



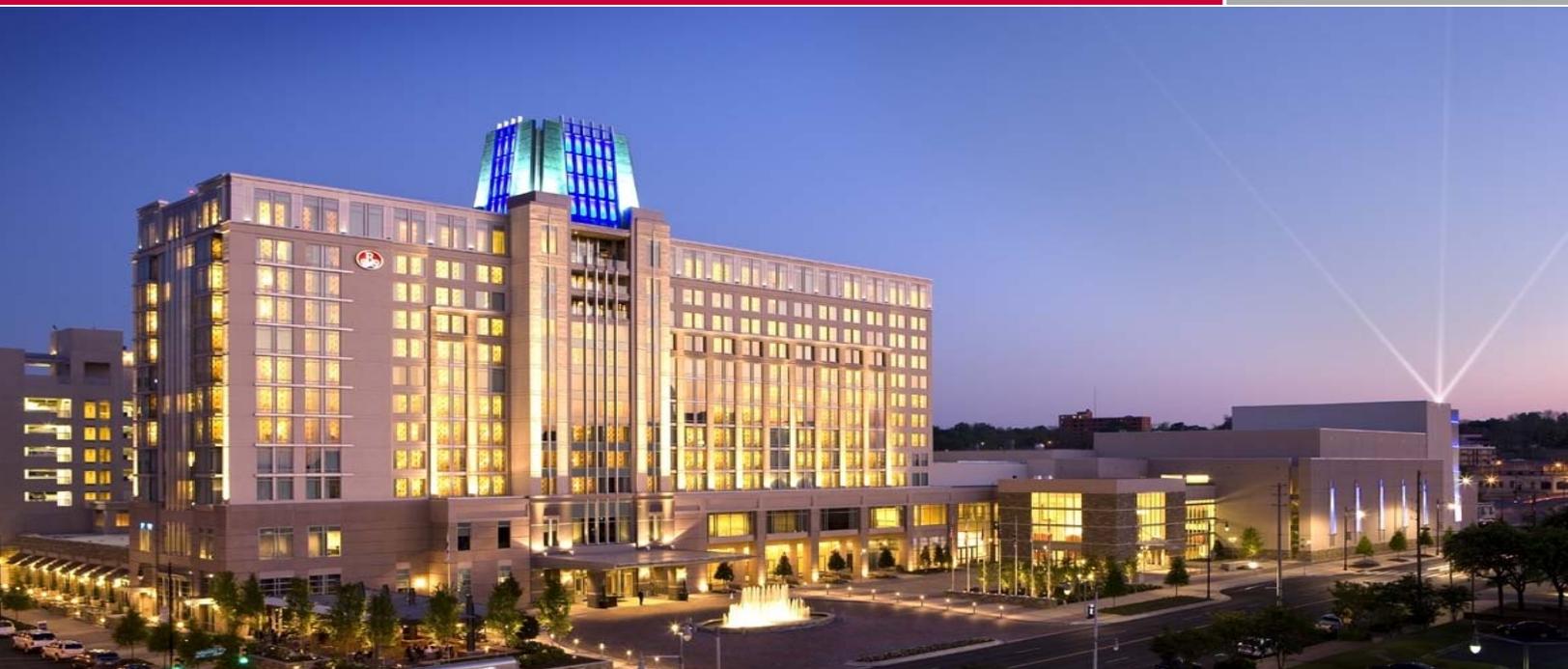
Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

# 2011 ICAOS Annual Business Meeting Docket Book

Sept. 13-14, 2011





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

### **2011 ANNUAL BUSINESS MEETING DOCKET BOOK**

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- Agenda
- Minutes from October 13, 2010
- Rules Amendments
- Data Collection
- Budget
- State Dues Assessments
- Committees and Regions Reports
- ICAOS Rules
- ICAOS Bylaws
- ICAOS Statute



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

**ANNUAL BUSINESS MEETING**

**September 13-14, 2011**

**Renaissance Montgomery Hotel & Spa  
Montgomery, Alabama**

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**Monday, September 12, 2011**

**3:00 pm – 5:00 pm**                      **Executive Committee Meeting**  
*Alabama Ballroom C, 1<sup>st</sup> floor*

**Tuesday, September 13, 2011**

**8:00 am – 9:15 am**                      **2011 Amendment Introduction and Discussion**  
*Alabama Ballroom C,D&E, 1<sup>st</sup> floor*

**9:30 am – 11:45 am**                      **Compact Issues (breakout sessions)**  
*Alabama Ballroom C,D&E, 1<sup>st</sup> floor*

11:45 am – 1:00 pm                      *Lunch [on your own]*

**1:00 pm – 2:45 pm**                      **Liability & Consequences of Non-compliance**  
*Alabama Ballroom C,D&E, 1<sup>st</sup> floor*

**DCA ICOTS Panel Discussion**  
*Montgomery 7, 2<sup>nd</sup> floor*

**3:00 pm – 4:45 pm**                      **East Region Meeting**  
*Montgomery 3, 2<sup>nd</sup> floor*

**South Region Meeting**  
*Montgomery 1, 2<sup>nd</sup> floor*

**Midwest Region Meeting**  
*Montgomery 6, 2<sup>nd</sup> floor*

**West Region Meeting**

*Montgomery 7, 2<sup>nd</sup> floor*

**5:00 pm – 5:30 pm**

**Public Hearing**

*Montgomery 5, 2<sup>nd</sup> floor*

**5:30 pm – 7:30 pm**

**Reception**

*Pool Deck 8<sup>th</sup> floor/Starlight Foyer 2<sup>nd</sup> floor*

**Wednesday, September 14, 2011**

**7:00 am – 8:00 am**

**Continental Breakfast**

*Alabama Ballroom C,D&E, 1<sup>st</sup> floor*

**8:00 am -8:15 am**

**General Session**

*Alabama Ballroom B&A, 1<sup>st</sup> floor*

**Flag Presentation**

**Roll Call**

**8:15 am – 8:45 am**

**Welcome & Overview**

- *Chris Norman, Alabama Commissioner*
- *Sue Bell Cobb, former Chief Justice of Alabama Supreme Court*
- *Milt Gilliam, Chairman*

**Approval of Agenda**

**Approval of Minutes**

- *October 13, 2010*

**8:45 am – 10:00 am**

**Committees Reports**

- **Compliance Committee Report**
  - *Mike McAlister, Chair*
- **Training, Education & Public Relations and DCA Liaison Committees Report**
  - *Dori Ege, Chair*
- **Information & Technology Committee Report**
  - *Kathie Winckler, Chair*
- **Finance Committee Report**
  - *Charlie Lauterbach, Chair*
    - *Ad Hoc on Dues Committee*

- **Ad Hoc On Risk Assessment Committee Report**
  - *Leeann Bertsch, Commissioner*
- **Legal Counsel Report**
  - *Rick Masters, Legal Counsel*
- **Victim Advocate Report**
  - *Pat Tuthill, Victim's Advocate*
    - *Ad Hoc on Victims Issues*
- **Rules Committee Report**
  - *Gary Tullock, Chair*
    - *New Rule Proposals*

10:00 am – 10:15 am	<i>Break</i>
<b>10:15 am – 11:00 pm</b>	<b>Committees Reports (Continued)</b>
<b>11:00 am – 12:00 pm</b>	<b>Appriss Presentation</b>
12:00 pm – 1:00 pm	<i>Lunch [on your own]</i>
<b>1:00 pm – 1:30 pm</b>	<b>Best Practices</b>
<b>1:30 pm – 3:00 pm</b>	<b>Compact Issues &amp; General Discussion</b>
3:00 pm – 3:15 pm	<i>Break</i>
<b>3:15 pm – 4:00 pm</b>	<b>Compact Issues &amp; General Discussion (Continued)</b>
<b>4:00 pm – 4:15 pm</b>	<b>Awards Presentation/Spirit Sightings</b>
<b>4:15 pm – 4:45 pm</b>	<b>New Business/Old Business</b> <ul style="list-style-type: none"><li>➤ <b>Election of Vice-Chair</b></li><li>➤ <b>Region Chairs Oath of Office</b></li></ul>
<b>4:45 pm – 5:00 pm</b>	<b>Call to the Public</b>
	<b>Adjourn</b>
<b>5:15 pm – 6:15 pm</b>	<b>Executive Committee Meeting</b> <i>Montgomery 3, 2<sup>nd</sup> floor</i>



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

October 13, 2010  
Crown Plaza Riverwalk Hotel,  
San Antonio, TX

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### Call to Order

The meeting was called to order by Chairman K. Merz (MN) at 8:03 a.m. CDT. Texas Color Guard presented the flags.

Chairman K. Merz (MN) welcomed everyone to the 2010 Annual Business Meeting in San Antonio, TX.

### Roll Call

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

- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Alabama              | Chris Norman, Commissioner       |
| 2. Alaska               | Donna White, Commissioner        |
| 3. Arizona              | Dori Ege, Commissioner           |
| 4. Arkansas             | David Eberhard, Commissioner     |
| 5. California           | Margarita Perez, Commissioner    |
| 6. Colorado             | Jeaneene Miller, Commissioner    |
| 7. Connecticut          | Semona Childs, Designee          |
| 8. Delaware             | Karl Hines, Designee             |
| 9. District of Columbia | Adrienne Poteat, Commissioner    |
| 10. Florida             | Jenny Nimer, Commissioner        |
| 11. Georgia             | David Morrison, Commissioner     |
| 12. Hawaii              | Janice Yamada, Commissioner      |
| 13. Idaho               | Kevin Kempf, Commissioner        |
| 14. Illinois            | Michelle Buscher, Commissioner   |
| 15. Indiana             | Jane Seigel, Commissioner        |
| 16. Iowa                | Charles Lauterbach, Commissioner |
| 17. Kansas              | Keven Pellant, Commissioner      |

18. Kentucky	Angela Tolley, Designee
19. Louisiana	Genie Powers, Commissioner
20. Maine	Wayne Theriault, Commissioner
21. Massachusetts	Mark Conrad, Commissioner
22. Maryland	Patrick McGee, Commissioner
23. Michigan	John Rubitschun, Commissioner
24. Minnesota	Ken Merz, Commissioner
25. Mississippi	Lora Cole, Designee
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Pam Bunke, Commissioner
28. Nebraska	Kari Rumbaugh, Designee
29. Nevada	Bernard Curtis, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	James Plousis, Commissioner
32. New Mexico	Edward Gonzales, Commissioner
33. New York	Andrea Evans, Commissioner
34. North Carolina	Timothy Moose, Commissioner
35. North Dakota	Leeann Bertsch, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Mark Cadotte, Commissioner
39. Pennsylvania	Benjamin Martinez, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ashbel Wall, Commissioner
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Ed Ligtenberg, Commissioner
44. Tennessee	Gary Tullock, Commissioner
45. Texas	Kathie Winckler, Commissioner
46. Utah	Brent Butcher, Commissioner
47. Vermont	<i>Not in attendance</i>
48. Virginia	James Camache, Commissioner
49. Virgin Islands	Arline Swan, Commissioner
50. Washington	John Blonien, Commissioner
51. West Virginia	Henry Lowery, Commissioner
52. Wisconsin	William Rankin, Commissioner
53. Wyoming	Les Pozsgi, Commissioner

### **Welcome & Overview**

Commissioner K. Winckler (TX) and Executive Director of Texas Department of Criminal Justice B. Livingston welcomed participants to San Antonio, TX.

The Commission played Governor R. Perry's recorded welcoming message.

Executive Director H. Hageman recognized Ex-Officio members:

- National Conference of State Legislatures - Senator D. Darrington

- National Victims Organization - P. Tuthill
- American Probation and Parole Association - C. Wicklund
- Association of Paroling Authorities International - K. Hardison
- Interstate Commission for Juveniles - D. Dodd
- Conference of State Court Administrators - S. Holewa
- National Governor Association – *Not in attendance*
- National Organization of State Chief Justice –*Not in attendance*
- National Organization of Attorney General – *Not in attendance*
- National Institute of Correction – *Not in attendance*

Chairman K. Merz (MN) instructed the Commission on the rules and procedures of the meeting.

#### **Approval of Agenda**

**Commissioner W. Theriault (ME) moved to approve the agenda as drafted. Commissioner G. Tullock (TN) seconded. Agenda approved.**

#### **Approval Minutes**

**Commissioner M. Gilliam (OK) moved to approve the 2009 Annual Business Meeting minutes as drafted. Commissioner E. Gonzales (NM) seconded. Minutes approved.**

#### **Compliance Committee Report**

Commissioner M. McAlister (NH), Compliance Committee Chair, reported that the completion of the initial compliance audit of all states is scheduled for the spring of 2011. The audit results provide information to evaluate current rules, training needs, compliance issues and future audit protocols.

The Committee met in March and June of 2010 to review commissioner vacancies in Vermont and Puerto Rico, state council's compliance in Illinois and Maine and state councils' activity reports to the National Office.

**Commissioner M McAlister (NH) motioned to accept the Compliance Committee report. Commissioner A. Wall (RI) seconded. Report accepted.**

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

Commissioner D. Ege (AZ), Training Committee Chair, expressed her gratitude towards the Committee members and the National Office staff's work throughout the year.

Commissioner D. Ege (AZ) reported on the on-site trainings delivered by the Committee members and the National Office staff: Commissioner Training (San Antonio, TX); DCA Training Institute (Lexington, KY), APPA (Austin, TX and Washington, DC) and APAI (Savannah, GA) trainings.

The Committee members and the National Office staff provided ICAOS Rules and ICOTS WebEx trainings.

The Training Committee received continuing Legal Education accreditation for on-demand modules from Alabama, Alaska, California, Colorado, Florida, Kentucky, Louisiana, New York, North Carolina, Texas, Vermont, Washington and Wyoming.

Commissioner D. Ege (AZ) presented an overview of the on-demand training usage statistics from March 2009 until August 2010. Since the launch of the program in March 2006, more than 15,400 individuals received their training.

Throughout the year, the Training Committee revised and updated the Rules training curriculum, on-Demand Modules (new ICOTS curriculum added) and the Bench book.

The Training Committee released one training bulletin in the past year.

Commissioner D. Ege (AZ) reminded the Commission to utilize the Technical and Training Assistance Policy if they would like any training assistance in their state.

**Commissioner D. Ege (AZ) motioned to accept the Training, Education and Public Relations Committee report. Commissioner G. Powers (LA) seconded. Report accepted.**

#### **Finance Committee Report**

Commissioner K. Kempf (ID), Finance Committee Chair, expressed his appreciation towards Committee members and the National Office staff's hard work.

The following accomplishments occurred in the fiscal year 2010:

- The Commission reduced operating expenses by 9% or \$140,759 from FY 2009
  - \$70,072 saved through staff reduction and position consolidation
  - \$11,135 rent reduction
  - \$9,444 utilities reduction because of decrease in office space usage and reduce staff position
  - \$11,965 in additional revenue and savings generated from ICJ MOU
  - 2009 Annual Business Meeting came in \$37,117.32 under budget

Commissioner K. Kempf (ID) stated that in 2007 the Commission voted to increase dues by 6% for three consecutive years to establish a 25% reserve fund. The recommended budget for FY12 does not include previously approved increase of 6%.

**Commissioner K. Kempf (ID) motioned to accept the proposed FY12 budget. Commissioner M. Gilliam (OK) seconded.**

Commissioner P. McGee (MD) inquired about any upcoming dues increases in the budget.

Commissioner K. Kempf (ID) stated that there are no increases in the near future.

**Motion passed.**

Commissioner K. Kempf (ID) informed the Commission that the current dues formula was outdated and required modification. Based on the Finance Committee's recommendation, the Executive Committee appointed an ad hoc committee to review the current dues formula. The Ad Hoc Committee proposed to use 2010 census numbers and ICOTS offender numbers in the new formula.

Commissioner K. Kempf (ID) requested suggestions for the new formula sent to the Treasurer.

States who are interested in serving on the Ad Hoc Committee on Dues should contact Chairman or the National Office.

**Legal Counsel Report**

Legal Counsel R. Masters presented his report to the Commission.

Throughout the year, Legal Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provisions and Rules, as well as provided judicial trainings.

Legal Counsel along with the Executive Director published four advisory opinions in the past year: 1-2010, 2-2010, 3-2010 and 4-2010.

The Executive Committee authorized to take legal actions in two situations in the past year. After the offending states learned of the decision to pursue the enforcement actions, they restored the compliance and subsequently no legal actions taken.

**Commissioner W. Rankin (WI) made a motion to accept the report. Commissioner J. Miller (CO) seconded. Report accepted.**

**DCA Liaison Committee Report**

The DCA Liaison Committee along with the Training Committee planed the first DCA Training Institute that took place in Lexington, KY. The Committee based the curriculum on a previously taken DCA survey. The Committee received overwhelming positive comments about the provided trainings.

Commissioner C. Lauterbach (IA), DCA Liaison Committee Chair, recognized the Committee members and thanked them for their hard work to promote efficiency measures and mission of the Commission.

**Commissioner C. Lauterbach (IA) motioned to accept the DCA Liaison Committee report. Commissioner A. Evans (NY) seconded. Report accepted.**

**Information & Technology Report**

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the Technology Committee members for their service to the Committee. The Technology Committee met nine times since the last Business Meeting in November 2009.

Commissioner K. Winckler (TX) provided the Commission with ICOTS statistics: there are 113,000 active offenders, 114,000 active compact cases and 32,000 active users in ICOTS. From August 2009 to July 2010, there were approximately 94,000 transfer requests, 59,000 requests for reporting instructions and 38,000 violation reports.

Commissioner K. Winckler (TX) indicated that since September 2009, Appriss received 1,704 ICOTS support calls/emails inquiries and the National Office received 4,433 calls/emails. Presently, calls are decreasing on average of 7% per month.

Appriss developed and launched 12 management reports that cover ICOTS users, active rejected cases, duplicate offender management, incoming and outgoing activities, active offenders and supervision end dates.

The Commission reviewed External ICOTS Reports usage chart.

Based on Commission feedback, the National Office redesigned ICAOS website and launched its new version on February 15, 2010. The new design received positive feedback from many commission members.

In August 2010, Appriss indicated that it would not renew the contract with the Commission at the current price. In the next 12 months, Appriss will provide support of the system and continue fixing bugs to ensure successful transfer of the system to another vendor.

After detailed research, Executive Director H. Hageman contracted a national consortium for justice information and statistics, SEARCH, to examine Commission's options in this situation. SEARCH operates on federal grants; therefore, no funding by the Commission is required.

SEARCH will submit its final report in November.

**Commissioner K. Winckler (TX) motioned to accept the Information and Technology Committee report. Commissioner B. Curtis (NV) seconded.**

Commissioner D. Ege (AZ) inquired about any budget changes due to the upcoming change of vendor.

Commissioner K. Winckler (TX) stated that any new vendor's contract would likely cost more than the Commission originally budgeted.

**Report accepted.**

**Victims' Advocate Report**

Victims' Advocate P. Tuthill (NVO) thanked the Ad Hoc Committee on Victims' Issues members for their involvement in the Committee's work.

The Executive Committee established an Ad Hoc Committee to study and improve ICAOS victim notification process and performance to ensure that notifications to all registered victims occur when their offender relocates to another state or the status of the offender changes based on Rule 3.108.

The Ad Hoc Committee met on October 12 to review current victim notification rules and the *victim sensitive* definition. The Committee brainstormed ways to ensure notification occurred by using ICOTS as a tool.

The Committee decided considering rule modification regarding single point of contact for victim notification.

The Committee will distribute a survey to the National Association of Victims Assistance Professionals Annual Meeting (October 23, 2010) and ICAOS Victims' Representatives to determine how ICAOS notification and other rules notification events occur. The Committee will meet via WebEx to discuss the results and determine next steps.

Victims' Advocate P. Tuthill (NVO) thanked the Executive Committee for its cooperation.

**Commissioner D. Ege (AZ) moved to accept the report. Commissioner W. Theriault (ME) seconded.**

Commissioner M. Conrad (MA) thanked P. Tuthill for representing the Commission at the Victims' Conference in Massachusetts.

**Report accepted.**

*Peyton Tuthill Award* presented to Victims' Advocate D. Giles (ME) by Chairman K. Merz (MN) and Commissioner W. Theriault (ME).

**Ad Hoc Committee on Violations and Retaking**

Commissioner M. Gilliam (OK) presented the report.

Due to concerns by states, as well as high profile media cases, the Executive Committee appointed an ad hoc committee to study issues and rules concerning violations and retaking of interstate compact offenders. The Ad Hoc Committee on Violations and Retaking reviewed rules in reference to violations and retaking to determine their current effectiveness, the impact on public safety, and the effect they would have on each ICAOS member state.

The Ad Hoc Committee has made several recommendations ranging from proposed new rules and rule amendments, and referrals to the Training and Rules committees.

**Commissioner M. Gilliam (OK) motioned to accept the report. Commissioner W. Rankin (WI) seconded. Report accepted.**

**Rules Committee Report**

Commissioner W. Rankin (WI), Rules Committee Chair, presented his report to the Commission. He provided an overview of the Committee's accomplishments in the past year and goals for the upcoming year.

The Executive Committee referred proposals submitted by the Ad Hoc Committee on Violation and Retaking to the Rules Committee with the instructions to bring these proposals to the full Commission for final consideration at the 2010 Annual Business Meeting.

Commissioner W. Rankin (WI) informed the Commission that interdependent rule proposals are presented as a single motion.

The Committee reviewed 2010-EXEC-1.101-2 proposal.

**Motion to adopt proposal 2010-EXEC-1.101-2 by Commissioner W. Rankin (WI) seconded by Commissioner B. Martinez (PA).**

**Motion passed by vote 49 to 2.**

**2010-EXEC-1.101-2**

***Rule 1.101 Definitions:***

**"Warrant" means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.**

**PASSED**

The Commission reviewed 2010-EXEC-101.1-1 and 2010-EXEC-5.103-2 proposals.

**Motion to adopt proposals 2010-EXEC-101.1-1 and 2010-EXEC-5.103-2 by Commissioner W. Rankin (WI) seconded by Commissioner J. Blonien (WA).**

Commissioner J. Blonien (WA) thanked the Commission for considering the proposed amendments and noted that these proposals did not intend to be retribution to Washington's murder case of four policemen, but enhancement of public safety.

Commissioner K. Kempf (ID) spoke in favor of the amendments noting that these proposals strengthen the mission of the Compact.

Commissioner D. Morrison (GA) spoke against the proposals. He called commissioners not to vote for proposals that many states would not be able to comply with due to financial difficulties.

Commissioner D. Ege (AZ) informed the Commission that Arizona's State Council advised voting for the proposed amendments, even though the state experiences financial difficulties.

Commissioner B. Martinez (PA) believed that the proposals were well intended; however, they did not meet fiscal realities of states' budgets. Pennsylvania's neighboring states are not empowered to comply with these proposals, and probably choose to close cases rather than return offenders. He urged the Commission to keep statistics on the number of cases closed in these scenarios and the number of offenders actually returned. Commissioner B. Martinez (PA) proposed the Commission to pay for this expense, even if it required raising state dues.

Commissioner B. Curtis (NV) spoke in favor of the motion.

Commissioner K. Winckler (TX) spoke against the motion stating that if the proposals pass, the risk shifts from a receiving state to the sending state.

Commissioner J. Blonien (WA) urged the Commission to pass the amendment and suggested funding the retaking process by imposing transfer fees.

Commissioner D. Morrison (GA) stated that the proposal would destroy the Compact by putting the majority of states in non-compliance. He requested more research on the topic and new proposals be drafted that allow for more compliance by the states.

Commissioner K. Kempf (ID) spoke in favor of the proposals stating that public safety must be the priority of the Compact.

Victims' Advocate P. Tuthill (NVO) spoke in favor of this motion.

Commissioner J. Miller (CO) spoke in favor of the motion. She insisted on taking all measures to ensure that the Commission did not create a system that allowed for further victimization.

Commissioner D. Eberhard (AR) spoke against the amendments. He stated that in some cases the amendments were inconsistent with the idea of evidence-based practice. They take into account the crime of conviction and that sometimes it does not indicate the risk the person presents.

Commissioner B. Butcher (UT) spoke against the amendments stressing the importance of personal communication in solving these types of issues.

**Motion passed by vote of 33 to 17.**

**2010-EXEC-101.1-1**

***Rule 1.101 Definitions:***

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

**“Violent offender” means an offender under supervision for a violent crime.**

**2010-EXEC-5.103-2**

***Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes***

**(A) Upon a request from the receiving state, a sending state shall retake a violent offender who has committed a significant violation.**

**(B) Upon a request from the receiving state, a sending state shall retake an offender who is convicted of a violent crime.**

**(C) When a sending state is required to retake an offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.**

**PASSED**

The Commission reviewed 2010-EXEC-3.107 proposal.

**Motion to adopt proposal 2010-EXEC-3.107 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

**Motion passed by vote of 50 to 1.**

**2010-EXEC-3.107**

***Rule 3.107 Transfer Request***

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—**
- (1) transfer request form;**
  - (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;**
  - (3) photograph of offender;**

- (4) conditions of supervision;
  - (5) any orders restricting the offender's contact with victims or any other person;
  - (6) any known orders protecting the offender from contact with any other person;
  - (7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
  - (8) pre-sentence investigation report, ~~if available~~, unless distribution is prohibited by law or it does not exist;
  - (9) supervision history, ~~if available~~, unless it does not exist;
  - (10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
- (b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
  - (c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, ~~and any other information~~ may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents ~~if available~~, within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

**PASSED**

The Commission reviewed 2010-EXEC-4.109, 2010-EXEC-4.109-2 and 2010-EXEC-5.103-1 proposals.

**Motion to adopt proposals 2010-EXEC-4.109, 2010-EXEC-4.109-2 and 2010-EXEC-5.103-1 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner D. Ege (AZ) indicated that the amendments add clarification to Rules.

Commissioner D. Morrison (GA) opposed to these proposals for the reasons stated previously.

**Motion passed by vote of 47 to 2.**

**2010-EXEC-4.109**

***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 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~~

**2010-EXEC-4.109-2**

**Rule 4.109-2 Absconding Violation**

- (a) If there is reason to believe that an offender has absconded the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:
- (1) Conducting a field contact at the last known place of residence;
  - (2) Contacting the last known place of employment, if applicable;
  - (3) Contacting known family members and collateral contacts.
- (b) If the offender is not located the receiving state shall submit a violation report pursuant to rule 4.109(b)(9).

**2010-EXEC-5.103-1*****Rule 5.103-1 Mandatory retaking for offenders who abscond***

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

**PASSED**

The Commission reviewed 2010-EXEC-5.101 proposal.

**Motion to adopt proposal 2010-EXEC-5.101 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner B. Martinez (PA) spoke against the proposals. He urged the Commission to keep statistics of all cases that will be closed.

Commissioner D. Ege (AZ) spoke in favor of the motion.

**Motion passed by vote of 44 to 7.**

**2010-EXEC-5.101*****Rule 5.101 Retaking by the sending state***

- (a) Except as required in Rules 5.102, ~~and 5.103~~, 5.103-1 and 5.103-2 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) Upon its determination to retake the offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.

- (c) 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.

**PASSED**

The Commission reviewed 2010-EXEC-5.102 proposal.

**Motion to adopt proposal 2010-EXEC-5.102 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner G. Tullock (TN) spoke against the motion.

Commissioner D. Ege (AZ) spoke in favor of the motion.

Commissioner D. Morrison (GA) spoke against the motion.

Commissioner K. Winckler (TX) spoke against the motion, calling the Commissioners to consider other methods first.

Commissioner J. Blonien (WA) spoke for the motion stating that the proposed rule change increases community safety.

**Motion passed by vote of 34 to 17.**

**2010-EXEC-5.102**

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

- (a) 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:

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

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

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, no later than 10 calendar days following the offender's failure to appear in the sending state.

**PASSED**

The Commission reviewed 2010-EXEC-5.103 proposal.

**Motion to adopt proposal 2010-EXEC-5.103 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner D. Morrison (GA) opposed to the motion.

Commissioner G. Tullock (TN) spoke against this motion stating that judges and compact offices start going around the Compact to be in compliance.

Commissioner B. Martinez (PA) indicated that the proposals are premature and need to be farther explored.

Commissioner K. Winckler (TX) spoke against the motion and encouraged to look at other ways to ensure that offender returns to sending state.

Commissioner P. McGee (MD) spoke against the motion.

Commissioner K. Kempf (ID) spoke in favor of the motion.

Commissioner J. Seigel (IN) spoke against the motion suggesting finding alternative ways to solve the problem.

