



Border Community Issues Ad Hoc Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

**ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA**

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Sara Andrews, Chair, Border Community Issues Ad Hoc Committee and
Commissioners, State of Ohio**

Membership

Chair Sara Andrews (OH), Commissioner Chris Norman (AL), Commissioner Gary Roberge (CT), Commissioner Nancy Ware (DC), Kathleen Graves (KS), Ed Gonzalez (NM), Commissioner Michael Potteiger (PA), Commissioner Steve Robinson (TX), DCA Roger Wilson (OH), DCA Jay Lynn (NC), and DCA Regina Grimes (TX).

Charge of Committee

In the interest of enhancing public safety, the Commission wishes to examine the problems and issues facing states that supervise offenders in communities, which cross state borders. The committee will focus on the issues faced by the offender population of the affected areas, the manner in which the affected areas are currently handling offenders, who fall in this category, and possible rule changes to adequately supervise these offenders, while permitting them to engage in work, school, and authorized personal activities in the state most appropriate to meet their needs.

Specifically, the Commission directs the Committee to consider the following:

1. Determine best practices for use with interstate compact cases in border communities.
2. Address any concerns regarding the involvement of the judiciary as part of the interstate compact transfer process in border communities.
3. Determine the feasibility of promulgating rules to address border community issues. If yes, prepare a draft of the rules for the rule committee's consideration.

Discussion

Chairman Gilliam (OK) created the ad hoc committee at the request of Commissioner Winckler (TX), who has since left the Commission. In Commissioner Winkler's proposal, she asserts that the Commission's rules do not take into account offenders who may cross state borders every day to work, and who may spend the majority of their waking hours in a jurisdiction where they are not supervised (Exhibit A.)

The problems associated with supervising offenders in border jurisdictions are not new to the Commission. In 2007, Commissioner Rankin (WI) chaired a committee struggling with a similar issue – ad hoc committee on Treatment in Other Jurisdictions. While Commissioner Rankin's committee focused its attention on problems associated with “out of state treatment”, it did discuss issues unique to “border” jurisdictions. Not unlike this committee, in the end Commissioner Rankin's committee recommended AGAINST amending the rules to provide a waiver or modification to the transfer process.

The ad hoc committee on border issues met twice: once in person and once by WebEx. The in-person meeting took place on January 22, 2014 in Columbus, Ohio. The committee members discussed the issues at length and determined the need for more information from border jurisdictions.

In late January 2014, the committee working with the national office published a survey to the Commissioners and Deputy Compact Administrators in all 53 member states and territories. Those wishing to respond to the survey had eight weeks to reply.

While slightly more than 40 individuals responded to the survey, they represented 37 member states and territories. Many of the respondents answered less than half the questions. According to the survey, the number of problematic border cases is less than 20 per year.

On April 22, 2014, the Committee met specifically to discuss the results of the survey and to formulate recommendations for the Commissions consideration. The Committee offers the following recommendations for the Commission's consideration:

Recommendation

1. The Committee recommends against amending the rules to provide a waiver to the transfer process.
2. Rule 3.102(c) provides an accommodation for offenders employed in the receiving state, however because of the language in Rule 3.101-3(c) it is not clear whether or not the employment accommodation applies to sex offenders. The Committee recommends that the Rules Committee further clarify the language.
3. Rule 3.102(c): The Committee recommends considering expanding the employment exception to include medical appointments, job interviews, housing search, and other necessities.

4. Dual supervision cases: in some cases, one of the requests for reporting instructions is approved and the other one is denied. The Committee recommends that the Commission consider a change to the rules that would eliminate the potential for conflicting results, when requesting reporting instructions for dual supervision cases.
5. Although there are a few exceptions, generally the rules do not permit an offender to be in the receiving state until reporting instructions are issued. The Committee recommends that the Commission consider changes to the rules that would allow the sending state to issue travel permits to offenders to allow them to be in the receiving state for limited time, i.e. a job or housing search, medical appointments and treatment, schooling, family emergencies, etc.
6. The Committee recommends that all compact offices establish the practice of paying closer attention to rejected request for reporting instructions involving offenders in border jurisdictions. Survey respondents expressed a concern that requests for reporting instructions are often refused for flimsy reasons that are not in the spirit of the compact.
7. Respondents to the survey believe that many of the issues involving border jurisdictions are the result of lack of training and communication. The Committee recommends that the Commission use a portion of its technical assistance fund to seed the development of *model* or *best practice programs* that promotes multi-jurisdictional training and communication programs.
8. The Committee recommends publicizing existing programs that promote multi-jurisdictional training and communication programs.
9. The Committee recommends that the Commission develop training programs specific to the needs of border jurisdictions.

