ judgment and commitment documents;
- ~~(x)(z)~~ pre-sentence investigation report, if available;
- ~~(y)(aa)~~ supervision history, if available;
- ~~(z)(bb)~~ 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.
- ~~(aa)(ee)~~ medical information, if available; and
- ~~(bb)(dd)~~ psychological evaluation, if available.

## **REFERRED BY**

This Rule was referred by the Commission at the 2006 ABM.

## **JUSTIFICATION**

The proposal to eliminate (r) and (s) was submitted by the Commission at the 2006 Annual Business Meeting. A change to (q) is recommended to support proposed change to Rule 2.104 and to require that sending state retain original forms.

## **EFFECT ON OTHER RULES**

Elimination of (r) and (s) is consistent with modification of Rule 4.110, to take effect upon implementation of electronic system, but creates inconsistency with current requirements of 4.110. An amendment to Rule 4.110 will be proposed to eliminate the conflict.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

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

## **RULE LANGUAGE**

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.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

This Rule heading should refer to offender registration and testing in receiving or sending state and should establish that the receiving state shall assist to ensure such registration and testing timely occurs. Under current rules, a receiving state has no obligation to assist in obtaining registration or DNA collection. This has forced some offenders to return to the sending state or face violation. This amendment supports public safety by facilitating completion of these processes. The committee removed “wherever feasible” from the proposal based upon comments received and further review.

## **EFFECT ON OTHER RULES**

No effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## RULE TITLE

### *RULE 4.109 Violation reports*

## RULE LANGUAGE

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
- (b) A violation report shall contain—
- (1) offender's name and location;
  - (2) offender's state-issued identifying numbers;
  - (3) date of the offense or infraction that forms the basis of the violation;
  - (4) description of the offense or infraction;
  - (5) status and disposition, if any, of offense or infraction;
  - (6) dates and descriptions of any previous violations;
  - (7) receiving state's recommendation of actions sending state may take;
  - (8) name and title of the officer making the report; and
  - (9) 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.
  - (10) supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.
- (c)(1) The sending state shall respond to a report of a violation made by the receiving state no later than ten business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the fifth business day following its 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.
- (3) A sending state shall, upon receipt of an absconder violation report and case closure, issue a warrant for the offender that is effective in all states without limit as to specific geographic area.
  - (4) 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).

Comment [MS1]: Section (b)(9)  
Motion #1

Comment [MS2]: Section (b)(10)  
Motion #2

Comment [MS3]: Section (c)(3)  
Motion #3

Comment [MS4]: Section (c)(4)  
Motion #4

## **REFERRED BY**

East Region & Rules Committee

## **JUSTIFICATION**

**Rules Committee Proposal (b)(9):** The purpose of the proposed language revision in this rule is twofold. First, subsection (b) (9) did not mandate that officers provide information or details regarding how they determined an offender to be an absconder. Too often, an absconder violation report does not contain sufficient information for the sentencing authority to obtain an absconder warrant.

**Rules Committee Proposal (c)(3):** The proposal to add subsection (c) (3) will clarify a sending state's responsibility concerning absconders. This section creates a requirement that a sending state issue a national warrant upon notification that an offender has absconded.

**Rules Committee Proposal (c)(4):** The proposal to add subsection (c) (4) will clarify a receiving state's responsibility to provide a probable cause hearing for an absconder. Based on comments received and further review, the Rules Committee deleted a provision requiring the receiving state to reopen the case.

**East Region Proposal (b)(10):** Experience has shown that a substantial number of violation reports submitted under this rule lack the documentation necessary for the sending state to render an appropriate decision. Inclusion of this provision would eliminate this problem by requiring and defining the requisite supporting documentation. The proposal of the East Region began with the phrase "any and all supporting documentation". The Rules Committee removed the words "any and all" because it may not be feasible or relevant to provide all existing documentation. The supporting documentation should be sufficient to support the reported violation.

## **EFFECT ON OTHER RULES**

This change will have no effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

**RULE 4.110** *Transfer to a subsequent receiving state*

## **RULE LANGUAGE**

- (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," ~~the "Agreement to Return on Demand of the sending state" and the "Consent to Random Drug Testing and to Searches Based on Reasonable Suspicion" forms,~~ 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.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

The proposal reflects the determination that the deleted forms are no longer required. The commission previously removed these forms from this rule in an amendment which will take effect upon implementation of the electronic system. This proposal allows that revision to take effect prior to implementation of the electronic system. The removal makes the rule consistent with the proposed change to Rule 3.107.

**EFFECT ON OTHER RULES**

The proposal will eliminate a conflict with the proposed change to Rule 3.107.

**PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

**RULE 4.111** *Return to the sending state*

## **RULE LANGUAGE**

- (a) Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.
- (c) In a victim sensitive case, the sending state shall not provide reporting instructions until the provisions of Rule 3.108-1 have been followed.
- (d) A receiving state shall notify the sending state as required in Rule 4.105 (a)

Comment [MS1]: Section (a) Motion #1

Comment [MS2]: Section (b) & (c) Motion #2

## **REFERRED BY**

2006 Annual Business Meeting, without direction

## **JUSTIFICATION**

The current rule allows an offender to return to the sending state with no notice or opportunity for the victim to be heard. Adequate time must be provided for victims to express their concerns and for the sending state to impose any special conditions addressing the safety concerns of victims and their families. The Compact ensures timely notice to victims and the right to be heard and comment when offenders cross state borders.

## **EFFECT ON OTHER RULES**

This proposed rule resolves the inconsistency with rule 3.108-1 that provides victims ten business days from the receipt of notification to respond.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

### ***RULE 4.112 Closing of supervision by the receiving state***

## **RULE LANGUAGE**

(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) ~~(A) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location; of the sentencing of the offender to incarceration for 180 days or longer and receipt from the sending state of a warrant and detainer or other acknowledgement by the sending state of responsibility for the offender within 90 days of the notification. If the sending state fails to provide the warrant and detainer or other acknowledgement within 90 days of notification, the receiving state may close its supervision of the offender.~~  
~~(B) After 90 days the sending state shall be responsible for the offender.~~
- (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 under Rule 5.101.

(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.

## **REFERRED BY**

South Region

## **JUSTIFICATION**

The proposed rule changes streamlines the process and allows the receiving state to close interest, provided that the necessary documentation is forwarded to the sending state, without waiting an additional 90 days beyond the sentencing date. The Rules Committee modified language without changing meaning or intent of the proposal.

### **EFFECT ON OTHER RULES**

This proposed rule change does not affect any other existing rule, advisory opinion or dispute resolution

### **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

**Rule 5.101** *Retaking by the Sending State*

## **RULE LANGUAGE**

- (a) Except as required in Rules 5.102 and 5.103, at its sole discretion, a sending state may retake an offender, unless the offender has been charged with a subsequent criminal offense in the receiving state.
- (b) If the offender has been charged with a subsequent criminal offense in the receiving state, the offender shall not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

The current subsection (b) provides for two sentencing options – dismissal or supervision. The new language provides for other sentencing alternatives.

## **EFFECT ON OTHER RULES**

No effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

***RULE 5.102 Mandatory retaking for a new felony conviction.***

***RULE 5.103 Mandatory retaking for violations of conditions of supervision***

## **RULE LANGUAGE**

***RULE 5.102 Mandatory retaking for a new felony conviction.***

Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender's conviction for a new felony offense and —

- (a) completion of a term of incarceration for that conviction; or
- (b) placement under supervision for that felony offense.

If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all states, without limitation as to specific geographic area, **no later than 10 calendar days following the offender's failure to appear in the sending state.**

***RULE 5.103 Mandatory retaking for violations of conditions of supervision***

- (a) Upon a request by the receiving state and a showing that the offender has committed three or more significant violations arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state .

(b) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all states, without limitation as to specific geographic area **no later than 10 calendar days following the offender's failure to appear in the sending state.**

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

These changes are consistent with similar provisions in 3.103 and 3.106. They make clear a sending state's obligation to act promptly if an offender fails to return as directed.

**EFFECT ON OTHER RULES**

No effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

**PROPOSED EFFECTIVE DATE**

January 1, 2008

## RULE TITLE

Rule 5.108 *Probable cause hearing in receiving state*

## RULE LANGUAGE

- (a) An offender subject to retaking for violation of conditions of supervision 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 receiving state place where the alleged violation occurred consistent with due process requirements. Comment [MS1]: Section(a), Motion, #1
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new felony 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 30 calendar 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. Comment [MS2]: Section (e) Motion #2
- (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. within 30 calendar days of receipt of the hearing officer's report and determination. Comment [MS3]: Section (f) Motion #3

(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.

## REFERRED BY

Rules Committee

## JUSTIFICATION

The proposed amendments to Rule 5.108(a) are consistent with the U.S. Supreme Court opinions in Morrissey v. Brewer, 408 U.S. 471 (1972) and Gagnon v. Scarpelli, 411 U.S. 778 (1973) and are intended to address two concerns raised by Commissioners and others. The first concern is that guidance be provided as to who can act as a hearing officer at a probable cause hearing. The Supreme Court cases require that the hearing be conducted before a "neutral and detached hearing officer"; therefore, that language has been added to the rule. The second concern relates to how one determines where the hearing should take place. The Morrissey case holds that the hearing must take place "in or reasonably near the place where the alleged violation occurred" so that the offender will have the opportunity to confront adverse witnesses and also present witnesses on his or her behalf--a process that is possible only if the hearing is held at or near the place where the witnesses are located. Accordingly, it is proposed that this language be added to the rule.

Justification for amendments to time frames in Rule 5.108 (e) and (f):

Retaking an offender can be a lengthy process, imposing a burden on a receiving state's secure custody resources. Under the current rules governing the violation and retaking process, an offender who is arrested may potentially be held in custody for 51 days before the sending state's decision is due, without violating allowable time frames. If the sending state's decision is to request a probable cause hearing, the incarceration will be extended. Current rules allow the offender to remain incarcerated in the receiving state up to 90 days after the probable cause hearing. **The proposed revisions to 5.108 (e) and (f) reduce the allowable custody time following a probable cause hearing by 25 calendar days.**

(RS = Receiving State)

(SS = Sending State)

(VR = Violation Report)

(Response = Response to Violation Report)

(PC = Probable Cause)

**Current Scenario:****Potential days in custody**

RS arrests offender		
RS has 30 calendar days to forward the VR,	(4.109(a))	30
Allow 5 business days to presume receipt	(4.109(c))	37
SS has 10 business days for Response	(4.109(c))	51
SS Response requests PC hearing		51
RS conducts PC hearing		66 (est.)
(time varies/15 calendar days used here)		
RS has 30 calendar days to submit PC report	(5.108(e))	96
SS notifies RS state of decision to retake		
(has 30 calendar days)	(5.108(f))	126
SS has 30 calendar days to retake	(5.105)	156

**Future Scenario with Proposed Changes****Potential days in custody**

RS arrests offender		
RS has 30 calendar days to forward the VR,	(4.109(a))	30
Allow 5 business days to presume receipt	(4.109(c))	37
SS has 10 business days for Response	(4.109(c))	51
SS Response requests PC hearing		51
RS conducts PC hearing		66 (est.)
(time varies/15 calendar days used here)		
RS has 10 business days to submit PC report	(5.108 (e))	80
SS notifies RS state of decision to retake		
(has 15 business days)	(5.108(f))	101
SS has 30 calendar days to retake	(5.105)	131

**EFFECT ON OTHER RULES**

No effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

**PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

*RULE 5.111 Denial of bail to certain offenders*

## **RULE LANGUAGE**

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.

## **REFERRED BY**

East Region

## **JUSTIFICATION**

The East Region provided the following justification for the proposed revision. “The Region finds it difficult to understand the words ‘or receiving state’ in this rule. It notes that in Rule 1.101 the word ‘retaking’ refers only to actions taken by a sending state. Removal of these words would clarify this rule.”

The Rules Committee believes the “retaking” process begins when a receiving state submits a Violation Report requesting a sending state to retake an offender. Consequently, retaking may be “instituted” by a receiving state as well as a sending state.

Upon consideration of comments, further review and advice from legal counsel, the Rules Committee recommends this proposal not be adopted.

## **EFFECT ON OTHER RULES**

This proposal may limit the applicability of the rule to offenders against whom a sending state has issued a warrant. Offenders who are subject to retaking, but against whom a sending state has not yet issued a warrant, may be excluded from the provisions of the rule. It could also delay triggering the requirement for a probable cause hearing, resulting in a denial of “due process” for a prompt hearing. This could affect offenders covered by *Rules 5.102 Mandatory retaking for a new felony conviction, 5.103 Mandatory retaking for violations of conditions of supervision and 5.108 Probable cause hearing in receiving state.*

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

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

## **RULE LANGUAGE**

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.

## **REFERRED BY**

Rules Committee

## **JUSTIFICATION**

The amendment changes the title to more clearly reflect the content of the rule.

## **EFFECT ON OTHER RULES**

This change will have no effect on ICAOS rules, Advisory Opinions or Dispute Resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

New Proposed Rule

**RULE 5.112 Retaking an offender accepted under Rule 3.101-2**

## **RULE LANGUAGE**

**(a) Upon a request by a receiving state, a sending state shall retake or order the return of an offender from the receiving state if:**

**(1) acceptance was based upon Rule 3.101-2 (Discretionary transfer of supervision); and**

**(2) the receiving state added to its acceptance a special condition requiring the sending state to retake or order the return of the offender if specific criteria, which were the basis for acceptance, no longer existed; and**

**(3) the special condition added by the receiving state relates directly to the sole reason the sending state requested the transfer; and**

**(4) the receiving state confirms to the sending state that the criteria upon which the acceptance was made no longer exist.**

**(b) 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 calendar days following the offender's failure to appear in the sending state.**

## **REFERRED BY**

East Region

## **JUSTIFICATION**

It is not uncommon for a non-mandatory case to be accepted based on a condition which is considered temporary. As an example, an offender who is a student attending college in a receiving state may be accepted based solely on his college attendance. If his status at the college changes by his withdrawal or dismissal, the condition of his acceptance has changed and therefore the receiving state should no longer be required to supervise and the sending state would be required to retake. The Rules Committee modified the language in (b) to make it consistent with other rules.

Upon consideration of comments and further review, the Rules Committee recommends this proposal not be adopted.

### **EFFECT ON OTHER RULES**

This change will have no effect on ICAOS rules, Advisory Opinions or Dispute Resolutions. This revision addresses issues raised in Advisory Opinion 15-2006

### **PROPOSED EFFECTIVE DATE**

January 1, 2008

## **RULE TITLE**

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

## **RULE LANGUAGE**

- (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 one 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 ten 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.
- (d) All written advisory opinions authored by the National Office shall be referred to the Rules Committee within thirty (30) days of issuance of said opinion. Upon receipt of the advisory opinion, the Rules Committee shall discuss this matter at the next regularly scheduled meeting and consider whether a rule change should be proposed. If the Rules Committee determines that a rule change is not warranted, such rationale shall be reduced to writing and attached to the existing advisory opinion.

## **REFERRED BY**

East Region

## **JUSTIFICATION**

Since 2004, the Commission has issued 31 Advisory Opinions. This growing list of opinions creates a burden for state practitioners who must not only be proficient with the rules but are also required to cross-reference findings from an expanding reservoir of opinions. It is very likely that additional Advisory Opinions will issue. The East Region would like to see these opinions referred to the Rules Committee so that they can eventually be incorporated into the rules, where possible, within a set time frame. The Region recognizes that not all opinions would lend themselves to this process. Its motion allows for such exceptions. For the majority of the opinions that could be merged into the rules the Region would like to see them retired.

The East Region notes that in at least two of the opinions, 15-2006 and 12-2006, the Executive Director referred the issues raised to the Rules Committee. The Region's motion is consistent with the Executive Director's intent in those opinions, but would automatically refer all opinions to the Rules Committee for consideration.

The Commission's past actions are consistent with the Region's motion. For example, the Commission voted, in 2006, to modify Rule 3.103. This modification was consistent with the Executive Director's decision in Advisory Opinion 1-2006. This action effectively retired opinion 1-2006.

The Rules Committee recommends this proposal not be adopted. The Rules Committee believes the rule is unnecessary and that the concerns raised can be addressed under the existing structure of the Commission's By-laws and Rules.

## **EFFECT ON OTHER RULES**

No effect on existing rules, advisory opinions or dispute resolutions.

## **PROPOSED EFFECTIVE DATE**

January 1, 2008

**ADDENDUM:**

**PROPOSALS AND ACTIONS BY RULES COMMITTEE, 2007**

<b>RULE</b>	<b>PROPOSED BY</b>	<b>ACTION</b>
1.101 "offender"	Rules Committee	Withdrawn
1.101 "sex offender"	Executive Committee	Forwarded to commission
2.104	Rules Committee	Forwarded to commission
2.109 (b)	Executive Committee	Forwarded to commission
2.109 (k)	Rules Committee	Forwarded to commission
3.101	East Region	Forwarded to commission
3.101-1	Rules Committee	Forwarded to commission
3.101-3	Rules Committee	Withdrawn
3.101-4	Executive Committee	Renumbered and forwarded to commission
3.102 (Option A)	Rules Committee	Forwarded to commission
3.102 (Option B)	Rules Committee	Withdrawn
3.103	Commission	Forwarded to commission
3.105-1	Commission	Forwarded to commission
3.106	Commission	Forwarded to commission
3.107	Commission	Forwarded to commission
4.104	Rules Committee	Forwarded to commission
4.109	East Region	Forwarded to commission
4.109	Rules Committee	Forwarded to commission
4.110	Rules Committee	Forwarded to commission
4.111	Commission	Forwarded to commission
4.112	South Region	Forwarded to commission
5.101	Rules Committee	Forwarded to commission
5.102	Rules Committee	Forwarded to commission
5.103	Rules Committee	Forwarded to commission
5.108	Rules Committee	Forwarded to commission
5.111	Rules Committee	Forwarded to commission
5.111	East Region	Forwarded to commission
5.112	East Region	Forwarded to commission
6.101	East Region	Forwarded to commission

## **FY08 Dues Structure**

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY'08**

<u>State</u>	<u>State Dues Ratio</u> <sup>2</sup>	<u>State Population</u> <sup>3</sup>	<u>U.S. Population</u> <sup>3</sup>	<u>State Offender Transfers</u> <sup>4</sup>	<u>U.S. Offender Transfers</u> <sup>4</sup>	<u>Dues per State</u> <sup>5</sup>
U.S. Virgin Islands (a)	0.000356	102000	285230516	83	234085	\$18,360
Alaska	0.002257	626932	285230516	542	234085	\$18,360
Wyoming	0.002559	493782	285230516	793	234085	\$18,360
North Dakota	0.003206	642200	285230516	974	234085	\$18,360
Vermont	0.003293	608827	285230516	1042	234085	\$18,360
South Dakota (b)	0.003662	754844	285230516	1095	234085	\$18,360
Maine	0.003687	1274923	285230516	680	234085	\$18,360
New Hampshire (b)	0.004067	1235786	285230516	890	234085	\$18,360
Rhode Island	0.004200	1048319	285230516	1106	234085	\$18,360
Hawaii	0.004249	1211537	285230516	995	234085	\$18,360
Montana	0.004337	902195	285230516	1290	234085	\$18,360
Delaware	0.004338	783600	285230516	1388	234085	\$18,360
Idaho	0.004953	1293953	285230516	1257	234085	\$18,360
West Virginia	0.005554	1808344	285230516	1116	234085	\$18,360
Dist. of Columbia (b)	0.005725	572059	285230516	2211	234085	\$18,360
Nebraska	0.005830	1711263	285230516	1325	234085	\$18,360
Utah	0.005901	2233169	285230516	930	234085	\$18,360
New Mexico	0.007157	1819046	285230516	1858	234085	\$18,360
Puerto Rico (a)	0.007744	3808610	285230516	500	234085	\$18,360
Nevada	0.009746	1998257	285230516	2923	234085	\$25,500
Kansas	0.009959	2688418	285230516	2456	234085	\$25,500
Iowa	0.010651	2926324	285230516	2585	234085	\$25,500
Mississippi	0.010668	2844658	285230516	2660	234085	\$25,500
Oregon	0.011248	3421399	285230516	2458	234085	\$25,500
Connecticut	0.011250	3405565	285230516	2472	234085	\$25,500
Arkansas	0.012090	2673400	285230516	3466	234085	\$25,500
Oklahoma	0.014729	3450654	285230516	4064	234085	\$25,500
Kentucky	0.014864	4041769	285230516	3642	234085	\$25,500
Colorado	0.014922	4301261	285230516	3456	234085	\$25,500
South Carolina	0.015931	4012012	285230516	4166	234085	\$25,500
Alabama	0.016621	4447100	285230516	4132	234085	\$25,500
Indiana (b)	0.016725	6080485	285230516	2840	234085	\$25,500
Washington	0.017050	5894121	285230516	3145	234085	\$25,500
Arizona	0.017079	5130632	285230516	3785	234085	\$25,500
Massachusetts (b)	0.017405	6349097	285230516	2938	234085	\$25,500
Tennessee	0.017614	5689283	285230516	3577	234085	\$25,500
Louisiana	0.018275	4468976	285230516	4888	234085	\$25,500
Minnesota	0.018665	4919479	285230516	4701	234085	\$25,500
Wisconsin	0.018668	5363675	285230516	4338	234085	\$25,500

