



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

2014 ICAOS Annual Business Meeting

Docket Book

Aug. 25-27, 2014





INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2014 ANNUAL BUSINESS MEETING DOCKET BOOK

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- Data Collection
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INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2014 ANNUAL BUSINESS MEETING AGENDA

Renaissance Oklahoma City Convention Center Hotel
10 North Broadway Avenue
Oklahoma City, OK 73102

August 25-27, 2014

Monday, August 25, 2014

Deputy Compact Administrators Training Institute *Ballroom A, 2nd Floor, COX Convention Center*

8:00 am - 8:30 am

Welcome & Introductions

- *Presenters: Commissioner D. Ege (AZ) & Commissioner C. Moore (GA)*

8:30 am – 10:30 am

Role of the Compact Administrator & Commissioner

- *Presenters: Commissioner C. Moore (GA)*

Role of the Deputy Compact Administrator

- *Presenters: DCA J. Ingle (UT) & DCA R. Grimes (TX)*

Role of the Compact Office

- *Presenters: Commissioner R. Cohen(NM), DCA M. Thompson(PA), and DCA K. Rumbaugh (NE)*

10:30 am –10:45 am

Break

10:45 am –11:15 am

Sex Offender Definition & Rule 3.101-3

- *Presenters: Commissioner D. Ege (AZ) & DCA R. Bisch (MN)*

11:15 am –11:45 am

Rule 3.107 (a) (12) & Training Bulletin

- *Presenters: DCA K. Tucker (FL)& DCA K. Rumbaugh (NE)*

- 11:45 am – 1:00 pm *Lunch [on your own]*
- 1:00pm – 3:15 pm** **Retaking Rules**
- *Presenters: Commissioner D. Ege (AZ), DCA R. Bisch (MN), and General Counsel R. Masters*
- 3:15 pm – 3:30 pm *Break*
- 3:30 pm – 5:00 pm** **ICOTS**
- *Presenters: X. Donnelly & M. Spring*
- 3:00 pm - 5:00 pm** **Executive Committee Meeting**
Kingcade, Mezzanine Level, Renaissance Hotel

Tuesday, August 26, 2014

- 8:00 am - 8:15 am** **Welcome**
Meeting Room 19-20, 2nd Floor, COX Convention Center
- *Milt Gilliam, Chairman*
- 8:20 am –10:15 am** **Commissioners Training**
Meeting Room 19-20, 2nd Floor, COX Convention Center
- *Moderator: Commissioner S. Andrews (OH)*
 - *Presenters: Commissioner M. Gilliam (OK), Commissioner C. Lauterbach (IA), Commissioner J. Seigel (IN), Executive Director H. Hageman, General Counsel R. Masters.*
- Deputy Compact Administrators' Discussions**
Meeting Room 16-17, 2nd Floor, COX Convention Center
- *Presenters: DCA M. Thompson (PA), Commissioner D. Ege (AZ), and DCA J. Ingle (UT).*
- 10:30 am –11:45 am** **Workshop #1 Supervision on Indian Reservations**
Meeting Room 16-17, 2nd Floor, COX Convention Center
- *Moderator: Commissioner G. Roberge (CT)*
 - *Presenters: A. Cannon, APPA (CT), Commissioner C. Placek (ND), Commissioner T. Hudrlik (WI), Commissioner E. Ligtenberg (SD).*
- The How To's of Dispute Resolutions**
Meeting Room 19-20, 2nd Floor, COX Convention Center
- *Moderator: Commissioner M. McAlister (NH)*

- *Presenters: Commissioner A. Aylward (WA), Commissioner K. Graves (KS), Executive Director H. Hageman, General Counsel R. Masters*

11:45am - 1:00 pm

*Commissioners' Lunch
Meeting Room 18, COX Convention Center*

1:00 pm – 3:00 pm

East Region Meeting
Meeting Room 21, 2nd Floor, COX Convention Center

South Region Meeting
Meeting Room 1, 1st Floor, COX Convention Center

Midwest Region Meeting
Meeting Room 3, 1st Floor, COX Convention Center

West Region Meeting
Meeting Room 2, 1st Floor, COX Convention Center

3:00 pm – 4:00 pm

Recognition Session
Meeting Room 16-17, COX Convention Center

- *Moderators: DCA M. Thompson (PA), DCA K. Tucker (FL) & Commissioner M. Buscher (IL)*

4:00 pm – 6:00 pm

Reception
Meeting Room 19&20, 2nd Floor, COX Convention Center

Wednesday, August 27, 2014

General Session
Ballroom A&B, 2nd Floor, COX Convention Center

8:00 am - 8:15 am

**Call to Order
Flag Presentation
Roll Call**

8:15 am – 9:00 am

Welcome & Overview

- *Milt Gilliam, Chairman*
- *Speaker*

Approval of Agenda

Approval of Minutes

- *August 28, 2013*

9:00 am – 10:00 am

Committees Reports

- **Rules Committee**
 - *Jane Seigel, Chair*
- **Information & Technology Committee**
 - *Anne Precythe, Chair*
- **Training, Education & Public Relations Committee**
 - *Dori Ege, Chair*
- **DCA Liaison Committee**
 - *Chris Moore, Chair*
- **Compliance Committee**
 - *Mike McAlister, Chair*
- **Finance Committee**
 - *Charlie Lauterbach, Chair*
 - *FY2016 Budget*
- **Border Issues Ad Hoc Committee**
 - *Sara Andrews, Vice Chair*
- **ABM Workgroup**
 - *Sara Andrews, Vice Chair*
 - *Recommendation and Narrative*
- **Victims' Advocate**
 - *Pat Tuthill, Victim's Advocate*
- **Legal Counsel**
 - *Rick Masters, Legal Counsel*

10:00 am – 10:15 am

Break

10:15 am – 11:00 am

Committee reports (cont.)

11:00 am – 11:45 am

Region Reports

- **East Region**
 - *Michael Potteiger, Chair*
- **Midwest Region**
 - *Catherine Gibson-Beltz, Chair*

- **South Region**
 - *Christopher Norman, Chair*

- **West Region**
 - *Anmarie Aylward, Chair*

11:45 am – 1:00 pm

Lunch [on your own]

1:00 pm – 3:15 pm

Discussion Topics

- **Legalization of marijuana**
 - *Moderator: Commissioner J. Stromberg (OR)*
 - *Presenters: Commissioner W. Pesterfield (CO), Commissioner A. Aylward (WA), Commissioner K. Madris (NV)*

- **Justice Reinvestment**
 - *Moderator: Commissioner S. Andrews (OH)*
 - *Presenters: Commissioner J. Stromberg (OR), Commissioner K. Graves (KS), Commissioner K. Thomas (SC)*

3:15 pm – 3:30 pm

Break

3:30 pm – 4:00 pm

Awards Presentation/Spirit Sightings

- *Commissioner M. Buscher (IL), DCA M. Thompson (PA), DCA K. Tucker (FL).*

4:00 pm – 4:45 pm

New Business/Old Business

- **Election of Officers**

4:45 pm – 5:00 pm

Call to the Public

Adjourn

^s
5:15 pm – 6:15 pm

Executive Committee Meeting

Meeting Room 7, 1st Floor, COX Convention Center



INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION ANNUAL BUSINESS MEETING MINUTES

August 28, 2013

Renaissance Boston Waterfront Hotel, Boston, Massachusetts

Call to Order

The meeting was called to order by Chairman M. Gilliam (OK) at 8:06 a.m. EDT. Massachusetts Color Guard presented the flags.

Chairman M. Gilliam (OK) welcomed everyone to the 2013 Annual Business Meeting in Boston, MA.

Roll Call

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

1. Alabama	Christopher Norman, Commissioner
2. Alaska	Carrie Belden, Commissioner
3. Arizona	Dori Ege, Commissioner
4. Arkansas	Sheila Sharp, Commissioner
5. California	Mario Fox, Commissioner
6. Colorado	Steve Hager, Commissioner
7. Connecticut	Gary Roberge, Commissioner
8. Delaware	Karl Hines, Commissioner
9. District of Columbia	Nancy Ware, Commissioner
10. Florida	Jenny Nimer, Commissioner
11. Georgia	Chris Moore, Commissioner
12. Hawaii	Cheryl Marlow, Commissioner
13. Idaho	Denton Darrington, Commissioner
14. Illinois	Michelle Buscher, Commissioner
15. Indiana	Jane Seigel, Commissioner
16. Iowa	Charles Lauterbach, Commissioner
17. Kansas	Kathleen Graves, Commissioner
18. Kentucky	Steve Turner, Designee

19. Louisiana	Genie Powers, Commissioner
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	Josh Wall, Commissioner
22. Maryland	Patricia Vale, Commissioner
23. Michigan	Don Matson, Designee
24. Minnesota	Jill Carlson, Commissioner
25. Mississippi	Jerry Williams, Designee
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Cathy Gordon, Designee
28. Nebraska	Cathy Gibson-Beltz, Commissioner
29. Nevada	Shawn Arruti, Designee
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	James Plousis, Commissioner
32. New Mexico	Edward Gonzales, Commissioner
33. New York	Andrea Evans, Commissioner
34. North Carolina	Ann Precythe, Designee
35. North Dakota	Charles Placek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Michael Potteiger, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Laura Queenan, Designee
42. South Carolina	Kela Thomas, Commissioner
43. South Dakota	Ed Ligtenberg, Commissioner
44. Tennessee	Bobby Straughter, Commissioner
45. Texas	Kathie Winckler, Commissioner
46. Utah	Jim Ingle, Designee
47. Vermont	Dale Crook, Commissioner
48. Virginia	James Parks, Commissioner
49. Virgin Islands	<i>Not in attendance</i>
50. Washington	Anmarie Aylward, Commissioner
51. West Virginia	Karen Nichols, Commissioner
52. Wisconsin	Tracy Hudrlik, Commissioner
53. Wyoming	Dawn Sides, Commissioner

Executive Director H. Hageman recognized Ex-Officio members:

- National Governor Association - *Not in attendance*
- National Conference Of State Legislatures - Alison Lawrence
- National Organization of State Chief Justices - *Not in attendance*
- National Association of Attorneys General - *Not in attendance*
- National Organization of Crime Victims - Patricia Tuthill
- National Institute of Corrections - Jim Cosby
- American Probation and Parole Association – Carl Wicklund
- Association of Paroling Authorities International - Keith Hardison

- Interstate Commission for Juveniles – Ashley Hassan
- Conference Of State Court Administrators - Sally Holewa

Welcome & Overview

Commissioner J. Wall (MA) welcomed the Commission to Boston, MA. He introduced Andrea Cabral, Executive Secretary of Public Safety for Massachusetts, who gave a welcoming speech.

Chairman M. Gilliam (OK) instructed the Commission on the rules and procedures of the meeting.

Approval of Agenda

Commissioner E. Ligtenberg (SD) moved to approve the agenda as drafted. Commissioner S. Andrews (OH) seconded.

Agenda approved as drafted.

Approval Minutes

Commissioner E. Ligtenberg (SD) moved to approve the minutes as drafted. Commissioner S. Andrews (OH) seconded.

Minutes approved as drafted.

Training, Education & Public Relations Committee Report

Commissioner D. Ege (AZ), Training Committee Chair, expressed her gratitude towards the Committees members Shawn Arruti (NV), Devon Whitefield (CO), Edward Gonzales (NM), Rose Ann Bisch (MN), Kari Rumbaugh (NE), Margaret Thompson (PA), Karen Tucker (FL), and Kathleen Graves (KS). She also thanked the national office staff for their work throughout the year.

The Committee's mission is to develop curriculum for use in member states and assist in delivering curriculum in person or via WebEx (ICOTS Training and Technical Assistance Policy).

The Committee met three times in the past year – October 15, 2012, December 10, 2012 and April 3, 2013.

The Training Committee revised rules training curriculum (March 1, 2013), updated and developed new on-demand modules using new software, and developed new topic-based trainings – Mandatory Retaking of Violent Offenders, Offenders who commit a New Violent Crime, Absconders and Eligibility for Reporting Instructions & Transfer.

The Training Committee introduced new training curriculums and guides for interested agencies: Jail Administrator Training and Parole Board Member Training.

In conjunction with a major ICOTS enhancement to the Violation reporting process, training was provided to approximately 4,000 ICOTS users in May 2013.

The WebEx Software was updated to accommodate larger training groups.

On-site trainings provided: Judicial Training (Nov 2012), Prosecutor Training (April 2013), and ICAOS workshops at the National Sherriff's Association (July 2013) and American Probation and Parole Association (January & July 2013).

Commissioner D. Ege (AZ) moved to accept the Training, Education and Public Relations Committee reports. Commissioner K. Winckler (TX) seconded.

Report accepted.

Information Technology Report

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the national office staff and the Technology Committee members for their service to the Committee: Chris Norman (AL), Patricia Vale (MD), Jill Carlson (MN), and Karen Nichols (WV). Ex officio members during the year have included Joe Kuebler (GA), Julie Lohman (VA), John Gusz (NJ), and Don Matson (MI).

The Information Technology Committee met by telephone and WebEx conference five times since last year's Annual Business Meeting.

The Committee has been working on the following projects: Fusion Center Data Exchange Project, ICOTS Violation Enhancement, Rule Proposals, ICOTS Helpdesk Support, External Reports, Victim Notification Project, and ICAOS Website.

Fusion Center Data Exchange Project: After an initial pilot with a New York State Fusion Center last year, the American Probation and Parole Association (APPA) contracted with SEARCH, the national information management and sharing organization, to provide technical assistance with automating the process of sharing ICOTS data with state fusion centers in New York. The exchange is currently running, but there are some small technical issues, which are being worked out.

APPA is preparing webinar presentations with other fusion centers to gauge interest in the program. SEARCH and the Bureau of Justice Assistance (BJA) see the project as an innovative example of what is possible with cloud computing and shared infrastructures.

ICOTS Violation Enhancement: After a year of cooperative effort by Appriss, the Commission's ICOTS system vendor, staff from the national office, and the Joint Application Development (JAD) group, the ICOTS Violation enhancement was launched, on schedule, on May 22, 2013. The enhancement completely redesigned how the violation process functions within ICOTS.

The JAD group, comprised of a variety of commissioners, DCAs and national office staff, met four times in June 2012 to review and approve the design of the new functionality. User acceptance testing (UAT) started on April 22, 2013, and lasted two weeks, during which 32 bugs were identified and subsequently addressed by Appriss before the May 22 release.

State compact offices received notification of any pending violation report and violation response activities leading up to the enhancement launch. Appriss withdrew any pending violation reports or responses on the morning of the launch.

The new software logic has improved report quality and will reduce administrative burdens over the long term. For example, since ICOTS launched, at least 60,000 inappropriate violation reports or responses were submitted. Those inappropriate activities are no longer possible.

Rule Proposals: The Information Technology Committee submitted three proposed rule amendments to the Rules Committee this year. After discussions with the Rules Committee, one proposal was withdrawn prior to the Annual Business Meeting.

ICOTS Helpdesk Support: The ICOTS helpdesk received over 2,200 ICOTS support tickets during the 2013 fiscal year. This is a decrease of more than 15 percent from the 2012 fiscal year.

External Reports: Usage of the external reports rose from over 5,600 page views in FY2012 to over 12,400 page views in FY2013, an increase of 118 percent.

The ICOTS violation enhancement upgrade also provided expanded data elements and tables to which the national office did not previously have access. These additional data fields will allow the development of detailed reports regarding the violation process.

Victim Notification Project: The integration of victim notification in ICOTS involves using the VINE system to notify a registered victim if there has been a status change involving a compact offender of interest. A victim notification workgroup, composed of commissioners and victims' representatives, met several times during the past year to advise how the victim notification process should function. The workgroup also finalized the details of the voice scripts to be used when victims receive notification via email and telephone. This service is scheduled to launch in September 2013.

ICAOS Website: The Commission made several improvements to the ICAOS website during the past year. These changes include a new "Training Resources" page with resources grouped by topic, topic-specific training resources on applicable Rule Step-By-Step pages, and an improved on-demand training page. Behind the scenes, the platform or operating system running the website was upgraded for increased security and new features.

Commissioner K. Winckler (TX) moved to accept the Information Technology Committee report. Commissioner M. Potteiger (PA) seconded.

Report accepted.

DCA Liaison Committee Report

Official Designee S. Arruti (NV) presented the DCA Liaison Committee Report to the Commission. On behalf of DCA Liaison Committee Chair Madris, he thanked all the committee members: Commissioner Kim Madris, Chair (NV), Commissioner Charles Placek, Vice Chair (ND), DCA Sheryl Cudney (AZ Parole), DCA Karen Tucker (FL Parole & Probation), DCA Sidney Nakamoto (HI Probation), DCA Kari Rumbaugh (NE Probation), DCA John Gusz (NJ Probation), DCA Dawn Persels (OR Parole & Probation), and Commissioner Kela Thomas (SC Parole & Probation).

The DCA Liaison Committee mission is to ensure that Deputy Compact Administrators continue to have an active voice in the affairs of the Compact.

The Committee goal is to ensure that all DCAs are properly trained and have an understanding of the Compact and to establish a proactive atmosphere to utilize the committee to resolve issues and conflicts within the “Spirit of the Compact”.

Official Designee S. Arruti emphasized the importance of commissioner’s involvement in the Committee as means to show support for the important work performed by DCAs and Compact Offices.

During the past year, the Committee formalized the DCA Mentoring Program adopted by the Executive Committee in May, 2013; worked towards the further development of quarterly Regional DCA meetings and the creation of a selection process to establish the expectations of a DCA serving in the position of a DCA Liaison Committee Regional Chair; and adopted a DCA training day at the ABM starting in 2014.

The DCA Mentoring Program is designed to coach, train and counsel new Deputy Compact Administrators on the operations of a compact office and to provide guidance to a DCA who needs assistance to resolve difficult compliance issues in their state.

Official Designee S. Arruti (NV) moved to accept the DCA Liaison Committee report. Commissioner S. Andrews (OH) seconded.

Report accepted.

Compliance Committee Report

Commissioner M. McAlister (NH), Compliance Committee Chair, thanked the Committee members for their work: Chris Norman, Vice Chair (AL), Karl Hines (DE), Jane Seigel (IN), Genie Powers (LA), John Rubitschun (MI), Pam Bunke (MT), Catherine Gibson-Beltz (NE), Ashbel Wall (RI), Mike Mayer (UT), Pat Tuthill, Ex-officio, Sally Holewa, Ex-officio, and Victoria Jakes, Ex-officio.

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

Commissioner M. McAlister (NH) reported that the Compliance Committee met four times during the past year.

The Committee met on August 7, 2012 to find Puerto Rico and the U.S. Virgin Islands in default for their failure to convene a state council.