Respectfully submitted,

Sara Andrews

Sara Andrews
Chair, Border Community Issues Ad Hoc
Committee

Exhibit A

Issue: Offenders being supervised in areas of states that cross state borders

Metropolitan Statistical Areas¹

The following table shows the population of metropolitan statistical areas in the United States that extend across one or more state borders.

<u>Name</u>	<u>Status</u>	<u>State(s)</u>	<u>Population estimate 2012-07-01</u>
<u>Allentown - Bethlehem - Easton</u>	Metropolitan Statistical Area	PA-NJ	827,171
<u>Augusta - Richmond County</u>	Metropolitan Statistical Area	GA-SC	575,898
<u>Berlin</u>	Micropolitan Statistical Area	NH-VT	38,322
<u>Bluefield</u>	Micropolitan Statistical Area	WV-VA	106,791
<u>Boston - Cambridge - Newton</u>	Metropolitan Statistical Area	MA-NH	4,640,802
<u>Burlington</u>	Micropolitan Statistical Area	IA-IL	47,383
<u>Cape Girardeau</u>	Metropolitan Statistical Area	MO-IL	97,080
<u>Charlotte - Concord - Gastonia</u>	Metropolitan Statistical Area	NC-SC	2,296,569

¹ In the [United States](#) a **Metropolitan Statistical Area (MSA)** is a geographical region with a relatively high population density at its core and close economic ties throughout the area. Such regions are not legally incorporated as a city or town would be, nor are they legal [administrative divisions](#) like [counties](#) or sovereign entities like [states](#).

MSAs are defined by the [U.S. Office of Management and Budget](#) (OMB), and used by the [U.S. Census Bureau](#) and other federal government agencies for statistical purposes.¹

Chattanooga	Metropolitan Statistical Area	TN-GA	537,889
Chicago - Naperville - Elgin	Metropolitan Statistical Area	IL-IN-WI	9,522,434
Cincinnati	Metropolitan Statistical Area	OH-KY-IN	2,128,603
Clarksville	Metropolitan Statistical Area	TN-KY	274,342
Columbus	Metropolitan Statistical Area	GA-AL	310,531
Cumberland	Metropolitan Statistical Area	MD-WV	101,968
Davenport - Moline - Rock Island (Quad Cities)	Metropolitan Statistical Area	IA-IL	382,630
Duluth	Metropolitan Statistical Area	MN-WI	279,452
El Paso	Metropolitan Statistical Area	TX	830,735
Evansville	Metropolitan Statistical Area	IN-KY	313,433
Fargo	Metropolitan Statistical Area	ND-MN	216,312
Fayetteville - Springdale - Rogers	Metropolitan Statistical Area	AR-MO	482,200
Fort Madison - Keokuk	Micropolitan Statistical Area	IA-IL-MO	61,477
Fort Smith	Metropolitan Statistical Area	AR-OK	280,521
Grand Forks	Metropolitan Statistical Area	ND-MN	98,888
Hagerstown - Martinsburg	Metropolitan Statistical Area	MD-WV	256,278

Huntington - Ashland	Metropolitan Statistical Area	WV-KY-OH	364,665
Iron Mountain	Micropolitan Statistical Area	MI-WI	30,702
Jackson	Micropolitan Statistical Area	WY-ID	31,727
Kansas City	Metropolitan Statistical Area	MO-KS	2,038,724
Kingsport - Bristol - Bristol	Metropolitan Statistical Area	TN-VA	309,006
La Crosse - Onalaska	Metropolitan Statistical Area	WI-MN	135,298
Lewiston	Metropolitan Statistical Area	ID-WA	61,419
Logan	Metropolitan Statistical Area	UT-ID	128,306
Louisville/Jefferson County	Metropolitan Statistical Area	KY-IN	1,251,351
Marinette	Micropolitan Statistical Area	WI-MI	65,378
Memphis	Metropolitan Statistical Area	TN-MS-AR	1,341,690
Minneapolis - St. Paul - Bloomington (Twin Cities)	Metropolitan Statistical Area	MN-WI	3,422,264
Myrtle Beach - Conway - North Myrtle Beach	Metropolitan Statistical Area	SC-NC	394,542
Natchez	Micropolitan Statistical Area	MS-LA	52,487
New York - Newark - Jersey City	Metropolitan Statistical Area	NY-NJ-PA	19,831,858
Omaha - Council Bluffs	Metropolitan Statistical Area	NE-IA	885,624