**Motion failed by vote of 18 to 33.**

**2010-EXEC-5.103**

***Rule 5.103 Mandatory retaking for violation 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, no later than 10 calendar days following the offender's failure to appear in the sending state. When a sending state is required to retake an offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.~~

**FAILED**

**Commissioner W. Rankin (WI) made a motion the adopted proposals have effective date of March 1, 2011. Commissioner G. Tullock (TN) seconded. Motion passed.**

Commissioner W. Rankin (WI) reminded the Commission that the deadline to submit rule proposals to the Rules Committee was January 31, 2011.

Commissioner W. Rankin (WI) thanked the Rules Committee members for their dedication and service.

The Commission members interested in serving on the Rules Committee need to contact Chairman or the National Office.

**Motion to adopt the Rules Committee report by Commissioner W. Rankin (WI) seconded by Commissioner W. Theriault (ME). Report adopted.**

### **Region Discussion**

Commissioner K. Merz (MN) instructed commissioners to identify main concerns in their region.

The Commission broke out into four discussion groups by region.

Commissioner W. Theriault (ME) presented the East Region's concerns:

- Sending state not allowing transfers due to rule changes
- ICAOS legal actions against state dues non-compliance
- Recognizing "risk" components in interstate compact transfers

Commissioner S. Andrews (OH) presented the Midwest Region's concerns:

- Circumventing the violation process and the 45-day Rule
- Notification vs. transfer for less than 45 days
- Confidential information via mail vs. ICOTS
  - Enhancement to ICOTS or legal opinion
- Parolees on detainer release in other state

Commissioner C. Norman (AL) presented the South Region concerns:

- Budget impact prior to voting on rules
- Training for officers to present more evidence when submitting violations

Commissioner E. Gonzales (NM) presented the West Region concerns:

- Non revocable parole in California
- Issue a position paper for judges/attorneys and private probation on consequences of non-compliance
- Training judiciary

Commissioner D. Ege (AZ), Training Committee Chair, lead the discussion on the previously identified issues.

The Commission discussed the necessity to recognize *risk components and factors in interstate compact transfers*. Commissioner P. McGee (MD) suggested adding more defining elements to Rules.

Commissioner K. Pellant (KS) proposed to establish a risk assessment tool. She also expressed her interested in being part of this Committee.

Legal Counselor R. Masters informed the Commission discussion of this issue occurred during the formation of misdemeanor rule in the past.

Commissioner A.T. Wall (RI) mentioned that risk assessment tools were dynamic and could provide false sense of security.

The Washington State Institute of Public Policy found dynamic tools unreliable and static tools 72-73% accurate stated Commissioner J. Blonien (WA).

The Commission decided to form an ad hoc committee to find the best solution for this issue.

The Commission discussed the issue of *parole detainees released in another state*. Due to lack of notification, these cases result in rejection. Modification of the definition of relocation (voluntary vs. involuntary) or the interpretation of Rule 2.110 are possible solutions of this issue.

Commissioner M. Butcher (IL) urged commissioners to communicate this matter to their DCAs.

Commissioner E. Gonzales (NM) shared how NM Compact Office tracks these types of cases.

The Commission discussed *circumventing the violation process and the 45-day rule*. Commissioner E. Ligtenberg (SD) reminded the Commission that during the formation of this rule the Commission decided many states benefit from this rule and prefer it left unchanged.

The Commission discussed *judiciary training* opportunities.

Commissioner A. Swan (VI) suggested using ICOTS as a tool during these training.

Commissioner J. Miller (CO) emphasized the importance to include judges, attorneys, private probationers, etc to the trainees list.

Executive Director H. Hageman informed the Commission that APAI is interested in providing ICAOS training to its parole board chairs.

Commissioner M. Gilliam (OK) emphasized the importance of his State Council's key members who can be beneficial in making a connection with an organization targeted for training.

Ex-Officio S. Holewa (COSCA) suggested providing training at judicial summits.

Commissioner J. Blonien (WA) suggested publishing and distributing a position paper on compact liability.

The Commission discussed *rules impact on state budgets*. Commission P. McGee (MD) suggested gathering information on means for extradition.

The Commission discussed the details of *Non Revocable Parole* legislation in California.

Commissioner D. Ege (AZ) will send the discussion points to the Commission after the meeting.

### **Award Presentations**

- *Executive Chair Award* presented to Commissioner W. Theriault (ME) by Chairman K. Merz (MN).
- *Executive Director Award* presented to DCA R. Grimes (TX) by Executive Director H. Hageman.

Chairman K. Merz (MN) recognized those who preserve the *Spirit of the Compact* and expressed appreciation for their work: P. Bloomberg (WY), R. Hollett (OH), N. Wright (IN), S. Turner (KY), K. Schwant (KS) and R. Hawkins (CO)

### **Officers and Chairs Recognition**

Officers and Committee Chairs recognized for their service and dedication include:

Commissioner M. Gilliam (OK), Vice-Chair

Commissioner K. Kempf (ID), Treasurer

Commissioner W. Rankin (WI), Rules Committee Chair

Commissioner D. Ege (AZ), Training Committee Chair

Commissioner C. Lauterbach (IA), DCA Liaison Committee Chair

Commissioner K. Winckler (TX), Technology Committee Chair

Commissioner M. McAlister (NH), Compliance Committee Chair

### **New Business**

R. Maccarone, State Director of New York State Division of Probation and Correctional Alternatives, suggested an alternative approach to interstate transfer he calls the “complete transfer.”

The East Region submitted a rule amendment outlining the complete transfer proposal to the Rules Committee for consideration.

**Commissioner J. Blonien (WA) moved to form an ad hoc committee on Risk Assessment. Commissioner A. Evans (NY) seconded.**

**Commissioner W. Theriault (ME) made an amendment to have the Ad Hoc Committee on Risk Assessment to report to the Executive Committee.**

**Motion passed.**

**Elections**

Commissioner K. Kempf (ID), the Nomination Committee spokesperson, explained the Commission's election process.

Commissioners C. Lauterbach (IA) and J. Blonien (WA) were nominated for Treasurer.

Commissioner K. Kempf (ID) asked for nominations from the floor.

**Commissioner G. Tullock (TN) made a motion to cease the nominations for Treasurer. Commissioner K. Winckler (TX) seconded. Motion passed.**

The candidates for Treasurer addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner C. Lauterbach (IA) was elected as Treasurer.

Commissioners W. Theriault (ME) and S. Andrews (OH) were nominated for Vice Chair.

Commissioner K. Kempf (ID) asked for nominations from the floor.

The candidates for Vice Chair delivered addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner W. Theriault (ME) was elected as Vice Chair.

Commissioners M. Gilliam (OK) was nominated for Chairman.

Commissioner K. Kempf (ID) asked for nominations from the floor.

**Commissioner K. Kempf (ID) made the motion to elect Commissioner M. Gilliam (OK) as the ICAOS Chairman. Commissioner K. Merz (MN) seconded. Motion passed unanimously.**

Commissioner M. Gilliam (OK) delivered his speech to the Commission.

**Oath of Officers**

Senator D. Darrington (ID) administered the Oath of Officers to the newly elected Officers: Commissioner M. Gilliam (Chairman), Commissioner W. Theriault (Vice-Chair) and Commissioner C. Lauterbach (Treasurer).

Executive Director H. Hageman and elected Chairman M. Gilliam (OK) recognized the leadership and service to the Commission of past Chairman and Commissioner of Minnesota, K. Merz.

Commissioner K. Merz (MN) thanked the Commission.

Chairman K. Merz (MN) announced that the next Annual Business Meeting would take place on September 12-14, 2011 in Montgomery, AL.

**Adjourn**

**Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner B. Curtis (NV) seconded. Motion passed.**

The Commission adjourned at 3:55 pm CDT.

DRAFT



## Notice of Public Hearing

In accordance with ICAOS Rule 2.109(c), the Rules Committee shall publish the text of the proposed rule or amendment no later than 30 days prior to the meeting at which the vote on the rule is scheduled. A vote scheduled on September 14, 2011 will consider proposed amendments to Rule 1.101, Rule 3.101-3, Rule 3.101-4, Rule 3.105, Rule 3.107, Rule 4.112, and Bylaws, Article VII.

**Place:** **Montgomery-5 Room**, Montgomery Renaissance Hotel, 201 Tallapoosa St, Montgomery, AL 36104

**Date:** Tuesday, September 13, 2011

**Time:** 5:00 pm (CDT)

**The manner which interested persons may submit notice to the Commission of their intent to attend and submit written comments, to:**

Sam Razor  
Assistant Director

[srazor@interstatecompact.org](mailto:srazor@interstatecompact.org)

Phone: (859) 721-1052,  
Fax: (859) 721-1059

836 Euclid Ave, Suite 322  
Lexington, KY 40502

## **2011-RULES-1.101Resident**

### **Proposal to create/amend rules:**

#### ***Rule 1.101 Definitions...***

**“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 or on active military deployment, 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.

#### **Justification**

Military personnel are frequently deployed away from their home states. In these cases, location is not a voluntary decision. When these personnel are convicted of crimes in the states where they are deployed, and become subject to supervision by civil authorities, they may be discharged by the military service. However, if an offender has been away from his or her home state more than six months, the offender may no longer meet the criteria for “resident” of that state. This modification establishes that presence in a state while on military deployment will not be considered “remain[ing] in another state” under section (3) and will not, in itself, disqualify an offender from claiming residence in his or her home state.

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

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

#### **ICOTS impact:**

These definitions do not require adjustments to ICOTS.

#### **Rules Committee action:**

The committee considered the comments received.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

#### **Effective date:**

March 1, 2012

## **2011-RULES-1.101ViolentOffender**

### **Proposal to create/amend rules:**

#### ***Rule 1.101 Definitions...***

**"Violent Offender"** means an offender under supervision for a violent crime committed in the sending state.

#### **Justification:**

The addition of "committed in the sending state" helps to clarify that the sending state statute determines whether an offender seeking transfer under the compact is under supervision for a violent crime.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

#### **ICOTS impact:**

This definition does not require adjustments to ICOTS.

#### **Rules Committee action:**

The committee considered the comments received.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

#### **Effective date:**

March 1, 2012

## 2011-EAST-3.101-3

### Proposal to create/amend rules:

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

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
  - (2) social history;
  - (3) information relevant to the sex offender's criminal sexual behavior;
  - (4) law enforcement report that provides specific details of sex offense;
  - (5) victim information
    - (A) the name, sex, age and relationship to the offender;
    - (B) the statement of the victim or victim's representative;
  - (6) the sending state's current or recommended supervision and treatment plan.
- ~~(c) *Reporting instructions for sex offenders 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 instruction. 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.~~
- (c) The receiving state shall issue reporting instructions to sex offenders living in the receiving state at the time of sentencing per Rule 3.103, if the offender:
- (1) meets the compact definition of resident of the receiving state supported by documentation provided by the sending state at the time of the request, and
  - (2) is on supervision for a term of probation that was not preceded by a continuous period of incarceration immediately prior to the effective date of the probation term.

- (d) If the offender qualifies for reporting instructions under (c), the receiving state shall conduct an investigation of the proposed residence within 5 business days following receipt of the sending state's request for reporting instructions to ensure compliance with state laws and/or policies.
- (1) If the results of the investigation indicate that the proposed residence is not suitable for a sex offender or invalid due to state laws and/or policies, the receiving state's field staff will assist the offender in establishing an alternative residence or an approved temporary living arrangement until an acceptable permanent residence can be secured.
- (2) If the proposed residence is deemed appropriate for a sex offender, the offender shall be permitted to remain at that address pending the investigation of the transfer request.
- (e) Upon receipt of a request for reporting instructions from the sending state for a sex offender who was living in the receiving state at the time of sentencing that does not meet the ICAOS definition of resident or who was incarcerated for a continuous period of time prior to being placed on probation, the receiving state shall have 5 business days to investigate the proposed residence. If the proposed residence is invalid due to existing law or policy, the receiving state may deny reporting instructions. No travel permit shall be granted by the sending state until approved reporting instructions are issued by the receiving state.

### **Justification**

*Section 3.101-3(c) is repealed and recreated, and creating 3.101-3 (d) and (e):*

Sending states' officers often find themselves scrambling to find temporary housing for sex offenders who were living in the receiving state at the time of sentencing pending the results of the 5 day preliminary investigation being conducted in the receiving state. These offenders are often employed in the receiving state and need to return to work or face possible termination. The situation for the offender worsens in cases where the current residence in the receiving state is found to be unsuitable and they are forced to remain in the sending state for much longer while attempting to secure an alternative address in the receiving state. Often the only options available in the sending state are shelters that, in many instances, do not take sex offenders, or hotels where families frequently stay with children. Causing the offender to lose their employment only exacerbates the issue since they will need money to relocate or find a second residence in addition to the cost of the residence where the offender's family may be residing.

It seems more logical that, if an offender is a resident of the receiving state by definition of the compact and all of their recourses are there, the offender should be permitted to return to the sending state per rule 3.103 and be placed by the receiving state officer in a shelter or other temporary type of housing if, after their 5 day preliminary investigation, it is determined that the home is unsuitable. This change in language allows the offender to

return to their state of residence and places the responsibility of finding an appropriate residence on the officers in the receiving state who know their area, its resources and laws. This would allow the offender to continue with their employment and other obligations in the receiving state while an appropriate home plan is developed.

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

This proposal does not appear to directly conflict with any existing rules or previous advisory opinions. The Rules Committee changed the format of the original proposal and revised some of the language, without affecting the meaning or intent proposal.

**ICOTS impact:**

This proposal can be implemented without modification to ICOTS.

**Rules Committee action:**

The Rules Committee applauds the East Region's efforts and supports the concept of collaborative efforts by both the sending and receiving states for sex offenders living in the receiving state at the time of sentencing who are also Compact residents. However after reviewing the comments, it does not support the proposed language as written and the policy shift it establishes without extensive discussion and vetting. The Rules Committee recommends a new sex offender ad hoc committee be established to revisit the concepts addressed in this proposal instead of adopting this amendment at this time. The ad hoc committee would provide a report to the Rules Committee for drafting a proposed amendment.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal not be adopted.

**Effective date:**

March 1, 2012

## 2011-RULES-3.105

### Proposal to create/amend rules:

#### **Rule 3.105 Pre-release transfer R request for transfer of a paroling offender**

(a) A sending state ~~shall~~ may submit a completed request for transfer of supervision no earlier than 120 days prior to an offender's planned release from a correctional facility a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date.

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

(1) if the planned release date changes; ~~of the offender's date of release from prison~~  
or

(2) if recommendation for release 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~~ and shall provide immediate notice of such withdrawal to 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).~~

#### **Justification**

The proposed revision clarifies the intent and scope of the rule, consistent with ICAOS Advisory Opinion 1-2009. A state may submit a request to transfer an offender incarcerated in a correctional facility, whether it be a prison, jail, halfway house, workhouse, or some other custodial facility, prior to the offender's release. Public safety is served best when a transfer investigation can be completed prior to an offender's release to supervision. Further, the compact language addresses "supervision" without exclusive reference to "parole", which is not defined in the rules. While that term might once have included anyone subject to supervision following a period of incarceration, it is no longer the case.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

#### **ICOTS impact:**

This proposal does not require adjustments to ICOTS.

**Rules Committee action:**

The committee considered the comments received and upon further review decided to leave language in section (c) concerning failure to report and notice of withdrawal.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

**Effective date:**

March 1, 2012

**2011-SOUTH-3.107a1**

**Proposal to create/amend rules:**

***Rule 3.107 Transfer Request***

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (1) transfer request ~~form~~ information entered into electronic information system;.....

**Justification:**

(a) (1): The electronic information system does not utilize forms. The word “form” should be deleted to avoid confusion.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

The proposal can be implemented without modification to ICOTS.

**Rules Committee action:**

The committee considered the comments received and feel the justification does not match the proposal and might create confusion regarding the completion of the transfer request.

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(1) not be adopted.

**Effective date:**

March 1, 2012

**2011-SOUTH-3.107a2**

**Proposal to create/amend rules:**

***Rule 3.107 Transfer Request***

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (2) ~~A narrative description of the~~ instant offense in sufficient detail to describe the ~~circumstances~~, type and severity of offense, who committed the offense, where and when the offense was committed, how the offense was committed, and whether the charge has been reduced at the time of imposition of sentence;.....

**Justification:**

(a) (2): This language is very specific as to what information should be included in the narrative description of the offense.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

This proposal does not require adjustments to ICOTS.

**Rules Committee action:**

The committee considered the comments received and feel the amendment to this rule effective March 1, 2011 accomplishes the intent of this proposal already.

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(2) not be adopted.

**Effective date:**

March 1, 2012

## 2011-SOUTH-3.107a3

### Proposal to create/amend rules:

#### *Rule 3.107 Transfer Request*

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—  
(3) specific offense at conviction and sending state statute number;

#### **Justification:**

(a) (3): The statute under which the offender was sentenced in the sending state will assist the officer in the receiving state in determining the comparable receiving state statute and classification of the offender in the receiving state. Currently, the rule only requires that the sending state indicate whether the charge was reduced at the time of imposition of sentence. There is no field in ICOTS that requires or captures the specific offense at conviction, only broad NCIC categories of offenses.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

#### **ICOTS impact:**

While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS.

*Cost estimate to add field on offense screen to allow sending state to enter state statute number=\$6, 840*

#### **Rules Committee action:**

While the requirement to provide the statutory number defining the crime of which the offender was convicted is laudable, this amendment would allow a rejection of a transfer request merely for not providing this number per Rule 3.104 (b). Such information may be requested under 3.107 (c).

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(3) not be adopted.

#### **Effective date:**

March 1, 2012

## 2011-SOUTH-3.107a5\_6

### Proposal to create/amend rules:

#### *Rule 3.107 Transfer Request*

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (5) order of supervision with standard and special conditions of supervision within thirty (30) calendar days of the offender's arrival in the receiving state, if not available at the time the transfer request is submitted;
  - ~~(6) conditions of supervision;~~

#### **Justification:**

(a) (5): The order of supervision specifying both standard and special conditions of supervision is needed to indicate the offense for which the offender was ultimately convicted, as opposed to what the offender was charged with at the time of arrest. There is also no field in ICOTS that requires or captures standard conditions of supervision. Inclusion of the order of supervision will serve as back up documentation of the special conditions imposed by the sending state. The rule will allow for transmission of the supervision order within thirty (30) days of acceptance if it is not available at the time the transfer request is submitted.

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

The proposal does create a conflict with other rules as explained in the rules committee action below.

#### **ICOTS impact:**

While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS.

*Cost estimate to create new "Order of Supervision" process to allow for delayed delivery of conditions of supervision to be sent within 30 days of arrival in the receiving state=\$90,000 – 120,000. Furthermore, a Commission workgroup would need to be established in order to define functionality requirements for the new managed process.*

#### **Rules Committee action:**

After review of comments received, the Rules Committee reevaluated its prior analysis and concluded it had overlooked conflicts with existing rules. The proposed amendments specifically contradict the rules as follows:

- Rule 1.101 "plan of supervision"- requires the terms and conditions of supervision.
- Rule 3.101 (b)-requires the plan of supervision as part of a mandatory transfer request.

- Rule 4.103(c)- requires the sending state to inform the receiving state of any special conditions to which the offender is subject at the time the request for transfer is made.
- Rule 4.103(d)-requires the receiving state to notify the sending state of its inability to enforce a special condition at the time the request for transfer is made.
- Rule 4.103-1-references the original plan of supervision and precludes the ability to report a violation during first 30 days.

In addition to conflicts with above noted rules, a receiving state cannot accept a case without the sending state's conditions creating significant public safety and victim safety issues.

Section (c) already contains the 30 day time limit to request the "Order of Supervision." Conditions of supervision need to be provided at the time a request for transfer is made as noted above.

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(5) & (a)(6) not be adopted.

**Effective date:**

March 1, 2012

**2011-SOUTH-3.107a9**

**Proposal to create/amend rules:**

***Rule 3.107 Transfer Request***

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;

**Justification:**

(a) (9): Information related to offenders' known gang affiliations provides useful information to probation officers and other law enforcement agencies tracking the interstate movement of gang members. This information will also enhance the safety of the investigating officer in the receiving state.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

The proposal does not require adjustment to ICOTS. ICOTS already allows for a user to enter gang affiliation information.

**Rules Committee action:**

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(9) be adopted.

**Effective date:**

March 1, 2012

**2011-SOUTH-3.107a11**

**Proposal to create/amend rules:**

***Rule 3.107 Transfer Request***

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (11) supervision history; ~~unless it does not exist,~~ if the offender has been on supervision for more than thirty (30) calendar days at the time the transfer request is submitted;

**Justification:**

(a) (11): Setting a specific time frame to require supervision history provides clear guidance as to when this information is required.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

The amendment does not require adjustment to ICOTS.

**Rules Committee action:**

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (a)(11) be adopted.

**Effective date:**

March 1, 2012

**2011-SOUTH-3.107c**

**Proposal to create/amend rules:**

***Rule 3.107 Transfer Request***

(c) Additional documents, ~~necessary for supervision in the receiving state, such as the Judgment and Commitment, and any other information~~ may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

**Justification:**

(c): There is no need to give an example of additional documents that might be requested.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

The amendment does not require adjustment to ICOTS.

**Rules Committee action:**

The proposed amendment was offered prior to changes effective March 1, 2011 that make the amendment unnecessary.

On 7/14/2011, by 5-0 vote, the Rules Committee recommends that (c) not be adopted.

**Effective date:**

March 1, 2012

2011-RULES-4.111

**Proposal to create/amend rules:**

***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. 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 victim notification provisions of Rule 3.108-1 (b)(1)(C) have been followed.

(d) A receiving state shall notify the sending state as required in Rule 4.105 (a).

**Justification:**

The purpose of this proposal is to distinguish between the victim's right to be heard under Rule 3.108-1 (a) and victim notification required under Rule 3.108 during the process of an offender returning to the sending state where the victim resides. The proposal leaves intact the victim's right to be heard. Reporting instructions shall not be provided until the victim has been notified.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

This proposal does not require adjustments to ICOTS.

**Rules Committee action:**

Upon review of comments, "victim notification" was inserted to clarify the requirement to notify victims when an offender requests to return to the sending state.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

**Effective date:**

March 1, 2012

## **2011-SOUTH-4.112**

### **Proposal to create/amend rules:**

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

(a) The receiving state may close its supervision of an offender and cease supervision upon-

- (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
- (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
- (3) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;
- (4) Notification of death; or
- (5) Return to sending state.

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender 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.

(d) The sending state shall submit the case closure notice reply to the receiving state within ten (10) business days of receipt.

#### **Justification:**

With the implementation of ICOTS, states are now required to submit a case closure notice response indicating validation or invalidation of a case closure by the receiving state to ensure that all parties are aware of and in agreement with closure of a case. There is not currently any provision in the Compact rules for this process or a time frame for submission of the reply. Timely closure of cases is essential to removing inactive cases from the public ICOTS portal.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

#### **ICOTS impact:**

This proposal can be implemented without modification to ICOTS, however the tracking of the time frame and the generation of automated email notifications requires modifications.

*Cost estimate to enforce a due date on the case closure response, including due date on the compact workload, email notifications and a new overdue report=\$13,680*

**Rules Committee action:**

The Rules Committee requests costs on modifying ICOTS to eliminate the Case Closure Response and ensure compliance with the requirements of Rule 4.112 (a) (1-5).

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

**Effective date:**

March 1, 2012

**2011-RULES-BylawArtVIIISec3**

**Proposal to Amend ICAOS Bylaws, ARTICLE VII, COMMITTEES, and to create:**

***Section 2. ~~Other~~ Standing Committees***

.....

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

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

***Section ~~3~~ 4. Regional Representatives***

**Justification:**

The new section will clarify the authority and procedural requirements for creating *ad hoc* committees, and require a defined purpose and time frame for the *ad hoc* committee to perform its duties. Without these requirements, *ad hoc* committees may be unable to identify exactly what they are expected to accomplish or when it has occurred.

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

The proposal does not appear to create a conflict with any other rules, advisory opinions or dispute resolutions.

**ICOTS impact:**

This proposal does not require adjustments to ICOTS.

**Rules Committee action:**

Upon reviewing comments, the Rules Committee made technical changes to the proposal to eliminate language already included in the By-laws regarding the power of the executive committee to act on behalf of the Commission.

On 7/14/2011, by 5-0 vote, the Rules Committee recommended the proposal be adopted.