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY'08**

<u>State</u>	<u>State Dues Ratio</u> <sup>2</sup>	<u>State Population</u> <sup>3</sup>	<u>U.S. Population</u> <sup>3</sup>	<u>State Offender Transfers</u> <sup>4</sup>	<u>U.S. Offender Transfers</u> <sup>4</sup>	<u>Dues per State with 2% Increase</u> <sup>5</sup>
Maryland	0.021496	5296486	285230516	5717	234085	\$32,640
New Jersey	0.024148	8414350	285230516	4400	234085	\$32,640
Michigan	0.025457	9938444	285230516	3762	234085	\$32,640
North Carolina	0.028784	8049313	285230516	6870	234085	\$32,640
Ohio	0.029452	11353140	285230516	4471	234085	\$32,640
Missouri	0.029649	5595211	285230516	9289	234085	\$32,640
Pennsylvania	0.031196	12281054	285230516	4526	234085	\$32,640
Georgia	0.032677	8186453	285230516	8580	234085	\$32,640
Virginia	0.035263	7078515	285230516	10700	234085	\$32,640
Florida	0.047751	15982378	285230516	9239	234085	\$39,780
New York	0.053217	18976457	285230516	9341	234085	\$39,780
Illinois	0.054220	12419293	285230516	15192	234085	\$39,780
Texas	0.088867	20851820	285230516	24492	234085	\$46,920
California	0.114864	33871648	285230516	25978	234085	\$46,920

**\$1,365,780**

<sup>1</sup> - Based on total projected operating budget

<sup>2</sup> -  $(\text{State population} / \text{U.S. Population}) + (\text{State Offender Transfers} / \text{Total U.S. Offender Transfers}) / 2$

<sup>3</sup> - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

<sup>4</sup> - Compact populations as of April 1, 2002; annual number of offender transfers both into and out of the state

<sup>5</sup> - Dues increase voted on and approved at the 2005 Annual Business Meeting

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

(b) - Projected state transfer numbers; actual numbers not available

## **Data Collection**



# National Supervision Data Statistics Report

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY

## Summary of 2005

	<u>Supervised IN State on Probation</u>	<u>Supervised IN State on Parole</u>	<u>Supervised OUT of State on Probation</u>	<u>Supervised OUT of State on Parole</u>	<u>Total Reported Supervised IN State</u>	<u>Total Reported Supervised OUT of State</u>
Sep 2005	61,548	22,030	71,825	23,468	83,578	95,293
Oct 2005	65,491	18,358	63,755	20,764	83,849	84,519
Nov 2005	89,445	21,702	101,076	22,903	111,147	123,979
Dec 2005	74,630	19,928	82,285	23,022	94,558	105,307

## Summary of 2006

	<u>Supervised IN State on Probation</u>	<u>Supervised IN State on Parole</u>	<u>Supervised OUT of State on Probation</u>	<u>Supervised OUT of State on Parole</u>	<u>Total Reported Supervised IN State</u>	<u>Total Reported Supervised OUT of State</u>
Jan 2006	80,937	20,140	86,191	22,550	101,077	108,741
Feb 2006	86,943	20,859	88,244	23,645	107,802	111,889
Mar 2006	77,230	20,700	81,436	21,844	97,930	103,280
Apr 2006	81,798	21,844	85,115	24,671	103,642	109,786
May 2006	64,137	14,754	66,138	18,015	78,891	84,153
Jun 2006	78,136	22,035	89,484	26,628	100,171	116,112
Jul 2006	73,022	19,334	75,697	21,355	92,356	97,052
Aug 2006	66,659	20,695	71,748	23,244	87,354	94,992
Sep 2006	67,848	19,212	72,713	23,334	87,060	96,047
Oct 2006	73,294	20,586	83,398	23,574	93,880	106,972
Nov 2006	59,628	16,316	60,687	20,351	75,944	81,038
Dec 2006	73,937	20,543	77,431	24,861	94,480	102,292

## Summary of 2007

	<u>Supervised IN State on Probation</u>	<u>Supervised IN State on Parole</u>	<u>Supervised OUT of State on Probation</u>	<u>Supervised OUT of State on Parole</u>	<u>Total Reported Supervised IN State</u>	<u>Total Reported Supervised OUT of State</u>
Jan 2007	73,357	17,975	77,594	20,175	91,332	97,769
Feb 2007	69,811	21,549	79,523	22,266	91,360	101,789
Mar 2007	70,973	19,022	79,471	22,023	89,995	101,494
Apr 2007	69,024	19,593	75,235	22,031	88,617	97,266
May 2007	64,467	18,872	77,237	21,244	83,339	98,481
Jun 2007	64,268	20,009	75,623	21,274	84,277	96,897
Jul 2007	60,057	17,301	67,516	19,331	77,358	86,847

# Monthly Data Collections Report - July 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Jul 07	3,040	703	1,091	440	111	48	33	8	3,743	1,531	159	41
<b>Alaska</b>													
Dan Delapina	Jul 07	141	60	205	56	4	4	10	7	201	261	8	17
<b>Arizona</b>													
Dori Ege	Jul 07	1,468	512	2,209	293	80	41	72	49	1,980	2,502	121	121
<b>California</b>													
David Babby	Jul 07	0	1,460	0	1,381	0	65	0	83	1,460	1,381	65	83
<b>Connecticut</b>													
Tracy Johnson	Jul 07	0	169	0	122	0	10	0	4	169	122	10	4
<b>Delaware</b>													
Alan R. Kerrigan	Jul 07	411	138	399	26	23	9	49	0	549	425	32	49
<b>District of Columbia</b>													
Jody Tracey	Jul 07	449	96	589	25	21	1	34	1	545	614	22	35
<b>Florida</b>													
Pamela Levine	Jul 07	4,327	1,461	5,267	226	201	91	204	14	5,788	5,493	292	218
<b>Georgia</b>													
Joe Kuebler	Jul 07	3,726	793	6,488	2,464	126	36	209	46	4,519	8,952	162	255
<b>Hawaii</b>													
Janice Yamada	Jul 07	176	62	314	157	11	4	8	3	238	471	15	11
<b>Idaho</b>													
nichole case	Jul 07	429	184	902	292	17	7	23	8	613	1,194	24	31
<b>Illinois</b>													
Rich Ludolph	Jul 07	6,065	0	3,674	0	109	0	107	0	6,065	3,674	109	107
<b>Iowa</b>													
Debra Klinzing	Jul 07	1,110	289	750	272	33	11	32	7	1,399	1,022	44	39
<b>Kansas</b>													





# Monthly Data Collections Report - June 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Jun 07	2,925	719	1,073	433	99	23	25	2	3,644	1,506	122	27
<b>Alaska</b>													
Kelly Cravens	Jun 07	144	64	206	55	5	4	14	1	208	261	9	15
<b>Arizona</b>													
Dori Ege	Jun 07	1,432	509	2,199	283	70	27	95	33	1,941	2,482	97	128
<b>California</b>													
David Babby	Jun 07	0	1,327	0	1,270	0	71	0	71	1,327	1,270	71	71
<b>Colorado</b>													
Tracy Johnson	Jun 07	0	168	0	124	0	3	0	3	168	124	3	3
<b>Delaware</b>													
Jody Tracey	Jun 07	393	94	585	26	28	6	29	1	487	611	34	30
<b>District of Columbia</b>													
Alan R. Kerrigan	Jun 07	419	136	408	28	30	5	50	0	555	436	35	50
<b>Florida</b>													
Pamela Levine	Jun 07	4,366	1,471	5,246	223	229	122	243	11	5,837	5,469	351	254
<b>Georgia</b>													
Joe Kuebler	Jun 07	3,637	785	6,316	2,465	198	31	208	42	4,422	8,781	229	250
<b>Hawaii</b>													
Janice Yamada	Jun 07	177	63	310	162	10	2	9	2	240	472	12	11
<b>Idaho</b>													
Margaret Lint	Jun 07	475	183	894	292	15	7	29	5	658	1,186	22	34
<b>Illinois</b>													
Rich Ludolph	Jun 07	6,028	0	3,619	0	106	0	106	0	6,028	3,619	106	106
<b>Indiana</b>													
art hegewald	Jun 07	0	790	0	406	0	15	0	17	790	406	15	17

			IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
	art hegewald	Jun 07	0	790	0	406	0	15	0	17	790	406	15	17
	Nita Wright	Jun 07	0	0	4,167	0	0	0	120	0	0	4,167	0	120
<b>Iowa</b>														
	Debra Klinzing	Jun 07	1,106	298	753	280	45	19	48	8	1,404	1,033	64	56
<b>Kansas</b>														
	Jerry Bauer	Jun 07	1,152	441	873	523	54	25	72	39	1,593	1,396	79	111
<b>Kentucky</b>														
	AMANDA S. BURT	Jun 07	1,766	555	2,111	1,086	64	24	86	33	2,321	3,197	88	119
<b>Louisiana</b>														
	DAPHINE DENNEY	Jun 07	1,282	494	1,548	720	74	27	90	42	1,776	2,268	101	132
<b>Maine</b>														
	Tima	Jun 07	279	58	211	7	12	3	13	0	337	218	15	13
<b>Maryland</b>														
	Melanie P. Brock	Jun 07	2,526	457	1,341	569	105	8	45	9	2,983	1,910	113	54
<b>Michigan</b>														
	Cynthia Johnson	Jun 07	1,578	582	935	559	69	24	41	42	2,160	1,494	93	83
<b>Minnesota</b>														
	Rose Ann Bisch	Jun 07	1,345	365	2,134	212	68	12	78	16	1,710	2,346	80	94
<b>Mississippi</b>														
	Christopher Epps	Jun 07	741	237	903	247	97	25	46	12	978	1,150	122	58
<b>Missouri</b>														
	Wanda La Cour	Jun 07	2,164	792	3,264	792	143	94	199	111	2,956	4,056	237	310
<b>Montana</b>														
	Crystie Burnette	Jun 07	303	99	840	231	8	2	26	12	402	1,071	10	38
<b>Nebraska</b>														
	Marcella A. Shortt	Jun 07	0	158	0	72	0	5	0	6	158	72	5	6
<b>Nevada</b>														
	Karen Finley	Jun 07	607	289	869	241	32	21	30	18	896	1,110	53	48
<b>New Hampshire</b>														
	Jeanne Stewart	Jun 07	409	65	493	263	16	2	22	7	474	756	18	29
<b>New Jersey</b>														
	Sheri Miller	Jun 07	5,882	0	7,517	0	94	0	186	0	5,882	7,517	94	186
<b>North Carolina</b>														
	Betty Payton	Jun 07	2,955	754	1,137	99	24	7	47	7	3,709	1,236	31	54
<b>North Dakota</b>														
	Charles R. Placek	Jun 07	546	87	426	83	18	8	18	1	633	509	26	19

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>Ohio</b>															
	Katrina Ransom	Jun 07	2,195	924	2,053	928	135	65	82	24	3,119	2,981	200	106	
<b>Pennsylvania</b>															
	Colleen M. Fickel	Jun 07	2,532	501	2,239	1,080	153	27	85	28	3,033	3,319	180	113	
<b>Puerto Rico</b>															
	Carmen Ayala-Rios	Jun 07	155	114	86	20	3	2	1	2	269	106	5	3	
<b>Rhode Island</b>															
	Laura Queenan	Jun 07	324	42	945	45	30	4	43	2	366	990	34	45	
<b>South Carolina</b>															
	Ann Clarke	Jun 07	1,667	454	878	413	61	17	39	10	2,121	1,291	78	49	
<b>South Dakota</b>															
	David Geffre	Jun 07	0	62	0	389	0	4	0	13	62	389	4	13	
<b>Tennessee</b>															
	Deborah Duke	Jun 07	2,274	841	1,493	466	87	36	51	14	3,115	1,959	123	65	
<b>Texas</b>															
	Sylvia Ann Mokarzel	Jun 07	3,929	2,368	8,028	3,317	246	111	282	71	6,297	11,345	357	353	
<b>US Virgin Islands</b>															
	Cliff Butter	Jun 07	574	196	266	136	8	1	16	9	770	402	9	25	
<b>Utah</b>															
	Arline L. Swan	Jun 07	27	8	5	1	1	0	1	0	35	6	1	1	
<b>Vermont</b>															
	Elaine Davis	Jun 07	263	64	406	79	11	6	6	3	327	485	17	9	
<b>Virginia</b>															
	Julie Johnson	Jun 07	2,875	778	6,603	891	102	24	188	16	3,653	7,494	126	204	
<b>Wisconsin</b>															
	William Rankin	Jun 07	1,178	259	1,789	1,028	59	12	70	41	1,437	2,817	71	111	
<b>TOTAL</b>												<b>3,555</b>	<b>3,640</b>		

# Monthly Data Collections Report - May 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alaska</b>													
Dan Delapina	May 07	149	60	200	56	8	0	8	4	209	256	8	12
<b>Arizona</b>													
Dori Ege	May 07	1,428	0	2,173	0	49	0	79	0	1,428	2,173	49	79
Dori Ege	May 07	0	497	0	285	0	58	0	38	497	285	58	38
<b>Colorado</b>													
Tracy Johnson	May 07	0	169	0	129	0	13	0	3	169	129	13	3
<b>Delaware</b>													
Jody Tracey	May 07	355	91	576	26	45	6	35	1	446	602	51	36
<b>District of Columbia</b>													
Alan R. Kerrigan	May 07	433	134	349	26	21	10	36	1	567	375	31	37
<b>Florida</b>													
Pamela Levine	May 07	4,399	1,487	5,237	231	218	79	297	13	5,886	5,468	297	310
<b>Georgia</b>													
Joe Kuebler	May 07	3,717	794	6,356	2,471	178	41	152	48	4,511	8,827	219	200
<b>Hawaii</b>													
Janice Yamada	May 07	174	62	307	159	9	6	10	6	236	466	15	16
<b>Idaho</b>													
nichole case	May 07	505	194	884	294	15	7	24	2	699	1,178	22	26
<b>Illinois</b>													
Rich Ludolph	May 07	6,014	0	3,588	0	167	0	119	0	6,014	3,588	167	119
<b>Indiana</b>													
Nita Wright	May 07	0	0	4,380	0	0	0	135	0	0	4,380	0	135
art hegewald	May 07	0	768	0	403	0	23	0	20	768	403	23	20
<b>Iowa</b>													
Debra Klinzing	May 07	1,110	292	766	290	41	12	49	11	1,402	1,056	53	60





# Monthly Data Collections Report - April 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Apr 07	2,852	717	1,058	378	110	26	46	7	3,569	1,436	136	53
<b>Alaska</b>													
Dan Delapina	Apr 07	145	63	180	51	8	3	10	2	208	231	11	12
<b>Arizona</b>													
Dori Ege	Apr 07	1,407	487	2,155	279	96	23	62	13	1,894	2,434	119	75
<b>Colorado</b>													
Tracy Johnson	Apr 07	0	167	0	131	0	11	0	3	167	131	11	3
<b>Connecticut</b>													
Tracy Johnson	Apr 07	0	168	0	138	0	6	0	4	168	138	6	4
<b>Delaware</b>													
jody tracey	Apr 07	365	93	565	23	38	5	24	4	458	588	43	28
<b>District of Columbia</b>													
Alan R. Kerrigan	Apr 07	433	131	339	27	42	9	36	1	564	366	51	37
<b>Florida</b>													
Pamela Levine	Apr 07	4,419	1,496	5,223	233	235	101	253	8	5,915	5,456	336	261
<b>Georgia</b>													
Joe Kuebler	Apr 07	3,503	788	6,092	2,422	180	30	224	41	4,291	8,514	210	265
<b>Hawaii</b>													
Janice Yamada	Apr 07	175	57	305	153	9	2	5	5	232	458	11	10
<b>Idaho</b>													
Margaret Lint	Apr 07	486	190	923	297	18	16	25	13	676	1,220	34	38
<b>Illinois</b>													
Rich Ludolph	Apr 07	5,995	0	3,578	0	124	0	96	0	5,995	3,578	124	96
<b>Indiana</b>													
Art Hegewald	Apr 07	0	766	0	396	0	25	0	21	766	396	25	21
<b>Kansas</b>													



	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
	Betty Payton	Apr 07	3,095	790	1,180	94	76	26	63	6	3,885	1,274	102	69	
<b>North Dakota</b>															
	Charles R. Placek	Apr 07	535	86	432	87	24	3	27	3	621	519	27	30	
<b>Ohio</b>															
	Katrina Ransom	Apr 07	2,162	923	2,034	900	99	54	61	37	3,085	2,934	153	98	
<b>Oregon</b>															
	Denise Sitler	Apr 07	965	310	1,000	480	26	13	49	28	1,275	1,480	39	77	
<b>Pennsylvania</b>															
	Colleen M. Fickel	Apr 07	2,468	482	2,170	1,083	153	30	121	38	2,950	3,253	183	159	
<b>Puerto Rico</b>															
	Carmen Ayala-Rios	Apr 07	154	114	83	19	2	2	5	0	268	102	4	5	
<b>Rhode Island</b>															
	Laura Queenan	Apr 07	319	45	921	47	21	2	48	1	364	968	23	49	
<b>South Carolina</b>															
	Ann Clarke	Apr 07	1,671	451	877	417	73	17	46	15	2,122	1,294	90	61	
<b>South Dakota</b>															
	Linda Ott	Apr 07	512	0	631	0	22	0	33	0	512	631	22	33	
	David Geffre	Apr 07	0	56	0	383	0	3	0	10	56	383	3	10	
<b>Tennessee</b>															
	Deborah Duke	Apr 07	2,214	821	1,441	442	105	41	31	5	3,035	1,883	146	36	
<b>Texas</b>															
	Sylvia Ann Mokarzel	Apr 07	3,814	2,361	7,972	3,332	198	112	281	92	6,175	11,304	310	373	
<b>Vermont</b>															
	Elaine Davis	Apr 07	266	62	405	76	5	1	12	0	328	481	6	12	
<b>Virginia</b>															
	Amanda Dandridge	Apr 07	2,818	919	6,420	697	59	8	160	2	3,737	7,117	67	162	
<b>Washington</b>															
	Doreen Geiger	Apr 07	1,478	487	164	261	54	24	19	15	1,965	425	78	34	
<b>Wisconsin</b>															
	William Rankin	Apr 07	1,166	251	1,756	990	58	7	65	46	1,417	2,746	65	111	
												<b>TOTAL</b>		<b>3,988</b>	<b>3,909</b>

