Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century

FY2009 Annual Report

Ken Merz (MN)
Chairman

Milt Gilliam (OK)
Vice-Chairman

Kevin Kempf (ID)
Treasurer

Letter from the Chairman

This past year, the Interstate Commission for Adult Offender Supervision (ICAOS) navigated numerous challenges as every state faced tough budget issues and hard decisions about priorities and services. Yet along the way, ICAOS made considerable progress toward targeted goals. The outstanding performance of the National Office staff, complemented by Commission members' contributions, producing results that will support our mission and activities well into the future.

Notably, we moved from plan to action in two strategic areas: the implementation of our Interstate Compact Offender Tracking System (ICOTS) and enhancement of the web-based training supporting this system. The implementation of ICOTS was not without its difficulties. Over the past nine months, it seems as though the National Office staff and staff in every state compact office across the country are working to make sure information entered is accurate and complete. The Technology Committee continues to prioritize fixes and determine needed enhancements as the system expands in order to make ICOTS an even more robust, effective tool. The Training Committee is hard at work updating its training bulletins and online sessions to ensure agents in the field have the most current and necessary information.

This past year also saw prominent strategies introduced by the Deputy Compact Administrators (DCA) Committee. The committee's key objectives are to research and propose efficiency measures that will optimize the flow of work within compact offices and strengthen the knowledge base of all deputy compact administrators through a Training Institute offered in non-rulemaking years. We welcome this new effort. Under the leadership of their respective chairs, all of our Committees continue to work to strengthen their outreach and advance the goals of this organization. I want to thank the Committee members for their dedication and involvement, and I encourage all Commissioners to become active in a Committee of interest to them.

At seven years old, ICAOS is still a relatively young organization. But the combined experience of members, staff and other stakeholders is creating important results that reflect the personal commitment and professional expertise of everyone involved. On behalf of the Executive Committee, I want to thank everyone who contributes to the success of the vital and important mission of public safety undertaken by this Commission. We have much to be proud of, and much to look forward to in the coming year.

Ken Merz, Commission Chair
Interstate Commission for Adult Offender Supervision

The Mission:

The Interstate Commission for Adult Offender Supervision will guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victim's rights.

2008 Annual Meeting Spotlight

The 2008 Annual Business Meeting wasn't anything like previous years; a number of events set it apart. With the first ever in-service training, Commissioners and Deputy Compact Administrators listened to panel discussions on state councils, self assessments, best practices and the Interstate Compact Offender Tracking System (ICOTS). Commissioners approved a new budget during the general session and after lively discussion, set an Oct. 6 implementation date for ICOTS and gave states a 60 day extension to load legacy data.

Also in the meeting, three workgroups reported findings to the Commission. An Ad Hoc Committee responsible for reviewing expedited transfer procedures for out-of-state treatment recommended the Commission should not amend its rules to allow local agreements or to create special procedures allowing offenders to access treatment in other jurisdictions. A Finance Ad Hoc Committee analyzed the dues structure and recommended the Commission create an additional tier for states with a dues ratio below 0.001. Lastly, an Executive Committee workgroup introduced a policy and guidelines for enforcing compliance.

The Commission also elected and swore in new officers. Ken Merz, Director of Administrative Services for the Minnesota Department of Corrections, is the Chair. Milt Gilliam, Administrator of Parole and Interstate Services for the Oklahoma Department of Corrections, is the Vice-Chair, and Kevin Kempf, Chief of Community Corrections for Idaho's Department of Correction, is the Treasurer.

Next Meeting, November 2009 in Reno, NV

CSG Sharing capitol ideas.

Public safety has always been a priority for the states and territories. Without question, the Interstate Compact for Adult Offender Supervision makes our states and nation a safer place. The Council of State Governments is proud to collaborate with the Commission and staff who oversee the day-to-day operations of the compact. The ICAOS team is an important component of CSG's compact campus at our headquarters in Lexington, Kentucky and CSG values its close association with ICAOS because together we are committed to the same mission—making America stronger, state by state.

David Adkins
David Adkins
Executive Director CEO, the Council of State Governments (CSG)
ICAOS is an affiliate of CSG

ICOTS: A New Era

Although ICOTS is an evolving system, the real time submission and open sharing of information with the field make ICOTS light years ahead of anything we were doing before to get these cases processed.