**Effective date:**

March 1, 2012

## Offenders on Active Compact Supervision as of the close of FY2011

States	Incoming				Outgoing				Total Offenders
	Probation Only	Parole Only	Probation and Parole	Total Incoming	Probation Only	Parole Only	Probation and Parole	Total Outgoing	
Alabama	2963	781	130	3874	1346	457	37	1840	5714
Alaska	187	60	9	256	150	25	59	234	490
Arizona	1392	490	52	1934	2414	235	83	2732	4666
Arkansas	1974	779	98	2851	1291	1329	109	2729	5579
California	3820	1214	98	5132	2193	746	21	2960	8091
Colorado	1099	266	54	1419	2094	659	34	2787	4205
Connecticut	758	170	17	945	1110	132	49	1291	2236
Delaware	546	123	30	699	364	26	27	417	1116
District of Columbia	675	109	64	848	562	6	0	568	1415
Florida	4714	1838	241	6793	6626	271	48	6945	13736
Georgia	3624	959	101	4684	7477	1514	487	9478	14158
Hawaii	171	46	5	222	312	129	1	442	664
Idaho	391	147	20	558	1018	416	20	1454	2012
Illinois	3695	1355	146	5196	2017	795	46	2858	8054
Indiana	2362	749	80	3191	2067	415	57	2539	5730
Iowa	1179	301	42	1522	824	252	25	1101	2623
Kansas	1169	447	72	1688	1030	422	55	1507	3193
Kentucky	1920	464	72	2456	2278	747	127	3152	5608
Louisiana	2232	801	95	3128	1738	1084	162	2984	6111
Maine	291	73	16	380	206	2	5	213	593
Maryland	2932	428	95	3455	938	264	183	1385	4838
Massachusetts	1360	262	36	1658	916	86	70	1072	2730
Michigan	1847	607	63	2517	1365	788	39	2192	4709
Minnesota	1186	324	68	1578	2137	311	32	2480	4058
Mississippi	1537	583	73	2193	1625	502	150	2277	4470
Missouri	2333	835	110	3278	3911	1512	247	5670	8946
Montana	317	110	19	446	622	224	106	952	1398
Nebraska	566	195	15	776	360	72	3	435	1211
Nevada	653	209	22	884	968	340	26	1334	2218
New Hampshire	435	58	18	511	350	251	17	618	1129
New Jersey	1988	520	67	2575	2592	783	65	3440	6013
New Mexico	1111	290	17	1418	626	142	172	940	2358
New York	3558	686	106	4350	1850	1435	39	3324	7674
North Carolina	3382	875	168	4425	1333	116	18	1467	5892
North Dakota	578	81	27	686	420	17	66	503	1189
Ohio	2686	954	148	3788	1774	529	33	2336	6124

Oklahoma	1885	907	84	2876	992	208	20	1220	4096
Oregon	962	262	39	1263	1063	528	85	1676	2938
Pennsylvania	2499	552	97	3148	2987	1207	174	4368	7516
Puerto Rico	220	144	11	375	63	20	0	83	458
Rhode Island	462	43	14	519	799	35	48	882	1401
South Carolina	1938	494	95	2527	1079	245	34	1358	3884
South Dakota	339	82	19	440	378	307	21	706	1146
Tennessee	3678	1031	173	4882	1909	530	49	2488	7370
Texas	4304	1992	301	6597	7516	3142	181	10839	17433
Utah	540	136	28	704	309	119	4	432	1136
Vermont	201	47	5	253	236	62	3	301	554
Virginia	1762	533	79	2374	5277	237	129	5643	8016
Virgin Islands	39	8	3	50	4	4	1	9	59
Washington	1527	521	94	2142	586	122	33	741	2883
West Virginia	930	162	34	1126	245	324	32	601	1727
Wisconsin	1262	273	35	1570	1862	1316	167	3345	4915
Wyoming	350	94	22	466	473	60	13	546	1011
<b>TOTAL:</b>	<b>84529</b>	<b>25470</b>	<b>3627</b>	<b>113626</b>	<b>84682</b>	<b>25500</b>	<b>3712</b>	<b>113894</b>	<b>227494</b>

	<b>FY11</b>	<b>FY12</b>	<b>FY 13</b>
	<b>FINAL</b>	<b>Budget</b>	<b>Prop. Budget</b>
<b><u>REVENUE</u></b>			
DUE ASSESSMENT	1,524,277.59	1,516,253.26	1,516,253.26
ICJ MOU	6,560.23		
Carried Over Reserves			
Refunds	65.27		
INTEREST INCOME**	28,398.94	42,000.00	42,000.00
<b>Total Administration Revenue</b>	<b>1,559,302.03</b>	<b>1,558,253.26</b>	<b>1,558,253.26</b>
<b><u>EXPENSE</u></b>			
60000 SALARIES & WAGES	372,879.67	435,000.00	435,000.00
61000 EMPLOYEE BENEFITS	108,738.50	108,969.00	112,000.00
61079 EDUCATION, ACCREDITATION	1,049.00	5,000.00	2,500.00
61089 PROFESSIONAL MEMBERSHIP FEES	350.00	575.00	600.00
62000 SUPPLIES	4,389.63	4,161.60	5,800.00
62010 POSTAGE	1,132.25	1,250.00	1,100.00
62090 COMPUTER SERVICES/SUPPORT	14,024.46	9,250.00	9,600.00
62130 OUTSIDE WEB SUPPORT	3,402.25	6,000.00	5,000.00
62140 SOFTWARE PURCHASE	1,572.26	1,560.60	1,500.00
62280 INSURANCE	5,815.00	12,000.00	8,000.00
62310 PHOTOCOPY	281.40	2,080.80	250.00
62320 MISCELLANEOUS	4.00	500.00	500.00
62340 CREDIT CARD MERCHANT FEES	298.83	500.00	375.00
62360 DIRECT TELEPHONE EXPENSE	7,558.22	4,650.00	4,789.00
62370 CELL PHONE EXPENSE	2,913.75	2,300.00	2,200.00
62410 MARKETING/ADVERTISING	414.76	500.00	650.00
66000 EQUIPMENT PURCHASE	9,187.77	5,000.00	10,000.00
68200 WEB/VIDEO CONFERENCE (WebEx)	22,229.19	34,356.00	22,500.00
68230 MEETING EXPENSE	21.00	1,500.00	500.00
72000 CONSULTANT SERVICES	31,880.75	50,000.00	40,000.00
74000 STAFF TRAVEL	4,234.89	15,000.00	10,000.00
78050 PRINTING	880.44	3,000.00	1,000.00
80000 LEGAL SERVICES	29,900.00	30,000.00	25,500.00
85000 RENT	36,544.24	24,772.00	25,515.00
85080 STORAGE	135.00	250.00	250.00
91010 INDIRECT COST	81,063.47	109,200.00	72,512.90
<b>Total Administration Expenditures</b>	<b>740,900.73</b>	<b>867,575.00</b>	<b>97,641.90</b>
<b><u>OTHER EXPENSE</u></b>			
11356 Executive Committee Meetings	11,797.15	10,000.00	10,000.00
11363 Annual Meeting	91,977.62	150,000.00	125,000.00
11364 Compliance Committee	67.83	10,000.00	10,000.00
11365 Finance Committee	32.27	1,000.00	1,000.00
11366 Rules Committee	10,040.01	10,000.00	15,000.00
11367 Technology Committee	1,666.86	10,000.00	7,500.00
11368 Training/Education Committee	8,243.89	10,000.00	10,000.00
11371 DCA Liaison Committee	63.49	10,000.00	7,500.00
11372 Annual Report & Handbook	1,099.00	1,100.00	1,200.00
11569 DCA Training Institute	51,176.54		50,000.00
11373 Shop ICAOS	(365.13)		
11352 Defense Litigation	2,814.44	10,000.00	10,000.00
11354 ICOTS	334,689.66	350,000.00	364,399.36
Other Indirect Cost	46,221.35	76,545.00	49,316.96
<b>Total Other Expense</b>	<b>559,524.98</b>	<b>648,645.00</b>	<b>660,916.32</b>
<b>Total Commission Expenses</b>	<b>1,300,425.71</b>	<b>1,516,220.00</b>	<b>1,458,558.22</b>
<b>(Over)/Under Budget</b>	<b>258,876.32</b>	<b>42,033.26</b>	<b>99,695.04</b>

**Interstate Compact for Adult Offender Supervision  
State Dues Assessment - FY 2012**

State	State Dues Ratio	State Population	US Population	FY10 State	US Offender	State Dues
				Offender Transfers	Transfers	
<b>U.S. Virgin Islands</b>	0.000275930	102,000	312,573,327	51	226,127	<b>\$10,314.65</b>
<b>Vermont</b>	0.002192759	625,741	312,573,327	539	226,127	<b>\$20,629.30</b>
<b>Alaska</b>	0.002321278	710,231	312,573,327	536	226,127	<b>\$20,629.30</b>
<b>Wyoming</b>	0.003101681	563,626	312,573,327	995	226,127	<b>\$20,629.30</b>
<b>Maine</b>	0.003433878	1,328,361	312,573,327	592	226,127	<b>\$20,629.30</b>
<b>North Dakota</b>	0.003567856	672,591	312,573,327	1,127	226,127	<b>\$20,629.30</b>
<b>Hawaii</b>	0.003683973	1,360,301	312,573,327	682	226,127	<b>\$20,629.30</b>
<b>South Dakota</b>	0.003756755	814,180	312,573,327	1,110	226,127	<b>\$20,629.30</b>
<b>Dist. of Columbia</b>	0.003812699	601,723	312,573,327	1,289	226,127	<b>\$20,629.30</b>
<b>Delaware</b>	0.003897364	897,934	312,573,327	1,113	226,127	<b>\$20,629.30</b>
<b>New Hampshire</b>	0.004608876	1,316,470	312,573,327	1,132	226,127	<b>\$20,629.30</b>
<b>Montana</b>	0.004839712	989,415	312,573,327	1,473	226,127	<b>\$20,629.30</b>
<b>Rhode Island</b>	0.005035811	1,052,567	312,573,327	1,516	226,127	<b>\$20,629.30</b>
<b>Nebraska</b>	0.005488602	1,826,341	312,573,327	1,161	226,127	<b>\$20,629.30</b>
<b>Utah</b>	0.006818062	2,763,885	312,573,327	1,084	226,127	<b>\$20,629.30</b>
<b>West Virginia</b>	0.006840235	1,852,994	312,573,327	1,753	226,127	<b>\$20,629.30</b>
<b>Idaho</b>	0.006912147	1,567,582	312,573,327	1,992	226,127	<b>\$20,629.30</b>
<b>Puerto Rico</b>	0.006926135	3,725,789	312,573,327	437	226,127	<b>\$20,629.30</b>
<b>New Mexico</b>	0.008554232	2,059,179	312,573,327	2,379	226,127	<b>\$20,629.30</b>
<b>Nevada</b>	0.009248514	2,700,551	312,573,327	2,229	226,127	<b>\$28,651.80</b>
<b>Iowa</b>	0.010478282	3,046,355	312,573,327	2,535	226,127	<b>\$28,651.80</b>
<b>Connecticut</b>	0.010933309	3,574,097	312,573,327	2,359	226,127	<b>\$28,651.80</b>
<b>Kansas</b>	0.011690444	2,853,118	312,573,327	3,223	226,127	<b>\$28,651.80</b>
<b>Oregon</b>	0.012772777	3,831,074	312,573,327	3,005	226,127	<b>\$28,651.80</b>
<b>Mississippi</b>	0.013821108	2,967,297	312,573,327	4,104	226,127	<b>\$28,651.80</b>
<b>Oklahoma</b>	0.015537430	3,751,351	312,573,327	4,313	226,127	<b>\$28,651.80</b>
<b>South Carolina</b>	0.015854272	4,625,364	312,573,327	3,824	226,127	<b>\$28,651.80</b>
<b>Arkansas</b>	0.016655424	2,915,918	312,573,327	5,423	226,127	<b>\$28,651.80</b>
<b>Massachusetts</b>	0.016945776	6,547,629	312,573,327	2,927	226,127	<b>\$28,651.80</b>
<b>Colorado</b>	0.017044194	5,029,196	312,573,327	4,070	226,127	<b>\$28,651.80</b>
<b>Minnesota</b>	0.017461545	5,303,925	312,573,327	4,060	226,127	<b>\$28,651.80</b>
<b>Washington</b>	0.017708586	6,724,540	312,573,327	3,144	226,127	<b>\$28,651.80</b>
<b>Kentucky</b>	0.019020854	4,339,367	312,573,327	5,463	226,127	<b>\$28,651.80</b>
<b>Maryland</b>	0.020028124	5,773,552	312,573,327	4,881	226,127	<b>\$28,651.80</b>
<b>Alabama</b>	0.020034839	4,779,736	312,573,327	5,603	226,127	<b>\$28,651.80</b>
<b>Louisiana</b>	0.020074134	4,533,372	312,573,327	5,799	226,127	<b>\$28,651.80</b>
<b>Wisconsin</b>	0.020331880	5,686,986	312,573,327	5,081	226,127	<b>\$28,651.80</b>
<b>Arizona</b>	0.020791899	6,392,017	312,573,327	4,779	226,127	<b>\$28,651.80</b>
<b>Indiana</b>	0.022561702	6,483,802	312,573,327	5,513	226,127	<b>\$28,651.80</b>
<b>Tennessee</b>	0.024884257	6,346,105	312,573,327	6,663	226,127	<b>\$28,651.80</b>
<b>Michigan</b>	0.026388241	9,883,640	312,573,327	4,784	226,127	<b>\$36,674.30</b>
<b>New Jersey</b>	0.027655650	8,791,894	312,573,327	6,147	226,127	<b>\$36,674.30</b>
<b>North Carolina</b>	0.028234837	9,535,483	312,573,327	5,871	226,127	<b>\$36,674.30</b>
<b>Missouri</b>	0.029694838	5,988,927	312,573,327	9,097	226,127	<b>\$36,674.30</b>
<b>Virginia</b>	0.030392731	8,001,024	312,573,327	7,957	226,127	<b>\$36,674.30</b>
<b>Ohio</b>	0.031855837	11,536,504	312,573,327	6,061	226,127	<b>\$36,674.30</b>
<b>Pennsylvania</b>	0.036617402	12,702,379	312,573,327	7,371	226,127	<b>\$36,674.30</b>
<b>Illinois</b>	0.038255382	12,830,632	312,573,327	8,019	226,127	<b>\$36,674.30</b>
<b>Georgia</b>	0.045818065	9,687,653	312,573,327	13,713	226,127	<b>\$44,696.81</b>
<b>New York</b>	0.048804055	19,378,102	312,573,327	8,053	226,127	<b>\$44,696.81</b>
<b>Florida</b>	0.059987433	18,801,310	312,573,327	13,528	226,127	<b>\$44,696.81</b>
<b>California</b>	0.077403134	37,253,956	312,573,327	8,055	226,127	<b>\$52,719.31</b>
<b>Texas</b>	0.078945063	25,145,561	312,573,327	17,512	226,127	<b>\$52,719.31</b>

**\$1,516,253.26**

# Vanguard Total Stock Market Index

SIGNAL (VTSSX)



**Vanguard**<sup>®</sup>

## Equity

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**FOR INVESTMENT  
PROFESSIONALS  
USE ONLY.**

Date Published > August 10, 2011



# Vanguard Total Stock Market Index

## > Overview

### SUMMARY

- Seeks to track the performance of the MSCI US Broad Market Index.
- Large, mid-, and small-cap equity diversified across growth and value styles.
- Passively managed, using index sampling.
- Fund remains fully invested.
- Low expenses minimize net tracking error.

<b>Designation</b>	Domestic Large Blend
<b>Total net assets</b>	\$133.8 billion (as of 06/30/2011)
<b>Inception</b>	04/27/1992
<b>Benchmark</b>	MSCI US Broad Market Index

### MINIMUMS FOR ALL CLASSES

	Minimum Initial Investment	Expense Ratio (as of 04/29/2011)
Total Stock Mkt Idx Inv - VTSMX	\$3,000	0.18%
Total Stock Mkt Ix Signal - VTSSX	*	0.07%
Total Stock Mkt Idx Inst - VITSX	\$5,000,000	0.06%
Inst Ttl Stk Mkt Idx Inst - VITNX	\$100,000,000	0.045%
Ist Tt St Mk Idx Ist Plus - VITPX	\$200,000,000	0.025%
Total Stock Market ETF - VTI	**	0.07%

\* Investment minimums may differ for certain categories of investors. Vanguard reserves the right, without prior notice, to increase or decrease the minimum amount required to open or maintain an account, or to add an existing account. Institutional clients should contact Vanguard for information on special rules that may apply to them.

\*\* Vanguard ETF Shares can be bought and sold only through a broker (who may charge a commission) and cannot be redeemed with the issuing fund. The market price of Vanguard ETF Shares may be more or less than net asset value.

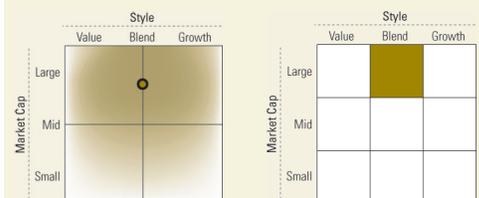
### FEES (APPLIES ONLY TO MUTUAL FUNDS)

Purchase fee	None
Redemption fee	None

### VANGUARD STYLE VIEW

#### Equity

Index portfolio of large-, mid-, and small-capitalization stocks diversified across investment styles.



- Expected range of fund holdings.
- Central tendency.

## > People & Process

<b>Firm</b>	<b>Vanguard Quantitative Equity Group</b>
<b>Management detail</b>	<p>Vanguard Total Stock Market Index Fund seeks to track the investment performance of the MSCI US Broad Market Index, an unmanaged benchmark representing the overall U.S. equity market. The fund replicates more than 95% of the market capitalization of the index and invests in a representative sample of the balance using a portfolio-optimization technique to avoid the expense and impracticality of full replication. The experience and stability of Vanguard's Quantitative Equity Group have permitted continuous refinement of techniques for reducing tracking error. The group uses proprietary software to implement trading decisions that accommodate cash flow and maintain close correlation with index characteristics. Vanguard's refined indexing process, combined with low management fees and efficient trading, has provided tight tracking net of expenses.</p> <p><b>Firm Description</b></p> <p>Launched in 1975, The Vanguard Group, Malvern, Pennsylvania, is among the world's largest equity and fixed income managers. As chief investment officer and managing director, George U. Sauter oversees Vanguard's Quantitative Equity and Fixed Income Groups. Since joining Vanguard in 1987, he has been a key contributor to the development of Vanguard's stock indexing and active quantitative investment strategies. Sandip A. Bhagat, CFA, principal and head of Vanguard's Quantitative Equity Group, has oversight responsibility for all active quantitative equity funds and all indexed equity funds managed by the Quantitative Equity Group. The Quantitative Equity Group manages indexed and structured equity portfolios covering U.S. and international markets. It has developed sophisticated portfolio construction methodologies and efficient trading strategies that seek to deliver returns that are highly correlated with benchmarks. The group has advised Vanguard Total Stock Market Index Fund since 1992.</p> <p><b>Investment Manager Biography</b></p> <p>Gerard C. O'Reilly, Principal</p> <ul style="list-style-type: none"><li>• Portfolio manager.</li><li>• Advised the fund since 1994.</li><li>• Worked in investment management since 1992.</li><li>• B.S., Villanova University.</li></ul>

## > Performance

The performance data shown represents past performance, which is not a guarantee of future results. Investment returns and principal value will fluctuate, so that investors' shares, when sold, may be worth more or less than their original cost. Current performance may be lower or higher than the performance data cited.

Performance data for periods of less than one year does not reflect the deduction of purchase and redemption fees. Maintenance, low balance, and service fees may be assessed by some funds. None of these fees are reflected in the performance figures. If these fees were included, the performance would be lower. All other performance data are adjusted for purchase and redemption fees, where applicable.

**ANNUALIZED PERFORMANCE AS OF QUARTER-END (PRE-TAX, FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE)** (as of 06/30/2011)

Name	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Total Stock Mkt Ix Signal	32.57%	4.32%	—	—	3.19%	09/01/2006
Spliced Total Stock Market Index[1]	32.62%	4.30%	3.64%	3.81%	—	—

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

**ANNUALIZED PERFORMANCE AS OF QUARTER-END (AFTER-TAX, FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE)** (as of 06/30/2011)

Return Before Taxes	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Total Stock Mkt Ix Signal	32.57%	4.32%	—	—	3.19%	09/01/2006

Return After Taxes on Distributions	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Total Stock Mkt Ix Signal	32.20%	3.99%	—	—	2.88%	09/01/2006

Return After Taxes on Distributions and Sale of Fund Shares	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Total Stock Mkt Ix Signal	21.62%	3.63%	—	—	2.69%	09/01/2006

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

Note: Data provided by Morningstar, Inc.

After-tax returns are calculated using the highest individual federal income tax rates in effect at the time of each distribution. They do not reflect the impact of state and local taxes.

## Vanguard Total Stock Market Index

### You should know that:

- Your after-tax return depends on your individual tax situation and may differ from the figures presented here.
- If you own fund shares in a tax-deferred account, such as an IRA or 401(k) plan, this information does not apply to your investment because these accounts are not subject to current taxes.
- The fund's past performance, whether before or after taxes, does not indicate how it will perform in the future.
- If a fund incurs a loss, which generates a tax benefit, the post-liquidation after-tax return may exceed the fund's other return figures.
- After-tax returns are quarter-end adjusted for fees and loads if applicable.
- After-tax returns for Vanguard® funds reflect the reduced tax rates on ordinary income, qualified dividend income, and short-term and long-term capital gains that went into effect in 2003.
- After-tax returns for non-Vanguard funds are provided by Morningstar, Inc., based on data provided by the funds. Recent changes in tax law may cause after-tax returns to be calculated inconsistently across different fund families. Accordingly, after-tax returns for mutual fund peer groups have been temporarily removed.
- For Vanguard Tax-Managed Balanced Fund and Vanguard REIT Index Fund, conservative estimates are used based on fund history until final amounts become available.

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### ANNUALIZED PERFORMANCE AS OF MONTH-END (FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE) (as of 07/31/2011)

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Name	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Total Stock Mkt Ix Signal	21.12%	3.81%	—	—	2.66%	09/01/2006
Spliced Total Stock Market Index[1]	21.15%	3.78%	3.19%	3.75%	—	—

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

> Current year performance

<b>Fund</b>	<b>Prior Month Return (07/31/2011)</b>	<b>Prior 3-Month Return (07/31/2011)</b>	<b>Year-to-Date Return (07/31/2011)</b>	<b>Year-to-Date Return (08/09/2011)</b>
Total Stock Mkt Ix Signal	-2.24%	-5.11%	3.95%	-6.40%
Spliced Total Stock Market Index[1]	-2.25%	-5.08%	3.97%	—[2]

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

[2] Year-to-date performance data is not available for the benchmark.

> Quarterly returns

**STRUCTURE: SIGNAL**

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return[1]
2011	6.35%	-0.01%	—	—	—	—
2010	6.01%	-11.30%	11.63%	11.69%	17.23%	17.28%
2009	-10.70%	16.97%	16.51%	5.87%	28.85%	28.76%
2008	-9.48%	-1.52%	-8.54%	-22.72%	-36.99%	-37.04%
2007	1.34%	6.09%	1.54%	-3.32%	5.55%	5.59%
2006*	—	—	1.73%	7.10%	8.95%	8.98%

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

\* Since inception

> Annual returns

<b>Total Stock Mkt Ix Signal</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
Capital Return	14.98%	25.95%	-38.35%	3.71%	8.01%*	—	—	—	—	—
Income Return	2.25%	2.90%	1.36%	1.84%	0.94%*	—	—	—	—	—
Total Return	17.23%	28.85%	-36.99%	5.55%	8.95%*	—	—	—	—	—
Spliced Total Stock Market Index[1]	17.28%	28.76%	-37.04%	5.59%	15.72%	6.08%	12.62%	31.64%	-20.86%	-10.97%

\* Since inception

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

## > Risk and volatility

### RISK ASSESSMENT

The fund seeks to match the risk profile of the MSCI® US Broad Market Index, using replication and optimized sampling techniques, and remaining fully invested. The fund is subject to potential security-selection risk from the use of index sampling.

For a detailed discussion of risks associated with the fund, refer to its prospectus.

### HISTORICAL VOLATILITY MEASURES (as of 06/30/2011)

	R-Squared*	Beta*
Spliced Total Stock Market Index[1]	1.00	1.00
Dow Jones U.S. Total Stock Mkt Idx	1.00	1.00

\* R-squared and beta are calculated from trailing 36-month fund returns relative to the associated benchmark.

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

### HISTORIC RISK MEASURES (as of 06/30/2011)

	3-year standard deviation
Total Stock Market Index Fund	22.00%
Spliced Total Stock Market Index[1]	22.02%

[1] Dow Jones Wilshire 5000 Index through April 22, 2005; MSCI US Broad Market Index thereafter.

## > Performance ranking

The two charts below rank the performance of this fund to similar funds. The first chart uses specific time frames for data. The rolling returns chart displays the returns over a series of 36-month periods.

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### PERFORMANCE QUARTILES

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The information displayed is for this fund's share class that has the oldest inception date compared with a universe of similar funds over specified time frames, regardless of the share class selected. Performance quartiles and yearly performance are not adjusted for possible load, sales charges, or taxes.

This chart shows the performance ranking of the Vanguard® fund compared with a universe of similar funds over specified time frames. Performance quartiles and yearly performance are not adjusted for possible loads, sales charges, or taxes.

The Vanguard fund, represented by a black diamond, is plotted on a multicolored bar for each time period. The fund's primary benchmark is also ranked and shown as a white diamond. The bar represents the universe of funds plotted against the y-axis of annualized total return. The bar is divided into four colored bands, one for each quartile of the universe (25% increments). The top and bottom five percent of similar funds are eliminated from the universe as statistical outliers.

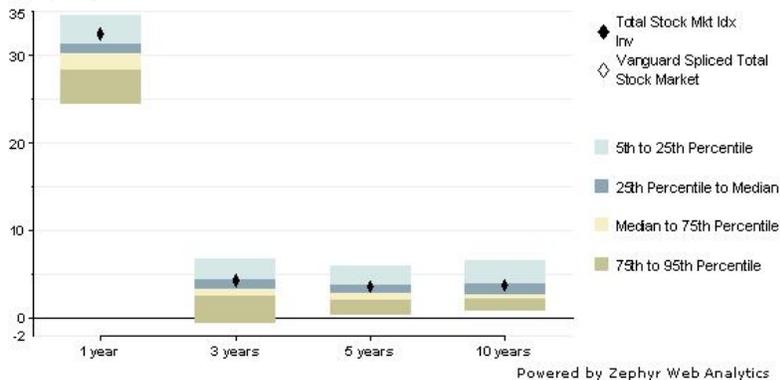
The analysis is provided by Zephyr Associates, a nationally recognized provider of quantitative tools used to evaluate investment portfolios and funds. Zephyr creates domestic equity universes based on size and style using monthly data from Morningstar and quarterly data from Mobius, Nelson's, and PSN. With up to five years of data, Zephyr calculates each fund manager's style benchmark using cash and the Russell 1000 Growth, Russell 1000 Value, Russell 2000 Growth, and Russell 2000 Value Indexes. Exposures to these indexes result in value/growth and small/large coordinates used to place the fund into a universe. For more information on Zephyr's methodology, visit [styleadvisor.com](http://styleadvisor.com).

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# Vanguard Total Stock Market Index

Manager vs Universe: Annualized Return through June 30, 2011

Zephyr Large Core Universe



## Fund Performance Rank

Period	Annualized Return		Fund Ranking*
	Total Stock Mkt Idx Inv	Vanguard Spliced Total Stock Market†	
1 Year	32.43%	32.62%	52 out of 358
3 Years	4.23%	4.30%	87 out of 335
5 Years	3.54%	3.64%	82 out of 304
10 Years	3.69%	3.81%	68 out of 232

\*Represents the Fund Ranking within the applicable Zephyr Universe

## ROLLING 36-MONTH PERFORMANCE

This chart shows the performance ranking of the Vanguard fund compared with a universe of similar funds over a series of 36-month periods. The alternate view plots the outperformance (or underperformance) of the fund relative to its benchmark, based on trailing 36-month average annualized total returns.

### Vanguard fund vs. peer group quartile performance ranking

This chart represents the Vanguard fund's quartile performance ranking versus its peer group during a series of three-year time periods. Points on the chart line represent the fund's quartile performance at the end of overlapping three-year time periods, computed at monthly intervals. The top five percent and bottom five percent of the peer group universe are excluded as statistical outliers.

### Excess return vs. benchmark

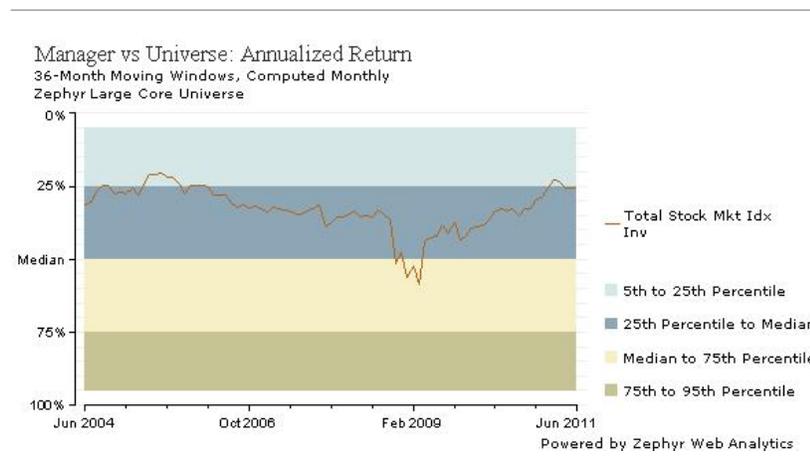
The alternate view of this chart represents the Vanguard fund's outperformance or underperformance relative to its benchmark during a series of three-year time periods. Points on the chart line represent the fund's excess return or residual

## Vanguard Total Stock Market Index

performance, after deducting the benchmark's performance. Calculations are based on average annual returns for overlapping three-year time periods, computed at monthly intervals.

### Why use three-year rolling returns?

These charts are designed to show the consistency of relative performance versus peer groups and benchmarks over long time periods. The use of rolling three-year time periods eliminates the time-period dependency of returns measured over shorter and fewer intervals. This view allows investors to identify longer-term trends or cyclical patterns in a fund's returns versus its peer group or benchmark, providing a more meaningful representation of relative performance.



Short-term total return information is provided only as a service. Historical performance is no guarantee of future returns, particularly when reviewing short-term performance. Share price, yield, and return on an actual investment will fluctuate, and you may have a gain or loss when you sell your shares. Average annual returns include changes in share price and reinvestment of dividends and capital gains.

## > Quarterly commentary—06/2011

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- The MSCI US Broad Market Index returned 0.01% in the second quarter as the stock market's rollicking first quarter gave way to nervousness in the second. A series of disappointing economic reports, and the continued sovereign debt drama in Europe, led to a stock market pullback through May and most of June. In the period's final week, however, prices rebounded. For the 12 months ended June 30, the index returned 32.62%.
- Health care (+6.8%), consumer staples (+5.7%), and utilities (+5.3%) stocks—traditionally defensive sectors that trailed the market during much of the past year's rally—were the quarter's strongest performers. Together, these sectors added 1.4 percentage points to the Broad Market Index's three-month result.
- Energy (–5.1%), financials (–4.8%), and materials (–1.5%) were the quarter's weakest performers. The financial sector was once again grappling with bad loans and other legacies of the deep recession. Energy and materials stocks, which had been among the best performers over the past year, retreated on fears that strength in manufacturing and other industrial sectors might be flagging. The three laggards pruned about 1.4 percentage points from the index's three-month result.