# Monthly Data Collections Report - March 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Mar 07	2,790	722	1,027	370	122	24	33	5	3,512	1,397	146	38
<b>Alaska</b>													
Dan Delapina	Mar 07	156	63	185	53	11	3	8	4	219	238	14	12
<b>Arizona</b>													
Dori Ege	Mar 07	1,428	415	2,197	302	62	21	98	27	1,843	2,499	83	125
Linda Strong	Mar 07	1,483	670	1,248	651	48	26	49	33	2,153	1,899	74	82
<b>Delaware</b>													
Alan R. Kerrigan	Mar 07	423	131	373	26	24	6	38	0	554	399	30	38
<b>District of Columbia</b>													
Jody Tracey	Mar 07	373	89	577	18	25	0	22	6	462	595	25	28
<b>Florida</b>													
PAMELA LEVINE	Mar 07	4,341	1,473	5,152	238	199	120	263	10	5,814	5,390	319	273
<b>Georgia</b>													
Joe Kuebler	Mar 07	3,541	797	6,106	2,425	156	38	176	51	4,338	8,531	194	227
<b>Hawaii</b>													
Janice Yamada	Mar 07	175	54	306	154	10	3	7	2	229	460	13	9
<b>Idaho</b>													
nichole case	Mar 07	508	177	968	287	13	1	27	7	685	1,255	14	34
nichole case	Mar 07	508	177	968	287	13	1	27	7	685	1,255	14	34
<b>Illinois</b>													
Rich Ludolph	Mar 07	5,961	0	3,545	0	129	0	114	0	5,961	3,545	129	114
<b>Indiana</b>													
art hegewald	Mar 07	0	761	0	398	0	20	0	23	761	398	20	23
Thomas A. Mitcham	Mar 07	2,775	0	0	0	99	0	0	0	2,775	0	99	0

			IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
	Nita Wright	Mar 07	0	0	4,285	0	0	0	146	0	0	4,285	0	146
<b>Iowa</b>														
	Debra Klinzing	Mar 07	1,123	292	750	285	73	15	62	10	1,415	1,035	88	72
<b>Kansas</b>														
	Jerry Bauer	Mar 07	1,110	414	897	521	53	28	69	45	1,524	1,418	81	114
<b>Kentucky</b>														
	Amanda S. Burt	Mar 07	1,547	540	2,026	1,089	147	29	115	68	2,087	3,115	176	183
<b>Louisiana</b>														
	DAPHINE	Mar 07	1,187	472	1,513	737	82	37	90	79	1,659	2,250	119	169
<b>Maine</b>														
	Tima	Mar 07	273	58	220	7	12	2	7	0	331	227	14	7
<b>Maryland</b>														
	Melanie P. Brock	Mar 07	2,470	463	1,367	565	105	12	19	18	2,933	1,932	117	37
<b>Massachusetts</b>														
	Donald LaFratta	Mar 07	2,062	273	1,026	125	87	17	49	4	2,335	1,151	104	53
<b>Michigan</b>														
	Cynthia Johnson	Mar 07	1,587	574	962	516	74	25	45	28	2,161	1,478	99	73
<b>Minnesota</b>														
	Rose Ann Bisch	Mar 07	1,355	369	2,081	205	61	14	74	14	1,724	2,286	75	88
<b>Mississippi</b>														
	Christopher Epps	Mar 07	719	224	897	245	71	27	45	9	943	1,142	98	54
<b>Missouri</b>														
	Wanda La Cour	Mar 07	2,050	717	3,325	2,000	141	67	201	122	2,767	5,325	208	323
<b>Montana</b>														
	Crystie Burnette	Mar 07	295	103	842	157	1	4	34	15	398	999	5	49
<b>Nebraska</b>														
	Marcella A.Shortt	Mar 07	0	163	0	66	0	6	0	2	163	66	6	2
	Kari Rumbaugh	Mar 07	29	0	19	0	655	0	372	0	29	19	655	372
<b>New Hampshire</b>														
	Jeanne Stewart	Mar 07	381	69	474	248	21	1	26	11	450	722	22	37
<b>New Jersey</b>														
	John Gusz	Mar 07	5,813	0	7,456	0	108	0	246	0	5,813	7,456	108	246
	Debra Alt	Mar 07	0	495	0	520	0	9	0	25	495	520	9	25
<b>New Mexico</b>														
	Edward Gonzales	Mar 07	1,579	567	1,210	330	68	12	51	22	2,146	1,540	80	73
<b>North Carolina</b>														
	Betty Payton	Mar 07	3,126	793	1,191	94	106	27	67	10	3,919	1,285	133	77

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>North Dakota</b>															
	Charles R. Placek	Mar 07	526	85	420	89	22	6	31	5	611	509	28	36	
<b>Ohio</b>															
	Katrina Ransom	Mar 07	2,170	916	2,020	907	125	53	125	37	3,086	2,927	178	162	
<b>Oregon</b>															
	Denise Sitler	Mar 07	960	311	999	476	74	17	80	25	1,271	1,475	91	105	
<b>Pennsylvania</b>															
	Colleen M. Fickel	Mar 07	2,476	484	2,097	1,104	159	28	107	36	2,960	3,201	187	143	
<b>Puerto Rico</b>															
	Carmen Ayala-Rios	Mar 07	153	114	77	19	3	3	2	1	267	96	6	3	
<b>Rhode Island</b>															
	Laura Queenan	Mar 07	308	47	935	47	11	0	50	4	355	982	11	54	
<b>South Carolina</b>															
	D. Ann Clarke	Mar 07	1,665	455	939	432	78	25	78	12	2,120	1,371	103	90	
<b>South Dakota</b>															
	Linda Ott	Mar 07	510	0	636	0	27	0	21	0	510	636	27	21	
	David Geffre	Mar 07	0	57	0	372	0	4	0	10	57	372	4	10	
<b>Tennessee</b>															
	Deborah Duke	Mar 07	2,183	807	1,443	443	81	31	46	12	2,990	1,886	112	58	
<b>Texas</b>															
	Sylvia Ann Mokarzel	Mar 07	4,019	2,366	7,893	3,334	252	110	339	114	6,385	11,227	362	453	
<b>Utah</b>															
	Cliff Butter	Mar 07	581	204	272	133	12	8	12	10	785	405	20	22	
<b>Vermont</b>															
	Elaine Davis	Mar 07	265	64	404	77	20	4	18	1	329	481	24	19	
<b>Virginia</b>															
	Amanda Hill-Dandridge	Mar 07	2,832	754	6,403	702	72	9	164	5	3,586	7,105	81	169	
<b>Wisconsin</b>															
	William Rankin	Mar 07	1,157	243	1,740	969	64	12	72	46	1,400	2,709	76	118	
												<b>TOTAL</b>	<b>4,681</b>	<b>4,700</b>	

# Monthly Data Collections Report - February 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



ICAOS

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Feb 07	2,679	670	1,023	341	115	37	31	4	3,349	1,364	152	35
<b>Alaska</b>													
Dan Delapina	Feb 07	146	60	185	55	4	5	5	0	206	240	9	5
<b>Arizona</b>													
Dori Ege	Feb 07	1,427	0	2,141	0	52	0	91	0	1,427	2,141	52	91
<b>Connecticut</b>													
Tracy Johnson	Feb 07	0	171	0	133	0	5	0	3	171	133	5	3
<b>Delaware</b>													
Alan R. Kerrigan	Feb 07	426	127	390	30	8	22	47	1	553	420	30	48
<b>District of Columbia</b>													
Jody Tracey	Feb 07	378	97	619	26	29	1	18	0	475	645	30	18
<b>Florida</b>													
Pamela Levine	Feb 07	4,321	1,456	5,163	236	200	102	256	8	5,777	5,399	302	264
<b>Georgia</b>													
Joe Kuebler	Feb 07	3,439	797	5,994	2,451	188	24	196	40	4,236	8,445	212	236
<b>Hawaii</b>													
Janice Yamada	Feb 07	175	51	301	156	11	2	9	2	226	457	13	11
<b>Idaho</b>													
Margaret Lint	Feb 07	510	181	904	279	28	8	30	9	691	1,183	36	39
<b>Illinois</b>													
Rich Ludolph	Feb 07	5,982	0	3,539	0	104	0	66	0	5,982	3,539	104	66
<b>Indiana</b>													
Art Hegewald	Feb 07	0	762	0	409	0	25	0	22	762	409	25	22
Art Hegewald	Feb 07	0	762	0	409	0	25	0	22	762	409	25	22
Nita Wright	Feb 07	0	0	4,149	0	0	0	108	0	0	4,149	0	108



	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
	Betty Payton	Feb 07	3,160	800	1,206	89	99	41	60	11	3,960	1,295	140	71
<b>North Dakota</b>														
	Charles R. Placek	Feb 07	545	83	411	88	16	3	20	3	628	499	19	23
<b>Ohio</b>														
	Katrina Ransom	Feb 07	928	2,186	2,037	894	75	26	97	32	3,114	2,931	101	129
<b>Oregon</b>														
	Denise Sitrer	Feb 07	982	316	992	485	34	16	60	23	1,298	1,477	50	83
<b>Pennsylvania</b>														
	Colleen M. Fickel	Feb 07	2,426	477	2,051	1,109	125	29	71	16	2,903	3,160	154	87
<b>Puerto Rico</b>														
	Carmen Ayala	Feb 07	155	116	78	18	4	2	3	0	271	96	6	3
<b>Rhode Island</b>														
	Laura Queenan	Feb 07	305	47	947	46	37	0	30	1	352	993	37	31
<b>South Carolina</b>														
	Ann Clarke	Feb 07	1,655	438	927	437	47	13	38	16	2,093	1,364	60	54
<b>South Dakota</b>														
	David Geffre	Feb 07	0	58	0	366	0	3	0	12	58	366	3	12
	Linda Ott	Feb 07	497	0	637	0	27	0	35	0	497	637	27	35
<b>Tennessee</b>														
	Deborah Duke	Feb 07	2,160	819	1,427	443	80	33	29	9	2,979	1,870	113	38
	Deborah Duke	Feb 07	2,160	819	1,427	443	80	33	29	9	2,979	1,870	113	38
<b>Texas</b>														
	Sylvia Ann Mokarzel	Feb 07	3,915	2,330	7,779	3,324	259	164	252	66	6,245	11,103	423	318
<b>Utah</b>														
	Cliff Butter	Feb 07	583	209	271	132	14	4	22	10	792	403	18	32
<b>Vermont</b>														
	Elaine Davis	Feb 07	262	54	388	77	11	2	9	5	316	465	13	14
<b>Virginia</b>														
	Amanda Hill-Dandridge	Feb 07	2,783	735	6,348	692	79	13	142	6	3,518	7,040	92	148
<b>Washington</b>														
	Doreen Geiger	Feb 07	1,780	561	220	311	28	2	7	3	2,341	531	30	10
<b>Wisconsin</b>														
	William Rankin	Feb 07	1,169	248	1,756	968	48	12	83	42	1,417	2,724	60	125
<b>TOTAL</b>												<b>3,721</b>	<b>3,483</b>	

# Monthly Data Collections Report - January 2007

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Jan 07	2,620	645	1,001	333	119	29	50	6	3,265	1,334	148	56
Rich Pierce	Jan 07	2,878	715	1,077	436	109	32	51	4	3,593	1,513	141	55
<b>Alaska</b>													
Dan Delapina	Jan 07	144	61	169	50	10	0	4	0	205	219	10	4
<b>Arizona</b>													
Dori Ege	Jan 07	1,423	0	2,111	0	46	0	55	0	1,423	2,111	46	55
<b>Arkansas</b>													
Linda Strong	Jan 07	0	0	0	0	0	0	0	0	0	0	0	0
<b>Connecticut</b>													
Tracy Johnson	Jan 07	0	176	0	133	0	7	0	4	176	133	7	4
<b>Delaware</b>													
Alan R. Kerrigan	Jan 07	430	129	398	30	29	7	70	1	559	428	36	71
<b>Florida</b>													
Pamela Levine	Jan 07	4,307	1,461	5,332	228	189	96	275	28	5,768	5,560	285	303
<b>Georgia</b>													
Joe Kuebler	Jan 07	3,307	798	5,860	2,391	185	36	210	70	4,105	8,251	221	280
<b>Hawaii</b>													
Janice Yamada	Jan 07	170	52	298	160	7	1	2	4	222	458	8	6
<b>Idaho</b>													
nichole case	Jan 07	485	177	881	280	23	5	24	5	662	1,161	28	29
<b>Illinois</b>													
Richard Ludolph	Jan 07	5,942	0	3,520	0	106	0	87	0	5,942	3,520	106	87
<b>Indiana</b>													
Art Hegewald	Jan 07	0	773	0	403	0	29	0	21	773	403	29	21
Thomas A. Mitcham	Jan 07	2,741	0	0	0	118	0	0	0	2,741	0	118	0

			IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
	Name	Month												
	Nita Wright	Jan 07	0	0	4,269	0	0	0	127	0	0	4,269	0	127
<b>Iowa</b>														
	Debra Klinzing	Jan 07	1,095	281	715	296	50	17	34	16	1,376	1,011	67	50
<b>Kansas</b>														
	Jerry Bauer	Jan 07	1,075	398	892	526	77	30	93	42	1,473	1,418	107	135
<b>Louisiana</b>														
	DAPHINE DENNEY	Jan 07	1,152	469	1,491	718	65	24	55	39	1,621	2,209	89	94
<b>Maine</b>														
	Tima	Jan 07	276	57	214	7	16	5	5	0	333	221	21	5
<b>Maryland</b>														
	Melanie P. Brock	Jan 07	2,458	457	1,389	551	96	13	44	28	2,915	1,940	109	72
<b>Massachusetts</b>														
	Donald LaFratta	Jan 07	2,057	274	986	127	90	13	83	1	2,331	1,113	103	84
<b>Minnesota</b>														
	Rose Ann Bisch	Jan 07	1,431	386	2,104	198	75	23	86	16	1,817	2,302	98	102
<b>Mississippi</b>														
	Christopher Epps	Jan 07	722	221	892	231	102	27	52	5	943	1,123	129	57
<b>Missouri</b>														
	Wanda La Cour	Jan 07	2,037	721	3,286	2,003	137	69	175	119	2,758	5,289	206	294
<b>Montana</b>														
	Crystie Burnette	Jan 07	299	97	824	156	5	2	5	2	396	980	7	7
<b>Nebraska</b>														
	Marcella A. Shortt	Jan 07	0	166	0	68	0	10	0	3	166	68	10	3
	Kari Rumbaugh	Jan 07	634	0	366	0	38	0	15	0	634	366	38	15
<b>Nevada</b>														
	Karen Finley	Jan 07	641	302	950	263	31	25	42	9	943	1,213	56	51
<b>New Hampshire</b>														
	Jeanne Stewart	Jan 07	362	70	446	244	21	2	16	8	432	690	23	24
<b>New Jersey</b>														
	John Gusz	Jan 07	5,794	0	7,408	0	75	0	164	0	5,794	7,408	75	164
	Debra Alt	Jan 07	0	552	0	502	0	13	0	30	552	502	13	30
<b>New Mexico</b>														
	Edward Gonzales	Jan 07	1,503	540	1,179	307	88	17	40	16	2,043	1,486	105	56
<b>New York</b>														
	Sandy Layton	Jan 07	3,355	0	2,674	0	160	0	111	0	3,355	2,674	160	111
<b>North Carolina</b>														
	Betty Payton	Jan 07	3,189	783	1,232	83	132	32	51	5	3,972	1,315	164	56

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>North Dakota</b>															
	Charles R. Placek	Jan 07	546	89	501	108	27	9	22	4	635	609	36	26	
<b>Ohio</b>															
	Katrina Ransom	Jan 07	2,191	933	2,050	856	90	40	57	16	3,124	2,906	130	73	
<b>Pennsylvania</b>															
	Colleen M. Fickel	Jan 07	2,399	464	2,050	1,108	134	19	96	39	2,863	3,158	153	135	
<b>Puerto Rico</b>															
	Carmen Ayala-Rios	Jan 07	159	112	78	19	3	5	1	1	271	97	8	2	
<b>Rhode Island</b>															
	Laura Queenan	Jan 07	303	47	939	43	30	2	45	7	350	982	32	52	
<b>South Carolina</b>															
	Ann Clarke	Jan 07	1,666	442	895	414	72	13	50	11	2,108	1,309	85	61	
<b>South Dakota</b>															
	Linda Ott	Jan 07	477	0	622	0	20	0	24	0	477	622	20	24	
	David Geffre	Jan 07	0	57	0	361	0	1	0	14	57	361	1	14	
	David Geffre	Jan 07	0	60	0	393	0	4	0	10	0	0	0	0	
<b>Tennessee</b>															
	Deborah Duke	Jan 07	2,134	804	1,434	443	89	32	59	14	2,938	1,877	121	73	
<b>Texas</b>															
	Sylvia Ann Mokarzel	Jan 07	3,855	2,184	7,865	3,375	210	136	399	96	6,039	11,240	346	495	
<b>Utah</b>															
	Cliff Butter	Jan 07	577	210	267	131	25	4	25	9	787	398	29	34	
	Cliff Butter	Jan 07	577	210	267	131	25	4	25	9	787	398	29	34	
<b>Vermont</b>															
	Elaine Davis	Jan 07	257	61	392	78	7	3	21	1	318	470	10	22	
<b>Virginia</b>															
	Amanda Dandridge	Jan 07	2,783	732	6,292	695	76	16	167	6	3,515	6,987	92	173	
<b>Washington</b>															
	Doreen Geiger	Jan 07	1,753	557	213	308	77	14	14	14	2,310	521	91	28	
<b>Wisconsin</b>															
	William Rankin	Jan 07	1,153	252	1,765	988	62	19	87	49	1,405	2,753	81	136	
<b>TOTAL</b>												<b>4,027</b>	<b>3,890</b>		

# Monthly Data Collections Report - December 2006

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Dec 06	2,597	644	988	326	117	24	44	7	3,241	1,314	141	51
<b>Alaska</b>													
Dan Delapina	Dec 06	142	61	183	61	7	1	2	3	203	244	8	5
<b>Arizona</b>													
Dori Ege	Dec 06	1,437	0	2,107	0	57	0	70	0	1,437	2,107	57	70
Kelly Knoll	Dec 06	0	453	0	316	0	21	0	32	453	316	21	32
<b>Arkansas</b>													
Linda Strong	Dec 06	1,464	678	1,236	677	28	17	22	33	2,142	1,913	45	55
<b>Colorado</b>													
sally skiver	Dec 06	1,677	279	1,687	729	42	11	54	15	1,956	2,416	53	69
<b>Connecticut</b>													
Tracy Johnson	Dec 06	0	180	0	140	0	14	0	5	180	140	14	5
Pamela J. Mason	Dec 06	0	0	0	0	46	0	70	0	0	0	46	70
<b>Delaware</b>													
Alan R. Kerrigan	Dec 06	448	132	413	31	27	5	22	0	580	444	32	22
<b>District of Columbia</b>													
Jody Tracey	Dec 06	438	112	630	27	25	4	5	3	550	657	29	8
<b>Florida</b>													
Pamela Levine	Dec 06	4,287	1,446	5,038	225	180	90	239	12	5,733	5,263	270	251
<b>Georgia</b>													
Joe Kuebler	Dec 06	3,209	779	5,797	2,422	260	31	125	35	3,988	8,219	291	160
<b>Hawaii</b>													
Janice Yamada	Dec 06	162	51	294	158	4	2	11	7	213	452	6	18
<b>Idaho</b>													
Margaret Lint	Dec 06	467	170	871	274	19	8	16	6	637	1,145	27	22