— Regina Grimes (DCA) Texas

The current hot topic and the subject of much conversation over the last four years is the Interstate Compact Offender Tracking System (ICOTS.) Early this fiscal year, the National Office, working with the states, prepared for a historical change in the way the Commission conducts business.

Application testing, pilots and readiness meetings culminated in a massive training effort and a successful launch of the system on October 6, 2008. Implementing ICOTS nationally was not without problems and issues; nonetheless, in the early weeks states processed thousands of actions using ICOTS. Transfers that previously took months now process in weeks, and in some cases days. Today, ICOTS tracks information on 118,000 offenders and is used by nearly 30,000 users processing numerous transfer requests each month.

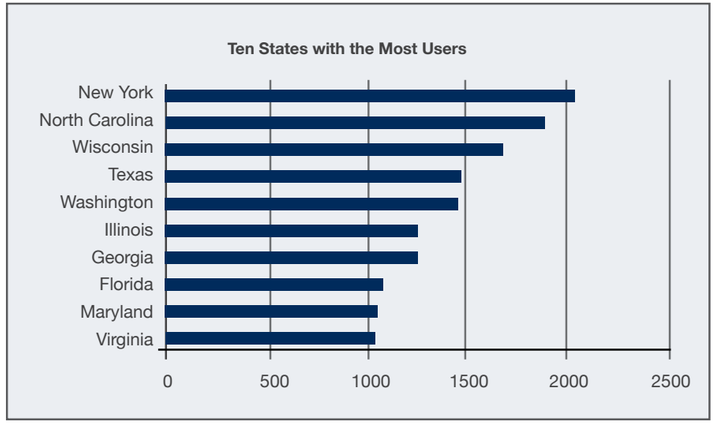
The implementation of a national offender tracking system is an important event, but it is only the beginning. Since the initial implementation, the vendor is busy repairing problems not identified in testing the original code. State Compact Offices completed two audits in the ongoing efforts to maintain credible data. A user survey conducted by The Council of State Governments' Policy and Research Department indicates that while users on average find ICOTS easy to navigate, there is still a significant need for ongoing user training.

Aside from facilitating offender movement, ICOTS is a clearinghouse of offender information. In eight short months, data generated by ICOTS provides valuable insight into the movement of offenders and their success on supervision in another state. The statistics presented in this report demonstrate a new era for the Commission, which is a credit to ICOTS.

Interstate Compact Facts and Figures

On October 6, 2008, states began processing all new transfers through ICOTS and started the arduous task of identifying and loading a limited amount of legacy case information. The data presented is a compilation of new case information and a limited amount of legacy data collected prior to the launch of ICOTS.

Within weeks of launch, nearly 30,000 compact and field staff used ICOTS to process new transfer applications and to manage previously approved compact cases. Each state chose to implement ICOTS in a way that best fit the needs of their jurisdiction; therefore, the number of users by state varies.



Offender Demographics

Fiscal year 2009 closed with over 118,000 offenders under supervision on an interstate compact transfer. The demographic characteristics of the interstate offender population when measured by gender, age and race remain consistent with those of adults on probation and parole. The Commission hopes to utilize the capabilities of ICOTS to identify trends in interstate offenders and their level of success on an interstate compact.

Gender

Males are overrepresented in both probation and parole offenders. According to national data from the Bureau of Justice Statistics for 2007, 88% of adults on parole were male and 12% were female. This is consistent with those in the transfer system.

Age of Offender

The age group most frequently represented in all offenders is 18 to 29, with 60% under the age of 40. The least represented are the under-18 and over-63 age group.

Race and Ethnicity

White offenders make up the largest percentage of offenders. While black offenders make up the second largest group, there are a larger percentage of black parole offenders (32.2%) than of probation offenders (24%).

Cases

The average length of supervision for compact cases for FY 2009 is 3.17 years. Almost 73% of the offenders are on supervision for a period between one and five years. Of that same group, 49% of offenders are on supervision for a one to three year period.

