



Interstate Commission  
for Adult Offender  
Supervision

# Annual Business Meeting

SEPTEMBER 8-16, 2020  
DOCKET BOOK



# 2020 VIRTUAL ANNUAL BUSINESS MEETING DOCKET BOOK

*Interstate Commission for Adult Offender Supervision*

September 8-16, 2020

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- Agenda
- Minutes 2019
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- Region agendas
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- Thriving in the Trenches
- Empowerment and Role of DCAs
- Committee and Region reports
- Budget & State dues assessment
- FY22 Dues reduction proposal
- ICOTS Enhancements
- Data collection
- Award recipients
- Statute
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- Rules
- Robert's Rules of Order



## 2020 VIRTUAL ANNUAL BUSINESS MEETING

### AGENDA

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
SEPTEMBER 8 - 16, 2020

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#### **Tuesday, September 8**

2:00 pm – 3:30 pm ET

**East and West Region Meetings**

#### **Thursday, September 10**

2:00 pm – 3:30 pm ET

**South and Midwest Region Meetings**

#### **Monday, September 14**

11:00 am – 1:00 pm ET

**Executive Committee Meeting**

2:00 pm – 3:30 pm ET

**Thriving in the Trenches**

- *Kirsten Lewis, President of KSL Research, Training, & Consultation, LLC*

#### **Tuesday, September 15**

2:00 pm – 4:00 pm ET

**Empowerment and Role of DCAs**

- *Moderator: Joselyn Lopez (WI), Commissioner*
- *Presenters: Natalie Latulippe (CT), DCA; Matthew Billinger (KS), DCA; Suzanne Brooks (OH), DCA; & Tracy Hudrlik (MN), DCA.*

**Wednesday, September 16**

2:00 pm – 4:00 pm ET

**General Session**

**Call to Order**

- *Roll Call*

**Opening Remarks**

- *Jeremiah Stromberg (OR), Commission Chair*

**Approval of Agenda**

**Approval of Minutes**

- *October 9, 2019 Annual Business Meeting*
- *April 21, 2020 Special Meeting*

**Committee Reports**

- DCA Liaison Committee Report
- Training, Education and Public Relations Committee Report
- Rules Committee Report
- Compliance Committee Report
- Finance Committee
  - Budget FY22
  - FY22 Dues Reduction Proposal
- Information and Technology Committee
  - ICOTS Enhancements

**Recognition and Awards**

**Old Business**

**New Business**

- Election of Officers

**Call to the Public**

**Adjourn**



# 2019 ANNUAL BUSINESS MEETING MINUTES

## *Interstate Commission for Adult Offender Supervision*

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

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### **Call to Order**

Chair J. Stromberg (OR) called the meeting to order at 8:30 a.m. PT. The Richard J. Donovan Correctional Facility Honor Guard presented the flags.

### **Roll Call**

Executive Director A. Lippert called the roll. Fifty-one out of fifty-three members were present, thereby constituting a quorum.

- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Alabama              | Tom Langer, Commissioner         |
| 2. Alaska               | Rebecca Brunger, Commissioner    |
| 3. Arizona              | Dori Littler, Commissioner       |
| 4. Arkansas             | Kevin Murphy, Commissioner       |
| 5. California           | Jeff Green, Commissioner         |
| 6. Colorado             | Merideth McGrath, Commissioner   |
| 7. Connecticut          | Gary Roberge, Commissioner       |
| 8. Delaware             | Terra Taylor, Commissioner       |
| 9. District of Columbia | Richard Tischner, Commissioner   |
| 10. Florida             | Joe Winkler, Commissioner        |
| 11. Georgia             | Chris Moore, Commissioner        |
| 12. Hawaii              | Dwight Sakai, Commissioner       |
| 13. Idaho               | Denton Darrington, Commissioner  |
| 14. Illinois            | Dara Matson, Commissioner        |
| 15. Indiana             | Mary Kay Hudson, Commissioner    |
| 16. Iowa                | Charles Lauterbach, Commissioner |
| 17. Kansas              | Hope Cooper, Commissioner        |
| 18. Kentucky            | Steve Turner, Commissioner       |
| 19. Louisiana           | Gregg Smith, Official Designee   |
| 20. Maine               | Patrick Delahanty, Commissioner  |
| 21. Massachusetts       | Gloriann Moroney, Commissioner   |
| 22. Maryland            | Martha Danner, Commissioner      |
| 23. Michigan            | Russell Marlan, Commissioner     |
| 24. Minnesota           | Allen Godfrey, Commissioner      |
| 25. Mississippi         | Christy Gutherz, Commissioner    |
| 26. Missouri            | Julie Kempker, Commissioner      |

27. Montana	Cathy Gordon, Commissioner
28. Nebraska	Jacey Rader, Commissioner
29. Nevada	Sheri Sliva, Commissioner
30. New Hampshire	Benjamin Jean, Commissioner
31. New Jersey	Samuel Plumeri, Commissioner
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	<i>Not in attendance</i>
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Katrina Ransom, Commissioner
37. Oklahoma	Frank Mesarick, Official Designee
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Alan Robinson, Official Designee
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	Jerry Adger, Commissioner
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	<i>Not in attendance</i>
45. Texas	Brody Burks, Commissioner
46. Utah	Dan Blanchard, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	Wynnie Testamark, Commissioner
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn Lopez, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Probation and Parole Association (APPA) – Veronica Cunningham
- American Jail Association (AJA) – *Not in attendance*
- Association of Paroling Authorities International (APAI) – Lonzo Henderson
- Association of Prosecuting Attorneys (APA) – David LaBahn
- Conference of State Court Administrators (COSCA) – Sally Holewa
- Interstate Commission for Juveniles (ICJ) – Tony DeJesus
- International Association of Chiefs of Police (IACP) – *Not in attendance*
- National Governors Association (NGA) – *Not in attendance*
- National Conference of State Legislatures (NCSL) – *Not in attendance*
- Conference of Chief Justices (CCJ) – *Not in attendance*
- National Association of Attorneys General (NAAG) – Amie Ely
- National Institute of Corrections (NIC) – *Not in attendance*
- National Organization for Victim Assistance (NOVA) – *Not in attendance*
- National Association for Public Defense (NAPD) – *Not in attendance*
- National Association of Police Organizations (NAPO) – *Not in attendance*
- National Sheriffs' Association (NSA) – Gabe Morgan

**Approval of Agenda and Minutes**

**Commissioner G. Roberge (CT) moved to approve the agenda as presented. Commissioner D. Crook (VT) seconded. Agenda approved.**

**Commissioner B. Burks (TX) moved to approve the ABM 2018 minutes as drafted. Commissioner R. Maccarone (NY) seconded. Minutes approved.**

**Welcome & Overview**

Chair J. Stromberg (OR) welcomed the Commission members to San Diego, California.

Chair J. Stromberg (OR) introduced Jeff Green, Commissioner of the State of California to deliver the welcome address.

Commissioner J. Green (CA) welcomed the Commission and introduced Ralph Diaz, Secretary of the California Department of Corrections and Rehabilitation to deliver the keynote speech and an overview of criminal justice reforms in California.

**Ex-officio Members Panel**

Ex-officio members Veronica Cunningham (APPA), Lonzo Henderson (APAI), David LaBahn (APA), Sally Holewa (COSCA), Antonio DeJesus (ICJ), Amie Ely (NAAG), Michael Buenger (NCSC), Chris Aspen (NCJA), and Gabe Morgan (NSA) spoke about their organizations, current projects, and collaboration with ICAOS.

**ABM Planning Workgroup Report**

Commissioner H. Cooper (KS), vice-chair and the ABM Planning Workgroup chair, presented the workgroup report to the Commission. She thanked the workgroup members: Dori Littler (AZ), Jerry Powers (CA), Natalie Latulippe (CT), Matthew Billinger (KS), Roberta Cohen (NM), Suzanne Brooks (OH), Jeremiah Stromberg (OR), and Alisha James (TN).

The workgroup recommends an annual business meeting agenda to the Executive Committee for the upcoming year. They do this by reviewing feedback from previous annual business meetings (ABM) and considering input from regions or committees and emerging trends in supervision. Further, they provide support to the hosting state and engagement activities at the ABM.

Commissioner H. Cooper (KS) noted that this year's agenda was primarily built on the recommendations from the post 2018 ABM survey. The workgroup incorporated six out of seven suggested topics as well as four unaddressed issues from the 2017 feedback.

She encouraged all attendees to complete the post meeting survey to develop next year's agenda. The workgroup will meet in the winter to address the 2019 ABM feedback and work on the 2020 Annual Business Meeting and the DCA Training Institute.

**Chair J. Stromberg (OR) accepted the ABM Planning Workgroup Report on behalf of the Commission.**

**Compliance Committee Report**

Commissioner A. Godfrey (MN), the Compliance Committee chair, expressed his appreciation for the national office staff and committee members' commitment and hard work throughout the year. He recognized the committee members: Commissioner Jacey Rader (NE), Commissioner Dale Crook (VT), Commissioner Cathy Gordon (MT), Commissioner Amy Vorachek (ND), Commissioner Mike McAlister (NH), Commissioner Hope Cooper (KS), Commissioner James Berry (DC), Commissioner M. McGrath (CO), DCA Suzanne Brooks (OH), and DCA Tina Balandran (TX).

He stated that based on the compliance dashboard reports, the Commission continued to maintain high level of excellence. States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in three of the six primary categories. Between FY2015 and FY2019, significant compliance increases occurred in Case Closure Replies (3.6%), Violation Responses (5.2%) and Transfer Replies at (3.4%). Requested Progress Report compliance has dipped in recent years, possibly due to rule changes, prompting the committee to monitor and evaluate this standard. While Case Closure Notices and RFRI Replies have leveled, they remain relatively high for compliance.

In the past year, the Compliance Committee addressed two formal complaints for failure to retake an offender and failure to issue a compact compliant warrant. The committee made a recommendation to require the state to complete a corrective action plan while holding a \$10K fine in abeyance.

The committee revised the following ICAOS administrative policies: 03-2008 Guidelines for Resolving Compliance Issues, 01-2019 Compliance Sanctioning Guidelines, and 05-2009 Compliance Audit.

The committee continues to monitor the compliance dashboards on an annual basis. Three out of six states that had fallen below 80% compliance rate for the year improved their standing. The committee was working with the national office to put the remaining three states above the 80% compliance rate.

Commissioner A. Godfrey (MN) stated that in the upcoming year, the committee would focus on states compliance with warrants. The FY 2020 audit focused on review of state procedures for issuing compact compliant warrants in accordance with ICAOS rules for absconders and retaking. Consequently, the Executive Committee formed a workgroup consisting of Compliance Committee and Rules Committee members to analyze the audit results and make a recommendation for the FY2021 audit.

**Commissioner D. Clark (SD) moved to accept the Compliance Committee report as presented. Commissioner G. Roberge (CT) seconded. Motion passed unanimously.**

### **DCA Liaison Committee Report**

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



introduced the new committee members: Tanja Gilmore (WA), Elizabeth Powell (DC), and Dennis Clark (ME).

DCA T. Hudrlik (MN) stated that the DCA Liaison Committee's mission was to provide a mechanism for Deputy Compact Administrators (DCAs) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

She encouraged DCAs to reach out to their DCA Region Chairs. She introduced the DCA Region chairs:

- Natalie Latulippe (CT), East Region DCA Chair
- Matthew Billinger (KS), Midwest Region DCA Chair
- Timothy Strickland (FL), South Region DCA Chair
- Tanja Gilmore (WA), West Region DCA Chair

In the past year, the committee approved and forwarded recommended ICOTS enhancements to the Technology Committee and clarified rule interpretations. In addition, the committee produced a quarterly DCA-focused newsletter that included items such as compact office staff highlights and recognition, new staff and retirement announcements, region reports, tip of the quarter and best practices, and highlights of difficult cases and resolutions between states. She encouraged DCAs to submit their topic suggestions or ICOTS questions or concerns to address in future editions.

DCA T. Hudrlik (MN) reminded the Commission about the DCA Mentoring Program. The mentoring program is designed to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs in need of assistance when resolving difficult compliance issues in their state. The mentoring program encourages active participation in the Commission and regions, as well as collaboration with member states to promote successful strategies and best practices.

In the upcoming year, the committee will assist with planning and implementing the DCA Training Institute at the 2020 Annual Business Meeting.

**Commissioner D. Littler (AZ) moved to accept the DCA Liaison Committee report as presented. Commissioner M. Pevey (WA) seconded. Motion passed unanimously.**

### **Finance Committee Report**

Commissioner G. Roberge (CT), Treasurer and the Finance Committee Chair, thanked the Connecticut Interstate Compact team, the national office staff, and the Finance Committee members. The committee members include: Commissioner Tom Langer (AL), Commissioner Mary Kay Hudson (IN), Commissioner Christy Gutherz (MS), Commissioner Sheri Sliva (NV), Commissioner Charles Lauterbach (IA), and DCA Debbie Duke (TN).

In the past year, the Finance Committee met four times to track the Commission's expenditures, review the current budget, and prepare the FY 2021 budget.

Commissioner G. Roberge (CT) stated that the Commission was in a good financial health. Its cash balance of \$1,581,915.63 was maintained in a savings account with 1.5% annual interest.

The Commission finished FY 2019 4.3% under budget carrying \$59,655 into reserves. The Commission's total expenses in FY 2019 were \$1,522,024.

The Commission maintains investments in two long-term Vanguard investment accounts. These funds include an investment grade bond fund and a total stock market index fund. The balance in the Vanguard funds as of June 30, 2019 totals \$1,782,623.70. In FY 2019, the rate of return on these investments for the fiscal year was 7.5%. The Commission stopped making new contributions to the long-term investment program in FY 2015.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2021. The Commission collects \$1,516,253 in dues assessments annually and estimates spending for FY 2020 to total \$1,546,850.

Commissioner G. Roberge (CT) stated that the Commission successfully completed a financial audit by an independent auditor. The auditor found the Commission in good financial status and provided a clean and unmodified report. The audit report is included in the FY 2019 Annual Report.

Commissioner G. Roberge (CT) presented the FY2021 budget for Commission's vote. The budget was consistent with prior years with modest economical increases.

**Commissioner R. Maccarone (NY) moved to approve the FY 2021 budget as presented. Commissioner B. Burks (TX) seconded. Motion passed unanimously.**

**Commissioner D. Crook (VT) moved to accept the Finance Committee report as presented. Commissioner D. Matson (IL) seconded. Motion passed unanimously.**

### **Information Technology Report**

Commissioner C. Moore (GA), the Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service: Dan Blanchard (UT), Mac Pevey (WA), Joselyn Lopez (WI), Matthew Billinger (KS), Candice Alfonso (NJ), Daryn Cobb (MI), and Julie Lohman (VA).

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

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

Fusion Center Data Sharing - The national office made a concerted effort to expand the number of fusion centers participating in the ICOTS data sharing program. Through these efforts and with assistance from SEARCH, the National Consortium for Justice Information and Statistics, the number of fusion centers receiving ICOTS data doubled in FY 2019. The national office will continue to pursue expansion of the data sharing project with more fusion centers in FY 2020.

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

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

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

ICOTS FY 2019 Enhancements - During FY 2019, Appriss produced and implemented four new code releases to the ICOTS production environment. Those four releases accounted for 14 new functional enhancements to the ICOTS system. Only two minor bugs were reported during the code releases and each bug was resolved within hours of being reported. A few of the highlights from this past year’s enhancements include:

1. New Workflow Process for Return to Sending State RFRI
2. Generate Notifications when Notice of Arrival is Due for Returning Offenders
3. Allow State Administrators to Edit Compact Office Information
4. Allow Supervisor to Inherit Direct Reports
5. Generate Notifications when Offender Changes Primary Residence

ICAOS Dashboards - The national office added eight new dashboards to the repository of visualization tools available to commissioners and compact offices, bringing the total to 45. The new dashboards cover violation summary information, last transmitted activities, and compliance summary reports by fiscal year. The framework behind the dashboards was also updated to the latest version, which allowed the new compliance dashboards to be built with automatic email notifications. Commissioners and DCAs now receive a quarterly email of their state’s progress on all six compliance standards in the fiscal year to date.

Goals and challenges for FY 2020- In the upcoming year, the committee will continue to provide guidance to the Commission with respect to future ICOTS enhancements; continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies; ensure that data exports and notifications to external stakeholders contain accurate and timely information; and continue to work on the NCIC initiative to improve the Wanted Person File related to Interstate Compact warrants and bond information for re-taking purposes.

Commissioner C. Moore (GA) thanked the Commission for continued support of the technology projects.

**Commissioner J. Adger (SC) moved to accept the Information Technology Committee Report as presented. Commissioner B. Jean (NH) seconded. Motion passed unanimously.**

**Training, Education & Public Relations Committee Report**

Commissioner J. Rader (NE), the Training Committee Chair, recognized the committee members: Roberta Cohen (NM); Dara Matson (IL); Russell Marlan (MI); Amy Vorachek (ND); Patricia Coyne-Fague (RI); Jim Parks (VA); and ex-officio Sally Reinhardt-Stewart (NE), ex-officio Mark Patterson (OR), and ex-officio Tanja Gilmore (WA). She thanked the national office staff for its support.

The Training Committee continues to improve and expand training efforts to assist states in educating criminal justice professionals involved in interstate compact business. This year, the committee provided trainings for compact staff with participation from nearly every member state. Topics for these trainings were ICOTS enhancements, ICOTS process for Reporting Instructions for Returning Offenders, review of compliance and administrative dashboards, ICOTS Whitepaper, and user administration tips.

The committee presented at the American Probation and Parole Association (APPA) and the Association of Paroling Authorities International (APAI) conferences, as well as three states per the Commission's Training and Technical Assistance Policy. She added that the Training and Technical Assistance Policy supported states' in-state training initiatives and opportunities and encouraged commissioner to utilize the policy.

Commissioner J. Rader (NE) stated that in conjunction with the DCA Liaison Committee, the Training Committee prepared two sessions for this year's Annual Business Meeting. These sessions focused on supervision in the receiving state and best practices for DCAs.

Commissioner J. Rader (NE) stated that the Training Committee engaged regularly with the DCA Liaison Committee to support training initiatives and DCA Liaison Committee goals.

Other notable committee accomplishments included promoting the Commission as a whole with professional partners including APPA & APAI, adding several new ICOTS resources to ICAOS Support, and providing training to more than 5,000 individuals.

The committee's ongoing focus was:

- To look toward the ICOTS Training Integration Project Plan; a tool that will provide on-demand resources when ICOTS users require help or have questions while using ICOTS, increase the probability of data integrity, and provide real-time connection to rules
- To support state compact offices' responsibilities to train and involve stakeholders in their state on ICAOS rules, purposes and authority to provide the same level of supervision afforded to local offenders

- To turn attention to supporting states in creating their own in-state training opportunities for staff and local offices, stakeholders, judges, law enforcement, district attorneys, and jail administrators; and
- To continue to innovate ways to promote each state's unique initiatives and educate around the idea of treating all offenders as we do our own

**Commissioner M. Pevey (WA) moved to accept the Training, Education & Public Relations Committee Report as presented. Commissioner J. Lopez (WI) seconded. Motion passed unanimously.**

### **Rules Committee Report**

Commissioner D. Clark (SD), the Rules Committee Chair, thanked the Rules Committee members and the national office staff for their hard work in the past two years. Since the last business meeting, the committee met seven times via phone and one time face-to-face. The Rules Committee members were Dori Littler, Vice Chair (AZ), Joe Winkler (FL), Chris Moore (GA), Robert Maccarone (NY), Linda Rosenberg (PA), Brody Burks (TX), Joselyn Lopez (WI), DCA Timothy Strickland (FL), DCA Tracy Hudrlik (MN), DCA Margaret Thompson (PA), and DCA Patricia Odell (WY).

Commissioner D. Clark (SD) presented the 2019 rule proposals:

### **ICAOS Bylaws, Section 2 – Ex-Officio Members**

Commissioner D. Clark (SD) presented a proposal to amend ICAOS Bylaws, Article II, Section 2 submitted by the Executive Committee. The proposal's intent was to add the National Criminal Justice Association (NCJA) to the Commission's Ex-Officio member list.

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

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

#### **Justification:**

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

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

None.

#### **ICOTS impact:**

None.

**Commissioner D. Clark (SD) moved to amend ICAOS Bylaws, Article II, Section 2 as presented. Commissioner D. Littler (AZ) seconded. Motion passed unanimously.**

Chair J. Stromberg (OR) welcomed Chris Aspen, NCJA representative, to the Commission.

**Rule 1.101- Definition of ‘Abscond’ and amend Rule 4.109 Absconding Violation**

Commissioner D. Clark (SD) presented a proposal to amend Rule 1.101- Definition of ‘Abscond’ and Rule 4.109 Absconding Violation submitted by the Midwest Region. The proposal required additional documentation validation for reporting absconders. He advised the Commission that the proposal had an ICOTS impact of \$2,850.

**Rule 1.101 Definitions**

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

**Rule 4.109-2 Absconding Violation**

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

**Justification:**

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

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

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

**ICOTS impact:**

Yes. \$2,850

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

**Scope and Metric**

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

**Commissioner D. Clark (SD) moved to adopt the proposal to amend Rule 1.101- Definition of ‘Abscond’ & Rule 4.109 Absconding Violation as presented. Commissioner A. Vorachek (ND) seconded. Motion passed by vote 50 to one.**

**Rule 1.101-Revise Definition of ‘Sex Offender’ & 3.101-3 Transfer of supervision of sex offenders; investigation; additional documents and reporting instructions; 3.107 Transfer Request**

Commissioner D. Clark (SD) presented proposals to amend Rule 1.101 - Definition of ‘Sex Offender’; Rule 3.101-3 Transfer of supervision of sex offenders; and 3.107 Transfer Request submitted by the Rules Committee.

Commissioner D. Clark (SD) informed the Commission that the Executive Committee charged the Rules Committee to review and update existing sex-offender rules. The Rules Committee assembled this proposal package by addressing various issues identified through regions and committees.

Commissioner D. Clark (SD) added that this package had ICOTS impact of \$27,150.

Commissioner D. Littler (AZ) stated that the AZ State Council supported this proposal package. At first, the council was concerned with striking Rule 1.101-3(b)(4) “~~law enforcement report that provides specific details of sex offense;~~”, then it understood, that 99% cases involved registered offenders in the sending state where the law enforcement report would be captured under Rule 3.107.

Commissioner D. Littler (AZ) stated that her state council agreed that this proposal package further defined sex-offenders in time of internet and did not preclude the receiving states from imposing necessary registration or supervision requirements on offenders.