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>Illinois</b>															
	Rich Ludolph	Dec 06	5,951	0	3,519	0	107	0	62	0	5,951	3,519	107	62	
<b>Indiana</b>															
	art hegewald	Dec 06	0	793	0	400	0	16	0	23	793	400	16	23	
	Thomas A. Mitcham	Dec 06	2,857	0	0	0	124	0	0	0	2,857	0	124	0	
<b>Iowa</b>															
	Debra Klinzing	Dec 06	1,115	294	719	296	45	7	34	16	1,409	1,015	52	50	
<b>Kansas</b>															
	Jerry Bauer	Dec 06	1,067	398	901	515	57	33	89	58	1,465	1,416	90	147	
<b>Kentucky</b>															
	Amanda S. Burt	Dec 06	1,355	519	1,925	1,104	78	40	61	50	1,874	3,029	118	111	
	Amanda S. Burt	Dec 06	1,395	521	1,942	1,104	73	28	85	40	1,916	3,046	101	125	
<b>Louisiana</b>															
	Daphine Denney	Dec 06	1,147	470	1,475	715	52	19	47	24	1,617	2,190	71	71	
<b>Maine</b>															
	Tima Ellsmore	Dec 06	288	60	232	7	6	3	7	0	348	239	9	7	
<b>Maryland</b>															
	Melanie P. Brock	Dec 06	2,462	462	1,406	543	39	3	13	19	2,924	1,949	42	32	
<b>Massachusetts</b>															
	Donald LaFratta	Dec 06	2,043	0	970	0	87	0	61	0	2,043	970	87	61	
	Donald LaFratta	Dec 06	0	277	0	125	0	12	0	6	277	125	12	6	
<b>Michigan</b>															
	Cynthia N. Johnson	Dec 06	1,667	577	985	503	59	24	39	27	2,244	1,488	83	66	
<b>Minnesota</b>															
	Rose Ann Bisch	Dec 06	1,399	382	2,055	182	33	19	55	8	1,781	2,237	52	63	
<b>Mississippi</b>															
	Christopher Epps	Dec 06	732	231	891	229	89	28	47	2	963	1,120	117	49	
<b>Missouri</b>															
	Wanda La Cour	Dec 06	2,063	700	3,258	2,004	122	73	213	87	2,763	5,262	195	300	
<b>Montana</b>															
	Crystie Burnette	Dec 06	292	98	824	209	5	6	18	7	390	1,033	11	25	
<b>Nebraska</b>															
	Marcella A. Shortt	Dec 06	0	166	0	72	0	9	0	11	166	72	9	11	
	Kari Rumbaugh	Dec 06	642	0	364	0	31	0	17	0	642	364	31	17	
<b>Nevada</b>															
	Karen Finley	Dec 06	602	299	916	335	33	11	29	19	901	1,251	44	48	

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>New Hampshire</b>															
	Jeanne Stewart	Dec 06	349	72	445	243	14	3	15	7	421	688	17	22	
<b>New Jersey</b>															
	Debra Alt	Dec 06	0	542	0	493	0	21	0	26	542	493	21	26	
	debra alt	Dec 06	0	542	0	493	0	21	0	26	542	493	21	26	
	John Gusz	Dec 06	5,782	0	7,396	0	92	0	176	0	5,782	7,396	92	176	
<b>North Carolina</b>															
	Betty Payton	Dec 06	3,177	780	1,271	84	113	23	48	8	3,957	1,355	136	56	
<b>North Dakota</b>															
	Charles R. Placek	Dec 06	541	87	492	106	18	7	15	4	628	598	25	19	
<b>Ohio</b>															
	Katrina Ransom	Dec 06	2,190	921	2,014	848	126	47	66	26	3,111	2,862	173	92	
<b>Oregon</b>															
	Denise Sittler	Dec 06	969	319	952	493	26	11	35	18	1,288	1,445	37	53	
<b>Pennsylvania</b>															
	Colleen M. Fickel	Dec 06	2,127	423	2,015	1,126	131	31	72	31	2,550	3,141	162	103	
<b>Puerto Rico</b>															
	Carmen Ayala	Dec 06	161	110	78	20	3	5	2	0	271	98	8	2	
<b>Rhode Island</b>															
	Laura Queenan	Dec 06	301	47	940	45	23	3	63	2	348	985	26	65	
<b>South Carolina</b>															
	Ann Clarke	Dec 06	1,646	442	903	422	42	22	30	8	2,088	1,325	64	38	
<b>South Dakota</b>															
	David Geffre	Dec 06	0	56	0	372	0	9	0	15	56	372	9	15	
	Linda Ott	Dec 06	482	0	638	0	21	0	23	0	482	638	21	23	
<b>Tennessee</b>															
	Bobby Halliburton	Dec 06	2,141	791	1,413	437	61	24	31	12	2,932	1,850	85	43	
<b>Texas</b>															
	Sylvia Ann Mokarzel	Dec 06	3,969	2,333	7,966	3,513	155	33	282	44	6,302	11,479	188	326	
<b>Utah</b>															
	Cliff Butter	Dec 06	570	213	263	128	10	2	13	7	783	391	12	20	
<b>Vermont</b>															
	Elaine Davis	Dec 06	252	58	384	80	6	4	8	6	310	464	10	14	
	Elaine Davis	Dec 06	252	58	384	80	6	4	8	6	310	464	10	14	
<b>Virginia</b>															
	Amanda Dandridge	Dec 06	2,794	731	6,275	868	45	10	97	8	3,525	7,143	55	105	

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>Washington</b>															
	Doreen Geiger	Dec 06	1,677	543	199	294	62	19	14	16	2,220	493	81	30	
<b>Wisconsin</b>															
	William Rankin	Dec 06	1,152	243	1,777	987	42	4	54	27	1,395	2,764	46	81	
												<b>TOTAL</b>	<b>3,710</b>	<b>3,461</b>	

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ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Nov 06	2,534	616	321	978	91	26	35	5	3,150	1,299	117	40
<b>Alaska</b>													
Dan Delapina	Nov 06	142	167	186	55	5	4	5	1	309	241	9	6
<b>Colorado</b>													
sally skiver	Nov 06	1,669	227	1,686	743	42	11	54	27	1,896	2,429	53	81
<b>Connecticut</b>													
Tracy Johnson	Nov 06	0	175	0	143	0	4	0	7	175	143	4	7
<b>Delaware</b>													
Alan R. Kerrigan	Nov 06	435	130	411	33	37	11	32	5	565	444	48	37
<b>District of Columbia</b>													
Jody Tracey	Nov 06	400	92	630	31	35	6	19	3	492	661	41	22
<b>Florida</b>													
Pamela Levine	Nov 06	4,257	1,449	4,958	228	219	91	239	13	5,706	5,186	310	252
<b>Georgia</b>													
Joe Kuebler	Nov 06	3,010	766	5,726	2,414	114	40	154	52	3,776	8,140	154	206
<b>Hawaii</b>													
Ronald Hajime	Nov 06	159	49	297	152	5	1	12	3	208	449	6	15
<b>Idaho</b>													
Margaret Lint	Nov 06	454	157	855	269	25	4	13	6	611	1,124	29	19
<b>Illinois</b>													
Rich Ludolph	Nov 06	5,926	0	3,057	0	109	0	92	0	5,926	3,057	109	92
Rich Ludolph	Nov 06	5,926	0	3,057	0	109	0	92	0	5,926	3,057	109	92
<b>Indiana</b>													
Art Hegewald	Nov 06	0	794	0	417	0	38	0	15	794	417	38	15
Jane Seigel	Nov 06	0	0	4,127	0	0	0	93	0	0	4,127	0	93



	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
	Laura Queenan	Nov 06	305	48	917	46	17	2	25	3	353	963	19	28	
<b>South Carolina</b>															
	Ann Clarke	Nov 06	1,637	441	904	423	72	13	42	20	2,078	1,327	85	62	
<b>South Dakota</b>															
	David Geffre	Nov 06	0	52	0	370	0	4	0	9	52	370	4	9	
	Linda Ott	Nov 06	493	0	616	0	12	0	34	0	493	616	12	34	
<b>Tennessee</b>															
	Deborah Duke	Nov 06	2,130	787	1,392	433	62	24	35	12	2,917	1,825	86	47	
<b>Texas</b>															
	Sylvia Ann Mocarzel	Nov 06	3,878	2,302	7,757	3,512	262	97	236	79	6,180	11,269	359	315	
<b>Utah</b>															
	Cliff Butter	Nov 06	575	212	267	127	17	2	18	3	787	394	19	21	
<b>Vermont</b>															
	Elaine Davis	Nov 06	255	57	388	80	9	1	14	2	312	468	10	16	
<b>Virginia</b>															
	Amanda Hill-Dandridge	Nov 06	2,777	728	6,286	693	59	12	122	13	3,505	6,979	71	135	
<b>Washington</b>															
	Doreen Geiger	Nov 06	1,616	524	190	278	68	18	14	9	2,140	468	86	23	
<b>Wisconsin</b>															
	William Rankin	Nov 06	1,135	246	1,769	983	46	14	74	39	1,381	2,752	60	113	
												<b>TOTAL</b>		<b>3,146</b>	<b>2,817</b>

# Monthly Data Collections Report - October 2006

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOA**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Oct 06	2,452	624	976	319	76	18	5	3	3,076	1,295	94	8
<b>Alaska</b>													
Dan Delapina	Oct 06	141	67	183	66	5	2	5	2	208	249	7	7
Kelly S Cravens	Oct 06	167	87	212	110	5	2	5	2	254	322	7	7
<b>Arizona</b>													
Dori Ege	Oct 06	1,432	0	2,103	0	60	0	121	0	1,432	2,103	60	121
Kelly Knoll	Oct 06	0	450	0	322	0	15	0	36	450	322	15	36
Dori Ege	Oct 06	0	450	0	322	0	15	0	36	450	322	15	36
<b>Arkansas</b>													
Linda Strong	Oct 06	1,482	670	1,236	681	60	37	25	41	2,152	1,917	97	66
<b>Colorado</b>													
sally skiver	Oct 06	1,666	266	1,633	747	42	11	54	29	1,932	2,380	53	83
<b>Connecticut</b>													
Tracy Johnson	Oct 06	0	184	0	138	0	7	0	1	184	138	7	1
<b>Delaware</b>													
Alan R. Kerrigan	Oct 06	438	136	404	33	30	12	26	2	574	437	42	28
<b>District of Columbia</b>													
Jody Tracey	Oct 06	475	124	532	33	25	4	20	0	599	565	29	20
<b>Florida</b>													
Pamela Levine	Oct 06	4,700	1,568	4,910	227	222	125	249	14	6,268	5,137	347	263
<b>Georgia</b>													
Joe Kuebler	Oct 06	3,052	768	5,741	2,379	51	25	28	57	3,820	8,120	76	85
<b>Hawaii</b>													
Ronald Hajime	Oct 06	160	51	300	159	10	2	12	5	211	459	12	17
<b>Idaho</b>													

			IN State	IN State	OUT of	OUT of	Trans.	Trans.	Trans.	Trans.	Total	Total	Total	Total
	Name	Month	Prob.	Parole	State	State	IN Prob.	IN Parole	OUT Prob.	OUT Parole	IN State	OUT of State	Trans. IN	Trans. OUT
	nichole case	Oct 06	449	152	846	269	20	4	18	7	601	1,115	24	25
<b>Illinois</b>														
	Rich Ludolph	Oct 06	5,904	0	3,477	0	123	0	84	0	5,904	3,477	123	84
<b>Indiana</b>														
	Art Hegewald	Oct 06	0	785	0	414	0	35	0	27	785	414	35	27
	Jane Seigel	Oct 06	0	0	3,787	0	0	0	175	0	0	3,787	0	175
<b>Iowa</b>														
	Debra Klinzing	Oct 06	1,088	303	707	299	56	22	39	9	1,391	1,006	78	48
<b>Kansas</b>														
	Jerry Bauer	Oct 06	1,042	386	917	504	69	24	86	53	1,428	1,421	93	139
<b>Kentucky</b>														
	Amanda S. Burt	Oct 06	1,543	510	2,021	1,088	159	37	111	69	2,053	3,109	196	180
<b>Louisiana</b>														
	DAPHINE DENNEY	Oct 06	1,112	465	1,447	735	66	16	80	69	1,577	2,182	82	149
<b>Maine</b>														
	TIMA ELLSMORE	Oct 06	276	63	241	7	11	1	8	0	339	248	12	8
<b>Maryland</b>														
	Melanie P. Brock	Oct 06	2,514	465	1,486	547	94	18	14	12	2,979	2,033	112	26
	Melanie P. Brock	Oct 06	2,514	465	1,486	547	94	18	14	12	2,979	2,033	112	26
<b>Massachusetts</b>														
	Donald LaFratta	Oct 06	0	266	0	130	0	10	0	8	266	130	10	8
<b>Michigan</b>														
	Cynthia Johnson	Oct 06	1,630	545	932	489	106	39	69	34	2,175	1,421	145	103
<b>Minnesota</b>														
	Rose Ann Bisch	Oct 06	1,428	377	2,067	199	94	43	115	38	1,805	2,266	137	153
<b>Mississippi</b>														
	Christopher Epps	Oct 06	767	268	913	237	129	25	23	11	1,035	1,150	154	34
<b>Missouri</b>														
	Wanda LaCour	Oct 06	2,141	721	3,236	2,016	153	67	183	98	2,862	5,252	220	281
<b>Montana</b>														
	Cathy Gordon	Oct 06	274	85	823	223	16	5	30	8	359	1,046	21	38
	Cathy Gordon	Oct 06	285	90	818	222	22	9	21	12	375	1,040	31	33
<b>Nebraska</b>														
	Marcella A. Shortt	Oct 06	0	166	0	74	0	7	0	5	166	74	7	5
	Kari Rumbaugh	Oct 06	644	0	395	0	39	0	26	0	644	395	39	26
<b>Nevada</b>														
	Karen Finley	Oct 06	234	94	967	272	25	13	22	22	328	1,239	38	44

			IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
Name	Month														
<b>New Hampshire</b>															
Jeanne Stewart	Oct 06		357	71	450	242	10	3	15	12	428	692	13	27	
<b>New Jersey</b>															
debra alt	Oct 06		0	535	0	500	0	46	0	21	535	500	46	21	
John Gusz	Oct 06		5,763	0	7,376	0	105	0	214	0	5,763	7,376	105	214	
<b>New Mexico</b>															
Edward Gonzales	Oct 06		1,456	552	1,158	328	72	7	67	20	2,008	1,486	79	87	
<b>New York</b>															
Sandy Layton	Oct 06		3,413	0	2,758	0	150	0	99	0	3,413	2,758	150	99	
<b>North Carolina</b>															
Betty Payton	Oct 06		2,866	715	1,266	84	34	12	30	8	3,581	1,350	46	38	
<b>Ohio</b>															
Katrina Ransom	Oct 06		2,160	917	1,937	835	23	20	48	25	3,077	2,772	43	73	
<b>Oregon</b>															
Denise Sittler	Oct 06		953	320	963	498	45	22	79	31	1,273	1,461	67	110	
<b>Pennsylvania</b>															
Colleen M. Fickel	Oct 06		2,357	462	1,994	1,124	162	26	90	37	2,819	3,118	188	127	
<b>Puerto Rico</b>															
Carmen Ayala-Rios	Oct 06		163	114	79	20	5	4	4	1	277	99	9	5	
Carmen Ayala-Rios	Oct 06		168	112	77	20	5	0	1	0	280	97	5	1	
<b>Rhode Island</b>															
Laura Queenan	Oct 06		298	45	915	43	16	3	42	5	343	958	19	47	
<b>South Carolina</b>															
Ann Clarke	Oct 06		1,622	443	894	412	60	19	49	21	2,065	1,306	79	70	
<b>South Dakota</b>															
David Geffre	Oct 06		0	57	0	372	0	3	0	14	57	372	3	14	
Linda L. Ott	Oct 06		481	0	620	0	26	0	36	0	481	620	26	36	
<b>Tennessee</b>															
Deborah Duke	Oct 06		2,112	788	1,394	428	89	40	38	6	2,900	1,822	129	44	
<b>Texas</b>															
Sylvia Ann Mokarzel	Oct 06		3,834	2,370	7,860	3,540	235	97	292	90	6,204	11,400	332	382	
<b>Utah</b>															
Cliff Butter	Oct 06		549	193	254	147	21	3	15	7	742	401	24	22	
Cliff Butter	Oct 06		577	211	256	125	16	5	21	7	788	381	21	28	
<b>Vermont</b>															
Elaine Davis	Oct 06		256	61	395	83	8	6	18	1	317	478	14	19	

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Virginia</b>														
	Amanda Hill-Dandridge	Oct 06	2,758	719	6,190	0	66	16	154	12	3,477	6,190	82	166
<b>Wisconsin</b>														
	William Rankin	Oct 06	1,141	250	1,766	965	50	24	70	57	1,391	2,731	74	127
												<b>TOTAL</b>	<b>4,084</b>	<b>4,147</b>

# Monthly Data Collections Report - September 2006

ENSURING PUBLIC SAFETY FOR THE 21<sup>ST</sup> CENTURY



**ICAOS**

Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
<b>Alabama</b>													
Rich Pierce	Sep 06	2,397	626	963	311	120	24	46	0	3,023	1,274	144	46
<b>Alaska</b>													
Dan Delapina	Sep 06	145	66	184	62	7	5	4	1	211	246	12	5
<b>Arizona</b>													
Dori Ege	Sep 06	1,422	0	2,097	0	86	0	67	0	1,422	2,097	86	67
Kelly Knoll	Sep 06	0	461	0	318	0	27	0	29	461	318	27	29
<b>Arkansas</b>													
Linda Strong	Sep 06	1,500	661	1,268	652	45	26	28	35	2,161	1,920	71	63
<b>California</b>													
Nancy Sears	Sep 06	0	1,521	0	1,167	0	0	0	0	1,521	1,167	0	0
<b>Colorado</b>													
sally skiver	Sep 06	1,648	264	1,636	728	41	11	54	31	1,912	2,364	52	85
<b>Connecticut</b>													
Tracy Johnson	Sep 06	0	191	0	138	0	7	0	5	191	138	7	5
<b>Delaware</b>													
Alan R. Kerrigan	Sep 06	439	135	372	32	31	10	41	1	574	404	41	42
<b>District of Columbia</b>													
Jody Tracey	Sep 06	466	133	649	33	42	7	15	1	599	682	49	16
<b>Florida</b>													
Pamela Levine	Sep 06	4,703	1,552	4,809	229	187	86	248	13	6,255	5,038	273	261
<b>Georgia</b>													
Joe Kuebler	Sep 06	2,997	0	5,778	0	86	0	119	0	2,997	5,778	86	119
Joe Kuebler	Sep 06	0	780	0	2,412	0	20	0	65	780	2,412	20	65
<b>Hawaii</b>													
Ronald Hajime	Sep 06	159	50	303	154	13	5	12	1	209	457	18	13