> Portfolio details

**FUND FACTS AT A GLANCE**

	Symbol/Ticker	Net Assets (as of 6/30/2011)
Total Stock Mkt Ix Signal	VTSSX	\$6.1 billion

**CHARACTERISTICS** (as of 6/30/2011)

	Fund	MSCI US Broad Market Index
Number of Stocks	3,346	3,377
Median market cap	\$30.8 billion	\$31.0 billion
P/E ratio	17.0x	17.0x
P/B ratio	2.2x	2.2x
Return on equity	18.9%	18.7%
Earnings growth rate	5.6%	5.6%
Short-term reserves	0.0%	—
Foreign holdings	0.1%	N/A
Turnover rate	4.5% (Fiscal year end 12/2010)	—

**ABSOLUTE/SECTOR WEIGHTING VS. INDEX** (as of 6/30/2011)

	Strategy	Benchmark*	Over/Underweight
Consumer Discretionary	11.6%	11.6%	0.0%
Consumer Staples	9.2%	9.2%	0.0%
Energy	11.7%	11.7%	0.0%
Financials	15.5%	15.6%	-0.1%
Health Care	11.7%	11.7%	0.0%
Industrials	11.6%	11.6%	0.0%
Information Technology	18.1%	18.0%	0.1%
Materials	4.4%	4.4%	0.0%
Telecommunication Services	2.8%	2.8%	0.0%
Utilities	3.4%	3.4%	0.0%

\* MSCI US Broad Market Index

## Vanguard Total Stock Market Index

### TOP LARGEST HOLDINGS

Rank	Month Ending 6/30/2011 Holding	Rank	Quarter Ending 6/30/2011 Holding	Percent of Fund
1	Exxon Mobil Corp	1	Exxon Mobil Corp	2.7%
2	Apple Inc	2	Apple Inc	2.1%
3	International Business Machines Corp	3	International Business Machines Corp	1.4%
4	Chevron Corp	4	Chevron Corp	1.4%
5	General Electric Co	5	General Electric Co	1.3%
6	Microsoft Corp	6	Microsoft Corp	1.3%
7	AT&T Inc	7	AT&T Inc	1.2%
8	Johnson & Johnson	8	Johnson & Johnson	1.2%
9	Procter & Gamble Co/The	9	Procter & Gamble Co/The	1.2%
10	Pfizer Inc	10	Pfizer Inc	1.1%
Top 10 equals 14.9% of net assets		Top 10 equals 14.9% of net assets		

#### Vanguard Portfolio Holdings Disclaimer

Vanguard may publish on this Site a detailed list of the securities (aggregated by issuer for money market funds) held in a Vanguard fund (portfolio holdings) as of the most recent calendar-quarter end in the "Holdings" section of the fund's profile, 30 days after the end of the calendar quarter, except for the Vanguard Market Neutral Fund (60 calendar days after the end of the calendar quarter) and the Vanguard Money Market Funds (approximately two (2) business days after the end of the calendar month). Vanguard may exclude any portion of these portfolio holdings from publication on this Site when deemed in the best interest of the fund. Vanguard may publish on this Site the ten largest stock portfolio holdings of a Vanguard fund, and the percentage that each of these holdings represents of the fund's total assets, as of the most recent calendar-quarter end in the "Holdings" section of the fund's profile, 15 calendar days after the end of the calendar quarter.

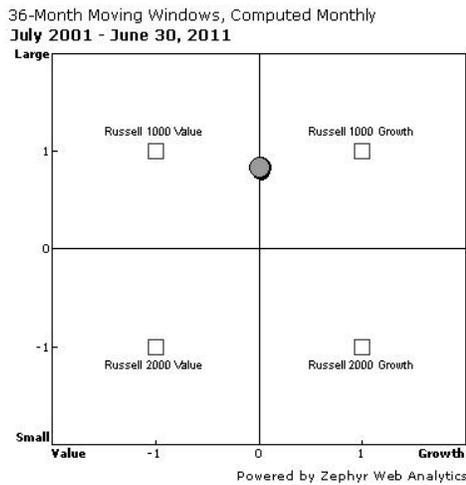
The following additional terms and conditions apply to the publication on this Site of any Vanguard fund's portfolio holdings as described above:

- By accessing the portfolio holdings, you agree not to reproduce, distribute or disseminate the portfolio holdings, in whole or in part, in any form without prior written permission of Vanguard.
- The portfolio holdings are provided on an "as is" basis, and Vanguard makes no express or implied warranties or representations with respect to the accuracy, completeness, reliability or fitness of the portfolio holdings or any financial results you may achieve from their use.
- In no event shall Vanguard or its affiliates have any liability relating to the use of the portfolio holdings.
- The portfolio holdings are provided on a delayed basis and will not necessarily represent all of the actual investments held by the relevant Vanguard fund.

## > Style analysis

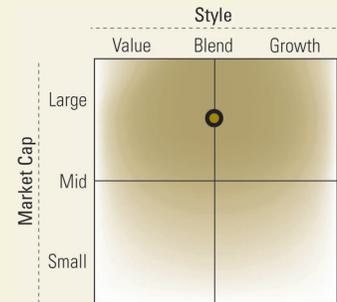
This display shows the fund's performance-based investment style derived from analysis that incorporates the correlation of the fund's returns to the returns of four generic benchmark indexes.

### MANAGER STYLE



### VANGUARD STYLE VIEW

Index portfolio of large-, mid-, and small-capitalization stocks diversified across investment styles.



- Expected range of fund holdings.
- Central tendency.

> Taxes and distributions

**TAXES** (as of 06/30/2011)

Structure	Realized Gain (Loss)	Unrealized Gains (Losses) % of NAV	Distribution Schedule	Expense Ratio (as of 04/29/2011)	SEC Yield
Total Stock Mkt Ix Signal	-\$0.76	14.35%	Quarterly	0.07%	1.85%*

\* BASED ON HOLDINGS' YIELD TO MATURITY/DIVIDEND FOR LAST 30 DAYS OF PRIOR MONTH

**DISTRIBUTIONS**

**Structure: Signal**

Type	\$/Share	Payable Date	Record Date	Reinvest Date	Reinvest Price	Distribution Yield
Income	\$0.13200	06/24/2011	06/22/2011	06/23/2011	\$31.22	—
Income	\$0.13300	03/25/2011	03/23/2011	03/24/2011	\$31.76	—
Income	\$0.16500	12/22/2010	12/20/2010	12/21/2010	\$30.41	—
Income	\$0.13900	09/24/2010	09/22/2010	09/23/2010	\$26.92	—
Income	\$0.12600	06/24/2010	06/22/2010	06/23/2010	\$26.16	—
Income	\$0.11200	03/25/2010	03/23/2010	03/24/2010	\$27.96	—

> Price & yield

**PRICE & YIELD** (as of 8/9/2011)

Name	Price	Price Change			52-Week High	52-Week Low
		Percent	Dollars	SEC Yield		
Total Stock Mkt Ix Signal	\$28.28	5.05%	\$1.36	1.85%*	\$33.24 (4/29/2011)	\$25.11 (8/26/2010)

\* BASED ON HOLDINGS' YIELD TO MATURITY/DIVIDEND FOR LAST 30 DAYS OF PRIOR MONTH

## > Glossary of terms

<b>3-Year Standard Deviation</b>	A measure of the volatility of a security—based on the security's last three years of monthly historical returns—used to indicate the dispersion of past returns. A higher standard deviation means a greater potential for volatility.
<b>Beta</b>	A measure of the magnitude of a portfolio's past share-price fluctuations in relation to the ups and downs of the overall market (or appropriate market index). The market (or index) is assigned a beta of 1.00, so a portfolio with a beta of 1.20 would have seen its share price rise or fall by 12% when the overall market rose or fell by 10%.
<b>Distribution Yield</b>	The fund's current monthly income dividend per share, annualized (by dividing by the number of days in the month and multiplying by 365) as a percentage of the fund's average NAV during the month.
<b>Duration</b>	A measure of the sensitivity of bond—and bond mutual fund—prices to interest rate movements. For example, if a bond has a duration of two years, its price would fall about 2% when interest rates rose one percentage point. On the other hand, the bond's price would rise by about 2% when interest rates fell by one percentage point.
<b>Earnings Growth Rate</b>	The average annual rate of growth in earnings over the past five years for the stocks in a portfolio.
<b>Ex-Dividend Date</b>	The date when a security trades without its next scheduled dividend payment, reducing its opening price by the amount of that dividend payment. A buyer who purchases the security on its ex-dividend date will not receive the dividend payment; a seller who sells the security on that day will receive the dividend payment.
<b>Fair Value Pricing</b>	Fair value pricing is a daily price adjustment made to the value of a security to more accurately reflect the true market value of a security. A fund will use fair value pricing if the value of a security is materially affected by events occurring before the fund's pricing time but after the close of the primary markets or exchanges on which the security is traded. It is an industry-wide practice required by the Securities and Exchange Commission.
<b>Intraday Optimized Value Ticker (IOV Ticker)</b>	Intraday Optimized Value (IOV), also known as the Intraday Indicative Value (IIV), is the calculated per share price of the ETF which is published every 15 seconds based on the last sale price of each of the underlying securities in the portfolio basket, plus any estimated cash amounts associated with the creation unit.
<b>Payable Date</b>	The date when dividends or capital gains are paid to shareholders. For Vanguard mutual funds, the payable date is usually within two to four days of the record date. The payable date also refers to the date on which a declared stock dividend or bond interest payment is scheduled to be paid.
<b>Price/Book Ratio (P/B Ratio)</b>	The price per share of a stock divided by its book value (i.e., net worth) per share. For a portfolio, the ratio is the weighted average price/book ratio of the stocks it holds.
<b>Price/Earnings Ratio (P/E Ratio)</b>	The share price of a stock divided by its per-share earnings over the past year. For a portfolio, the weighted average P/E ratio of the stocks in the portfolio. P/E is a good indicator of market expectations about a company's prospects; the higher the P/E, the greater the expectations for a company's future growth.
<b>Purchase Fee</b>	A charge assessed by an intermediary, such as a broker-dealer or a bank, for assisting in the sale or purchase of a security.
<b>Record Date</b>	The date used to determine who is eligible to receive a company or fund's next distribution of dividends or capital gains.
<b>Redemption Fee</b>	A fee charged by some mutual funds and brokers when an investor sells shares within a specified, usually short, period of time. When charged by a mutual fund, a redemption fee differs from a back-end load because the money is paid back into the fund. Mutual funds generally adopt such fees to discourage market-timing.

continued

## > Glossary of terms continued

<b>Reinvest Date</b>	<p>The date on which an investment's dividend or capital gains income is reinvested, if requested by the shareholder, to purchase additional shares. Also known as the ex-dividend date.</p>
<b>Return on Equity</b>	<p>An amount, expressed as a percentage, earned on a company's common stock investment for a specific time frame. This figure tells shareholders how effectively their money is being utilized.</p>
<b>R-Squared</b>	<p>A measure of how much of a portfolio's performance can be explained by the returns from the overall market (or a benchmark index). If a portfolio's total return precisely matched that of the overall market or benchmark, its R-squared would be 1.00. If a portfolio's return bore no relationship to the market's returns, its R-squared would be 0.</p>
<b>SEC Yield</b>	<p>A non-money market fund's SEC yield is based on a formula mandated by the Securities and Exchange Commission (SEC) that calculates a fund's hypothetical annualized income, as a percentage of its assets. A security's income, for the purposes of this calculation, is based on the current market yield to maturity (in the case of bonds) or projected dividend yield (for stocks) of the fund's holdings over a trailing 30 day period. This hypothetical income will differ (at times, significantly) from the fund's actual experience; as a result, income distributions from the fund may be higher or lower than implied by the SEC yield.</p> <p>The SEC yield for a money market fund is calculated by annualizing its daily income distributions for the previous seven days.</p>
<b>Style Analysis</b>	<p>Style analysis charts represent one indicator of a fund's long-term style consistency. They show the fund's investment style, based on analysis of historical performance during rolling three-year time periods. Performance-based style analysis incorporates the correlation of the fund's returns to the returns of four generic benchmark indexes, which represent the four quadrants: Russell 1000 Value, representing large-cap value (upper left); Russell 1000 Growth, representing large-cap growth (upper right); Russell 2000 Value, representing small-cap value (lower left); and Russell 2000 Growth, representing small-cap growth (lower right). The charts represent style in two views: Single point and multiple points (moving windows).</p> <p><b>Single-point view:</b> The single-point view represents the manager's average style for the entire time period.</p> <p><b>Multiple-points view:</b> The multiple-points view shows whether the fund's returns have remained correlated with a particular market index, or whether they have shifted over time and become more correlated with a different market index. Larger points (or symbols) represent more recent time periods among the series of rolling three-year periods. Points that are tightly clustered—instead of moving around the box—show consistent correlation with a particular index.</p> <p><b>Limitations of performance-based style analysis:</b> Performance-based style analysis can be a valuable indicator—one component of a fund's investment style. However, we do not recommend its use in isolation because it represents only a single dimension based on the correlation of historical performance. The term "investment style" has a broader meaning that generally includes the types of stocks preferred by an advisor and the advisor's investment process. We recommend a multidimensional view of style—incorporating analysis of a fund's holdings, aggregate characteristics, relative characteristics, and relative performance versus benchmarks and peer groups over time—to develop an understanding of the investment process.</p>
<b>Yield to Maturity</b>	<p>The rate of return an investor would receive if the securities held by a portfolio were held to their maturity dates.</p>

## > Disclosures

**An investment in a money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although a money market fund seeks to preserve the value of your investment at \$1 per share, it is possible to lose money by investing in such a fund.**

**Mutual funds are subject to risk. Funds that concentrate on a relatively narrow sector face the risk of higher share-price volatility. Investments in bond funds are subject to credit, interest rate, and inflation risk. High-yield bonds present higher credit risk than other types of bonds. Mid- and small-capitalization stocks historically have been more volatile than large-cap stocks. For U.S. investors, foreign markets present additional risks, including currency fluctuations and unfavorable developments in a particular country or region. Stocks of companies in emerging markets are generally more risky than stocks of companies in developed countries.**

**Vanguard ETF Shares are not redeemable with an Applicant Fund other than in Creation Unit aggregations. Instead, investors must buy or sell Vanguard ETF Shares in the secondary market with the assistance of a stockbroker. In doing so, the investor will incur brokerage commissions and may pay more than net asset value when buying and receive less than net asset value when selling.**

**Investments in Target Retirement Funds are subject to the risks of their underlying funds. The year in the Fund name refers to the approximate year (the target date) when an investor in the Fund would retire and leave the work force. The Fund will gradually shift its emphasis from more aggressive investments to more conservative ones based on its target date. An investment in the Target Retirement Fund is not guaranteed at any time, including on or after the target date.**

Investments are subject to market risk. Go to the performance page to read more about risk and volatility.

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Vanguard owns issued patents for its Vanguard Exchange-Traded Funds ("Vanguard ETFs") under U.S. Patent No. 6,879,964 B2; 7,337,138.

Vanguard owns a pending patent application for its Managed Payout Funds.

Foreign security values are typically determined using either the latest quoted sales price or the latest closing price calculated according to local market convention. If events occur after the close of the securities markets on which such securities are primarily traded, which materially affect the value of each fund's investments fair value prices are determined by Vanguard according to procedures adopted by the board of trustees. When fair-value pricing is employed, the prices of securities used by a fund to calculate its NAV may differ from quoted or published prices for the same securities.

Vanguard managed taxable index bond funds, balanced funds and ETFs: Credit quality ratings for each issue are obtained from Barclays Capital using ratings derived from Moody's Corporation (Moody's), Fitch Ratings Ltd. (Fitch), and Standard and Poor's (S&P). When ratings from all three agencies are available, the median rating is used. When ratings are available from two of the agencies, the lower rating is used. When one rating is available, that rating is used.

Vanguard managed taxable non-index bond, municipal bond, and balanced funds; Wellington Management Company managed bond and balanced funds: Credit quality ratings for each issue are obtained from Moody's and S&P and the highest rating for each issue is used.

Oaktree Capital Management managed fund: Credit quality ratings for each issue are obtained from S&P. Vanguard taxable money market funds: Credit quality ratings for each issuer are obtained from Moody's and S&P. Issuer long-term ratings are mapped to each issue and the lowest rating for each issue is used. Unrated securities are determined to be of comparable high quality by methods approved by the trustees.

Vanguard municipal money market funds: Short-term credit quality ratings for each issuer are obtained from Moody's, S&P, and Fitch. The first available rating is assigned to each issue based on the following priority order: Moody's, S&P, and Fitch. Unrated securities are determined to be of comparable high quality by methods approved by the trustees.



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FASHQP 072008

# Vanguard Intermediate-Term Bond Index

INVESTOR (VBIIX) SIGNAL (VIBSX) INSTITUTIONAL (VBIMX) ETF (BIV)



## Fixed Income

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**FOR INVESTMENT  
PROFESSIONALS  
USE ONLY.**

Date Published > August 10, 2011

# Vanguard Intermediate-Term Bond Index

## > Overview

### SUMMARY

- Seeks to track the performance of the Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index.
- Diversified exposure to the intermediate-term, investment-grade U.S. bond market.
- Passively managed using index sampling.
- Provides moderate current income with high credit quality.

<b>Designation</b>	Intermediate-Term Bond
<b>Total net assets</b>	\$7.4 billion (as of 06/30/2011)
<b>Inception</b>	03/01/1994
<b>Benchmark</b>	Barclays US 5-10Yr Gov/Cr FI Adj Ix

### MINIMUMS FOR ALL CLASSES

	Minimum Initial Investment	Expense Ratio (as of 12/31/2010)
Inter-Term Bond Index Inv - VBIIX	\$3,000	0.22%
Inter-Term Bond Index Sig - VIBSX	*	0.11%
Inter-Term Bond Idx Inst - VBIMX	\$25,000,000	0.07%
Inter-Term Bond ETF - BIV	**	0.11%

\* Investment minimums may differ for certain categories of investors. Vanguard reserves the right, without prior notice, to increase or decrease the minimum amount required to open or maintain an account, or to add an existing account. Institutional clients should contact Vanguard for information on special rules that may apply to them.

\*\* Vanguard ETF Shares can be bought and sold only through a broker (who may charge a commission) and cannot be redeemed with the issuing fund. The market price of Vanguard ETF Shares may be more or less than net asset value.

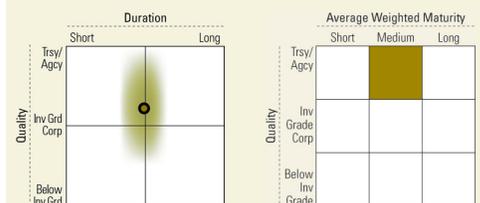
### FEES (APPLIES ONLY TO MUTUAL FUNDS)

Purchase fee	None
Redemption fee	None

### VANGUARD STYLE VIEW

#### Fixed Income

Invests in U.S. Treasury, agency, and investment-grade corporate securities with intermediate duration.



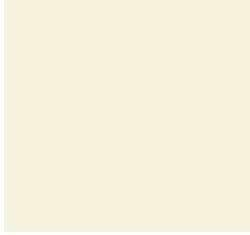
■ Expected range of fund holdings.

● Central tendency.

## > People & Process

<b>Firm</b>	<b>Vanguard Fixed Income Group</b>
<b>Management detail</b>	<p>Vanguard Intermediate-Term Bond Index Fund seeks to track the investment performance of the Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index, an unmanaged benchmark representing the intermediate-term, investment-grade U.S. bond market. The fund provides moderate current income by investing in intermediate-maturity U.S. Treasury, agency, and investment-grade corporate securities. The fund’s passive investment style uses a sampling technique to closely match key benchmark characteristics: sector weight, coupon, maturity, effective duration, convexity, and credit quality. Optimized sampling is designed to avoid the expense and impracticality of fully replicating the index.</p> <p><b>Firm Description</b></p> <p>Launched in 1975, The Vanguard Group, Malvern, Pennsylvania, is among the world’s largest equity and fixed income managers. As chief investment officer and managing director, George U. Sauter oversees Vanguard’s Quantitative Equity and Fixed Income Groups. Since joining Vanguard in 1987, he has been a key contributor to the development of Vanguard’s stock indexing and active quantitative investment strategies. Robert F. Auwaerter, principal and head of Fixed Income Group, has direct oversight responsibility for all money market, bond, and stable value portfolios managed by the Fixed Income Group. He has managed investment portfolios since 1978, and has been with Vanguard since 1981. Kenneth E. Volpert, CFA, principal and head of Vanguard’s Taxable Bond Group has direct oversight responsibility for all taxable bond funds managed by the Fixed Income Group. He has managed investment portfolios since 1982 and has been with Vanguard since 1992. Christopher W. Alwine, CFA, principal and head of Vanguard’s Municipal Bond Funds has direct oversight responsibility for all tax-exempt bond funds managed by the Fixed Income Group. He has managed investment portfolios since 1996 and has been with Vanguard since 1990. Pamela Wisehaupt Tynan, principal and head of Vanguard’s Municipal Money Market Funds, has direct oversight responsibility for all tax-exempt money market funds managed by the Fixed Income Group. She has managed investment portfolios since 1988 and has been with Vanguard since 1982. The Fixed Income Group offers actively managed investments in U.S. Treasury, corporate, and tax-exempt securities, as well as passively managed index portfolios. Since 1981, it has refined techniques in total-return management, credit research, and index sampling to seek to deliver consistent performance with transparency and risk control. The group has advised Vanguard Intermediate-Term Bond Index Fund since 1994.</p> <p><b>Investment Manager Biographies</b></p> <p>Kenneth E. Volpert, CFA, Principal, Head of Taxable Bond Group</p> <ul style="list-style-type: none"> <li>• Portfolio manager.</li> <li>• Advised the fund since 1994.</li> <li>• Worked in investment management since 1981.</li> <li>• B.S., University of Illinois.</li> <li>• M.B.A., University of Chicago.</li> </ul> <p>Joshua C. Barrickman, CFA, Principal</p> <ul style="list-style-type: none"> <li>• Portfolio manager.</li> </ul>

## Vanguard Intermediate-Term Bond Index



- Advised the fund since 2008.
  - Worked in investment management since 1999.
  - B.S., Ohio Northern University.
  - M.B.A., Lehigh University.
-

## > Performance

The performance data shown represents past performance, which is not a guarantee of future results. Investment returns and principal value will fluctuate, so that investors' shares, when sold, may be worth more or less than their original cost. Current performance may be lower or higher than the performance data cited.

Performance data for periods of less than one year does not reflect the deduction of purchase and redemption fees. Maintenance, low balance, and service fees may be assessed by some funds. None of these fees are reflected in the performance figures. If these fees were included, the performance would be lower. All other performance data are adjusted for purchase and redemption fees, where applicable.

**ANNUALIZED PERFORMANCE AS OF QUARTER-END (PRE-TAX, FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE)** (as of 06/30/2011)

Name	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Inter-Term Bond Index Inv	5.24%	7.94%	7.66%	6.44%	6.73%	03/01/1994
Inter-Term Bond Index Sig	5.36%	8.05%	—	—	7.84%	06/04/2007
Inter-Term Bond Idx Inst	5.40%	8.10%	7.80%	—	6.87%	01/26/2006
Inter-Term Bond ETF (NAV)	5.31%	8.03%	—	—	7.33%	04/03/2007
Inter-Term Bond ETF (Market value)	5.26%	7.92%	—	—	7.37%	04/03/2007
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	5.50%	8.01%	7.62%	6.69%	—	—

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

**ANNUALIZED PERFORMANCE AS OF QUARTER-END (AFTER-TAX, FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE)** (as of 06/30/2011)

Return Before Taxes	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Inter-Term Bond Index Inv	5.24%	7.94%	7.66%	6.44%	6.73%	03/01/1994
Inter-Term Bond Index Sig	5.36%	8.05%	—	—	7.84%	06/04/2007
Inter-Term Bond Idx Inst	5.40%	8.10%	7.80%	—	6.87%	01/26/2006
Inter-Term Bond ETF (NAV)	5.31%	8.03%	—	—	7.33%	04/03/2007
Inter-Term Bond ETF (Market value)	5.26%	7.92%	—	—	7.37%	04/03/2007

Return After Taxes on Distributions	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Inter-Term Bond Index Inv	3.71%	6.29%	5.95%	4.58%	4.48%	03/01/1994
Inter-Term Bond Index Sig	3.79%	6.36%	—	—	6.12%	06/04/2007
Inter-Term Bond Idx Inst	3.81%	6.39%	6.04%	—	5.11%	01/26/2006
Inter-Term Bond ETF (NAV)	3.74%	6.37%	—	—	5.72%	04/03/2007
Inter-Term Bond ETF (Market value)	3.69%	6.27%	—	—	5.77%	04/03/2007

## Vanguard Intermediate-Term Bond Index

<b>Return After Taxes on Distributions and Sale of Fund Shares</b>	<b>1 Year</b>	<b>3 Year</b>	<b>5 Year</b>	<b>10 Year</b>	<b>Since Inception</b>	<b>Inception Date</b>
Inter-Term Bond Index Inv	3.56%	5.84%	5.57%	4.43%	4.38%	03/01/1994
Inter-Term Bond Index Sig	3.63%	5.91%	—	—	5.72%	06/04/2007
Inter-Term Bond Idx Inst	3.66%	5.94%	5.66%	—	4.85%	01/26/2006
Inter-Term Bond ETF (NAV)	3.60%	5.91%	—	—	5.34%	04/03/2007
Inter-Term Bond ETF (Market value)	3.75%	5.96%	—	—	5.38%	04/03/2007

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

Note: Data provided by Morningstar, Inc.

After-tax returns are calculated using the highest individual federal income tax rates in effect at the time of each distribution. They do not reflect the impact of state and local taxes.

## Vanguard Intermediate-Term Bond Index

### You should know that:

- Your after-tax return depends on your individual tax situation and may differ from the figures presented here.
- If you own fund shares in a tax-deferred account, such as an IRA or 401(k) plan, this information does not apply to your investment because these accounts are not subject to current taxes.
- The fund's past performance, whether before or after taxes, does not indicate how it will perform in the future.
- If a fund incurs a loss, which generates a tax benefit, the post-liquidation after-tax return may exceed the fund's other return figures.
- After-tax returns are quarter-end adjusted for fees and loads if applicable.
- After-tax returns for Vanguard® funds reflect the reduced tax rates on ordinary income, qualified dividend income, and short-term and long-term capital gains that went into effect in 2003.
- After-tax returns for non-Vanguard funds are provided by Morningstar, Inc., based on data provided by the funds. Recent changes in tax law may cause after-tax returns to be calculated inconsistently across different fund families. Accordingly, after-tax returns for mutual fund peer groups have been temporarily removed.
- For Vanguard Tax-Managed Balanced Fund and Vanguard REIT Index Fund, conservative estimates are used based on fund history until final amounts become available.

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### ANNUALIZED PERFORMANCE AS OF MONTH-END (FEE-ADJUSTED FOR MUTUAL FUNDS WHERE APPLICABLE) (as of 07/31/2011)

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Name	1 Year	3 Year	5 Year	10 Year	Since Inception	Inception Date
Inter-Term Bond Index Inv	6.41 %	8.89%	7.91%	6.42%	6.85%	03/01/1994
Inter-Term Bond Index Sig	6.53%	9.00%	—	—	8.37%	06/04/2007
Inter-Term Bond Idx Inst	6.57%	9.05%	8.05%	—	7.28%	01/26/2006
Inter-Term Bond ETF (NAV)	6.50%	8.98%	—	—	7.86%	04/03/2007
Inter-Term Bond ETF (Market value)	6.15%	8.79%	—	—	7.85%	04/03/2007
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	6.53%	8.95%	7.86%	6.67%	—	—

\* The yield quotation more closely reflects the current earnings of the fund than the total return quotation.

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

> Current year performance

<b>Fund</b>	<b>Prior Month Return (07/31/2011)</b>	<b>Prior 3-Month Return (07/31/2011)</b>	<b>Year-to-Date Return (07/31/2011)</b>	<b>Year-to-Date Return (08/09/2011)</b>
Inter-Term Bond Index Inv	2.70%	4.18%	6.36%	8.65%
Inter-Term Bond Index Sig	2.71%	4.20%	6.43%	8.73%
Inter-Term Bond Idx Inst	2.71%	4.21%	6.45%	8.75%
Inter-Term Bond ETF (NAV)	2.74%	4.17%	6.36%	8.63%
Inter-Term Bond ETF (Market value)	2.57%	3.91%	6.50%	8.63%
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	2.65%	4.20%	6.49%	—[2]

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

[2] Year-to-date performance data is not available for the benchmark.