**Rule 1.101 Definitions**

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

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

(a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall

not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

- (b) *Application for Transfer and Investigation*-In addition to the information required in an application for transfer pursuant to Rule 3.107, ~~in an application for transfer of supervision of a sex offender~~ the sending state shall provide the following information, if available, to assist the receiving state in the investigation of the transfer request of a sex offender supervising the offender:
  - ~~(1)~~ (1) All assessment information completed by the sending state; including sex offender specific assessments;
  - ~~(2)~~ social history;
  - ~~(3)~~ information relevant to the sex offender's criminal sexual behavior;
  - ~~(4)~~ law enforcement report that provides specific details of sex offense;
  - ~~(5)~~ (2) victim information if distribution is not prohibited by law
    - (A) the name, sex, age and relationship to the offender;
    - (B) the statement of the victim or victim's representative; and
  - ~~(6)~~ (3) the sending state's current or recommended supervision and treatment plan.
- (c) Additional documents necessary for supervision in the receiving state, such as a law enforcement report regarding the offender's prior sex offense(s), sending state's risk and needs score, or case plan may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.
- (d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:
  - (1) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
  - (2) Conditions of supervision;
  - (3) Any orders restricting the offender's contact with victims or any other person; and
  - (4) Victim information to include the name, sex, age and relationship to the offender, if available and if distribution is not prohibited by law.
- (e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c).
- (f) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the offender or family member, or veterans for medical or mental health services* - Rules 3.101-1 & 3.103 ~~and 3.106~~ apply to the transfer of sex offenders, as defined by the compact, except ~~for the following~~:
  - ~~(1)~~ The receiving state shall have issue reporting instructions no later than 5 business days following the receipt of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence. to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions.



- (2) ~~If the proposed residence is invalid due to existing state law or policy, review the proposed residence. to ensure compliance with local policies or laws prior to issuing reporting instructions.~~
- (3) ~~No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for Rule 3.102 (e).~~
- (g) Expedited reporting instructions for sex offenders – Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.

### **Rule 3.107 Transfer request**

- (a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:
  - (1) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge ~~has been~~ was reduced at the time of imposition of sentence;
  - (2) photograph of offender;
  - (3) conditions of supervision;
  - (4) any orders restricting the offender's contact with victims or any other person;
  - (5) any known orders protecting the offender from contact with any other person;
  - (6) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
  - (7) pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
  - (8) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
  - (9) supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
  - (10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
  - (11) summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.
- (b) A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) Additional documents necessary for supervision in the receiving state, such as the Judgment and Commitment, may be requested from the sending state following acceptance of the offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law. ~~The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.~~

### **Justification:**

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

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

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

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

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

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

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

Rule 3.107 (a)(1)-Grammatical change

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

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

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

**ICOTS impact:**

Yes. \$27,150

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

**Scope and Metric**

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

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

**Commissioner D. Clark (SD) moved to adopt the proposal to amend Rule 1.101-Definition of 'Sex Offender', 3.101-3 Transfer of supervision of sex offenders, and 3.107 Transfer**

**Request as presented. Commissioner G. Roberge (CT) seconded. Motion passed by vote 48 to three.**

**Rule 1.101-Remove Definition of ‘Victim-Sensitive’ & ‘Temporary Travel Permit,’ Rule 3.108 Victims’ right to be heard and comment; Rule 3.108-1 Victim Notification & requests for offender information; and Rule 4.111 Returning Offenders.**

Commissioner D. Clark (SD) noted that at the last business meeting, the Commission voted to discontinue the use of IVINS and instructed the Rules Committee to evaluate the effectiveness of victim notification and recommend rule changes. The proposed revisions were the result of the Rules Committee’s efforts to meet this charge.

The Rules Committee relied on three key areas in the review of the effectiveness of the current victim related definitions and rules: the 2018 ABM decision to discontinue the use of IVINS; the 2018 IVINS Survey Results; and how the current rules fit in with the purpose of the Compact.

The majority of surveyed states indicated that there should be effective communication between the receiving states and sending states but that the sending states were solely responsible for victim notification as prescribed by processes they had established. The Compact supported this communication between states by the very nature of business of tracking offender movement and providing active supervision via the authorized electronic information system (ICOTS).

Commissioner D. Clark (SD) presented the proposals to the Commission for review and discussion.

**Rule 1.101 Definitions**

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

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

**Rule 3.108-1 Victims’ right to be heard and comment**

- (a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall, ~~at the time of notification to the victim as required in Rule 3.108 (a),~~ inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members’ safety. Victims have the right to contact the sending state’s interstate compact office ~~at any time by telephone, telefax, or conventional or electronic mail~~ regarding their concerns relating to the transfer request for their safety and family members’ safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.

- (b)
  - (1) Victims shall have 15 business days from receipt of notice required in Rule 3.108-1(a) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.
  - (2) The receiving state shall continue to investigate the transfer request while awaiting response from the victim.
- (c) ~~Upon receipt of the comments from victims of the offender, the sending state shall consider comments regarding their victim related concerns relating to the transfer request for their safety and family members' safety. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose special conditions of supervision on the offender to address victim related concerns, if the safety of the offender's victims or family members of victims is deemed to be at risk by the approval of the offender's request for transfer.~~
- (d) The sending state shall respond to the victim no later than 5 business days following receipt of victims' related concerns. ~~comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.~~

**Rule 3.108-1 Victim notification and requests for offender information**

- (a) *Notification to victims upon transfer of offenders-* Within 1 business day of the issuance of reporting instructions or acceptance of transfer by the receiving state, the sending state shall initiate notification procedures to victims of the transfer of supervision of the offender in accordance with its own laws ~~to known victims in the sending state, and the receiving state shall initiate notification procedures of the transfer of supervision of the offender in accordance with its own laws to victims in the receiving state.~~
- (b) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.
- (c) ~~*Notification to victims upon violation by offender or other change in status-*~~
  - (1) ~~The receiving state is responsible for reporting information to the sending state when an offender-~~
    - (A) Engages in behavior requiring retaking;
    - (B) Changes address;
    - (C) Returns to the sending state where an offender's victim resides;
    - (D) Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
    - (E) Is issued a temporary travel permit where supervision of the offender has been designated a victim sensitive matter.
  - (2) ~~Both the sending state and the receiving state shall notify known victims in their respective states of this information in accordance with their own laws or procedures.~~

**Rule 4.111 Offenders returning to the sending state**

- (a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The receiving state

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

- (b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless 3.104 (b) or (c) applies or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.
- (c) Except as provided in subsection (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.
- (d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.
- (e) ~~In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.~~
- (f) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.
- (g) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

**Justification:**

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

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

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

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

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

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

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

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

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

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

No

**ICOTS impact:**

Yes. \$18,015

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

**Scope and Metric**

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

Commissioner R. Maccarone (NY) was in support of the package stating that it served the interests of victims. He noted his concern with striking definition of victim sensitive and urged to reconsider.

Chair J. Stromberg (OR) stated that the Rules Committee and the Executive Committee had a number of robust and difficult conversations around these issues. He thanked the Rules Committee for their work on this proposal. He added that Oregon would vote in support of this proposal.

**Commissioner D. Clark (SD) moved to adopt proposals to amend Rule 1.101-Definition of ‘Victim-Sensitive’ & ‘Temporary Travel Permit,’ Rule 3.108 Victims’ right to be heard and comment; Rule 3.108-1 Victim Notification & requests for offender information; and Rule**

**4.111 Returning Offenders as presented. Commissioner S. Sliva (NV) seconded. Motion passed by vote 47 to four.**

### **Rule 3.110 Travel Permits**

Commissioner D. Clark (SD) presented a proposal to create a new Rule 1.110 Travel Permits submitted by the Rules Committee. The proposed rule would require the receiving state to notify the sending state of the issuance of a travel permit that allowed travel back to the sending state. The notification must be made prior to the issuance of the permit and exceptions were made for border travel similar to exceptions outlined in Rule 3.102 during the transfer investigation.

#### **New Rule 3.110 Travel Permits**

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

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

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

No

#### **ICOTS impact:**

Yes. \$18,015 *To be decided by Commission vote as separate motion*

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

#### **Scope and Metric**

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

Commissioner D. Littler (AZ) stated that the new rule was instrumental for a sending state to comply with victim notification requirements adding that the rule also enhanced officers' safety. She noted that the AZ State Council was in support of this rule and urged the Commission to pass it.

**Commissioner D. Clark (SD) moved to adopt new Rule 1.110 Travel Permits as presented. Commissioner D. Littler (AZ) seconded. Motion passed by vote 45 to six.**

### **Victim Sensitive indicator in ICOTS**

Commissioner D. Clark (SD) stated that the Rules Committee specifically decided to ask Commission for a separate vote on removal of victim sensitive indicator in ICOTS. Based on rule proposal comments, the committee found out that some states use this indicator for internal processes. In addition, the Rules Committee did not find anything procedurally wrong with leaving the indicator in ICOTS. The cost for removal of victim sensitive indicator from ICOTS was \$18,015.

Commissioner D. Littler (AZ) and Commissioner B. Burks (TX) will vote in support of leaving the indicator in ICOTS.

Commissioner R. Maccarone (NY) stated that leaving the indicator in ICOTS enhanced victims' rights.

**Commissioner D. Clark (SD) moved to adopt ICOTS impact changes and remove Victim Sensitive indicator priced for \$18,015. Commissioner H. Cooper (KS) seconded. Motion failed by vote seven to 44.**

### **3.101-1(a)(1) & (a)(2)- Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services**

Commissioner D. Clark (SD) presented the proposal to the Commission. The proposal replaced 'deployed by the military' to 'under orders; "Under orders" applies to a permanent change of station.

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

- (a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:
  - (1) *Transfers of military members*- An offender who is a member of the military and ~~is under orders in has been deployed by the military to~~ another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders ~~or other proof of deployment for the military member~~ shall be provided at the time of the request.
  - (2) *Transfer of offenders who live with family who are members of the military*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2)



and who lives with a family member who ~~is under orders in~~ ~~has been deployed to~~ another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. A copy of the military orders ~~or other proof of deployment for the military member~~ shall be provided at the time of the request.

- (3) *Employment transfer of family member to another state-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.
- (4) *Employment transfer of the offender to another state –* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.
- (5) *Transfers of veterans for medical or mental health services-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:
  - (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
  - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
- (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (d) If the sending state fails to send a completed transfer request by the 15<sup>th</sup> business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initial the offender's return to the sending state under the requirements of Rule 4.111.

**Justification:**

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

**ICOTS impact:**

None.

**Scope and Metric**

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

**Commissioner D. Clark (SD) moved to adopt the proposal to Rule 3.101 - 1 (a) (1) & (a) (2)- Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services as presented. Commissioner D. Littler (AZ) seconded. Motion passed unanimously.**

**3.101 - 1 (a) (5) (A) - Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services**

Commissioner D. Clark (SD) presented the proposal to the Commission for consideration. The proposal intended to streamline the referral and acceptance process for VA treatment and decrease any delay with an offender obtaining the necessary treatment and/or services.

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

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

by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.

- (5) *Transfers of veterans for medical or mental health services*- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:
- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral or acceptance; and
  - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (f) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
- (g) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (h) If the sending state fails to send a completed transfer request by the 15<sup>th</sup> business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initial the offender's return to the sending state under the requirements of Rule 4.111.

**Justification:**

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

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

None

**ICOTS impact:**

None. Documentation is added as a general attachment.

**Scope and Metric**

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

**Commissioner D. Clark (SD) moved to adopt the proposal to amend Rule 3.101-1 (a) (5) (A)-Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services as presented. Commissioner P. Delahanty (ME) seconded. Motion passed unanimously.**

#### **4.106 - Progress Reports on offender compliance and non-compliance**

Commissioner D. Clark (SD) presented the proposal to the Commission. The proposal required additional documentation validation for reporting imposition of sanctions and incentives on Progress Reports. He noted the ICOTS impact of \$4,155.

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

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

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

(c) A progress report shall include—

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

##### **Justification:**

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

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

None.

##### **ICOTS impact:**

Yes. \$4,155

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

**Scope and Metric**

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

**Commissioner D. Clark (SD) moved to adopt the proposal to amend Rule 4.106-Progress Reports on offender compliance and non-compliance as presented. Official Designee G. Smith (LA) seconded. Motion passed by vote 50 to one.**

**Rule 4.111 Offenders returning to the sending state proposed**

Commissioner D. Clark (SD) presented the proposal to the Commission. Current language restricted the ability for a receiving state to initiate return of an offender with any pending charges, this change would allow for offenders to be returned when new charges were non-violent misdemeanants.

**Rule 4.111 Offenders returning to the sending state**

- For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent ~~criminal offense~~ felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.
- If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

**Justification:**

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

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

None.

**ICOTS impact:**

None.

**Scope and Metric**

N/A

Commissioner B. Burks (TX) stated that the South Region had a concern that the proposal created a loophole for offenders to seek a return to the sending state to avoid prosecution for a non-violent misdemeanor offense.

He added that Texas would vote for the proposal.

**Commissioner D. Clark (SD) moved to adopt the proposal to Rule 4.111 Offenders returning to the sending state as presented. Commissioner R. Cohen (NM) seconded. Motion passed by vote 45 to six.**

**5.101 - Discretionary retaking by the sending state**

Commissioner D. Clark (SD) presented the proposal to the Commission for consideration. The proposal established additional requirements and timeframes for discretionary return and retake of offenders by the sending state.

**Rule 5.101 Discretionary retaking by the sending state**

- (a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may ~~retake or~~ order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 30 calendar days following the offender's failure to appear in the sending state.
- (b) ~~If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.~~ Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

**Justification:**

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

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

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

**ICOTS impact:**

None.

**Scope and Metric**

N/A

Commissioner D. Littler (AZ) stated that the proposal was a great addition to the rule by closing loopholes in the current process. The AZ State Council was in support of this proposal.

**Commissioner D. Clark (SD) moved to adopt the proposal to Rule 5.101 - Discretionary retaking by the sending state as presented. Commissioner M. Pevey (WA) seconded. Motion passed by vote 47 to four.**

**5.103 (d)- Offender behavior requiring retaking**

Commissioner D. Clark (SD) presented the proposal to the Commission. The proposal clarified the receiving state's responsibility to serve warrants issued by the sending state for retaking. When offenders were not located, the receiving state must follow absconder protocol (Rule 4.109-2).

**Rule 5.103 Offender behavior requiring retaking**

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

**Justification:**

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

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

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

**Scope and Metric**

N/A

**Commissioner D. Clark (SD) moved to adopt the proposal to Rule 5.103 (d) - Offender behavior requiring retaking as presented. Commissioner R. Maccarone (NY) seconded. Motion passed by vote 47 to four.**

**5.103-1(a) - Mandatory retaking for offenders who abscond**

Commissioner D. Clark (SD) presented the proposal to the Commission. The proposal established a timeframe for a warrant to be issued for an absconder within 15 business days of Violation Report receipt.

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

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

**Justification:**



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

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

**ICOTS impact:**

None.

**Scope and Metric**

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

Commissioner R. Maccarone (NY) stated that New York was in support of the proposal because it increased offenders’ accountability. He added that it was important for the Commission to recognize the challenge presented by this rule, since many states across the country would have difficulty complying with it.

Commissioner D. Littler (AZ) noted that the proposal would close many loopholes associated with the current rule. One of them was the multiple interpretations of the word “upon”. The Arizona State Council was in support of this amendment.

Commissioner B. Burks (TX) stated that Texas had substantial concerns about this proposal. He urged the Commission to vote against the proposal. He stated based on the FY2020 audit results, most of the states would be in gross non-compliance. He added that the proposal had good value, but the Commission was not ready to implement these changes.

Texas will vote against the proposal.

Commissioner M. Danner (MD) agreed with Texas. She added that Maryland would not be able to meet the proposed timeframe. Maryland will vote against the proposal.

**Commissioner D. Clark (SD) moved to adopt the proposal to 5.103-1 (a)- Mandatory retaking for offenders who abscond as presented. Commissioner D. Skiles (WV) seconded. Motion failed by vote 24 to 27.**

Chair J. Stromberg (OR) encouraged commissioners to review, comment, and express their concerns about future rule proposals throughout the rule proposal process, months prior to the voting.

**Commissioner D. Crook (VT) made a motion to set April 1, 2020 as the effective date for all adopted rule proposals. Commissioner J. Lopez (WI) seconded. Motion passed unanimously.**

**Legal Counsel Report**

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

**Commissioner B. Burks (TX) moved to enter the executive session to discuss ongoing litigation matters involving the Commission. Commissioner D. Blanchard (UT) seconded. Motion passed unanimously.**

The Commission exited the executive session.

**Chair J. Stromberg (OR) accepted the legal counsel's report on behalf of the Commission.**

### **Liability Session**

Chair J. Stromberg (OR) introduced the panelists to the Commission.

Richard Masters, ICAOS General Counsel, was a principal author of the ICAOS legislation and had published writings and opinions extensively on the subject of interstate compacts.

Michael Buenger, formerly the administrative director for the Ohio Supreme Court, was now the executive vice-president and chief operating officer for the National Center for State Courts. He had consulted on numerous rule of law projects and been a co-author and contributor to books on the American court system, American federalism, the law of interstate agreements, and the politics of international law.

James Markham graduated from Harvard College before serving in the US Air Force as an intelligence officer and foreign area officer. He earned a juris doctorate from Duke University, where he was the editor-in-chief of the Duke Law Journal. Following law school, Professor Markham joined the School of Government faculty at UNC. He was an extensively published and nationally respected scholar in criminal law and procedure, with a focus on the law of sentencing, corrections, and the conditions of confinement. He was the author of the liability chapter in the recently revised ICOAS Bench Book for Judges.

The panelists discussed the legal responsibilities of ICAOS states and individual commissioners.

The Commission recessed for face-to-face committee meetings at 3:00 pm PT.

The Commission resumed the general session at 4:15 pm PT.

### **Award Presentations**

*Executive Chair Award* presented to Commissioner A. Godfrey (MN) by Chair J. Stromberg (OR).

*Executive Director Award* presented to DCA T. Strickland (FL) by Executive Director A. Lippert and Commissioner J. Winkler (FL).

*Peyton Tuthill Award* presented to Victim Advocate Lori King (OH) in recognition of her service and commitment to victims by Chair J. Stromberg (OR), and Commissioner K. Ransom (OH).

**Region Chairs Recognition**

Chair J. Stromberg (OR) recognized the region chairs for their service and dedication: Dale Crook – East Region Chair, Russell Marlan – Midwest Region Chair, Brody Burks – South Region Chair, and Roberta Cohen – West Region Chair.

General Counsel R. Masters administered the oath of office to newly elected region chairs: Dale Crook – East Region Chair, Russell Marlan – Midwest Region Chair, Julie Kempker – South Region Chair, and Roberta Cohen – West Region Chair.

Chair J. Stromberg (OR) announced that the 2020 Annual Business Meeting was scheduled for September 14-16, 2020 in Milwaukee, WI.

**Adjourn**

**Commissioner D. Matson (IL) moved to adjourn. Commissioner M. Pevey (WA) seconded.**

The meeting adjourned at 4:41 pm PT.



## FULL COMMISSION MEETING MINUTES

### *Interstate Commission for Adult Offender Supervision*

Teleconference

April 21, 2020

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#### **Call to Order**

Chair J. Stromberg (OR) called the meeting to order at 2:00 p.m. ET.

#### **Roll Call**

Executive Director A. Lippert called the roll. Fifty-one out of fifty-three members were present, thereby constituting a quorum.

1. Alaska	Rebecca Brunger, Commissioner
2. Alabama	Tom Langer, Commissioner
3. Arkansas	Amber Schubert, Commissioner
4. Arizona	Dori Littler, Commissioner
5. California	Jeffrey Green, Commissioner
6. Colorado	Merideth McGrath, Commissioner
7. Connecticut	Gary Roberge, Commissioner
8. Dist. of Columbia	Richard Tischner, Commissioner
9. Delaware	Terra Taylor, Commissioner
10. Florida	Joe Winkler, Commissioner
11. Georgia	Chris Moore, Commissioner
12. Hawaii	Dwight Sakai, Commissioner
13. Iowa	<i>Not in attendance</i>
14. Idaho	Denton Darrington, Commissioner
15. Illinois	Rebecca Walton, Commissioner
16. Indiana	Mary Kay Hudson, Commissioner
17. Kansas	Hope Cooper, Commissioner
18. Kentucky	Steve Turner, Commissioner
19. Louisiana	Pete Fremin, Commissioner
20. Massachusetts	Gloriann Moroney, Commissioner
21. Maryland	Martha Danner, Commissioner
22. Maine	Susan Gagnon, Commissioner
23. Michigan	Russ Marlan, Commissioner
24. Minnesota	Allen Godfrey, Commissioner
25. Missouri	Julie Kempker, Commissioner
26. Mississippi	Christy Gutherz, Commissioner
27. Montana	Cathy Gordon, Commissioner

28. North Carolina	Tim Moose, Commissioner
29. North Dakota	Amy Vorachek, Commissioner
30. Nebraska	Jacey Rader, Commissioner
31. New Hampshire	Benjamin Jean Commissioner
32. New Jersey	Samuel Plumeri, Commissioner
33. New Mexico	Roberta Cohen, Commissioner
34. Nevada	Sheri Sliva, Commissioner
35. New York	Robert Maccarone, Commissioner
36. Ohio	Katrina Ransom, Commissioner
37. Oklahoma	James Rudek, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Linda Rosenberg, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Patricia Coyne-Fague, Commissioner
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Bradley Lewandowski, Commissioner
44. Tennessee	Lisa Helton, Commissioner
45. Texas	David Gutierrez, Commissioner
46. Utah	Dan Blanchard, Commissioner
47. Virginia	Jim Parks, Commissioner
48. U.S. Virgin Islands	Wynnie Testamark, Commissioner
49. Vermont	Dale Crook, Commissioner
50. Washington	Mac Pevey, Commissioner
51. Wisconsin	Joselyn Lopez, Commissioner
52. West Virginia	Diann Skiles, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- Association of Prosecuting Attorneys (APA) – David LaBahn
- Interstate Commission for Juveniles (ICJ) – Jedd Pelander
- National Governors Association (NGA) – Nicole Banister
- National Association of Attorneys General (NAAG) – Amie Ely
- National Institute of Corrections (NIC) – Holly Busby

### **Guests**

1. Lorna Colver	AK	19. Betty Payton	NC
2. Matthew Poyzer	AZ	20. Alyssa Miller	ND
3. Veronique Vangheem	CO	21. Sally Reinhardt-Stewart	NE
4. Natalie Latulippe	CT	22. Jeanne Stewart	NH
5. Angella New	FL	23. Matthew Charton	NY
6. Brook Mamizuka	HI	24. Mark Patterson	OR
7. Emma Goode	ICJ	25. Ingrid Siliezar	RI
8. Leslie Anderson	ICJ	26. Chris Harris	SC
9. MaryLee Underwood	ICJ	27. Chuck Frieberg	SD
10. Judy Mesick	ID	28. Sarah Ball	SD
11. Holly Kassube	IL	29. Deborah Duke	TN

12. Matthew Billinger	KS	30. Brandon Watts	TX
13. Jennifer Adkins	ICJ	31. Pamela Thielke	TX
14. Lavon Hill	KY	32. Julie Lohman	VA
15. LaShonda Lee-Campbell, MD		33. Autumn Witten	WA
16. Denis Clark	ME	34. Tanja Gilmore	WA
17. Daryn Cobb	MI	35. Mary Evans	WI
18. Tracy Hudrlik	MN		

### **Staff:**

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrative Coordinator
4. Mindy Spring, Administrative and Training Coordinator
5. Xavier Donnelly, ICOTS Project Manager
6. Thomas Travis, ICAOS Legal Counsel

### **Agenda**

**Commissioner G. Roberge (CT) moved to approve the agenda as presented. Commissioner R. Maccarone (NY) seconded. Agenda approved.**

### **Opening Remarks**

Chair J. Stromberg (OR) stated that the Commission's Bylaws require a written notice of Commission meetings posted at least 30 days prior to their scheduled date. He asked for a motion to suspend the 30-day meeting notice to conduct this emergency Commission meeting.