Reason for Transfer

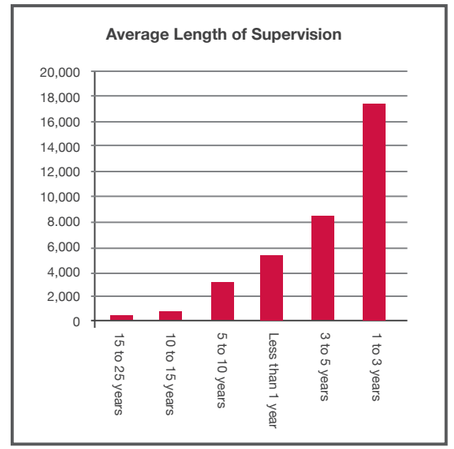
Since the October 6, 2009 launch, there are 185,250 active and inactive transfer cases in ICOTS. Of those, 118,114 are legacy cases. Because the "reason for transfer" was not a required data field for the legacy load, the reason for transfer for 63% of the cases is "unknown." For the remaining cases, the most prevalent reason for transferring supervision is "resident family and employment or means of support".

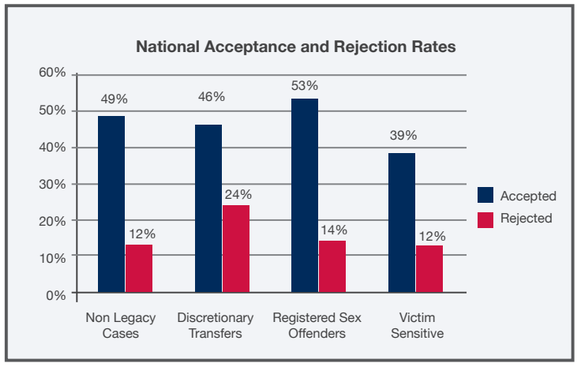
Acceptance and Rejection Rates

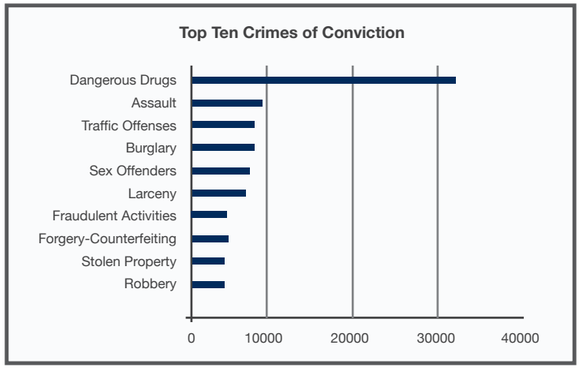
In addition to being listed as accepted or rejected, transfer cases may also be listed as closed, pending, or withdrawn; therefore, the sum of the acceptance and rejection rates for any state may not equal 100%. Nationally, there are 67,136 non-legacy transfer cases in ICOTS. Receiving states accepted 49% of all non-legacy cases and rejected 12%.

Discretionary Transfers

Of particular interest are offenders who transfer for discretionary reasons. Discretionary cases account for 3.6% of all cases. State's acceptance rates range from a 21% low to a 63% high. Rejection rates range from an 8% low to a 50% high.







Victim-Sensitive Cases

Victim-sensitive cases are identified as such 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. Of the 8,884 cases designated as victim sensitive, 39% were accepted by the receiving state and 12% were rejected, with the remaining cases listed as closed, pending, or withdrawn.

Registered Sex Offenders

Sex offender is defined as an adult placed under, or made subject to, supervision as a result of the commission of a criminal offense and released to the community under jurisdiction of the 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. Of the 8,139 cases nationally designated with a registered sex offender status, 53% of the transfers were accepted and 14% rejected, with the remaining cases listed as closed, pending or withdrawn.

Crimes of Conviction

The crime of conviction for compact offenders mirrors the general population of probation and parole offenders. In the table shown, the top five crimes of conviction account for over half of the total. (See page 5)

Violations

Since the implementation of ICOTS, member states and territories reported 5,767 supervision violations. Slightly more than 86% percent or 4,982 of the violations involved a new arrest. Eleven percent or 631 of the new arrests resulted in a conviction. In 327 or 5.6% of the cases, the offender absconded supervision.

Slightly more than half of the 5,767 violations are labeled significant[1] resulting in a recommendation by the supervising agency to return the violator to the sending state in 26.4% or 1,527 of the cases. At the time of this report, 3,686 of the offenders are in custody, 1,173 released on bond and 908 released on their own recognizance.

Actions recommended by the supervising agency include remain on supervision (24%), order the offender to return to the sending jurisdiction (26%) or issue a warrant (50%.) Slightly less than three percent of violators are registered sex offenders and two percent or 121 of the 5,767 violations involve victim-sensitive cases.