> Quarterly returns

**STRUCTURE: INVESTOR**

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return <sup>[1]</sup>
2011	0.24%	3.32%	—	—	—	—
2010	2.19%	5.32%	4.71%	-2.95%	9.37%	9.44%
2009	-0.76%	2.14%	5.39%	-0.03%	6.79%	6.50%
2008	3.20%	-2.21%	-2.67%	6.83%	4.93%	5.06%
2007	1.52%	-1.02%	3.37%	3.60%	7.61%	7.55%
2006	-1.35%	-0.56%	4.62%	1.24%	3.91%	3.81%
2005	-1.28%	4.08%	-1.29%	0.33%	1.75%	1.83%
2004	3.77%	-3.88%	4.41%	1.04%	5.22%	5.30%
2003	1.82%	4.57%	-0.74%	-0.03%	5.65%	5.97%
2002	-0.67%	3.36%	5.77%	2.08%	10.85%	13.03%

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

**STRUCTURE: SIGNAL**

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return <sup>[1]</sup>
2011	0.27%	3.35%	—	—	—	—
2010	2.22%	5.35%	4.74%	-2.92%	9.49%	9.44%
2009	-0.74%	2.16%	5.42%	0.00%	6.89%	6.50%
2008	3.22%	-2.19%	-2.65%	6.85%	5.01%	5.06%
2007*	—	-0.33%	3.39%	3.62%	6.78%	6.64%

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

\* Since inception

# Vanguard Intermediate-Term Bond Index

## STRUCTURE: INSTITUTIONAL

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return <sup>[1]</sup>
2011	0.28%	3.36%	—	—	—	—
2010	2.23%	5.36%	4.75%	-2.91%	9.53%	9.44%
2009	-0.73%	2.17%	5.43%	0.01%	6.95%	6.50%
2008	3.22%	-2.18%	-2.65%	6.87%	5.05%	5.06%
2007	1.54%	-0.99%	3.40%	3.63%	7.73%	7.55%
2006*	-0.99%	-0.53%	4.64%	1.27%	4.36%	4.13%

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

\* Since inception

## STRUCTURE: ETF (NAV)

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return <sup>[1]</sup>
2011	0.22%	3.29%	—	—	—	—
2010	2.19%	5.38%	4.73%	-2.87%	9.55%	9.44%
2009	-0.77%	2.17%	5.35%	0.01%	6.82%	6.50%
2008	3.25%	-2.22%	-2.69%	6.94%	5.07%	5.06%
2007*	—	-1.01%	3.41%	3.61%	6.06%	5.90%

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

\* Since inception

## STRUCTURE: ETF (MARKET VALUE)

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year-End Return	Benchmark Year-End Return <sup>[1]</sup>
2011	0.31%	3.51%	—	—	—	—
2010	2.22%	5.32%	4.62%	-3.10%	9.13%	—
2009	-2.85%	1.93%	5.53%	-0.36%	4.12%	—
2008	3.76%	-2.58%	-3.27%	10.15%	7.70%	—
2007*	—	-0.86%	3.37%	3.84%	6.41%	—

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

\* Since inception

> Annual returns

Inter-Term Bond ETF	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Capital Return by NAV	5.24%	2.15%	0.30%	2.75%*	—	—	—	—	—	—
Income Return by NAV	4.31%	4.67%	4.77%	3.31%*	—	—	—	—	—	—
Total Return by NAV	9.55%	6.82%	5.07%	6.06%*	—	—	—	—	—	—
Total Return by Market Price	9.13%	4.12%	7.70%	6.41%*	—	—	—	—	—	—
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	9.44%	6.50%	5.06%	7.55%	3.81%	1.83%	5.30%	5.97%	13.03%	8.82%

\* Since inception

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

Inter-Term Bond Index Inv	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Capital Return	5.11%	2.10%	0.00%	2.44%	-1.06%	-2.89%	0.35%	0.60%	4.66%	2.59%
Income Return	4.26%	4.69%	4.93%	5.18%	4.97%	4.65%	4.87%	5.05%	6.20%	6.69%
Total Return	9.37%	6.79%	4.93%	7.61%	3.91%	1.75%	5.22%	5.65%	10.85%	9.28%
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	9.44%	6.50%	5.06%	7.55%	3.81%	1.83%	5.30%	5.97%	13.03%	8.82%

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

Inter-Term Bond Index Sig	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Capital Return	5.11%	2.10%	0.00%	3.75%*	—	—	—	—	—	—
Income Return	4.38%	4.80%	5.01%	3.03%*	—	—	—	—	—	—
Total Return	9.49%	6.89%	5.01%	6.78%*	—	—	—	—	—	—
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	9.44%	6.50%	5.06%	7.55%	3.81%	1.83%	5.30%	5.97%	13.03%	8.82%

\* Since inception

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

## Vanguard Intermediate-Term Bond Index

<b>Inter-Term Bond Idx Inst</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
Capital Return	5.11%	2.10%	0.00%	2.44%	-0.39%*	—	—	—	—	—
Income Return	4.43%	4.85%	5.05%	5.29%	4.75%*	—	—	—	—	—
Total Return	9.53%	6.95%	5.05%	7.73%	4.36%*	—	—	—	—	—
Spl Barclays US 5-10Yr G/Cr Flt Adj[1]	9.44%	6.50%	5.06%	7.55%	3.81%	1.83%	5.30%	5.97%	13.03%	8.82%

\* Since inception

[1] Barclays Capital U.S. 5–10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index thereafter.

## > Risk and volatility

### RISK ASSESSMENT

The fund's risk profile is similar to that of the intermediate-term, investment-grade U.S. fixed income market. Interest rate risk and income risk are moderate, reflecting the fund's intermediate duration. Credit risk is low because the fund purchases only bonds issued by the U.S. Treasury or by corporations whose securities are rated as investment-grade.

For a detailed discussion of risks associated with the fund, refer to its prospectus.

### HISTORICAL VOLATILITY MEASURES (as of 06/30/2011)

	R-Squared*	Beta*
SpI Barclays US 5-10Yr G/Cr Flt Adj[1]	0.99	1.02
Spliced Barclays USAgg Float Adj Ix	0.97	1.68

\* R-squared and beta are calculated from trailing 36-month fund returns relative to the associated benchmark.

[1] Barclays Capital U.S. 5-10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5-10 Year Government/Credit Float Adjusted Index thereafter.

### HISTORIC RISK MEASURES (as of 06/30/2011)

	3-year standard deviation
Intermediate-Term Bond Index Fund	7.17%
SpI Barclays US 5-10Yr G/Cr Flt Adj[1]	—

[1] Barclays Capital U.S. 5-10 Year Government/Credit Bond Index through December 31, 2009; Barclays Capital U.S. 5-10 Year Government/Credit Float Adjusted Index thereafter.

## > Quarterly commentary—06/2011

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- Bond prices rallied during the second quarter as investors' economic anxiety prompted them to search for safer havens. The overall U.S. fixed income market, as measured by the Barclays Capital U.S. Aggregate Bond Index, returned 2.29%. Corporate bonds (Barclays Capital U.S. Credit Index, +2.50%) modestly outperformed U.S. Treasury securities (Barclays Capital U.S. Treasury Index, +2.39%).
- The Intermediate-Term Bond Index Fund slightly outperformed its benchmark, the Spliced Barclays Capital U.S. 5–10 Year Government/Credit Float Adjusted Index (+3.26%).
- At the intermediate area of the curve, Treasury yields fell, with the 2- and 5-year Treasury yields decreasing 36 and 52 basis points, respectively.
- Lower-quality issues generally outperformed high-quality issues. Aaa-rated corporate bonds returned 1.9%, compared with returns of 2.0%, 2.2%, and 2.5% for Aa-rated, A-rated, and Baa-rated corporate bonds, respectively. Within the investment-grade corporate segment, the strongest performance came from utilities (+2.8%), which outperformed industrials (+2.4%) and financials (+1.9%).
- For the 12 months ended June 30, the fund's performance slightly lagged that of its benchmark index (+5.50%), primarily due to the fund's expenses, its sampling approach to approximate the index, and the temporary pricing differences between the fund and the index.

> Portfolio details

**FUND FACTS AT A GLANCE**

	<b>Symbol/Ticker</b>	<b>Net Assets (as of 6/30/2011)</b>
Inter-Term Bond Index Inv	VBIX	\$2.0 billion
Inter-Term Bond Index Sig	VBSX	\$2.5 billion
Inter-Term Bond Idx Inst	VBIMX	\$0.7 billion
Inter-Term Bond ETF	BIV BIV.IV IOV ticker*	\$2.1 billion

\*

Intraday Optimized Value (IOV), also known as the Intraday Indicative Value (IIV), is the calculated per share price of the ETF which is published every 15 seconds based on the last sale price of each of the underlying securities in the portfolio basket, plus any estimated cash amounts associated with the creation unit.

**CHARACTERISTICS** (as of 6/30/2011)

	<b>Fund</b>	<b>Barclays US 5-10Yr Gov/Cr FI Adj Ix</b>
Number of bonds	1,152	1,625
Average duration	6.4 (years)	6.4 (years)
Average maturity	7.3 (years)	7.3 (years)
Average coupon	4.6%	4.5%
Short-term reserves	0.9%	—

**FIXED INCOME ALLOCATIONS**

**Distribution by credit quality\*** (as of 6/30/2011)

	<b>(% of fund)</b>
U.S. Government	54.7%
Aaa	2.3%
Aa	6.3%
A	17.6%
Baa	19.1%
< Baa	0.0%
<b>Total</b>	<b>100.0%</b>

\* See the distribution by credit quality information below for more details.

## Vanguard Intermediate-Term Bond Index

### Distribution by issuer (as of 6/30/2011)

	(% of fund)
Asset-Backed	0.0%
Commercial Mortgage-Backed	0.0%
Finance	14.1%
Foreign	6.6%
Government Mortgage-Backed	0.1%
Industrial	20.2%
Treasury/Agency	54.7%
Utilities	4.3%
Total	100.0%

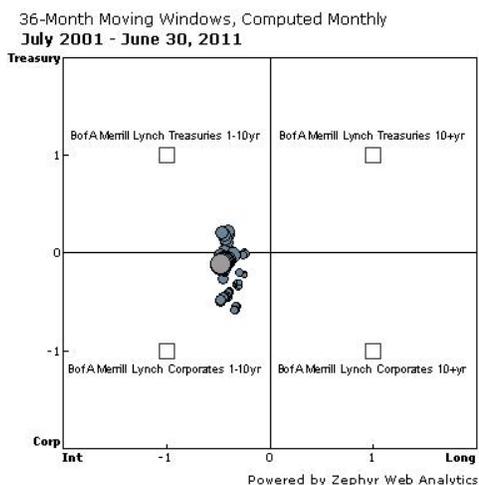
### Distribution by maturity (as of 6/30/2011)

	(% of fund)
Under 1 Year	0.2%
1 - 5 Years	2.3%
5 - 10 Years	97.4%
10 - 20 Years	0.1%
20 - 30 Years	0.0%
Over 30 Years	0.0%
Total	100.0%

## > Style analysis

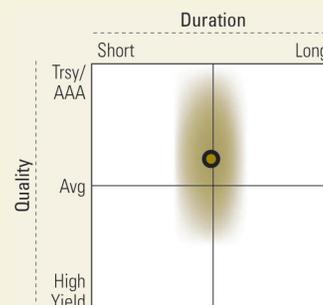
This display shows the fund's performance-based investment style derived from analysis that incorporates the correlation of the fund's returns to the returns of four generic benchmark indexes.

### MANAGER STYLE



### VANGUARD STYLE VIEW

Invests in U.S. Treasury, agency, and investment-grade corporate securities with intermediate duration.



- Expected range of fund holdings.
- Central tendency.

> Taxes and distributions

**TAXES** (as of 06/30/2011)

Structure	Realized Gain (Loss)	Unrealized Gains (Losses) % of NAV	Distribution Schedule	Expense Ratio (as of 12/31/2010)	SEC Yield
Inter-Term Bond Index Inv	\$0.09	5.73%	Monthly	0.22%	2.60%*
Inter-Term Bond Index Sig	\$0.09	5.73%	Monthly	0.11%	2.71%*
Inter-Term Bond Idx Inst	\$0.09	5.73%	Monthly	0.07%	2.75%*
Inter-Term Bond ETF	\$0.65	5.77%	Monthly	0.11%	2.71%*

\* BASED ON HOLDINGS' YIELD TO MATURITY FOR LAST 30 DAYS; DISTRIBUTION MAY DIFFER

**DISTRIBUTIONS**

Structure: Investor

Type	\$/Share	Payable Date	Record Date	Reinvest Date	Reinvest Price	Distribution Yield
Income	\$0.03628	08/01/2011	07/29/2011	07/29/2011	\$11.62	3.72%
Income	\$0.03527	07/01/2011	06/30/2011	06/30/2011	\$11.35	3.74%
Income	\$0.03684	06/01/2011	05/31/2011	05/31/2011	\$11.44	3.82%
Income	\$0.03574	05/02/2011	04/29/2011	04/29/2011	\$11.26	3.90%
Income	\$0.03700	04/01/2011	03/31/2011	03/31/2011	\$11.09	3.90%
Short-Term Capital Gain	\$0.00300	03/23/2011	03/21/2011	03/22/2011	\$11.19	3.90%
Long-Term Capital Gain	\$0.03700	03/23/2011	03/21/2011	03/22/2011	\$11.19	3.90%
Income	\$0.03332	03/01/2011	02/28/2011	02/28/2011	\$11.18	3.92%
Income	\$0.03671	02/01/2011	01/31/2011	01/31/2011	\$11.21	3.86%
Income	\$0.03689	01/03/2011	12/31/2010	12/31/2010	\$11.21	3.86%
Long-Term Capital Gain	\$0.05700	12/27/2010	12/22/2010	12/23/2010	\$11.15	3.86%
Income	\$0.03532	12/01/2010	11/30/2010	11/30/2010	\$11.58	3.68%
Income	\$0.03662	11/01/2010	10/29/2010	10/29/2010	\$11.74	3.66%
Income	\$0.03573	10/01/2010	09/30/2010	09/30/2010	\$11.72	3.75%
Income	\$0.03726	09/01/2010	08/31/2010	08/31/2010	\$11.69	3.79%
Income	\$0.03780	08/02/2010	07/30/2010	07/30/2010	\$11.44	3.93%
Income	\$0.03721	07/01/2010	06/30/2010	06/30/2010	\$11.30	4.07%
Income	\$0.03889	06/01/2010	05/28/2010	05/28/2010	\$11.06	4.15%
Income	\$0.03798	05/03/2010	04/30/2010	04/30/2010	\$10.97	4.25%
Income	\$0.03939	04/01/2010	03/31/2010	03/31/2010	\$10.83	4.26%
Income	\$0.03570	03/01/2010	02/26/2010	02/26/2010	\$10.90	4.29%

## Vanguard Intermediate-Term Bond Index

### DISTRIBUTIONS

Structure: Signal

Type	\$/Share	Payable Date	Record Date	Reinvest Date	Reinvest Price	Distribution Yield
Income	\$0.03735	08/01/2011	07/29/2011	07/29/2011	\$11.62	3.83%
Income	\$0.03631	07/01/2011	06/30/2011	06/30/2011	\$11.35	3.85%
Income	\$0.03790	06/01/2011	05/31/2011	05/31/2011	\$11.44	3.93%
Income	\$0.03675	05/02/2011	04/29/2011	04/29/2011	\$11.26	4.01%
Income	\$0.03804	04/01/2011	03/31/2011	03/31/2011	\$11.09	4.01%
Short-Term Capital Gain	\$0.00300	03/23/2011	03/21/2011	03/22/2011	\$11.19	4.01%
Long-Term Capital Gain	\$0.03700	03/23/2011	03/21/2011	03/22/2011	\$11.19	4.01%
Income	\$0.03426	03/01/2011	02/28/2011	02/28/2011	\$11.18	4.03%
Income	\$0.03776	02/01/2011	01/31/2011	01/31/2011	\$11.21	3.97%
Income	\$0.03794	01/03/2011	12/31/2010	12/31/2010	\$11.21	3.97%
Long-Term Capital Gain	\$0.05700	12/27/2010	12/22/2010	12/23/2010	\$11.15	3.97%
Income	\$0.03637	12/01/2010	11/30/2010	11/30/2010	\$11.58	3.79%
Income	\$0.03772	11/01/2010	10/29/2010	10/29/2010	\$11.74	3.77%
Income	\$0.03678	10/01/2010	09/30/2010	09/30/2010	\$11.72	3.86%
Income	\$0.03834	09/01/2010	08/31/2010	08/31/2010	\$11.69	3.90%
Income	\$0.03886	08/02/2010	07/30/2010	07/30/2010	\$11.44	4.04%
Income	\$0.03822	07/01/2010	06/30/2010	06/30/2010	\$11.30	4.18%
Income	\$0.03993	06/01/2010	05/28/2010	05/28/2010	\$11.06	4.26%
Income	\$0.03896	05/03/2010	04/30/2010	04/30/2010	\$10.97	4.36%
Income	\$0.04041	04/01/2010	03/31/2010	03/31/2010	\$10.83	4.37%
Income	\$0.03661	03/01/2010	02/26/2010	02/26/2010	\$10.90	4.40%

## Vanguard Intermediate-Term Bond Index

### DISTRIBUTIONS

Structure: Institutional

Type	\$/Share	Payable Date	Record Date	Reinvest Date	Reinvest Price	Distribution Yield
Income	\$0.03774	08/01/2011	07/29/2011	07/29/2011	\$11.62	3.87%
Income	\$0.03669	07/01/2011	06/30/2011	06/30/2011	\$11.35	3.89%
Income	\$0.03829	06/01/2011	05/31/2011	05/31/2011	\$11.44	3.97%
Income	\$0.03711	05/02/2011	04/29/2011	04/29/2011	\$11.26	4.05%
Income	\$0.03842	04/01/2011	03/31/2011	03/31/2011	\$11.09	4.05%
Short-Term Capital Gain	\$0.00300	03/23/2011	03/21/2011	03/22/2011	\$11.19	4.05%
Long-Term Capital Gain	\$0.03700	03/23/2011	03/21/2011	03/22/2011	\$11.19	4.05%
Income	\$0.03460	03/01/2011	02/28/2011	02/28/2011	\$11.18	4.07%
Income	\$0.03814	02/01/2011	01/31/2011	01/31/2011	\$11.21	4.01%
Income	\$0.03833	01/03/2011	12/31/2010	12/31/2010	\$11.21	4.01%
Long-Term Capital Gain	\$0.05700	12/27/2010	12/22/2010	12/23/2010	\$11.15	4.01%
Income	\$0.03675	12/01/2010	11/30/2010	11/30/2010	\$11.58	3.83%
Income	\$0.03812	11/01/2010	10/29/2010	10/29/2010	\$11.74	3.81%
Income	\$0.03717	10/01/2010	09/30/2010	09/30/2010	\$11.72	3.90%
Income	\$0.03873	09/01/2010	08/31/2010	08/31/2010	\$11.69	3.94%
Income	\$0.03924	08/02/2010	07/30/2010	07/30/2010	\$11.44	4.08%
Income	\$0.03858	07/01/2010	06/30/2010	06/30/2010	\$11.30	4.22%
Income	\$0.04030	06/01/2010	05/28/2010	05/28/2010	\$11.06	4.30%
Income	\$0.03932	05/03/2010	04/30/2010	04/30/2010	\$10.97	4.40%
Income	\$0.04078	04/01/2010	03/31/2010	03/31/2010	\$10.83	4.41%
Income	\$0.03695	03/01/2010	02/26/2010	02/26/2010	\$10.90	4.44%

## Vanguard Intermediate-Term Bond Index

### DISTRIBUTIONS

Structure: ETF

Type	\$/Share	Payable Date	Record Date	Ex-Dividend Date
Income	\$0.27590	08/05/2011	08/03/2011	08/01/2011
Income	\$0.26034	07/08/2011	07/06/2011	07/01/2011
Income	\$0.27572	06/07/2011	06/03/2011	06/01/2011
Income	\$0.27099	05/06/2011	05/04/2011	05/02/2011
Income	\$0.28270	04/07/2011	04/05/2011	04/01/2011
Short-Term Capital Gain	\$0.02200	03/29/2011	03/25/2011	03/23/2011
Long-Term Capital Gain	\$0.27300	03/29/2011	03/25/2011	03/23/2011
Income	\$0.25185	03/07/2011	03/03/2011	03/01/2011
Income	\$0.27871	02/07/2011	02/03/2011	02/01/2011
Income	\$0.28506	12/31/2010	12/29/2010	12/27/2010
Long-Term Capital Gain	\$0.42100	12/31/2010	12/29/2010	12/27/2010
Income	\$0.27141	12/07/2010	12/03/2010	12/01/2010
Income	\$0.27611	11/05/2010	11/03/2010	11/01/2010
Income	\$0.27046	10/07/2010	10/05/2010	10/01/2010
Income	\$0.27770	09/08/2010	09/03/2010	09/01/2010
Income	\$0.27658	08/06/2010	08/04/2010	08/02/2010
Income	\$0.27146	07/08/2010	07/06/2010	07/01/2010
Income	\$0.27542	06/07/2010	06/03/2010	06/01/2010
Income	\$0.28254	05/07/2010	05/05/2010	05/03/2010
Income	\$0.28302	04/08/2010	04/06/2010	04/01/2010
Income	\$0.26411	03/05/2010	03/03/2010	03/01/2010

> Price & yield

**PRICE & YIELD** (as of 8/9/2011)

Name	Price	Price Change			52-Week High	52-Week Low
		Percent	Dollars	SEC Yield		
Inter-Term Bond Index Inv	\$11.86	0.42%	\$0.05	2.60%*	\$11.87 (11/4/2010)	\$10.98 (2/8/2011)
Inter-Term Bond Index Sig	\$11.86	0.42%	\$0.05	2.71%*	\$11.87 (11/4/2010)	\$10.98 (2/8/2011)
Inter-Term Bond Idx Inst	\$11.86	0.42%	\$0.05	2.75%*	\$11.87 (11/4/2010)	\$10.98 (2/8/2011)

\* BASED ON HOLDINGS' YIELD TO MATURITY FOR LAST 30 DAYS; DISTRIBUTION MAY DIFFER

**ETF CURRENT MARKET PRICE**

Symbol	BIV
Open	\$0.0000
Last price	\$0.0000
Change value	\$0.0000
Change %	0.00%
Size	— x —
Tick	Downtick
Last trade	08/09/2011 04:00 PM ET
Volume	0
Close	\$87.1000
Day's range	\$0.0000 - \$0.0000
52-week range	\$81.0100 - \$88.2500
Bid/ask spread value	\$0.05
Bid/ask spread percentage	0.06%

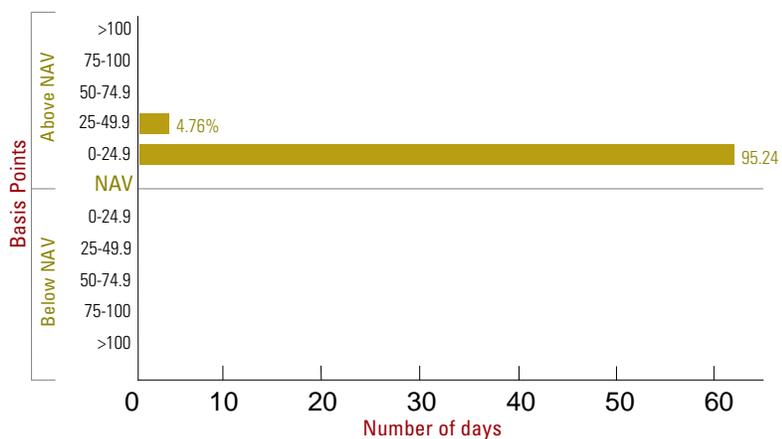
# Vanguard Intermediate-Term Bond Index

## ETF CLOSING PRICE INFORMATION (as of 8/9/2011)

Name	Inter-Term Bond ETF
Market Price	\$87.31
Market Change	\$0.42
NAV	\$87.36
NAV Change	\$0.37
Premium/Discount	-\$0.06
SEC Yield	2.71%*

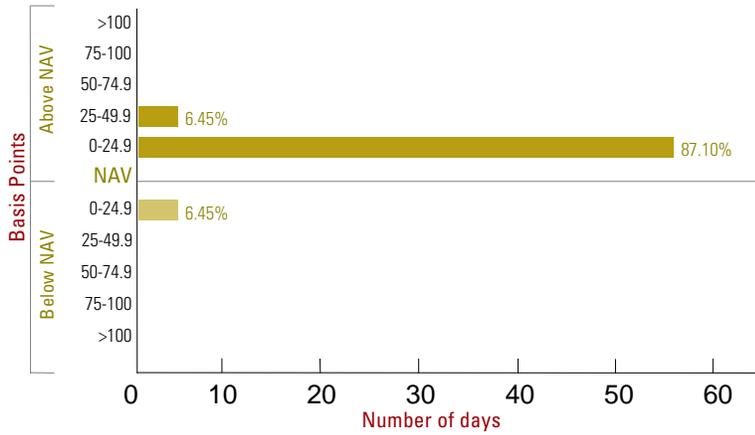
\* BASED ON HOLDINGS' YIELD TO MATURITY FOR LAST 30 DAYS; DISTRIBUTION MAY DIFFER

## ETF PREMIUM/DISCOUNT ANALYSIS - 2QTR 2011 (6/30/2011)

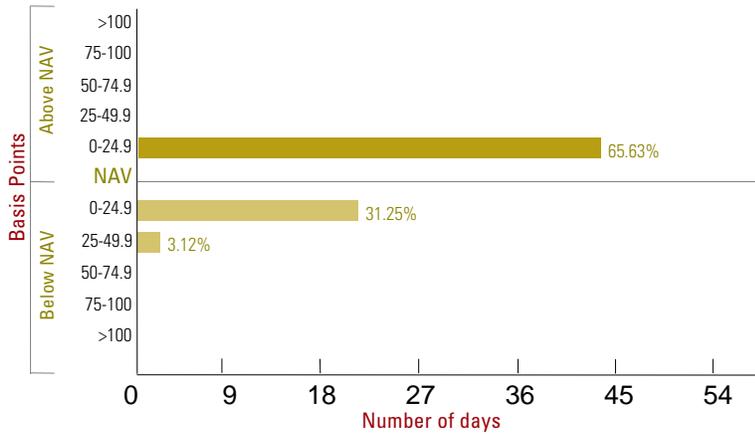


# Vanguard Intermediate-Term Bond Index

## ETF PREMIUM/DISCOUNT ANALYSIS - 1QTR 2011 (3/31/2011)

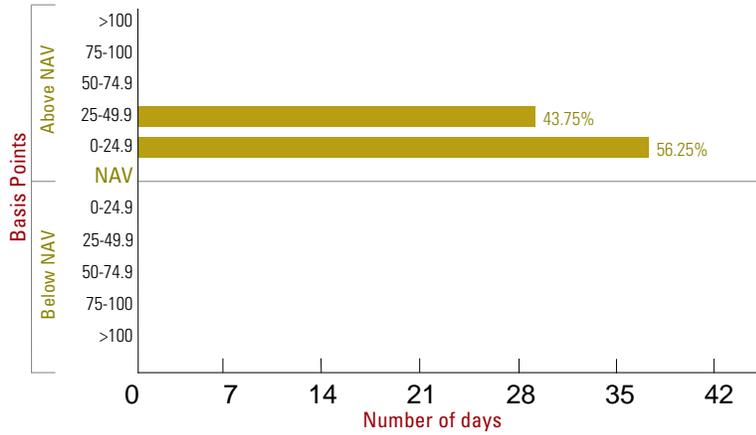


## ETF PREMIUM/DISCOUNT ANALYSIS - 4QTR 2010 (12/31/2010)

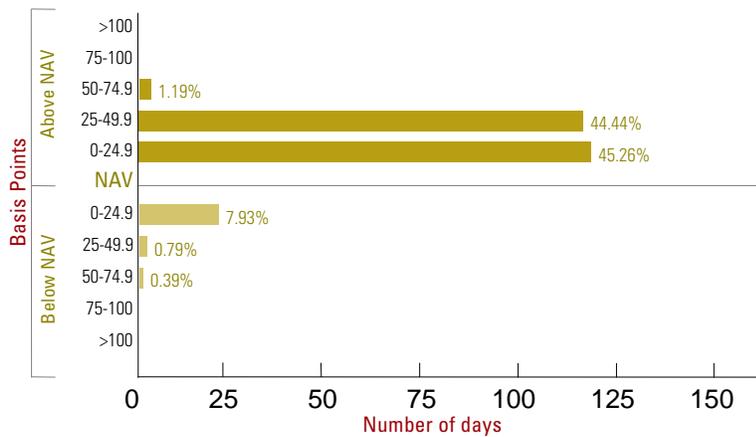


# Vanguard Intermediate-Term Bond Index

## ETF PREMIUM/DISCOUNT ANALYSIS - 3QTR 2010 (9/30/2010)



## ETF PREMIUM/DISCOUNT ANALYSIS - CALENDAR YEAR 2010 (12/31/2010)



## > Glossary of terms

<b>3-Year Standard Deviation</b>	A measure of the volatility of a security—based on the security's last three years of monthly historical returns—used to indicate the dispersion of past returns. A higher standard deviation means a greater potential for volatility.
<b>Beta</b>	A measure of the magnitude of a portfolio's past share-price fluctuations in relation to the ups and downs of the overall market (or appropriate market index). The market (or index) is assigned a beta of 1.00, so a portfolio with a beta of 1.20 would have seen its share price rise or fall by 12% when the overall market rose or fell by 10%.
<b>Distribution Yield</b>	The fund's current monthly income dividend per share, annualized (by dividing by the number of days in the month and multiplying by 365) as a percentage of the fund's average NAV during the month.
<b>Duration</b>	A measure of the sensitivity of bond—and bond mutual fund—prices to interest rate movements. For example, if a bond has a duration of two years, its price would fall about 2% when interest rates rose one percentage point. On the other hand, the bond's price would rise by about 2% when interest rates fell by one percentage point.
<b>Earnings Growth Rate</b>	The average annual rate of growth in earnings over the past five years for the stocks in a portfolio.
<b>Ex-Dividend Date</b>	The date when a security trades without its next scheduled dividend payment, reducing its opening price by the amount of that dividend payment. A buyer who purchases the security on its ex-dividend date will not receive the dividend payment; a seller who sells the security on that day will receive the dividend payment.
<b>Fair Value Pricing</b>	Fair value pricing is a daily price adjustment made to the value of a security to more accurately reflect the true market value of a security. A fund will use fair value pricing if the value of a security is materially affected by events occurring before the fund's pricing time but after the close of the primary markets or exchanges on which the security is traded. It is an industry-wide practice required by the Securities and Exchange Commission.
<b>Intraday Optimized Value Ticker (IOV Ticker)</b>	Intraday Optimized Value (IOV), also known as the Intraday Indicative Value (IIV), is the calculated per share price of the ETF which is published every 15 seconds based on the last sale price of each of the underlying securities in the portfolio basket, plus any estimated cash amounts associated with the creation unit.
<b>Payable Date</b>	The date when dividends or capital gains are paid to shareholders. For Vanguard mutual funds, the payable date is usually within two to four days of the record date. The payable date also refers to the date on which a declared stock dividend or bond interest payment is scheduled to be paid.
<b>Price/Book Ratio (P/B Ratio)</b>	The price per share of a stock divided by its book value (i.e., net worth) per share. For a portfolio, the ratio is the weighted average price/book ratio of the stocks it holds.
<b>Price/Earnings Ratio (P/E Ratio)</b>	The share price of a stock divided by its per-share earnings over the past year. For a portfolio, the weighted average P/E ratio of the stocks in the portfolio. P/E is a good indicator of market expectations about a company's prospects; the higher the P/E, the greater the expectations for a company's future growth.
<b>Purchase Fee</b>	A charge assessed by an intermediary, such as a broker-dealer or a bank, for assisting in the sale or purchase of a security.
<b>Record Date</b>	The date used to determine who is eligible to receive a company or fund's next distribution of dividends or capital gains.
<b>Redemption Fee</b>	A fee charged by some mutual funds and brokers when an investor sells shares within a specified, usually short, period of time. When charged by a mutual fund, a redemption fee differs from a back-end load because the money is paid back into the fund. Mutual funds generally adopt such fees to discourage market-timing.