**Commissioner H. Cooper (KS) moved to suspend the 30-day meeting notice to conduct the emergency Commission meeting. Commissioner J. Rader (NE) seconded. Motion passed.**

Chair J. Stromberg (OR) thanked commissioners for taking time to attend the emergency meeting. He stated that the declarations of emergency from the federal and state governments impacted Compact members ability to comply with timelines and procedural requirements as outlined in the Commission's Rules. Despite these difficulties, the Commission must maintain a consistent and rational legal hierarchy for addressing this emergency and potential future crisis.

Chair J. Stromberg (OR) noted that given the prolonged nature of the current emergency, the previously adopted Administrative Policy 01-2020 on Emergency Guidelines must have a strengthened statutory justification afforded by a new Commission Rule. After consultation with legal counsel and the national office, Chair J. Stromberg charged the Rules Committee with drafting a rule granting the Executive Committee emergency discretion to suspend enforcement of Commission rules or parts thereof. The new rule should require states to define the authority for their suspensions and should promote a return to normalcy as quickly as possible.

The new rule will allow the Commission to act in advance when a crisis occurs. He noted that should the Commission not pass this rule, enforcement as outlined by the Commission prevails and states will be held accountable regardless of the crisis at hand.

Commissioner M. Hudson (IN), Rules Committee Chair, presented the rule to the Commission. She thanked members of the Rules Committee and the Executive Committee for coming together quickly to address this matter.

Commissioner M. Hudson (IN) stated that the proposed New Rule 2.111 would provide a mechanism for the Emergency Suspension of Enforcement of Commission Rules based upon a declaration of a national emergency by the President of the United State and/or declaration of emergency by one or more Governors of member states.

This rule allows for suspension of enforcement of ICAOS Rules during a crisis, such as the one facing the nation at this time. She added that members would still be obligated to perform all the duties required by the Compact.

Commissioner M. Hudson (IN) stated that because such a suspension of the rules should only be undertaken in extreme cases, this rule would establish a two-step process: (1) A majority of the full Commission would have to vote to authorize the Executive Committee to suspend enforcement of the rules; and (2) The Executive Committee would need to vote to exercise the authority granted to them by the Commission.

She added that the suspension of enforcement is subject to the length of the emergency declaration, unless preemptively concluded by the Executive Committee.

Commissioner M. Hudson (IN) stated that the new rule was distinct from the policy. AP 01-2020 on Emergency Guidelines outlines the process by which the states inform the national office of any changes in their procedures. The new rule permits relaxation of the enforcement of Compact obligations; it does not give the states authority not to fulfill their duties under the Compact.

**Rule 2.111 Emergency Suspension of Enforcement**

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

- (1) The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
- (2) The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
- (3) The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

**Justification:**

In the wake of the COVID-19 pandemic, states of emergency have been declared by the President of the United States and the Governors of most member states. Due to these states of emergency, related executive orders, and other official directives, state compact offices throughout the nation have found it difficult or impossible to comply with the timelines and procedures set forth in the Commission's Rules. As this crisis continues, stability and predictability is needed, as any policy adopted by the Executive Committee is legally inadequate in comparison to the Rules and the Compact itself.

As recommended by Legal counsel, this rule promulgated in accordance with Rule 2.109 (j.) gives discretion to the Executive Committee to grant the suspension of enforcement with proper justification. This emergency rule would apply only during the duration of the emergency and would be subjected to the ordinary rule making processes within ninety (90) days of its promulgation.

**Rule Vote**

**Commissioner M. Hudson (IN) moved the Commission recognize that an emergency exists that justifies the promulgation of an emergency rule pursuant to Rule 2.109 (j), and that the Commission adopts the proposed new Rule 2.111 regarding Emergency Suspension of Enforcement of Rules, which will become effective immediately upon adoption.**

**Commissioner R. Maccarone (NY) seconded.**

Chair J. Stromberg (OR) opened floor for discussion.

No comments were received.

Executive Director A. Lippert took a roll call vote:

Alaska	Yes	Montana	Yes
Alabama	Yes	North Carolina	Yes
Arkansas	Yes	North Dakota	Yes
Arizona	Yes	Nebraska	Yes
California	Yes	New Hampshire	Yes
Colorado	Yes	New Jersey	EMAIL VOTE YES*
Connecticut	Yes	New Mexico	Yes
Dist. of Columbia	Yes	Nevada	Yes
Delaware	Yes	New York	Yes
Florida	Yes	Ohio	Yes
Georgia	Yes	Oklahoma	Yes
Hawaii	Yes	Oregon	Yes
Idaho	Yes	Pennsylvania	Yes
Illinois	Yes	Puerto Rico	Yes
Indiana	Yes	Rhode Island	Yes
Kansas	Yes	South Dakota	Yes
Kentucky	Yes	Tennessee	EMAIL VOTE YES*
Louisiana	Yes	Texas	Yes



Massachusetts	Yes	Utah	Yes
Maryland	Yes	Virginia	Yes
Maine	Yes	U.S. Virgin Islands	Yes
Michigan	Yes	Vermont	Yes
Minnesota	Yes	Washington	Yes
Missouri	Yes	Wisconsin	Yes
Mississippi	Yes	West Virginia	Yes

\*Commissioners, who sent their vote via email due to technical difficulties with their audio connection.

**Motion passed unanimously.**

**Commissioner H. Cooper (KS) moved to invoke Rule 2.111 and authorize the Executive Committee to enact its emergency provisions to suspend enforcement of the Commission's rules.**

**Commissioner A. Godfrey (MN) seconded.**

Chair J. Stromberg (OR) opened the floor for discussion.

Commissioner D. Littler (AZ) inquired if the rule becomes effective today.

Chair J. Stromberg (OR) stated that the rule does become effective today. The Executive Committee meets immediately after this meeting to decide which rules would be under suspended enforcement.

There were no other comments.

Executive Director A. Lippert took a roll call vote.

Alaska	Yes	Montana	Yes
Alabama	Yes	North Carolina	Yes
Arkansas	Yes	North Dakota	Yes
Arizona	Yes	Nebraska	Yes
California	Yes	New Hampshire	Yes
Colorado	Yes	New Jersey	EMAIL VOTE YES*
Connecticut	Yes	New Mexico	Yes
Dist. of Columbia	Yes	Nevada	Yes
Delaware	Yes	New York	Yes
Florida	Yes	Ohio	Yes
Georgia	Yes	Oklahoma	Yes
Hawaii	Yes	Oregon	Yes
Idaho	Yes	Pennsylvania	Yes
Illinois	Yes	Puerto Rico	Yes
Indiana	Yes	Rhode Island	Yes
Kansas	Yes	South Dakota	Yes

Kentucky	Yes	Tennessee	EMAIL VOTE YES*
Louisiana	Yes	Texas	Yes
Massachusetts	Yes	Utah	Yes
Maryland	Yes	Virginia	Yes
Maine	Yes	U.S. Virgin Islands	Yes
Michigan	Yes	Vermont	Yes
Minnesota	Yes	Washington	Yes
Missouri	Yes	Wisconsin	Yes
Mississippi	Yes	West Virginia	Yes

\*Commissioners, who sent their vote via email due to technical difficulties with their audio connection.

**Motion passed unanimously.**

### **Closing Remarks**

Chair J. Stromberg (OR) advised the Commission that the regular rules promulgation processes would be applied retroactively. Therefore, the Rules Committee would post the Emergency Rule 2.111 for comment from May 1 until June 1. The Rules Committee would review those comments and determine whether any amendments should be made. The Commission would hold a public hearing in June to meet the requirements in ICAOS Rules.

Chair J. Stromberg (OR) informed the Commission that the Executive Committee discussed a contingency plan for the upcoming Annual Business Meeting and would be making a decision in late May or early June.

### **Adjourn**

**Commissioner G. Roberge (CT) moved to adjourn. Commissioner D. Crook (VT) seconded.**

The meeting adjourned at 2:29 pm ET.



## **Interstate Commission for Adult Offender Supervision East Region Meeting**

### **AGENDA**

**September 8, 2020 • 2:00 pm ET  
2020 Virtual Business Meeting**

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#### **Call to Order**

**Roll Call** – *Ashley Lippert*

#### **Approval of Agenda**

**Approval of Minutes** – *July 16, 2020*

#### **Discussion**

- *Warrant timelines*
- *Proposed ICOTS enhancements for full Commission vote at the 2020 ABM*
- *COVID-19 State Updates*

#### **Old Business**

#### **New Business**

- *2021 Rule Amendment Deadline – February 1, 2021*
- *Nomination of Officers*
  - *Chairman, Vice-chair, and Treasurer*

#### **Adjourn**



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

### **AGENDA**

**September 10, 2020 • 2:00 pm ET  
2020 Virtual Business Meeting**

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#### **Call to Order**

**Roll Call** – *Ashley Lippert*

#### **Approval of Agenda**

**Approval of Minutes** – *July 23, 2020*

#### **Discussion**

- *Warrant timelines*
- *Proposed ICOTS enhancements for full Commission vote at the 2020 ABM*
- *COVID-19 State Updates*

#### **Old Business**

#### **New Business**

- *2021 Rule Amendment Deadline – February 1, 2021*
- *Nomination of Officers*
  - *Chairman, Vice-chair, and Treasurer*

#### **Adjourn**



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

### **AGENDA**

**September 10, 2020 • 2:00 pm ET  
2020 Virtual Business Meeting**

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#### **Call to Order**

**Roll Call** – *Ashley Lippert*

#### **Approval of Agenda**

**Approval of Minutes** – *July 28, 2020*

#### **Discussion**

- *Warrant timelines*
- *Proposed ICOTS enhancements for full Commission vote at the 2020 ABM*
- *COVID-19 State Updates*

#### **Old Business**

#### **New Business**

- *2021 Rule Amendment Deadline – February 1, 2021*
- *Nomination of Officers*
  - *Chairman, Vice-chair, and Treasurer*

#### **Adjourn**



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

### **AGENDA**

**September 8, 2020 • 2:00 pm ET  
2020 Virtual Business Meeting**

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#### **Call to Order**

**Roll Call** – *Ashley Lippert*

#### **Approval of Agenda**

**Approval of Minutes** – *July 23, 2020*

#### **Discussion**

- *Warrant timelines*
- *Proposed ICOTS enhancements for full Commission vote at the 2020 ABM*
- *COVID-19 States Update*

#### **Old Business**

- *Domestic Violence Concept*

#### **New Business**

- *2021 Rule Amendment Deadline – February 1, 2021*
- *Nomination of Officers*
  - *Chairman, Vice-chair, and Treasurer*

#### **Adjourn**



# Interstate Commission for Adult Offender Supervision Executive Committee Meeting

## AGENDA

September 14, 2020 • 11:00 am ET  
Teleconference

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### Call to Order

**Roll Call** - *Ashley Lippert*

### Approval of Agenda

**Approval of Minutes** – *July 15, 2020*

### Committee and Region Reports

- Compliance Committee - *Allen Godfrey*
- DCA Liaison Committee – *Tracy Hudrlik*
- Finance Committee – *Gary Roberge*
- Information Technology Committee – *Chris Moore*
- Rules Committee – *Mary Kay Hudson*
- Training, Education & Public Relations Committee – *Joselyn Lopez*
- ABM Workgroup – *Hope Cooper*
- East Region - *Dale Crook*
- Midwest Region – *Russell Marlan*
- South Region – *Julie Kempker*
- West Region – *Roberta Cohen*

**Victim Advocate Report** – *John Gillis (NOVA)*

**Executive Director Report** - *Ashley Lippert*

### Old Business

### New Business

### Adjourn

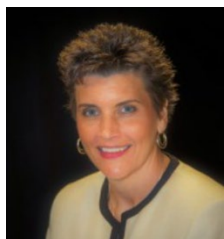


September 14 | 2:00PM-3:30PM EST

# Thriving in the Trenches

Few people would doubt that managing the interstate transfer of criminal offenders is stressful work. The stakes are high and challenging experiences can easily become an ordinary part of the workday. Then, in the blink of an eye, the world changed! With COVID-19, the daily challenges for offender, and ICAOS staff alike, suddenly went from ordinary to extraordinary! In these unprecedented times, managing stress is not just a luxury, it is a necessity! Thankfully, an exciting body of research has emerged in recent years that offers hope for these uncertain times. While stressful events can undoubtedly feel taxing and difficult in the moment, they can also bring people together, enhance empathy and compassion, improve performance under pressure, and even render a workforce stronger and more successful. This session will describe the research and provide practical strategies that can be implemented at work and at home (or when the two have become one in the same).

## About the Speaker



**Kirsten R. Lewis, M.Ed.**, is a probation officer with the Maricopa County Adult Probation Department (MCAPD); adjunct forensic psychology instructor at Glendale Community College; and president of KSL Research, Training & Consultation, LLC. Kirsten's adult probation experience includes assignments in standard field, domestic violence, and sex offender divisions. In addition, Kirsten has been a pre-sentence investigation officer, acting supervisor, and staff development trainer. She currently supervises a caseload of high-risk individuals sentenced to intensive probation in central Phoenix. With a background in research and over 28 years of experience in community corrections, Kirsten spearheaded a ground-breaking research study examining secondary traumatic stress in probation officers as a result of working with criminal offenders. Her research was published in the *American Journal of Criminal Justice* and received the *2013 Sam Houston State University Award* for outstanding contributions to scholarship in Community Corrections. In addition, Kirsten created a national award-winning employee stress management program at MCAPD that prepares employees for the unique challenges of probation work, enhances protective coping strategies, minimizes the cumulative stress associated with longevity, and promotes a work culture that safeguards the welfare of staff. Kirsten conducts a variety of trainings on the topics of traumatic stress, peer support, and employee wellness with human service agencies around the country and has presented her work at conferences throughout the United States and abroad.





## September 15 | 2:00PM-4:00PM EST Empowerment & Role of DCAs

The Deputy Compact Administrator (DCA) is the center of compact operations in each state. Being a DCA requires the ability to take on various responsibilities such as managing the staff of the compact office, apprising the Commissioner on matters related to compact and be the point of contact for compact operations with other states and with stakeholders within their state. This training session focuses on the importance of good communication and problem solving skills to be successful in the role as DCA. The presenters will share real scenarios, operation strategies and best practices demonstrating techniques to make your state's compact operations more effective.

Training Objectives - at the end of this session, participants will:

1. Understand the roles of the Commission, Commissioner & DCA
2. Learn the importance of communication to work out issues
3. Acquire skills to enforce the Compact in your own state
4. Know where to find resources available to assist with difficult conversations

### Moderator



**Joselyn Lopez** was appointed as Interstate Compact Administrator for the State of Wisconsin in June 2017. She has been a member of the Information Technology Committee since 2017 and joined the Rules Committee the following year in 2018. Joselyn has a Bachelor of Arts in Criminology from Marquette University and a Master of Science in Criminal Justice Administration from the University of Wisconsin-Milwaukee. Joselyn's career of over 22 years in community corrections, spans from case manager for juveniles, counseling services for adults, and regional director of outpatient and residential services in the private sector, to managing community corrections services for the State of Wisconsin. Joselyn joined the Wisconsin Department of Corrections in 2010 as a Program and Policy Analyst where she developed evidence-based programming for offenders and trained staff on evidence-based practices. She is a trainer for Trauma Informed Care in the Criminal Justice System and Risk Reduction Strategies in community supervision. During her years as a Corrections Field Supervisor (2013-2017), Joselyn served on the Dane County's OWI Advisory Board where she led risk reduction supervision strategies and provided oversight to correctional services. In her current position as Corrections Services Supervisor, Joselyn continues to provide a positive impact on others through statewide oversight of offender programming, staff education, employment programming, and reentry initiatives. She also serves as the Chair for the Evidence Based Decision Makers Committee. Throughout her established and dedicated career, Joselyn has

committed herself to Evidence Based Practices and demonstrated the ability to work effectively with diverse groups and populations.

## Speakers



**Matthew Billinger** is the Director for Interstate Services for the Kansas Department of Corrections (KDOC) Community and Field Services. He serves as the Deputy Compact Administrator for state of Kansas on matters related to the Interstate Compact for Adult Offender Supervision (ICAOS) and the Interstate Compact for Juveniles (ICJ). He works with both probation and parole in conjunction with the National Commission of ICAOS and ICJ. He is also a member of the Technology Committee, DCA Liaison Committee, and serves as the Midwest Region DCA Chair for ICAOS. He serves on the Rules Committee for ICJ. He co-authored an article with Assistant Attorney General Steven Karrer entitled “What a Prosecutor Should know and Why They Should Care”, published in the 2014 Spring edition of the Kansas County and District Attorney Association quarterly magazine. He received the 2017 Executive Director’s Award from ICAOS and twice received the Employee of the Year recognition with KDOC. He started with KDOC as a Parole Officer in the Kansas City office in 2008. He has worked in the criminal justice field since 2003 starting as a Juvenile Detention Officer. He has past work experience in the family re-integration field and mental health case management.



**Suzanne Brooks** graduated from Cleveland State University in 2001 with a bachelor’s degree in Psychology. After graduating from college, Suzanne began working with a private, non-profit agency providing case management services to juveniles with behavioral issues including juveniles involved in the criminal justice system. In 2003, Suzanne accepted a Parole Officer position with the Ohio Department of Rehabilitation and Correction. In December 2011, Suzanne accepted the position of Justice Reinvestment Officer for the Cleveland Region of the Adult Parole Authority which included serving as a court liaison and implementing changes imposed by House Bill 86. In July 2014, Suzanne was promoted to the position of Deputy Superintendent of the Ohio Adult Parole Authority. Amongst several other job duties in her role as Deputy Superintendent, Suzanne also serves as the Interstate Compact Deputy Compact Administrator for the State of Ohio.



**Tracy Hudrlik** is currently the Interstate Director for the Minnesota Department of Corrections. In this role, she is the Deputy Compact Administrator for ICAOS and the Commissioner for Interstate Commission for Juveniles (ICJ). She is responsible to provide statewide direction, planning and coordination of all activities related to the Interstate Compact for Adult Offender Supervision and Interstate Compact on Juveniles. She is the primary liaison between the Dept. of Corrections and the courts, corrections agencies, attorneys, law enforcement, compact staff across the country and other agencies with regard to the Interstate Compact process. Tracy has worked in the field of Corrections for over 25 years, holding positions in both Minnesota and Wisconsin ranging from Probation and

Parole Agent to Interstate Compact Commissioner. She is the Chair for the ICAOS DCA liaison committee and is an ex-officio member of the national executive committee and rules committee. She is also the Chair of the national Juvenile Rules Committee and executive committee member.



**Natalie Latulippe** is a graduate of Arizona State University with a Bachelor of Arts degree in psychology. She has 22 years of experience in adult probation. In 1998, Natalie began her career as a probation officer in Maricopa County, Arizona. She then moved back to New England and has been with Adult Probation in the Connecticut Judicial Branch Court Support Services Division since 2001. Natalie is currently a Chief Probation Officer II and the CT Probation Deputy Compact Administrator. She continues to be actively involved in ICAOS and currently is the East Region DCA Chair and serves on the DCA Liaison Committee and the ABM Planning Workgroup. Natalie was the 2015 recipient of the ICAOS Executive Director Award.



## COMPLIANCE COMMITTEE REPORT

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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#### **Compliance Committee Members**

Allen Godfrey (MN), chair, commissioner  
Cathy Gordon (MT), commissioner  
Amy Vorachek (ND), commissioner  
Jacey Rader (NE), commissioner  
Merideth McGrath (CO), commissioner

Hope Cooper (KS), commissioner  
Dale Crook (VT), commissioner  
Diann Skiles (WV), commissioner  
Suzanne Brooks (OH), Ex-officio member, DCA  
Tina Balandran (TX), Ex-officio member, DCA

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

#### **Goals and Objectives**

The Committee has set three specific goals for this year:

1. Continue to review compliance trends and make recommendations if necessary.
2. Meet and review compliance issues within 30 days of an Executive Committee referral.
3. Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

#### **Compliance Issues and Outcomes**

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

- **November 18, 2019:** Reviewed dashboards yearly to determine which states, if any, were below 80 percent over four consecutive quarters in a fiscal year. Three states had five or more consecutive quarters below 80 percent on compliance standards and were required to submit a corrective action plan within 30 days.
- **January 13, 2020:** Addressed one formal complaint for allowing the state courts to release an interstate compact offender with an active nationwide warrant. The complaint was not substantiated and applicable training was recommended.

One state did not respond to the FY19 and FY20 audits and failed to provide a corrective action plan within 30 days for failing to meet compliance standards. Recommended the state submit a corrective action plan within 10 days or incur a \$3,000 fine. The state was also in fault for failing to pay its annual dues within 120 days of the fiscal year. Matter was referred for legal enforcement.

- **February 10, 2020:** Compliance and Rules Committees representatives collaborated on planning for the FY21 audit that included documenting action steps taken by each state to address any deficiencies found in issuing warrants and retaking.
- **April 13, 2020:** Given declarations of emergency from the federal and state governments that impacted Compact members' ability to comply with timelines and procedural requirements as outlined in the Commission's rules, recommended temporarily suspend enforcement of compliance dashboard indicators. Tracking and documenting of dashboards indicators will continue. Recommended FY21 audit is postponed until the next year.

### **Dashboard Trends**

States' adherence to the outcomes measured across the compliance dashboard continued to trend upward in four of the six primary categories. Between FY16 and FY20, significant compliance increases occurred in Case Closure Replies (2.8%) and Violation Responses (4.4%). While Case Closure Notices and Requested Progress Reports have leveled, they remain relatively high for compliance.

<b>Compliance Standard</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>5 Year Change</b>	<b>3 Year Change</b>
Case Closure Notices	96.6%	96.2%	96.2%	96.2%	96.4%	-0.2%	0.2%
Case Closure Replies	89.2%	89.8%	90.1%	91.1%	92.0%	2.8%	1.9%
Requested Progress Reports	95.7%	96.4%	88.1%	88.8%	91.1%	-4.6%	3.0%
Violation Responses	84.3%	86.0%	86.1%	88.2%	88.7%	4.4%	2.6%
Transfer Request Replies	90.4%	91.0%	92.0%	93.2%	93.2%	2.8%	1.2%
RFRI Replies	97.2%	97.0%	97.1%	97.8%	97.4%	0.2%	0.3%

Respectfully submitted,

*Allen Godfrey*

Allen Godfrey  
Chair, Compliance Committee  
Commissioner, State of Minnesota



## **DCA LIAISON COMMITTEE REPORT**

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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#### **Committee Members**

Tracy Hudrlik (MN), Chair

#### **DCA Region Chairs:**

- East - Natalie Latulippe (CT)
- Midwest – Matthew Billinger (KS)
- South – Timothy Strickland (FL)
- West – Tanja Gilmore (WA)

#### **Region Representatives:**

- East – Denis Clarke (ME)
- Midwest - Simona Hammond (IA)
- South – Elizabeth Powell (DC)
- West – Patricia Odell (WY)

#### **Committee Mission**

Provide a mechanism for Deputy Compact Administrators (DCA) to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

#### **Committee FY 2020 Goals**

1. Identify issues or concerns affecting DCAs and support effective discussion/action to find resolution.
2. Identify issues of relevance for referral to standing committees.
3. Supporting the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

#### **Committee Work**

The DCA Liaison Committee met on five occasions since the last report in October 2019. The committee reviewed its mission and goals and continued with the same intent. Committee members feel it is important to provide support and be the “voice” for DCAs nationally. The committee originally had a quarterly newsletter and in FY20, it was only published in December 2019 and July 2020. As with many other things, COVID impacted this as well as the desire for the committee to get feedback from readers before continuing the newsletter. The DCA Liaison

Committee wishes to extend its thanks to all DCAs who participated in regional DCA meetings on a much more regular basis and worked together to come up with creative solutions to issues that resulted from COVID and its impact on corrections operations.