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT	
<b>Idaho</b>															
	Margaret Lint	Sep 06	438	149	852	262	13	5	25	5	587	1,114	18	30	
<b>Illinois</b>															
	Rich Ludolph	Sep 06	5,900	0	3,457	0	113	0	86	0	5,900	3,457	113	86	
<b>Indiana</b>															
	Jane Seigel	Sep 06	2,702	0	4,005	0	145	0	223	0	2,702	4,005	145	223	
<b>Kansas</b>															
	Jerry Bauer	Sep 06	1,055	380	948	507	55	38	91	52	1,435	1,455	93	143	
<b>Kentucky</b>															
	Amanda S. Burt	Sep 06	1,490	492	1,963	1,088	129	30	115	50	1,982	3,051	159	165	
<b>Louisiana</b>															
	DAPHINE DENNEY	Sep 06	1,100	452	1,422	741	60	15	50	38	1,552	2,163	75	88	
	DAPHINE DENNEY	Sep 06	1,081	439	1,479	767	57	20	72	72	1,520	2,246	77	144	
<b>Maine</b>															
	TIMA ELLSMORE	Sep 06	274	63	237	7	11	2	15	0	337	244	13	15	
<b>Maryland</b>															
	Melanie P. Brock	Sep 06	2,500	460	1,511	535	92	13	26	14	2,960	2,046	105	40	
<b>Massachusetts</b>															
	Donald LaFratta	Sep 06	0	276	0	136	0	12	0	9	276	136	12	9	
	Donald LaFratta	Sep 06	2,075	0	931	0	71	0	56	0	2,075	931	71	56	
<b>Michigan</b>															
	Cynthia Johnson	Sep 06	1,625	558	935	485	47	15	38	15	2,183	1,420	62	53	
<b>Minnesota</b>															
	Rose Ann Bisch	Sep 06	1,461	387	2,049	199	66	31	107	36	1,848	2,248	97	143	
<b>Mississippi</b>															
	Christopher Epps	Sep 06	677	254	929	241	83	32	34	6	931	1,170	115	40	
<b>Missouri</b>															
	Wanda LaCour	Sep 06	2,116	722	3,222	2,021	152	84	194	90	2,838	5,243	236	284	
<b>Montana</b>															
	Cathy Gordon	Sep 06	279	84	823	162	13	0	24	8	363	985	13	32	
<b>Nebraska</b>															
	Marcella A. Shortt	Sep 06	0	171	0	86	0	6	0	12	171	86	6	12	
	Kari Rumbaugh	Sep 06	654	0	366	0	56	0	18	0	654	366	56	18	
<b>New Hampshire</b>															
	Jeanne Stewart	Sep 06	356	73	451	241	13	1	24	11	429	692	14	35	
<b>New Jersey</b>															

	Name	Month	IN State Prob.	IN State Parole	OUT of State Prob.	OUT of State Parole	Trans. IN Prob.	Trans. IN Parole	Trans. OUT Prob.	Trans. OUT Parole	Total IN State	Total OUT of State	Total Trans. IN	Total Trans. OUT
	debra alt	Sep 06	0	508	0	483	0	25	0	23	508	483	25	23
	John Gusz	Sep 06	5,749	0	7,363	0	94	0	174	0	5,749	7,363	94	174
<b>New Mexico</b>														
	Edward Gonzales	Sep 06	1,488	561	1,179	561	103	7	73	23	2,049	1,740	110	96
<b>North Carolina</b>														
	Betty Payton	Sep 06	2,848	710	1,296	77	53	6	48	4	3,558	1,373	59	52
<b>North Dakota</b>														
	Charles R. Placek	Sep 06	545	86	476	101	23	6	17	1	631	577	29	18
<b>Ohio</b>														
	Katrina Ransom	Sep 06	2,170	919	1,952	832	77	46	69	25	3,089	2,784	123	94
<b>Oregon</b>														
	Denise Sitler	Sep 06	926	323	946	497	41	16	62	26	1,249	1,443	57	88
<b>Pennsylvania</b>														
	Colleen M. Fickel	Sep 06	2,354	466	1,975	1,124	127	21	86	30	2,820	3,099	148	116
<b>Rhode Island</b>														
	Laura Queenan	Sep 06	288	46	924	46	17	9	25	0	334	970	26	25
<b>South Carolina</b>														
	Ann Clarke	Sep 06	1,624	447	895	413	68	26	56	18	2,071	1,308	94	74
<b>South Dakota</b>														
	Linda Ott	Sep 06	475	0	622	0	26	0	42	0	475	622	26	42
	David Geffre	Sep 06	0	59	0	367	0	4	0	18	59	367	4	18
<b>Tennessee</b>														
	Bobby Halliburton	Sep 06	2,086	773	1,370	429	86	30	44	12	2,859	1,799	116	56
<b>Texas</b>														
	Sylvia Ann Mokarzel	Sep 06	3,669	2,399	7,663	3,533	186	61	168	49	6,068	11,196	247	217
<b>Utah</b>														
	Cliff Butter	Sep 06	574	214	245	128	16	3	17	10	788	373	19	27
<b>Vermont</b>														
	Elaine Davis	Sep 06	262	57	392	80	8	2	3	2	319	472	10	5
<b>Wisconsin</b>														
	William Rankin	Sep 06	1,131	244	1,776	949	46	10	72	31	1,375	2,725	56	103
<b>TOTAL</b>												<b>3,609</b>	<b>3,660</b>	

## **Budget**

ICAOS  
Working Budget  
Fiscal Year:  
2007 \* 2008 \* 2009

	A	G	K	L
1		<b>FY07</b>		<b>Projected</b>
2		<b>Actual</b>	<b>FY08</b>	<b>FY09</b>
3		<b>To Date</b>	<b>Budget</b>	<b>Budget</b>
4	<b>REVENUE</b>			
5	DUE ASSESSMENT	1,365,780.00	1,365,780.00	1,447,726.80
6	Refunds	5,000.00		
7	PPCAA Contribution	62,977.49		
8	Print Sponsorship	2,000.00		
9	INTEREST INCOME**	67,322.15	42,000.00	42,000.00
10	<b>Total Administration Revenue</b>	<b>1,503,079.64</b>	<b>1,407,780.00</b>	<b>1,489,726.80</b>
11				
12	<b>EXPENSE</b>			
13	50010 SALARIES & WAGES	367,650.05	400,000.00	420,000.00
14	51010 EMPLOYEE BENEFITS	93,261.34	126,000.00	132,300.00
15	50030 TEMPORARY SERVICES	13,971.93		
16	50090 SEVERANCE	23,292.86		
17	51310 EDUCATION, ACCREDITATION	1,515.00	2,000.00	2,000.00
18	52010 SUPPLIES	12,406.53	15,000.00	15,300.00
19	52030 POSTAGE	1,941.79	2,000.00	2,040.00
20	52050 COMPUTER SEVICES/SUPPORT	19,607.73	22,600.00	23,052.00
21	52070 PHOTOCOPY	4,023.78	5,000.00	5,100.00
22	52110 MISCELLANEOUS	664.88	500.00	500.00
23	52400 DIRECT TELEPHONE EXPENSE	9,201.52	9,100.00	9,282.00
24	52401 CELL PHONE EXPENSE	2,705.93	3,500.00	3,570.00
25	52440 OUTSIDE WEB SUPPORT/HEA CMS	5,580.00		
26	55255 CONFERENCE CALLS	292.00	300.00	300.00
27	56180 WEB/VIDEO CONFERENCE (WebEx)	45,756.25	42,720.00	42,720.00
28	52500 MARKETING/ADVERTISING	2,966.59	1,000.00	1,000.00
29	53010 EQUIPMENT PURCHASE	15,436.12	15,000.00	15,300.00
30	53400 SOFTWARE PURCHASE	1,631.41	1,500.00	1,500.00
31	52160 CREDIT CARD MERCHANT FEES	776.40		
32	54010 CONSULTANT SERVICES	47,246.94	60,000.00	65,000.00
33	64071 LEGAL SERVICES	64,691.33	70,000.00	70,000.00
34	54300 PROFESSIONAL MEMBERSHIP FEES	300.00	575.00	575.00
35	55010 STAFF TRAVEL	15,343.50	15,000.00	15,300.00
36	56990 MEETING EXPENSE	2,401.26	2,500.00	2,500.00
37	57010 RENT	44,091.06	44,300.00	45,186.00
38	57300 INSURANCE	7,516.00	7,700.00	7,854.00
39	58021 DESKTOP PUBLISHING	3,875.95	1,000.00	1,000.00
40	58050 PRINTING	3,829.00	10,000.00	10,000.00
41	59030 INDIRECT COST	109,616.92	115,734.83	120,336.17
42	<b>Total Administration Expenditures</b>	<b>921,594.07</b>	<b>973,029.83</b>	<b>1,011,715.17</b>
43				
44	<b>OTHER EXPENSE</b>			
45	Executive Committee Meetings	24,612.98	15,000.00	15,000.00
46	Annual Meeting	172,970.51	110,035.00	99,040.00
47	Compliance Committee	5,525.38	9,000.00	9,000.00
48	Rules Committee	15,009.51	15,000.00	15,000.00
49	Technology Committee	25,909.35	15,000.00	15,000.00
50	Training/Education Committee	11,147.89	18,000.00	18,000.00
51	DCA's At Annual Meeting	56,148.37	71,505.00	88,530.00
52	Sex Offender Ad Hoc Committee	11,492.37		
53	East Region Meeting	5,090.00		
54	Defense Litigation (NACIS)	44,187.85		
55	NACIS Settlement		50,000.00	
56	ICOTS		325,000.00	325,000.00
57	Other Indirect Cost	50,232.72	62,977.90	57,041.95
58	<b>Total Other Expense</b>	<b>422,326.93</b>	<b>691,517.90</b>	<b>641,611.95</b>
59				
60	<b>Total Commission Expenses</b>	<b>1,343,920.99</b>	<b>1,664,547.73</b>	<b>1,653,327.12</b>
61				
62	<b>Net Income</b>	<b>159,158.65</b>	<b>(256,767.73)</b>	<b>(163,600.32)</b>
63				
64	Designated Legal Fund	47,000.00	47,000.00	47,000.00
65	Dedicated Reserves***	335,980.25	416,136.93	413,331.78
66	<b>Total Designated Funds</b>	<b>382,980.25</b>	<b>463,136.93</b>	<b>460,331.78</b>
67				
68	<b>Cash Flow Minus Funds</b>	<b>(223,821.60)</b>	<b>(719,904.66)</b>	<b>(623,932.09)</b>
69				
70	<b>Total Reserves Available</b>	<b>1,037,345.20</b>	<b>1,196,503.85</b>	<b>939,736.12</b>
71	<b>Remaining Undedicated Reserve</b>	<b>813,523.60</b>	<b>476,599.19</b>	<b>315,804.03</b>
72	***CSG recommends keeping 25% of operating budget in reserves			



## Interstate Commission for Adult Offender Supervision

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... Ensuring public safety for the 21<sup>st</sup> century

August 22, 2007

**Re: Budget Presentation  
2007 Annual Business Meeting**

Dear Commissioners:

According to our Bylaws (Article VIII, Section 2) 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*. I am pleased to serve as your Treasurer and present the Commission's budget for the 2009 fiscal year.

There has been much discussion in your region meetings surrounding this year's budget and a proposed increase, therefore a few points I would like to restate are:

- The Commission's annual expenses exceed the annual income, requiring the Commission to use reserve funds.
- Additional expenses such as the NACIS settlement and bringing Deputy Compact Administrator's to the annual meeting and the annual costs of starting up the new nationwide electronic system (ICOTS) are expenditures that were not anticipated in the original budget configuration.
- The Commission needs to have reserves in place in the event:
  - a members state is unable to pay their dues;
  - the Commission is involved in a legal suit; and/or
  - unforeseen circumstances.

Rule 2.103 sets the dues formula used in calculating the annual assessments paid by the states. The proposed 6% increase would be in the tiered dues structure approved and adjusted by the Commission at its discretion and, according to the Commission's attorney, would not require a rule change as the dues formula would not be impacted.

The Finance Committee is diligent in its efforts to ensure Commission funds are used appropriately and effectively. If we can identify other revenue sources or acceptable cost reductions, we will recommend dues reductions in the future. Please feel free to contact me with any questions or concerns you may have. Thank you.

Sincerely,

Scott Taylor  
Treasurer

c: Warren Emmer, Chairman  
Harry Hageman, Executive Director

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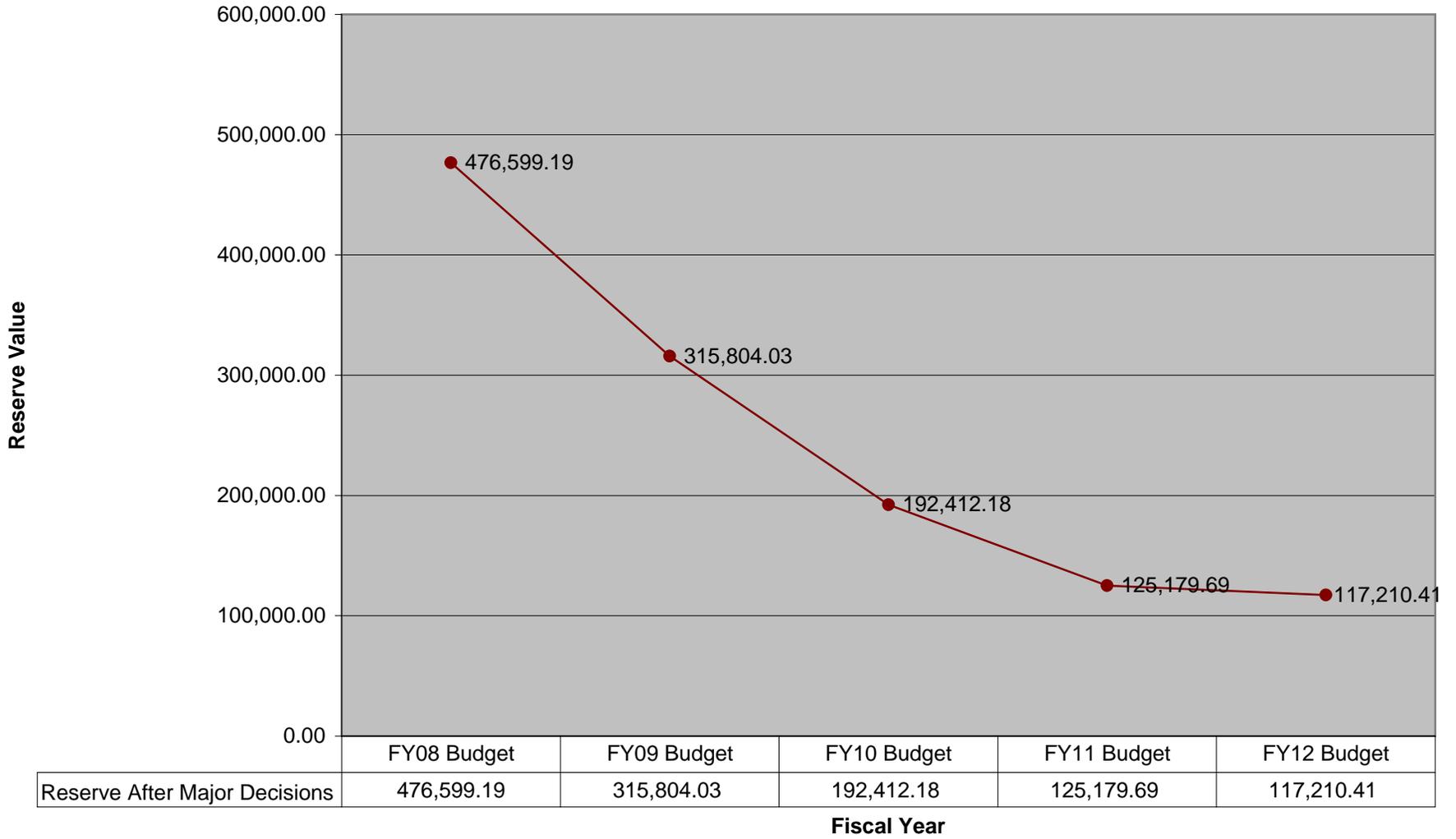
Interstate Commission for  
Adult Offender Supervision

The Council of State Governments  
2760 Research Park Drive  
P.O. Box 11910  
Lexington, Kentucky 40578-1910  
phone: (859) 244-8008  
fax: (859) 244-8001  
email: [icaos@interstatecompact.org](mailto:icaos@interstatecompact.org)  
web: [www.interstatecompact.org](http://www.interstatecompact.org)

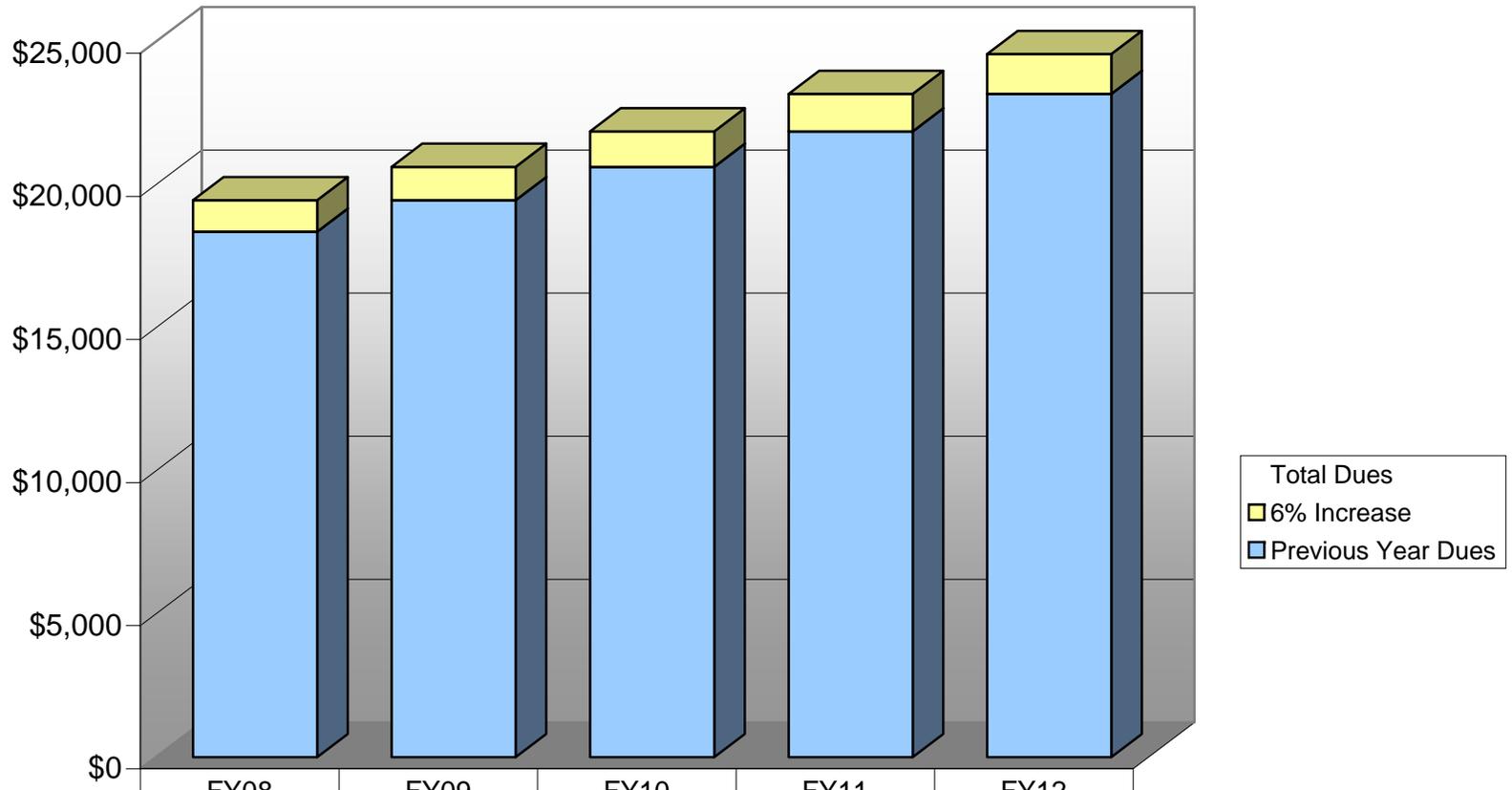
<b>Budget:</b>					
<b>6% Dues Increase, Increase in Admin, \$50k Consulting</b>					
	<b>FY08 Budget</b>	<b>FY09 Budget</b>	<b>FY10 Budget</b>	<b>FY11 Budget</b>	<b>FY12 Budget</b>
<b>Annual Income (Dues &amp; Interest)</b>	1,407,780.00	1,489,726.80	1,576,590.40	1,668,665.80	1,766,265.70
<b>Total Expenses (Includes ICOTS)</b>	1,543,042.73	1,564,797.11	1,588,501.22	1,624,698.87	1,662,607.75
<b>Net Income</b>	<b>(135,262.73)</b>	<b>(75,070.31)</b>	<b>(11,910.82)</b>	43,966.93	103,657.95
<b>Additional Committed Expenses:</b>					
NACIS Settlement	50,000.00				
DCA's at Annual Meeting	71,505.00	88,530.00	102,150.00	102,150.00	102,150.00
<b>TOTAL</b>	<b>121,505.00</b>	<b>88,530.00</b>	<b>102,150.00</b>	<b>102,150.00</b>	<b>102,150.00</b>
<b>Cash Flow Balance</b>	<b>(256,767.73)</b>	<b>(163,600.31)</b>	<b>(114,060.82)</b>	<b>(58,183.07)</b>	1,507.95
<b>Designated Funds:</b>					
Designated Legal Fund	47,000.00	47,000.00	47,000.00	47,000.00	47,000.00
Dedicated Reserves***	416,136.93	413,331.78	422,662.81	431,712.23	441,189.46
<b>Total Designated Funds</b>	<b>463,136.93</b>	<b>460,331.78</b>	<b>469,662.81</b>	<b>478,712.23</b>	<b>488,189.46</b>
<b>Cash Flow Minus Funds</b>	<b>(719,904.66)</b>	<b>(623,932.09)</b>	<b>(583,723.63)</b>	<b>(536,895.30)</b>	<b>(486,681.51)</b>
<b>Total Reserves Available</b>	<b>1,196,503.85</b>	<b>939,736.12</b>	<b>776,135.81</b>	<b>662,074.99</b>	<b>603,891.92</b>
<b>Remaining Undedicated Reserve</b>	<b>476,599.19</b>	<b>315,804.03</b>	<b>192,412.18</b>	<b>125,179.69</b>	<b>117,210.41</b>