Ontario	Micropolitan Statistical Area	OR-ID	53,269
Paducah	Micropolitan Statistical Area	KY-IL	98,539
Philadelphia - Camden - Wilmington	Metropolitan Statistical Area	PA-NJ-DE-MD	6,018,800
Point Pleasant	Micropolitan Statistical Area	WV-OH	57,887
Portland - Vancouver - Hillsboro	Metropolitan Statistical Area	OR-WA	2,289,800
Providence - Warwick	Metropolitan Statistical Area	RI-MA	1,601,374
Quincy	Micropolitan Statistical Area	IL-MO	77,371
Salisbury	Metropolitan Statistical Area	MD-DE	381,868
Sioux City	Metropolitan Statistical Area	IA-NE-SD	168,921
South Bend - Mishawaka	Metropolitan Statistical Area	IN-MI	318,586
St. Joseph	Metropolitan Statistical Area	MO-KS	127,927
St. Louis	Metropolitan Statistical Area	MO-IL	2,795,794
Texarkana	Metropolitan Statistical Area	TX-AR	149,701
Union City	Micropolitan Statistical Area	TN-KY	37,865
Virginia Beach - Norfolk - Newport News (Hampton Roads)	Metropolitan Statistical Area	VA-NC	1,699,925

Wahpeton	Micropolitan Statistical Area	ND-MN	22,802
Washington - Arlington - Alexandria	Metropolitan Statistical Area	DC-VA-MD-WV	5,860,342
Weirton - Steubenville	Metropolitan Statistical Area	WV-OH	122,547
Wheeling	Metropolitan Statistical Area	WV-OH	146,420
Winchester	Metropolitan Statistical Area	VA-WV	130,907
Worcester	Metropolitan Statistical Area	MA-CT	923,762
Youngstown - Warren - Boardman	Metropolitan Statistical Area	OH-PA	558,206

- The total population in the above-cited communities, which cross one or more state borders, is **76,884,000**.
- **One in every 50 adults in the U.S. was under community supervision** at the end of 2011.²
- One/fiftieth of 76,884,000 is **1,538,000 offenders who are under community supervision in these communities that spill over state borders**.
- The rules of the Interstate Compact do not take into account offenders who are under supervision in one state yet reside in a contiguous state, sometimes as little as a few blocks away.

² Press release, Bureau of Justice Statistics, www.bjs.gov/, Nov. 29, 2012. All statistics given here are the latest information available.

- The rules of the Interstate Compact do not take into account offenders who may cross state borders every day to work, and who may spend the majority of their waking hours in a jurisdiction where they are not supervised.
- Example: El Paso, Texas, a metropolitan area of 831,000, sits near the border of New Mexico, on I-10, within 30 miles of Dona Ana County, New Mexico (city of Las Cruces), with a population of 215,000. Offenders placed on community supervision in Texas, who live in New Mexico, and who are ordered to participate in drug and alcohol counseling are limited in finding those services in New Mexico.
- Example: Texarkana, Texas and Texarkana, Arkansas straddle the Texas-Arkansas border. The Bi State Criminal Justice Building was built under an agreement between Arkansas and Texas, and the determination of which state an offender is in changes with which part of the building he is in. The Bowie County probation department, which operates probation in Texarkana, constantly deals with the problem of Texas-adjudicated offenders who live within blocks of the state line, in Arkansas. The director of probation there faces a choice between following the rules of the Interstate Compact and creating a common-sense plan for the offender.
- Nearly 20 million people live in the greater New York City area that encompasses the states of New York, New Jersey and Pennsylvania. There are potentially 400,000 offenders who every day cross state borders to go to school, work, doctors, or lawyers, or to live.
- Nearly 6 million people live in the greater Washington, D.C. area that encompasses Virginia, Maryland, West Virginia and D.C. There are potentially 120,000 offenders who cross these borders every day to go to school, work, doctors, or lawyers, or to live.
- In the greater Chicago area, with a population of 9.5 million, there are potentially 190,000 offenders who cross the borders of Illinois, Indiana and Wisconsin every day to go to school, work, doctors, or lawyers, or to live.
- In the greater Philadelphia area, with a population of over 6 million, there are potentially another 120,000 offenders who cross the borders of Pennsylvania, New Jersey, Delaware, and Maryland each day.
- In the greater Portland, Oregon area, with a population of 2.3 million, there are potentially 46,000 offenders who daily cross the borders of Oregon and Washington.
- In the greater Boston area, with a population of 4.6 million, there are potentially 92,000 offenders who daily cross the borders of Massachusetts, Rhode Island and New Hampshire.

Proposal

That the chairman create an ad hoc committee to review the issue and examine the following:

1. The number of states affected by this issue and offender population of the affected areas;
2. The manner in which the affected areas are currently handling offenders who fall in this category;
3. Rule changes to recommend to the Executive Committee that adequately ensure seamless supervision of these offenders and permit them to engage in work, school, and authorized personal activities in the state most appropriate to meet their needs.
4. That the Executive Committee then forward the report of the ad committee to the Rules Committee for action by that committee.

Respectfully submitted,

Kathie Winckler

Kathie Winckler

Texas Commissioner