The DCA Liaison Committee refers issues to other standing committees. For example, the committee approved and forwarded three ICOTS enhancement recommendations to the Technology Committee and assisted in the preparation and training of the new ICAOS rule amendments that went into effect on April 1, 2020.

The committee also assists in the planning and training of compact office staff through the mentoring program. At least one new DCA was mentored in FY20. The DCA Liaison Committee members played an integral role in the DCA session at the 2019 Annual Business Meeting (ABM) and also participated in the planning and presentations for the 2020 ABM. The DCA Liaison Committee works closely with the Training Committee, ABM Planning Workgroup, and ICAOS National Office staff to coordinate training and presentations.

### **DCA Mentoring Program**

Mentoring of new DCAs continues to be available as it has been in the past. The mission of the mentoring program is to coach, train, and counsel new and existing DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance resolving difficult compliance issues in their state. The mentoring program encourages active participation in Commission and regional activities and collaboration with member states to promote successful strategies and best practices.

- *Participant:* Any DCA who is either new or requests (through their commissioner) additional coaching or assistance.
- *Mentor:* The DCA Liaison Committee regional chair or another DCA who has demonstrated an understanding of their role and is recognized for their communication skills. Mentors will communicate regularly and offer feedback, guidance, and support.
- *Mentoring period:* Typically, one year. Extensions may be granted, if needed.

Respectfully submitted,

*Tracy Hudrlik*

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





## TREASURER REPORT

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

**From:** Gary Roberge, Treasurer and Commissioner, State of Connecticut

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Despite the challenges facing the nation, the Commission ended FY 2020 in a strong financial position. Declines in stock market returns did not adversely affect the Commission's overall investment health. The Commission finished FY 2020 3.2% under budget carrying \$104,624.40 into reserves.

The balance in the Commission's cash reserve is \$1,581,915.63 and is maintained in a savings account earning .005% interest annually. The Commission also maintains investments in two long-term Vanguard investment accounts. These funds include an investment grade bond fund and a total stock market index fund. The balance in the Vanguard funds as of June 30, 2020 totals \$1,887,103.49. In FY 2020, the rate of return on these investments was 5.53%.

State budgets face significant pressure and lingering uncertainty regarding the size and duration of the economic challenge presented by COVID-19. Investment income along with operational changes created a stable fiscal position capable of supporting a one-time 30% dues reduction to all member states for FY 2022, which is before the Commission for vote at this ABM. Though continued and expanded use of investment funds may result in dues increases in the future, operational changes today will allow for a manageable temporary adjustment without significant effect on the Commission's services or goals.

The Commission collects \$1,516,253 in dues assessments annually and estimates spending for FY 2021 to total \$1,443,100. In FY 2022, if the Commission approves the reduction, it will collect \$1,061,377.10 in dues. Cost savings anticipated over the next two years requires accessing roughly \$281,470 from reserves to cover the reduction.

Respectfully submitted,

*Gary Roberge*

Gary Roberge, Treasurer  
Chair, Finance Committee  
Commissioner, State of Connecticut





## TRAINING, EDUCATION & PUBLIC RELATIONS COMMITTEE REPORT COMMITTEE REPORT

*Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

**From:** Joselyn López, Chair, Training, Education & Public Relations Committee and Commissioner, State of Wisconsin

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

**Trainers (2020 Amendments & ABM DCA Training):** Dori Littler (AZ); Natalie Latulippe, (CT); Matthew Billinger, (KS); Tracy Hudrlik (MN); and Suzanne Brooks (OH).

The Training, Education and Public Relations Committee is responsible for developing and enhancing educational resources and training materials for use by affected member states and stakeholders. In addition, the committee is responsible for enhancing public safety through awareness and consistent administration.

This year the committee continued to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business, with some accomplishments highlighted below.

### **NCSC & Attorney General Webinars**

In April, Commission Chair Jeremiah Stromberg (OR) and Executive Director Ashley Lippert presented the Commission's response to the COVID-19 pandemic with the National Center for State Courts (NCSC.) In a joint effort with the Interstate Commission for Juveniles and the National Association of Attorneys General (NAAG), Executive Director Ashley Lippert presented on the interstate compact processes for both adults and juveniles. Executive Director Ashley Lippert received a noteworthy appreciation letter from Amy Tenney Curren, Director of National Attorneys General Training and Research Institute (NAGTRI), for her outstanding legal training.

Both webinars covered implications of compact rules and processes, with a high level look at state compliance and liability. Following the webinars and based on feedback, the ICAOS Legal Background and Implication Training was revised and republished on the ICAOS website for states to utilize for stakeholder training.

#### **New ABM Evaluation/Training Assessment**

After reviewing the post-ABM survey results, which is used each year to build the subsequent year's ABM agenda, the national office shared challenges on the survey results which lack specifics, objectives, and clear direction for planning an ABM. The training committee approved a new strategy to utilize a needs assessment to collect specific training and session ideas that better identifies training requests for the Commission's ABM agenda.

#### **ICOTS Training Integration Project:**

In an effort to make the navigation of the ICOTS user manual meaningful and accessible, last year, the Executive Committee approved the ICOTS Training Integration Project to integrate training and help tips directly into ICOTS activity screens. These tools expand on existing training as well as provide links to definitions, Rules, and other documents. The initial phase is already in production.

#### **Dashboard Reports Training:**

The pandemic forced the Commission to move previously planned in-person trainings (including dashboard trainings) to a virtual format. Trainings for dashboard reports were introduced this summer through on demand self-paced training videos, which provide expanded availability to those working in the compact office. These trainings introduce ways to filter the reports, gather data to support training needs, address frequently asked questions, and provide examples on using the reports. Trainings can be accessed through the ICAOS Dashboard page.

#### **Other Notable Accomplishments:**

- Trainings for Compact Staff on the 2020 Rules Amendments
- Updated all training resources, including those in CORE
- Jail Administrator and Magistrate Guide updated April 2020
- Parole Board Guide updated April 2020
- ICAOS Rules training delivered for over 200 new officers in Massachusetts in November via Technical and Training Assistance
- Worked with the DCA Liaison Committee and the ABM Workgroup on the curriculum for the 2020 virtual DCA Training Institute
- Over 5,700 individuals accessed on-demand modules (10% increase from last year)

#### **Identified goals for FY 2021**

- Expand our outreach to stakeholders and other organizations to increase education on the mission of the compact; including state council members and sheriff's associations
- Expanding education on NCIC and importance of warrant tracking
- New cost-effective Learning Management System
- Conclusion of the ICOTS Training Integration (aka Help Points) Project
- Integrate Hearing Officer's Guide & ICAOS Support Site articles into CORE

We are always looking for new members that can help us build on our training, education and outreach- please spread the word and consider joining us next year! This committee would not be able to deliver these quality resources without the work, knowledge, and talent of the national office team, especially our Training Coordinator, Mindy Spring. Thank you for all you do to support our mission.

Thank you to all of the Commission members for your attention and continuous support to the efforts of the Training, Education, and Public Relations Committee.

Respectfully submitted,

*Joselyn López*

Joselyn López  
Chair, Training, Education & Public Relations Committee  
Commissioner, State of Wisconsin



# INFORMATION TECHNOLOGY COMMITTEE REPORT

*Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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

## **Information Technology Committee Members**

- Chris Moore (GA), chair, commissioner
- Benjamin Jean (NH), commissioner
- Dan Blanchard (UT), commissioner
- Mac Pevey (WA), commissioner
- Joselyn López (WI), commissioner
- Matthew Billinger (KS), ex-officio, DCA
- Daryn Cobb (MI), ex-officio, DCA
- Julie Lohman (VA), ex-officio, DCA

The following are highlights of the Information Technology Committee's fiscal year 2020 activities:

## **ICOTS FY 2020 Rule Amendment Changes**

On April 1, 2020, three functional enhancements covering approved rule amendments were launched in ICOTS. A description of each enhancement is as follows:

- New verbiage on absconder violations reports [*Rules 1.101 Definitions, 4.109 Absconding Violation*]
- New definition of sex offender and management of sex offender status [*Rules 1.101 Definitions, 3.101-3 Transfer of supervision of sex offenders, 3.107 Transfer Request*]

- New documentation requirements on progress report [*Rule 4.106 Progress reports on offender compliance and non-compliance*]

### **ICOTS FY 2021 Enhancements**

Fiscal year 2020 was the first year of the committee utilizing the new enhancement request policy. In all, seven enhancement requests were reviewed and approved to move forward for Commission comment. After the comment period, the committee voted to recommend all seven enhancements for approval by the Commission and will meet again to review statements of work (costs of each enhancement) and prioritize for vote prior to the Annual Business Meeting. Currently, the budget for ICOTS enhancements is \$50,000 per year.

### **ICOTS Help Points**

After the rule amendment ICOTS changes were launched, Appriss began development on the ICOTS Help Points. The ICOTS Help Points were designed to replace and improve upon the ICOTS User Guide PDF. Instead of a large and cumbersome document that's difficult to update, easy to understand tips and explanations will now be integrated within the application itself.

This first batch of help points were launched on July 15, 2020. They cover the following areas:

- ICOTS login screen
- Assistants tab
- Seven of the most commonly used compact activities

The remainder of the ICOTS screens and compact activities will be covered in code releases in the coming months.

### **The following are identified goals and challenges for FY 2021:**

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

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

Respectfully submitted,

*Chris Moore*

Chris Moore  
Chair, Information Technology Committee  
Commissioner, State of Georgia



## **RULES COMMITTEE REPORT**

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

**From: Mary Kay Hudson, Chair, Rules Committee and Commissioner, State of Indiana**

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#### **Compliance Committee Members**

- Mary Kay Hudson (IN), chair, commissioner
- Dori Littler (AZ), vice-chair, commissioner
- Rebecca Brunger (AK), commissioner
- Joselyn Lopez (WI), commissioner
- Robert Maccarone (NY), commissioner
- Chris Moore (GA), commissioner
- Linda Rosenberg (PA), commissioner
- Joe Winkler (FL), commissioner
- Turran Blazier (IN), ex-officio member, DCA
- Tracy Hudrlik (MN), ex-officio member, DCA
- Patricia Odell (WY), ex-officio member, DCA
- Timothy Strickland (FL), ex-officio member, DCA
- Margaret Thompson (PA), ex-officio member, DCA

#### **Committee Mission**

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

#### **Rule Committee Objectives**

1. Collaborate with the Compliance Committee on the analysis of the fiscal year 2020's warrant review and provide recommendations for the fiscal year 2021 audit.
2. Review warrant timeframes already established in the rules and rules that do not provide a timeframe to obtain compact compliant warrants.
3. Revisit proposal to Rule 3.103 withdrawn by the West Region.
4. Look at the Misdemeanor Rule (2.105) and the transfer and retaking processes for misdemeanants
5. Review the West's concept rule proposal of managing offenders convicted of domestic violence.
6. Monitor the implementation process of the 2019 approved amendments as they go into effect April 1, 2020.

### **Committee Actions**

Following the 2019 Annual Business Meeting, the committee met on the following dates:

- December 18, 2019
- February 12, 2020
- April 7, 2020 – scheduled face-to-face – amended to teleconference due to pandemic
- July 29, 2020

In collaboration with the Compliance Committee, we developed recommendations for the fiscal year 2021 audit and helped to establish relevant questions for the pending fiscal year 2021 audit. However, due to the onset of the global pandemic, the Executive Committee postponed the audit, allowing compact offices to maintain focus on essential services.

Notwithstanding, the Rules Committee evaluated timeframes for issuing warrants in established rules, finding varied time frames or no timeframes when requiring warrants. After discovering a significant conflict between Rules 4.111(f) and 5.101(b), the committee instructed legal counsel to guide the committee in this effort. Subsequent analysis by counsel found that 5.101(a) implicitly repealed lesser warrant-related time requirements. Accordingly, the committee formed a working group to prepare a legally sound and attainable standard for issuing warrants as part of its rule proposals for 2021.

The committee took no action on the West Region's withdrawn proposal to Rule 3.103, which would have required retaking and that a formal court or paroling authority conduct a proceeding for an offender to qualify to return. As well, misdemeanor rule (2.105) received a review as a result of the fiscal year 2019 warrant audit revealing that these cases present challenges when issuing nationwide warrants. Subsequently, the committee declined to take action. Similarly, a potential rule change to define domestic violence under the compact did not receive support at this time due to concerns about scope.

By early 2020, the national office developed detailed training for implementing rules approved at the 2019 annual business meeting. This allowed states to engage in training and/or request any required technical or training assistance related to the amendments and ICOTS enhancements before their effective date. Rule 3.110 Travel Permits created questions regarding sufficiency of verbal versus written orders. As well, Rule 3.108-1 Victim Notification and Requests for Offender Information was addressed, clarifying that the five (5) day timeframe in the Rule only applied to offenders with noted victim-related issues.

Finally, the global pandemic prompted the Rules Committee to draft an emergency rule that provides a legally adequate framework for current as well as future crises. Rule 2.111 provides the Executive Committee the discretion to suspend enforcement of the Commission rules when the state or federal authorities declare emergencies. However, it continues to hold states accountable, limiting restrictions on compact operations and promoting a return to normal operations.

Respectfully Submitted,

*Mary Kay Hudson*

Mary Kay Hudson  
Rules Committee Chair  
Indiana State Commissioner



## GENERAL COUNSEL REPORT

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

**From:** Tom Travis, General Counsel

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The general counsel assists the Commission in rule-making processes and through the provision of legal guidance for issues arising under the compact, its bylaws, or administrative rules. Counsel promotes consistent application of and compliance with Commission requirements, including the coordination and active participation in enforcement litigation.

#### ***Legal Issues***

This year, the Commission faced extraordinary circumstances resulting from the COVID-19 pandemic. Complications resulting from federal and state declarations of emergency created temporary disruptions in compliance with Commission requirements as outlined in compact Rules. However, the Commission swiftly acted, adopting both an emergency policy and rule (See, Rule 2.111) to address current and future crises.

#### ***Compliance Issues***

This year, the Executive Committee reviewed several compliance matters. The territory of the U.S. Virgin Islands defaulted as a result of its failure to respond to two fiscal year annual audits, failure to address dashboard compliance standard deficiencies, and failure to remit annual dues. Accordingly, the Commission's executive and compliance committees found the territory in violation and default of legal obligations under the Compact. In response, the Executive Committee required the territory to submit a corrective action plan, remit required dues, and pay compulsory fines.

At present, the territory is in the process of completing its corrective action. And, it is current in dues assessment for the prior fiscal year.

Two states failed to meet passing standards on the annual dashboard review. In response, New Mexico and Utah submitted corrective action plans to address their noncompliance.



Finally, Oklahoma completed its corrective action. Completion of the plan addressed its failure to issue compact compliant warrants.

***Litigation Matters***

No litigation matters came before the Commission since the last annual business meeting.

Respectfully submitted,

***Tom Travis***

Tom Travis  
General Counsel,  
Interstate Commission for Adult Offender Supervision



## **EAST REGION REPORT**

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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As the East Region Chair, I am very proud to represent this region. The East Region is actively engaged in the Commission's operations with our commissioners and deputy compact administrators (DCA) involved in all committees. Including the last Annual Business Meeting, the East Region met on four occasions to discuss updates, rule proposals, training opportunities, warrant tracking, best practices, and a variety of other Commission related matters. The region constituted a quorum at all four meetings in accordance with the region's goals.

Every year, we have to say goodbye to some friends and welcome new commissioners and DCAs to the Commission. The East Region has one new commissioner appointed since the last annual business meeting: Susan Gagnon (ME) as well as two new DCAs - Richard Figurelle (DE) and Shyra Bland (NJ).

I would like to express appreciation and gratitude for the level of cooperation, coordination, and creativity that came from the East Region DCAs since the beginning of the COVID-19 pandemic. With supervision challenges and restrictions, members continue to supervise offenders as normal as possible under the given circumstances. DCA East Region Chair Natalie Latulippe (CT) conducts regular region meetings to discuss best practices and solutions to ensure Compact operations continue.

#### **East Region Mission**

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

#### **East Region Goals**

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

**Agenda items and topics of discussion at the meetings included:**

- 2019 rule proposals, including compact staff training and ICOTS enhancements
- Retaking timeframes as outlined in rules
- FY20 compliance warrant tracking audit as well as the warrant audit workgroup & FY21 compliance audit plan
- ICOTS training integration project
- ICOTS enhancements
- Recommendations for the annual business meeting training sessions and location
- Reports from the DCA East Region chair
- COVID-19 state updates
- FY22 annual dues reduction proposal
- ICAOS legal training on the Commission's response to COVID-19
- Rule 2.111 emergency suspension of enforcement of rules
- Legality of electronic witness signatures

Respectfully submitted,

*Dale Crook*

Dale Crook  
Chair, East Region  
Commissioner, State of Vermont



## MIDWEST REGION REPORT

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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The Midwest Region commissioners and Deputy Compact Administrators (DCAs) met four times counting the last annual business meeting (ABM) in San Diego, California. The region had a quorum at each of these meetings, demonstrating consistency with one of its established goals.

#### **Midwest Region Mission**

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

#### **Midwest Region Goals**

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

#### **Agenda items and topics of discussion at the meetings included**

- Dues reductions due to the COVID-19 virus to ease budget issues
- Training tools for rule enhancements
- DCA training institute ideas
- Executive Committee updates
- Rule 2.111 Emergency Suspension of Enforcement of Rules
- Region chair election
- FY21 audit delay due to COVID-19

The Midwest Region continues to be supportive of the direction the Commission has taken regarding the supervision of interstate compact offenders. This includes the promotion of graduated interventions, the use of evidence-based practices and risk assessments to support behavioral change and effective supervision, improved documentation requirements, ICOTS enhancements, and the handling of violations with a new standard more focused on effective public safety.

All this work supports a single standard of supervision, improves offender accountability, and promotes increased effectiveness of transfers between states, again, in the interest of public safety. The Midwest

Region was also impressed with the Commission's response to the pandemic and their ability to adjust during a time of crisis.

Respectfully submitted,

*Russell Marlan*

Russell Marlan  
Chair, Midwest Region  
Commissioner, State of Michigan



## **SOUTH REGION REPORT**

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

**From: Julie Kempker, Chair, South Region and Commissioner, State of Missouri**

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The South Region commissioners and deputy compact administrators (DCAs) met four times counting the last Annual Business Meeting (ABM) in San Diego, California, constituting a quorum at each of these meetings.

The South Region had three new commissioners appointed since the last annual business meeting- Amber Schubert (AR), James Rudek (OK), and David Gutierrez (TX) as well as two new DCAs - Jerry Primes (LA) and Lloyd Turner (SC).

The South Region continues to be well represented within all committees in the Commission.

#### **South Region Mission**

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

#### **South Region Goals**

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

#### **South Region Meetings**

At their October 8, 2019 face-to-face meeting, the region reviewed the 2019 rule proposals and how they related to warrants timeframes. Concerns were discussed on state's ability to meet warrant timeframes and the challenges states face, particularly on the probation side. The region also elected Commissioner J. Kempker (MO) as the new South Region chair.

At its Feb 8, 2020 meeting, the region discussed approved rule amendment & ICOTS enhancement trainings, as well as the new ICOTS Enhancement Policy and timeline. DCA South Region Chair Timothy Strickland (FL) updated the region on DCAs activities and their discussion on practical

methods of ICOTS notifications when changing dates for early termination. Executive Director Lippert updated the region on other Commission news.

In May, the South region discussed the effects of COVID-19, as well as issues to bring to the Executive Committee's attention. The South Region DCAs were meeting every three weeks and set their expectations for cooperation during the pandemic. All South Region compact offices were working to process cases. Executive Director Lippert spoke about new Rule 2.111 *Emergency Suspension of Enforcement of Rules* adopted by the Commission in April 2020 and the public hearing and comment process that took place retroactively.

The region met again on July 28, 2020 to discuss the FY22 Dues Reduction Proposal recommended by the Executive Committee. The proposal was made due to many states facing significant pressure to cut their spending as a result of economic challenges presented by COVID-19. The region also discussed the decision to hold the 2020 ABM virtually. DCA South Region Chair Timothy Strickland (FL) informed the region that the South Region DCAs continued to cooperate and work well with each other. Most South Region states had lifted their restrictions by this time. Executive Director Lippert updated the region on the final draft of ICOTS enhancement proposals to be voted at the 2020 ABM, ICOTS Training Integration Project, the new legal training opportunities for states to use to train its legal community, as well as the new dashboard reports training posted on the Commission's website. The South Region states also shared their operational issues during the pandemic.

In conclusion, I would like to thank all South Region commissioners and DCAs who despite the challenges, continue to work together to uphold the purposes of the Compact.

Respectfully submitted,

*Julie Kempker*

Julie Kempker  
Chair, South Region  
Commissioner, State of Missouri



## WEST REGION REPORT

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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

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

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The West Region was hit hard by the COVID 19 pandemic with many offices turning to telework and staggered scheduling, but that did not stop our daily business. Staff worked in their new normal of providing effective tracking and transferring of offenders from their homes. Many of our compact offices had difficult conversations regarding the business of the compact while ensuring we provide effective supervision to offenders in a whole new way.

Commission Chair Stromberg delivered training on the national level with judicial and prosecutor staff bringing more knowledge of their compact responsibilities and effects the Commission is experiencing as a results of COVID 19. The West Region commissioners and DCAs continue to serve and provide effective feedback in all ICAOS committees. As the West Region Chair, I am presenting this report regarding the region's work and activities since the 2019 Annual Business Meeting.

#### **West Region Meetings**

- October 8, 2020
- January 22, 2020
- April 23, 2020
- July 23, 2020

#### **Agenda items and topics of discussion at the meetings included**

- New rule proposals
- Increase in offenders found in states on travel permits without reporting instructions or an acceptance
- Tribal and best practices
- DCA Liaison Committee updates
- FY20 audit results
- FY21 audit plans
- Emergency Rule 2.111



- COVID 19 restrictions/practices updates
- FY22 annual dues reduction proposal

The West Region has one new commissioner appointed since the last annual business meeting, David Babby (CA), as well as one new DCA, William West (NV).

During this upcoming year, the West Region will continue in our efforts and commitment to bring new ideas to the table and work towards compliance.