\*\*\*CSG Recommends 25% of operating budget in reserves/All expenses include 13.5% Indirect cost

**Reserve**  
**6% Dues Increase, \$50k Consulting, Increase in Administration**



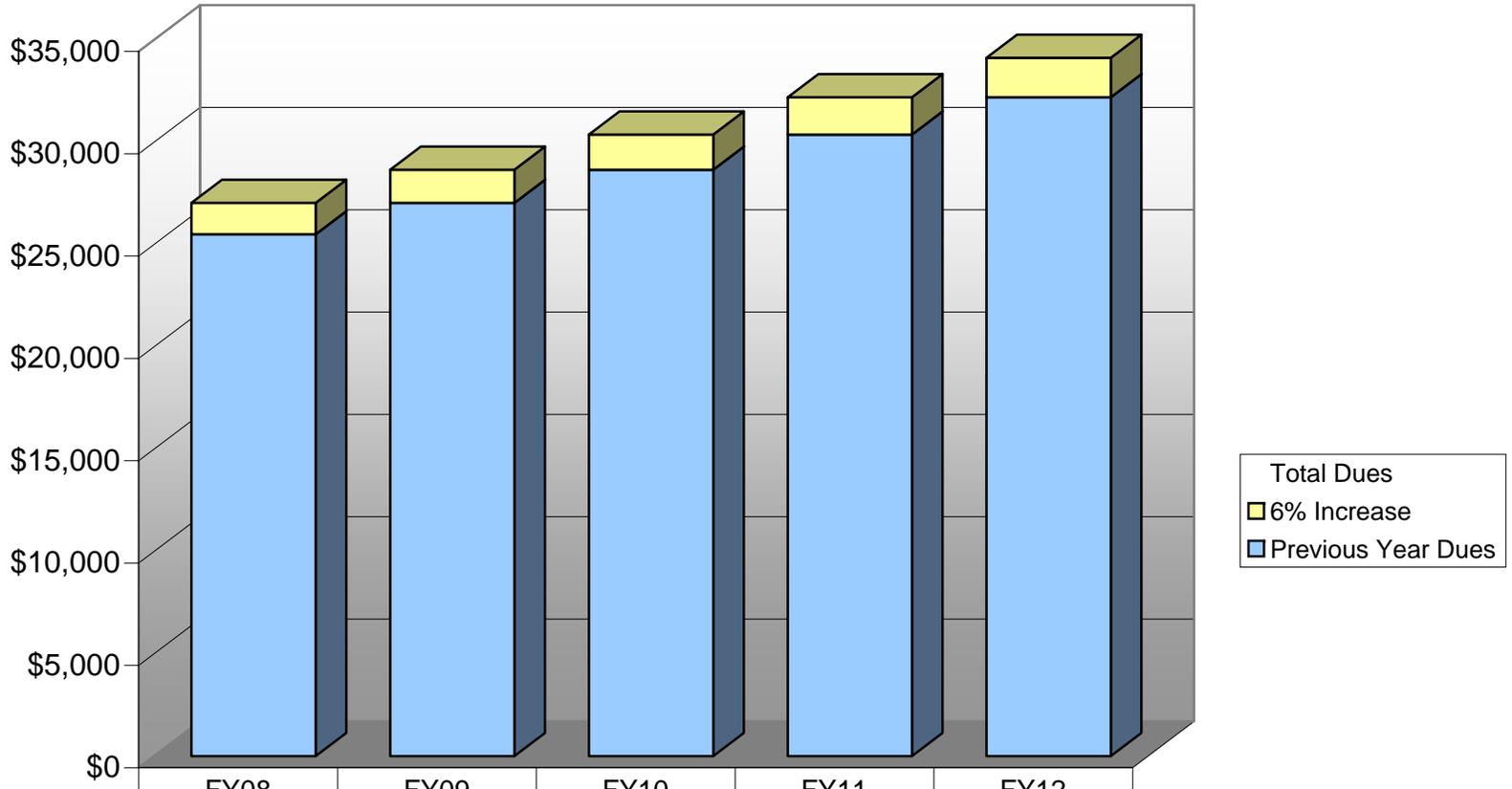
## 5 Year Dues Increase for Tier 1 States



	FY08	FY09	FY10	FY11	FY12
Total Dues	\$19,462	\$20,629	\$21,867	\$23,179	\$24,570
6% Increase	\$1,102	\$1,168	\$1,238	\$1,312	\$1,391
Previous Year Dues	\$18,360	\$19,462	\$20,629	\$21,867	\$23,179

**Fiscal Year**

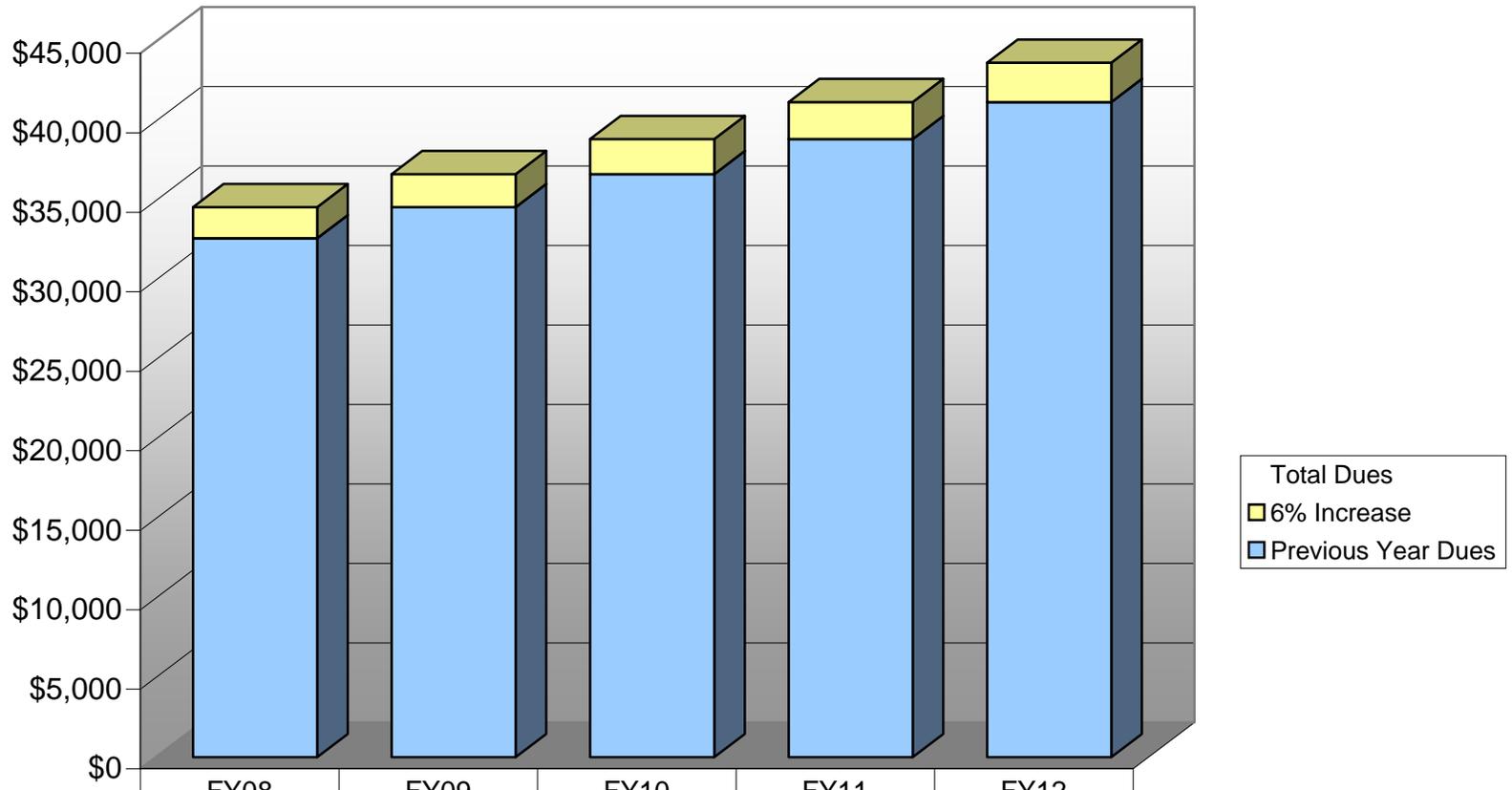
## 5 Year Dues Increase for Tier 2 States



	FY08	FY09	FY10	FY11	FY12
Total Dues	\$27,030	\$28,652	\$30,371	\$32,193	\$34,125
6% Increase	\$1,530	\$1,622	\$1,719	\$1,822	\$1,932
Previous Year Dues	\$25,500	\$27,030	\$28,652	\$30,371	\$32,193

**Fiscal Year**

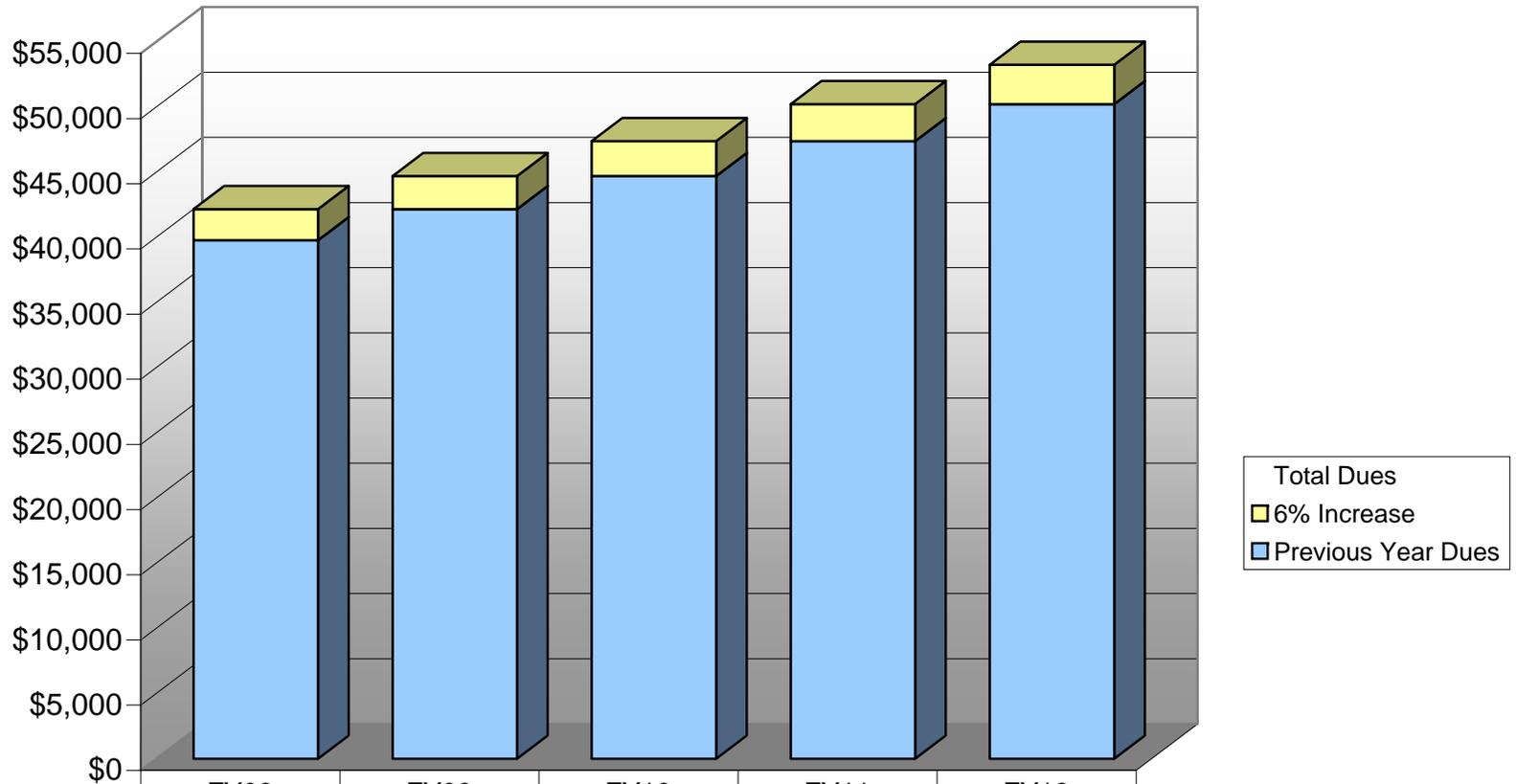
## 5 Year Dues Increase for Tier 3 States



	FY08	FY09	FY10	FY11	FY12
Total Dues	\$34,598	\$36,674	\$38,875	\$41,207	\$43,680
6% Increase	\$1,958	\$2,076	\$2,200	\$2,332	\$2,472
Previous Year Dues	\$32,640	\$34,598	\$36,674	\$38,875	\$41,207

**Fiscal Year**

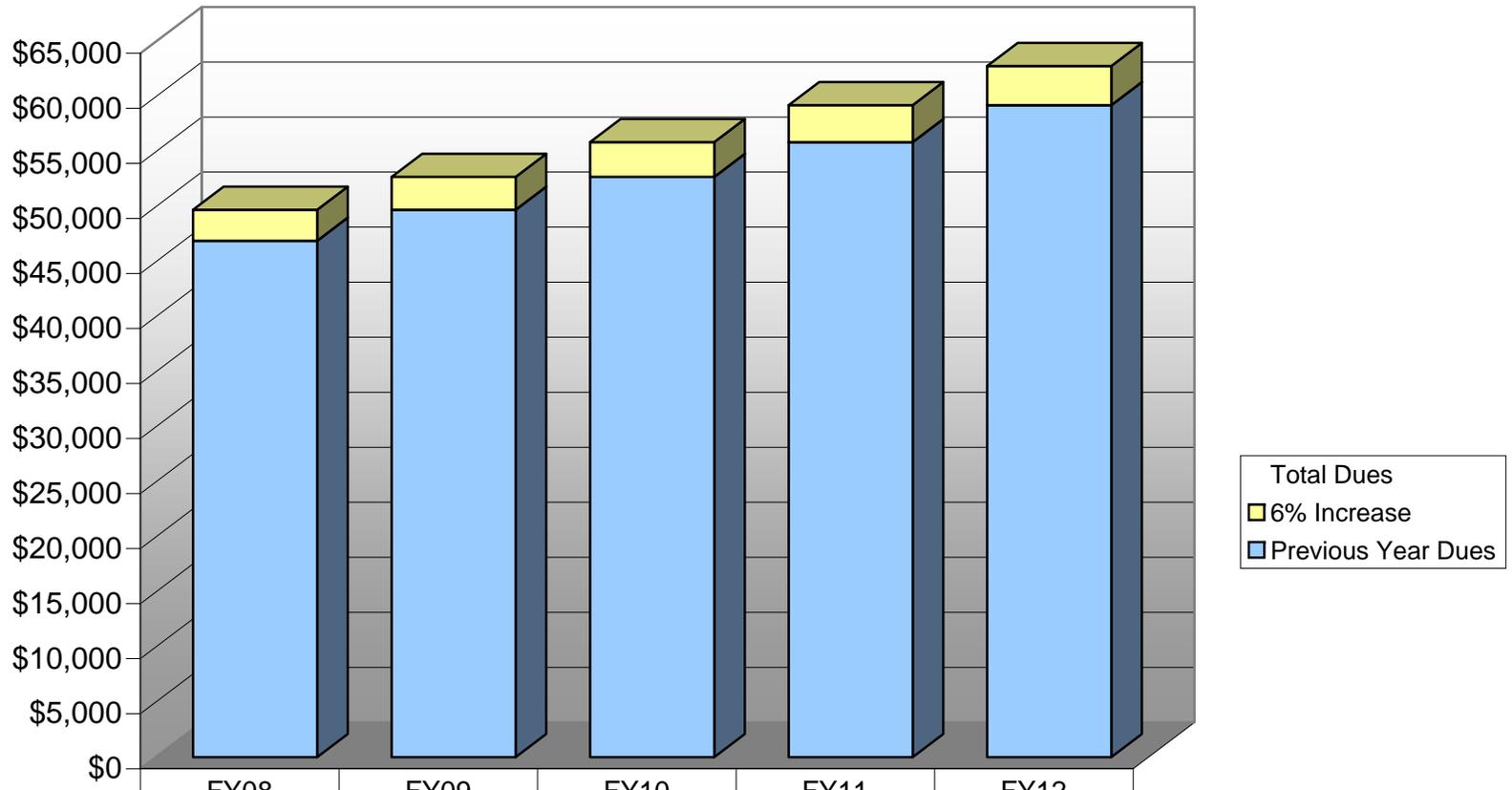
## 5 Year Dues Increase for Tier 4 States



	FY08	FY09	FY10	FY11	FY12
Total Dues	\$42,167	\$44,697	\$47,379	\$50,221	\$53,235
6% Increase	\$2,387	\$2,530	\$2,682	\$2,843	\$3,013
Previous Year Dues	\$39,780	\$42,167	\$44,697	\$47,379	\$50,221

**Fiscal Year**

## 5 Year Dues Increase for Tier 5 States



	FY08	FY09	FY10	FY11	FY12
Total Dues	\$49,735	\$52,719	\$55,882	\$59,235	\$62,790
6% Increase	\$2,815	\$2,984	\$3,163	\$3,353	\$3,554
Previous Year Dues	\$46,920	\$49,735	\$52,719	\$55,882	\$59,235

**Fiscal Year**

**Regional Composition/ Map**



# ICAOS Regions

**Midwest Region**  
Chair: Ken Merz, MN

**East Region**  
Chair: Maureen Walsh, MA

**Puerto Rico  
U.S. Virgin Islands**



**West Region**  
Chair: Dori Ege, AZ

**South Region**  
Chair: Gary Tullock, TN

**Commissioner's Directory**



# State Compact Directory

Interstate Commission  
for Adult Offender Supervision

Updated August 23, 2007

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Lexington, KY 40578

www.interstatecompact.org

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## **Staff Directory**

# ICAOS National Office Staff



**Executive Director**  
**Harry Hageman**

859.244.8229  
[hhageman@interstatecompact.org](mailto:hhageman@interstatecompact.org)

Harry Hageman serves the Commission as the Executive Director and administrator for the National Office. He is available to answer questions regarding rules or policy and is an expert on Commission business. He serves the Commission in matters of compliance, disputes, opinions and legality. Other responsibilities include:

- » Training presentations on the Compact and its rules;
- » Recommending policies and program initiatives for the Commission;
- » Implementing and monitor administration of all policies, programs, and initiatives adopted by Commission; and
- » Assisting the Commission's officers in the performance of their duties.