The Committee met on December 19, 2012 to review and accept a corrective action plan submitted by Georgia. The Committee also reviewed a complaint filed by Pennsylvania against Georgia; and discussed concerns regarding some confusion about the meaning of Rules 5.101, 5.103, 5.105, and 5.111. The Committee agreed to refer these concerns to the Rules Committee for their review.

The Committee met on April 2, 2013 and reviewed a complaint filed by Washington against Kansas. The Committee approved a motion to recommend that Kansas be found in default for failure to issue a nationwide warrant and deferred a recommendation to the Executive Committee pending further investigation regarding Rule 5.103-2.

The Committee met on May 29, 2013 and further reviewed the complaint filed by Washington against Kansas and the results from the subsequent investigation. The Committee approved a motion to recommend to the Executive Committee that Kansas be fined for its default of Rule 5.103-2 and levied a fine to be held in abeyance upon successful completion of an approved corrective action.

Commissioner M. McAlister (NH) stated that the national office audited all states on 21 standards in FY 2011. In FY 2012, the national office audited 14 states that received 5 or more "C's" in the FY2011 audit. And in FY 2013, the national office audited all states on 9 standards with a random schedule. The results of the latest audit as follows:

- 15 states have 4 or more "C's"
- 23 states have 3 or more "C's"
- Only 12 of 53 states passed 4.106 Standard (submission of annual progress reports)

After reviewing the FY2013 Compliance Audit, the Executive Committee decided that in FY2014 the national office would re-audit only states that were found to have four or more standards that were in compliance less than 80% of the time (category "C".) States subject to re-audit in FY2014 will receive a notification the month prior to their audit.

Commissioner M. McAlister (NH) motioned to accept the Compliance Committee report. Commissioner S. Andrews (OH) seconded.

Report accepted.

Finance Committee Report

Commissioner C. Lauterbach (IA), Finance Committee Chair and Treasurer, presented the Finance Committee report to the Commission.

Commissioner C. Lauterbach (IA) stated that the Commission continues to maintain a strong financial base for its operations. . The national office staff continues to work diligently to keep the commission expenditures within its budget constraints.

The Commission has finished its fiscal year at 4% under budget.

In the upcoming months the Executive Committee will need to determine whether and how much to continue to invest into the Council of State Governments long term investment portfolio.

Commissioner C. Lauterbach (IA) stated that all but five states and territories have paid their annual dues.

Commissioner C. Lauterbach (IA) stated that there are no dues increases in the presented FY2015 budget.

Commissioner C. Lauterbach (IA) moved to accept the proposed FY 2015 budget. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed unanimously.

Commissioner C. Lauterbach (IA) thanked the Finance Committee members for their service.

Commissioner C. Lauterbach (IA) moved to accept the Finance Committee report. Commissioner S. Andrews (OH) seconded.

Motion passed unanimously.

Victims' Advocate Report

Victims' Advocate P. Tuthill (NOCV) thanked the Commission for their support towards the ICOTS victims' notification project.

Automated Victim Notification System is scheduled to be implemented in August 2013.

The system was built in response to 2011 survey of Victim Advocates/Representatives related to victim concerns for information regarding offender status and notification.

The system will offer notifications either by email or phone voice messages. Text messages not an option at this time.

Victims' Advocate P. Tuthill informed the Commission about events that will trigger notification to victims:

- Registration Confirmation
- Transfer Request Submitted Request for Reporting Instructions Transmitted; Transfer Request Transmitted; and Return to Sending State Transmitted)
- If Transfer Request has been Approved
- Approval for Transfer Request Sent
- Address Change(Limited to changes in 'primary address' only)
- Supervision Violation
- Departure
- Successful Arrival
- Failure to Arrive
- Abscond
- Transfer Request Withdrawn
- Case Closed (Successful Case Closure Reply Transmitted)

In the past year Victims' Advocate P. Tuthill assisted victims with concerns and explanations on how to request assistance and have opportunity to be heard.

Victims' Advocate P. Tuthill informed the Commission about the Office of Victims of Crime (OVC) Initiative – Vision 21:

- Stakeholder member for this project addressed concern from victim advocacy groups that growing number of victims being turned away for lack of funding or the ability to provide appropriate services
- Advocates detailed the additional challenges in reaching and serving victims of emergent crimes such as human trafficking, child commercial sexual exploitation, and financial fraud.

Victims' Advocate P. Tuthill informed the Commission about the BJA/IJIS SAVIN Information Exchange Committee Advisory Group.

Vision: Create a national information sharing standards; any state or local jurisdiction can adopt the standard for victim information and notification. National Information Exchange Model (Information Exchange Package Documentation) NIEM/IEPD is the model used for information sharing.

Opportunity for states to adopt national standards for automated victim notification that would include Interstate Compact transfers.

Defined events triggering notification throughout the entire criminal justice process to protect victims and enhance public safety, which includes ICAOS notification events.

Upcoming Request for Interest (RFI) process will determine future notification sites/projects under *SAVIN Technology Assistance Project (S-TAP)*.

In the past year Victims' Advocate P. Tuthill made the following presentations: Colorado - National Day of Remembrance (September 2012) and Trauma Informed Care *Instilling Hope* (March 2013).

The Peyton Tuthill Foundation *Hearts of Hope Scholarships* has awarded \$30,000 through 2013 to young homicide survivors. January 2014 applications will be accepted for 2014-15. Recipients are from: NM, AR, SC, CA, VA, OH, PA, FL, CT, NY.

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

Chairman M. Gilliam (OK) accepted the Victims' Advocate's Report.

General Counsel Report

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

Throughout the year, General Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provisions and Rules.

General Counsel R. Masters assisted the Compliance Committee, Executive Committee and Rules Committee in several matters pertaining to investigation, compliance, and enforcement responsibilities under the compact.

General Counsel R. Masters emphasized the importance of the continuing education for the states.

General Counsel R. Masters in conjunction with the Executive Director has issued two advisory opinions concerning the interpretation and application of various provisions of the Compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states. The advisory opinions are public record and are available at the website of the Commission.

General Counsel R. Masters provided judicial training concerning the Compact and its administrative rules in a number of states and assisted in the updates to the 'On-Demand' Judicial Training Modules, ICAOS Bench Book, Judicial training, and Parole and Probation Officer legal and liability training modules.

General Counsel R. Masters informed the Commission about the state council's appointment matter in Alaska, Puerto Rico and the US Virgin Islands. As of right now,

Alaska and Puerto Rico appointed their State Council. The US Virgin Islands are working on their appointments.

General Counsel R. Masters informed the Commission about the Kansas notice of default for failure to issue a nationwide warrant as required. Kansas took the notice very serious and is working on its correction action plan.

General Counsel R. Masters suggested going into the executive session to discuss Commission's legal matters.

Commissioner S. Andrews (OH) moved to go to the executive session to discuss Commission's legal matters. Commissioner J. Plousis (NJ) seconded.

Motion passed.

Commissioner S. Andrews (OH) moved to exit the executive session. Commissioner J. Plousis (NJ) seconded.

Motion passed.

Chairman M. Gilliam (OK) accepted General Counsel's report.

Rules Committee Report

Commissioner J. Seigel (IN), Rules Committee Chair, presented her report to the Commission. She thanked the Rules Committee members and the national office staff for their hard work.

Commissioner C. Norman (AL) moved to suspend Rule 2.109 for the limited time of allowing the Commission to vote on the following motion. Commissioner M. Potteiger (PA) seconded. Motion passed unanimously.

Any rule that has a time requirement for action of less than 30 days shall be amended to reflect that those days are business days; any time requirement of 30 days or more shall be amended to reflect that those days are calendar days.

Commissioner J. Seigel (IN) moved to change calendar to business days (as noted above) for all timelines less than 30 days with ICOTS cost of \$17,580. Commissioner E. Ligtenberg (SD) seconded.

Commissioner K. Winckler (TX) stated that this rule amendment will expand the number of days from two to three weeks. She argued that given the reliability of the electronic information system, this time extension is unnecessary.

Ex-Officio P. Tuthill (FL) spoke against the Rule expressing her concerns with the victims' issues.

Motion passed by vote of 46 to 6.

Commissioner J. Seigel (IN) stated that Midwest withdrew its proposal 2013-MIDWEST-3._ (new rule concerning mandatory reporting instructions for offenders released to a detainer in the receiving state) at its yesterday's meeting.

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-WEST-1.101-Abscond proposed by the West Region. Commissioner S. Andrews (OH) seconded.

Motion passed by vote 50 to 2.**2013-WEST-1_101abscond*****Rule 1.101 Definitions***

“**Abscond**” means to be absent from the offender’s approved place of residence or employment ~~with the intent of~~ and avoiding supervision.

Justification:

Proposal to delete the language clarifies the definition of abscond as used in Rule 4.109-2 which still requires action on the part of the receiving state to determine if the absence is to avoid supervision.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-WEST-1.101-Warrant proposed by the West Region. Commissioner S. Andrews (OH) seconded.

Motion passed unanimously.**2013-WEST-1_101warrant*****Rule 1.101 Definitions***

“**Warrant**” means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius with no bond amount set.

Justification:

Proposal to clarify that the issuance of warrants for compact offenders should not allow for a bond to be set.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-2.105 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Commissioner D. Ege (AZ) spoke in favor of the adoption of this rule. She noted that this amendment will help to capture high risk misdemeanors and will help to promote public safety.

Commissioner K. Winckler (TX) spoke in opposition to the amendment stating that this amendment will eliminate large number of dangerous offenders.

Ex-Officio S. Holewa (COSCA) stated that COSCA by unanimous consent is in support of this amendment.

Commissioner M. Potteiger (PA) spoke against the amendment.

Commissioner K. Hines (DE) spoke against the amendment.

Commissioner J. Wall (MA) spoke against the amendment. He urged the Commission think of the offender who originally were charged with felony that is resulted in misdemeanor.

Ex-Officio P. Tuthill (NOCV) spoke in opposition to the rule amendment.

Designee A. Precythe (NC) stated that North Carolina is opposed to the amendment.

Motion failed by vote 15 to 37.

2013-RULES-2.105

Rule 2.105 Misdemeanants

- (a) Only those A misdemeanor offenders who are initially charged with a felony and 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 1 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 offense of driving while impaired by drugs or alcohol;
- (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

(b) A misdemeanor offender who is not initially charged with a felony and whose sentence includes 1 year or more of supervision and is convicted of 1 of the above offenses may, at the discretion of the sending state, be eligible for discretionary transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied.

Justification:

The Rules Committee received a request from the West Region to make misdemeanor offenses ineligible for transfer under the Compact, or in the alternative, to focus on more serious misdemeanor offenses to be eligible for transfer. The Rules Committee decided that it was time to review the misdemeanor rule since it has been in use for 8 years. The Committee engaged in a lengthy discussion, trying to strike a balance between public safety concerns and the reality that a number of states do not supervise misdemeanor offenders. The Committee members were concerned that the rule could put the entire Commission at risk of liability for non-supervision and that the Commission cannot “promise more than it can deliver”. Therefore, the Committee proposes amending the rule to include only serious misdemeanors that were originally charged as felonies and resulted in misdemeanor convictions, with the four categories of serious offenses remaining as eligibility criteria. A sending state may still seek discretionary transfer of a misdemeanor offender not originally charged as a felon if the offense falls into one of the four categories and all other requirements for transfer are satisfied.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-3.101-1 and associated ICOTS cost of \$21,160 proposed by the Rules Committee. Commissioner C. Norman (AL) seconded.

Motion passed by vote 36 to 6.

2013-RULES-3.101_1

Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, and 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 has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. ~~The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.~~
 - (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. ~~The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.~~
 - (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. ~~The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.~~
 - (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. ~~The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.~~
 - (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 day following receipt of such a request from the sending state.

Justification:

Creates a new mandatory reason for transfer and reporting instructions for veterans, in light of the regional nature of VA facilities used to help and treat veterans on community supervision and the increasing use of “Veterans Treatment Courts.”

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

Create new reason for Reporting Instructions and Transfer Request: \$21,160

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-3.102 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Commissioner M. Buscher (IL) stated that this rule amendment covers gaps in instruction for day-to-day compact office operations.

Motion passed by vote 43 to 9.

2013-RULES-3.102

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 in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:

(1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state.

(2) The offender shall return to the sending state daily during non-working hours, and

(3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

(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.

Justification:

This provides alternate language drafted by the Rules Committee in response to the Midwest Proposal for an exception for offenders released in a receiving state on a parole detainer. Upon subsequent review and lengthy discussion, the rules committee decided to offer a proposal to amend Rule 3.102. By referring to the provisions of Rule 3.106, this eliminates the need for an ICOTS enhancement. Based on comments received this is a simpler approach to address this issue. To be clear, the rules committee would note that if the offender is released from a federal facility exclusively for a federal crime this rule would not apply.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-TECH-3.103 proposed by the Technology Committee. Commissioner C. Norman (AL) seconded.

Commissioner K. Winckler (TX) spoke in favor of this amendment.

Commissioner D. Ege (AZ) is in favor of this idea of an amendment, but urged not to vote for citing that the amendment needs more work before it is ready for voting.

Commissioner J. Seigel (IN) spoke in favor of this amendment.

Motion failed by vote 25 to 27.

2013-TECH-3103

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing

- (a)
- (1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within 7 ~~calendar~~ business days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a seven day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
 - (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
 - (3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
 - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
 - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 ~~calendar~~ business days following the granting to the offender of the reporting instructions.
- ~~(e) If the receiving state rejects. Upon rejection of the transfer request for an offender granted reporting instructions, or if sending state fails to send a completed transfer request by the 15th calendar business day following the granting of reporting instructions, the receiving state shall request reporting instructions for the offender to return. The sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 calendar days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
- (f) Except as provided in subsection (g), 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.
- (g) 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.

- (h) The offender shall remain in the receiving state until the directed departure date. 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 and submit a case closure as required by 4.112.
- (i) If the offender does not return to the sending state as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant ~~that is effective in all states without limitation as to specific geographic area,~~ no later than 10 calendar business days following the offender's failure to appear in the sending state.

Justification:

Since the receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant, the receiving states should have a more uniform and controlled procedure to complete the return process. A request for returning reporting instructions would uniformly coordinate all member states with a consistent manner for obtaining, documenting, issuing and monitoring the offender with a "directed departure date" almost immediately since reporting instructions have a 2-day turnaround. If it is necessary to coordinate and monitor the movement of offenders when their cases originate to the receiving state, it is within reason to expect the same concern for public safety, by uniformly coordinating and monitoring their return.

Currently, the process for directing an offender to return varies, and is as random as issuing directions by word of mouth between the sending and the offender, to random courtesies of receiving states requesting return reporting instructions via ICOTS. The goal of the compact has always been a more structured and smooth process for monitoring the movement of offenders while under supervision and that goal should not be compromised just because a case is rejected for supervision. The use of reporting instructions and notices of departure and arrival back to the sending state provide necessary structure especially when accountability and liability are the essence of why the compact exists in the first place.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

Change calendar to business days for all timelines less than 30 days
Update all reports, priority model (Compact Workload) and notifications
Cost \$17, 580 (all Rule proposals)

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-3.104-1 proposed by the Rules Committee. Commissioner C. Norman (AL) seconded.

Motion passed by vote 41 to 11.

2013-RULES-3.104-1***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.

Justification:

This language appears in Rule 3.105 (c) which allows receiving states to withdraw acceptances when a pre-release transfer is accepted but the offender fails to report following the submission of an NOD. However, Rule 3.104-1 does not include this language which suggests that states cannot withdraw their acceptances when offenders fail to report following the submission of an NOD. The current language of 3.104-1 only provides for the withdrawal of an acceptance if the sending state fails to submit an NOD within the 120 day time frame.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-TECH-3.106 proposed by the Technology Committee. Commissioner S. Andrews (OH) seconded.

Commissioner K. Winckler (TX) spoke for the amendment.

Commissioner D. Ege (AZ) spoke against the amendment stating that it needs more work before it is ready for voting.

Motion failed by vote 24 to 28.**2013-TECH-3106****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 calendar business day following the granting to the offender of the reporting instructions.
- ~~(j) If the receiving state rejects—Upon rejection of the transfer request for an offender granted reporting instructions, or if sending state fails to send a completed transfer request by the 7th calendar business day following the granting of reporting instructions, the receiving state shall request reporting instructions for the offender to return. the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 calendar days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant~~
- (e) Except as provided in subsection (f), 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.
- (f) 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.

- (g) The offender shall remain in the receiving state until the directed departure date. 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 and submit a case closure as required by 4.112.
- (h) If the offender does not return to the sending state as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant ~~that is effective in all states without limitation as to specific geographic area,~~ no later than 10 calendar business days following the offender's failure to appear in the sending state.

Justification:

Since the receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant, the receiving states should have a more uniform and controlled procedure to complete the return process. A request for returning reporting instructions would uniformly coordinate all member states with a consistent manner for obtaining, documenting, issuing and monitoring the offender with a "directed departure date" almost immediately since reporting instructions have a 2-day turnaround. If it is necessary to coordinate and monitor the movement of offenders when their cases originate to the receiving state, it is within reason to expect the same concern for public safety, by uniformly coordinating and monitoring their return.

Currently, the process for directing an offender to return varies, and is as random as issuing directions by word of mouth between the sending and the offender, to random courtesies of receiving states requesting return reporting instructions via ICOTS. The goal of the compact has always been a more structured and smooth process for monitoring the movement of offenders while under supervision and that goal should not be compromised just because a case is rejected for supervision. The use of reporting instructions and notices of departure and arrival back to the sending state provide necessary structure especially when accountability and liability are the essence of why the compact exists in the first place.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

Change calendar to business days for all timelines less than 30 days
Update all reports, priority model (Compact Workload) and notifications
Cost \$17, 580 (all Rule proposals)

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-SOUTH-3.107(a)(12) and associated ICOTS cost of \$8,560 proposed by the South Region. Commissioner M. Potteiger (PA) seconded.

Designee A. Precythe (NC) encouraged commissioners to vote in favor of the amendment stating that this information is crucial for transfer process.

Ex-Officio P. Tuthill (NOCV) spoke for the amendment.

Motion passed by vote 42 to 10.

2013-SOUTH-3.107a12

Rule 3.107 Transfer request

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

Justification:

Institutional history provides additional information regarding incarcerated offenders when requesting transfer. PSI's typically include only offender information prior to incarceration.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

Add attachment function to institutional history section on the Transfer Request - \$8,560

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-4.109 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Motion passed unanimously.

2013-RULES-4.109***Rule 4.109 Violation reports***

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
- (b) A violation report shall contain-
- (1) offender's name and location;
 - (2) offender's state-issued identifying numbers;
 - (3) date of the offense or infraction that forms the basis of the violation;
 - (4) description of the offense or infraction;
 - (5) status and disposition, if any, of offense or infraction;
 - (6) dates and descriptions of any previous violations;
 - (7) receiving state's recommendation of actions sending state may take;
 - (8) name and title of the officer making the report; and
 - (9) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
 - (10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.
- (c)
- (1) The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following ~~transmission receipt~~ by the ~~sending receiving state~~. ~~Receipt of a violation report shall be presumed to have occurred by the 5th business day following its transmission by the receiving state;~~
 - (2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.