Respectfully submitted,

*Roberta Cohen*

Roberta Cohen  
Chair, West Region  
Commissioner, State of New Mexico

**ICAOS Budget  
Proposed FY22**

	<b><u>FY20</u></b> <b><u>Final YTD</u></b>	<b><u>FY21</u></b> <b><u>Budget</u></b>	<b><u>FY22</u></b> <b><u>Proposed Budget</u></b>
<b><u>REVENUE</u></b>			
Dues Assessment	\$1,549,819.98	\$1,516,253.26	\$1,516,253.26
Cash Reserve		\$44,000.00	\$58,000.00
Dividend Income	\$40,325.79	\$18,000.00	\$18,000.00
Operating Interest	\$19,063.05	\$10,000.00	\$10,000.00
<b>Total Administration Revenue</b>	<b>\$1,609,208.82</b>	<b>\$1,588,253.26</b>	<b>\$1,602,253.26</b>
<b><u>EXPENSE</u></b>			
60000 SALARIES & WAGES	\$475,312.97	\$485,500.00	\$497,000.00
61000 EMPLOYEE BENEFITS	\$140,036.03	\$165,000.00	\$175,000.00
61009 PAYROLL TAX	\$36,338.93	\$36,400.00	\$37,500.00
61040 ACCOUNTING	\$16,543.50	\$14,000.00	\$14,500.00
61079 EDUCATION, ACCREDITATION	\$497.50	\$2,000.00	\$2,000.00
61089 PROFESSIONAL MEMBERSHIPS	\$708.00	\$500.00	\$500.00
62000 SUPPLIES	\$2,840.98	\$4,500.00	\$4,500.00
62010 POSTAGE	\$759.93	\$1,500.00	\$1,500.00
62090 COMPUTER SERVICES	\$20,276.21	\$21,000.00	\$21,000.00
62130 OUTSIDE WEB SUPPORT	\$7,340.20	\$3,500.00	\$3,500.00
62140 SOFTWARE PURCHASE	\$4,831.98	\$5,000.00	\$5,000.00
62280 INSURANCE	\$11,552.00	\$12,250.00	\$12,250.00
62310 PHOTOCOPY	\$160.15	\$500.00	\$500.00
62360 DIRECT TELEPHONE EXPENSE	\$4,163.30	\$5,000.00	\$5,000.00
62370 CELL PHONE EXPENSE	\$3,182.37	\$3,000.00	\$3,000.00
66000 EQUIPMENT PURCHASE	\$6,975.41	\$10,000.00	\$10,000.00
68200 WEB/VIDEO CONFERENCE	\$20,438.01	\$25,000.00	\$25,000.00
68230 MEETING EXPENSE	\$565.93	\$500.00	\$500.00
72000 CONSULTANT SERVICES	\$2,628.88	\$10,000.00	\$10,000.00
74000 STAFF TRAVEL	\$1,448.75	\$5,000.00	\$5,000.00
80000 LEGAL SERVICES	\$19,261.45	\$15,000.00	\$15,000.00
85000 RENT	\$33,354.75	\$36,400.00	\$37,500.00
<b>Total Administration Expenditures</b>	<b>\$809,217.23</b>	<b>\$861,550.00</b>	<b>\$885,750.00</b>
<b><u>OTHER EXPENSE</u></b>			
11356 Executive Committee	\$2,228.20	\$15,000.00	\$15,000.00
11363 Annual Meeting	\$203,402.44	\$210,000.00	\$200,000.00
11364 Compliance Committee	\$100.00	\$500.00	\$500.00
11365 Finance Committee	\$50.00	\$250.00	\$250.00
11366 Rules Committee	\$445.80	\$20,000.00	\$10,000.00
11367 Technology Committee	\$100.00	\$1,000.00	\$1,000.00
11368 Training/Education Committee	\$2,726.52	\$10,000.00	\$10,000.00
11370 ABM Workgroup	\$17,045.10	\$10,000.00	\$10,000.00
11371 DCA Liaison Committee	\$150.00	\$500.00	\$500.00
11372 Annual Report	\$1,651.00	\$2,000.00	\$2,000.00
11352 Defense Litigation	\$0.00	\$10,000.00	\$10,000.00
11354 ICOTS	\$467,467.98	\$446,200.00	\$457,000.00
<b>Total Other Expense</b>	<b>\$695,367.04</b>	<b>\$725,450.00</b>	<b>\$716,250.00</b>
<b>Total Commission Expenses</b>	<b>\$1,504,584.27</b>	<b>\$1,587,000.00</b>	<b>\$1,602,000.00</b>

Interstate Commission for Adult Offender Supervision  
FY2021 & FY2022 · Dues Table

State	State Dues Ratio	State Population	US Population	State Offender Transfers	US Offender Transfers	FY 2021 State Dues	FY2022 State Dues 30% Reduction*
U.S. Virgin Islands	0.000275930	102,000	312,573,327	51	226,127	\$10,314.65	\$7,220.26
Vermont	0.002192759	625,741	312,573,327	539	226,127	\$20,629.30	\$14,440.51
Alaska	0.002321278	710,231	312,573,327	536	226,127	\$20,629.30	\$14,440.51
Wyoming	0.003101681	563,626	312,573,327	995	226,127	\$20,629.30	\$14,440.51
Maine	0.003433878	1,328,361	312,573,327	592	226,127	\$20,629.30	\$14,440.51
North Dakota	0.003567856	672,591	312,573,327	1,127	226,127	\$20,629.30	\$14,440.51
Hawaii	0.003683973	1,360,301	312,573,327	682	226,127	\$20,629.30	\$14,440.51
South Dakota	0.003756755	814,180	312,573,327	1,110	226,127	\$20,629.30	\$14,440.51
Dist. of Columbia	0.003812699	601,723	312,573,327	1,289	226,127	\$20,629.30	\$14,440.51
Delaware	0.003897364	897,934	312,573,327	1,113	226,127	\$20,629.30	\$14,440.51
New Hampshire	0.004608876	1,316,470	312,573,327	1,132	226,127	\$20,629.30	\$14,440.51
Montana	0.004839712	989,415	312,573,327	1,473	226,127	\$20,629.30	\$14,440.51
Rhode Island	0.005035811	1,052,567	312,573,327	1,516	226,127	\$20,629.30	\$14,440.51
Nebraska	0.005488602	1,826,341	312,573,327	1,161	226,127	\$20,629.30	\$14,440.51
Utah	0.006818062	2,763,885	312,573,327	1,084	226,127	\$20,629.30	\$14,440.51
West Virginia	0.006840235	1,852,994	312,573,327	1,753	226,127	\$20,629.30	\$14,440.51
Idaho	0.006912147	1,567,582	312,573,327	1,992	226,127	\$20,629.30	\$14,440.51
Puerto Rico	0.006926135	3,725,789	312,573,327	437	226,127	\$20,629.30	\$14,440.51
New Mexico	0.008554232	2,059,179	312,573,327	2,379	226,127	\$20,629.30	\$14,440.51
Nevada	0.009248514	2,700,551	312,573,327	2,229	226,127	\$28,651.80	\$20,056.26
Iowa	0.010478282	3,046,355	312,573,327	2,535	226,127	\$28,651.80	\$20,056.26
Connecticut	0.010933309	3,574,097	312,573,327	2,359	226,127	\$28,651.80	\$20,056.26
Kansas	0.011690444	2,853,118	312,573,327	3,223	226,127	\$28,651.80	\$20,056.26
Oregon	0.012772777	3,831,074	312,573,327	3,005	226,127	\$28,651.80	\$20,056.26
Mississippi	0.013821108	2,967,297	312,573,327	4,104	226,127	\$28,651.80	\$20,056.26
Oklahoma	0.015537430	3,751,351	312,573,327	4,313	226,127	\$28,651.80	\$20,056.26
South Carolina	0.015854272	4,625,364	312,573,327	3,824	226,127	\$28,651.80	\$20,056.26
Arkansas	0.016655424	2,915,918	312,573,327	5,423	226,127	\$28,651.80	\$20,056.26
Massachusetts	0.016945776	6,547,629	312,573,327	2,927	226,127	\$28,651.80	\$20,056.26
Colorado	0.017044194	5,029,196	312,573,327	4,070	226,127	\$28,651.80	\$20,056.26
Minnesota	0.017461545	5,303,925	312,573,327	4,060	226,127	\$28,651.80	\$20,056.26
Washington	0.017708586	6,724,540	312,573,327	3,144	226,127	\$28,651.80	\$20,056.26
Kentucky	0.019020854	4,339,367	312,573,327	5,463	226,127	\$28,651.80	\$20,056.26
Maryland	0.020028124	5,773,552	312,573,327	4,881	226,127	\$28,651.80	\$20,056.26
Alabama	0.020034839	4,779,736	312,573,327	5,603	226,127	\$28,651.80	\$20,056.26
Louisiana	0.020074134	4,533,372	312,573,327	5,799	226,127	\$28,651.80	\$20,056.26
Wisconsin	0.020331880	5,686,986	312,573,327	5,081	226,127	\$28,651.80	\$20,056.26
Arizona	0.020791899	6,392,017	312,573,327	4,779	226,127	\$28,651.80	\$20,056.26
Indiana	0.022561702	6,483,802	312,573,327	5,513	226,127	\$28,651.80	\$20,056.26
Tennessee	0.024884257	6,346,105	312,573,327	6,663	226,127	\$28,651.80	\$20,056.26
Michigan	0.026388241	9,883,640	312,573,327	4,784	226,127	\$36,674.30	\$25,672.01
New Jersey	0.027655650	8,791,894	312,573,327	6,147	226,127	\$36,674.30	\$25,672.01
North Carolina	0.028234837	9,535,483	312,573,327	5,871	226,127	\$36,674.30	\$25,672.01
Missouri	0.029694838	5,988,927	312,573,327	9,097	226,127	\$36,674.30	\$25,672.01
Virginia	0.030392731	8,001,024	312,573,327	7,957	226,127	\$36,674.30	\$25,672.01
Ohio	0.031855837	11,536,504	312,573,327	6,061	226,127	\$36,674.30	\$25,672.01
Pennsylvania	0.036617402	12,702,379	312,573,327	7,371	226,127	\$36,674.30	\$25,672.01
Illinois	0.038255382	12,830,632	312,573,327	8,019	226,127	\$36,674.30	\$25,672.01
Georgia	0.045818065	9,687,653	312,573,327	13,713	226,127	\$44,696.81	\$31,287.77
New York	0.048804055	19,378,102	312,573,327	8,053	226,127	\$44,696.81	\$31,287.77
Florida	0.059987433	18,801,310	312,573,327	13,528	226,127	\$44,696.81	\$31,287.77
California	0.077403134	37,253,956	312,573,327	8,055	226,127	\$52,719.31	\$36,903.52
Texas	0.078945063	25,145,561	312,573,327	17,512	226,127	\$52,719.31	\$36,903.52

\$1,516,253.26

\$1,061,377.33

\*Pending Approval

## ICAOS Dues Reduction Proposal

State budgets face significant pressure and lingering uncertainty regarding the size and duration of the economic challenge presented by COVID-19. To help states navigate this uncertain time, the ICAOS Executive Committee proposes that the Commission should use reserve funds in fiscal year 2022 to provide one-time relief.

At present, the Commission's reserve and investment funds total approximately \$3 million; however, these funds generate income included annually in the ICAOS operating budget; and, they are subject to market fluctuations. Also, due to standing practice as established by prior Executive Committees, the Commission currently maintains 100% of an annual year's operating costs in reserve (approximately \$1.6 million). Further, the Commission annually collects roughly \$1.516 million in dues, requiring the use of reserve funds to balance the budget.

Though continued and expanded use of investment funds may result in dues increases in the future, operational changes today will allow for a manageable temporary adjustment without significant effect on the Commission's services or goals. To ensure transparency and encourage reflection by Commissioners over the coming months, chairs will share information about the proposal for the fiscal year 2022 one-time 30% dues reduction in regional meetings.

Through comprehensive participation in regional discussions, the Executive Committee and Chair Stromberg hope to gain perspective on each state's position. And, they seek to build a consensus around prudently addressing member needs while maintaining the Commission's stability and progress.

	<b>FY 2021</b>	<b>FY 2022</b>
Total Revenue (Dues, Interest)	\$1,544,253.26	\$1,089,377.26
Total Expenses	\$1,587,000.00	\$1,540,000.00
<b>Difference</b>	<b>\$42,746.74</b>	<b>\$450,622.74</b>
Anticipated Savings	\$163,275.00	\$48,625.00
Total Reserve Needed: \$281,469.48		

**Enhancement #1 - CCN Language Update**

**Proposal to modify/enhance ICOTS application:**

***Update Language on CCN Due Notifications***

**Proposed by:** Technology Committee (via DCA Liaison Committee)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office, State Administrators

**Statement of Need:**

Improve the timing and wording of the Case Closure Notice is due/due notification emails so it is clear the receiving state is responsible for submitting the Case Closure Notice on the Supervision End Date or within 10 business days after the Supervision End Date. Currently, the notice is sent to both the sending state and receiving state POs several times up to 30 days in advance of the supervision end date. It simply indicates when it is due but says to log into ICOTS and complete it which causes the sending state user to question why they are receiving the instruction to submit a CCN if they aren't supervising the offender. It also gives the receiving state PO the impression it should be submitted when the notification is received which could be up to 30 days in advance of the supervision end date.

It is recommended that the body of the CCN due notification be changed as follows:  
"This email is a reminder that the supervision end date for John Doe (111111) is currently XX/XX/20XX. If you are the sending state PO, please ensure the case is eligible for closure on that date and log into ICOTS to modify the date if needed from the Compact Cases tab of the offender's profile. If you are the receiving state PO, please log into ICOTS and complete a Case Closure Notice on or within 10 business days after the supervision end date."

**Current Practices:**

The CCN is due/due email notifications often cause sending state users to contact the Compact Office to find out why they are being asked to submit a CCN when they aren't supervising and Compact Offices have to tell them to ignore that request. These types of notifications cause users to then ignore other ICOTS notifications they receive because they begin to feel ICOTS notifications aren't always applicable or accurate. In addition, it causes receiving state users to submit CCNs in advance of the supervision end date which is not allowed by Compact rules.

## ER\_2020\_01\_CCNDueNotifications\_Technology

**From:** ICOTS Notification <[icots@globalnotifications.com](mailto:icots@globalnotifications.com)>  
**Sent:** Saturday, April 18, 2020 6:01 AM  
**To:** Jeanne Kalvar <[jkalvar@appriss.com](mailto:jkalvar@appriss.com)>  
**Subject:** A(n) Case Closure Notice for Kentucky offender Lamel Gary (15056) is due today

This e-mail is a reminder that a Case Closure Notice for Lamel Gary (15056) is due today. Please log into ICOTS and complete it.

---

Offender Name: Lamel Gary

ICOTS Offender #: 15056

ICOTS Case #: 15096

Sending State: Kentucky

Receiving State: Indiana

Supervision Type: Parole

Special Status: None

Offender Profile: <https://icots.qa.appriss.com/ICOTS/offenders/15056>

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*The following information is drafted by the Technology Committee*

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### **Justification of Enhancement Priority:**

This correction and clarification of the CCN due notification will reduce the amount of confusion and contacts with the Compact offices as well as the premature creating and ultimate return of CCNs submitted into the workflow in advance of the supervision end date. This will save time and reduce frustration as well as increase the credibility of ICOTS notifications. In addition, adding the guidance directed to the sending state PO will hopefully encourage them to verify cases will be able to close on the expiration date or extend the expiration their state's procedures prior to the SED rather than denying CCNs on or after the SED and asking the receiving state to continue to supervise.

### **Region/Committee action:**

DCA South Region March 2019: Julie Lohman (DCA Virginia) drafted enhancement request language and sent to DCA Liaison Committee for review and recommendation to Technology Committee.

DCA Liaison Committee May 2019: DCA J. Lohman (VA) presented an ICOTS enhancement request prepared by the Commonwealth of Virginia and the South Region States. The enhancement improves the timing and wording of the Case Closure Notice due notification emails.

**The committee moved to forward the enhancement request proposed by the Commonwealth of Virginia and the South Region States to the Technology Committee for approval. Motion carried.**

## ER\_2020\_01\_CCNDueNotifications\_Technology

Technology Committee November 2019: Chair C. Moore (GA) stated that the committee received two enhancement requests from the DCA Liaison committee for review and approval. The first request was to add more specific information to the ICOTS case closure due notifications.

Commissioner D. Blanchard (UT) expressed his support for the proposed concept to clarify Case Closure Notice. He noted that the proposal had no impact on other ICOTS processes.

Training Coordinator M. Spring suggested also adding instructions on how to change the supervision end date (SED), if the date was incorrect.

DCA D. Cobb (MI) agreed with the proposed addition.

ICOTS Project Manager X. Donnelly expressed his support for this enhancement request.

**Commissioner D. Blanchard (UT) moved to approve the proposed enhancement request with the addition of instructions on how to change the Supervision End Date. Commissioner B. Jean (NH) seconded. Motion passed.**

Technology Committee July 14, 2020: The committee reviewed the comment received for the ER\_2020\_01 *Update Language on CCN Due Notifications* enhancement.

The committee decided to leave the proposal as it was originally written.

**Commissioner J. Lopez (WI) moved to approve ER\_2020\_01 *Update Language on CCN Due Notifications* enhancement as written for full Commission vote at the 2020 ABM. Commissioner D. Blanchard (UT) seconded. Motion passed.**

### **Impact on Other ICOTS Processes:**

None

### **Impact to External Data:**

None

### **Development Cost:**

\$2,190

### **Functional Specifications**

Modify the body text on the Case Closure Notice Is Due to read:

**This email is a reminder that the supervision end date for <Offender Name> (<Offender ID>) is currently <Supervision End Date>. If you are the sending state PO, please ensure the case is eligible for closure on that date and log into ICOTS to modify the date if needed from the Compact Cases tab of the offender's profile. If you are the receiving state PO, please log into ICOTS and complete a Case Closure Notice on or within 10 business days after the supervision end date."**

Modify the body text on the Case Closure Notice Is Due Today to read:

**This email is a reminder that the supervision end date for <Offender Name> (<Offender ID>) is today (<Supervision End Date>). If you are the sending state PO, please ensure the case is eligible for closure on that date and log into ICOTS to modify the date if needed from the Compact Cases tab of the offender's profile. If you are the receiving state PO, please log into ICOTS and complete a Case Closure Notice on or within 10 business days after the supervision end date."**

Modify the body text on the Case Closure Notice Was Due to read:

**This email is a reminder that the supervision end date for <Offender Name> (<Offender ID>) was due on <Supervision End Date>. If you are the sending state PO, please ensure the case is eligible for closure on that date and log into ICOTS to modify the date if needed from the Compact Cases tab of the offender's profile. If you are the receiving state PO, please log into ICOTS and complete a Case Closure Notice on or within 10 business days after the supervision end date."**



**Enhancement #2 - Removing Retaking Requirement**

**Proposal to modify/enhance ICOTS application:**

***Add Ability for RECSTA Compact Office to Remove Retaking Requirement from OVR***

**Proposed by:** Technology Committee (via DCA Liaison Committee)

**Users Impacted:**

Compact Office

**Statement of Need:**

Once a behavior requiring retaking has been submitted and responded to, there is no ability to withdraw that violation report, and the ICOTS system does not allow any other actions other than retaking when the offender is available. There are occasions when PC is not found on the behavior requiring retaking, new information is learned, or an offender's situation changes after submission of the violation report. When PC is not found, the sending state has no obligation to retake any longer. If new information is learned or the offender's situation changes, the receiving state may agree to continue to supervise even after the violation has been submitted. When PC is not found or both states agree to continue supervision, it is requested that the option be added to the addendum to violation report for the receiving state to indicate "retaking no longer required" and for the sending state to reply with an option to "continue to supervise". These options should only be available via addendums to violation reports available to compact staff/administrators or, by creating a new button/feature that allows only compact office staff to submit this type of action and require validation from both states similar to a case closure notice.

National Office Suggestions: Ensure the option is available for ALL Violation Reports Requiring Retaking instances, not just behavior requiring retaking.

**Current Practices:**

MN currently marks the offender as "unavailable" for retaking and notes in the comment section the reason why the offender is not being retaken, or asks the receiving state to do so. We do this so that the ICOTS reports will not continue to reflect that the offender was available and the responsible state has not retaken within the mandated 30-day timeframe. However, the case will still appear on reports for cases requiring attention/retaking even though it has been resolved. This also leads to confusion when looking at the ICOTS record and does not seem to be a practical solution in the long term.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

This enhancement would improve the validity and accuracy of the information provided within ICOTS and will reflect the actual status of the case, rather than simply marking someone as "not available" when that is not their true status. It will eliminate offenders continuing to show up on reports as "needing attention."

**Region/Committee action:**

DCA Liaison Committee May 2019: Chair T. Hudrlik (MN) presented an ICOTS enhancement request prepared by the State of Minnesota on behalf of the DCA Liaison Committee. She stated that once a behavior requiring retaking had been submitted and responded to, there was no ability to withdraw that violation report, and the ICOTS system did not allow any other actions other than retaking when the offender was available. These options should be available to compact administrators and on addendums to violation report. She added that this enhancement would improve the validity and accuracy of the information provided within ICOTS and will reflect the actual status of the case, rather than simply marking someone as "not available" when that is not their true status.

ICOTS Project Manager X. Donnelly suggested asking Appriss to come up with the best solution using the simplest and most cost-efficient way to solve this issue.

**The committee moved to forward the enhancement request proposed by the State of Minnesota on behalf of the DCA Liaison Committee to the Technology Committee for approval. Motion carried.**

Technology Committee November 2019: The committee reviewed the second ICOTS enhancement request proposed by the DCA Liaison Committee. The request gives receiving state compact offices the ability to remove the requirement for retaking on a Violation Report after a response is sent.

DCA M. Billinger (KS) stated that currently there was no process for this functionality, which complicates tracking the case in ICOTS.

DCA M. Evans (WI) agreed with creating a new process, but disagreed that only compact offices should have an ability to amend it. She believed this created a precedent where a compact office could override the supervising officer's recommendations.

Training Coordinator M. Spring expressed her concerns with training logistics, if the capacity to amend was given to stakeholders outside of the compact office.

## **ER\_2020\_02\_RemoveRetakingObligationOVR\_Technology**

DCA C. Alfonso (NJ) spoke for keeping this action at the compact office level only.

The committee discussed the importance of this proposal especially with cases where the absconders did not abscond, but rather were in jails, hospitals, or no longer alive.

ICOTS Project Manager X. Donnelly expressed his support for the enhancement. He noted that it was premature to decide who should have discretion to override these cases and suggested consulting with Appriss on the best solution to proceed with this enhancement.

**Commissioner M. Pevey (WA) moved to approve the enhancement request to add the ability for receiving state compact offices to remove the requirement for retaking on a Violation Report after a response was sent. Commissioner D. Blanchard (UT) seconded. Motion passed.**

Technology Committee July 14, 2020: The committee reviewed comments received for *ER\_2020\_02 Add Ability for RECSTA Compact Office to Remove Retaking Requirement from OVR* enhancement.

ICOTS Project Manager X. Donnelly noted that Appriss provided a statement of work for this enhancement. They are going to make changes through an addendum to the violation report. The option to remove the requirement for retaking will only appear to Compact Office users in the receiving state. The assigned probation officer (PO) will see the changes without an option to remove it.

The committee agreed the ability to remove the requirement for retaking should only be available at the compact office level.