[1]A significant violation is 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.

Receiving State	Total Violations	Sex Offender	Registered Victim	New Arrest	New Conviction	Absconders
AK	19	2	0	16	1	1
AL	176	5	2	166	18	8
AR	90	3	0	89	6	8
AZ	55	2	2	48	6	2
CA	194	7	1	168	14	8
CO	76	2	2	67	12	9
CT	29	0	0	22	5	0
DC	67	2	0	61	4	4
DE	24	0	0	20	6	2
FL	569	4	18	538	16	14
GA	129	5	5	121	16	8
HI	7	0	0	7	0	0
IA	117	5	2	102	11	6
ID	46	1	1	37	4	3
IL	186	4	3	171	23	17
IN	244	6	9	217	25	11
KS	97	3	2	85	10	7
KY	170	3	2	149	32	6
LA	122	3	1	117	12	7
MA	115	2	3	85	3	9
MD	94	5	4	87	18	12
ME	28	1	0	26	1	1
MI	115	8	1	103	24	2
MN	76	1	0	58	16	9
MO	196	7	8	168	16	24
MS	55	4	0	50	9	3
MT	16	1	0	11	1	0
NC	114	3	1	100	34	8
ND	52	0	1	38	5	3
NE	29	0	0	28	2	0
NH	23	1	2	19	0	0
NJ	63	1	0	51	5	4
NM	145	2	5	105	3	6
NV	89	3	2	77	1	1
NY	110	4	2	99	10	8
OH	328	6	2	275	52	8
OK	145	4	1	132	26	11
OR	54	3	0	46	14	5
PA	271	4	6	194	34	2
PR	4	0	0	2	2	0
RI	12	0	0	11	5	0
SC	94	2	0	86	10	9
SD	41	2	1	34	5	4
TN	238	5	7	222	29	14
TX	291	7	11	265	31	38
UT	55	3	0	47	11	3
VA	54	3	0	43	19	2
VT	18	3	1	14	0	0
WA	88	8	3	67	7	11
WI	242	9	9	163	4	5
WV	67	2	0	61	7	2
WY	28	0	1	14	6	2
Total	5767	161	121	4982	631	327

Committee and Region Chairs

Wayne Theriault, Maine
East Region Chair

Linda Janes, Ohio
Midwest Region Chair

Gary Tullock, Tennessee
South Region Chair

Edward Gonzales, New Mexico
West Region Chair

Dori Ege, Arizona
Training, Education and Public Relations Committee Chair

William Rankin, Wisconsin
Rules Committee Chair

Kathie Winckler
Information and Technology Committee Chair

Warren Emmer, North Dakota
Deputy Compact Administrators Liaison Committee Chair

Mike McAlister, New Hampshire
Compliance Committee Chair

Kevin Kempf, Idaho,
Finance Committee Chair

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Website forum

Offenders and their families regard the ICAOS Website to be an important source of information for understanding the transfer process. With over 300 posts in FY2009, the public discussion forum offers offenders and their families the opportunity to ask questions and receive guidance.

"Thank you very much for your prompt reply and personal consideration. This site and its forums are a great source of information and a breath of fresh air in what seemed to be a stale and cold system."

Posted by an Unnamed Family Member on the ICAOS Website Public Discussion Forum

New Programs in FY 2009

Rule Amendments and Advisory Opinions*

- In November 2008, the Commission issued a legal advisory opinion concerning out-of-state travel permits for sex offenders.
- Rule 3.107 went into effect on Oct. 6, 2008, and Rules 3.104 and 4.105 became effective on June 1, 2009.

Ex Officio Organizations Welcomed in FY2009

- Conference of State Court Administrators represented by Sally Holewa from the Supreme Court of North Dakota.
- Interstate Commission for Juvenile Offenders represented by Dale Dodd from the Youth and Family Services Division of New Mexico.

*The full text for each Advisory Opinion is on the ICAOS Web site under the legal tab.

Programs and services continue to evolve as the Commission matures. Each year, the Executive Committee reviews its strategic plan to establish or revise goals and objectives. In the 2009 fiscal year, ICAOS was able to:

- Put into operation a national compact offender tracking system that increases accountability and significantly reduces the time required to process an interstate compact transfer;
- Establish a voluntary incident report process for states to report rule infractions, which is useful for validating the rules, improving business processes and targeting training needs;
- Provide states with a selection of voluntary self-assessment strategies to measure their compliance with national standards;
- Implement a formal orientation process, including a written manual, for Executive Committee members upon their appointment;
- Increase the number of available computer-based training modules to include training on ICOTS, recent rule amendments and advisory opinions.