Justification:

With the advent of ICOTS there is no need for this language which has been construed to add 5 business days to the time limit for responses and is inconsistent with other rules which have already had this type of language removed after ICOTS. "Transmission" is the language used by ICOTS.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None.

Effective date:

March 1, 2014

Commissioner C. Norman (AL) moved to adopt the proposal 2013-EAST-4.112 and associated ICOTS cost of \$4,840 proposed by the East Region. Commissioner E. McSwain (MO) seconded.

Motion passed by vote 27 to 24.

2013-EAST-4.112

Rule 4.112 Closing of supervision by the receiving state

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

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

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment. 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.

Justification:

There should be a timeframe for submitting the case closure notice as there is for replying to one. If an offender is on supervision until the end of the last day of supervision, it is unreasonable to expect that the CCN would be provided that same day. Not all agents are in the office every day to review cases for closure.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

Modify due date for CCN to be 10 business days after supervision end date: \$4,840

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-4.112 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Motion passed by vote 49 to 2.

2013-RULES-4.112

Rule 4.112 Closing of supervision by the receiving state

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

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

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender. ~~under Rule 5.101~~

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

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

Justification:

Strike "Under Rule 5.101" in section (b) to eliminate confusion regarding when a case closure notice can be submitted following retaking.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-5.101 & 2013-RULES-5.101-1 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Commissioner J. Seigel (IN) stated that these amendments were referred by the Compliance Committee.

Commissioner D. Ege (AZ) stated that these amendments will significantly help in trainings.

Designee S. Arruti (NV) spoke against the amendments.

Motion passed by vote 41 to 11.

2013-RULES-5.101_5.101_1

Rule 5.101 Discretionary retaking by the sending state

- (a) Except as required in Rules 5.102, 5.101-1, 5.103, and 5.103-1 ~~5.103-2~~ at its sole discretion, a sending state may retake or order the return of an offender, ~~unless the offender has been charged with a subsequent criminal offense in the receiving state.~~
- (b) ~~Upon its determination to retake the offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.~~
- (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.
- (c) ~~If the offender has been charged with a subsequent criminal offense in the receiving state, the offender shall not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense.~~

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.

Justification:

Rule 5.101 as it is currently written is confusing because it combines the absolute authority of the sending state to retake an offender with the obligation of the receiving state to resolve all pending charges for a subsequent criminal offense prior to retaking by the sending state. The rewrite of Rule 5.101 and the creation of Rule 5.101-1 separate these two issues into two separate rules which clarifies how states resolve retaking issues while protecting the public and victims.

Rule 5.101 outlines the absolute authority of the sending state to retake an offender at the state's sole discretion.

Rule 5.101-1 outlines the process the receiving state must follow to allow the sending state to retake an offender who has committed a subsequent felony or violent crime in the receiving state.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-5.102 and associated ICOTS cost of \$5,255 proposed by the Rules Committee. Commissioner M. Potteiger (PA) seconded.

Commissioner D. Ege (AZ) stated that AZ State Council voted against the amendment.

Commissioner C. Moore (GA) stated that Georgia strongly supports the amendment.

Ex-Officio P. Tuthill (NOCV) spoke in opposition of this amendment citing the public safety reasons.

Designee J. Ingle (UT) spoke against the amendment stating that retaking does not mean re-incarceration.

Motion passed by vote 46 to 6.

2013-RULES-5.102

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 ~~upon~~ 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.

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

- (a) ~~Upon a request from the receiving state, a sending state shall retake a violent offender who has committed a significant violation.~~
- (b) ~~Upon a request from the receiving state, a sending state shall retake an offender who is convicted of a violent crime.~~
- (c) ~~When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.~~

Rule 1.101 Definitions

~~“Violent Offender”~~ means an offender under supervision for a violent crime committed in the sending state.

Justification:

In its present form, 5.103-2 (a) prompts recommendations based on the nature of the instant offense or history of offenses instead of recommendations based on nature of the violation committed. Violations that are insignificant and would go unreported in many instances are treated as significant based on the classification “violent offender”. 5.103 already addresses significant violations of conditions of supervision and 5.102 addresses new felony convictions. Originally, the recommendation was to strike (a) from 5.103-2 for reasons previously stated. Now the recommendation is to strike 5.103-2 in its entirety and address new violent crime convictions in a revised version of 5.102. This moves the Compact in the direction of Evidence Based Practices and away from imprudent practices.

Effect on other rules, advisory opinions or dispute resolutions:

Requires an editorial change to Rule 5.101 referencing Rule 5.103-2 which is proposed to be eliminated.

ICOTS impact:

Remove Violent Offender-significant violation option from the Offender Violation Report functions: \$5,255

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-5.103 proposed by the Rules Committee. Commissioner C. Norman (AL) seconded.

Motion passed by vote 44 to 7.

2013-RULES-5.103

Rule 5.103 Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, 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 request by the receiving state.

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

Justification:

The current verbiage in this rule is silent regarding how long a sending state has to order the return of the offender or issue a warrant for an offender. This has caused the delay in returning some offenders to the sending state and this can pose a risk to public safety. For these reasons, the additional language in (a) is being proposed to establish a time frame for sending states to affect the return of their offender under this rule.

Effect on other rules, advisory opinions or dispute resolutions:

Two proposals exist for Rule 5.103 but they are not in conflict. Language could be merged if both versions pass.

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner K. Winckler (TX) moved to adopt the proposal 2013-TECH-5.103 proposed by the Technology Committee. Commissioner K. Thomas (SC) seconded.

Commissioner K. Winckler (TX) spoke for the amendment.

Commissioner D. Ege (AZ) spoke against the amendment.

Ex-Officio P. Tuthill (NOCV) spoke for the amendment citing the victims' sensitive cases.

Motion failed by vote 15 to 37.

2013-TECH-5.103

Rule 5.103 Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state.

- (b) Upon notice by the sending state that the offender will be ordered to return, the receiving state shall request reporting instructions.
- (c) 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.
- (d) 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.
- (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. The receiving state shall notify the sending state as required in Rule 4.105 and submit a case closure as required by 4.112.
- (f) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

Justification:

Currently the procedures exist in ICOTS to request reporting instructions for offenders being returned to the sending state under Rules 3.103, 3.106, and 5.103. However, the rules of the Interstate Commission do not include an explicit direction that the receiving state request reporting instructions, issue departure notices or that the sending state issue an arrival notice. This leaves the states in the position of following the procedures without any basis in the rules, a practice that is inconsistent with our expressed position that the technology should be driven by the rules and not vice-versa. Some states may fail to follow the ICOTS procedures, creating a patchwork of practices and uncertainty about the right course to follow.

The Technology Committee proposes that these rules be amended to require that states request reporting instructions for these classes of offenders in the same manner as is required under Rule 4.111 for offenders returning to the sending state. Doing so would make Rules 3.103, 3.106, and 5.103 consistent with the practices we use when offenders cross state borders to transfer their supervision under approved reporting instructions.

Effect on other rules, advisory opinions or dispute resolutions:

Two proposals exist for Rule 5.103 but they are not in conflict. Language could be merged if both versions pass.

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-5.105 proposed by the Rules Committee. Designee J. Ingle (UT) seconded.

Motion passed by vote 49 to 3.

2013-RULES-5.105

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. ~~the decision to retake has been made or upon release of the offender from incarceration in the receiving state.~~

Justification:

The "decision to retake" is not defined and causes confusion; the proposed language helps to clarify what triggers the 30 calendar day time frame for retaking.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-5.108 proposed by the Rules Committee. Commissioner M. Potteiger (PA) seconded.

Motion passed by vote 51 to 1.

2013-RULES-5.108

Rule 5.108 Probable cause hearing in receiving state

- (a) An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new ~~felony~~ 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.

Justification:

A judgment of conviction of any criminal offense is sufficient evidence of probable cause, so no further proceedings or a probable cause hearing would be needed.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Commissioner J. Seigel (IN) moved to adopt the proposal 2013-RULES-6.103 proposed by the Rules Committee. Commissioner S. Andrews (OH) seconded.

Motion passed unanimously.

2013-RULES-6.103

Rule 6.103 Enforcement actions against a defaulting state

- (a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties-
- (1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
 - (2) Remedial training and technical assistance as directed by the Interstate Commission;
 - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.
- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the ~~penalty~~ 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 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.

Justification:

Provides discretion for penalties to be imposed for a defaulting state and allow for time to cure defaults if appropriate.

Effect on other rules, advisory opinions or dispute resolutions:

None

ICOTS impact:

None

Effective date:

March 1, 2014

Prosecutors' Panel

General Counsel and Panel Moderator R. Masters introduced panelists to the Commission.

Moderator Rick Masters received his Juris Doctorate from the Brandeis School of Law of the University of Louisville and his B.A. from Asbury University. He is a former Assistant Attorney General for the Commonwealth of Kentucky and also served as General Counsel to the Council of State Governments. He was appointed by the Governor in November 2012 to serve as a Commissioner on the Executive Branch Ethics Commission. Rick Masters is General Counsel to the Interstate Commission for Adult Offender Supervision providing legal guidance concerning the compact. R. Masters is an expert in the field of interstate compacts and provides legal advice to several other compact governing boards and agencies.

Panelist Thomas B. Wine was elected as the Commonwealth's Attorney for the 30th Judicial Circuit in November 2012. His six year term of office began on January 1, 2013. Prior to being elected Commonwealth's Attorney, Tom served in the Justice system as both a prosecutor and a judge. From 1980 through 1990, he served as an assistant Commonwealth's Attorney and Assistant Attorney General. In 1992 Tom began a 15 year stint as a Jefferson County Circuit Court Judge. In September 2006 he was appointed to the Kentucky Court of Appeals where he served until January 2012. Tom has been a Master in the American Inns of Court, Louis D. Brandeis Inn and had served as the President of the Inn for 2 years.

Panelist Michael Salloum completed its undergraduate degree in College of the Holy Cross, Worcester, MA. He received the Law Degree from Columbus School of Law at Catholic University of America, Washington D.C. Michael served in District Attorney's Office, Worcester, MA for 27 years with five years in the Fugitive Unit. Over the 27 year time in the District Attorney's Office, Michael has prosecuted a variety of criminal cases at both the Superior Court and District Court level. Michael was once the supervisor of the Child Abuse Unit in his office and was, for a number of years, the supervisor of 10 district courts within this office's district.

Panelist Larry A. Landis graduated for IU School of Law-Indianapolis in 1973. His first job as a lawyer was as a deputy state public defender. He was appointed the training director of the Indiana Public Defender Council when it was created in 1977. He has been the Executive Director since 1980. He has conducted over 250 seminars and workshops, published six manuals and numerous articles on criminal defense and has lectured extensively nationally on a variety of criminal justice topics. Larry drafted the legislation

that created the Indiana Public Defender Commission in 1989 and serves as an advisor to the Commission.

Panelists shared their experiences with the Interstate Compact for Adult Offender.

Award Presentations

Executive Chair Award presented to Commissioner Jane Seigel (IN) by Chairman M. Gilliam (OK).

Executive Director Award presented to DCA John Gusz (NJ) by Executive Director H. Hageman.

Peyton Tuthill Award presented to Victims' Advocate Suzanne Elwell (MN) in recognition of her service and commitment to victims by Commissioner J. Carlson (MN) and Ex-Officio P. Tuthill (NOCV).

Chairman M. Gilliam (OK) recognized those who preserve the *Spirit of the Compact* and expressed appreciation for their work: Heather Fowler (OR), Jim Warren (OR), Leslie Lee (CO), Mary Scott (AR), and Brian Spence (MI).

Region Chairs Recognition

Chairman M. Gilliam (OK) recognized region chairs for their service and dedication: Commissioner Scott McCaffery (ME) as the East Region Chair, Commissioner Chris Norman (AL) as the South Region Chair, Commissioner Cheryl Marlow (HI) as the West Region Chair, and Commissioner Cathy Gibson-Beltz (NE) as the Midwest Region Chair.

Chairman M. Gilliam (OK) announced that the next Annual Business Meeting would take place on August 25-27, 2014 in Oklahoma City, OK.

Oath of Region Chairs

Chairman M. Gilliam (OK) administered the Oath of Chairs to newly elected chairs: Commissioner E. Gonzales (West Region Chair) and Commissioner M. Potteiger (East Region Chair).

Call to the Public

Chairman M. Gilliam (OK) opened floor to the public comments. No comments received.

Adjourn

Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner S. Andrews (OH) seconded.

Motion passed.

The Commission adjourned at 4:15 pm EDT.

Offenders on Active Supervision as of the close of FY 2014

States	Incoming				Outgoing				Total Offenders
	Probation Only	Parole Only	Probation and Parole	Total Incoming	Probation Only	Parole Only	Probation and Parole	Total Outgoing	
Alabama	2,904	716	301	3,921	1,356	433	39	1,828	5,749
Alaska	130	56	7	193	140	29	72	241	434
Arizona	1,416	506	77	1,999	2,390	205	53	2,648	4,647
Arkansas	1,709	681	144	2,534	1,203	1,460	117	2,780	5,313
California	4,153	1,212	181	5,546	2,117	476	27	2,620	8,165
Colorado	1,152	267	68	1,487	2,245	703	70	3,018	4,505
Connecticut	787	142	42	971	936	134	102	1,172	2,143
Delaware	595	138	73	806	316	26	40	382	1,187
District of Columbia	705	95	101	901	491	3	3	497	1,398
Florida	4,890	1,679	404	6,973	6,038	233	53	6,324	13,295
Georgia	3,584	929	139	4,652	7,316	1,320	1,007	9,643	14,293
Hawaii	143	43	7	193	260	105	6	371	564
Idaho	403	125	40	568	1,224	438	37	1,699	2,267
Illinois	3,282	1,143	257	4,682	2,066	880	50	2,996	7,678
Indiana	2,306	714	121	3,141	2,173	325	88	2,586	5,727
Iowa	1,067	277	77	1,421	969	310	45	1,324	2,745
Kansas	1,076	359	96	1,531	1,065	348	83	1,496	3,027
Kentucky	1,957	413	96	2,466	2,405	769	153	3,327	5,792
Louisiana	2,048	816	132	2,996	1,644	968	272	2,884	5,880
Maine	267	57	18	342	197	2	2	201	543
Maryland	2,867	460	149	3,476	1,037	279	299	1,615	5,090
Massachusetts	1,190	192	47	1,429	923	94	69	1,086	2,515
Michigan	1,775	584	100	2,459	1,238	594	55	1,887	4,346
Minnesota	1,309	291	102	1,702	2,055	272	74	2,401	4,102
Mississippi	1,573	570	122	2,265	1,713	542	327	2,582	4,847
Missouri	2,231	819	148	3,198	3,285	1,072	370	4,727	7,924
Montana	298	77	24	399	597	181	237	1,015	1,414
Nebraska	608	187	28	823	301	96	6	403	1,226
Nevada	732	203	30	965	1,079	380	22	1,481	2,446
New Hampshire	465	75	34	574	271	184	18	473	1,047
New Jersey	2,055	480	102	2,637	2,260	800	74	3,134	5,771
New Mexico	922	215	19	1,156	656	80	219	955	2,111
New York	3,691	752	140	4,583	1,897	1,235	39	3,171	7,754
North Carolina	3,523	838	236	4,597	1,250	163	66	1,479	6,076
North Dakota	624	100	53	777	464	29	78	571	1,348
Ohio	2,895	958	185	4,038	1,776	674	44	2,494	6,531
Oklahoma	1,843	783	118	2,744	1,239	239	29	1,507	4,251
Oregon	866	257	60	1,183	1,072	492	88	1,652	2,835
Pennsylvania	2,244	543	116	2,903	3,714	1,383	324	5,421	8,324
Puerto Rico	198	155	16	369	78	27	1	106	475
Rhode Island	435	42	14	491	716	37	71	824	1,315
South Carolina	2,088	508	189	2,785	960	202	41	1,203	3,988
South Dakota	408	79	23	510	458	253	30	741	1,251
Tennessee	3,576	972	377	4,925	2,249	554	74	2,877	7,802
Texas	4,240	1,970	436	6,646	7,031	3,056	273	10,360	17,005
Utah	566	124	26	716	312	146	5	463	1,179
Vermont	219	53	6	278	283	89	6	378	656
Virginia	1,749	506	130	2,385	5,753	191	189	6,133	8,517
Virgin Islands	34	15	3	52	3	3	0	6	58
Washington	1,481	467	126	2,074	472	111	20	603	2,675
West Virginia	967	174	47	1,188	299	283	30	612	1,800
Wisconsin	1,331	262	57	1,650	1,617	1,202	254	3,073	4,723
Wyoming	305	98	31	434	501	95	22	618	1,052
TOTAL:	83,882	24,177	5,675	113,734	84,110	24,205	5,773	114,088	227,806