DCA J. Lohman (VA) inquired if it was possible to merge two addendums created by different users.

ICOTS Project Manager X. Donnelly stated that this was not included in the original scope of work. He added that there could be a problem with ownership of the data as it moves through the workflow.

Training Coordinator M. Spring suggested reassigning cases to yourself, if users sent a violation report requiring retaking and probable cause is requested and not found. She noted that users could also withdraw addendums.

For training purposes, DCA J. Lohman (VA) suggested transmitting the addendum from the PO and sending a follow up addendum with the updated information.

**Commissioner J. Lopez (WI) moved to approve *ER\_2020\_02 Add Ability for RECSTA Compact Office to Remove Retaking Requirement from OVR* enhancement as written for full Commission vote at the 2020 ABM. Commissioner M. Pevey (WA) seconded. Motion passed.**

**Impact on Other ICOTS Processes:**

This enhancement will affect the processing of violation reports and addendums (including respective PDFs) by the compact office staff and will affect ICOTS reports.

**Impact to External Data:**

ICOTS data fields for recommendation/responses (which already exist) expanded to include these new selections, “*Retaking no longer required.*”

**Development Cost:**

\$22,350

**Functional Specifications:**

Modify the Addendum to Violation Report to allow AVRs to be created by a Compact Office Member (currently only option exists for assigned Supervising User in the receiving state)\_associated with the RECSTA Compact Office for Compact Case.

The following new recommendation option “*Retaking no longer required*” will be available to Compact Office users on the Addendum to Violation Report Recommendations screen.

On the Response to Violation Report Response screen, add a new Response Option:  
*Retaking no longer required*

When an RVR with the Response Retaking no longer required is transmitted, the following occurs:

- On the AVR Recommendation screen for all future AVRs:
  - The *Retaking no longer required* Recommendation option is displayed (for all Users)
  - The *Retaking no longer required* Recommendation option is selected by default
  - All the Recommendation Options are grayed out so the user cannot change the selected Recommendation Options.
- On the RVR Response screen for all future RVRs type, and the Recommendations Options are all grayed out to indicate that it cannot be changed to a different Recommendation type.

On the Violation Information screens, Violation Information table:

- In the column Return/Retake Obligation for the violation, when a Violation has an RVR Transmitted that

## **ER\_2020\_02\_RemoveRetakingObligationOVR\_Technology**

On the AVR PDF: Add Retaking No Longer Required as a Recommendation option checkbox, checked when Retaking No Longer Required is the selected recommendation.

Modify Offenders Requiring Retaking Report (Detailed and Summary) as follows:  
Remove all offenders where an RVR with Response Retaking No Longer Required has been transmitted.

**Enhancement #3 - Selecting CARs – WITHDRAWN**

**Proposal to modify/enhance ICOTS application:**

***Allow Users to Select the Specific CAR and Multiple CARs to Which They Are Replying***

**Proposed by:** Technology Committee (via DCA Liaison Committee)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office

**Statement of Need:**

The current CAR system is flawed. Currently, when multiple CARs are sent and not responded to, CAR responses from another state that are unrelated to the intended CAR being responded to is attached to the oldest CAR previously sent. This can create confusion among ICOTS users. Important information can be "buried" into CARs that are old and irrelevant. ICOTS should be changed so users can pick which CAR they are responding to. ICOTS is a great program for sharing information about an offender's case. The flow of said information should be more organized and user friendly.

National Office Suggestions: Add the ability to select multiple CARs to respond to. This will assist in cleanup efforts when states fail to respond to multiple CARs with same request.

**Current Practices:**

Many users often call stating that they received an email for a compact action request but they cannot find it. Our office tells users to look at the dates for the CARs and to locate the CAR by the date. Often times, the CAR they were looking for is attached to a CAR that may have been sent over one year ago.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

This enhancement will make the information in CARs more organized and user friendly. The flow of information chronologically is widely adopted by many other systems. The current CAR system sometimes does not allow for the chronological flow of information and can make gathering case information confusing and difficult. For example, if agents are gathering information for a violation report, it is often the practice to print CARs and CAR responses for violation hearing evidence. When a CAR is responded to and attached to an older, irrelevant CAR, this can also create confusion for hearing officers/authorities.

**Region/Committee action:**

DCA Liaison Committee February 2020: Chair T. Hudrlik (MN), presented an ICOTS Enhancement proposal submitted by the State of Minnesota. The proposal was to add users' ability to choose the CAR they were responding to. Currently, users had to reply to each CAR to keep it on the top of their list.

ICOTS Project Manager X. Donnelly clarified that the system was designed that way to ensure two-way communication between the states and to verify the CAR was received by the other state.

The committee discussed changing ICOTS requirement to mandate responses to CARs.

The committee decided to proceed with the enhancement as originally drafted.

**DCA N. Latulippe (CT) moved to forward MN enhancement request to the Technology Committee for consideration as drafted. DCA S. Hammond (IA) seconded. Motion passed.**

Technology Committee April 20, 2020: The committee reviewed ER-2020-03 *Allow Users to Select the Specific CAR to Which They are Replying* enhancement proposed by the DCA Liaison Committee and submitted by the Technology Committee. The national office suggested the enhancement should also include the ability for users to reply to multiple Compact Action Requests with a single reply.

DCA M. Billinger (KS) supported the proposal.

**Commissioner J. Lopez (WI) moved to approve and refer enhancement proposal ER-2020-03 *Allow Users to Select the Specific CAR to Which They are Replying* to posting for comments as presented. Commissioner D. Blanchard (UT) seconded. Motion passed.**

Technology Committee July 14, 2020: The committee reviewed the comment received for ER\_2020\_03 *Allow Users to Select the Specific CAR and Multiple CARs to Which They Are Replying* enhancement.

**Commissioner M. Pevey (WA) moved to approve ER\_2020\_03 *Allow Users to Select the Specific CAR and Multiple CARs to Which They Are Replying* enhancement as written for full Commission vote at the 2020 ABM. Commissioner J. Lopez (WI) seconded. Motion passed.**

**Technology Committee August 18, 2020: Commissioner B. Jean (NH) moved to remove the enhancement ER\_2020\_03\_ChooseCARToReplyTo\_Technology from consideration at this time. Commissioner D. Blanchard (UT) seconded. Motion passed.**

**Impact on Other ICOTS Processes:**

No impact on rules or other ICOTS processes.

**Impact to External Data:**

CAR identifying data is already provided to the compact\_action\_requests table in data export which may be modified due to this change.

**Development Cost:**

\$30,450

**Functional Specifications Drafted by National Office:**

Modify Compact Action Reply Assistant to display only one row per User with unanswered Compact Action Requests, rather than multiple rows of one per request.

Add new CAR Response Selection Form.

Display imbedded Multi-select field of Compact Cases.

Modify the Review Compact Action Request screen on the Compact Action Request Response Change Title to: ***Review Compact Action Request(s) for <Offender Name>***

Modify the Preview Screen on the Compact Action Request Response. Under Request Items, add the field ***Requested Date***.

Modify the Compact Action Request Response PDF to repeat the whole Request portion of the PDF to display every Compact Action Request which this Response addresses.



**Enhancement #4 - CAR Specialization for Travel Permits**

Proposal to modify/enhance ICOTS application:

***Add New CAR Specialization for Travel Permits  
(consider/suggest additional indicators) with Indicator to be  
included in Email Subject (as described in  
05\_CommentPreviewinCAREmails\_Technology)***

**Proposed by:** Technology Committee (via KS)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office, State Administrator

**Statement of Need:**

With rule 3.110, Travel Permits, taking effect on April 1st 2020, receiving state users utilize compact action requests to notify offenders will be traveling to the sending state. Currently, when submitting a compact action request, ICOTS does not have a travel permit specialization option. Adding the travel permit option to the "specialization" drop down menu and adding the "travel permit" language to the ICOTS email notification will allow sending states to sort through ICOTS notification emails and notify victims in a timely manner.

**National Office Suggestions:**

- **As adding a new selection to the drop down menu for CAR specializations, the Commission should consider other specializations that could be added.**
- As the new drop down choice is a different technical change than the email notifications, the committee should consider including the email language change to ER\_2020\_05\_CommentPreviewinCAREmails\_Technology and have ALL specializations provided in the email notifications and previews.

**Current Practices:**

Rule 3.110 took effect on April 1st. It is anticipated most users use compact action requests for travel permit notifications. Currently ICOTS users receive a "generic" email notification indicating a compact action request has been submitted. To view the content of the CAR, users have to access ICOTS and open the compact action request. This is problematic with users who have a large case workload as they receive hundreds of notifications on a daily basis.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

This enhancement will allow sending states to manage the travel permit compact action requests and victim notifications in a timely manner.

**Region/Committee action:**

DCA Liaison Committee February 24, 2020: The committee reviewed an enhancement proposal informally submitted by DCA S. Hammond. By adding the travel permit option to the "specialization" drop down menu and adding the "travel permit" language to the ICOTS email notification, sending states would be able to sort through ICOTS notification emails and notify victims in a timely manner.

The committee was in favor of the proposal.

Currently, Iowa does not have an appointed commissioner. DCA M. Billinger (KS) will ask his commissioner to sign on the enhancement.

DCA M. Billinger (KS) inquired about amending the proposal by adding a comment field to CARs.

ICOTS Project Manager X. Donnelly stated it would affect different process and recommended submitting this concept as a separate request.

DCA M. Billinger (KS) serves on the Technology Committee and plans to submit this concept directly to the Technology Committee.

**DCA D. Clark (ME) moved to forward IA enhancement request to the Technology Committee for consideration. DCA S. Hammond (IA) seconded. Motion passed.**

Technology Committee April 20, 2020: The committee reviewed ER-2020-04 *Add New CAR Specialization for Travel Permits with Indicator in Email Subject* enhancement submitted by the Technology Committee with support from DCA Liaison Committee (via M. Billinger.) The committee considered the modifications suggested by national office to include the specialization in email notifications as described in ER-2020-05 and that the Commission should consider and propose additional drop-down options with this proposal during the comment period.

**Commissioner J. Lopez (WI) moved to approve and refer enhancement proposal ER-2020-04 *Add New CAR Specialization for Travel Permits with Indicator in Email Subject* as recommended for all CAR email notifications to posting for comments as presented. Commissioner M. Pevey (WA) seconded. Motion passed.**

Technology Committee July 14, 2020: The committee reviewed comments received for ER\_2020\_04 *Add New CAR Specialization for Travel Permits with Indicator to be included in Email Subject* enhancement.

## **ER\_2020\_04\_NewCARSpecializationTravelPermits\_Technology**

DCA J. Lohman (VA) supports this enhancement. She suggested considering other specialization language to add to emails specific to existing specialized CAR: “1) Third state transfer and develop instructions for who and how the third state transfer is initiated as users often think the receiving can submit the TREQ to the subsequent state and sending state users often do not know how to select the specialized Transfer Request that copies case materials over to a new case/transfer; 2) When a progress report is requested, adding language to the email that reminds users to use the progress report already created when the CAR was submitted rather than creating a new one that does not satisfy the deadline for submission.”

ICOTS Project Manager X. Donnelly clarified that any progress report transmitted after one is requested fulfills the requirement created with the specialized CAR, regardless of whether the original progress report was deleted by the sending state user.

**Commissioner J. Lopez (WI) moved to approve ER\_2020\_04 Add New CAR Specialization for Travel Permits with Indicator to be included in Email Subject enhancement as written for full Commission vote at the 2020 ABM. Commissioner D. Blanchard (UT) seconded. Motion passed.**

### **Impact on Other ICOTS Processes:**

No impact on rules or process.

### **Impact to External Data:**

None. ‘Specialization’ column is already provided to the *compact\_action\_requests* table in data export. This new selection will be added to the existing table.

### **Development Cost:**

\$3,480

### **Functional Specifications Drafted by National Office:**

Modify the Specialization Dropdown list on the Action Request screen of the Compact Action Request Builder to add the Specialization: *Travel Permits*.

Confirm the Specialization *Travel Permits* is displayed in the Compact Action Reply on the Review Compact Action Request form.

**Enhancement #5 - CAR Email Body**

**Proposal to modify/enhance ICOTS application:**

***Include Preview of the Comment Field and Specialization in CAR Email Body***

**Proposed by:** Technology Committee (via KS)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office, State Administrator

**Statement of Need:**

Currently as multiple compact action requests (CAR) are being submitted, it is important to note that some carry more weight, liability, and concern than others. There are also simple, low priority CAR's being submitted as well. If the email notification showed a preview or sample of the context of the compact action request and specialization then compact office staff and supervision officer users would be able to prioritize CAR's regarding violations, retaking, travel permits, and delay action on CARs such as "clean up" or "OK" responses.

National Office Suggestions: Include ALL specialization indicators in CAR email notifications as described in  
ER\_2020\_04\_NewCARSpecializationTravelPermits\_Technology (regarding travel permits)

**Current Practices:**

Currently, compact office staff and users open each compact action request to view what is sent, relating to their caseload.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

This was also discussed with the DCA Liaison Committee and received a positive response. This will allow users to focus on high priority items at the time of delivery, and process less impactful requests as time allows. Many users I have spoken to wait and review all CAR's at one time, maybe once a week or less often. Therefore, they are not seeing those high priority requests coming through, and managing all requests the same.

**Region/Committee action:**

## **ER\_2020\_05\_CommentPreviewinCAREmails\_Technology**

Technology Committee April 20, 2020: The committee reviewed ER-2020-05 *Include Preview of the Comment Field and Specialization in CAR Email Body* enhancement submitted by the Technology Committee (via DCA M. Billinger) with consideration of suggested changes by the national office to include the specialization of all CAR email notifications.

**Commissioner D. Blanchard (UT) moved to approve and refer enhancement proposal ER-2020-05 *Include Preview of the Comment Field and Specialization in CAR Email Body* to posting for comments as presented. Commissioner B. Jean (NH) seconded. Motion passed.**

Technology Committee July 14, 2020: The committee reviewed comments received for ER\_2020\_05 *Include Preview of the Comment Field and Specialization in CAR Email Body* enhancement.

ICOTS Project Manager X. Donnelly clarified that even though enhancement ER\_2020\_05 goes together with the enhancement ER\_2020\_04, both enhancements can function separately.

**Commissioner D. Blanchard (UT) moved to approve ER\_2020\_05 *Include Preview of the Comment Field and Specialization in CAR Email Body* enhancement as written for full Commission vote at the 2020 ABM. Commissioner M. Pevey (WA) seconded. Motion passed.**

### **Impact on Other ICOTS Processes:**

Email notification only. No impact on rules or process.

### **Impact to External Data:**

Add new 'preview text' column to the *compact\_action\_requests* table provided in data export. 'Specialization' column already provided.

### **Development Cost:**

\$6,420

### **Functional Specifications Drafted by National Office:**

Modify the Compact Action Request Notification to read:

**Subject: A Compact Action Request for <State> offender <Offender Name> (<Offender ID>) has been submitted (<Specialization>)**

**Body: This email is a notification that a Compact Action Request for <State> offender <Offender Name> (<Offender ID>) has been submitted. This is regarding <Specialization>. Please log into ICOTS for more information**

**Preview: <Description text block of the first Attachment on the Compact Action Request>**

When the CAR is associated with a Compact Activity, it should read:

**Subject: A Compact Action Request for<State> offender <Offender Name> (<Offender ID>) has been submitted (Regarding <Compact Activity Type>)**

**Body: This email is a notification that a Compact Action Request for <State> offender <Offender Name> (<Offender ID>) has been submitted. This is regarding a(n) <compact Activity Type> transmitted <Compact Activity Transmission Date>. Please log into ICOTS for more information**

**Preview: <Description text block of the first Attachment on the Compact Action Request>**

Description text block should be limited to the first 100 characters.

This text change is only added in the Compact Action Request notification, not the CAR Response.

Modify the Compact Action Request Response Notification to read:

**Subject: A Compact Action Request for <State> offender <Offender Name> (<Offender ID>) has been submitted**

**Body: This email is a notification that a Compact Action Request Response for <State> offender <Offender Name> (<Offender ID>) has been submitted. This is regarding <Specialization>. Please log into ICOTS for more information**

**Enhancement #6 - Rejected Case Notifications**

**Proposal to modify/enhance ICOTS application:**

***Update Rejected Case Notifications***

**Proposed by:** Technology Committee (via VA)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office, State Administrator

**Statement of Need:**

Requires attention notification is misleading/incorrect:

"Case for [Sending State] offender [name and number] requires attention" FOLLOW-UP ICOTS notification reads,

"This e-mail is a reminder that the case for John Doe (1234567) has been denied and the case requires attention or must be withdrawn." In addition to this being sent when a Transfer has actually been denied after RIs were approved, it is also sent when Reporting Instructions have been denied, no Notice of Departure sent, and a Transfer Request is still pending thus causing confusion and giving incorrect information that a case has been denied when it hasn't and that it requires attention when it doesn't.

This notification should be more specific to cover all scenarios. It should read,

*"This e-mail is a reminder that the case for John Doe (1234567) requires attention due to a denied Request for Reporting Instructions or rejected Transfer Request. Review the ICOTS Profile to determine whether the case should be withdrawn, a new Request for Reporting Instructions or Transfer Request should be transmitted or to confirm the case is awaiting a Transfer Reply from the receiving state. As a reminder, ensure the offender is only in the receiving state in compliance with Compact rules. Contact your Compact Office for assistance or clarification on rules or procedures."*

**Current Practices:**

Users are often confused, concerned and take inappropriate actions when hearing the case has been rejected but the transfer is actually still pending and there is no Notice of Departure.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

Provide more clarification, less confusion and less contacts to Compact Offices to explain why they are being told a case has been rejected when it hasn't been.

**Region/Committee action:**

Technology Committee April 20, 2020: The committee reviewed ER-2020-06 Update Reject Case Notifications enhancement submitted by the Technology Committee (via DCA J. Lohman) with consideration of suggested changes by the national office to ensure the email is specific rather than generic.

The committee discussed adding a link to the directory as proposed by the national office. DCA M. Billinger (KS) and DCA J. Lohman (VA) expressed their concerns that users would try to reach out to other states if they had a link to the directory. Both DCAs were against providing the link.

**Commissioner M. Pevey (WA) moved to approve and refer enhancement proposal ER-2020-06 *Update Reject Case Notifications* to posting for comments as amended. Commissioner J. Lopez (WI) seconded. Motion passed.**

Technology Committee July 14, 2020: There were no comments submitted for ER\_2020\_06 *Update Rejected Case Notifications* enhancement.

**Commissioner M. Pevey (WA) moved to approve ER\_2020\_06 *Update Rejected Case Notifications* enhancement as written for full Commission vote at the 2020 ABM. Commissioner J. Lopez (WI) seconded. Motion passed.**

**Impact on Other ICOTS Processes:**

No impact.

**Impact to External Data:**

No impact.

**Development Cost:**

\$1,170

**Functional Specifications Drafted by National Office:**

Modify the body text on the Requires Attention notification body text to read: **“This e-mail is a reminder that the case for <Offender Name> (<Offender ID>) requires attention due to a denied Request for Reporting Instructions or rejected Transfer Request. Review the ICOTS Profile to determine whether the case should be**



**withdrawn, a new Request for Reporting Instructions or Transfer Request should be transmitted or to confirm the case is awaiting a Transfer Reply from the receiving state. As a reminder, ensure the offender is only in the receiving state in compliance with Compact rules. Contact your Compact Office for assistance or clarification on rules or procedures."**

Stop transmitting this notification when Case Status = Accepted and the RFRI-Reply has been denied. It should only be transmitted when the Case Status is Pending.

**Enhancement #7 - Include Last Primary Residence**

**Proposal to modify/enhance ICOTS application:**

***Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs***

**Proposed by:** Technology Committee (via VA)

**Users Impacted:**

PO (Field User), Supervisor, Compact Office, State Administrator

**Statement of Need:**

The PDFs of the Case Closure Notice and Case Closure Notice Response contain the offender's last known Employment contact information but not the last known Residence and phone number. The home address and phone number fields were not part of the original CCN or CCN-Reply forms from which ICOTS was designed. Since the CCN and CCN Reply forms are often placed in the official file and/or provided to the court, it would seem that if the Employment address is listed on these PDFs, the Residence/phone would be listed also.

**Current Practices:**

Users have to locate a prior Progress Report (which could contain an old address depending on how old the PR is) or take a screenshot of the Residence tab in order to print that information for the court/file when addressing issues like fines, costs and restitution after closure.

*The following information is drafted by the Technology Committee*

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**Justification of Enhancement Priority:**

Since the CCN and CCN Reply forms are often placed in the official file and/or provided to the court, it would seem that if the Employment address is listed on these PDFs, the Residence/phone would be too. Otherwise, it appears incomplete and lacking in detail.

**Region/Committee action:**

Technology Committee April 20, 2020: The committee reviewed ER-2020-07 *Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs* enhancement submitted by the Technology Committee (via DCA J. Lohman.)

DCA J. Lohman (VA) and DCA M. Billinger (KS) spoke in favor of the enhancement.

**Commissioner D. Blanchard (UT)** moved to approve and refer enhancement proposal **ER-2020-07 *Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs*** to posting for comments. **Commissioner B. Jean (NH)** seconded. **Motion passed.**

Technology Committee July 14, 2020: There were no comments submitted for **ER\_2020\_07 *Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs*** enhancement.

**Commissioner J. Lopez (WI)** moved to approve **ER\_2020\_07 *Include Last Primary Residence on Both the Case Closure and Case Closure Reply PDFs*** enhancement as written for full Commission vote at the 2020 ABM. **Commissioner D. Blanchard (UT)** seconded. **Motion passed.**

**Impact on Other ICOTS Processes:**

No impact. PDF changes only.

**Impact to External Data:**

None.

**Development Cost:**

\$3,210

**Functional Specifications Drafted by National Office:**

Add a new section to the Case Closure Notice PDF and Case Closure Notice Reply:

- Placed above the Employment section and below the Supervision termination date field
- Data: Last know residence that is marked as Primary Residence for the Offender.