The Commission commonly establishes policies as guidelines for managing various aspects of its operation. Policies released this year include a records retention policy to adequately protect documents produced by the Commission; a State Council policy to ensure each member state or territory is complying with the Interstate Compact statute requirement to maintain a state council; and a policy to outline the protocol for recording, publishing and retaining closed session minutes. The Commission also approved guidelines to assist states in their efforts to resolve noncompliance issues, and the Technology Committee proposed a process for reviewing and approving recommendations to add enhancements to the Interstate Compact Offender Tracking System (ICOTS.)

Providing adequate and consistent training for all aspects of Compact operations remains a priority. In FY 2009:

- Compact members received 48 hours of WebEx training on ICOTS;
- The Commission approved 18 technical assistance requests for the states to provide WebEx training for field personnel;
- 410 field personnel received 40 hours of WebEx training on the rules;
- The Training Committee published seven training bulletins explaining ICOTS processes;
- The Commission presented eight additional workshops to a variety of groups including APPA and CTA;
- Thirteen states now offer continuing education credit for completing Commission training programs.

Looking Ahead to Fiscal Year 2010

Momentum will be lost as the Commission enters fiscal year 2010. Plans are already underway to organize a training institute for Deputy Compact Administrators, to develop an ICOTS training curriculum for field officers, and to deploy an application that will enhance each state's ability to generate special reports on ICOTS activity.

In FY 2010, the Commission will also renegotiate the ICOTS development and hosting contract, which will include a number of user-requested enhancements. FY 2010 is also a rulemaking year, which means additional training for rule amendments and updates to curriculums and presentations. The National Office will also continue work on a major update to the ICAOS Web site.

Prevailing Compact Issues

Entering its seventh year, the Commission is mindful of the prevailing issues plaguing Compact members. Accountability for managing offenders who are in the receiving state without permission or reporting instructions is a chief concern among compacting states. Compact members remain affected when states fail to meet timeframes, such as conducting an investigation or submitting progress and violation reports. Judges circumventing the Compact is another ongoing problem the Commission attempts to address by offering the legal community a variety of training opportunities.

With ICOTS in full operation, states will soon be in a position to run detailed reports to identify and proactively address compliance problems. Accessing transfer and offender information of this type is not only a milestone for the Commission; it is tool for navigating existing concerns.

On-Demand Training

The Commission offers various training curriculums on its Website, including self-paced or on-demand training that include the following courses:

Course	Duration
Introduction to ICAOS Rules and Eligibility	12 Minutes
Transfer of Supervision	22 Minutes
Types of Transfers	12 Minutes
Supervision in Receiving State	14 Minutes
Retaking and Closing Supervision	12 Minutes
Judicial Issues	22 Minutes
ICOTS Privacy Policy	10 Minutes

Training, Education and Public Relations Committee Members

Dori Ege, AZ, Chair
Edward Gonzales, NM
Merlin Miller, WA
Milton Gilliam, OK
Rose Ann Bisch, MN
Kari Rumbaugh, NE
Anne Precythe, NC
Wanda LaCour, TX

Information and Technology Committee Members

Kathie Winckler, TX, Chair
Patrick McGee, MD
Keven Pellant, KS
Mark Cadotte, OR
David Morrison, GA
John Gusz, NJ, Ex Officio
Joe Kuebler, GA, Ex Officio
Anne Precythe, NC, Ex Officio
Charles Placek, ND, Ex Officio

Rules Committee

William Rankin, WI, Chair
Dori Ege, AZ
Robert Ambroselli, CA
David Morrison, GA
Wayne Theriault, ME
John Rubitschun, MI
Yolette Ross, NJ
Ed Ligtenberg, SD
Gary Tullock, TN
Patricia Malone, MA, Ex Officio
Denise Sitler, OR, Ex Officio
Gerald VandeWalle, ND, Ex Officio
Nick Alexander, DC, Ex Officio

DCA Liaison Committee

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Sidney Nakamoto, HI
Patricia Malone, MA
Anne Precythe, NC
Charles Placek, ND
Kari Rumbaugh, NE