**Interstate Compact for Adult Offender Supervision
State Dues Assessment - FY 2015**

<u>State</u>	<u>State Dues Ratio</u>	<u>State Population</u>	<u>US Population</u>	<u>FY13 State Offender Transfers</u>	<u>US Offender Transfers</u>	<u>State Dues</u>
U.S. Virgin Islands	0.000280358	102,000	312,573,327	54	230,382	\$10,314.65
Alaska	0.002182192	710,231	312,573,327	482	230,382	\$20,629.30
Vermont	0.002333520	625,741	312,573,327	614	230,382	\$20,629.30
Wyoming	0.003074069	563,626	312,573,327	1,001	230,382	\$20,629.30
Maine	0.003325060	1,328,361	312,573,327	553	230,382	\$20,629.30
Hawaii	0.003478156	1,360,301	312,573,327	600	230,382	\$20,629.30
North Dakota	0.003910316	672,591	312,573,327	1,306	230,382	\$20,629.30
Delaware	0.003979959	897,934	312,573,327	1,172	230,382	\$20,629.30
Dist. of Columbia	0.004003133	601,723	312,573,327	1,401	230,382	\$20,629.30
South Dakota	0.004076037	814,180	312,573,327	1,278	230,382	\$20,629.30
Rhode Island	0.004444344	1,052,567	312,573,327	1,272	230,382	\$20,629.30
New Hampshire	0.004536603	1,316,470	312,573,327	1,120	230,382	\$20,629.30
Montana	0.004545164	989,415	312,573,327	1,365	230,382	\$20,629.30
Nebraska	0.005623494	1,826,341	312,573,327	1,245	230,382	\$20,629.30
West Virginia	0.006677493	1,852,994	312,573,327	1,711	230,382	\$20,629.30
Puerto Rico	0.006956036	3,725,789	312,573,327	459	230,382	\$20,629.30
Utah	0.006982143	2,763,885	312,573,327	1,180	230,382	\$20,629.30
Idaho	0.007392907	1,567,582	312,573,327	2,251	230,382	\$20,629.30
New Mexico	0.007877605	2,059,179	312,573,327	2,112	230,382	\$20,629.30
Nevada	0.009480861	2,700,551	312,573,327	2,378	230,382	\$28,651.80
Connecticut	0.010253158	3,574,097	312,573,327	2,090	230,382	\$28,651.80
Iowa	0.011030190	3,046,355	312,573,327	2,837	230,382	\$28,651.80
Kansas	0.011426433	2,853,118	312,573,327	3,162	230,382	\$28,651.80
Oregon	0.012517668	3,831,074	312,573,327	2,944	230,382	\$28,651.80
Mississippi	0.015244343	2,967,297	312,573,327	4,837	230,382	\$28,651.80
Oklahoma	0.015359124	3,751,351	312,573,327	4,312	230,382	\$28,651.80
Massachusetts	0.016003695	6,547,629	312,573,327	2,548	230,382	\$28,651.80
South Carolina	0.016334006	4,625,364	312,573,327	4,117	230,382	\$28,651.80
Washington	0.016707726	6,724,540	312,573,327	2,742	230,382	\$28,651.80
Arkansas	0.016724778	2,915,918	312,573,327	5,557	230,382	\$28,651.80
Minnesota	0.017452004	5,303,925	312,573,327	4,132	230,382	\$28,651.80
Colorado	0.017945773	5,029,196	312,573,327	4,562	230,382	\$28,651.80
Kentucky	0.019461868	4,339,367	312,573,327	5,769	230,382	\$28,651.80
Wisconsin	0.019486310	5,686,986	312,573,327	4,787	230,382	\$28,651.80
Maryland	0.020058844	5,773,552	312,573,327	4,987	230,382	\$28,651.80
Arizona	0.020112753	6,392,017	312,573,327	4,556	230,382	\$28,651.80
Alabama	0.020448433	4,779,736	312,573,327	5,899	230,382	\$28,651.80
Louisiana	0.020488405	4,533,372	312,573,327	6,099	230,382	\$28,651.80
Indiana	0.023033229	6,483,802	312,573,327	5,834	230,382	\$28,651.80
Michigan	0.025454965	9,883,640	312,573,327	4,444	230,382	\$28,651.80
New Jersey	0.026592921	8,791,894	312,573,327	5,773	230,382	\$36,674.30
Tennessee	0.026925700	6,346,105	312,573,327	7,729	230,382	\$36,674.30
Missouri	0.028023316	5,988,927	312,573,327	8,498	230,382	\$36,674.30
North Carolina	0.028650508	9,535,483	312,573,327	6,173	230,382	\$36,674.30
Virginia	0.030480138	8,001,024	312,573,327	8,147	230,382	\$36,674.30
Ohio	0.032545889	11,536,504	312,573,327	6,493	230,382	\$36,674.30
Illinois	0.037723890	12,830,632	312,573,327	7,925	230,382	\$36,674.30
Pennsylvania	0.038037437	12,702,379	312,573,327	8,164	230,382	\$36,674.30
Georgia	0.047580278	9,687,653	312,573,327	14,783	230,382	\$44,696.81
New York	0.047869668	19,378,102	312,573,327	7,774	230,382	\$44,696.81
Florida	0.059862522	18,801,310	312,573,327	13,725	230,382	\$44,696.81
California	0.077241295	37,253,956	312,573,327	8,132	230,382	\$52,719.31
Texas	0.077602682	25,145,561	312,573,327	17,223	230,382	\$52,719.31

\$1,516,253.26

**FY 2016 - Proposed
Budget**

	A	AA	AC	AD	AE	AF	AG
			FY14	FY14	FY14	FY15	FY16
		FY13	Proposed	Actual	Percentage	Proposed	Proposed
		Actual	Budget	Budget	of Budget	Budget	Budget
4	REVENUE						
5	DUE ASSESSMENT	1,516,322.83	1,516,253.26	1,516,655.88	100.0%	1,516,253.26	1,516,253.26
6	ICJ MOU	1,907.50		835.00	-		
7	Carried Over Reserves	330,000.00	360,000.00	360,000.00	-	360,000.00	
8	Justice Exchange Licensing	2,500.00					
9	Refunds	133.17		150.06	-		
10	Dividend Income	5,056.98	5,000.00	9,487.43		7,500.00	8,000.00
13	INTEREST INCOME**	14,234.14	30,000.00	12,892.22	43.0%	17,500.00	14,000.00
14	Total Administration Revenue	1,875,211.60	1,911,253.26	1,900,020.59	99%	1,901,253.26	1,538,253.26
15							
16	EXPENSE						
17	60000 SALARIES & WAGES	401,699.11	435,000.00	411,879.18	94.7%	443,000.00	450,000.00
18	61000 EMPLOYEE BENEFITS	142,520.64	176,175.00	162,589.83	92.3%	185,000.00	195,000.00
21	61079 EDUCATION, ACCREDITATION	25.95	2,500.00		0.0%	2,000.00	2,000.00
22	61089 PROFESSIONAL MEMBERSHIP FEES	759.00	600.00	738.00	123.0%	600.00	600.00
23	62000 SUPPLIES	5,152.13	3,500.00	4,519.08	129.1%	4,000.00	4,000.00
24	62010 POSTAGE	1,262.11	1,500.00	979.77	65.3%	1,500.00	1,500.00
25	62090 COMPUTER SERVICES/SUPPORT	11,402.07	10,600.00	11,227.79	105.9%	9,600.00	9,600.00
26	62130 OUTSIDE WEB SUPPORT	4,835.47	6,000.00	5,296.40	88.3%	5,000.00	5,000.00
27	62140 SOFTWARE PURCHASE	3,839.50	1,500.00	1,514.91	101.0%	4,000.00	1,500.00
28	62280 INSURANCE	6,221.00	8,000.00	6,654.00	83.2%	10,000.00	10,000.00
29	62310 PHOTOCOPY	605.49	1,500.00	1,241.20	82.7%	1,000.00	500.00
30	62320 MISCELLANEOUS	50.00	500.00		0.0%	250.00	250.00
31	62340 CREDIT CARD MERCHANT FEES	390.85	375.00	392.35	104.6%	500.00	500.00
32	62360 DIRECT TELEPHONE EXPENSE	3,880.46	5,000.00	5,252.90	105.1%	5,000.00	5,000.00
33	62370 CELL PHONE EXPENSE	2,883.21	4,500.00	3,205.29	71.2%	2,500.00	1,750.00
36	62410 MARKETING/ADVERTISING		250.00		0.0%	250.00	250.00
37	66000 EQUIPMENT PURCHASE	7,072.84	6,000.00	4,782.81	79.7%	15,000.00	8,000.00
38	68200 WEB/VIDEO CONFERENCE (WebEx)	30,646.24	22,500.00	17,306.51	76.9%	22,500.00	22,500.00
39	68230 MEETING EXPENSE	102.17	347.73		0.0%	350.00	
40	72000 CONSULTANT SERVICES	9,460.20	25,000.00	7,390.82	29.6%	20,000.00	20,000.00
41	74000 STAFF TRAVEL	4,300.39	5,000.00	1,855.31	37.1%	5,000.00	5,000.00
42	78050 PRINTING	994.91	500.00	105.81	21.2%	500.00	500.00
43	80000 LEGAL SERVICES	33,725.00	25,500.00	29,875.00	117.2%	33,000.00	33,000.00
44	85000 RENT	29,524.96	30,787.11	30,410.76	98.8%	31,710.69	31,932.97
47	91010 INDIRECT COST	70,195.38	77,313.48	70,721.77	91.5%	80,226.07	80,838.30
48	Total Administration Expenditures	772,149.08	850,448.32	777,939.49	91.5%	882,486.76	889,221.27
49							
50	OTHER EXPENSE						
51	11356 Executive Committee Meetings	13,176.12	11,000.00	32,201.02	292.7%	10,000.00	10,000.00
52	11363 Annual Meeting	129,639.83	186,000.00	173,720.93	93.4%	185,000.00	200,000.00
53	11364 Compliance Committee	2,287.68	7,500.00	1,251.14	16.7%	7,500.00	5,000.00
54	11365 Finance Committee	14.75	1,000.00	6.73	0.7%	1,000.00	1,000.00
55	11366 Rules Committee	21,404.27	7,500.00	187.78	2.5%	15,000.00	20,000.00
56	11367 Technology Committee	132.88	5,000.00	214.64	4.3%	5,000.00	5,000.00
57	11368 Training/Education Committee	9,629.45	10,000.00	9,637.46	96.4%	10,000.00	10,000.00
62	11371 DCA Liaison Committee	14.06	1,000.00	77.71	7.8%	1,000.00	1,000.00
63	11372 Annual Report & Handbook	3,272.00	3,300.00	2,330.00	70.6%	3,000.00	4,000.00
65	11373 Shop ICAOS	(34.78)	-	(789.48)	0.0%	-	
66	11352 Defense Litigation	14,850.00	10,000.00	22,976.19	229.8%	10,000.00	10,000.00
67	11354 ICOTS	507,034.03	374,000.00	462,023.28	123.5%	410,000.00	410,000.00
68	Long-term Investment Fund	310,000.00	360,000.00	360,000.00	100.0%	360,000.00	
69	Other Indirect Cost	53,673.78	49,475.00	55,539.28	112.3%	52,425.00	54,275.00
70	Total Other Expense	1,065,094.07	1,025,775.00	1,119,376.68	109.1%	1,069,925.00	730,275.00
71							
72	Total Commission Expenses	1,837,243.15	1,876,223.32	1,897,316.17	99.86%	1,952,411.76	1,619,496.27
73							
74	(Over)/Under Budget	5.61%	35,029.94		0.14%	-51,158.50	-81,243.01
75		\$ 37,968.45		\$ 2,704.42	100.00%	of year completed	
76							
77							



Rules Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Jane Seigel, Chair, Rules Committee and Commissioner, State of Indiana

The Rules Committee met by WebEx conference three times since last year's Annual Business Meeting. The meetings were held on February 19, April 16, and July 9, 2014. Rules Committee members for this year are:

Jane Seigel, IN—Chair
Dori Ege, AZ
Tracy Hudrlik, WI
Ed Ligtenberg, SD
Chris Moore, GA
Jenny Nimer, FL
Michael Potteiger, PA
John Rubitschun, MI
Dawn Sides, WY
Shari Britton, Ex-Officio, FL
John Gusz, Ex-Officio, NJ
Jim Ingle, Ex-Officio, UT
Gerald VandeWalle, Ex-Officio, ND
Rick Masters, Legal Counsel

The Committee reviewed the rules that passed at the Annual Business Meeting, and then looked at the rules that did not pass to determine if those rules needed to be reintroduced in an amended form. The concern that many misdemeanors are not properly being transferred through the Compact is still an area of concern for the Committee, so proposed changes to the misdemeanor rule will continue to be a focus of the Committee. The Committee will also continue to review two of the proposals offered by the Technology Committee that narrowly failed at the ABM to determine if there is a way to address the concerns mentioned at the ABM.

The Committee looked at the new Rule 3.107 (a)(12) due to reports that this rule is being interpreted in a variety of ways. The Committee encouraged the Chair to work with the Training Committee to draft a training bulletin to clarify the intent and application of this rule. The Committee also continued to look at the issues created when there is a federal detainee involved in a transfer request. It was determined that Legal Counsel would attempt to address those concerns with an advisory opinion.

A number of new issues have been raised by Rule Committee members relating to border state issues, extradition, confidentiality of certain documents, what event “triggers” the compact, the continuing issue of homelessness of offenders, special v. standard conditions, and the impact of emerging legislative and constitutional issues. These items will continue to be discussed throughout the summer and the fall to determine if there are any necessary rule changes that need to be presented at the 2015 ABM. To that end, the Committee invites the other Committees and all of the Regions to review the Rules and forward any proposals to any of the Committee members.

We are always looking for new members—this is a great committee to really learn the rules! Please consider joining us next year.

Finally, the Committee and I could not begin to function without the incredible support of the national office. The staff is absolutely invaluable—thank you for all that you do!

Thank you for your attention and continuing support of the Rules Committee efforts.

Respectfully submitted,

Jane Seigel

Jane Seigel
Chair, Rules Committee



Information and Technology Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Anne Precythe, Chair, Information and Technology Committee and Commissioner,
State of North Carolina**

The Information and Technology Committee met by telephone and WebEx conference three times since last year's Annual Business Meeting.

The Information and Technology Committee consists of nine members, including six commissioners and three ex officio members. Commissioners include Anne Precythe – Chair (NC), Chris Norman (AL), Sheila Sharp (AR), Patricia Vale (MD), Jill Carlson (MN), and Karen Nichols (WV). Ex officio members include Matt Billinger (KS), John Gusz (NJ), and Julie Lohman (VA).

Following are highlights of the activities of the Technology Committee for the 2014 fiscal year.

Fusion Center Data Exchange Project

The American Probation and Parole Association (APPA), SEARCH and the state fusion centers of New York continue to run weekly exports of successful compact transfers. SEARCH is looking at additional enhancements to the project that could make the data notifications more useful to other fusion centers.

FBI NDex Data Sharing

The national office began speaking with NDex about possibly sharing ICOTS data earlier this year. After reviewing the data we receive from Appriss on a weekly basis, NDex began work on an application to transmit data from our database server to their server. The national office ran several test runs of the application to flesh out bugs. NDex is working on the latest version of the application that addresses a number of issues they encountered.

ICOTS Rule Amendment Release

The ICOTS rule amendment release launched February 26, 2014 for the rule amendments taking effect on March 1, 2014. The new release addressed five rule amendments with additional ICOTS functionality.

ICOTS Maintenance/Bug Fix Release

The contract with Appriss requires one annual ICOTS release to address outstanding bugs in the application. As of the publishing of this report, Appriss scheduled the next maintenance release for August 2014. The release will address 15 outstanding ICOTS issues and should be in production prior to the 2014 Annual Business Meeting.

ICOTS Helpdesk Support

The ICOTS helpdesk received over 2,600 ICOTS support tickets during the 2014 fiscal year. This is an increase of more than 18% from the 2013 fiscal year.

External Reports

Usage of the external reports rose from over 12,400 pageviews in FY2013 to over 13,900 pageviews in FY2014, an increase of 12%.

The national office added 4 reports to the list of external reports to cover compliance standards for requested progress reports and case closure responses.

Compliance Dashboards

The compliance dashboards launched on January 31, 2014. The dashboards provide an easy to understand visual representation of compliance data for states. Users can also compare state performance to the national average for the same period. Since launch, the dashboards received more than 1,000 visitors.

National Office Server Upgrades

The national office migrated website and report hosting to Amazon Web Services to provide faster performance, increased security and the ability to scale up resources quickly and easily. The move saved a small amount in monthly hosting costs, and is poised to save 30-40% in yearly costs with annual commitments.

ICOTS VINEWatch

The ICOTS Vinewatch system launched this year. The interface is separate from Appriss other victim notification system. Users need their own login for ICOTS VINEWatch, regardless of whether they already have access to the national VINEWatch system. Registered victims can receive notifications regarding most compact activities within ICOTS.

The national office attended a meeting in May 2014 of VINEWatch board of advisors to educate them on how ICOTS VINEWatch works and how victims' advocates in their respective states can use it.

ICAOS Website

Visits to the website were up over 14% from the previous fiscal year, with over 454,000 visits. Desktop user visits dropped less than 1% with over 364,000 visits, mobile users were up 245% with over 76,000 visits, and tablet users were up 116% with over 13,000 visits.

The following are goals and challenges the Commission will face in the 2015 fiscal year.

ICOTS Enhancement Release

The Technology Committee reviewed the list of approved enhancement requests dating back to 2009 and prioritized them. The committee and the national office created a list of the 14 highest priority enhancements. From this list, a workgroup met several times to outline the functional specifications of each enhancement. Appriss received the final specifications in May for price quotes and statements of work. Once the commission approves funds, Appriss will begin development on the approved enhancements. The national office will work with Appriss during the development phase to ensure compliance with all functional requirements. Development will take several months, with the release scheduled for summer 2015.

Continue to Reduce and Prioritize Approved ICOTS Enhancements

Though 14 approved enhancements could be addressed in the 2015 release, there are still more than 50 approved enhancement requests dating back to 2009. The Technology Committee will need to continue work on prioritizing the remaining list and removing any enhancements that are no longer necessary or are already addressed.

Expanding Compliance Dashboards

The platform behind the compliance dashboards is very flexible and can integrate data from many sources. To take full advantage of the dashboard capability, the Technology Committee and national office will need to explore options to provide the commission with the most useful data analysis tools. Additionally, the Technology Committee will need direction from the Commission on allowing access to the dashboards.

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

Respectfully submitted,

Anne Precythe

Anne Precythe

Chair, Information and Technology Committee



Training, Education & Public Relations Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA
AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Dori Ege, Chair, Training, Education & Public Relations Committee and Commissioner,
State of Arizona**

Report of Committee Work during last year

- Thirty field rule training sessions via Web Ex: **1,300 + attendees**
- Three compact office training sessions via Web Ex conducted on Rule amendments effective March 1, 2014: **49 states attended** (state level compact office staff)
- Three compact office training sessions via Web Ex regarding ICOTS impact for Rule amendments and addendum usage for violation reports
- **BenchBook and Training Materials** updated
- Five Web Ex sessions offered for states interested in using **ICOTS VINEWATCH**
- **1,500 +** participated in Ondemand Rules training sessions
- Published **Training Bulletin 1-2014** regarding Rule 3.107 (a)(12)
- Presentation on the new **ICAOS Compliance Dashboard** reports offered in March 2014
- Iowa (on-site), Kansas (on-site), Pennsylvania, and California received training assistance through the Technical and Training Assistance Policy

- ICAOS workshop at **APAI 2014 Annual Training Conference** facilitated by Shawn Arruti in May 2014
- **Prosecutor Conference Workshop** in Kansas facilitated by General Counsel Rick Masters in September 2013
- **Judicial Conference Workshop** in New Jersey facilitated by General Counsel Rick Masters & Training Committee Chair Dori Ege in May 2014
- **Judicial Conference Workshop** in Kansas facilitated by General Counsel Rick Masters in June 2014
- **Conducted several joint** meetings with the Deputy Compact Administrator Liaison Committee to create, plan, develop, and deliver curriculum at the 2014 Annual Business Meeting

Respectfully submitted,

Dori Ege

Dori Ege

Chair, Training, Education & Public Relations Committee



Deputy Compact Administrators Liaison Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

**FROM: Chris Moore, Chair, Deputy Compact Administrators Liaison Committee and
Commissioner, State of Georgia**

The DCA Liaison Committee continues its work to ensure Deputy Compact Administrators (DCAs) have an active voice in the affairs of the Compact. The DCA Liaison Committee members are:

Commissioner Chris Moore, Chair, GA
Commissioner Charles Placek, Vice Chair, ND
DCA Karen Tucker, FL Parole & Probation
DCA Kari Rumbaugh, NE Probation
DCA Margaret Thompson, PA Parole & Probation
Commissioner Kela Thomas, SC Parole & Probation
DCA Regina Grimes, TX Parole & Probation
DCA Jim Ingle, UT Parole & Probation

The DCA Liaison committee has met four times since the last ABM. Three of those meetings were joint meetings with the Training Committee to work on and finalize the DCA Training Institute agenda that is part of this year's ABM.