**INCOMING AND OUTGOING CASES - COMPACT SUPERVISION OFFENDERS AS OF 6/30/2020**

State	Incoming Cases			Incoming Offenders	Outgoing Cases			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation & Parole		Parole Only	Probation Only	Probation & Parole		
Alabama	603	2,895	110	3,541	462	1,264	3	1,717	5,258
Alaska	40	116	3	157	25	44	51	114	271
Arizona	691	1,470	-	2,124	224	2,661	-	2,869	4,993
Arkansas	608	1,593	17	2,179	1,810	1,588	15	3,396	5,575
California	1,296	4,226	77	5,522	742	2,275	-	2,999	8,521
Colorado	381	1,403	-	1,745	838	2,637	-	3,412	5,157
Connecticut	153	733	-	872	153	895	-	1,037	1,909
Delaware	202	662	5	800	11	279	8	296	1,096
District of	142	846	14	918	-	477	-	468	1,386
Florida	1,820	5,439	166	7,264	179	5,847	6	6,002	13,266
Georgia	1,277	3,965	22	5,160	946	7,591	631	9,036	14,196
Hawaii	31	110	-	140	122	164	-	286	426
Idaho	160	495	39	685	676	1,574	11	2,259	2,944
Illinois	1,243	3,610	-	4,758	1,070	2,334	-	3,371	8,129
Indiana	676	2,286	-	2,904	261	2,065	-	2,308	5,212
Iowa	370	1,198	11	1,552	511	962	5	1,461	3,013
Kansas	433	1,056	5	1,465	563	1,458	-	1,996	3,461
Kentucky	515	1,897	29	2,404	804	2,853	1	3,625	6,029
Louisiana	701	1,781	27	2,483	905	1,028	17	1,922	4,405
Maine	83	296	1	372	2	261	-	263	635
Maryland	568	2,959	25	3,423	497	1,468	23	1,767	5,190
Massachusetts	192	1,314	-	1,477	104	1,061	-	1,135	2,612
Michigan	753	1,950	39	2,691	475	1,102	1	1,570	4,261
Minnesota	412	1,480	38	1,891	409	2,634	-	2,953	4,844
Mississippi	606	1,441	32	2,054	549	1,627	6	2,176	4,230
Missouri	979	2,781	29	3,723	1,500	3,148	-	4,531	8,254
Montana	103	321	8	428	169	723	259	1,149	1,577
Nebraska	209	589	-	782	64	459	-	520	1,302
Nevada	297	923	25	1,234	551	1,027	8	1,577	2,811
New Hampshire	91	539	4	624	188	225	2	413	1,037
New Jersey	571	1,906	-	2,412	929	2,072	1	2,961	5,373
New Mexico	243	927	4	1,161	192	632	5	746	1,907
New York	778	3,746	2	4,387	1,568	1,833	-	3,375	7,762
North Carolina	1,082	3,514	88	4,556	381	1,059	22	1,432	5,988
North Dakota	130	852	20	977	45	405	98	540	1,517
Ohio	977	2,953	25	3,905	909	2,053	1	2,918	6,823
Oklahoma	913	1,871	16	2,741	203	1,295	10	1,503	4,244
Oregon	311	1,042	54	1,397	522	744	38	1,296	2,693
Pennsylvania	706	2,379	15	3,027	1,709	4,207	2	5,779	8,806
Puerto Rico	98	132	1	229	25	103	-	128	357
Rhode Island	41	428	-	461	40	828	1	860	1,321
South Carolina	620	2,290	133	2,990	212	563	4	773	3,763
South Dakota	105	446	-	542	227	412	-	634	1,176
Tennessee	971	3,626	81	4,591	446	2,848	23	3,309	7,900
Texas	2,323	4,408	-	6,600	2,684	6,908	1	9,467	16,067
Utah	180	629	15	809	183	278	1	459	1,268
Vermont	63	216	2	280	84	279	3	364	644
Virgin Islands	10	32	1	43	9	3	-	12	55
Virginia	648	1,763	38	2,393	325	6,465	60	6,533	8,926
Washington	663	1,744	115	2,495	77	678	1	753	3,248
West Virginia	182	1,145	9	1,302	506	390	-	890	2,192
Wisconsin	358	1,513	17	1,845	1,445	1,708	50	3,167	5,012
Wyoming	87	313	12	407	164	755	6	925	1,332
<b>Total</b>	<b>27,695</b>	<b>88,249</b>	<b>1,374</b>	<b>114,922</b>	<b>27,695</b>	<b>88,249</b>	<b>1,374</b>	<b>115,452</b>	<b>230,374</b>



## AWARD RECIPIENTS

### *Interstate Commission for Adult Offender Supervision*

2020 Annual Business Meeting

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#### **Executive Chair Award:** Chris Moore (GA), Commissioner

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Every year, the Commission Chair has the honor of presenting an award to a commissioner who makes fundamental and lasting contributions to the success and advancement of the Compact. The individuals recognized through this award embody qualities of leadership, service, dedication, and influence.

The 2020 recipient of the Executive Chair award is Commissioner Chris Moore (GA). Serving as the commissioner for the State of Georgia since 2012, Chris is a member of the Executive and Rules Committees and now chairs the Information Technology Committee. Moreover, Commissioner Moore's service includes a prior tenure as the South region chair. Chris is an active leader, supporting principled change and responsible growth while maintaining focus on the critical mission of public safety. It is a pleasure to recognize great colleagues like Chris for their outstanding work and ongoing commitment.

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## **Executive Director Award: Suzanne Brooks (OH), DCA**

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Annually, the Commission convenes to discuss public safety, share experiences, and learn from one another. At the same time, we recognize outstanding leadership and service from our peers and friends. The Executive Director's award is presented to an individual who exemplifies the spirit of the Compact. The recipient is an outspoken advocate for the values and mission of the Commission. Through their daily administration of the Compact, they employ leading strategies, ensuring public safety; and, they enrich us through their communication and participation in the Compact. Suzanne Brooks, Deputy Compact Administrator for Ohio is such an individual.

Over the past 6 years, Suzanne has served as the DCA for Ohio. Through that time, she has worked tirelessly to educate officials throughout her state and improve Ohio's compliance rate; and, she has been an active voice and participant on the ABM Workgroup and Compliance Committees. Suzanne's enthusiasm and generosity have earned the respect of staff, Commissioners, and her peers. For these reasons, Suzanne is the 2020 recipient of the Executive Director's Award.

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## **Peyton Tuthill Award: Lisa Kinard, Florida Victim Services Administrator**

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The Peyton Tuthill Award is presented to a legislator, victims' advocate, law enforcement officer, or an individual who demonstrates exceptional leadership and service for the victims of offenders under Compact supervision. While recipients are not professionally involved in the Compact, their outstanding contributions uphold ICAOS' mission to promote public safety, improve offender outcomes, and protect victims. The 2020 recipient of the Peyton Tuthill award, Florida Victim Services Administrator Lisa Kinard, exemplifies the Compact's mission.

For 34 years, Ms. Kinard has served as a victim advocate, spokesperson, and change agent. Ms. Kinard is a Florida certified contract manager, auxiliary probation officer, and member of the Florida Crisis Response Team. She serves as an at-large board member with the National Association of Victim Service Professionals in Corrections (NAVAC). Additionally, she is an active member of the Big Bend Victim Assistance Coalition (BBVAC), Florida Council on Crime and Delinquency (FCCD), and the National Institute of

Corrections' (NIC) Post-Conviction Victim Service Providers Network. She is a passionate supporter of the rights and safety of victims, inspiring others to become advocates. Lisa Kinard embodies the activist spirit of the Peyton Tuthill award, and her representation of victims within the criminal justice process and general society honors Peyton and her family.

## INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS

### PREAMBLE

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

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

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



## **ARTICLE I**

### **PURPOSE**

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

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

## **ARTICLE II**

### **DEFINITIONS**

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

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

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

### **ARTICLE III**

#### **THE COMPACT COMMISSION**

The compacting states hereby create the “Interstate Commission for Adult Offender Supervision.”

The Interstate Commission shall be a body corporate and joint agency of the compacting states.

The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

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

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

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

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

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

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

## **ARTICLE IV**

### **THE STATE COUNCIL**

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

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

## **ARTICLE V**

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

The Interstate Commission shall have the following powers:

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

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

## ARTICLE VI

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### Section A. By-laws

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

establishing the fiscal year of the Interstate Commission;

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

providing reasonable standards and procedures:

(i) for the establishment of committees, and

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

providing reasonable procedures for calling and conducting meetings of the Interstate

Commission, and ensuring reasonable notice of each such meeting;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

## **ARTICLE VII**

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VIII**

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

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

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

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

When promulgating a Rule, the Interstate Commission shall:

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

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

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

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

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

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

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

## **ARTICLE IX**

### **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION**

#### **Section A. Oversight**

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

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

## **Section B. Dispute Resolution**

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

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

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

## **Section C. Enforcement**

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

# **ARTICLE X**

## **FINANCE**

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

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

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

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

## **ARTICLE XI**

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

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

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

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

## **ARTICLE XII**

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

## **Section A. Withdrawal**

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

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

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

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

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

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

## **Section B. Default**

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

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

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

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



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

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

Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

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

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

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

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

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

#### **Section D. Dissolution of Compact**

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

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

### **ARTICLE XIII**

#### **SEVERABILITY AND CONSTRUCTION**

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

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

### **ARTICLE XIV**

#### **BINDING EFFECT OF COMPACT AND OTHER LAWS**

##### **Section A. Other Laws**

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

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

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

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

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

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

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

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

## **ARTICLE I**

### **COMMISSION PURPOSE, FUNCTION AND BY-LAWS**

#### ***Section 1. Purpose.***

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

#### ***Section 2. Functions.***

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

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

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

## **ARTICLE II**

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

## **MEMBERSHIP**

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

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

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

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

## **ARTICLE III**

### **OFFICERS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE IV

### COMMISSION PERSONNEL

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

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

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

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

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

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

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

## **ARTICLE V**

### **QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION**

#### ***Section 1. Immunity.***

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

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

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

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

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

## **ARTICLE VI**

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



## **MEETINGS OF THE COMMISSION**

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VII**

### **COMMITTEES**

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

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

#### ***Section 2. Standing Committees.***

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

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

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

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

#### ***Section 4. Regional Representatives.***

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

### **ARTICLE VIII**

#### **FINANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ARTICLE IX**

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

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

### **ARTICLE X**

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

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

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

## **ARTICLE XI**

### **DISSOLUTION OF THE COMPACT**

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

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

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



Interstate Commission for Adult Offender Supervision  
Ensuring Public Safety for the 21st Century

## ICAOS Rules

General information

Effective Date:  
April 21, 2020

## INTRODUCTION

### ICAOS RULES

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 <https://www.interstatecompact.org>.

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## CHAPTER 1: DEFINITIONS

### RULE 1.101

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 and employment; and failing to comply with reporting requirements.

**Adult** - means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

**Application Fee** - means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state

**Arrival** - means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender's departure from a sending state under an interstate compact transfer of supervision.

**Behavior Requiring Retaking** - means an act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and would result in a request for revocation of supervision in the receiving state.

**By-Laws** - means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission's actions or conduct.

**Compact** - means the Interstate Compact for Adult Offender Supervision.

**Compact Administrator** - means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

**Compact Commissioner or "Commissioner"** - means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

**Compliance** - means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

**Deferred Sentence** - means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

**Detainer** - means an order to hold an offender in custody.

**Discharge** - means the final completion of the sentence that was imposed on an offender by the sending state.

**Extradition** - means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive

has fled to evade justice or escape prosecution.

*References:*

*ICAOS Advisory Opinion*

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

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

*Reference:*

*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.

*Reference:*

*ICAOS Advisory Opinion*

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

**Reporting Instructions** - means the orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions shall include place, date, and time on which the offender is directed to report in the receiving state.

**Resident** - means a person who

1. has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and
2. intends that such state shall be the person's principal place of residence; and
3. has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

**Resident Family** - means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who

1. has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
2. indicates willingness and ability to assist the offender as specified in the plan of supervision.

**Retaking** - means the act of a sending state in physically removing an offender, or causing to have an offender removed, from a receiving state.

**Rules** - means acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

**Sending State** - means a state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

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

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

**Subsequent Receiving State** - means a state to which an offender is transferred that is not the sending state or the original receiving state.

**Substantial Compliance** - means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

*Reference:*

*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]

[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.

**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.

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

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

**Warrant** - means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

**History:**

**Adopted November 3, 2003, effective August 1, 2004; "Compliance" amended October 26, 2004, effective January 1, 2005; "Resident" amended October 26, 2004, effective January 1, 2005; "Resident family" amended October 26, 2004, effective January 1, 2005; "Substantial compliance" adopted October 26, 2004, effective January 1, 2005; "Supervision" amended October 26, 2004, effective January 1, 2005; "Travel permit" amended September 13, 2005, effective January 1, 2006; "Victim" amended September 13, 2005, effective January 1, 2006; "Relocate" adopted September 13, 2005, effective January 1, 2006; "Compact" adopted September 13, 2005, effective January 1, 2006; "Resident" amended September 13, 2005, effective January 1, 2006; "Relocate" amended October 4, 2006, effective January 1, 2007; "Sex offender" adopted September 26, 2007, effective January 1, 2008; ["Supervision"](#) amended November 4, 2009, effective March 1, 2010; ["Warrant"](#) adopted October 13, 2010, effective March 1, 2011; ["Violent Crime"](#) adopted October 13, 2010, effective March 1, 2011; ["Violent Offender"](#) adopted October 13, 2010, effective March 1, 2011; ["Resident"](#) amended September 14, 2011, effective March 1, 2012 ["Violent Offender"](#) amended September 14, 2011, effective**

March 1, 2012; ["Abscond"](#) amended August 28, 2013, effective March 1, 2014; ["Resident Family"](#) amended August 28, 2013, effective March 1, 2014; ["Temporary Travel Permit"](#) amended August 28, 2013, effective March 1, 2014; ["Warrant"](#) amended August 28, 2013, effective March 1, 2014; ["Violent Offender"](#) repealed August 28, 2013, effective March 1, 2014; ["Behavior Requiring Retaking"](#) adopted September 14, 2016, effective June 1, 2017; ["Significant Violation"](#) repealed September 14, 2016, effective June 1, 2017; ["Special Condition"](#) repealed September 14, 2016, effective June 1, 2017; ["Abscond"](#) amended October 9, 2019, effective April 1, 2020; ["Sex offender"](#) amended October 9, 2019, effective April 1, 2020; ["Temporary travel permit"](#) amended October 9, 2019, effective April 1, 2020; ["Victim sensitive"](#) amended October 9, 2019, effective April 1, 2020

## **CHAPTER 2: GENERAL PROVISIONS**

### ***Rules governing the general provisions of the Interstate Commission for Adult Offender Supervision***

#### **RULE 2.101**

##### **INVOLVEMENT OF INTERSTATE COMPACT OFFICES**

(a) Acceptance, rejection or termination of supervision of an offender under this compact shall be made only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(b) All formal written, electronic, and oral communication regarding an offender under this compact shall be made only through the office of a state's compact administrator or the compact administrator's designated deputies.

(c) Transfer, modification or termination of supervision authority for an offender under this compact may be authorized only with the involvement and concurrence of a state's compact administrator or the compact administrator's designated deputies.

(d) Violation reports or other notices regarding offenders under this compact shall be transmitted only through direct communication of the compact offices of the sending and receiving states.

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



## **RULE 2.102**

### **DATA COLLECTION AND REPORTING [EXPIRED; SEE HISTORY]**

(a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.

(b)

1. Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
2. Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
3. Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 15th day of each month.

(c) This Rule will not expire until the Electronic Information System approved by the commission is fully implemented and functional.

[Expired; See history]

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

**RULE 2.103**  
**DUES FORMULA**

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 calendar days prior to the Commission meeting at which the proposed revision will be considered.

(b) The commission shall consider the population of the states and the volume of offender transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d)

1. The dues formula is the—  
(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 2.
2. The resulting ratios derived from the dues formula in Rule 2.103 (d)(1) shall be used to rank the member states and to determine the appropriate level of dues to be paid by each state under a tiered dues structure approved and adjusted by the Commission at its discretion.

**History: Adopted November 3, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 2.104**

### **FORMS**

- (a) States shall use the forms or electronic information system authorized by the commission.
- (b) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

**History:** Adopted November 3, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 11, 2017](#), effective March 1, 2018.

## **RULE 2.105**

### **MISDEMEANANTS**

(a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in [Rule 3.101](#), have been satisfied; and the instant offense includes 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 2nd or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol;
4. a sexual offense that requires the offender to register as a sex offender in the sending state.

#### *References:*

##### *ICAOS Advisory Opinions*

[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 1st and subsequent offense(s) or the jurisdiction in which the convictions occurred]

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

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

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

**History: Adopted November 3, 2003, effective August 1, 2004; amended March 12, 2004; amended October 26, 2004, effective January 1, 2005; [amended October 7, 2015](#), effective March 1, 2016.**

## **RULE 2.106**

### **OFFENDERS SUBJECT TO DEFERRED SENTENCES**

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

#### *References:*

##### *ICAOS Advisory Opinions*

[4-2004](#) [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 preparole program is not eligible for transfer under the compact.

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

**RULE 2.108****OFFENDERS WITH DISABILITIES**

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

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

## **RULE 2.109**

### **ADOPTION OF RULES; AMENDMENT**

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

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:

1. Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
2. Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
3. ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.

(c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 calendar days prior to the meeting at which vote on the rule is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each proposed rule or amendment shall state—

1. The place, time, and date of the scheduled public hearing;
2. The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
3. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Interstate Commission from making a transcript or recording of the public hearing if it so chooses.



(f) Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at public hearings required by this section.

(g) Following the scheduled public hearing date, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of the commissioners, take final action on the proposed rule or amendment by a vote of yes/no. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(i) Not later than 60 calendar days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Interstate Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 calendar days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to—

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of federal or state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect human health and the environment.

(k) The Chair of the Rules Committee may direct revisions to a rule or amendment adopted by the Commission, for purposes of correcting typographical errors, errors in format or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. For a period of 30 calendar days after posting, the revision is subject to challenge by any commissioner. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without approval of the commission.

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 2.110**

### **TRANSFER OF OFFENDERS UNDER THIS COMPACT**

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.

#### *References:*

##### *ICAOS Advisory Opinions*

[9-2006](#) [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]

[2-2008](#) [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]

[3-2012](#) [When an offender's supervision was never transferred to a receiving state under the Compact and no application for transfer or waiver of extradition ever occurred, neither the Compact nor the ICAOS rules apply to this offender who, as a 'fugitive from justice' having absconded from probation in California, must be apprehended and returned under the extradition clause of the U.S. Constitution.]

[4-2012](#) ['Relocate' does not appear to limit the cumulative number of days within which an offender may be permitted to remain in another state to a total of 45 cumulative days during the same 12 month period.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 2.111**

### **EMERGENCY SUSPENSION OF ENFORCEMENT**

(a) Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute. Such suspension shall be justified based upon:

1. The degree of disruption of procedures or timeframes regulating the movement of offenders under the applicable provisions of the Compact, which is the basis for the suspension;
2. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
3. The anticipated duration of the emergency.

(b) The length of any suspension shall be subject to the length of the national/state declaration(s) of emergency, or preemptively concluded by majority vote of the Executive Committee, whichever occurs sooner.

(c) States shall still maintain all of their duties under the Compact, unless instructed otherwise.

**History:** [Adopted April 21, 2020](#), effective April 21, 2020.



## **CHAPTER 3: TRANSFER OF SUPERVISION**

### ***Rules governing transfer of supervision under the compact of the Interstate Commission for Adult Offender Supervision***

#### **RULE 3.101**

##### **MANDATORY TRANSFER OF SUPERVISION**

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

- (a) has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- (b) has a valid plan of supervision; and
- (c) is in substantial compliance with the terms of supervision in the sending state; and
- (d) is a resident of the receiving state; or
- (e)
  - 1. has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and
  - 2. can obtain employment in the receiving state or has means of support.

*References:*

*ICAOS Advisory Opinions*

[7-2004](#) [While a sending state controls the decision of whether or not to transfer an offender under the Compact, the receiving state has no discretion as to whether or not to accept the case as long as the offender satisfies the criteria provided in this rule]

[9-2004](#) [Upon proper application and documentation for verification of mandatory criteria of Rule 3.101, CSL offenders are subject to supervision under the Compact]

[4-2005](#) [Are offenders who are not eligible to transfer under the provisions of Rule 3.101 (a) or Rule 2.105 of the Rules of the Interstate Compact for Adult Offender Supervision permitted to transfer under Rule 3.101 (c) as a discretionary transfer?]

[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]

[5-2006](#) [Time allowed for investigation by receiving state, Rule 4.101 - Manner and degree of supervision.]

[6-2006](#) [Clarification of 90 day period of supervision is determined.]

[13-2006](#) [An undocumented immigrant who meets the definition of "offender" and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]

[2-2007](#) [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]

[1-2010](#) [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

**History: Adopted November 3, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 3.101-1**

### **MANDATORY REPORTING INSTRUCTIONS AND TRANSFERS OF MILITARY, FAMILIES OF MILITARY, FAMILY MEMBERS EMPLOYED, EMPLOYMENT TRANSFER, AND VETERANS FOR MEDICAL OR MENTAL HEALTH SERVICES**

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

1. *Transfers of military members*—An offender who is a member of the military and is under orders in another state, shall be eligible for reporting instructions and transfer of supervision. A copy of the military orders shall be provided at the time of the request.
2. *Transfer of offenders who live with family who are members of the military*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\) and \(e\)\(2\)](#) and who lives with a family member who is under orders in another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. A copy of the military orders shall be provided at the time of the request.
3. *Employment transfer of family member to another state*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\) and \(e\)\(2\)](#) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. Documentation from the current employer noting the requirements shall be provided at the time of the request.
4. *Employment transfer of the offender to another state*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\)](#) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Documentation from the current employer noting the requirements shall be provided at the time of the request.
5. *Transfers of veterans for medical or mental health services*—An offender who meets the criteria specified in [Rules 3.101 \(a\), \(b\), & \(c\)](#) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

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

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

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

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

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

**History:** Adopted September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.



## **RULE 3.101-2**

### **DISCRETIONARY TRANSFER OF SUPERVISION**

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

#### *References:*

##### *ICAOS Advisory Opinions*

[4-2005](#) [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

[8-2006](#) [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

**History: Adopted September 13, 2005, effective January 1, 2006; [amended October 7, 2015](#), effective March 1, 2016.**

### **RULE 3.101-3**

#### **TRANSFER OF SUPERVISION OF SEX OFFENDERS**

(a) *Eligibility for Transfer*—At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) *Application for Transfer*—In addition to the information required in an application for transfer pursuant to [Rule 3.107](#), the sending state shall provide the following information, if available, to assist the receiving state in the investigation of the transfer request of a sex offender:

1. All assessment information, completed by the sending state;
2. Victim information if distribution is not prohibited by law
  - (A) the name, sex, age and relationship to the offender;
  - (B) the statement of the victim or victim's representative;
3. the sending state's current or recommended supervision and treatment plan.

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

(d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
2. Conditions of supervision;
3. Any orders restricting the offender's contact with victims or any other person; and
4. Victim information to include the name, sex, age and relationship to the offender, if available and if distribution is not prohibited by law.

(e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c).

(f) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the offender or family member, or veterans for medical or mental health services*—Rules [3.101-1](#) & [3.103](#) apply to the transfer of sex offenders, as defined by the compact, except:

The receiving state shall issue reporting instructions no later than 5 business days following the receipt

of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence

(g) Expedited reporting instructions for sex offenders – Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.

*References:*

*ICAOS Advisory Opinions*

[1-2008](#) [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

**History:** Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended October 7, 2015](#), effective March 1, 2016; [amended October 9, 2019](#), effective April 1, 2020.

## **RULE 3.102**

### **SUBMISSION OF TRANSFER REQUEST TO A RECEIVING STATE**

(a) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.

(b) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.

(c) An offender who is employed or attending treatment or medical appointments in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for employment, treatment or medical appointment purposes may be permitted to continue to travel to the receiving state for these purposes while the transfer request is being investigated, provided that the following conditions are met:

1. Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
2. The offender shall return to the sending state daily, immediately upon completion of the appointment or employment, and
3. The transfer request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

(d) When a sending state verifies an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender meets the eligibility requirements of [Rule 3.101 \(a\), \(b\) & \(c\)](#), the sending state shall request expedited reporting instructions within 2 business days of the notification of the offender's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

1. The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under [Rule 3.107](#), and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.
2. The provisions of [Rule 3.106 \(b\), \(c\) & \(d\)](#) apply.