In the summer of 2003 the *Cleveland Plain Dealer* printed Harry's obituary.



**Assistant Director**  
**Ashley Hassan**

859.244.8227  
[ahassan@interstatecompact.org](mailto:ahassan@interstatecompact.org)

Ashley serves the Commission as its Acting Executive Director. She supervises the day-to-day matters of the National Office working closely with the staff. She assists the Executive Director in financial management, creating and enforcing policies for the National Office, Commission appointments, dues collection as well as filling in for the Executive Director in his absence. Ashley also serves as the liaison for the Council of State Governments.

In February, Ashley completed her first triathlon and finished in second place in her age group.



**Logistics & Administrative Coordinator**  
**Barno Saturday**

859.244.8229  
[bsaturday@interstatecompact.org](mailto:bsaturday@interstatecompact.org)

Barno is responsible for coordinating all meetings held by the Commission, including negotiating hotel contracts, catering needs, travel arrangements and material assembly. She distributes meeting announcements, travel policies and pertinent information related to meetings.

Barno's academic background includes a B.A. in Political Science from Berea College in Kentucky and International Law studies in the University of World Economy and Diplomacy, Uzbekistan. As a law student, Barno volunteered for the University Law Clinic and provided free legal consultations to under-privileged citizens in the capital city of Tashkent. She also worked on developing orphans' rights with a project sponsored by the *Save the Children Fund*.



**Systems Manager**  
**Xavier Donnelly**

859.244.8122  
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Xavier develops and administrates on-demand trainings, small web applications, provides hardware and software support for business solutions for the Commission. Xavier also assists with ICOTS testing, support and training, and researches and creates online communication opportunities for Commission members and committees.

Xavier received his Masters of Business Administration from the University of Kentucky in May 2007.



**Administrative & Training Coordinator**  
**Mindy Spring**

859.244.8148  
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Mindy coordinates all online trainings while ensuring all training materials, publications and website content are up-to-date. She also creates training materials, manuals, presentations, online surveys and reports, and will also serve as a project team member in the development and support of ICOTS. Mindy also assists committees with projects and is expanding WebEx trainings and assisting the Training Committee in improving trainings for the Commission.

Mindy, a graduate of the University of Tennessee, has been with the National Office since 2004.



**Website Analyst**  
**Kevin Terry**

859.244.8007  
[kterry@interstatecompact.org](mailto:kterry@interstatecompact.org)

Kevin manages the Commission website including design, general content, documents, forms, maintenance, traffic monitoring, and effectiveness. He also maintains the Commission's Directory for every state and region. Kevin is also charged with increasing uniformity in National Office communications through design of the Annual Report, newsletter, website, presentations, and other publications. He also maintains the ShopICAOS.org website and is the staff photographer.

In his spare time Kevin enjoys doing volunteer website work for a local non-profit hearing and speech development center for children.



**MIS Project Manager**  
**Sam Razor**

859.244.8161  
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Sam is responsible for data collection, special projects, reports, database administration, and the internal management of the national information system. He provides technical expertise to the National Office in the development of ICOTS - the national information system, all software related issues, and in reporting about different aspects of compact activities. Sam also works on cooperative projects with Lexmark, APPA, NLETS, GJXML, and others.

Sam recently completed his Masters in Public Administration.

## **Committee Reports**



## **INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

### **INFORMATION & TECHNOLOGY COMMITTEE REPORT**

**2007**

#### **ICOTS**

The Technology Committee is in the process of finalizing the requirements with Appriss, Inc who is the current vendor for the ICOTS project. ICOTS is presently projected to go roll out in the spring of 2008.

#### **APPA**

Sam Razor, MIS Project Manager (National Office Staff), is a member of the American Probation and Parole Association (APPA) Technology Committee. His role on this committee is to give the Commission's perspective on trends in corrections technology. Through this committee he is also working with NLECTC on establishing an open-source software repository for the corrections and law enforcement communities.

#### **Efforts and Technology Solutions...**

Sam Razor, MIS Project Manager, and former Executive Director, Don Blackburn, met with officials from the Federal Bureau of Prisons, Federal Probation, and Immigration and Customs Enforcement to discuss future data sharing possibilities. Though no definitive agreements were made, this was a successful meeting with everyone looking optimistically toward the future cooperation between our agencies.

#### **Reports**

Reporting modules have been developed on the ICAOS site to allow for users to run a wide variety of reports on data collection statistics and training statistics. This tool not only allows for states to review how much they are utilizing training but have also been used in the evaluation of state action plans by the Compliance Committee.

<http://www.interstatecompact.org/ReportsOnline/ICAOSReports.aspx>

### Website Statistics Aug 8, 2006 - Aug 7, 2007

**Total Page Views: 719,935** / +9,170 from Sept 05 - Sept 06

**Total Visits: 258,607** / -1,866 from Sept 05 - Sept 06

**Avg. Page Views/mo: 56,247** / +1,575 from Sept 05 - Sept 06

**Avg. Page Views/day: 1,972** / +31 from Sept 05 - Sept 06

**Avg. Page Views/visit: 2.78** / +0.05 from Sept 05 - Sept 06

### Top Pages by Views from Aug 8, 2006 - Aug 7, 2007

1. **All Forms: 379,899** / +25,651 from Sept 05 - Sept 06
2. **Index/Home Page: 140,138** / -42,890 from Sept 05 - Sept 06
3. **Administrators Directory: 27,982** / +6,845 from Sept 05 - Sept 06
4. **State Listings Index: 23,192** / +605 from Sept 05 - Sept 06
5. **Advisory Opinions/Dispute Resolutions: 7,804** / +1,374 from Sept 05 - Sept 06

### Content Management System / Website

New user-managed website will enable the Commission to more effectively communicate by utilizing web-based technologies, such as:

- Private password protected discussion areas with message forums for specialized groups (Commissioners, DCAs, Victims' Reps, Committees, Regions)
- Subscribe to topic-specific newsletters and updates
- Compact Office Staff can now manage their own contact information
- Interactive Event Calendar that can integrate with Outlook
- Really Simple Syndication (RSS) Feeds for instantaneous information updates from ICAOS
- Comprehensive search for Commissioners, Compact Administrators, Deputy Compact Administrators, Compact office staff, etc.
- Comprehensive Document Download Library
- Quick Links for one-click navigation to the most visited web pages

### Message Boards

Several groups have been taking advantage of message boards to hold secure discussions about topics like proposed rule amendments, advisory opinions, and compliance issues.

The groups using these message forums are:

- Legal Advisory Group (Advisory Opinions, Dispute Resolutions, etc.)
- West Region (Proposed Rule Amendments)
- DCA Liaison Committee (DCA Issues)
- Compliance Committee (Compliance Issues, Self Assessment Tool)

### Shopicaos

Last fall the National Office launched an on-line store to facilitate publication and apparel purchases for the Commission. Purchases for the "*Bench Book for Judges and Court Personnel*" account for the majority of activity with this site.

### Surveys-Zoomerang

The National Office conducts surveys to gather information from states, evaluate trainings, poll states on current issues and to streamline meeting planning efforts. The

use of these surveys not only makes it easier and consistent for the user answering the survey, but also serves as an organizational tool when the National Office is evaluating or interpreting the data.

### **WebEx**

Since 2006, WebEx has been used by the Commission to conduct meetings and provide training across the country. WebEx essentially blends data and voice through a web browser and telephone and has proven to be an effective tool when face-to-face meetings are not possible.

WebEx is also available for states to use for conducting Compact business within their state. Missouri uses the Commission's WebEx site to conduct quarterly meetings with their district Compact Specialists within their states. It makes for an efficient way to meet and keep states up-to-date without requiring travel.

### **On-Demand Training Modules**

To supplement face-to-face and live WebEx training of line officers and the judiciary, the National Office has developed self-paced training modules that cover each chapter of the ICAOS rules in addition to the legal foundation of interstate compacts. These self-paced modules utilize a multimedia approach to delivering the training curriculum. The user is engaged directly by audio, video, and summary slides to maximize learning retention. In addition to the multimedia aspects, the self-paced modules also use quiz questions and supplemental documents to enhance the learning experience.

The user can download a certificate at the end of each module to verify completion. States can also run On-Demand Training reports on the ICAOS website to monitor individual and state-wide training progress. The National Office encourages the integration of these self-paced modules into states' training curriculums, and will gladly assist any organizations that would like assistance in doing so.

The videos for the modules are filmed and edited at the National Office using professional audio, video and lighting equipment. By using digital video, the training modules can be revised when there is a change to the rules or the general training curriculum.

The On-Demand Training curriculum has been very successful during the past year. Since June 2006, more than 2,000 individuals have utilized the self-paced training, totaling more than 1,000 hours of viewing time with the modules. Also, the average monthly users have increased more than 110% in that time frame.

This type of technology has proven to be successful in the training efforts on the ICAOS rules. The Technology Committee is planning to implement similar training tools for ICOTS training.

# **Annual Report of the Interstate Commission for Adult Offender Supervision Rules Committee**

**September 26, 2007**

**Mr. Chairman and members of the Interstate Commission for Adult Offender Supervision:**

Since the 2006 ICAOS Annual Business Meeting, the Standing Committee on Rules has worked diligently to carry out its responsibility to administer the rule-making procedures defined by the interstate compact and ICAOS rules. The committee's attention has been focused on the following areas:

- Consideration of rules referred by the full commission at the 2006 business meeting;
- Issues identified in ICAOS Dispute Resolutions and Advisory Opinions as meriting review;
- Development of rules proposed by regional or standing committees; and
- Consideration and development of Rules Committee proposals.

In December, the committee adopted a business calendar, setting out a timeline for action on proposals. The primary consideration in developing the schedule was to assure that commissioners and compact staff had sufficient time to introduce, review and discuss proposals well in advance of taking final action at the annual business meeting. Emphasis was placed on promoting discussions within ICAOS regions and soliciting comments on the ICAOS website. A total of 39 states posted comments and suggestions at one or more points during the rule-making process.

Apart from special action required for proposals received from the Executive Committee, the committee was able to adhere to the general outlines of the schedule.

## **CONSIDERATION OF RULES REFERRED BY THE FULL COMMISSION**

At the 2006 Annual Business Meeting, the commission voted to return Rules 3.103, 3.106 and 4.111 to the Rules Committee for reconsideration. The commission did not provide the committee with specific instructions for revising the rules. The committee solicited input from the commissioners and other compact staff through the ICAOS website. Based on the comments and members' understandings of the issues raised at the business meeting, the committee drafted proposed revisions to the referred rules. The draft proposals were posted for comment. In June, the committee approved and referred final proposals for each rule to the full commission for action.

A revision to 3.107 was referred at the request of the Technology Committee. The Rules Committee made technical adjustments to the proposal, which is ready for final action by the commission.

The commission also referred a proposal to create Rule 3-105-1 *Pre-Dispositional Transfer Requests*, drafted by the *ad hoc* Sex Offender Committee. This proposal was posted for comment. Based on the comments received, the committee has forwarded the proposal with a recommendation against passage.

#### ISSUES IDENTIFIED IN ICAOS DISPUTE RESOLUTIONS AND ADVISORY OPINIONS

The committee considered several issues raised in Advisory Opinions and one Dispute Resolution. The issues were:

- Should a rule be adopted requiring a state to issue a warrant upon notification from the receiving state that an offender has absconded? Should the sending state be required to enter the warrant in NCIC? (See Advisory Opinion 12-2006)
- Should an offender transferred under the “mandatory” provisions of 3.101 be subject to retaking and return to the sending state if the offender’s eligibility status changes subsequent to the transfer? (See Advisory Opinion 15-2006)
- Should Rule 4.109-1 and/or Rule 5.108 be revised to clarify the authority and obligations of states upon a violation of terms and conditions of supervision? (See Advisory Opinion 17-2006)
- Should a rule be enacted to require a receiving state to issue reporting instructions and accept transfer of an offender who is subject to federal supervision and who is placed in the receiving state by federal authorities? (See Dispute Resolution 2-2006)

The committee drafted proposals to create or amend rules to address the issues raised by Advisory Opinions 12-2006, 17-2006 and Dispute Resolution 2-2006. The committee did not draft a proposal in response to Advisory Opinion 15-2006, in part because a draft proposal was received from a region committee. The committee’s proposals were posted for comment. Upon review of the comments, the committee voted to withdraw the proposal regarding offenders under federal supervision. Final versions of the remaining proposals were approved and forwarded to the commission for final action.

#### RULES PROPOSED BY REGIONAL OR STANDING COMMITTEES

The committee received a total of nine (9) draft proposals from regional or standing committees. These include two new proposals drafted by the *ad hoc* Sex Offender Committee and referred by the Executive Committee. As required by Rule 2.109 (b), each draft proposal was provided to all

commissioners for review and comment. Based upon the comments received and the committee's review, the Rules Committee revised proposals where necessary for purposes of technical accuracy, clarity or consistency with other rules. Final drafts of each proposal were prepared and forwarded to the commission for final action.

#### DEVELOPMENT OF RULES COMMITTEE PROPOSALS.

A goal of the Rules Committee is to eliminate technical errors in existing rules, reduce confusing or conflicting language, and promote consistent practices. The Rules Committee identified several issues in existing rules and drafted amendments to correct those concerns. The committee also heard from members who proposed policy issues for action by the commission. Proposals approved by a majority of the committee members were posted for comment. Based on comments received and further review by the committee, proposals were forwarded to the commission for final action or, in some cases, withdrawn.

The wordings and justifications for the proposals referred for final action at the 2007 Annual Business Meeting were published in mid-August on the ICAOS website with a notice of the Public Hearing scheduled for September 24, 2007. Those proposals are attached and ready for the commission's action. A complete list of proposals received and acted upon is provided in an Addendum to this report.

At the 2006 Annual Business Meeting, the commission charged the Rules Committee with dividing proposals, where feasible, when a proposal contains multiple issues of substance. This is to assure that commissioners will not be forced to vote for (against) one provision because the commissioner supports (opposes) a separate provision in the same rule. The Rules Committee has reviewed each proposal with this in mind, and will present divided motions to the commission a proposal contains separate and independent substantive issues.

Finally, the committee would be remiss if it did not recognize the invaluable assistance provided by the national office staff. In addition to coordinating on-site and teleconference meetings, staff diligently tracked the myriad of motions made and revisions offered, while gently guiding the committee back on track when it lost its bearings. Throughout some long days of discussion, committee members' attentions may have wandered at times, but the attentions of the staff never wavered. The committee and the commission have been well served.

Respectfully Submitted,

William Rankin, Chair  
Rules Committee

**ADDENDUM:**

**PROPOSALS AND ACTIONS BY RULES COMMITTEE, 2007**

<b>RULE</b>	<b>PROPOSED BY</b>	<b>ACTION</b>
1.101 "offender"	Rules Committee	Withdrawn
1.101 "sex offender"	Executive Committee	Forwarded to commission
2.104	Rules Committee	Forwarded to commission
2.109 (b)	Executive Committee	Forwarded to commission
2.109 (k)	Rules Committee	Forwarded to commission
3.101	East Region	Forwarded to commission
3.101-1	Rules Committee	Forwarded to commission
3.101-3	Rules Committee	Withdrawn
3.101-4	Executive Committee	Renumbered and forwarded to commission
3.102 (Option A)	Rules Committee	Forwarded to commission
3.102 (Option B)	Rules Committee	Withdrawn
3.103	Commission	Forwarded to commission
3.105-1	Commission	Forwarded to commission
3.106	Commission	Forwarded to commission
3.107	Commission	Forwarded to commission
4.104	Rules Committee	Forwarded to commission
4.109	East Region	Forwarded to commission
4.109	Rules Committee	Forwarded to commission
4.110	Rules Committee	Forwarded to commission
4.111	Commission	Forwarded to commission
4.112	South Region	Forwarded to commission
5.101	Rules Committee	Forwarded to commission
5.102	Rules Committee	Forwarded to commission
5.103	Rules Committee	Forwarded to commission
5.108	Rules Committee	Forwarded to commission
5.111	Rules Committee	Forwarded to commission
5.111	East Region	Forwarded to commission
5.112	East Region	Forwarded to commission
6.101	East Region	Forwarded to commission

## Interstate Commission for Adult Offender Supervision

### Training, Education & Public Relations Committee Report

#### Curriculum & Publications:

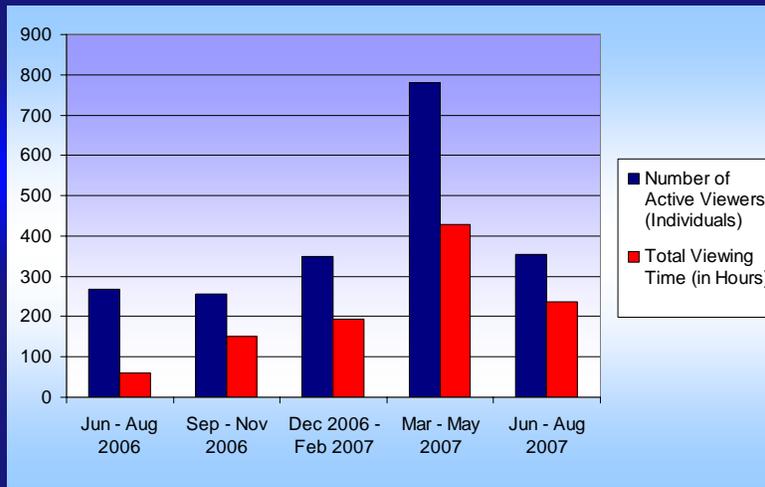
- ◆ PO Training Curriculum modified and the Training Outline and Power Point Training presentation updated
- ◆ 2007 Bench Book for Judges and Court Personnel completed and published  
A "Quick Reference Guide" created and included in updated version
- ◆ Commissioner's Handbook updated/published
- ◆ Annual review and update of national forms
- ◆ On-Demand Training Modules updated and new modules added (Chapters 2, 3, 4, 5 & Judicial Module) see stats on following page

#### Training Delivered/Scheduled:

- ◆ WebEx Sessions
  - 29 PO Trainings (more than 1500 attendees)
  - 4 DCA Trainings (2007 Amendments) December 2006
- ◆ State Council Training: Tennessee, Florida and Utah
- ◆ APPA: February 2007, Atlanta; July 2007, Philadelphia
- ◆ Massachusetts Chief Probation Officers, November 2006
- ◆ South Dakota Officers Training, April 2007
- ◆ MASCA, June 2007
- ◆ Illinois Judicial Training, July 2007
- ◆ Commissioner's Training, September 2007, Orlando (Annual Meeting)
- ◆ Missouri Judicial Training, October 2007
- ◆ Missouri Private Probation Training (TBD)
- ◆ DCA Training (2008 Amendments) (TBD)

Submitted by:  
D. Ann Clarke, Chair

## On-Demand Usage Jun 2006 – Aug 2007 (as of 8/9/2007)



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## On-Demand Usage Key Points

### Since June 2006

- Trained more than 2000 individuals
- More than 1000 hours of viewing time
- Average monthly users has increased 110%

### Since May 2007

- Judicial Training accounts for 36.6% of total viewing time

© Interstate Commission for Adult Offender Supervision

# **Interstate Commission for Adult Offender Supervision Deputy Compact Administrator Liaison Committee Annual Report 2007**

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## **Committee Membership**

Milton Gilliam-OK	Chair
Henry Lowery-WV	Vice Chair
Michelle Buscher-IL	
Kevin Kempf-ID	
Wanda LaCour-MO	
Gregg Smith-LA	Ex-Officio
Sally Skiver-CO	Ex-Officio
Rich Bitel-NY	Ex-Officio
Patricia Malone-MA	Ex-Officio

## **DCA Liaison Committee**

The DCA Liaison Committee was proposed and approved as a standing committee by the ICAOS Executive Committee during its November, 2006, teleconference meeting. The ICAOS Chair, Warren Emmer appointed Milton Gilliam, Oklahoma as the chair of the committee. The committee function is to act as the liaison between the Commissioners and the Deputy Compact Administrators to ensure communication and feedback is forwarded appropriately and to provide training opportunities for the Deputy Compact Administrators.