Each region now has a DCA Liaison Committee Regional Chair and each region has met at least once since the last ABM. The Regional Chair also serves as the DCA Mentor for the region. The Regional Chairs are:

East – DCA Margaret Thompson
Midwest – DCA Kari Rumbaugh
South – DCA Regina Grimes

West – DCA Jim Ingle

DCA Mentoring Program

Mission

To coach, train, and counsel new Deputy Compact Administrators (DCA) on the operations of a compact office and to provide guidance to a DCA who needs assistance to resolve difficult compliance issues in their state. To encourage active participation in Commission and Regional activities and to work with the member state to promote successful strategies and best practices.

Overview

- Participant is either a newly appointed DCA or has been identified by their Commissioner or the Commission as needing assistance to resolve compliance issues in their state.
- Mentor is a current DCA who is either a current DCA Liaison Committee Regional Chair or a DCA that has demonstrated an understanding of the Compact and is recognized for their communication skills. Mentor is required to report back to the DCA Liaison Committee.
- Mentoring assignment is generally for one year but may be extended upon request and approval. Mentoring focuses on coaching, training and counseling of the participant DCA.

Respectfully submitted,

Chris Moore

Chris Moore

Chair, Deputy Compact Administrators Liaison Committee



Compliance Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

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

Compliance Committee Members

Michael McAlister, Chair, NH
Chris Norman, Vice Chair, AL
Gary Roberge, CT
Karl Hines, DE
Jane Seigel, IN
Genie Powers, LA
John Rubitschun, MI
Pam Bunke, MT
Catherine Gibson-Beltz, NE
Ashbel Wall, RI

Pat Tuthill, Ex-officio, Victims Advocate
Sally Holewa, Ex-officio, ND
Victoria Jakes, Ex-officio, SC

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

The Committee is pleased to report that the Executive Director was able to resolve all complaints and compliance issues in accordance with the Guidelines for Resolving Compliance Issues Policy (03-2007). There were no issues referred to the committee this year. The committee did review an update in January 2014 about Kansas and California matters.

In the coming year, the committee will evaluate the national office Compliance Audit outcomes, and any matters referred by the Executive Committee.

FY2014 Compliance Audit Results

The purpose of the FY 2014 Compliance Audit was to determine if the states that failed the FY2013 compliance audit addressed the findings from the previous audit. Fifteen states failed to pass the requirement of six or more standard in FY2013. Standards assessed in most states in FY2014 were submission of annual progress reports (Rule 4.106), submission of case closure notices (Rule 4.112), and responding to violation reports (4.109).

Nearly half (7) of the states subject to audit in FY2014 were also required to submit and successfully complete a corrective action plan due to continuous failure of certain audit standards. To date, three (3) of those states have successfully completed a corrective action plan and are deemed in compliance per ICAOS compliance audit processes. Nationally averages for all standards improved.

<u>Standard</u>	<u>2013 National Compliance Average</u>	<u>Current National Compliance Average</u>
3.101-1, 3.103 & 3.106-RFRI Reply	95.6%	96%
3.104-Transfer Reply	85.6%	87.9%
4.102 & 4.112-Closure Notice	88.9%	89%
4.105 (a)*	90.5% (passing rate)	94.3% (passing rate)
4.105 (b)*	68% (passing rate)	81.1% (passing rate)
4.106 Annual Progress Report	76.8%	78.2%
4.109 Violation Response	78.4%	81.5%
Misc 101-Duplicate Offender*	88.7% (passing rate)	94.3% (passing rate)
Misc 102-User Agreement*	96.2% (passing rate)	100% (passing rate)

*Compliance measured on a threshold basis, not percentage

For FY2015, all states are subject to audit expanding the audit standards to a total of thirteen (including three new standards.) During this audit period, states that fail four or more standards (including three or more rule standards) will be required to provide and successfully complete a corrective action plan addressing the failed standards. (A list of those standards are posted on the Commission website: www.interstatecompact.org)

Respectfully submitted,

Mike McAlister

Mike McAlister

Chair, Compliance Committee



Border Community Issues Ad Hoc Committee Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

**ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA**

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

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

Membership

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

Charge of Committee

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

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

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

Discussion

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

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

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

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

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

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

Recommendation

1. The Committee recommends against amending the rules to provide a waiver to the transfer process.
2. Rule 3.102(c) provides an accommodation for offenders employed in the receiving state, however because of the language in Rule 3.101-3(c) it is not clear whether or not the employment accommodation applies to sex offenders. The Committee recommends that the Rules Committee further clarify the language.
3. Rule 3.102(c): The Committee recommends considering expanding the employment exception to include medical appointments, job interviews, housing search, and other necessities.
4. Dual supervision cases: in some cases, one of the requests for reporting instructions is approved and the other one is denied. The Committee recommends that the Commission consider a change to the rules that would eliminate the potential for conflicting results, when requesting reporting instructions for dual supervision cases.
5. Although there are a few exceptions, generally the rules do not permit an offender to be in the receiving state until reporting instructions are issued. The Committee recommends that the Commission consider changes to the rules that would allow the sending state to issue travel

permits to offenders to allow them to be in the receiving state for limited time, i.e. a job or housing search, medical appointments and treatment, schooling, family emergencies, etc.

6. The Committee recommends that all compact offices establish the practice of paying closer attention to rejected request for reporting instructions involving offenders in border jurisdictions. Survey respondents expressed a concern that requests for reporting instructions are often refused for flimsy reasons that are not in the spirit of the compact.
7. Respondents to the survey believe that many of the issues involving border jurisdictions are the result of lack of training and communication. The Committee recommends that the Commission use a portion of its technical assistance fund to seed the development of *model* or *best practice programs* that promotes multi-jurisdictional training and communication programs.
8. The Committee recommends publicizing existing programs that promote multi-jurisdictional training and communication programs.
9. The Committee recommends that the Commission develop training programs specific to the needs of border jurisdictions.

Respectfully submitted,

Sara Andrews

Sara Andrews
Chair, Border Community Issues Ad Hoc
Committee

Exhibit A

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

Metropolitan Statistical Areas¹

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

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

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

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

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

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

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

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

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

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

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

Proposal

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

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

Respectfully submitted,

Kathie Winckler

Kathie Winckler

Texas Commissioner



Ex-officio Victims' Representative Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Pat Tuthill, Ex-Officio Victims' Representative

National Automated Victim Notification System

ICOTS Victim Notification as of June 2014

- 22 states have active accounts

Arkansas	Delaware	Florida
Georgia	Iowa	Kansas
Maine	Minnesota	Mississippi
Montana	Nebraska	New Jersey
North Carolina	Ohio	Rhode Island
South Carolina	South Dakota	Tennessee
Texas	Vermont	Virginia
Wyoming		

- 8 states have registered victims

Delaware	New Jersey	South Carolina
Maine	Kansas	Iowa
Vermont	Georgia	

- 57 registrations created

Rules

- Reviewing victim notification rules and revisiting rules presented last year that did not pass to add language: In a victim sensitive case, the SS shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- Rule 3.103 Reporting instructions: Offender living in RS at time of sentencing
- Rule 3.106 Request for expedited reporting instructions
- Rule 5.103 Mandatory retaking for violation of conditions of supervision
- Recommending amending Rules 3.108 and 3.108-1

Criminal Justice and Victim Outreach

- Nominated for delegate position to ACA
- BJA/IJIS SAVIN Information Exchange Committee Advisory Group
- Honored by Bureau of Justice for contributions to public policy - 2014 Ronald Reagan Public Policy Award.

Presentations

- Presenting to Michigan Prosecuting Attorneys Association
- The Peyton Tuthill Foundation *Hearts of Hope Scholarships* has awarded \$38,000 through 2014 to young homicide survivors. January 2015 applications will be accepted for 2015-16.
 - Recipients are from: NM, AR, SC, CA, VA, OH, PA, FL, CT, NY.

Respectfully submitted,

Pat Tuthill

Pat Tuthill

Ex-Officio Victims' Representative



General Counsel Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA
AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision
FROM: Richard Masters, General Counsel

General Legal Work:

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

Since the last annual report, in addition to day to day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has issued one (1) advisory opinion concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states. The advisory opinions are public record and are available at the website of the Commission.

Judicial training concerning the Compact and its administrative rules has also been provided in a number of states including New Jersey and Kansas under the auspices of the General Counsel's office. Additional judicial training as well as joint training sessions with both prosecutors and defense counsel will be presented in Connecticut in September of this year. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS Bench Book and review and update of Judicial training and New Commissioner training

materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

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

Litigation Matters:

ICAOS V. State of California, U.S. Dist. Ct., Eastern Dist. of KY,
Case No. 5:13-cv-00175-KSF

This is an enforcement action filed by the Commission on June 10, 2013 with respect to the failure of the State of California to comply with various provisions of the Compact and its administrative rules requiring investigation and response to requests for transfers of supervised offenders to California from other compact member states as well as transmission of required information concerning compact offenders transferring to California from other compact member states and from California to other compact member states.

In addition, the Commission alleges that the State has failed and refused to implement and provide training concerning the electronic data and tracking system developed by the Commission and required to be used by the compact member states to record and exchange information pursuant to the Interstate Compact Offender Tracking System (“ICOTS”), and have further failed to select and train ICOTS users in each county in a number sufficient to cover the number of interstate offender supervision transfers to and from California.

Additionally, the appointment of the California State Council for Interstate Adult Offender Supervision has not been verified as required under the Compact. The case is pending in U.S. District Court and the Commission has been engaged in detailed negotiations with California which has shown significant progress in compliance with most of the above referenced administrative rules as well as training of ICOTS users. The parties have exchanged settlement proposals and the Commission, through its Executive Committee, made a written counter-offer in early July to which it is hoped that by the time the herein report is formally presented to the Commission, at the Annual Business Meeting (“ABM”), said proposal will have successfully concluded the matter. The most recent status report filed with the U.S. District Court for the Eastern District of Kentucky will be distributed to Commissioners during the Legal Counsel Report at the 2014 ABM along with a supplemental oral report in closed session.

Respectfully submitted,



Richard Masters,
General Counsel



East Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Michael Potteiger, Chair, East Region and Commissioner, Commonwealth of Pennsylvania

Meeting: August 27, 2013, ABM Boston, MA

Eleven of the twelve Commissioners and twenty other representatives of the Region, mostly Deputy Compact Administrators, attended. Maine Commissioner and East Region Chair, Scott McCaffery called the meeting to order.

There was discussion of the presentation of retaking rules by the Commission for voting purposes and NJ Commissioner Plousis spoke in favor of rule 3.101-1 to assist veterans with treatment needs. Each member state then provided a brief update of relevant initiatives and activities in their respective state.

Commissioner McCaffery announced his resignation as Eastern Region Chair. Michael Potteiger, Commissioner from Pennsylvania, was nominated as the next chair and subsequently elected with a unanimous vote.

Meeting: February 10, 2014

PA Commissioner and Chair of the Eastern Region called the Web-Ex meeting to order. Nine of twelve commissioners were present in addition to 14 compact staff members, mostly Deputy Compact Administrators, from the member states. There was significant discussion about ICOTS VINE Watch and the status of each state with regard to implementation. The national office provided clarification on functionality and how it differs from VINE Link.

Federal Indian Reservations was a topic of discussion in light of the survey sent out by the national office. Several states in the region indicated they have reservations/tribal land without any issues at this time.

Receipt of final progress reports containing violation information not previously reported was discussed as well as issues overall with reporting violation in ICOTS.

The possibility of arranging a face-to-face region meeting was discussed.

Each member state provided an update of the criminal justice initiatives in their state and the status of staff training on rule changes effective 3/1/14.

Vermont Commissioner Dale Crook provided an update of the ABM Planning Workgroup meeting that took place in early February in Columbus, OH.

PA Commissioner Michael Potteiger provided updates to the Ad Hoc Border Issues committee and Rules Committee.

ICAOS Assistant Director Sam Razor provided updates on national office projects and initiatives.

There was not enough time to review the survey regarding tolling sentences thus was tabled for future discussion.

Eastern Region committee participation:

Executive Committee: Commissioners Michael Potteiger (PA) and Mike McAlister (NH)

Rules Committee: Commissioner Michael Potteiger, PA and DCA John Gusz, NJ

Compliance Committee: Commissioners Mike McAlister (NH); Gary Roberge (CT), Karl Hines (DE), and Ashbel Wall (RI)

Technology Committee: DCA John Gusz (NJ)

Training Committee: DCA Margaret Thompson (PA)

DCA Liaison Committee: DCA Margaret Thompson (PA)

2014 ABM Workgroup: Commissioners Dale Crook (VT) and Gary Roberge (CT), DCAs John Gusz and Margaret Thompson (PA).

Respectfully submitted,

Michael Potteiger

Michael Potteiger

Chair, East Region



Midwest Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Catherine Gibson-Beltz, Chair, Midwest Region and Commissioner, State of Nebraska

The Midwest region has not had any new commissioners appointed during this past year. We have had some stability in that area. We did have the retirement of a long term Deputy Compact Administrator when David Geffrey left the South Dakota Interstate Office. He will be missed by the Midwest Region's DCA's and Commissioners alike. Additionally, DCA R. Wilson left his position in Ohio to take a promotion; Michigan appointed a new DCA named J. Beaman during the year; and Iowa hired a new DCA, Simona Hammond, and she will start in July of 2014.

The Midwest Region continued to be active in the Interstate Compact as indicated by the high number of Commissioners on the Executive Committee. Sara Andrews (OH) continues to serve as Vice Chair of the Executive Committee; Charles Lauterbach (IA) continues to be Treasurer, as well as chairs the Finance Committee; Jane Seigel (IN) continues in her role as chairperson of the Rules Committee, and Cathy Gibson-Beltz represents the Midwest Region on the Executive Committee. The Midwest Region also had representation on the ad hoc committee for Border State Issues, as well as Commissioners and Deputy Compact Administrators on a variety of other committees and work groups. This high level of participation in the Compact activities is appreciated and indicative of the importance the Midwest states place on an effective Interstate Compact.

The Midwest Region states met on August 27 and November 6, 2013, as well as February 26 and June 18 2014. The Midwest chairperson was unable to attend two of these meetings due to last minute Nebraska Parole obligations and would like to publicly thank Sara Andrews for handling the logistics of these two meetings at the last minute.

Midwest meetings focused on the detainer rule and its exclusion of federal detainees in its applicability. The Midwest Region would like this rule to include offenders who complete their federal detainees in other states. We continue to work on this issue with the Rules Committee and Legal Counsel. Another issue discussed what is commonly referred to as the "Spirit of the Compact" and that the Compact's

primary purpose is public safety and that issue needs to be kept in mind in accepting or denying discretionary cases and expedited reporting instructions.

In other Midwest Region activities, Kansas was pleased to announce that they completed their Correction Action Plan three months ahead of schedule. Iowa asked the national office to come to that state and provide on-site training to the parole staff. This was a large undertaking coordinated by Iowa and the Training Committee and was funded by Iowa's interstate transfer fee.

Respectfully submitted,

Catherine Gibson-Beltz

Catherine Gibson-Beltz

Chair, Midwest Region



South Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Chris Norman, Chair, South Region and Commissioner, State of Alabama

Commissioners and Deputy Compact Administrators of the South Region meet at the Annual Business Meeting on August 27, 2013 in Boston, Massachusetts. All of the seventeen commissioners from the South Region were present. During the meeting, Commissioner Kathie Winckler from Texas announced her retirement; Commissioner Chris Norman was nominated and was elected to remain the South Region Chair; Deputy Compact Administrator Regina Grimes from Texas was elected as a mentor for Deputy Compact Administrators in the South Region and will serve on the DCA Liaison Committee.

Subsequent to the 2013 Annual Business Meeting, the South Region met via WebEx on January 16, 2014 and April 16, 2014. Ten of the seventeen commissioners were present during the January 16, 2014. Six of the seventeen commissioners were present during the April 16, 2014 meeting.

Three Commissioners have been appointed in the South Region:

Ann Precythe, NC
Steve Robinson, TX
Roberto Rodriguez, KY

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

Executive Committee

Commissioner, Milt Gilliam, Chairman, OK
Commissioner, Chris Norman, AL – Regional Representative
Commissioner, Chris Moore, GA – DCA Liaison
Commissioner, Ann Precythe, NC – Standing Committee Chair
Victims Representative, Pat Tuthill, FL

Rules Committee

Compact Administrator, Shari Britton, FL
Commissioner, Jenny Nimer, FL
Commissioner, Chris Moore, GA

Compliance Committee

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

Finance

Commissioner, Bobby Straughter, TN
Deputy Compact Administrator, Debbie Duke, TN

Technology Committee

Commissioner, Anne Precythe, Chairman, NC
Commissioner, Chris Norman, AL
Commissioner, Shelia Sharp, AR
Commissioner, Karen Nichols, WV
Commissioner, Patricia Vale, MD
Deputy Compact Administrator, Julie Lohman, VA

Training Committee

Deputy Compact Administrator, Karen Tucker, FL

DCA Liaison Committee

Commissioner, Chris Moore, Chairman, GA
Commissioner, Kela Thomas, SC
Deputy Compact Administrator, Regina Grimes, TX
Deputy Compact Administrator, Karen Tucker, FL

Respectfully submitted,

Chris Norman

Chris Norman

Chair, South Region



West Region Report

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

ANNUAL BUSINESS MEETING
OKLAHOMA CITY, OKLAHOMA

AUGUST 27, 2014

TO: Commissioners of the Interstate Commission for Adult Offender Supervision

FROM: Anmarie Aylward, Chair, West Region and Commissioner, Washington State

Mr. Chairman and Members of the Commission:

On behalf of the West Region, we present this report regarding the Region's work and activities since the 2013 Annual Business Meeting.

West Region Meetings:

November 19, 2013
February 18, 2014
April 21, 2014

Agenda items and topics of discussion at the meetings included:

Executive Committee Updates
Proposed Rule Amendments
Commissioner Changes
New Rules Training
Violation Reports
Nationwide Warrants

In follow up to last year's business meeting, the West Region discussed concerns around the difficulty with obtaining nationwide warrants and although the rule proposal for Rule 2.105 failed at the annual business meeting, this continues to be a training issue for states.