Finance Committee Members

Kevin Kempf, ID, Chair
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Mark Conrad, MA
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Jim Ingle, UT, Ex Officio

Compliance Committee

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Chris Norman, AL
Jane Seigal, IN
Genie Powers, LA
John Rubitschun, MI
Ellen Brokofsky, NE
A.T. Wall, RI
Tracy Johnson, CT, Ex Officio
Victoria Jakes, SC, Ex Officio
Pat Tuthill, FL, Ex Officio
Sally Holewa, ND, Ex Officio

Financial Outlook

At the 2007, Annual Business Meeting the Commission committed to a three-year increase in membership dues for establishing a reserve fund equal to a minimum of 25% of operating expenses. In addition, the Commission maintains an additional reserve fund of $50,000 to finance unexpected legal expenses. In FY 2008 and 2009, the Commission reduced its expenses by eliminating one vacant staff position and introducing other belt tightening measures aimed at controlling cost in response to the difficult economic environment.

BUDGET	FY 2007	FY 2008	FY 2009
REVENUE	$1,503,079.64	$1,440,211.94	$1,692,118.88
EXPENSES	$1,343,920.99	$1,151,682.44	$1,461,364.07
BALANCE	$159,158.65	$288,529.50	$230,754.81

FUND BALANCE	FY 2007	FY 2008	FY 2009
ASSETS	$1,565,089.70	$1,881,910.77	$1,872,756.77
LIABILITIES	$471,478.89	$546,006.00	$495,125.67
LIABILITIES AND FUND BALANCE	$1,565,089.70	$1,888,910.77	$1,872,756.77

Article VIII, Finance, Section 3. Accounting and Audit

"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."

Audit Report

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INDEPENDENT AUDITOR'S REPORT

To the Governing Board
The Council of State Governments
Lexington, Kentucky

We have audited the accompanying statements of financial position of The Council of State Governments (the Council) as of June 30, 2008 and 2007, and the related statements of activities and changes in net assets and cash flows for the years then ended. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Council of State Governments as of June 30, 2008 and 2007 and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 27, 2008 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

Our audits were performed for the purpose of forming an opinion on the basic financial statements of The Council of State Governments taken as a whole. The supplemental information included on pages 13 through 18 is presented for purposes of additional analysis and is not a required part of the financial statements. The accompanying Schedule of Expenditures of Federal Awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is also not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.

Potter & Company, LLP

POTTER & COMPANY, LLP
October 27, 2008

Offenders on Compact Supervision as of the close of FY2009

STATE	TOTAL OFFENDERS SUPERVISED FOR OTHER STATES	TOTAL OFFENDERS TRANSFERRED TO OTHER STATES
Alabama	3,423	1,731
Alaska	254	274
Arizona	1,746	2,514
Arkansas	2,860	2,597
California	7,181	4,460
Colorado	2,290	2,929
Connecticut	1,033	1,381
Delaware	464	443
District of Columbia	563	398
Florida	6,899	7,193
Georgia	4,360	8,829
Hawaii	228	537
Idaho	664	1,447
Illinois	5,995	3,774
Indiana	3,452	2,356
Iowa	1,356	1,035
Kansas	2,267	2,315
Kentucky	2,832	3,446
Louisiana	2,095	2,074
Maine	478	306
Maryland	3,038	1,671
Massachusetts	2,404	1,180
Michigan	2,132	2,087
Minnesota	1,569	2,641
Mississippi	1,889	1,319
Missouri	3,034	5,341
Montana	443	1,023
Nebraska	940	452
Nevada	946	1,080
New Hampshire	555	759
New Jersey	2,530	3,747
New Mexico	2,011	1,196
New York	4,899	3,689
North Carolina	4,207	1,250
North Dakota	668	463
Ohio	3,602	2,875
Oklahoma	3,350	1,378
Oregon	1,369	1,909
Pennsylvania	3,311	4,572
Puerto Rico	312	112
Rhode Island	479	1,088
South Carolina	2,368	510
South Dakota	421	828
Tennessee	3,899	2,293
Texas	6,733	11,429
US Virgin Islands	38	12
Utah	562	416
Vermont	330	346
Virginia	3,101	7,211
Washington	2,527	1,046
West Virginia	1,228	693
Wisconsin	1,333	3,035
Wyoming	584	474

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