#### *References:*

##### *ICAOS Advisory Opinions*

[9-2006](#) [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of [Rule 2.110](#) and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended](#)**

August 28, 2013, effective March 1, 2014; amended October 7, 2015, effective March 1, 2016.

### **RULE 3.103**

#### **REPORTING INSTRUCTIONS; OFFENDER LIVING IN THE RECEIVING STATE AT THE TIME OF SENTENCING OR AFTER DISPOSITION OF A VIOLATION OR REVOCATION PROCEEDING**

(a)

1. A request for reporting instructions for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
2. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
3. The sending state shall ensure that the offender signs all forms requiring the offender's signature under [Rule 3.107](#) prior to granting a travel permit to the offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
4. The sending state shall transmit a departure notice to the receiving state per [Rule 4.105](#).
5. This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.

(b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.

(c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per [Rule 4.105](#).

(d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.

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

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

*References:*

*ICAOS Advisory Opinions*

[3-2007](#) [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.**

## **RULE 3.104**

### **TIME ALLOWED FOR INVESTIGATION BY RECEIVING STATE**

(a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45th calendar day following receipt of a completed transfer request in the receiving state's compact office.

(b) If a receiving state determines that an offender transfer request is incomplete, the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 business days following the rejection.

(c) If a receiving state determines that an offender's plan of supervision is invalid, the receiving state shall notify the sending state by rejecting the transfer request with specific reason(s) for the rejection. If the receiving state determines there is an alternative plan of supervision for investigation, the receiving state shall notify the sending state at the time of rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request with the new plan of supervision within 15 business days following the rejection.

#### *References:*

*ICAOS Advisory Opinions*

[5-2006](#) [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

**History:** Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018.



### **RULE 3.104-1**

#### **ACCEPTANCE OF OFFENDER; ISSUANCE OF REPORTING INSTRUCTIONS**

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under [Rule 4.105](#).
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under [Rule 4.105](#).
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a Departure Notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.
- (e) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following transmission of notice of departure and shall provide immediate notice of such withdrawal to the sending state.

**History: Adopted October 26, 2004, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; amended October 4, 2006, effective January 1, 2007; [amended November 4, 2009](#), effective March 1, 2010; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 3.105**

### **PRE-RELEASE TRANSFER REQUEST**

- (a) A sending state may submit a completed request for transfer of supervision no earlier than 120 calendar days prior to an offender's planned release from a correctional facility.
- (b) If a pre-release transfer request has been submitted, a sending state shall notify a receiving state:
1. if the planned release date changes; or
  2. if recommendation for release of the offender has been withdrawn or denied.
- (c) A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the 5th business day following the offender's intended date of departure and shall provide immediate notice of such withdrawal to the sending state.

#### *References:*

##### *ICAOS Advisory Opinions*

[1-2009](#) [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

[2-2012](#) [Neither the acceptance of a request for transfer by a receiving state nor approval of reporting instructions can be the basis for either the determination of whether the sending state will release an offender from a correctional facility or the planned release date.]

**History:** Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014.

## **RULE 3.106**

### **REQUEST FOR EXPEDITED REPORTING INSTRUCTIONS**

(a)

1. A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under [Rule 3.104-1](#).
2. (A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.  
(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under [Rule 3.107](#) prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per [Rule 4.105](#).

(c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.

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

(e) If the sending state fails to send a completed transfer request by the 7th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of [Rule 4.111](#).

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016.**

**RULE 3.107**  
**TRANSFER REQUEST**

(a) A transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
2. photograph of offender;
3. conditions of supervision;
4. any orders restricting the offender's contact with victims or any other person;
5. any known orders protecting the offender from contact with any other person;
6. information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
7. pre-sentence investigation report, unless distribution is prohibited by law or it does not exist;
8. information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
9. supervision history, if the offender has been on supervision for more than 30 calendar days at the time the transfer request is submitted;
10. information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made;
11. summary of prison discipline and mental health history during the last 2 years, if available, unless distribution is prohibited by law.

(b) A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

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

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; [amended November 4, 2009](#), effective March 1, 2010; [amended October 13, 2010](#), effective March 1, 2011; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.**

### **RULE 3.108**

#### **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 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 regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.

(b)

1. Victims shall have 15 business days from receipt of notice required in [Rule 3.108](#) to respond to the sending state. Receipt of notice shall be presumed to have occurred by the 5th business day following its sending.
2. The receiving state shall continue to investigate the transfer request while awaiting response from the victim.

(c) The sending state shall consider victim related concerns. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose conditions of supervision on the offender to address victim related concerns.

(d) The sending state shall respond to the victim no later than 5 business days following receipt of victim related concerns.

**History: Adopted November 4, 2003, effective August 1, 2004; [amended October 11, 2017](#), effective March 1, 2018; [amended October 9, 2019](#), effective April 1, 2020.**

### **RULE 3.108-1**

#### **VICTIM NOTIFICATION AND REQUESTS FOR OFFENDER INFORMATION**

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

(b) The receiving state shall respond to requests for offender information from the sending state no later than the 5th business day following the receipt of the request.

**History:** Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 1, 2020.

### **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 Opinions*

[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.]

[3-2012](#) [Whether an offender whose supervision was never transferred under the Compact, and who subsequently absconds supervision, is subject to the terms of the Compact or the Extradition Clause of the U.S. Constitution.]

**History: Adopted November 4, 2003, effective August 1, 2004.**

**RULE 3.110**  
**TRAVEL PERMITS**

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

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

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

Adopted October 9, 2019, effective April 1, 2020.





## CHAPTER 4: SUPERVISION IN RECEIVING STATE

### *Rules governing supervision in the receiving state under the compact of the Interstate Commission for Adult Offender Supervision*

#### **RULE 4.101**

##### **MANNER AND DEGREE OF SUPERVISION IN RECEIVING STATE**

A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques.

##### *References:*

##### *ICAOS Advisory Opinions*

[2-2005](#) [Arresting & Detaining Compact Probationers and Parolees. Authority of officers to arrest an out-of-state offender sent to Florida under the ICAOS on probation violations.]

[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]

[3-2008](#) [Guidance Concerning Out-of-State Travel for Sex Offenders]

**History:** Adopted November 4, 2003, effective August 1, 2004; [amended September 14, 2016](#), effective June 1, 2017.

**RULE 4.102****DURATION OF SUPERVISION IN THE RECEIVING STATE**

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.103**

### **CONDITIONS OF SUPERVISION**

- (a) At the time of acceptance or during the term of supervision, the receiving state may impose a condition on an offender if that condition would have been imposed on an offender sentenced in the receiving state.
- (b) A receiving state shall notify a sending state that it intends to impose, or has imposed, a condition on the offender.
- (c) A sending state shall inform the receiving state of any conditions to which the offender is subject at the time the request for transfer is made or at any time thereafter.
- (d) A receiving state that is unable to enforce a condition imposed in the sending state shall notify the sending state of its inability to enforce a condition at the time of request for transfer of supervision is made.

#### *References:*

##### *ICAOS Advisory Opinions*

[2-2005](#) [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required and that he or she is subject to the same type of supervision afforded to other offenders in the receiving state...]

The receiving state can even add additional requirements on an offender as a condition of transfer]

[5-2006](#) [Special conditions may be imposed by the receiving state after an offender has transferred]

[1-2008](#) [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

**History:** Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006; [amended September 14, 2016](#), effective June 1, 2017.

**RULE 4.103-1****FORCE AND EFFECT OF CONDITIONS IMPOSED BY A RECEIVING STATE**

The sending state shall give the same force and effect to conditions imposed by a receiving state as if those conditions had been imposed by the sending state.

**History:** Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.

**RULE 4.104****OFFENDER REGISTRATION OR DNA TESTING IN RECEIVING OR SENDING STATE**

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008**

## **RULE 4.105**

### **ARRIVAL AND DEPARTURE NOTIFICATIONS; WITHDRAWAL OF REPORTING INSTRUCTIONS**

(a) *Departure notifications*—At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender's intended departure and the date by which the offender has been instructed to arrive.

(b) *Arrival notifications*—At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender's arrival or failure to arrive.

(c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.**

## **RULE 4.106**

### **PROGRESS REPORTS ON OFFENDER COMPLIANCE AND NON-COMPLIANCE**

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

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

(c) A progress report shall include-

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

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; [amended November 4, 2009](#), effective March 1, 2010; [amended September 14, 2016](#), effective June 1, 2017; [amended October 9, 2019](#), effective April 2020.**



## **RULE 4.107**

### **FEES**

(a) *Application fee*—A sending state may impose a fee for each transfer application prepared for an offender.

(b) *Supervision fee*—

1. A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
2. A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

#### *References:*

##### *ICAOS Advisory Opinions*

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.108**

### **COLLECTION OF RESTITUTION, FINES AND OTHER COSTS**

(a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.

(b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

#### *References:*

##### *ICAOS Advisory Opinions*

[14-2006](#) [A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a “supervision fee,” may be collected on Compact offenders at a sending state’s responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 4.109**

### **VIOLATION REPORT(S) REQUIRING RETAKING**

(a) A receiving state shall notify a sending state of an act or pattern of behavior requiring retaking within 30 calendar days of discovery or determination by submitting a violation report.

(b) A violation report shall contain-

1. offender's name and location;
2. offender's state-issued identifying numbers;
3. date(s) and description of the behavior requiring retaking;
4. date(s), description(s) and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions;
5. date(s), description(s) and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
6. date(s), description(s) and documentation of previous non-compliance, to include a description of the use of corrective actions, graduated responses or other supervision techniques;
7. name and title of the officer making the report;
8. if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
9. supporting documentation regarding the violation.

(c)

1. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following transmission by the receiving state.
2. The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 4.109-1****AUTHORITY TO ARREST AND DETAIN**

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

**History:** Adopted October 4, 2006, effective January 1, 2007; [amended September 14, 2016](#), effective June 1, 2017.

**RULE 4.109-2****ABSCONDING VIOLATION**

(a) If there is reasonable suspicion that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities shall include, but are not limited to:

1. Documenting communication attempts directly to the offender, including dates of each attempt;
2. Conducting a field contact at the last known place of residence;
3. Contacting the last known place of employment, if applicable;
4. Contacting known family members and collateral contacts, which shall include contacts identified in original transfer request.

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

**History: [Adopted October 13, 2010](#), effective March 1, 2011; amended October 9, 2019, effective April 1, 2020.**

## **RULE 4.110**

### **TRANSFER TO A SUBSEQUENT RECEIVING STATE**

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under [Rule 3.107](#), and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under [Rule 4.105](#).
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.**

## **RULE 4.111**

### **OFFENDERS RETURNING TO THE SENDING STATE**

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

(b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules [3.101-1](#), [3.101-3](#), [3.103](#) or [3.106](#), the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless [Rule 3.104 \(b\) or \(c\)](#) applies or if the location of the offender is unknown, conduct activities pursuant to [Rule 4.109-2](#).

(c) Except as provided in Rule 4.111 (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.

(d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to [Rule 4.109-2](#).

(e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in [Rule 4.105 \(a\)](#) and submit a case closure as required by [Rule 4.112 \(a\)\(5\)](#). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by [Rule 4.105 \(b\)](#) prior to validating the case closure notice.

(f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

**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; amended September 14, 2011, effective March 1, 2012; amended October 7, 2015, effective March 1, 2016; amended October 11, 2017, effective March 1, 2018; amended October 9, 2019, effective April 1, 2020.**

## **RULE 4.112**

### **CLOSING OF SUPERVISION BY THE RECEIVING STATE**

- (a) The receiving state may close its supervision of an offender and cease supervision upon-
1. The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
  2. Notification to the sending state of the absconding of the offender from supervision in the receiving state;
  3. Notification to the sending state that the offender has been sentenced to incarceration for 180 calendar days or longer, including judgment and sentencing documents and information about the offender's location;
  4. Notification of death; or
  5. Return to sending state.
- (b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender.
- (c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. The receiving state shall transmit a case closure notice within 10 business days after the maximum expiration date.
- (d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

#### *References:*

##### *ICAOS Advisory Opinions*

[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.]

[1-2019](#) [Except in those excluded cases where the offender is discharged from supervision under the original application for supervision, absconders who are subsequently apprehended are subject to the compact and Rules 4.112 (b) and 5.107.]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; [amended September 14, 2011](#), effective March 1, 2012; [amended August 28, 2013](#), effective March 1, 2014.**





## CHAPTER 5: RETAKING

### *Rules governing retaking an offender under the compact of the Interstate Commission for Adult Offender Supervision*

#### **RULE 5.101**

##### **DISCRETIONARY RETAKING BY THE SENDING STATE**

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

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

#### *References:*

#### *ICAOS Advisory Opinions*

[13-2006](#) [Retaking of an undocumented immigrant is at the sole discretion of the sending state unless the offender comes within the exceptions provided in Rule [5.102](#)]

**History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014; [amended October 9, 2019](#), effective April 1, 2020**

## **RULE 5.101-1**

### **PENDING FELONY OR VIOLENT CRIME CHARGES**

Notwithstanding any other rule, if an offender is charged with a subsequent felony or violent crime, the offender shall not be retaken or ordered to return until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense, unless the sending and receiving states mutually agree to the retaking or return.

#### *References:*

##### *ICAOS Advisory Opinions*

[1-2019](#) [The language of Rule 5.101-1 anticipates the exercise of discretion by prosecutors and other state authorities in the determination of whether an offender or absconder should be held subject to retaking bonds or to be detained on bonds set in connection with a new offense.]

**History:** [Adopted August 28, 2013](#), effective March 1, 2014.

## **RULE 5.101-2**

### **DISCRETIONARY PROCESS FOR DISPOSITION OF VIOLATION IN THE SENDING STATE FOR A NEW CRIME CONVICTION**

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.

(a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.

(b) The sending state shall send the violation hearing results to the receiving state within 10 business days.

(c) If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules [5.102](#) and [5.103](#) apply.

(d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules [5.102](#) and [5.103](#) apply.

(e) The receiving state may close the case under [Rule 4.112 \(a\)\(3\)](#).

**History:** [Adopted October 7, 2015](#), effective March 1, 2016.

## **RULE 5.102**

### **MANDATORY RETAKING FOR A NEW FELONY OR NEW VIOLENT CRIME CONVICTION**

(a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:

1. completion of a term of incarceration for that conviction; or
2. placement under supervision for that felony or violent crime offense.

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

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended October 13, 2010](#), effective March 1, 2011; [amended August 28, 2013](#), effective March 1, 2014.**

## **RULE 5.103**

### **OFFENDER BEHAVIOR REQUIRING RETAKING**

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

#### *References:*

##### *ICAOS Advisory Opinions*

[2-2005](#) [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, See Rule [4.109-1](#)]

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended October 7, 2015](#), effective March 1, 2016; [amended September 14, 2016](#), effective June 1, 2017.**

## **RULE 5.103-1**

### **MANDATORY RETAKING FOR OFFENDERS WHO ABSCOND**

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

**History:** [Adopted October 13, 2010](#), effective March 1, 2011.

**RULE 5.103-2**

**MANDATORY RETAKING FOR VIOLENT OFFENDERS AND VIOLENT CRIMES [REPEALED]**

*REPEALED effective March 1, 2014*

**History:** Adopted October 13, 2010, effective March 1, 2011; repealed August 28, 2013, effective March 1, 2014.



**RULE 5.104****COST OF RETAKING AN OFFENDER**

A sending state shall be responsible for the cost of retaking the offender.

**History: Adopted November 4, 2003, effective August 1, 2004.**

**RULE 5.105****TIME ALLOWED FOR RETAKING AN OFFENDER**

A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant and the offender is being held solely on the sending state's warrant.

**History:** Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.

**RULE 5.106****COST OF INCARCERATION IN RECEIVING STATE**

A receiving state shall be responsible for the cost of detaining the offender in the receiving state pending the offender's retaking by the sending state.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 5.107**

### **OFFICERS RETAKING AN OFFENDER**

(a) Officers authorized under the law of a sending state may enter a state where the offender is found and apprehend and retake the offender, subject to this compact, its rules, and due process requirements.

(b) The sending state shall be required to establish the authority of the officer and the identity of the offender to be retaken.

#### *References:*

#### *ICAOS Advisory Opinions*

[11-2006](#) [Officers of a sending state are specifically authorized to enter a state where the offender is found and apprehend and retake the offender notwithstanding case closure]

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 5.108**

### **PROBABLE CAUSE HEARING IN RECEIVING STATE**

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non-privileged or non-confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

*References:*

*ICAOS Advisory Opinions*

[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]

*Case Law*

[Gagnon v. Scarpelli, 411 U.S. 778 \(1973\)](#)

*Ogden v. Klundt*, 550 P.2d 36, 39 (Wash. Ct. App. 1976)

*See, People ex rel. Crawford v. State*, 329 N.Y.S.2d 739 (N.Y. 1972)

*State ex rel. Nagy v. Alvis*, 90 N.E.2d 582 (Ohio 1950)

*State ex rel. Reddin v. Meekma*, 306 N.W.2d 664 (Wis. 1981)

*Bills v. Shulsen*, 700 P.2d 317 (Utah 1985)

*California v. Crump*, 433 A.2d 791 (N.J. Super. Ct. App. Div. 1981)

*California v. Crump*, 433 A.2d at 794, *Fisher v. Crist*, 594 P.2d 1140 (Mont. 1979)

*State v. Maglio*, 459 A.2d 1209 (N.J. Super. Ct. 1979)

*In re Hayes*, 468 N.E.2d 1083 (Mass. Ct. App. 1984)

[Morrissey v. Brewer, 408 U.S. 471 \(1972\)](#)

*In State v. Hill*, 334 N.W.2d 746 (Iowa 1983)

*See e.g., State ex rel. Ohio Adult Parole Authority v. Coniglio*, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993)

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; [amended August 28, 2013](#), effective March 1, 2014; [amended September 14, 2016](#), effective June 1, 2017.**

**RULE 5.109****TRANSPORT OF OFFENDERS**

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

**History: Adopted November 4, 2003, effective August 1, 2004.**

**RULE 5.110****RETAKING OFFENDERS FROM LOCAL, STATE OR FEDERAL CORRECTIONAL FACILITIES**

(a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that-

1. No detainer has been placed against the offender by the state in which the correctional facility lies; and
2. No extradition proceedings have been initiated against the offender by a third-party state.

**History: Adopted November 4, 2003, effective August 1, 2004.**



**RULE 5.111****DENIAL OF BAIL OR OTHER RELEASE CONDITIONS TO CERTAIN OFFENDERS**

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

**History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.**



## **CHAPTER 6: DISPUTE RESOLUTION AND INTERPRETATION OF RULES**

### ***Rules governing dispute resolution and interpretation of rules under the compact of the Interstate Commission for Adult Offender Supervision***

#### **RULE 6.101**

##### **INFORMAL COMMUNICATION TO RESOLVE DISPUTES OR CONTROVERSIES AND OBTAIN INTERPRETATION OF THE RULES**

(a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) *Failure to resolve dispute or controversy—*

1. Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 1 or more of the informal dispute resolution processes set forth in Rule 6.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
2. Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within 10 business days and may, at the executive director's discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

(c) *Interpretation of the rules—*Any state may submit an informal written request to the executive director for assistance in interpreting the rules of this compact. The executive director may seek the assistance of legal counsel, the executive committee, or both, in interpreting the rules. The executive committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the executive director or the executive committee and shall be circulated to all of the states.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 6.102**

### **FORMAL RESOLUTION OF DISPUTES AND CONTROVERSIES**

(a) *Alternative dispute resolution*—Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under [Rule 6.101](#) may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

#### **(b) *Mediation and arbitration***

##### **1. Mediation**

(A) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

(B) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

##### **2. Arbitration**

(A) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.

(B) Arbitration shall be administered by at least 1 neutral arbitrator or a panel of arbitrators not to exceed 3 members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.

(C) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(D) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

##### **(E)**

(i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(F) Judgment on any award may be entered in any court having jurisdiction.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## **RULE 6.103**

### **ENFORCEMENT ACTIONS AGAINST A DEFAULTING STATE**

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties–

1. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
2. Remedial training and technical assistance as directed by the Interstate Commission;
3. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

**History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.**

**RULE 6.104****JUDICIAL ENFORCEMENT**

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

**History: Adopted November 4, 2003, effective August 1, 2004.**

## A Motion Chart for Robert's Rules

When you're using Robert's Rules to help your meeting run well, the following chart can come in very handy when you're in the thick of debate on a main motion. It's designed to help you choose the right motion for the right reason. (In the chart, the subsidiary and privileged motions are listed in descending order of precedence; that is, motions lower on the list can't be made if anything higher is pending.)

			Can Interrupt	Requires Second	Debatable	Amendable	Vote Required	Can Reconsider
<b>S E C O N D A R Y M O T I O N S</b>	<b>P R I V I L E G E D</b>	<b>Fix the Time to Which to Adjourn</b>		S		A	M	R
		<b>Adjourn</b>		S			M	
		<b>Recess</b>		S		A	M	
		<b>Raise a Question of Privilege</b>	I				Chair decides	
		<b>Call for Orders of the Day</b>	I				Chair decides	
	<b>S U B S I D I A R Y</b>	<b>Lay on the Table</b>		S			M	Negative Only*
		<b>Previous Question</b>		S			2/3	R*
		<b>Limit or Extend Limits of Debate</b>		S		A	2/3	R*
		<b>Postpone Definitely</b>		S	D	A	M	R*
		<b>Commit (or Refer)</b>		S	D	A	M	R*
		<b>Amend</b>		S	D*	A*	M	R
		<b>Postpone Indefinitely</b>		S	D		M	Affirmative Only
	<b>Main Motion</b>			S	D	A	M	R
	<b>* See text for exceptions</b>						<b>M = Majority vote</b>	

Consult a book on Robert's Rules for clarification on the exceptions.

## Making and Handling Motions According to Robert's Rules

When that light bulb goes off in your head and you have a great idea, you make a motion according to Robert's Rules to get your idea discussed and a decision made. Following are the eight steps required from start to finish to make a motion and get the group to decide whether it agrees. Each step is a required part of the process.

Step	What to Say
1. The member rises and addresses the chair.	"Madam Chairman. . . ."
2. The chair recognizes the member.	"The chair recognizes Ms. Gliggenschlapp."
3. The member makes a motion.	"I move to purchase a copy of <i>Robert's Rules For Dummies</i> for our president."
4. Another member seconds the motion.	"Second."
5. The chair states the motion.	"It is moved and seconded to purchase a copy of <i>Robert's Rules For Dummies</i> for your president. Are you ready for the question?"
6. The members debate the motion.	"The chair recognizes Ms. Gliggenschlapp to speak to her motion. . . ."
7. The chair puts the question and the members vote.	"All those in favor of adopting the motion to buy a copy of <i>Robert's Rules For Dummies</i> for your president will say 'aye,' [pause] those opposed will say 'no'."
8. The chair announces the result of the vote.	"The ayes have it and the motion carries, and a copy of <i>Robert's Rules For Dummies</i> will be purchased for your president."



## Guidelines

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate cannot begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

## The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are

considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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