The largest areas of discussion during the regional meetings were around incomplete violation reports.

Commissioner D. Ege (AZ) emphasized the need for compact offices to carefully review violation reports for completeness and contact the receiving state when incomplete, requesting they withdraw and re-submit the reports.

Respectfully submitted,

Anmarie Aylward

Anmarie Aylward
Chair, West Region



Presenters Biographies

Sara Andrews serves as the Managing Director of Court and Community for the Ohio Department of Rehabilitation and Correction (DRC), effective December 2012. She oversees the Ohio Parole Board, the Office of Victim Services, the Bureau of Research, the Office of Offender Reentry and Religious Services, Jail inspection and oversight, community supervision, fugitive and interstate compact operations, and DRC funded community corrections throughout the State of Ohio. Sara is also the Ohio Commissioner and Vice-Chair of the Interstate Compact for Adult Offender Supervision. She was appointed Deputy Director of the Division of Parole and Community Services (DPCS) and Chief of the Adult Parole Authority (APA) in March 2010. Sara had previously served as the Superintendent of the Adult Parole Authority since 2003. She began her career with DRC as a parole officer in 1991 and since then held a variety of leadership positions in DRC. Sara's academic background includes a B.A. from the University of Northern Colorado and M.S. degree from the University of Dayton, Ohio. She is a member of the Ohio Justice Alliance for Community Corrections, Ohio Chief Probation Officer Association, American Probation and Parole Association, the Interagency Council Homelessness and Affordable Housing, recipient of the United States Attorney General's William French Smith award, the 2013 Ohio Community Corrections Association President's award, 2013 Ohio Justice Alliance for Community Corrections Bennett J. Cooper award and member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty.

Anmarie Aylward is Assistant Secretary of Community Corrections. She has been active in this position for four years. Anmarie was appointed to community corrections based on her success in several divisions, programs and with legislative implementations over the years. Anmarie is a proud public servant and has been for over 25 years with the Department of Corrections. Beginning her tenure as a Research Analyst then moving through direct services particularly in prisons and treatment then offender change many of Anmarie's successes and challenges focus on the management and treatment of sex offenders in the system and in the community. Anmarie has expertise in transition of offenders and the management of sex offenders. She has extensive external stakeholder work in these areas. Her focus as Assistant Secretary has been on relationships and communication.

Anmarie began her career in criminal justice in her native Chicago Illinois with the Illinois Criminal Justice Information Authority after completing her Master's Degree in Sociology at Northern Illinois University. While she has an affinity for Chicago Anmarie moved west making a home in western Washington for over 26 years. Those years have been punctuated with a strong family life. Anmarie values her husband and four sons all native Washingtonians.

Anmarie has been active in and benefitted from the National Institute of Corrections, Executive Excellence Program, Harvard's John F. Kennedy School of Government and The Cascade Center for Public Service and Leadership. Anmarie maintains active memberships in the Association of Treatment

for Sexual Abusers (ATSA), Executives of Probation and Parole, Association for Probation and Parole, Interstate Commission for Adult Offender Supervision (ICAOS) to name a few.

Rose Ann Bisch has been working in the Corrections field for over 25 years, 17 of which have been as the Corrections Interstate Deputy Compact Administrator for the State of Minnesota. The Minnesota Interstate Compact office is responsible for administering adult and juvenile interstate compacts, and assists in returning both delinquent and non-delinquent runaways to their home state. Rose Ann was actively involved with the Probation and Parole Compact Administrator's Association (PPCAA) by serving on various committees and serving as the Treasure/Secretary. Rose Ann has served on the Interstate Commission for Adult Offender Supervision (ICAOS) Training Committee for ten years. In addition to training within Minnesota she participates in national WebEx training sessions hosted by ICAOS. Currently Rose Ann Bisch serves as the MN Commissioner on the Interstate Commission for Juveniles (ICJ). Prior to her position with Interstate, Rose Ann was a Corrections Agent for 11 years supervising a caseload of both adults and juveniles. Her education includes an A.A. Degree in Liberal Arts, a B.S. Degree in Corrections a Mini-MBA in Government Management.

Michelle Buscher serves as the Commissioner for Illinois Interstate Compact Office. She has worked for the Illinois Department of Corrections since 1984 in various capacities. She began her employment with the Department of Corrections working in the school district division and was promoted to Administrative Assistant in the Director's Office, Executive Assistant at the Logan Correctional Center, Assistant Warden of Operations at the Illinois Youth Center Valley View, Assistant Warden of Operations at Illinois Youth Center Warrenville and then to her current position. Ms. Buscher served as Secretary of the Illinois Correctional Association for over 11 years. Michelle's academic background includes a Bachelor's degree in Sociology from Sangamon State University as well as completing her Master's coursework in Child, Family and Community Service at the University of Illinois at Springfield.

Andrew R. Cannon was appointed to the Tribal Court on November 3, 2008 as a Probation Officer for the Mashantucket Pequot Tribal Nation. Prior experience includes nearly twenty five years in the State of Connecticut Judicial System, first as a Deputy Sheriff and then as an Adult Probation Officer. He was Chief of Probation in the Eastern Region of Connecticut for 11 years. During his tenure, he was also an instructor in the Training Academy for 12 years. As an instructor he was also instrumental in developing the curriculum in several of the key areas of training for the Adult Probation Officers. He was presented Certificates of Completion of the Training for Trainers Program (T4T) and Adult Learning Theory. He is also a certified trainer for Search and Seizure for Probation Officers.

Andrew is active in the probation community locally and nationally. He has belonged to the Connecticut Probation and Parole Association since 1988 and still serves as Treasurer. He is the Past-President (twice) for the New England Council on Crime and Delinquency and hosted the annual conference in Mystic, CT in October 2011. He has been a member in good standing since 1989. He has also been a member of the American Probation and Parole Association (APPA) since 2001 and has presented in November 2013 and February 2014. He was just elected as a Region 1 Representative for APPA and was appointed Chair of the Tribal Issues Committee in August 2013.

A 1988 graduate from the University of Connecticut, he earned his Bachelor of Arts degree in Sociology.

Andrew is a Preston, CT native who grew up in the immediate vicinity of the Mashantucket Pequot Tribal Nation. He is married and now lives in Norwich, CT with his wife Jolea, two daughters and two step-children.

Roberta Cohen started her career in 1994 with the New Mexico Department of Public Safety working with the Financial and Procurement Division, Crime Lab and New Mexico Law Enforcement Academy Training and Recruiting Division.

In January of 2006, Roberta was promoted as the Deputy Compact Administrator with the New Mexico Department of Corrections, Interstate Compact office. In June 2014; Roberta was appointed Commissioner for New Mexico Interstate Compact by Governor Susanna Martinez. Roberta trains all incoming Basic probation and parole recruits for the New Mexico Department of Corrections and surrounding state judicial agencies around New Mexico. Roberta sits on the ICAOS Training Committee. Roberta is a graduate of Santa Fe Community College in Santa Fe, New Mexico.

Xavier Donnelly began working with the Interstate Commission for Adult Supervision in 2005. As Systems Manager, Xavier deals with many technical projects the Commission pursues. On a daily basis, he administrates the helpdesk and manages ongoing development and maintenance for the Interstate Compact Offender Tracking System (ICOTS). Xavier is also responsible for creating data analysis tools for the commission like the ICOTS external reports and Compliance Dashboards. He currently lives in Lexington, Kentucky with his family. Xavier is a graduate of the University of Kentucky where he received a Bachelor of Science in Business and Economics and a Masters of Business Administration.

Dori Ege has held her current position as the Deputy Compact Administrator (DCA) for Arizona Adult Probation since December 1999. Prior to this position, Dori was an adult probation officer with the Gila County Probation Department in Globe, Arizona. As DCA, she is responsible for training and oversight of the interstate compact program. She regularly trains line officers, judges, attorneys, and other court personnel on the rules of the interstate compact throughout Arizona. She has also trained criminal justice personnel in Colorado, Texas, Missouri, Nevada, California, Hawaii, North Dakota, Oklahoma, Idaho, Alaska, New Jersey, Kansas, and Washington, D.C. Dori was appointed as Arizona's Compact Commissioner in January 2005. She is the current Chair of the Training Committee and serves on the National Commission's Executive and Rules Committees. Dori is a graduate of St. Cloud State University with a B.A. in Criminal Justice.

Milton Gilliam is the Administrator of Probation and Parole for the Oklahoma Department of Corrections. He has worked in Corrections since 1980, as a Case Manager, Probation/Parole Officer, Training Officer, Team Supervisor, and Administrator of Parole and Interstate Services. He received a BS in Social Work from Oklahoma Christian College in 1979 and received a M.Ed in Counseling Psychology from Central State University - Oklahoma in 1985. He has been the Interstate Compact Commissioner for Oklahoma since October 1, 1990. Milton has been active in the Parole and Probation Compact Administrators' Association (PPCAA) and the Interstate Commission for Adult Offender Supervision (ICAOS) by serving and chairing several committees and has been the National Chair of ICAOS from 2010-2014.

Kathleen Graves is the Deputy Secretary for Community and Field Services for the Kansas Department of Corrections and has oversight of Parole, Community Corrections and Adult Interstate Compact. She also serves as the Interstate Compact Commissioner for the state of Kansas. Kathleen has been in the criminal justice field for over 30 years and has held positions in city and county law enforcement as well as the correctional field. She joined the KDOC in 1991 and has held positions as a parole officer and regional supervisor. In 2000 she became the Director of Community Corrections Services. In that capacity she provided grant oversight and technical assistance to the Community Corrections Act agencies in the State of Kansas. Kathleen has also been responsible for oversight of the Labette Correctional Conservation Camps, has been involved in the Kansas Criminal Justice Information System project, and assisted in the development and implementation of the current community supervision information technology system used by parole and community corrections. In 2010, she became the Parole Services Manager for KDOC and in 2011 she was appointed to the Prisoner Review Board and participated in the development implementation of that board and its processes subsequent to the dissolution of the Kansas Parole Board by executive action. Kathleen received her Bachelor degree in Criminal Justice and Computer Science from Wichita State University.

Regina Grimes serves as the Director of the Texas Interstate Compact Office since December 2005. She is licensed to practice law in Texas and Assistant General Counsel for the Texas Department of Criminal Justice for 13 years. Regina is the recipient of the Interstate Commission for Adult Offender Supervision 2010 Executive Director's award, which is the highest award by the national Commission to a Deputy Compact Administrator for their role in the success of the Compact.

Harry E. Hageman is the Executive Director for the Interstate Commission for Adult Offender Supervision. Prior to his appointment in September of 2007, Harry served two terms as the Commission's Vice Chair.

Harry has experience as both a practitioner and an educator. His work experience includes both law enforcement and community corrections. Prior to his current assignment, Harry served as a Chief Deputy for one of Ohio's eastern counties and as the Chief Parole Officer for the Ohio Department of Rehabilitation and Corrections. Harry also taught law enforcement and public administration courses for both Kent State University and the University of Akron where he earned a graduate degree in public administration.

Tracy Hudrlik has been the Interstate Compact Administrator/Corrections Services Supervisor for the Wisconsin Department of Corrections-Division of Community Corrections since May 2013. In this capacity, Tracy oversees the Interstate Compact functions and serves on the ICAOS board. Additionally, Tracy is responsible for the development and oversight of offender programming, education, employment, and reentry activities. Tracy also represents the Division on several work groups and planning committees that guide the implementation of evidence based practices and initiatives for the Department of Corrections.

Tracy began her career in Corrections with the Wisconsin Department of Corrections in 1993 as a Probation and Parole Agent. She moved to Minnesota and was employed as a Probation Officer there from 1995-1999. Returning to Wisconsin in 1999, she has served as Probation and Parole Agent, Staff Program Development Specialist, 2nd Chance Act Coordinator, and Reentry Employment Coordinator.

Charlie Lauterbach is an Executive Officer with the Iowa Department of Corrections. He has worked in community-based corrections since February, 1988. Charlie was appointed Iowa's Compact Administrator in September, 1997. Upon adoption of the Interstate Compact for Adult Offender Supervision, Charlie continued to serve as Iowa's Compact Administrator. In May 2009, he was appointed Iowa's Commissioner. Charlie holds a Bachelor's Degree from the University of Iowa, Iowa City and a Master's Degree in Business Administration from the University of Phoenix, West Des Moines Campus.

Kimberly Madris serves as a Deputy Chief for the Nevada Department of Public Safety, Parole and Probation Division. She is the Commissioner and Compact Administrator for Nevada in the Interstate Commission for Adult Offender Supervision (ICAOS). Kim began her career in the criminal justice field with the Nebraska Department of Corrections as a corrections officer in June 1984. In February 1990 Kim accepted a position as an Adult Parole and Probation Officer with the Nevada Department of Public Safety, Parole and Probation Division, and relocated to Las Vegas, Nevada. Prior to her appointment as Deputy Chief she had served as an Adult Parole and Probation Officer, a DPS Sergeant, a DPS Lieutenant and DPS Captain for the Division. Kim has previously served the Commission as the Committee Chair for the ICAOS Deputy Compact Administrator (DCA) Liaison Committee and was a former Deputy Compact Administrator for Nevada Interstate. She has represented the Division in various inter-agency committees and commissions as well as at the state legislature. Kim earned her Bachelor of Science degree from the University of Nebraska in Criminal Justice and Sociology in December 1984. She also graduated in June 2007 from the Northwestern University Center for Public Safety, School of Police Staff and Command, Class 244.

Rick Masters is General Counsel to the Interstate Commission for Adult Offender Supervision providing legal guidance concerning the compact and its administrative rules, including application and enforcement, to the member state commissioners of ICAOS and other state officials. Rick is also a recognized subject matter expert in the field of interstate compacts and provides legal advice to several other compact governing boards and agencies. He has testified frequently before state legislative committees concerning a wide variety of compact legislation and has also provided testimony to the U.S. Congress concerning compact consent legislation and related interstate compact legal issues. Rick has been counsel of record in a number of federal and state cases involving important interstate compact issues including a recent published decision of the U.S. Court of Appeals for the Tenth (10th) Circuit upholding the validity of the regional low-level radioactive waste compacts to which most of the states are members.

Rick has been involved in extensive research and writing in the field of interstate compacts and has published a wide variety of law review articles, bench books used by state court judges, and other publications concerning the law and use of interstate compacts. He is also the co-author of the most comprehensive compilation of legal authorities and commentary on the subject published by the American Bar Association in 2007 entitled *The Evolving Use and Changing Role of Interstate Compacts: A Practitioner's Guide*.

Rick received his Juris Doctorate from the Brandeis School of Law of the University of Louisville and his B.A. from Asbury University. He is a former Assistant Attorney General for the Commonwealth of Kentucky and also served as General Counsel to the Council of State Governments. He was recently asked by Kentucky Governor Steve Beshear to serve as a Special Justice to the Kentucky Supreme Court and in November of 2012 was appointed by the Governor to serve a four (4) year term as a member of the Executive Branch Ethics Commission.

Mike McAlister, currently the Director of Field Services, was appointed Director of Field Services in July 2007, after serving several years as acting director. He was appointed Interstate Compact Commissioner in 2004. Mike has been with the New Hampshire DOC since 1988 and has served in a variety of positions on the prison side and in field services. They include Corrections Officer, Assistant Warden, Probation/Parole Officer, Chief Probation/Parole Officer and Assistant Director. As the Director, Mike is responsible for all state-wide probation and parole operations.

Chris Moore is a 1988 graduate of Mercer University with a BBA degree. Chris Moore's career with the GA Department of Corrections started in 1989 as a Probation Officer. In 1998, Chris was promoted to the Central Office as a Field Support Specialist. His program areas were Sex Offender Supervision and Intensive Probation Supervision. In 2005, Chris was promoted to Center Administrator of the Griffin Day Reporting Center. While in that capacity, Chris was licensed as a Certified Substance Abuse Counselor by the Alcohol and Drug Abuse Certification Board of GA. In 2009 he was promoted to Chief Probation Officer of the Griffin Judicial Circuit and in 2012 was appointed Compact Administrator/Commissioner for the State of GA.

Walt Pesterfield was named the Director of Parole for the Colorado Department of Corrections and assumed his role on February 3, 2014.

Mr. Pesterfield is responsible for the Division of Adult Parole and oversees the supervision of approximately 275 parole officers who manage over 10,000 parolees.

Mr. Pesterfield previously served eight years as the Director of Community Justice for Oregon's Columbia County Department of Community Justice, which oversaw both adult and juvenile divisions. Prior to this role, he served a total of six years as an Adult Parole and Probation Officer in Yamhill and Benton counties in Oregon.

His long and established law enforcement career also includes work as a Juvenile Detention Worker, Treatment/Unit Manager, and Police Officer.

Mr. Pesterfield is currently a member of the following Task Forces/Commissions:

- Colorado Commissioner for the Interstate Commission on Adult Offender Supervision
- Colorado Commission on Criminal and Juvenile Justice Comprehensive Sentencing Task Force
- Colorado Commission on Criminal and Juvenile Justice Community Corrections Task Force,
- Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice System

Charles Placek is the retired Adult Services Director of Administrative Services for the North Dakota Department of Corrections and Rehabilitation. He started his work in corrections as a Parole Officer in 1973. Over the years he has held a number of positions as a supervisor and Deputy Director with the responsibility of supervising North Dakota's Interstate Compact program. He was appointed North Dakota's Compact Commissioner following his retirement. Charles was involved with the Probation and Parole Compact Administrators' Association (PPCAA) by serving on the technology committee. He was awarded the Executive Director's Award in 2005 for his invaluable service to the Commission for the development of the Electronic Information System. Since the inception of the

Interstate Commission for Adult Offender Supervision (ICAOS) Charles has served on the Technology and DCA Liaison Committees.

Gary Roberge is the Director of Adult Probation and Bail Services for the State of Connecticut – Judicial Branch’s Court Support Services Division as well as the Commissioner of Interstate Compact for Connecticut. He has over 26 years of criminal justice experience within the Branch. Prior to obtaining supervisory and managerial positions, his career began with the Office of the Chief Bail Commissioner as a line officer providing direct service to the courts.

Mr. Roberge has spent the past 15 years working within the Connecticut Judicial Branch’s Court Support Services Division managing and now directing adult probation and bail field operations. He directs over 700 line and supervisory probation and pretrial staff who supervise over 43,000 probationers and 16,000 pretrial release cases.

Mr. Roberge received a Bachelor of Science Degree from Eastern Connecticut State University and Master of Public Administration Degree from the University of Hartford. He is also an adjunct professor in the Central Connecticut State University Criminology Department.