continued

## > Glossary of terms continued

<b>Reinvest Date</b>	<p>The date on which an investment's dividend or capital gains income is reinvested, if requested by the shareholder, to purchase additional shares. Also known as the ex-dividend date.</p>
<b>Return on Equity</b>	<p>An amount, expressed as a percentage, earned on a company's common stock investment for a specific time frame. This figure tells shareholders how effectively their money is being utilized.</p>
<b>R-Squared</b>	<p>A measure of how much of a portfolio's performance can be explained by the returns from the overall market (or a benchmark index). If a portfolio's total return precisely matched that of the overall market or benchmark, its R-squared would be 1.00. If a portfolio's return bore no relationship to the market's returns, its R-squared would be 0.</p>
<b>SEC Yield</b>	<p>A non-money market fund's SEC yield is based on a formula mandated by the Securities and Exchange Commission (SEC) that calculates a fund's hypothetical annualized income, as a percentage of its assets. A security's income, for the purposes of this calculation, is based on the current market yield to maturity (in the case of bonds) or projected dividend yield (for stocks) of the fund's holdings over a trailing 30 day period. This hypothetical income will differ (at times, significantly) from the fund's actual experience; as a result, income distributions from the fund may be higher or lower than implied by the SEC yield.</p> <p>The SEC yield for a money market fund is calculated by annualizing its daily income distributions for the previous seven days.</p>
<b>Style Analysis</b>	<p>Style analysis charts represent one indicator of a fund's long-term style consistency. They show the fund's investment style, based on analysis of historical performance during rolling three-year time periods. Performance-based style analysis incorporates the correlation of the fund's returns to the returns of four generic benchmark indexes, which represent the four quadrants: Russell 1000 Value, representing large-cap value (upper left); Russell 1000 Growth, representing large-cap growth (upper right); Russell 2000 Value, representing small-cap value (lower left); and Russell 2000 Growth, representing small-cap growth (lower right). The charts represent style in two views: Single point and multiple points (moving windows).</p> <p><b>Single-point view:</b> The single-point view represents the manager's average style for the entire time period.</p> <p><b>Multiple-points view:</b> The multiple-points view shows whether the fund's returns have remained correlated with a particular market index, or whether they have shifted over time and become more correlated with a different market index. Larger points (or symbols) represent more recent time periods among the series of rolling three-year periods. Points that are tightly clustered—instead of moving around the box—show consistent correlation with a particular index.</p> <p><b>Limitations of performance-based style analysis:</b> Performance-based style analysis can be a valuable indicator—one component of a fund's investment style. However, we do not recommend its use in isolation because it represents only a single dimension based on the correlation of historical performance. The term "investment style" has a broader meaning that generally includes the types of stocks preferred by an advisor and the advisor's investment process. We recommend a multidimensional view of style—incorporating analysis of a fund's holdings, aggregate characteristics, relative characteristics, and relative performance versus benchmarks and peer groups over time—to develop an understanding of the investment process.</p>
<b>Yield to Maturity</b>	<p>The rate of return an investor would receive if the securities held by a portfolio were held to their maturity dates.</p>

## > Disclosures

**An investment in a money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although a money market fund seeks to preserve the value of your investment at \$1 per share, it is possible to lose money by investing in such a fund.**

**Mutual funds are subject to risk. Funds that concentrate on a relatively narrow sector face the risk of higher share-price volatility. Investments in bond funds are subject to credit, interest rate, and inflation risk. High-yield bonds present higher credit risk than other types of bonds. Mid- and small-capitalization stocks historically have been more volatile than large-cap stocks. For U.S. investors, foreign markets present additional risks, including currency fluctuations and unfavorable developments in a particular country or region. Stocks of companies in emerging markets are generally more risky than stocks of companies in developed countries.**

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Investments are subject to market risk. Go to the performance page to read more about risk and volatility.

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Vanguard managed taxable non-index bond, municipal bond, and balanced funds; Wellington Management Company managed bond and balanced funds: Credit quality ratings for each issue are obtained from Moody's and S&P and the highest rating for each issue is used.

Oaktree Capital Management managed fund: Credit quality ratings for each issue are obtained from S&P. Vanguard taxable money market funds: Credit quality ratings for each issuer are obtained from Moody's and S&P. Issuer long-term ratings are mapped to each issue and the lowest rating for each issue is used. Unrated securities are determined to be of comparable high quality by methods approved by the trustees.

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# Compliance Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING  
MONTGOMERY, ALABAMA

SEPTEMBER 14, 2011

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

**FROM: Mike McAlister, Chair, Compliance Committee, State of New Hampshire**

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The Compliance Committee met by telephone and WebEx conference two times since last year's Annual Business Meeting.

The Compliance Committee consists of eleven members, including eight commissioners and three ex officio members. Commissioners include Mike McAlister– Chair (NH), Chris Norman (AL), Jane Seigel (IN), Genie Powers (LA), John Rubitschun (MI), Ellen Brokofsky (NE), A.T. Wall (RI), and Brent Butcher (UT). Ex-officio members include Sally Holewa (ND), Victoria Jakes (TN), and Pat Tuthill (FL).

The following issues were discussed at the Committee meetings:

- **Annual Dues**
  - The State of California's failure to pay its annual dues
    - The Compliance Committee found the State of California in default and made a recommendation to the Executive Committee to proceed with legal action against California for nonpayment of dues. The Executive Committee adopted the recommendations presented by the Compliance Committee.
    - California remedied the default prior to the commencement of legal action.
- **Commissioners vacancies**
  - The State of Vermont
    - The Compliance Committee found the State of Vermont in default and recommended to the Executive Committee to take legal action against Vermont, if it failed to appoint the commissioner by January 1, 2011. The Executive Committee adopted the recommendations presented by the Compliance Committee.
    - Vermont remedied the default prior to the commencement of legal action and appointed its commissioner on December 22, 2010.
  - The U.S. Virgin Islands

- The Compliance Committee found the U.S. Virgin Islands in default and recommended to the Executive Committee Legal Counsel formally contact the Governor of U.S. Virgin Islands to inform him that the Virgin Islands was found to be noncompliant due to lack of commissioner appointment.
- The U.S. Virgin islands remedied the default with the appointment of a new commissioner on August 10, 2011.
- **FY 2011 Compliance Audit Results**
  - The Compliance Committee recommended to the Executive Committee that the FY 2012 Compliance Audit focuses on those states that had the finding of 5 or more cases in category C in the prior year's audit. The Executive Committee adopted the recommendations presented by the Compliance Committee.
- **Incident Reports**
  - Georgia
    - The Compliance Committee recommended to the Executive Committee to authorize Legal Counsel to warn Georgia that any additional violations similar to those reported by Arizona, Connecticut and Pennsylvania would result in legal action and to require that Georgia submit an approved detailed corrective action plan to the Compliance Committee within 60 days.
    - Georgia submitted its action plan.
  - California
    - The Compliance Committee recommended to the Executive Committee to authorize Legal Counsel to warn California that any additional violations similar to those reported by Oklahoma will result in legal action and to require that CA submit an approved detailed corrective action plan to the Compliance Committee within 60 days.
    - Currently the deadline for the receipt of California's corrective action plan had not been reached.

Respectfully submitted,

*Mike McAlister*

Mike McAlister  
Chair, Compliance Committee



# Training, Education and Public Relations Committee and Deputy Compact Administrator Liaison Committee Report

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

**ANNUAL BUSINESS MEETING  
MONTGOMERY, ALABAMA**

**SEPTEMBER 14, 2011**

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Mr. Chairman and Members of the Commission:

On behalf of the Training Committee and Deputy Compact Administrator Liaison Committee, I am pleased to present this report regarding the committees' work and activities since the 2010 Annual Business Meeting.

Training Committee Meetings held:

December 7, 2010  
January 25, 2011  
February 22, 2011  
March 22, 2011  
April 7, 2011

DCA Liaison Committee Meetings held:

May 19, 2011

Joint Committee Meetings held:

June 30, 2011  
August 4, 2011

Training and Technical Assistance Policy:

Florida, Texas, Utah, Minnesota and Oregon requested training pursuant to the commission's Training and Technical Assistance Policy. Training was developed and

delivered via 58 web ex sessions for Florida, Texas, Utah and Minnesota. Oregon was provided with onsite statewide ICOTS training for all ICOTS Users.

2011 Rule Amendment Training:

The Training Committee, with the assistance of members from the Rules Committee and legal counsel, developed the training presentation that was delivered in three different sessions in January 2011. 43 states attended this year's rule amendment training.

General Rules Sessions via Web Ex:

4 sessions provided with 549 attendees

Mini Web Ex Sessions: The Training Committee met several times to develop curriculum regarding specific interstate compact rules and ICOTS procedures. These "mini" sessions were launched in July and August 2011 and provide compact office personnel and probation and parole agents an opportunity to attend shorter training sessions on specific interstate compact rules such as Rule 5.108, Probable Cause Hearing in Receiving State.

4 sessions provided with nearly 600 attendees

The members of both committees also worked together to plan for session at this year's Annual Business Meeting. The efforts and hard work of the following committee members and national staff are commended:

National Staff:

Mindy Spring, Administrative and Training Coordinator  
Barno Saturday, Logistics and Administrative Coordinator

Training, Education and Public Relations:

Rose Ann Bisch, MN  
Anne Precythe, NC  
Kari Rumbaugh, NE  
Shawn Arruti, NV  
Devon Whitefield, CO  
Edward Gonzales, NM

Deputy Compact Administrator Liaison Committee

Anne Precythe, NC  
Karen Tucker, FL  
Sidney Nakamoto, HI  
Chuck Placek, ND  
Kari Rumbaugh, NE  
John Gusz, NJ

Dawn Persels, OR

Respectfully submitted,

*Dori Ege*

Dori Ege, Commissioner (AZ)

Training, Education and Public Relations, Chair and Deputy Compact Administrator Liaison  
Committee, Acting Chair



# Information and Technology Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING  
MONTGOMERY, ALABAMA

SEPTEMBER 14, 2011

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

**FROM: Kathie Winckler, Chair, Information and Technology Committee and Commissioner, State of Texas**

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The Information and Technology Committee met by telephone and WebEx conference seven times since last year's Annual Business Meeting. Mark Cadotte (Oregon), vice chair of the committee, conducted the January meeting of the committee.

The Information and Technology Committee consists of ten members, including six commissioners and four ex officio members. Commissioners include Kathie Winckler – Chair (TX), Mark Cadotte – Vice Chair (OR), Keven Pellant (KS), Chris Norman (AL), Leeann Bertsch (ND), and Jill Carlson (MN). Ex officio members include Anne Precythe (NC), Charles Placek (ND), John Gusz (NJ), and Joe Kuebler (GA).

Following are the highlights of the activities of the Technology Committee for the 2011 fiscal year.

### **Appriss Contract Renewal**

The new ICOTS maintenance and development contract with Appriss, Inc. signed on March 8, 2011 secured the current price of \$325,000 per year through May 30, 2012. The new contract provided specific terms of what development would be done on ICOTS in a twelve-month period. The new terms also shifted the responsibility of providing basic ICOTS support from Appriss to the ICAOS National Office. The contract covers a two-year period, which expires May 30, 2012. The Commission has the option to renew the contract at the same price and terms for a one-year period.

### **SEARCH Technical Assistance**

The Commission entered into an agreement with SEARCH to draft an RFP for maintenance and hosting of ICOTS and to assist in evaluating responses. SEARCH agreed to provide these services to the Commission, at no charge, under a grant from the Bureau of Justice Assistance.

### **APPA Data Sharing Workgroup**

ICAOS and the American Probation and Parole Association (APPA) have partnered with the New York State Fusion Center to develop an information exchange. This information exchange will provide local law enforcement with information about potentially dangerous individuals relocating into their community. A small-scale pilot provided encouraging results and an expanded exchange is being developed.

### **ICOTS Performance Issues**

The 2010 fiscal year saw multiple complaints of slow performance from ICOTS. In response to those complaints, the Commission hired a third party vendor to monitor ICOTS performance. While performance did improve, some states still experienced problems. Additional load tests conducted in October 2010 resulted in Appriss making several internal updates to their hosting infrastructure that improved page load times and overall performance.

### **ICOTS Releases**

Appriss launched five releases of the ICOTS software in FY 2010. The releases were 11B, user administration fixes; 11C, additional reports; 12.0, fixes for bugs introduced in series 11 releases; 13.0, internal Appriss performance updates; and 14.0, enhancements. There are two releases planned before the end of 2011. Appriss scheduled Release 15.0 for late September 2011 to update internal infrastructure.

### **ICOTS Helpdesk Transition**

As of May 1, 2011, the ICAOS National Office is handling all ICOTS helpdesk support calls. The new helpdesk software allows tracking of ticket status by all those involved in addition to providing an easy to navigate knowledge base for all ICOTS-related information. The knowledge base contains descriptions of all known and resolved issues, along with answers to frequently asked questions and training materials. Feedback regarding the new ICOTS helpdesk has been very positive.

### **ICOTS Helpdesk Support**

Over 3,500 ICOTS-related support calls were sent to Appriss or the ICAOS National Office during the past year. This is a decrease of over 40% from fiscal year 2009. (A "support call" includes any communication, telephone, email or other, to Appriss or the National Office about any issue related to ICOTS.) Since January 2011, support calls have been steadily decreasing at an average rate of 5.5% per month.

### **External Reports**

Custom reports hosted on the ICAOS website have proven to be of significant value to users, increasing pageviews by 21% to over 8,600 from the previous year. The National Office has expanded this service by creating eight new external reports in the past year, bringing the total to twenty. The reports cover topics such as active offenders, active compact cases, and case activities.

### **ICAOS Website**

The new "Rules/Step-by-Step" section of the website launched in March 2011 gives users links to advisory opinions, definitions, and related rules from within the rule itself. The "Rules/Step-by-Step"

section of the website has grown to be the most viewed portion of pages, other than home page, in the short time since its launch.

Mobile traffic to the ICAOS website is the fastest growing portion of visitors. Page views from mobile devices have grown over 450% annually to over 23,000 views from the same period last year. In response to this growing population of website users, the National Office is working on a project to offer the most popular content of the ICAOS website in an easy to read mobile format.

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

Respectfully submitted,

*Kathie Winckler*

Kathie Winckler

Chair, Information and Technology Committee



# Dues Formula Ad Hoc Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

APRIL 21, 2011

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Mr. Chairman:

The purpose of this report is to provide an overview of the accomplishments and findings of the Dues Formula Ad Hoc Committee. The committee met several times over the past year. The meetings brought forth many good ideas and the discussion was lively and thoughtful.

Over the past year the committee made several recommendations relative to the dues assessment charged to states pursuant to the Interstate Compact for Adult Offender Supervision. The first of these was the recommendation that the Commission utilize population data from the 2010 United States Census in calculating each states dues ratio. Secondly, the committee recommended that data from the ICOTS information system be used to determine offender numbers for each state in calculating the dues ratio. Once this data is obtained it was recommended the tier structure be reviewed and adjusted in a manner consistent with the purposes of the compact. All of these recommendations were adopted and have been enacted by the ICAOS Executive Committee.

Consensus among members of the Dues Formula Ad Hoc Committee regarding further changes to the compact dues formula was more difficult to achieve. There were several proposals that were brought forward for discussion. The first was to leave the dues formula unchanged. A second possibility was to develop a dues formula based on outgoing offender transfers. A third suggestion was to allow the National Office to collect fees from offenders for the privilege of transferring under the compact. A proposal calling for a dues structure based upon outgoing transfer submitted by Commissioner Gary Tullock (TN) is attached for your review. The idea of allowing the National Office to collect fees from offenders would need additional research relative to the legal issues involved before a specific proposal could be developed.

Thanks are due the members of the Dues Formula Ad Hoc Committee. They are:

Wayne Theriault, Maine  
Gary Tullock, Tennessee  
Michelle Buscher, Illinois  
Kathie Winckler, Texas  
Arline Swan, Virgin Islands  
Jim Ingle, Utah  
Milt Gilliam, Oklahoma

Respectfully Submitted,

Charles R. Lauterbach, Iowa, Chair, Dues Formula Ad Hoc Committee



Proposal For Dues Formula  
Annual Business Meeting 2011

The current dues formula separates Commission members into six tiers of dues. The current formula is:

**$$\frac{(\text{Population of the state} / \text{Population of the US}) + (\text{number of offenders sent from} + \text{received by a state})}{\text{Total number of offenders sent from and received by all states} / 2}$$**

This formula has at least three flaws:

- The use of the state population and the overall US population, while mandated by law to be taken into “consideration” does not impact the cost of ICAOS in any meaningful way.
- Another is that it counts an individual offender twice, once for leaving a state and again when entering a state. There is no logical reason to count one offender twice since he cannot leave one state without entering another.
- The last is that the tiers are overly broad so that one state (Wisconsin) with a dues ratio almost 3 ½ times the size of another in the same tier (Alaska) pays the same dues amount. Other tiers have dues ratio spreads of 1.9 and 1.6 between the highest and lowest states.

My proposal is to establish a formula that corrects all three of these errors.

- The Commission would take note, by vote of the membership, that state population does not establish a direct correlation in the cost of doing ICAOS business and that this fact has been considered and rejected in the establishment of a new dues formula.
- We would agree that the dues formula would count cases that transfer out only rather than double count them.
- That the new dues formula would be established to set individual dues amounts based on the state’s use of ICAOS rather than congregating states into broad categories of fees.

Under the above conditions the formula would be:

**Step 1-** Establish a “Cost per transfer”. That would be found by taking the total ICAOS budget for the upcoming year as voted on by the membership divided by the total number of transfers in the preceding year (total transfer requests could used). This would establish the cost per transfer. Using the last complete year’s data available at present that would be \$26.43.

**Step 2-** Multiply the number of transfers (Or requests) times the cost per transfer and that would be the dues for that state.

One issue with this formula is that it blends some costs that are not directly related to a transfer into a general cost amount. The best example of that would be the cost of an advisory opinion. Not every state asks for one each year but every state would share the cost under this plan, however, even in the current formula we do the same thing. Our dues pay for all advisory opinions whether we request them or not but factually, we all benefit from the opinions either directly or indirectly. The same can be said for training and most other general activities of the Commission. The bottom line though is that with ICAOS, nothing happens until someone asks to transfer and that is where the work of the Commission is generated and should be where the dues formula is generated.

This formula was tested and it does make for some dramatic swings in the future dues of some states and in this economic climate that cannot be overlooked. Based on last year's data 19 states' dues would increase anywhere from \$1468.22 to \$63,373.53. But 34 states' dues would decrease anywhere from \$130.81 to \$20,505.30. Again, these numbers are for comparison and until we establish next year's budget and the transfer numbers they should be used as a guide for the discussion only. Hopefully, by the Annual Business Meeting and the presentation of this proposal we could have more current figures by which to judge the plan.

Finally, there will be those states with large increases that will recoil from this proposal and wonder if their state faced with this kind of increase will have problems with remaining in the Commission. I understand this response. Despite the fact that this is my suggested plan, my state's dues will increase over 9% but there is a solution to this cost increase and that is to make the transfer applicant bear the cost by assessing a transfer application fee of \$26.43 (under this example) for any application. In fact the fee should be slightly higher to accommodate those who cannot or will not pay. Those with fees now are probably using that fee to offset their dues already but establishing that your fee can be adjusted year to year, based on current dues would cover the added cost. The question might be raised that this would have a chilling effect on states using ICAOS since every transfer request would cost the state in dues but states must comply with ICAOS no matter what the cost and the rules allow for the offender to pay a fee.

This proposal, if passed would go into effect at the beginning of the following ICAOS fiscal year to give states time to respond to the changes.

State	Number of Transfers Out	Annual Commission Budget	Average Cost Per Offender	Dues Amount	Amount of Change
AL	1,079			\$28,520.99	-\$130.81
AK	124			\$3,277.67	-\$20,505.30
AZ	1,510			\$39,913.52	\$11,261.72
AR	1,255			\$33,173.16	\$4,521.36
CA	1,510			\$39,913.52	-\$12,805.79
CO	1,708			\$45,147.22	\$16,495.42
CT	599			\$15,833.24	-\$12,818.56
DE	362			\$9,568.67	-\$11,060.63
DC	244			\$6,449.60	-\$14,179.70
FL	3,737			\$98,779.36	\$54,082.55
GA	3,737			\$98,779.36	\$62,105.06
HI	154			\$4,070.65	-\$16,558.65
ID	570			\$15,066.69	-\$5,562.61
IL	1,946			\$51,438.22	\$6,741.41
IN	1,708			\$45,147.22	\$16,495.42
IA	634			\$16,758.39	-\$11,893.41
KS	1,280			\$33,833.98	\$5,182.18
KY	1,574			\$41,605.22	\$12,953.42
LA	1,599			\$42,266.04	\$13,614.24
ME	116			\$3,066.20	-\$17,563.10
MD	749			\$19,798.16	-\$16,876.14
MA	737			\$19,480.97	-\$9,170.83
MI	1,443			\$38,142.52	\$1,468.22
MN	1,378			\$36,424.39	\$7,772.59
MS	920			\$24,318.17	-\$4,333.63
MO	3,035			\$80,223.54	\$43,549.24
MT	411			\$10,863.88	-\$9,765.42
NE	289			\$7,639.08	-\$12,990.22
NV	725			\$19,163.78	-\$9,488.02
NH	340			\$8,987.15	-\$11,642.15
NJ	1,939			\$51,253.19	\$14,578.89
NM	613			\$16,203.30	-\$4,426.00
NY	1,290			\$34,098.31	-\$10,598.50
NC	790			\$20,881.91	-\$15,792.39
ND	328			\$8,669.96	-\$11,959.34
OH	1,333			\$35,234.92	-\$1,439.38
OK	853			\$22,547.17	-\$6,104.63
OR	1,028			\$27,172.91	-\$1,478.89
PA	2,038			\$53,870.04	\$17,195.74
PR	18			\$475.79	-\$20,153.51
RI	364			\$9,621.54	-\$11,007.76
SC	673			\$17,789.27	-\$10,862.53
SD	379			\$10,018.03	-\$10,611.27
TN	1,185			\$31,322.86	\$2,671.06
TX	4,392			\$116,092.84	\$63,373.53
VI	5			\$132.16	-\$10,182.49
UT	232			\$6,132.41	-\$14,496.89
VT	128			\$3,383.40	-\$17,245.90

VA	2,721			\$71,923.64	\$35,249.34
WA	596			\$15,753.95	-\$12,897.85
WV	295			\$7,797.67	-\$12,831.63
WI	1,553			\$41,050.13	\$12,398.33
WY	300			\$7,929.84	-\$12,699.46
<b>Total</b>	<b>58,526</b>	<b>\$1,547,005.81</b>	<b>26.43</b>	<b>\$1,547,005.81</b>	<b>\$1,547,005.81</b>

State	FY 2011 Outgoing Transfers	Cost Per Offender	FY 2011 Dues	Proposed Dues	Amount of Change	Percent Change
Alabama	969		\$ 28,651.80	\$ 21,453.66	\$ (7,198.14)	-25%
Alaska	138		\$ 20,629.30	\$ 3,055.32	\$ (17,573.98)	-85%
Arizona	1,778		\$ 28,651.80	\$ 39,364.92	\$ 10,713.12	37%
Arkansas	1,452		\$ 28,651.80	\$ 32,147.28	\$ 3,495.48	12%
California	1,913		\$ 52,719.31	\$ 42,353.82	\$ (10,365.49)	-20%
Colorado	2,065		\$ 28,651.80	\$ 45,719.10	\$ 17,067.30	60%
Connecticut	784		\$ 28,651.80	\$ 17,357.76	\$ (11,294.04)	-39%
Delaware	417		\$ 20,629.30	\$ 9,232.38	\$ (11,396.92)	-55%
Dist. of Columbia	666		\$ 20,629.30	\$ 14,745.24	\$ (5,884.06)	-29%
Florida	4,269		\$ 44,696.81	\$ 94,515.66	\$ 49,818.85	111%
Georgia	4,744		\$ 36,674.30	\$ 105,032.16	\$ 68,357.86	186%
Hawaii	184		\$ 20,629.30	\$ 4,073.76	\$ (16,555.54)	-80%
Idaho	663		\$ 20,629.30	\$ 14,678.82	\$ (5,950.48)	-29%
Illinois	2,161		\$ 44,696.81	\$ 47,844.54	\$ 3,147.73	7%
Indiana	1,839		\$ 28,651.80	\$ 40,715.46	\$ 12,063.66	42%
Iowa	738		\$ 28,651.80	\$ 16,339.32	\$ (12,312.48)	-43%
Kansas	1,497		\$ 28,651.80	\$ 33,143.58	\$ 4,491.78	16%
Kentucky	1,737		\$ 28,651.80	\$ 38,457.18	\$ 9,805.38	34%
Louisiana	1,800		\$ 28,651.80	\$ 39,852.00	\$ 11,200.20	39%
Maine	140		\$ 20,629.30	\$ 3,099.60	\$ (17,529.70)	-85%
Maryland	1,128		\$ 36,674.30	\$ 24,973.92	\$ (11,700.38)	-32%
Massachusetts	776		\$ 28,651.80	\$ 17,180.64	\$ (11,471.16)	-40%
Michigan	1,432		\$ 36,674.30	\$ 31,704.48	\$ (4,969.82)	-14%
Minnesota	1,467		\$ 28,651.80	\$ 32,479.38	\$ 3,827.58	13%
Mississippi	1,255		\$ 28,651.80	\$ 27,785.70	\$ (866.10)	-3%
Missouri	3,131		\$ 36,674.30	\$ 69,320.34	\$ 32,646.04	89%
Montana	450		\$ 20,629.30	\$ 9,963.00	\$ (10,666.30)	-52%
Nebraska	385		\$ 20,629.30	\$ 8,523.90	\$ (12,105.40)	-59%
Nevada	997		\$ 28,651.80	\$ 22,073.58	\$ (6,578.22)	-23%
New Hampshire	404		\$ 20,629.30	\$ 8,944.56	\$ (11,684.74)	-57%
New Jersey	2,395		\$ 36,674.30	\$ 53,025.30	\$ 16,351.00	45%
New Mexico	790		\$ 20,629.30	\$ 17,490.60	\$ (3,138.70)	-15%
New York	1,827		\$ 44,696.81	\$ 40,449.78	\$ (4,247.03)	-10%
North Carolina	1,033		\$ 36,674.30	\$ 22,870.62	\$ (13,803.68)	-38%
North Dakota	411		\$ 20,629.30	\$ 9,099.54	\$ (11,529.76)	-56%
Ohio	1,367		\$ 36,674.30	\$ 30,265.38	\$ (6,408.92)	-17%
Oklahoma	739		\$ 28,651.80	\$ 16,361.46	\$ (12,290.34)	-43%
Oregon	1,192		\$ 28,651.80	\$ 26,390.88	\$ (2,260.92)	-8%
Pennsylvania	2,739		\$ 36,674.30	\$ 60,641.46	\$ 23,967.16	65%
Puerto Rico	31		\$ 20,629.30	\$ 686.34	\$ (19,942.96)	-97%
Rhode Island	341		\$ 20,629.30	\$ 7,549.74	\$ (13,079.56)	-63%
South Carolina	798		\$ 28,651.80	\$ 17,667.72	\$ (10,984.08)	-38%
South Dakota	424		\$ 20,629.30	\$ 9,387.36	\$ (11,241.94)	-54%
Tennessee	1,474		\$ 28,651.80	\$ 32,634.36	\$ 3,982.56	14%
Texas	4,764		\$ 52,719.31	\$ 105,474.96	\$ 52,755.65	100%
U.S. Virgin Islands	3		\$ 10,314.65	\$ 66.42	\$ (10,248.23)	-99%
Utah	302		\$ 20,629.30	\$ 6,686.28	\$ (13,943.02)	-68%
Vermont	198		\$ 20,629.30	\$ 4,383.72	\$ (16,245.58)	-79%
Virginia	3,484		\$ 36,674.30	\$ 77,135.76	\$ 40,461.46	110%
Washington	653		\$ 28,651.80	\$ 14,457.42	\$ (14,194.38)	-50%
West Virginia	364		\$ 20,629.30	\$ 8,058.96	\$ (12,570.34)	-61%
Wisconsin	1,819		\$ 28,651.80	\$ 40,272.66	\$ 11,620.86	41%
Wyoming	323		\$ 20,629.30	\$ 7,151.22	\$ (13,478.08)	-65%
<b>Totals</b>	<b>68,850*</b>	<b>\$ 22.14</b>	<b>\$ 1,524,275.76</b>	<b>\$ 1,524,339.00</b>	<b>\$ 63.24</b>	
18 States Paying More				Average Amount More	\$ 20,876.31	
35 States Paying Less				Average Amount Less	\$ 10,734.58	
* The number of outgoing transfers includes all offenders that arrived in the receiving state either on reporting instructions or an approved transfer request.						