## **Goals and Objectives**

Goals and Objectives have been developed for the committee based on comments from the members and by feedback from Commissioners and DCA's during the last ICAOS Annual Business Meeting.

- The main goal of this committee is to provide a link for communication between Commissioners and DCA's. The methods proposed to accomplish this include regional teleconferences, periodic written updates, and a DCA page on the ICAOS Website to include a blog.
- Another goal is to continue the involvement of the DCA's in the Commission. The DCA Committee encourages the Commission to involve the DCA's more in standing committees and use them to prepare and provide training around the country.
- Training for the DCA's once they are hired and providing consistent updates on changes is vital to ensure consistency throughout the country. The committee has recommended that DCA's have their expenses paid to come to the ICAOS Annual Business Meeting each year for training and to assist the Commissioners during the meeting.

## **2007 Committee Business**

The DCA Committee met 3 times by teleconference during the last year. Since this committee was new the meetings were to establish the direction and purpose of the group.

- The committee established goals and objectives for the DCA's which focused on making this group a vital part of the Commission.
- Regional teleconferences were conducted August 28<sup>th</sup> and 30<sup>th</sup>. These meetings were to disseminate information and to lay the groundwork for the DCA Conference in Orlando.
- A DCA Conference was planned in conjunction with the ICAOS Annual Business Meeting. The conference included training and working groups to complete projects and make recommendations to the Commission.
- The ICAOS National Office is working on DCA page for the website.

If you have questions or suggestions for the DCA Liaison Committee please contact any member of the committee.



**ICAOS**  
**Sex Offender Ad Hoc Committee**  
**2006-2007 Annual Report**

Members

Robert Lee Guy, Chair (NC)  
Gary Tullock (TN)  
Kevin Kempf (ID)  
James Camache (VA)  
Maureen Walsh (MA)  
Marilyn Kalvelage (CA)  
Pat Tuthill (Ex-Officio)  
Roselyn Powell, (Ex-Officio)  
Barbara Breiland (Ex-Officio)

Staff

Don Blackburn  
Ashley Hassan  
Nicole Smith  
Kelli Price  
Mindy Spring  
Warren Emmer, Chair (ND)

Guests

Madeline Carter, CSOM  
Richard Stroker, CSOM  
Jenny Bauer (IN)  
Patricia Malone (MA)  
Kermit Humphries, NIC  
Carl Wicklund, APPA

The ICAOS Sex Offender Committee held its initial meeting on March 27-28, 2007 in Lexington, Kentucky. We were joined by representatives from the National Institute of Corrections, the Center for Sex Offender Management, the American Probation Parole Association and the National Office Staff. Over the next two (2) days the group received an excellent update on “sex offender” supervision, trends, legislation, and the many challenges we as commissioners, administrators, and practitioners face with this special offender population.

The heightened political and media focus on sex offenders nationally, and in all jurisdictions, places the committee work under a bright spotlight. We all agreed to step back and examine the issues surrounding sex offender management and identify the problems as it relates to this population and ICAOS. We agreed to not get caught in a vacuum as it relates to our individual issues or concerns with this population, but to think “outside the box” and examine sex offender management globally and its impact on Public Safety!

The committee and our partners adopted the following:

**PROBLEM STATEMENT**

**Background:** As a result of heightened concerns and special considerations regarding the management of sex offenders, several states have passed legislation or developed internal policies and procedures specific to this population.

**Problem:** These differences result in the inconsistent application of compact rules and some confusion, delays, or denial of transfers for sex offenders who are otherwise eligible under existing Compact rules.

Problems cited included:

- **Rules are too broad and there exist a need to propose specific rules for “sex offenders”.**
- **The need for a definition of “sex offender” for ICAOS.**
- **Statutes and SO classification vary from state to state causing inconsistencies in managing this population across jurisdictions.**
- **Public safety must be the primary goal of the Commission and the work of this committee.** (For example, the sending states need to assume more responsibility toward evaluating the sex offender’s application for transfer in determining public safety and the likelihood of success better served by said transfer).
- **“Get Tough Legislation” is having unintended consequences on surrounding states and ICAOS.** (“State Shopping” is a phrase that appears to be a major point of discussion and sometimes places ICAOS and Commissioners in a very vulnerable position within their own jurisdictions).

**MISSION STATEMENT: To address Compact issues concerning sex offenders, the committee will develop guiding principles and proposed rules that will guide the transfer of sex offenders in a manner that promotes effective case management strategies and are consistent with public safety, risk reduction, and victim’s rights.**

**Short Term Goals**

- 1) Sex Offender Definition
- 2) Sex Offender Rules
- 3) Adoption of Guiding Principals

**THE GUIDING PRINCIPLES** for the transfer of sex offenders adopted are:

**Sending State: The goal of the transfer of a sex offender under the Interstate Compact is to enhance accountability and reduce the likelihood that an offender will recidivate. To this end, it is the responsibility of the sending state to determine the appropriateness of the transfer of the offender under the Interstate Compact.**

- Determine if the offender is required to register as a sex offender in the sending state.
- Gather all pertinent background information; ex: socio-economic history, criminal history any and all assessments, pre-sentence investigation report, elements of the crime (ex: police report, crime version)
- To the extent resources permit, conduct a sex offender specific assessment to determine the level of risk posed by the offender and the accountability and treatment strategies most likely to reduce the risk of recidivism.
- Determine whether the transfer will result in offender accountability based on risk level and risk reduction.
- If a determination is made to proceed with the application for transfer, all pertinent information (refer to bullets 3 & 4) regarding the offender will be provided to the receiving state.

**Receiving State: It is the responsibility of the receiving state to determine the appropriateness of the transfer of the offender under the Interstate Compact.**

- Determine if the offender is required to register in the receiving state.
- Review the offender specific information provided by the sending state and any local information available regarding the offender.

- Assess the ability of the receiving state to provide an appropriate accountability and risk reduction strategy relative to the level of risk posed by the offender.
- All sex offender transfers will require the offender to abide by the laws of the receiving state.

After multiple meetings and sub-committee work, the sex offender definition (1.101) and Interstate Transfer of Sexual Offenders (3.101-3) were developed and forwarded to the Executive Committee on May 2, 2007. They were approved for review and posting by the Rules Committee.

At the June 12th and 13th meeting of the Sex Offender Ad Hoc committee in Lexington, the committee and our partners carefully reviewed and debated all comments/input provided by fellow commissioners and others. As a result, the committee completed proposed committee substitutes for both 1.101 and 3.101-3 to be presented to the next Executive Committee meeting.

On June 28, 2007 the Executive Committee held extensive discussion and debate on the proposed committee substitutes. We approved and referred a much more concise and simplified version back to Rules Committee for action.

**The Final versions for consideration by the full commission are as follows:**

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## **RULE TITLE**

Rule 1.101 Definitions

## **RULE LANGUAGE**

“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.

## **REFERRED BY**

Executive Committee

## **JUSTIFICATION**

To effectively implement and administer special rules regarding the movement of sex offenders there is a need for a sex offender definition. States need to identify the offender that is required to adhere to the new rules, as established. The sub-committee recognizes that each state is unique, in regards to who is a sex offender, and subsequently discussed a definition that does not unnecessarily impose on individual definitions. This is a “process definition”.

The Rules Committee amended language to make consistent with other definitions.

## EFFECT ON OTHER RULES

No effect of ICAOS Rules, Advisory Opinions, or Dispute Resolutions

## PROPOSED EFFECTIVE DATE

January 1, 2008

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Interstate Transfer of Sexual Offenders (3.101-3)

## RULE TITLE

Rule 3.101-3 *Transfer of supervision of sex offenders*

## RULE LANGUAGE

(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 all 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:
  - i. the name, sex, age and relationship to the offender;
  - ii. 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 living in the receiving state at the time of sentencing* Rule 3.103 applies to the transfer of sex offenders, except for the following:

- (1) The receiving state shall have five 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.

## REFERRED BY

Executive Committee

## JUSTIFICATION

The Interstate Commission for Adult Offender Supervision appointed the Sex Offender Ad Hoc Committee to consider and respond to the challenges correctional systems face in the transfer of supervised sex offenders across state lines. The Committee recognizes that transferring sex offenders has become increasingly complex and difficult because of individual state laws regarding sex offender registries, residency restrictions and employment restrictions. Nonetheless, the public and elected officials expect correctional agencies to provide more oversight on the movement and supervision of sex offenders for public safety. The Committee believes a proactive approach to the issue of sex offenders will help the Interstate Commission further its broad goals of increasing public safety and offender accountability.

The Committee worked with the American Probation and Parole Association, the National Institute of Corrections, and the Center for Sex Offender Management to learn more about sex offenders and to define guiding principles for their interstate transfer. The Committee's main guiding principle is ensuring that the transfer of a sex offender enhances the offender's accountability and reduces the likelihood that the offender will recidivate. The rules drafted by the Committee are an important first step in realizing this goal: receiving states will have comprehensive information at the outset to determine the risk and appropriate supervision level for a sex offender.

The Rules Committee made changes to the numbering of the rule and sections (a) & (b) for style and consistency.

## EFFECT ON OTHER RULES

The limiting effect of this proposal on Rule 3.103 is stated in subsection (c) of the proposed rule. The intent, as expressed in subsection (a) is for all other provisions of Chapter 3 to apply. The proposal does not limit the applicability of any other rule, e.g., Rule 3.101-1 or 3.106, which may mandate that reporting instructions be issued or a response provided within a definite time.

There do not appear to be any ICAOS Advisory Opinions or Dispute Resolutions affected by this proposal.

## PROPOSED EFFECTIVE DATE

January 1, 2008

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**SUMMATION:** The Sex Offender Ad Hoc Committee has worked very hard to achieve our short term goals as previously discussed. Yes, we have set our sights high as committee members, practitioners, and commissioners.

We believe and feel that change is needed; change is good in our profession.

We need to “**Raise the Bar of Accountability**” with this high risk population by:

- Deliberate processing and controlling movement
- Sharing all available information
- Protecting victims rights
- Validating, in advance, the home plan
- Enforcing the sentencing or release plan

***By increasing the communication and dialogue between sending and receiving states to expedite our efforts to effectively and efficiently control and monitor the movement of “sex offenders” across jurisdictions.***

**Finally,**

Is the change **perfect?**

**Absolutely Not!**

Is this change **without challenges?**

**Absolutely Not!**

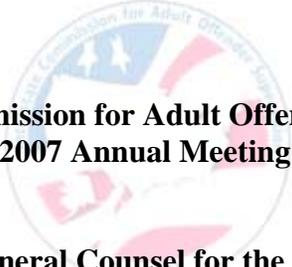
Is this change a **major step forward** for victims, the new compact, and public safety?

**Absolutely!**

As your chair of the Sex Offender Ad Hoc Committee, fellow commissioner, and colleague I respectfully ask for you to join our committee and embrace this change by voting for the new “sex offender” rules.



Robert Lee Guy



**Interstate Commission for Adult Offender Supervision  
2007 Annual Meeting**

**2007 Report of the General Counsel for the Interstate Commission**

The General Counsel's Office assists the commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues which arise in the conduct of their responsibilities under the terms of the Compact, its Bylaws and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission which are issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Since the last annual meeting, in addition to day to day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has issued seven (7) advisory opinions concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests from member states. The advisory opinions are public record and are available at the website of the Commission.

Judicial training concerning the Compact and its administrative rules has also been provided at the American Parole and Probation Association (APPA) 32<sup>nd</sup> Annual Training Institute in Philadelphia and in a number of states including Utah and Illinois under the auspices of the General Counsel's office. Other activities included completion of the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the 2007 Bench Book and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions. Presentation and participation on behalf of the Commission was also provided in the Four Corners Conference on ICAOS.

In addition the General Counsel assisted the Compliance Committee and Executive Committee in concluding two (2) administrative enforcement cases and supervised and provided representation for the Commission in an arbitration proceeding on behalf of the Commission with its former software vendor which was successfully mediated and resolved and has been dismissed.

## **Regional Reports**

**West Region Annual Report  
September 26, 2007  
Dori Ege, Chair**



**The West Region attempts to meet every 60 days to provide an opportunity for Commissioners, Deputy Compact Administrators, Compact Coordinators, Staff and guests to discuss current compact issues facing individual states, the region, and the nation. Our meetings provide for open and frequent communication between our neighboring states. It is the goal of the West Region to cooperate and assist one another in an effort to fulfill the mission and purpose of the Interstate Compact for Adult Offender Supervision.**

**Teleconference meetings held since the last annual meeting:**

- ❖ **December 5, 2006**
- ❖ **February 13, 2007**
- ❖ **April 10, 2007**
- ❖ **May 29, 2007**
- ❖ **August 10, 2007**
- ❖ **September 25, 2007**

**Topics discussed:**

- **ICOTS**
- **Current rules**
- **Training issues**
- **Compliance issues and communication issues**
- **Unsupervised Cases as they relate to the current definition of Supervision. The region agreed that the current definition needs to be studied and revised.**
- **Review of proposed rules and rule amendments were discussed at length during the May 29, 2007, meeting. Comments were then posted on the national website.**
- **Budget/Annual Dues Assessment**
- **Annual Meeting**

## **MIDWEST REGION REPORT**

**During the past year the Midwest region has met on December 14, 2006; March 22, 2007; May 23, 2007 and August 2, 2007 via teleconference on Webex. The majority of these meetings centered on the updates from member states, rule review and sex offender issues.**

**Rule review dealt with updates on the proposed rule changes by Bill Rankin (Wisconsin) and where his rules committee is in the process. Bill informed the region that he hoped to have the revisions out for review by the first of April and to have feedback from the regions by the first of June. The Midwest Region was able to meet these deadlines and post their comments as a region on the ICAOS website. We were not able to meet between the time the rules committee posted the proposed sex offender rule changes and the date (July 31, 2007) that comments were needed. Therefore region states were encouraged by email to post their individual comments.**

**During meetings throughout the year the region was updated on the status of the data system both with the litigation with Softscape and with the negotiations with the new vendor. The search for and selection of the new Executive Director after the retirement of Don Blackburn was also updated during the August meeting.**

**The issue of travel permits for sex offenders and the issues experienced by region states with regards to the transfer of sex offenders was always a topic of discussion during the year.**

**Upon the recommendation of Bill Rankin it was the desire of the region to attempt to schedule our next meeting in May to be a face-to-face meeting. Ken Merz (Minnesota) offered to host the meeting. A series of emails over approximately three weeks attempted to set a date and gauge participation. Unfortunately it was determined that the four (4) Eastern most states in the region (Ohio, Michigan, Illinois and Indiana) would not be able to attend either for the fact that their state would not allow the travel or the date picked was a problem. Four (4) other states had a conflict with the date also. As it currently stands we are attempting to decide whether to pursue this during the next calendar year.**

**The following is a brief summary of region state's activity as reported by them:**

**Indiana – State Council met in December of 2006 and the primary focus of the meeting was to discuss a recent murder of an Indiana teenager by a Kansas parolee living in Indiana through the compact. The council drafted some proposed rules for submission to the Rules Committee dealing with the possibility of requiring psychological evaluations and conduct summaries for paroling offenders. A significant number of sex offender bills were introduced in the Indiana legislature**

**this year. Indiana feels it is clear the National Commission needs to take the lead on national policy regarding transfer of sex offenders before individual states pass more and more laws that may violate the compact.**

**Iowa – Continues to struggle with residency restrictions on sex offenders. The transfer of sex offenders to Iowa that will not violate this law is remote thus essentially blocking transfer of such cases even if they are mandatory. Revisions are being considered but none enacted to date. Iowa is working with local jurisdictions to address some instances of sentenced probationers returning to their home state without reporting to their probation officials and a request for reporting instructions can be initiated.**

**Michigan – Attempts are being made to look at the issue of discharging Michigan parole offenders prior to the completion of their supervision term. Information will be requested of the receiving states where these offenders may reside and reviewed for eligibility. Michigan continues their efforts to train field staff, judiciary and any other interested persons on interstate process. Sex offenders continue to take up a large majority of resources.**

**Minnesota – Major changes of personnel has taken place on our state council. Given the legislative session it was difficult to schedule our quarterly meetings during the first part of the year. Surprisingly there has been relatively little new legislation proposed this session regarding sex offenders. Funding initiative on the part of the Department of Corrections and the Governor for the Interstate Compact office was passed. Two major research studies have been released by the Department of Corrections on sex offenders. One on recidivism and one on residency restrictions. Both are available to any state, which may want to review the findings.**

**Ohio – Has been extremely busy during the second half of the year providing training to probation officers and judges. The judicial bench book developed by ICAOS has been distributed to all state judges.**

**South Dakota – Several Court Services officers and Chief Court Service's officers have taken advantage of the Webex training from ICAOS. Don Blackburn, Executive Director of ICAOS provided training in South Dakota on April 24<sup>th</sup>.**

**Wisconsin – Experienced staff shortages and is once again fully staffed. Hope that the fresh perspective of new personnel will help lead to more efficient uses of technology and smoother case processing. Presently working on developing Power-Point training specifically for institution staff on preparing transfer requests.**

**This concludes the report of the Midwest Region.**



**EAST REGION  
ANNUAL REPORT  
September 26, 2007**

The East Region has been fortunate to have had the opportunity to meet in person in Albany, New York for a face to face meeting in January 2007 as well as several meetings via Web-Ex on December 11, 2006; July 12, 2007 & September 5, 2007. While several issues arose throughout the year, a consistent theme during meetings has been the manner in which dues are assessed, sex offender specific rules/interpretations, and the process of recommending rules changes.

Undoubtedly, the most productive and successful meeting was held in Albany, in which numerous Commissioners and Deputy Compact Administrators were present to discuss issues pertaining to the Compact. This meeting, which was two days in length, provided an opportunity for many individuals to meet their counterparts in their neighboring states. It was obvious that, in the “spirit of the Compact” and cooperation, that the East Region had an excellent working relationship with its members. However, larger issues regarding the future of the Compact arose at this meeting including issues relating to information technology and connectivity, the need for a national warrant (especially for probation departments), and the overall direction of the Compact. In this short time frame, the East Region was able to consider and vote on several rules changes, most of which will be considered at the Annual Business Meeting.

Further, in its Web-Ex meetings, the group discussed issues regarding the soon to be implemented ICOTS system, issues surrounding sex offenders and interstate travel, and other proposed rules. It was encouraged at the last Web-Ex meeting that Commissioners and DCA’s review all proposals carefully and post comments if applicable.

In summary, the East Region had a productive year and is supportive of more face to face meetings to ensure that the Compact continues to be a success.

## **Notes**