Kari M. Rumbaugh of the Nebraska Supreme Court, Office of Probation Administration, has 14 years of probation experience and serves as the Deputy Compact Administrator/Commissioner for the Adult and Juvenile Interstate Compacts. She is also the Administrative Compliance Officer. Kari serves on the training committees and volunteers as a national trainer for both the Interstate Commission for Adult Offender Supervision (ICAOS) and the Interstate Commission for Juveniles (ICJ), as well as serves on the ICAOS Deputy Compact Administrator Liaison committee as the Midwest region Chair. In her role as the ICJ Commissioner she serves as the Chair of the Midwest Region on the ICJ Executive Committee, as well as on the ICJ Rules Committee. Kari received the ICAOS Executive Director award in 2011 for exhibiting outstanding leadership skills and dedication to the Interstate Commission through extraordinary service. Additionally, in her role as Compliance Officer, Kari is responsible for evaluating and supporting all Nebraska Probation Districts. Further, she is the Program Director of the Rural Improvement for Schooling and Employment (RISE) Program, an AmeriCorps grant-funded program initiated in 2007, which has been awarded in 2010 and 2014 as one of the most innovative and impactful national service programs. Kari oversees in-state transfers, assists with statewide implementation of Evidence-based Practices, creates and presents many training programs and writes and manages grants.

Jane Seigel is the Executive Director of the Indiana Judicial Center. The Indiana Judicial Center conducts education programs for judicial officers, probation officers, court alcohol and drug program staff and problem-solving court staff, and other court employees. Ms. Seigel and staff members regularly attend legislative hearings and testify on upcoming court, probation, interstate compact, criminal and juvenile legislation. Ms. Seigel oversees the staff responsible for providing research services for the judicial branch, administering the interstate compact, certifying probation officers, certifying court alcohol and drug programs, and certifying problem-solving courts. The Center provides staff support for all the committees of the Judicial Conference of Indiana. As the Executive Director, Ms. Seigel also serves on the Board of Trustees of the Indiana Criminal Justice Institute, serves on the Juvenile Justice State Advisory Group, and serves as Indiana’s Commissioner on the Interstate Commission for Adult Offender Supervision and the Interstate Juvenile Compact. She is Chair of the Rules Committee for the Adult Interstate Commission and serves on its Executive Committee. She also serves on the State Steering Committee for the Juvenile Detention Alternatives Initiative (JDAI) and is a member of the

Annie E. Casey's JDAI Applied Leadership Network. Prior to assuming this position, she served as the General Counsel for the Indiana Association of Cities and Towns where she developed and led the Municipal Law series X through XIV providing 9 hours of CLE credit for municipal attorneys. She also developed regional seminars for municipal attorneys and training and education programs for other elected and appointed municipal officers. In addition, she participated in the legislative efforts of the Association by drafting language, organizing testimony, and collaborating with other interests on municipal issues with legislators. Prior to joining the Association of Cities and Towns, Ms. Seigel worked in various legal positions at the Indianapolis-Marion County City-County Legal Division, now known as the Office of Corporation Counsel. Ms. Seigel received her B.A. degree from DePauw University and her J.D. Degree from Indiana University School of Law at Indianapolis. She is married and has two grown children.

Mindy Spring is the Training & Audit Coordinator for the Interstate Commission for Adult Offender Supervision. Mindy began her career with the Interstate Commission for Adult Offender Supervision's National Office in 2004. As the Training & Audit Coordinator, Mindy conducts all of the Commission's annual compliance audits, administrates online trainings, updates training publications, and provides support in onsite trainings through the Commission's Technical and Training Assistance program. Mindy also serves as a project team member in the development and support of the Interstate Compact Offender Tracking System (ICOTS). Mindy is a graduate of the University of Tennessee with a Bachelor of Science Degree in Business Administration.

Jeremiah Stromberg is currently serving as the Assistant Director of Community Corrections for the Oregon Department of Corrections. This role includes oversight of the community corrections grant in aid funding; development of statewide legislation, policies, and rules that govern community corrections; Jail Inspections; liaison between the Counties of Oregon and the Department of Corrections, and of course Interstate Compact.

Jeremiah served on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012, first as the Executive Director before being appointed by Governor John Kitzhaber as a member of the Board.

From 1997-2009, worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: Lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; Manager of the Adult Secure Residential Treatment Program; Manager of the START Drug Court; Manager of the Parole and Probation Domestic Violence Unit, and finally Manager of the Local Control Supervision Unit.

Kela E. Thomas an Orangeburg native, was appointed by South Carolina Governor Nikki Haley and confirmed by the South Carolina State Senate as Director of the South Carolina Department of Probation, Parole and Pardon Services on February 24, 2011. Mrs. Thomas, the first African American female to head the third largest law enforcement agency in the state, has been employed with the Department since 1999, where she served as Deputy Director for Administration. She was the principal advisor to the Director on the agency administration to include legislative policy, fiscal and materials management, budgeting, training, information technology systems, and strategic planning.

Mrs. Thomas has had a diverse background in project management, budget and legislative governance, marketing and organizational development. She has had a lengthy career in financial management and executive oversight.

Mrs. Thomas holds a Bachelor of Arts degree in Management and Journalism from the University of South Carolina. She is a 2001 graduate of the South Carolina Executive Institute and a 2012 graduate of the South Carolina Criminal Justice Academy Class 579.

Mrs. Thomas serves the Midlands Community in many capacities. Junior League of Columbia, Richland School District Two Superintendent Business Advisory Council, and the University of South Carolina Board of Visitors.

Her professional affiliations include membership in the South Carolina Law Enforcement Association, South Carolina Probation and Parole Association, South Carolina State Employees Association, and Alpha Kappa Alpha Sorority Inc.

Some of her awards and recognitions include graduate of Leadership Columbia, YWCA of the Midlands Tribute to Women Nominee, the United Way Project Blue Print graduate, and a graduate of the 2012 Center for the Advancement of Leadership Skills Georgia State University.

Mrs. Thomas is a member of Francis Burns United Methodist Church in Columbia, South Carolina. She is married to Darrin T. Thomas and they have two children.

Margaret E. Thompson graduated from Pennsylvania State University in 1977 with a Bachelor of Science Degree in Vocational Rehabilitation Education and Counseling. After graduation, she spent the next 13 years in Peru and Europe before returning to the United States in 1989. Shortly after her return, she joined the York County Adult Probation Department as a bilingual probation officer for 8 years, specializing in the female offender population. She then served 5 years as Supervisor of the Intermediate Punishment, Pre-sentence Investigation, and Pre-Trial Intervention Units. In 2002, she began her career as Director of Interstate Probation Services with the Pennsylvania Board of Probation and Parole, which included the title of Deputy Compact Administrator. Ms. Thompson is a member of the ICAOS Training Committee and currently serves as Chair of the East Region Deputy Compact Administrators Committee. Additionally, she is an ex-officio member of the PA State Council for the Interstate Commission for Juveniles.

Karen Tucker is the Assistant Bureau Chief and Deputy Compact Administrator for the Florida Department of Corrections, Interstate Compact Office. She has been employed with the Florida Department of Corrections since January 1983. From 1983 to 1987, she held the position of Correctional Probation Officer in the Pensacola and Tallahassee areas before accepting a position in the Interstate Compact Office. As the Deputy Compact Administrator, she is responsible for overseeing the day to day operation of the Interstate Compact Office. Karen was actively involved with the Probation and Parole Compact Administrators' Association (PPCAA) for many years and held several positions in that organization. She has also administered the Interstate Agreement on Detainer Compact for several years and was a regular presenter at the annual Florida Sheriff's Associations State Conference and the National Association of Extradition Officials (NAEO) conference. Karen continues to be actively involved in the Interstate Commission for Adult Offender Supervision and serves on the training committee as well as the Deputy Compact Administrator Liaison Committee. She is also a member of the Florida Council on Crime and Delinquency.

Karen is a graduate of Florida State University with a B.S. degree in Criminology.

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 35th 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

MEMBERSHIP

Section 1. Commissioners

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

Section 2. Ex-Officio Members

The Commission membership shall also include individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association and Association of Paroling Authorities International shall be ex-officio members of the Commission.

ARTICLE III

OFFICERS

Section 1. Election and Succession.

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

Section 2. Duties.

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

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

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

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

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

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

Section 3. Costs and Expense Reimbursement.

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

Section 4. Vacancies.

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

ARTICLE IV

COMMISSION PERSONNEL

Section 1. Commission Staff and Offices.

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

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

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

Section 2. Duties of the Executive Director.

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

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

ARTICLE V

QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

Section 1. Immunity.

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

History: Adopted/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

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

Section 2. Defense

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

Section 3. Indemnification.

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

ARTICLE VI

MEETINGS OF THE COMMISSION

Section 1. Meetings and Notice.

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

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

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

Section 2. Quorum.

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

Section 3. Voting.

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

Section 4. Procedure.

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

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

ARTICLE VII

COMMITTEES

Section 1. Executive Committee.

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

Section 2. 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.

Section 3. Ad hoc Committees.

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

Section 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.

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

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 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.

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

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

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

ARTICLE IX

WITHDRAWAL, DEFAULT, AND TERMINATION

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

ARTICLE X

ADOPTION AND AMENDMENT OF BY-LAWS

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

ARTICLE XI

DISSOLUTION OF THE COMPACT

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

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

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

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



Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

ICAOS Rules

General information

Effective Date:
March 01, 2014



Introduction

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

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

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

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

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Chapter 1 Definitions

Rule 1.101 Definitions

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

“Abscond” means to be absent from the offender’s approved place of residence or employment and avoiding supervision.

“Adult” means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

“Application fee” means a reasonable sum of money charged an interstate compact offender by the sending state for each application for transfer prepared by the sending state.

“Arrival” means to report to the location and officials designated in reporting instructions given to an offender at the time of the offender’s departure from a sending state under an interstate compact transfer of supervision.

“By-laws” means those by-laws established by the Interstate Commission for Adult Offender Supervision for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

“Compact” means the Interstate Compact for Adult Offender Supervision.

“Compact administrator” means the individual in each compacting state appointed under the terms of this compact and responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council under this compact.

“Compact commissioner” or “commissioner” means the voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

“Compliance” means that an offender is abiding by all terms and conditions of supervision, including payment of restitution, family support, fines, court costs or other financial obligations imposed by the sending state.

“Deferred sentence” means a sentence the imposition of which is postponed pending the successful completion by the offender of the terms and conditions of supervision ordered by the court.

“Detainer” means an order to hold an offender in custody.

“Discharge” means the final completion of the sentence that was imposed on an offender by the sending state.

“Extradition” means the return of a fugitive to a state in which the offender is accused, or has been convicted of, committing a criminal offense, by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution.

References:

ICAOS Dispute Resolution

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

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

References:

ICAOS Advisory Opinion

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

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

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

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

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

References:

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 required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

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

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

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

“Subsequent receiving state” means a state to which an offender is transferred that is not the sending state or the original receiving state.

“Substantial compliance” means that an offender is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

References:

ICAOS Advisory Opinion

7-2004 [determining “substantial compliance when there are pending charges in a receiving state]

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

References:

ICAOS Advisory Opinions

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

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

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

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

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

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

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

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

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

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

"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.

Chapter 2 General Provisions

Rule 2.101 Involvement of interstate compact offices

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

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

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

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and supervision of offenders supervised under this compact.
- (b)
 - (1) Each state shall report to the commission each month the total number of offenders supervised under the compact in that state.
 - (2) Each state shall report to the commission each month the numbers of offenders transferred to and received from other states in the previous month.
 - (3) Reports required under Rule 2.102 (b)(1) and (2) shall be received by the commission no later than the 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.

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

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

Rule 2.105 Misdemeanants

- (a) A misdemeanor offender whose sentence includes 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 1 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 offense of driving while impaired by drugs or alcohol;
 - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

References:

ICAOS Advisory Opinion

- 4-2005 [Misdemeanant offender not meeting criteria of 2.105 may be transferred under Rule 3.101-2, discretionary transfer]
- 7-2006 [There are no exceptions to applicability of (a)(3) based on either the time period between the first and subsequent offense(s) or the jurisdiction in which the convictions occurred]
- 16-2006 [If the law of the sending state recognizes the use of an automobile as an element in an assault offense and the offender is so adjudicated, Rule 2.105 (a)(1) applies]
- 2-2008 [Based upon the provisions of the ICAOS rules, offenders not subject to ICAOS may, depending on the terms and conditions of their sentences, be free to move across state lines without prior approval from the receiving state and neither judges nor probation officers are prohibited by ICAOS from allowing such offenders to travel from Texas to another state]
- 1-2011 [All violations involving the use or possession of a firearm, including hunting, are subject to Compact transfer.]

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

Rule 2.106 Offenders subject to deferred sentences

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

References:

ICAOS Advisory Opinions

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

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

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

Rule 2.107 Offenders on furlough, work release

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

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

Rule 2.108 Offenders with disabilities

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

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

Rule 2.109 Adoption of rules; amendment

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

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee in the following manner:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - (2) Standing ICAOS Committees may propose rules or rule amendments by a majority vote of that committee.
 - (3) ICAOS Regions may propose rules or rule amendments by a majority vote of members of that region.
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based on the comments made by the Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 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.

References:

ICAOS Advisory Opinion

3-2006 [No provisions of the compact contemplates that a proposed rule or rule amendment may be officially voted upon at any point in the rulemaking process by anyone other than the duly appointed Commissioner of each state]

History: Adopted November 3, 2003, effective August 1, 2004; amended September 13, 2005, effective September 13, 2005; amended October 4, 2006, effective October 4, 2006; amended September 26, 2007, effective January 1, 2008; 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

- 3-2004 [Offenders relocating to another state shall not be issued travel permits without the permission of the receiving state as provided by ICAOS rules]
- 9-2006 [States which allow eligible offenders to travel to a receiving state pending investigations are in violation of Rule 2.110 and Rule 3.102. In such circumstances the receiving state may properly reject the request for transfer]
- 2-2008 [The provisions of Rule 2.110 (a) limit the applicability of the ICAOS rules regarding transfer of supervision to eligible offenders who 'relocate' to another state]
- 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.

Chapter 3 Transfer of Supervision

Rule 3.101 Mandatory transfer of supervision

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

- (a) has more than 90 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]
- 7-2005 [All mandatory transfers are subject to the requirement that they be pursuant to a “valid plan of supervision”]
- 8-2005 [The sending state determines if an offender is in substantial compliance. If a sending state has taken no action on outstanding warrants or pending charges the offender is considered to be in substantial compliance]
- 13-2006 [An undocumented immigrant who meets the definition of “offender” and seeks transfer under the Compact is subject to its jurisdiction and would not be a per se disqualification as long as the immigrant establishes the prerequisites of Rule 3.101 have been satisfied]
- 15-2006 [There is no obligation of the sending state to retake when requirements of 3.101 are no longer met]
- 2-2007 [A receiving state is not authorized to deny a transfer of an offender based solely on the fact that the offender intends to reside in Section 8 housing]

1-2010 [ICAOS member states may not refuse otherwise valid mandatory transfers of supervision under the compact on the basis that additional information, not required by Rule 3.107, has not been provided.]

1-2012 [ICAOS opines that persons ‘acquitted’ by reason of insanity under the New Jersey ‘Carter-Krol’ statute are not eligible for interstate transfer of supervision under the Compact.]

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 has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.

(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.

(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.

(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.

(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.

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.

Rule 3.101-2 Discretionary transfer of supervision

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101.
- (b) The sending state must provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

References:

ICAOS Advisory Opinions

4-2005 [Offenders not eligible for transfer under the provisions of Rule 2.105 and Rule 3.101 are eligible for transfer of supervision as a discretionary transfer]

8-2006 [Special condition(s) imposed on discretionary cases may result in retaking if the offender fails to fulfill requirements of the condition(s)]

History: Adopted September 13, 2005, effective January 1, 2006.

Rule 3.101-3 Transfer of supervision of sex offenders

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
 - (2) social history;
 - (3) information relevant to the sex offender's criminal sexual behavior;
 - (4) law enforcement report that provides specific details of sex offense;
 - (5) victim information
 - (A) the name, sex, age and relationship to the offender;
 - (B) the statement of the victim or victim's representative;
 - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing*-Rule 3.103 applies to the transfer of sex offenders, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

References:

ICAOS Advisory Opinions

1-2008 [An investigation in such cases would be largely meaningless without the cooperation of the sending state in providing sufficient details concerning the sex offense in question and a refusal to provide such information so as to allow the receiving state to make a reasonable determination as to whether the proposed residence violates local policies or laws would appear to violate the intent of this rule]

History: Adopted September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008

Rule 3.102 Submission of transfer request to a receiving state

- (a) Except as provided in section (c) & (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 section (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 in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:
- (1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state.
 - (2) The offender shall return to the sending state daily during non-working hours, and
 - (3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.
- (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

- 3-2004 [Once an application has been made under the Compact, an offender may not travel to the receiving state without the receiving state's permission]
- 9-2006 [States which allow eligible offenders to travel to a receiving state, without the receiving state's permission, are in violation of Rule 2.110 and 3.102. In such circumstances, the receiving state can properly reject the request for transfer of such an offender]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing

- (a)
- (1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within 7 business days of the sentencing date 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 sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
 - (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
 - (3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
 - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
 - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e)
- (1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.
 - (2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in

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

References:

ICAOS Advisory Opinions

3-2004 [Rule 3.103 provides an exemption to 3.102 allowing for certain offenders to obtain reporting instructions pending a reply to a transfer request]

1-2006 [Rule 3.103 is not applicable to offenders released to supervision from prison]

3-2007 [If the investigation has not been completed, reporting instructions are required to be issued as provided in Rule 3.103(a). Upon completion of investigation, if the receiving state subsequently denies the transfer on the same basis or upon failure to satisfy any of the other requirements of Rule 3.101, the provisions of Rule 3.103(e)(1) and (2) clearly require the offender to return to the sending state or be retaken upon issuance of a warrant]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008; editorial change effective February 17, 2008; amended August 28, 2013, effective March 1, 2014.

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.

References:

ICAOS Advisory Opinion

5-2006 [45 calendar days is the maximum time the receiving state has under the rules to respond to a sending state's request for transfer]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005, effective June 1, 2009; amended November 4, 2009, effective March 1, 2010; amended August 28, 2013, effective March 1, 2014.

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

5-2005 [A sending state must notify a receiving state if a parolee's release date has been withdrawn or denied]

1-2009 [A sending state may request that a receiving state investigate a request to transfer supervision under the compact prior to the offender's release from incarceration when the offender is subject to a "split sentence" of jail or prison time and release to probation supervision.]

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)
 - (1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 7th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.
 - (2) If the offender does not return to the sending state as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 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 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.