# Risk Assessment Ad Hoc Committee Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

JULY 2011

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**Membership:** Chair Sara Andrews, OH, Keven Pellant, KS, Jane Seigel, IN, Lee Ann Bertsch, ND, Patrick Magee, MD and Genie Powers, LA

### Charge of Committee

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

1. Determine the feasibility of promulgating rules incorporating the use of risk assessment principles. If yes, prepare a draft of the rules for the rule committee's consideration.
2. Determine the feasibility of identifying a single risk assessment for use with interstate compact transfer cases.
3. Address any concerns regarding the reliability of using a risk assessment as part of the interstate compact transfer process.

The Risk Assessment ad hoc Committee met on April 19, 2011. Each member updated the committee on their individual state's risk assessment tool and process. The Committee then reviewed Charge #3 and determined a system wide and consistent application of risk and need assessment and explanation was necessary. Individual states are using an array of risk and need assessment tools and there is an obvious need to develop simple and common language in order to maintain reliability. The Committee developed common language for risk assessments (see attachment A).

The need to drive an assessment with common language was evident, but to adequately review Charge #2 (the feasibility of identifying a single risk assessment for use with interstate compact transfer cases), the Committee asked the National Office to assist in a survey. Survey questions included:

- Does your state use a risk assessment system/tool to manage offenders in the community?
- What is the name/description of the tool used by your state?
- Is the risk assessment tool validated?

- Did your state adopt legislation that mandates the use of a risk assessment system/tool for managing offenders in the community?
- Is your state bifurcated or is parole and probation under the authority of a single entity (unified)?
- If bifurcated, is the same risk assessment system/tool the same for both parole and probation?
- If the Commission offered a national risk assessment system/tool available to you at no cost and is validated in each state, would your state be willing to use it?
- Would your state be willing to report risk assessment outcomes during the transfer process if there were a common language or terms, such as High Risk, Medium Risk, and Low Risk?

The Committee met for a second time on June 7, 2011 to review the results of the survey and continue discussions on the three charges of the ad hoc Committee on Risk Assessment.

The survey was summarized and 75% of the 53 member states responded to the survey. 98% of those responding indicated their state uses a risk assessment system/tool to manage offenders in the community and 95% of those with a risk assessment system/tool indicated that it has been validated. The type of system/tool varies, the majority being the LSI or LSI-R.

Only 30% of the respondents reported their state adopted legislation mandating the use of a risk assessment system/tool. 40% of those reporting are in a bifurcated state and 31% of those in a bifurcated state reported that probation and parole do not use the same risk assessment system/tool.

Only 24% of those answering the survey indicated their state is willing to use a national risk assessment system/tool. However, 82% are willing to report risk assessment outcomes during the transfer process. Several of the respondents indicated the reason they are not willing to use a national risk assessment is due to: workload; not wanting to create a second national assessment in addition to their existing state assessment tool; it would have to be a very simple tool or it would not be used; already heavily invested in existing tool; a national assessment tool would be duplicative; have already incurred a large cost of implementing original tool in terms of training, quality assurance, etc.

Based on the results of the survey and following detailed discussions within the Committee, it was determined Charge #2 (identify a single risk assessment for use with interstate compact transfer cases) is not feasible. However, the Committee agreed the creation of common language and sharing of risk and need assessment information via the interstate compact transfer process is desirable and necessary. Each state continues to use their existing assessment system/tool but shares specific information between transferring states (risk level, identified needs, barriers, areas of concern, etc). The "Goal of and Common Language For Risk Assessment" document (attachment A) will be included on the ICAOS website along with each state's brief overview and explanation of their existing risk assessment system/tool (Risk Assessment System overview Attachment B). Each committee member state will

complete an overview of their specific risk assessment tool and the demonstration of the new information on the National Office website will be unveiled at the Annual Business Meeting. All other states can use these as examples of what the committee recommends for display on the National Office site.

Charge #1 of the Committee was to determine the feasibility of promulgating rules incorporating the use of risk assessment principles and if feasible, prepare a draft of the rules for the rule committee's consideration. The Committee recommends the Rules Committee consider language for placement into rule 3.107 Transfer Request to include: "Sending state shall include completed and available risk assessment tool into the transfer packet for review by the receiving state."

In summary, the Committee determined it is not feasible to use a single risk assessment for use with interstate compact transfer cases (Charge #2). However, it is feasible and will be beneficial to begin using a risk assessment as part of the interstate compact transfer process and, if a sending state has completed a risk assessment on the transferring case, it should be included in the packet as an additional piece of information for the receiving state. (Charge #1 and #3). The Committee believes we can facilitate states speaking the same or similar language in terms of the goal for risk assessments by posting state specific risk assessment information on the National Office website. In addition, the availability of the information on the National site will ultimately increase system wide support, sharing and reliability of valuable risk and need information. The Committee respectfully asks the Chair accept our aforementioned recommendations.

## **Attachment A:**

### **Goal of and Common Language for Risk Assessment**

Goals of assessing risk: There are six goals of a risk and need assessment process:

- Identification of risk of recidivism
- Determination of appropriate offenders for programs and levels of security
- Recognition of criminogenic needs
- Detection of factors that lead to program success
- Provision of risk and need levels that will facilitate the development of a case plan
- An opportunity to reassess the offender to determine changes to dynamic factors

Development of risk and needs assessment tools that are predictive of recidivism at multiple points in the criminal justice system (pre-trial, probation, prison, reentry, community supervision). Should also classify the risk level of offenders in the system while identifying both criminogenic needs and barriers to programming.

A major goal is to conform to the Principles of Effective Classification. The Principles have been developed to guide criminal justice agencies in the use of risk assessment systems. Suggests programs should use actuarial assessment tools to identify dynamic risk factors, especially in high risk offenders, while also identifying potential barriers to treatment. There are four major principles of effective classification: Risk Principle, Needs Principle, Responsivity Principle and Professional Discretion Principle.

- The Risk Principle suggests correctional interventions and programs are most effective when their intensity is matched to the risk level of their clients. The most intensive programs should be allocated to moderate and high risk cases, while low risk cases be allocated little if any programming.
- The Needs Principle suggests effective classification systems should identify dynamic risk factors directly related to recidivism so they can be used to target programmatic needs. Dynamic risk factors, or criminogenic needs, are factors that, when changed, have been shown to result in a reduction in recidivism. These dynamic factors can include substance abuse, personality characteristics, antisocial associates, and antisocial attitudes.
- The responsivity principle focuses on identifying barriers to treatment. These may not be directly related to recidivism, but are likely to keep individuals from engaging in treatment.
- Risk assessments do remove some degree of professional discretion, but the judgment of practitioners should not be overlooked. The principle of professional discretion recognizes that criminal justice agents are responsible for processing the risk, need, and responsivity information and making decisions based on the information provided and it

is important to allow personnel the ability to override the assessment instruments in specific circumstances.

### **Goal of and Common Language for Risk Assessment – continued**

Major Risk Factors:

- Primary
  - Antisocial attitudes
  - Antisocial peers
  - Antisocial personality
  - History of antisocial behavior
- Secondary
  - Family
  - Prosocial leisure activities
  - Education/Employment
  - Substance Abuse

Criminogenic Needs (Dynamic Risk Factors):

- Antisocial attitudes
- Antisocial peers
- Antisocial personality
- Family
- Education/Employment
- Prosocial Activities
- Substance Abuse

## **Attachment B:**

### **The Ohio Risk Assessment System**

The Ohio Department of Rehabilitation and Corrections contracted with the University of Cincinnati, Center for Criminal Justice Research to develop a risk and needs assessment system that improved consistency and facilitated communication across criminal justice agencies.

The Ohio Risk Assessment System (ORAS) abides by the principles of effective classification whereby it consists of assessments that separate Ohio offenders into risk groups based on their likelihood to recidivate, identifies dynamic risk factors that can be used to prioritize programmatic needs, and also identifies potential barriers to treatment. The ORAS consists of seven assessment instruments created using items that were related to recidivism: the Pretrial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), the Prison Screening Tool (PST), the Reentry Tool (RT), and the Supplemental Reentry Tool (SRT).

The predictive power of the assessment instruments was examined and the results revealed that all ORAS instruments are able to significantly distinguish between risk levels. Each assessment instrument is broken down by domain. The assessment process not only provides an overall risk level, but also provides risk levels by case management domains.

The PAT is designed to inform court actors of the risk of a defendant to either fail-to-appear at a future court date or be arrested for a new crime and consists of seven items from four domains: criminal history, employment, substance abuse, and residential stability.

The CST is designed to assist in both designation of supervision level, as well as to guide case management for offenders in the community. The CST consists of 35 items from seven domains: criminal history, education, employment & finances, family & social support, neighborhood problems, substance abuse, antisocial associations, and antisocial attitudes and behavior problems. The CSST was developed to provide for the ability to more quickly identify moderate to high risk cases. Once identified, counties could provide these cases with the full assessment of criminogenic needs while avoiding the extra resources involved with assessing lower risk cases that were not likely to need intensive treatment services.

The PIT is designed to provide institutional case managers an assessment instrument that can be used to prioritize prison treatment based on the likelihood of recidivism. The PIT consists of 31 items from five domains: criminal history, education, employment, and finances, family and social support, substance abuse, and criminal lifestyle.

The RT is designed to be administered to inmates who have served more than 2 years of prison and are within 6 months of release. It consists of 20 items from 3 domains: crim. history, social bonds, and antisocial attitudes.

## **The Indiana Risk Assessment System (IRAS)**

The Indiana Judicial Center, on behalf of the Judicial Conference of Indiana and in partnership with the Indiana Department of Correction, contracted with the University of Cincinnati, Center for Criminal Justice Research, to test and validate the Ohio Risk Assessment System (ORAS) for Indiana.

Indiana's Risk Assessment Task Force selected this system due to the ability to assess offenders at various stages of the criminal justice process, which allows the assessment information to follow an offender through the continuum of the justice system.

The Indiana Risk Assessment System (IRAS) consists of four assessment tools and one screening tool, all designed to predict the likelihood to recidivate by examining both static and dynamic factors to help identify criminogenic needs and responsivity factors. The instruments are: the Pre-trial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), and the Reentry Tool (RT). Since the IRAS was modeled after the ORAS, more information regarding the development of these tools can be found on the ORAS summary page.

Indiana has adopted system-wide policies for administering these assessment instruments. These policies make it **mandatory** for all supervising entities to use the IRAS and also record the assessment information in the state's web-based application. The policies are designed to improve communication and cooperation between the Indiana Department of Correction, county supervision (probation and community corrections), and parole. The policy document, provided below, includes the purpose of the tool, recommended best practices, the minimum state-wide policies, requirements for case planning, and reassessment policies. The Indiana Risk Assessment Task Force continues to oversee this project and monitor the use of assessments in Indiana.

The Indiana Judicial Center and the Department of Correction worked with the Judicial Technology and Automation Committee to develop a web-based application in Indiana Court Information Technology Extranet (INcite) for entering assessment results so that all criminal justice agencies have real time access to the information for supervision and case planning purposes. Access to the INcite application to complete assessments and reassessments will be granted to certified users. More information about the web-based application can be found at: <http://www.in.gov/judiciary/jtac/programs/risk-assessment.html>.

In order to use the IRAS, Indiana has established criteria for training and certification of all users. Eligible participants must successfully complete a two-day training that includes a certification test. The certification test is comprised of two segments: (1) a written test, and (2) an assessment test. Recertification is required of all users every three years. More information regarding eligibility and certification criteria can be found in the policy provided below.

In FY2001, the Kansas Sentencing Commission applied for and was awarded Technical Assistance Grants from the National Institute of Corrections to assist with the development of a standardized statewide risk/needs assessment tool, which would be utilized by Court Services, Community Corrections and the KDOC. The tool selected for this project is the LSI-R (Level of Service Inventory Revised).

As a separate but related project, the KDOC decided to implement the LSI-R as the standardized evidence-based risk/needs assessment tool for the agency. This process will measure offender risk for re-offending and need for correctional interventions or services. The assessment process begins with inmate intake at RDU, during release planning, and during community supervision. A phased implementation began April 1, 2003.

**Why was it developed and what is it?** Dr. Don Andrews and Dr. James Bonta developed the Level of Service Inventory - Revised (LSI-R) in Canada in the 1970's. The LSI was a means to help overloaded Probation Officers manage their caseloads without increased risk to the general public. In other words, they wanted to match the level of risk to insure that they were effectively supervising the high-risk cases and not spending valuable time and resources on low risk cases. The items contained in the LSI-R were selected with three main concerns:

1. Available research literature had to provide support for the item as a validated predictor of criminal behavior; 2. There had to be a high consensus among correctional professionals supporting the items; 3. Items chosen had to fit into the broadband social learning perspective on criminal behavior.

**How does it fit with a seamless system?** By focusing on the research, professional wisdom, and theory, the tool has wide applicability. The LSI-R has been validated to predict the following: 1. Rule violations and antisocial actions such as general criminal activity; 2. Violence; 3. Institutional misconduct; 4. Probation/Parole violations; 5. Success in residential placements, institutional placements and Probation/Parole, mental health agencies and voluntary placements; 6. Treatment planning, and 7. Program evaluation.

**For whom has it been validated?** The LSI-R has been validated for use with Males, Females, younger and older offenders, the economically disadvantaged, the mentally disadvantaged and minority populations.

**Who can use the tool and how long does it take?** Staff that has been properly trained in the principles of effective correctional intervention and the use of the tool can administer the LSI-R. Scoring of the assessments does require the use of a scoring guide, which is reviewed and used during the required training.

## **Kansas – continued**

The LSI-R can be administered and scored in 45 minutes to one hour. The instrument is scored based on a file review, the offender's interview process, and collateral contacts for verification of information as necessary.

**How long is the LSI-R valid for each offender?** The LSI-R assesses "dynamic risk factors" which means that the items can change. This allows for evaluation of the offender's progress in programming and to determine if his or her risk to the community is decreasing. Therefore, follow up assessments should be administered according to the needs of the program. Follow up assessments can take as little as five minutes to complete if there has been regular contact with the offender.

**What is the instrument and how much does it cost?** The LSI-R contains 54 items that are divided into ten categories. The categories are Criminal History, Education/Employment, Financial, Family/Marital, Accommodation, Leisure/Recreation, Companions, Alcohol/Drug Problem, Emotional/Personal, and Attitudes/Orientation. An interview guide and scoring guide is available to assist the user in properly scoring all 54 items.

The publisher of the LSI-R is Multi-Health Services. The LSI-R is a copyrighted document and must be purchased through MHS. MHS provides a catalog, which includes a price list of all products relative to the LSIR. Typically, entering into a contract agreement with MHS will result in a reduced cost of most items. Assessments may be conducted via the use of a hard-copy assessment or via a computer automated process.

**What are the training costs and time commitments for becoming trained to use the LSI-R?** Training provided by the Kansas Department of Corrections consists of three modules: 1) A three-day Initial Training; 2) A 5 week practice assessment period in which a minimum of 10 practice assessments and one video-taped assessment are required; 3) A 1-day Follow Up Training. It is recommended that supervisors be included in the training to ensure users are effectively using the instrument. Certification by the KDOC requires successful completion of the training and at least a 3.0 (out of a possible 4.0) overall rating on the video-taped assessment.

## **What are the Principles of Effective Correctional Treatment and how does the**

**LSI-R fit with the research?** The Principles of Effective Correctional Treatment are:

- Risk
- Need
- Responsivity
  - \*Cognitive Behavioral
  - \*Special Considerations
- Professional Override

## **Kansas – continued**

The Risk Principle states that offender risk should be matched to the level of service and that higher levels of service should be reserved for high-risk cases. The LSI-R's primary purpose is as a risk assessment. It can be used in both community and institutional correctional settings to assess offender risk. Once risk is assessed, correctional staff can use the LSI score to make decisions regarding placement, delivery of service, and release from supervision.

The Need Principle states that when dynamic risk factors (criminogenic needs) are changed, there is a subsequent decrease in the likelihood of further criminal behavior. The LSI-R serves also as a need assessment and again can be used in both the community and institutional corrections. This tool targets need areas so that risk for recidivism can be both measured and lowered.

The Responsivity Principle states that other factors (both staff and offender) need to be taken into consideration in order for treatment to be effective. In general, cognitive behavioral treatments are the most effective, however, the program also needs to target those criminogenic needs already discussed and it needs to be the appropriate intensity.

## North Dakota Department of Corrections and Rehabilitation Risk Assessment

The North Dakota Department of Corrections and Rehabilitation (NDDOCR) has been using a risk assessment system to evaluate the risk and needs of all persons being placed on probation or parole and/or admitted to state prison. The system being used is the Level of Service inventory- Revised (LSI-R).

The LSI-R consists of 54 scoring items that are separated into ten domains (criminal history, education/employment, financial, family/marital, accommodation, leisure/recreation, companions, alcohol/drug problem, emotional/personal, and attitudes/orientation). LSI-R scores obtained are the result of interview and collateral reviews of documentation conducted by staff members trained in the use of the LSI-R. In North Dakota, the LSI-R has been used since 2001 at which time the system was evaluated by Professors Christopher T. Lowenkamp and Ed Latessa. The NDDOCR had the LSI-R re-evaluated in 2011 by Dr. James Austin.

The NDDOCR also uses a proxy score which consists of three items (current age, age at first arrest and number of prior arrests). The proxy score is used to recommend assignment to the Diversion supervision program within the Parole and Probation Division. Cases that score less than 5 points are considered eligible for the program and those that score in this range are not given the LSI-R. Those offenders scoring 17 or less on the LSI-R are eligible for the Diversion program.

The NDDOCR also uses a number of risk assessment tools to determine the risk of sex offenders. The tools used include the Minnesota Sex Offender Screening Tool (MnSOST-R), the Static 99-R, the Stable 2007 and the Acute 2007.

## **The Louisiana Risk Assessment Instrument**

In 2003, the Louisiana Division of Probation and Parole worked with Dr. James Austin of JFA Institute to develop and validate a risk/needs assessment instrument specific to the population of Louisiana offenders. The instrument used by Probation and Parole is the LARNA 1 (Louisiana Risk Needs Assessment).

LARNA 1 utilizes twelve (12) static and dynamic factors that effectively classify offenders into supervision levels based on their likelihood to recidivate. These factors include questions on criminal history, substance abuse, employment, antisocial attitudes, and adjustment to supervision. LARNA 1 allows Officers to focus resources on high risk offenders. The initial LARNA 1 is completed no less than 60 but no more than 90 days after an offender is placed on supervision. Cases are reassessed semi-annually (except minimum cases, which are reassessed annually). Policy also guides which cases are assessed using LARNA 1. Since no instrument can accurately assess all possible circumstances, the LARNA 1 contains secondary override mechanisms that must be approved by a supervisor.

All Officers are trained in the use of LARNA 1 and periodic refresher classes are held when needed. LARNA 1 is automated through the case management system. LARNA 1 assessments are regularly audited by Regional LARNA coordinators to ensure the instrument is being properly used and the assessment is correct. In 2010 an outside vendor, SAS, conducted data mining on a variety of Department data and reported the LARNA 1 was effective in the classification and assessment of offenders and their level of supervision in relationship to revocation.

The Department of Corrections utilizes the LARNA 2, which is similar to the LARNA 1 and also developed in consultation with JFA Institute. It is used for classification purposes within the institution and is also one of the factors reviewed by the Parole Board on offenders being considered for parole.

Probation and Parole also utilizes Day Reporting Centers, and those facilities use the LSI-R as their assessment instrument.

Sex offenders are assessed using the Static 99 and other sex offender specific risk instruments.



# General Counsel Report

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## INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING  
MONTGOMERY, ALABAMA

SEPTEMBER 14, 2011

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### *General Legal Work:*

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 report, 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 two (2) advisory opinion concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance 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 in a number of states under the auspices of the General Counsel's office. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS 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.

In addition the General Counsel assisted the Compliance Committee, the Executive Committee and Executive Committee Workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the compact.

*Litigation Matters:*

**ICAOS V. State of California, U.S. Dist. Ct., Eastern Dist. of KY,  
Case No. 5-11-cv-00015-KKC**

This was an enforcement action by the Commission with respect to payment of a state dues assessment which was settled upon receipt of the required dues in addition to the payment of attorney's fees and litigation costs on June 23, 2011 as required by the provisions of the Compact.

**Charles Getsinger, III v. Harry Hageman, et al., U.S. Dist. Ct. Northern Dist. of CA,  
Case No. 11-cv-1143-JF**

This *pro se* case arose based upon a complaint by a compact offender against NJ Parole Chair and ICAOS Exec. Dir. alleging violation of constitutional rights related to allegedly erroneous additional term of supervision in CA being imposed arising from a murder conviction in NJ. The complaint does not contain any explanation of any alleged misconduct by ICAOS; A motion to dismiss was filed early on grounds of failure to state a claim and no private right of action against ICAOS under the federal civil rights act; On May 5, 2011 the case was transferred to the U.S. District Court for the District of New Jersey on the basis that a habeas corpus proceeding challenging a conviction should be adjudicated in the federal district where the conviction occurred. Upon transfer of the case from California to New Jersey the offender filed a motion to withdraw his habeas corpus petition and the case is pending review and entry of an appropriate order by the U.S. District Judge.

**Thomas Stanton v. ICAOS, et al., Dane County (WI) Cir. Ct., Case No. 08-CV-2477**

This is a *pro se* case in which an offender's claim for alleged civil rights allegations under 42 U.S.C. §1983 against the Commission was previously dismissed and the offender attempted to file a late appeal of order dismissing claims with the Wisconsin Court of Appeals; The Attorney General's Office reports that a Court has determined that the appeal is denied due to late filing and the case is currently under submission awaiting an anticipated Order of Dismissal by the Court.

Respectfully submitted,



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Richard Masters,  
General Counsel



# Ex-Officio Victims Representative Report

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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

**ANNUAL BUSINESS MEETING  
MONTGOMERY, ALABAMA**

**SEPTEMBER 14, 2011**

**Submitted by Pat Tuthill**

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## **Chaired ICAOS Ad Hoc Victim Issues Committee**

- Victim notification survey completed with 32 states responding (attached)
- Committee has teleconferenced and recommendation in process to address rules 3.108 and 3.108-1

## **Criminal Justice and Victim Outreach Presentations**

### **BJA/IJIS SAVINE Information Exchange Committee Advisory Work Group Member**

#### **National Standard could be used by states for ICAOS automated victim notification**

- **Vision:** Create a national information sharing standard, any state or local jurisdiction can adopt the standard for victim information and notification.
- **Work group tasks completed through July 2011:**
  - Defined events triggering notification throughout the entire criminal justice process to protect victims and enhance public safety.
  - Implemented Pilot Program in Montana
  - Spring 2012 report and recommendations will be released and inform SAVIN grant solicitations
  - NIEM/IEPD is the model used for information sharing (National Information Exchange Model) (Information Exchange Package Documentation)

#### **OVC Initiatives – Vision 21**

- Participated in two national initiatives:
  - 1. Define Role of the Victim Advocate**  
Developed consensus to provide strategic framework for defining the role of the field in country's response to crime and challenges of the future

- 2. Emerging Challenges**

Transforming Victim Services, an initiative whose overarching goal is to expand the vision and impact of the crime victim services field.

Advisory groups have drafted a final report with recommendations and strategies. The final report will be completed in September 2011 and submitted to OVC and presented to ICAOS.

**Restorative Justice for Offenders**

- Delivering program to FL prison inmates through 2011

**Teleconference Meetings and Other Communication**

- Respond to calls from victim advocates and victims related to victim concerns for information regarding offender status and notification.

**As of July 1, 2011 \$15,000 in scholarships has been awarded by the Peyton Tuthill Foundation “Hearts of Hope Scholarships” to young homicide survivors. Recipients are from the following states; NM, AR, SC, CA, VA, OH, PA, FL**



## Interstate Commission for Adult Offender Supervision Victim's Notification Survey Results

**May 2011**

1. Name of Respondent- List attached
2. Identify state

Arizona	Nebraska
Arkansas	New Hampshire
California	New Mexico
Connecticut	New York
Florida	North Dakota
Hawaii	Ohio
Iowa	Pennsylvania
Kansas	Rhode Island
Kentucky	South Carolina
Louisiana	South Dakota
Maine	Tennessee
Maryland	Virginia
Michigan	Washington
Minnesota	Washington D.C.
Mississippi	Wisconsin

3. For purposes of victim notification under the ICAOS rules, how does your state define "victim"? Included in separate document.
4. Which agency (or agencies) is responsible for victim notification in your state? Included in separate spreadsheet.