Rule 3.107 Transfer request

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

References:

ICAOS Advisory Opinions

5-2005 [For paroling offenders a release date is to be required for the transfer application]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee), effective October 6, 2008; amended September 26, 2007, effective January 1, 2008; amended November 4, 2009, effective March 1, 2010; amended October 13, 2010, effective March 1, 2011; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Rule 3.108 Victim notification

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

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.108-1 Victims' right to be heard and comment

- (a) When an offender submits a request to transfer to a receiving state or a subsequent receiving state, or to return to a sending state, the victim notification authority in the sending state shall, at the time of notification to the victim as required in Rule 3.108 (a), inform victims of the offender of their right to be heard and comment. Victims of the offender have the right to be heard regarding their concerns relating to the transfer request for their safety and family members' safety. Victims have the right to contact the sending state's interstate compact office at any time by telephone, telefax, or conventional or electronic mail regarding their concerns relating to the transfer request for their safety and family members' safety. The victim notification authority in the sending state shall provide victims of the offender with information regarding how to respond and be heard if the victim chooses.
- (b)
 - (1) Victims shall have 10 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 concerns relating to the transfer request for their safety and family members' safety. Victims' comments shall be confidential and shall not be disclosed to the public. The sending state or receiving state may impose special conditions of supervision on the offender, if the safety of the offender's victims or family members of victims is deemed to be at risk by the approval of the offender's request for transfer.
- (d) The sending state shall respond to the victim no later than 5 business days following receipt of victims' comments, indicating how victims' concerns will be addressed when transferring supervision of the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 3.109 Waiver of extradition

- (a) An offender applying for interstate supervision shall execute, at the time of application for transfer, a waiver of extradition from any state to which the offender may abscond while under supervision in the receiving state.
- (b) States that are party to this compact waive all legal requirements to extradition of offenders who are fugitives from justice.

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at any time and that formal extradition hearings would not be required]

History: Adopted November 4, 2003, effective August 1, 2004.

Chapter 4 Supervision in Receiving State

Rule 4.101 Manner and degree of supervision in receiving state

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

References:

ICAOS Advisory Opinions

- 2-2005 [Out of state offenders can be arrested and detained for failure to comply with conditions of probation if such a failure would have resulted in an arrest of a similar situated in-state offender]
- 5-2006 [This rule does not permit a state to impose the establishment of sex offender risk level or community notification on offenders transferred under the Compact if the receiving state does not impose these same requirements on its own offenders]
- 1-2007 [This rule does not permit the receiving state to provide no supervision and at a minimum the rules of the Compact contemplate that such an offender will be under some supervision for the duration of the conditions placed upon the offender by the sending state under Rule 4.102]
- 3-2008 [Compact offenders should be subject to the same exceptions as offenders sentenced in the receiving state.]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.102 Duration of supervision in the receiving state

A receiving state shall supervise an offender transferred under the interstate compact for a length of time determined by the sending state.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.103 Special conditions

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

References:

ICAOS Advisory Opinion

2-2005 [In seeking a compact transfer of supervision, the offender accepts that a sending state can retake them at 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]

1-2008 [Rule 4.103 concerning special conditions does not authorize a receiving state to deny a mandatory transfer of an offender under the compact who meets the requirements of such a transfer under Rule 3.101]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective January 1, 2006.

Rule 4.103-1 Effect of special conditions or requirements

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

History: Adopted October 26, 2004, effective January 1, 2005; amended October 4, 2006, effective January 1, 2007.

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

A receiving state shall require that an offender transferred under the interstate compact comply with any offender registration and DNA testing requirements in accordance with the laws or policies of the receiving state and shall assist the sending state to ensure DNA testing requirements and offender registration requirements of a sending state are fulfilled.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008.

Rule 4.105 Arrival and departure notifications; withdrawal of reporting instructions

- (a) *Departure notifications*-At the time of an offender's departure from any state pursuant to a transfer of supervision or the granting of reporting instructions, the state from which the offender departs shall notify the intended receiving state, and, if applicable, the sending state, through the electronic information system of the date and time of the offender's intended departure and the date by which the offender has been instructed to arrive.
- (b) *Arrival notifications*-At the time of an offender's arrival in any state pursuant to a transfer of supervision or the granting of reporting instructions, or upon the failure of an offender to arrive as instructed, the intended receiving state shall immediately notify the state from which the offender departed, and, if applicable, the sending state, through the electronic information system of the offender's arrival or failure to arrive.
- (c) A receiving state may withdraw its reporting instructions if the offender does not report to the receiving state as directed.

History: Adopted November 4, 2003, effective August 1, 2004; amended September 13, 2005, effective June 1, 2009.

Rule 4.106 Progress reports

- (a) A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown. The receiving state shall provide the progress report within 30 calendar days of receiving the request.

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

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

Rule 4.107 Fees

- (a) *Application fee*-A sending state may impose a fee for each transfer application prepared for an offender.
- (b) *Supervision fee*-
- (1) A receiving state may impose a reasonable supervision fee on an offender whom the state accepts for supervision, which shall not be greater than the fee charged to the state's own offenders.
 - (2) A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state.

References:

ICAOS Advisory Opinions

2-2006 [The sending state is prohibited from imposing a supervision fee once the offender has been transferred under the Compact]

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a "supervision fee," may be collected on Compact offenders at a sending state's responsibility]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.108 Collection of restitution, fines and other costs

- (a) A sending state is responsible for collecting all fines, family support, restitution, court costs, or other financial obligations imposed by the sending state on the offender.
- (b) Upon notice by the sending state that the offender is not complying with family support and restitution obligations, and financial obligations as set forth in subsection (a), the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply. The receiving state shall inform the offender of the address to which payments are to be sent.

References:

ICAOS Advisory Opinion

14-2006[A fee imposed by a sending state for purposes of defraying costs for sex offender registration and victim notification, not appearing to fit criteria of a “supervision fee,” may be collected on Compact offenders at a sending state’s responsibility. A receiving state would be obligated for notifying the offender to comply with such financial responsibility under Rule 4.108 (b)]

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 4.109 Violation reports

- (a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
- (b) A violation report shall contain-
 - (1) offender's name and location;
 - (2) offender's state-issued identifying numbers;
 - (3) date of the offense or infraction that forms the basis of the violation;
 - (4) description of the offense or infraction;
 - (5) status and disposition, if any, of offense or infraction;
 - (6) dates and descriptions of any previous violations;
 - (7) receiving state's recommendation of actions sending state may take;
 - (8) name and title of the officer making the report; and
 - (9) if the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, and the date of the offender's last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
 - (10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.
- (c)
 - (1) The sending state shall respond to a report of a violation made by the receiving state no later than 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.

Rule 4.109-1 Authority to arrest and detain

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

History: Adopted October 4, 2006, effective January 1, 2007.

References:

ICAOS Advisory Opinion

17-2006[Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

Rule 4.109-2 Absconding Violation

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

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 4.110 Transfer to a subsequent receiving state

- (a) At the request of an offender for transfer to a subsequent receiving state, and with the approval of the sending state, the sending state shall prepare and transmit a request for transfer to the subsequent state in the same manner as an initial request for transfer is made.
- (b) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer," and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state.
- (c) The receiving state shall submit a statement to the sending state summarizing the offender's progress under supervision.
- (d) The receiving state shall issue a travel permit to the offender when the sending state informs the receiving state that the offender's transfer to the subsequent receiving state has been approved.
- (e) Notification of offender's departure and arrival shall be made as required under Rule 4.105.
- (f) Acceptance of the offender's transfer of supervision by a subsequent state and issuance of reporting instructions to the offender terminate the receiving state's supervisory obligations for the offender.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 13, 2005 (to be effective upon the implementation of electronic system; date to be determined by Executive Committee) amended September 26, 2007, effective January 1, 2008.

Rule 4.111 Offender requesting return to the sending state

- (a) Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state.
- (c) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (d) A receiving state shall notify the sending state as required in Rule 4.105 (a).

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008 amended September 14, 2011, effective March 1, 2012.

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 Opinion

11-2006[A receiving state closing supervision interest, does not preclude the jurisdiction of the Compact except for cases where the original term of supervision has expired]

2-2010 [If a sending state modifies a sentencing order so that the offender no longer meets the definition of "supervision," no further jurisdiction exists to supervise the offender under the compact and qualifies as a discharge requiring a receiving state to close supervision.]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 26, 2004, effective January 1, 2005; amended September 26, 2007, effective January 1, 2008; amended September 14, 2011, effective March 1, 2012; amended August 28, 2013, effective March 1, 2014.

Chapter 5 Retaking

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.
- (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.

References:

ICAOS Advisory Opinion

12-2006[Neither the time frame nor the means by which the retaking of the offender shall occur as outlined in Rule 5.101 (a) are provided]

History: Adopted November 4, 2003, effective August 1, 2004; amended September 26, 2007, effective January 1, 2008; amended October 13, 2010, effective March 1, 2011; amended August 28, 2013, effective March 1, 2014

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.

History: Adopted August 28, 2013, effective March 1, 2014.

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 Mandatory retaking for violation of conditions of supervision

(a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, 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 request by the receiving 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.

References:

ICAOS Advisory Opinions

2-2005 [An out of state offender may be arrested and detained by a receiving state who are subject to retaking based on violations of supervision, *See* Rule 4.109-1]

10-2006[Offenders transferred prior to the adoption of ICAOS rules August 1, 2004 may be retaken under the current rules if 1 of the significant violations occurred after August 1, 2004]

4-2007 [It is unreasonable to assume the subsequent application of Rule 5.103 (a) to include violations occurring prior to an application being accepted as a basis to require retaking]

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008, amended August 28, 2013, effective March 1, 2014.

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

2-2011 [The sending state is not required to make a determination that an offender is violent at the time of transfer.]

History: Adopted October 13, 2010, effective March 1, 2011.

Rule 5.104 Cost of retaking an offender

A sending state shall be responsible for the cost of retaking the offender.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.105 Time allowed for retaking an offender

A sending state shall retake an offender within 30 calendar days after the 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.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.108 Probable cause hearing in receiving state

- (a) An offender subject to retaking for violation of conditions of supervision that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.
- (b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to one or more significant violations of the terms or conditions of supervision.
- (c) A copy of a judgment of conviction regarding the conviction of a new 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 Opinion

2-2005 [Although Rule 5.108 requires that a probable cause hearing take place for an offender subject to retaking for violations of conditions that may result in revocation as outlined in subsection (a), allegations of due process violations in the actual revocation of probation or parole are matters addressed during proceedings in the sending state after the offender's return]

17-2006 [Each state should determine the extent to which authority is vested in parole and probation officers as well as other law enforcement and peace officers to effect such an arrest, including the need for a warrant.]

5-2012 [Rule 5.108 permits the use of 2-way video closed circuit television during probable cause hearings where determined by the hearing officer to be necessary to protect a witness from harm which might result from testifying in person.]

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.

Rule 5.109 Transport of offenders

States that are party to this compact shall allow officers authorized by the law of the sending or receiving state to transport offenders through the state without interference.

History: Adopted November 4, 2003, effective August 1, 2004.

Rule 5.110 Retaking offenders from local, state or federal correctional facilities

- (a) Officers authorized by the law of a sending state may take custody of an offender from a local, state or federal correctional facility at the expiration of the sentence or the offender's release from that facility provided that
 - (1) No detainer has been placed against the offender by the state in which the correctional facility lies; and
 - (2) No extradition proceedings have been initiated against the offender by a third-party state.

History: Adopted November 4, 2003, effective August 1, 2004.

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

An offender against whom retaking procedures have been instituted by a sending or receiving state shall not be admitted to bail or other release conditions in any state.

History: Adopted November 4, 2003, effective August 1, 2004; amended October 4, 2006, effective January 1, 2007; amended September 26, 2007, effective January 1, 2008.

Chapter 6 Dispute Resolution and Interpretation of Rules

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

- (a) Through the office of a state's compact administrator, states shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy-*
 - (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under Rule 6.101 (a), states shall pursue 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	
SECONDARY MOTIONS	PRIVILEGED	Fix the Time to Which to Adjourn		S		A	M	R	
		Adjourn		S			M		
		Recess		S		A	M		
		Raise a Question of Privilege	I				Chair decides		
		Call for Orders of the Day	I				Chair decides		
	SUBSIDIARY	Lay on the Table			S			M	Negative Only*
		Previous Question			S			2/3	R*
		Limit or Extend Limits of Debate			S		A	2/3	R*
		Postpone Definitely			S	D	A	M	R*
		Commit (or Refer)			S	D	A	M	R*
		Amend			S	D*	A*	M	R
		Postpone Indefinitely			S	D		M	Affirmative Only
	Main Motion				S	D	A	M	R
	* See text for exceptions							M = Majority vote	

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

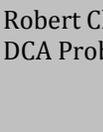
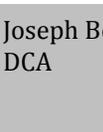
considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.

- **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



Annual Business Meeting
Compact Member Attendee List
Oklahoma City, OK

ALABAMA	 <p>Chris Norman Commissioner, South Region Chair</p>	 <p>Lee Ishman DCA</p>	
ALASKA		 <p>Kathryn Luth DCA</p>	
ARIZONA	 <p>Dori Ege Commissioner, DCA Probation, Training Committee Chair</p>		
ARKANSAS	<p>Shelia Sharp Commissioner</p>	 <p>Linda Mustafa DCA</p>	
CALIFORNIA	 <p>Daniel Stone Commissioner</p>	<p>Guillermo Viera Rosa DCA</p>	
COLORADO	<p>Walt Pesterfield Commissioner</p>	 <p>Joe White DCA Parole</p>	 <p>Devon Whitefield DCA Probation</p>
CONNECTICUT	 <p>Gary Roberge Commissioner</p>	<p>Fred Watton DCA Parole</p>	 <p>Natalie Latulippe DCA Probation</p>
DELAWARE	 <p>Karl Hines Commissioner</p>	<p>John Sebastian DCA</p>	
DISTRICT of COLUMBIA	 <p>Nancy Ware Commissioner</p>	 <p>Jody Tracey DCA</p>	
FLORIDA	 <p>Jenny Nimer Commissioner</p>	 <p>Karen Tucker DCA</p>	
GEORGIA	 <p>Chris Moore Commissioner, DCA Liaison Committee Chair</p>	 <p>Jenna James DCA Parole</p>	<p>Miriam Dyson DCA Probation</p>

HAWAII	 Sidney Nakamoto Commissioner	 Michael Knott DCA Parole	Brook Mamizuka DCA Probation
IDAHO	 Denton Darrington Commissioner	 Judy Mesick DCA	
ILLINOIS	 Michelle Buscher Commissioner DCA Parole	 Holly Reuter DCA Probation	
INDIANA	 Jane Seigel Commissioner, Rules Committee Chair	 Robert Champion DCA Probation	
IOWA	 Charles Lauterbach Commissioner, Treasurer	 Simona Hammond DCA	
KANSAS	 Kathleen Graves Commissioner	 Matthew Billinger DCA	
KENTUCKY	Roberto "Bob" Rodriguez Commissioner	 Emily Robinson DCA Parole	
LOUISIANA	 Genie Powers Commissioner	 Gregg Smith DCA	
MAINE	 Scott McCaffery Commissioner	 Cynthia Brann DCA	
MARYLAND	 Patricia Vale Commissioner	 Melanie Brock DCA	
MASSACHUSETTS		 Michael Coelho DCA Probation	
MICHIGAN	 John Rubitschun Commissioner	 Joseph Beaman DCA	

MINNESOTA	 Jill Carlson Commissioner	 Rose Ann Bisch DCA	
MISSISSIPPI		 Richie Spears DCA	
MISSOURI	 Ellis McSwain Commissioner	Lori Zuroweste DCA	
MONTANA		 Cathy Gordon DCA	
NEBRASKA	 Catherine Gibson-Beltz Commissioner, Midwest Region Chair	 Sally Reinhardt- Stewart DCA Parole	 Kari Rumbaugh DCA Probation
NEVADA	 Kim Madris Commissioner	 Shawn Arruti DCA	
NEW HAMPSHIRE	 Mike McAlister Commissioner, Compliance Committee Chair	 Jeanne Stewart DCA	
NEW JERSEY		 Craig Schindewolf DCA Parole	 John Gusz DCA Probation
NEW MEXICO	 Roberta Cohen Commissioner	Victoria Vigil DCA	
NEW YORK	Robert Maccarone Official Designee	Felix Rosa DCA Parole	 Matthew Charton DCA Probation
NORTH CAROLINA	 Anne Precythe Commissioner, Technology Committee Chair	 Jay Lynn DCA	
NORTH DAKOTA	 Charles Placek Commissioner	 Amy Vorachek Compact Administrator	 Janice Young DCA

OHIO	 Sara Andrews Commissioner, Vice Chair	Suzanne Brooks DCA	
OKLAHOMA	 Milt Gilliam Commissioner, Chairman	 Frank Mesarick DCA	
OREGON	 Jeremiah Stromberg Commissioner	Mark Patterson DCA	
PENNSYLVANIA	 Michael Potteiger Commissioner, East Region Chair	 Kay Longenberger DCA Parole	 Margaret Thompson DCA Probation
PUERTO RICO	 Raquel Colón Commissioner / DCA		
RHODE ISLAND	 Laura Queenan Official Designee DCA		
SOUTH CAROLINA	 Kela Thomas Commissioner	 Christopher Harris DCA	
SOUTH DAKOTA	 Ed Ligtenberg Commissioner	 Sarah Ball DCA Parole	 Nancy Allard DCA Probation
TENNESSEE	 Bobby Straughter Commissioner	 Debbie Duke DCA Parole	
TEXAS	Stuart Jenkins Official Designee Compact Administrator	 Regina Grimes DCA	
UTAH	Geri Miller-Fox Commissioner	 Jim Ingle DCA	
VERMONT	 Dale Crook Commissioner	 Donna Pratt DCA	

VIRGINIA	 James Parks Commissioner	 Julie Lohman DCA
WASHINGTON	 Anmarie Aylward Commissioner, West Region Chair	 Marjorie Martin DCA
WEST VIRGINIA	 Karen Nichols Commissioner	 Amy Kirk DCA
WISCONSIN	 Tracy Hudrlik Commissioner	 Mary Keyes DCA
WYOMING	 Dawn Sides Commissioner	 Patricia Odell DCA

EX OFFICIO MEMBER ATTENDEES

American Probation and Parole Association (APPA)	 Carl Wicklund
Interstate Commission for Juveniles (ICJ)	 Ashley Lippert
Association of Paroling Authorities International (APAI)	 Keith Hardison
Conference of State Court Administrators (COSCA)	 Sally Holewa
National Conference of State Legislatures (NCSL)	 Craig Tieszen

NATIONAL OFFICE STAFF



Harry Hageman, Executive Director



Sam Razor, Assistant Director



Mindy Spring, Audit and Training Coordinator



Xavier Donnelly, ICOTS Manager



Kevin Terry, Web Analyst



Barno Saturday, Logistics and Administrative Coordinator

LEGAL COUNSEL

Rick Masters, General Counsel