**5. How are victims notified by the agency (agencies)? Check all that apply**

<b>Phone Notice by Advocate</b>	<b>26</b>	<b>81%</b>
<b>Written Notification</b>	<b>27</b>	<b>84%</b>
<b>Automated Call System</b>	<b>16</b>	<b>50%</b>
<b>Email</b>	<b>17</b>	<b>53%</b>
<b>Text/SMS</b>	<b>2</b>	<b>6%</b>
<b>Do Not Know</b>	<b>0</b>	<b>0%</b>
<b>Other, please specify</b>	<b>4</b>	<b>12%</b>

- a. For post conviction release, victims notified by jail or DOC; for predatory offenders, victim notified by phone call or letter from law enforcement agency.
- b. We will soon be getting SMS for our ND SAVIN program.
- c. Release dates and other general information about an inmate is public record. Victims may request information by writing or calling the department's Victims' Assistance Program or electronically at Corrections' web site.
- d. Internet accessible database

**6. Does your state notify victims if supervision is extended or if offender receives an early discharge?**

<b>Yes</b>	<b>21</b>	<b>66%</b>
<b>No</b>	<b>11</b>	<b>34%</b>

**7. Does your state currently utilize any type of automated victim notification technology? (i.e.SAVIN, VINE, systems created in-house or other technology.)**

<b>Yes</b>	<b>24</b>	<b>77%</b>
<b>No</b>	<b>7</b>	<b>23%</b>

**Results by State**

New Hampshire	<b>SAVIN</b> Applied to BJA for an FY '11 Discretionary Grant
Louisiana	<b>VINE LAVNS</b> Louisiana Automated Victim Notification System
Arizona	<b>VINE</b> Some Counties
Iowa	<b>VINE</b> only notifies of offender movement. It does not operate in place of statutory requirements of notification by various agencies. It does not notify of pending parole hearings or pending release - only after movement.
Maine	<b>No Automation</b>
Arkansas	<b>VINE</b>
Nebraska	<b>VINE</b> Victims have to sign up for the services. Once someone is on parole or probation, and no automated system or other system in place that notifies ALL victims about changes while on supervision
North Dakota	<b>SAVIN</b> is used so the answer to #6 would be yes for ND if they are registered, but it is not required by law. SAVIN system covers Custody, Courts, Parole/Probation, Protection Order, Sex Offender
Virginia	<b>VINE</b> Change in custody status of inmates in Virginia local/regional jails and DOC. Local / regional jails provide automated notification when an offender is released, transferred, or escapes. DOC provides automated notification when a State sentenced offender is released, transferred, escapes, dies, or has a parole based event.
Maryland	<b>VINE</b> District and Circuit criminal court case hearings; inmate's release, transfer or escape from all city, county and state jails and facilities; offenders under the supervision of the Maryland Probation and Parole; sex offender's compliance status. Protective orders
Ohio	<b>VINE</b> Offender's custody status notification; notification when offender is discharged.
Wisconsin	<b>VINE</b> Offenders incarcerated, or recently released from, a DOC I facility or who are in the custody of the County Sheriff if the status of the offender changes
South Carolina	<b>SAVIN</b> Specific change in the custody status of an offender.

South Dakota	<b>No automated system</b>
Kansas	<b>No automated system</b>
Hawaii	<b>VINE</b>
Florida	<b>VINE</b> Notified, by Phone, E-Mail, or TTY, about changes in the custody status of inmates within Florida's 62 participating County Jails DOC
Kentucky	<b>VINE</b> . Three comprehensive services, KY VINE Services (Offender Status, Courts, Protective Order).
Mississippi	<b>SAVIN</b>
Rhode Island *	<b>VINE</b> 24-hour hotline and website about the custody status and expected releases dates of offenders in custody
California	<b>VINE</b> DOC statewide and some counties
Washington D.C.	<b>VINE</b> Notified when offender is released, transferred, or escapes.
Connecticut	<b>SAVIN</b> Provides victims, victim advocates, and other concerned citizens free and confidential notification about a specific criminal court related events.
New York	<b>VINELink:Online</b> resource that allows anyone registered to search for information regarding an offender's custody status in, transfer between or release from NY City Dept. of Corrections, NY State DOCCS, and 60 County correctional facilities
New Mexico	<b>VINE</b> is currently being used in various county jails. On June 30, 2011 due to the grant period ending as well as lack of funding sustainability NM will no longer have VINE
Tennessee	<b>VINE</b> Felony Offender Inmate Lookup ( <b>FOIL</b> ). Tennessee Sheriff's Association uses <b>SAVIN</b> for county jail notifications.
Pennsylvania	<b>SAVIN</b> service includes offenders under the supervision of county jails
Michigan	<b>VINE</b> Michigan Crime Victim Notification Network.
Minnesota	<b>VINE</b> notification of the offender's release from a county jail or detention facility. Special notice regarding offenders in a DOC facility: victims have rights to notification and information; including notice of conditions of release, additional notification related to released predatory offenders, notification of transfers to a less secure facility, and, if the offender re-enters a facility, that offender's subsequent release. This notification is not automatic: victims must make a request to the DOC.
Washington	<b>SAVIN</b> -Notification when offender is in custody, released, transferred, escapes or dies

## 8. What events trigger notification?

Top number is respondents Bottom % is percent of the total respondents	Never	Sometimes	Most of the time	Always
When an offender requests to transfer from one state to another	7 23%	13 43%	3 10%	7 23%
When an offender departs the original receiving state to transfer to a subsequent state	6 20%	10 33%	5 17%	9 30%
When an offender requests to return to the sending state	7 23%	10 33%	6 20%	7 23%
When an offender is issued a travel permit	10 36%	10 36%	3 11%	5 18%
When an offender changes address	11 38%	13 45%	2 7%	3 10%
When an offender commits significant violations of his or her conditions of supervision	8 28%	10 34%	6 21%	5 17%

## 9. To what extent that do you believe that a separate victim notification protocol is needed for many compact cases given the unique nature of offenders transferring from state to state?

	Responses	Percentage
<b>Strongly Disagree</b>	0	0%
<b>Disagree</b>	1	3%
<b>Neutral</b>	3	9%
<b>Agree</b>	9	28%
<b>Strongly Agree</b>	19	59%

**10. Under the Interstate Compact for Adult Offender Supervision rules, when victims receive a notification regarding a change in the offenders status they are provided the opportunity to comment and respond to the Compact office. What do you think is an appropriate amount of time for a victim to reply from the date of the notice being sent?**

<b>Number of Days</b>	<b>Respondents</b>	<b>Percentage</b>
<b>10 days</b>	<b>5</b>	<b>16%</b>
<b>15 days</b>	<b>8</b>	<b>23%</b>
<b>20 days</b>	<b>6</b>	<b>16%</b>
<b>30 days</b>	<b>11</b>	<b>34%</b>
<b>I do not know</b>	<b>0</b>	<b>0%</b>
<b>Other</b>	<b>3</b>	<b>9%</b>

**Other Responses:**

60 days, gives the victim time to collect petitions and letter for protest if they want to.

10 days from the time they receive the notice not when it is sent

5 working days- So many transfers are initiated at sentencing that time is of the essence.

11. Please identify if you believe victim autonomy, safety, and security are enhanced by notification of the following events.

Respondents selecting the option. Bottom is percent of the respondents.	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
When an offender requests to transfer from one state to another	1 3%	0 0%	0 0%	11 34%	20 62%
When an offender departs the original receiving state to transfer to a subsequent state	0 0%	1 3%	1 3%	8 25%	22 69%
When an offender requests to return to the sending state	1 3%	0 0%	0 0%	4 12%	27 84%
When an offender is issued a travel permit	1 3%	2 6%	3 9%	6 19%	20 62%
When an offender changes address	1 3%	2 6%	6 19%	10 31%	13 41%
When an offender commits significant violations of their conditions of supervision	0 0%	0 0%	2 6%	6 19%	23 74%

12. To what extent do you believe that victim notification occurs consistently and uniformly across all states?

	Responses	Percentage
Strongly Disagree	10	32%
Disagree	6	19%
Neutral	9	29%
Agree	6	19%
Strongly Agree	0	0%

**13. Which state(s) should have the responsibility for notifying victims?**

<b>Sending State</b>	<b>11</b>	<b>35%</b>
<b>Receiving State</b>	<b>0</b>	<b>0%</b>
<b>Both State</b>	<b>20</b>	<b>65%</b>

**14. Do you believe an automated victim notification system tied to Interstate Compact Offender Tracking System (ICOTS) events would improve and enhance uniform notification for victims and their families and contribute to public safety when offenders are moving and traveling from state to state?**

	<b>Respondents</b>	<b>Percentage</b>
<b>Yes</b>	<b>26</b>	<b>81%</b>
<b>No</b>	<b>2</b>	<b>6%</b>
<b>I do not know</b>	<b>4</b>	<b>12%</b>

**15. Would you like to be kept apprised of survey results and issues related to victim notification through ICAOS?**

	<b>Respondents</b>	<b>Percentage</b>
<b>Yes</b>	<b>30</b>	<b>94%</b>
<b>No</b>	<b>2</b>	<b>6%</b>

**16. Additional Comments**

1	<p>Many victims aren't registered with our state Office of Victim Services, so they are never notified.</p> <p><b>Many times they aren't registered because no one informs them of their right to register, especially on non-violent felonies. It is a pretty fragmented system.</b></p> <p>Notification to victims on misdemeanors is even more problematic, since the state Office of Victim Services primarily serves victims of felony crimes whose offenders have been sentenced to prison.</p>
2	<p>I strongly support development of an automated victim notification system tied to ICOTS, though I believe there is a role for the sending state to serve as a "gatekeeper" regarding who can register for the service. Should avoid the system becoming a tool for stalkers.</p>
3	<p>Rules regarding notification of victims should also clarify procedures to take when the safety of the offender is an issue. Sometimes, offenders are moved from one state to another for</p>

	purposes of their safety. How confidential should this information be for the victims?
4	I am not sure about the consistency of ICAOS notifications.
5	Virginia has excellent policies in place for post release victim notification and interstate notification but the funding necessary and procedures necessary to make this happen are not yet in place.
6	<p>I am aware of one problem that has not been resolved. When an offender has committed a violation after being allowed to go to another state, the sending state does not necessarily have enough funding to retrieve the offender.</p> <p>Example: the offender has been allowed to leave Maryland to be supervised in California. When a violation occurs and the offender must return to MD, the States Attorneys' office is responsible for the cost of returning the offender. There is not adequate funding by the state of MD to cover the costs. <b>As a result,when travel is too expensive, the offender is not returned. There should be provision for funding by the state.</b></p>
7	Question #14 creates a double bind: while automated notification is better than none, personal notification is much better and could create the greatest level of improvement if it were used everywhere.
8	<p>Comments Question 9. Victim notification requirements should be consistent, regardless of whether the offender transfers out of state or not, but <b>due to differences in opinion in each state regarding events that should trigger victim notifications, this is not occurring.</b></p> <p>Comments question 11 (4). Notification when an offender is issued a <b>travel permit</b> This would depend on where the offender is traveling and the location of the victim – <b>suggested that “outside the supervising state” be added to the rules.</b></p> <p>Question 13 -The receiving state should be responsible for notifications for address changes or temporary travel permits issued to travel to another state. The sending state should be responsible for all other notifications. The challenge is where to house the victim information so that both the sending and receiving states have access to the current victim information.</p> <p>Question 16. <b>Improvements</b> -1. Obtaining more detailed victim identifying information, email addresses, cell phone numbers, etc. from the State Attorney’s Office at sentencing in order to locate victims in the future.</p> <p>2. Obtaining an initial consent from the victim with the types of events they would like to be notified of during the supervision period, with the preferred method of notification (email, mail, phone call).</p>
9	In question number 8, I responded as "sometimes" because not all cases are flagged as victim sensitive to trigger victim notification. <b>If a victim does not come forward to advise of their safety concerns of the offender transferring to another state, the case will not be marked victim sensitive.</b> However, if a victim comes forward and advises of their safety concerns, then the case is flagged as victim sensitive and notification will be provided. If there is notification to be made, I work closely with the district attorney's office victim advocates to locate the victim to advise of the offender's status.
10	This survey request was forwarded to me on 5/11/11 and was submitted on 5/11/11. Apologies for NH's delayed response....

Note on #8 (third question) - When an offender departs the original receiving state to transfer to a subsequent state -**Notification if the offender does return to Michigan.** Note on #8 (last question) - When an offender commits significant violations of his or her conditions of supervision – **Notification -Only if the offender is returned to prison.**

## **National Commission – Interstate Compact for Adult Offender Supervision**

### **Victim Notification Ad Hoc Committee Members**

Arizona	Dan Levy	Director Victim Services
Florida	Jenny Nimer	Commissioner
Florida	Pat Tuthill	ICAOS Ex-Officio Victim Rep
Kansas	Keven Pellant	Commissioner
Maine	Denise Giles	Victim Services Coordinator
Michigan	John Rubitschun	Commissioner
Minnesota	Suzanne Elwell	Director, Crime Victim Justice Unit
Puerto Rico	Raquel Colon Esteves	Commissioner
Virginia	Jim Camache	Commissioner
Washington	Scott Blonien	Commissioner
Washington DC	Anne Seymour	National Advocate



## **Interstate Commission for Adult Offender Supervision South Region Report**

Submitted by Chair: Chris Norman, Alabama

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Commissioners and Deputy Compact Administrators of the South Region met face to face at the Annual Business Meeting that was held on October 13, 2010 in Reno Nevada. A quorum of Commissioners was present and the members discussed the pending proposed rule amendments recommended by the Rules Committee. Furthermore, The South Region discussed and voted to submit two proposed rule amendments from the State of Florida to the Rules Committee. The rule amendments, if passed, would add and/or change language in ICAOS Rules 3.107 and 4.112.

Subsequent to the 2010 Annual Business Meeting the South Region met via webex on January 18, 2011, March 17, 2011 and June 16, 2011. A quorum of Commissioners was not present during the meetings; however, the participants discussed issues and information concerning ICAOS. The South Region will met during the ABM in Montgomery, Alabama

South Region Commissioners, Deputy Compact Administrators and the Victim Representative serve on the following Committees:

### Executive Committee

Commissioner, Milt Gilliam, Chairman, OK  
Commissioner, Chris Norman, AL  
Commissioner, Kathie Winckler, TX  
Commissioner, Gary Tullock, TN  
Victims Representative, Pat Tuthill, FL

### Rules Committee

Commissioner, Gary Tullock, Chairman, TN  
Commissioner, Gary Tullock, TN

### Compliance Committee

Commissioner, Chris Norman, AL  
Commissioner, Genie Powers, LA  
Deputy Compact Administrator, Victoria Jakes, SC  
Victim Representative, Pat Tuthill, FL

### Information Technology Committee

Commissioner, Kathie Winckler, Chairman, TX  
Commissioner, Chris Norman, AL  
Deputy Compact Administrator, Joe Kuebler, GA  
Deputy Compact Administrator, Ann Precythe, NC

Training Committee

Deputy Compact Administrator, Anne Precythe, NC

Finance Committee

Commissioner, Gary Tullock, TN

Commissioner, Kathie Winckler, TX

DCA Liaison Committee

Commissioner, Kela Thomas, GA

Deputy Compact Administrator, Karen Tucker, NC

Since ABM 2010, the South Region had four new commissioners: Commissioner Jenna James (GA), Commissioner Patricia Vale (MD), Commissioner Kela Thomas (SC), and Commissioner James Sisk (VA).



## **Interstate Commission for Adult Offender Supervision Midwest Region Report**

Submitted by Chair: Sara Andrews, Ohio  
Deputy Director  
Ohio Department of Rehabilitation and Correction

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During the past year, the Midwest region met face to face at the 2010 Annual Business Meeting in San Antonio, TX and held two quarterly WebEx meetings. Attendance at the Midwest Region meetings is generally not an issue and the states are prepared to participate in discussions on national issues as well as those of importance to their state and the region. Topic discussed at the region meetings included:

- Retirements and new commissioner appointments
- Declining state budgets and employee furloughs
- Establishing and maintaining a state council
- 2010 ABM Commissioner Discussion Topics
- 2011 Proposed Rules Amendments
- Risk Assessments and sharing of information
- Ad Hoc Committees progress

At the January 2011 region meeting, Commissioners reported changes in leadership and the effect on their operation. The region also discussed a proposal to appoint an Ad Hoc Risk and Needs committee.

At its June 2011 meeting, the region received updates from the Executive Director and from the Midwest region Chair regarding the Ad Hoc Risk and Needs Assessment Committee. Notably, four of the six members of the Ad Hoc Committee are in the Midwest Region. The next meeting of the Midwest Region will be face to face at the ABM on September 13, 2011 in Montgomery, AL.

Midwest Commissioners, Deputy Compact Administrators and Victim Representatives served on the following Committees:

### **Executive Committee**

Commissioner Sara Andrews, OH  
Commissioner Charles Lauterbach, IA  
Commissioner William Rankin, WI

### **Rules Committee**

Commissioner William Rankin, WI (Chair)  
Commissioner John Rubitschun, MI  
Commissioner Ed Ligtenberg, SD

Commissioner Jane Seigel, IN

**Compliance Committee**

Commissioner Jane Seigel, IN  
Commissioner John Rubitschun, MI  
Commissioner Ellen Brokofsky, NE  
DCA Sally Holewa, ND

**Finance Committee**

Commissioner Charles Lauterbach, IA (Chair)  
Commissioner Michelle Buscher, IL

**DCA Liaison Committee**

Compact Adm. Charles Placek, ND  
DCA Kari Rumbaugh, NE

**Technology Committee**

Commissioner Keven Pellant, KS  
Compact Adm. Charles Placek, ND  
Commissioner Lee Ann Bertsch, ND  
Commissioner Jill Carson, MN

**Training Committee**

DCA Rose Ann Bisch, MN  
DCA Kari Rumbaugh, NE

**Ad hoc Committee the Dues Formula**

Commissioner Charles Lauterbach, IA (Chair)  
Commissioner Michelle Buscher, IL

**Ad hoc on Victim Issues**

Commissioner Keven Pellant, KS  
Commissioner John Rubitschun, MI  
Victim Representative Suzanne Elwell, MN

**Ad hoc Committee on Risk and Needs Assessments**

Commissioner Sara Andrews, OH (Chair)  
Commissioner Keven Pellent, KS  
Commissioner Jane Seigel, IN  
Commissioner Lee Ann Bertsch, ND



## **Interstate Commission for Adult Offender Supervision West Region Report**

Submitted by Chair: Edward Gonzales, New Mexico

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The West Region attempted to meet every quarterly to provide an opportunity for Commissioners 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.

The West Region conducted its last meeting on October 12, 2010 at the 2010 Annual Business Meeting:

The West Region scheduled teleconference meeting on:

January 24, 2011

April 26, 2011

June 28, 2011

Since a quorum was not established at these meetings, no official business was conducted. However, the Deputy Compact Administrators did provide communication and feedback.

Discussions included:

The state of the economy's impact on the individual member states organization and staffing; Risk Assessment Survey; Encourage Commissioner participation in ICAOS Committees and elected positions; Executive Committee Meetings; Training issues; 2011 proposed rule changes; California's legislation on parole; and National office audits.



Interstate Commission for Adult Offender Supervision  

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Ensuring Public Safety for the 21st Century

## ICAOS Rules

Effective Date:  
March 01, 2011



## Introduction

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

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

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

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

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# Chapter 1 Definitions

## **Rule 1.101 Definitions**

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

**“Abscond”** means to be absent from the offender’s approved place of residence or employment 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 Dispute Resolution*

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

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

*References:*

*ICAOS Advisory Opinion*

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

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

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

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

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

**“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.

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

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

**“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 [determining “substantial compliance when there are pending charges in a receiving state]

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

*References:*

*ICAOS Advisory Opinions*

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

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

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

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

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

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

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

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

**“Victim-sensitive”** means a designation made by the sending state in accordance with its definition of “crime victim” under the statutes governing the rights of crime victims in the sending state. The receiving state shall give notice of offender’s movement to the sending state as specified in Rules 3.108 and 3.108-1.

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

**“Violent Offender”** means an offender under supervision for a violent crime.

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

**“Warrant”** means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.

*History: Adopted November 3, 2003, effective August 1, 2004; “Compliance” amended October 26, 2004, effective January 1, 2005; “Resident” amended October 26, 2004, effective January 1, 2005; “Resident family” amended October 26, 2004, effective January 1, 2005; “Substantial compliance” adopted October 26, 2004, effective January 1, 2005; “Supervision” amended October 26, 2004, effective January 1, 2005; “Travel permit” amended September 13, 2005, effective January 1, 2006; “Victim” amended September 13, 2005, effective January 1, 2006; “Relocate” adopted September 13, 2005, effective January 1, 2006; “Compact” adopted September 13, 2005, effective January 1, 2006; “Resident” amended September 13, 2005, effective January 1, 2006; “Relocate” amended October 4, 2006, effective January 1, 2007; “Sex offender” adopted September 26, 2007, effective January 1, 2008.; “Supervision” amended November 4, 2009, effective March 1, 2010. “Warrant” adopted October 13, 2010, effective March 1, 2011; “Violent Crime” adopted October 13, 2010, effective March 1, 2011; “Violent Offender” adopted October 13, 2010, effective March 1, 2011;*

## Chapter 2 General Provisions

### ***Rule 2.101 Involvement of interstate compact offices***

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

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

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

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

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

## **Rule 2.103 Dues formula**

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 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, effective August 1, 2004.*

## **Rule 2.104 Forms**

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

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

## **Rule 2.105 Misdemeanants**

- (a) A misdemeanor offender whose sentence includes 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*

4-2005 [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]

7-2006 [There are no exceptions to applicability of (a)(3) based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]

16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]

2-2008 [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]

1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

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

## ***Rule 2.106 Offenders subject to deferred sentences***

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

*References:*

*ICAOS Advisory Opinions*

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

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

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

### ***Rule 2.107 Offenders on furlough, work release***

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

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

### ***Rule 2.108 Offenders with disabilities***

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

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

## ***Rule 2.109 Adoption of rules; amendment***

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

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
  - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
  - (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
  - (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 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 purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision

results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

*References:*

*ICAOS Advisory Opinion*

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

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

## **Rule 2.110 Transfer of offenders under this compact**

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

### *References:*

#### *ICAOS Advisory Opinions*

- 3-2004 [Offenders relocating to another state shall not be issued travel permits without the permission of the receiving state as provided by ICAOS rules]
- 9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
- 2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]

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

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

#### *References:*

##### *ICAOS Advisory Opinions*

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

1-2010 [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

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

***Rule 3.101-1 Mandatory transfers of military, families of military, family members employed, and employment transfer***

- (a) *Transfers of military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. 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 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, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.
- (d) *Employment transfer of the offender to another state –* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

*History: Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010.*

### ***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 Opinions*

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

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

*History: Adopted September 13, 2005, effective January 1, 2006.*

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

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
  - (2) social history;
  - (3) information relevant to the sex offender's criminal sexual behavior;
  - (4) law enforcement report that provides specific details of sex offense;
  - (5) victim information
    - (A) the name, sex, age and relationship to the offender;
    - (B) the statement of the victim or victim's representative;
  - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders 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 instruction. 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.

#### *References:*

##### *ICAOS Advisory Opinions*

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

*History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008*

### ***Rule 3.102 Submission of transfer request to a receiving state***

- (a) Except as provided in section (c), and subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Except as provided in section (c), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:
  - (1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state.
  - (2) The offender shall return to the sending state daily during non-working hours, and
  - (3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

#### *References:*

##### *ICAOS Advisory Opinions*

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

9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

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

***Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing***

- (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. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
  - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
  - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 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 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.
  - (2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in

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

*References:*

*ICAOS Advisory Opinions*

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

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

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

*History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008.*

### **Rule 3.104 Time allowed for investigation by receiving state**

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

*References:*

*ICAOS Advisory Opinion*

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

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

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

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

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

### ***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 Opinions*

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

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

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

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

- (a)
  - (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.
  - (2)
    - (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 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. 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.
  - (2) If the offender does not return to the sending state as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

*History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.*

### **Rule 3.107 Transfer Request**

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

#### *References:*

*ICAOS Advisory Opinions*

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

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

### **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, effective August 1, 2004.*

### ***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, effective August 1, 2004.*

**Rule 3.109 Waiver of extradition**

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

*References:*

*ICAOS Advisory Opinion*

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

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

## Chapter 4 Supervision in Receiving State

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

A receiving state shall supervise 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 Opinions*

- 2-2005 [Out of state offenders can be arrested and detained for failure to comply with conditions of probation if such a failure would have resulted in an arrest of a similar situated in-state offender]
- 5-2006 [This rule does not permit a state to impose the establishment of sex offender risk level or community notification on offenders transferred under the Compact if the receiving state does not impose these same requirements on its own offenders]
- 1-2007 [This rule does not permit the receiving state to provide no supervision and at a minimum the rules of the Compact contemplate that such an offender will be under some supervision for the duration of the conditions placed upon the offender by the sending state under Rule 4.102]
- 4-2008 [Compact offenders should be subject to the same exceptions as offenders sentenced in the receiving state.]

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

***Rule 4.102 Duration of supervision in the receiving state***

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

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

### **Rule 4.103 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 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at anytime and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state.....The receiving state can even add additional requirements on an offender as a condition of transfer]

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

*History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006.*

### ***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, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007.*

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

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

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

**Rule 4.105 Arrival and departure notifications; withdrawal of reporting instructions**

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

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

### **Rule 4.106 Progress reports**

- (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. The receiving state shall provide the progress report within thirty (30) calendar days of receiving the request.
  
- (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, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended November 4, 2009, effective March 1, 2010.*

## **Rule 4.107 Fees**

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

### *References:*

#### *ICAOS Advisory Opinions*

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

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

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

### ***Rule 4.108 Collection of restitution, fines and other costs***

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

*References:*

*ICAOS Advisory Opinion*

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

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

### **Rule 4.109 Violation 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 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.

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

### ***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, effective January 1, 2007.*

*References:*

*ICAOS Advisory Opinion*

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

### ***Rule 4.109-2 Absconding Violation***

- (a) If there is reason to believe that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:
  - (1) Conducting a field contact at the last known place of residence;
  - (2) Contacting the last known place of employment, if applicable;
  - (3) Contacting known family members and collateral contacts.
- (b) If the offender is not located, the receiving state shall submit a violation report pursuant to Rule 4.109(b)(9).

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

### **Rule 4.110 Transfer to a subsequent receiving state**

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

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

**Rule 4.111 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. 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).

*History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective day January 1, 2005; amended September 26, 2007, effective January 1, 2008.*

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

- (a) The receiving state may close its supervision of an offender and cease supervision upon-
- (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
  - (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
  - (3) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;
  - (4) Notification of death; or
  - (5) Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender 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[A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

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

*History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008.*

## Chapter 5 Retaking

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

- (a) Except as required in Rules 5.102, 5.103, 5.103-1 and 5.103-2 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) Upon its determination to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.
- (c) 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.

*References:*

*ICAOS Advisory Opinion*

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

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

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

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

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

### **Rule 5.103 Mandatory retaking for violation 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, no later than 10 calendar days following the offender's failure to appear in the sending state.

*References:*

*ICAOS Advisory Opinions*

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

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

***Rule 5.103-1 Mandatory retaking for offenders who abscond***

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

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

**Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes**

- (a) Upon a request from the receiving state, a sending state shall retake a violent offender who has committed a significant violation.
- (b) Upon a request from the receiving state, a sending state shall retake an offender who is convicted of a violent crime.
- (c) When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

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

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

***Rule 5.104 Cost of retaking an offender***

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

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

### ***Rule 5.105 Time allowed for retaking an offender***

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

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

***Rule 5.106 Cost of incarceration in receiving state***

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

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

***Rule 5.107 Officers retaking an offender***

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

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

### ***Rule 5.108 Probable cause hearing in receiving state***

- (a) An offender subject to retaking 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 place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more 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 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.
- (f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.
- (g) If probable cause is not established, the receiving state shall:
  - (1) Continue supervision if the offender is not in custody.
  - (2) Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
  - (3) Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

*References:*

*ICAOS Advisory Opinion*

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

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

[\*Gagnon v. Scarpelli\*, 411 U.S. 778 \(1973\)](#)

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

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

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

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

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

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

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

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

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

[\*Morrissey v. Brewer\*, 408 U.S. 471 \(1972\)](#)

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

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

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

### ***Rule 5.109 Transport of offenders***

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

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

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

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

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

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

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

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

## Chapter 6 Dispute Resolution and Interpretation of Rules

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

- (a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy-*
  - (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 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, effective August 1, 2004.***

## ***Rule 6.102 Formal resolution of disputes and controversies***

- (a) *Alternative dispute resolution*- Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under Rule 6.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.
- (b) *Mediation and arbitration*
  - (1) Mediation
    - (A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
    - (B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.
  - (2) Arbitration
    - (A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
    - (B) Arbitration shall be administered by at least 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, effective August 1, 2004.***

### ***Rule 6.103 Enforcement actions against a defaulting state***

- (a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-
  - (1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
  - (2) Remedial training and technical assistance as directed by the Interstate Commission;
  - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.
  
- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the 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, effective August 1, 2004.*

### ***Rule 6.104 Judicial Enforcement***

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

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

# 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.

**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.