



Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

Interstate Compact and International Treaties

Transfer of Community Supervision

Of the four million adult offenders on probation or parole in the United States, approximately 250,000 will cross state lines this year. Offenders who travel from state to state are overseen by more than 3,000 local parole and probation offices, which operate within 860 different agencies. The Oregon Department of Corrections (ODOC) is responsible and liable for the movement and actions of offenders who move in and out of Oregon.

The "Interstate Compact for the Transfer of Supervision of Adult Offenders" is an agreement among the states that describes how to manage the movement of offenders under correctional supervision between the states and among all of the responsible agencies.

All fifty states operate under a compact that was ratified in 2002. The agreement includes:

- Mandating efficient communication among states about offenders.
- Compelling the creation of a national database to further improve that communication.
- Establishing a National Commission, composed of voting members from all member states and territories.
- Providing that the National Commission will create rules and resolve disputes.
- Empowering the commission to impose sanctions (fines, technical assistance, suspension or termination, legal action) if a state violates the compact.

- Creating state councils to oversee the interests of all three branches of government in each state.

Interstate Corrections/Prison Compact

Oregon DOC uses Interstate Compact for placement of offenders when there is a risk for safety either to the inmate or staff.

The purpose of the compact is to provide mutual agreements between the states in hopes of cooperation regarding the confinement, treatment and rehabilitation of offenders while also being economically efficient.

Transfer of Foreign Inmates

The Governor is authorized to act, in accordance with the treaty between the United States and the particular foreign country, on behalf of the State of Oregon and to approve the transfer of a convicted criminal offender, provided that such offender approves the transfer in writing.

Measure 11 and difficulty with transfers to Mexico

Any inmate sentenced with Measure 11 offenses cannot be transferred to a foreign country.

Since 2001, it has become more difficult to transfer inmates to Mexico. Mexico has implemented a strict and selective process in deciding which of its nationals to approve for transfer. The restrictive criteria require that the prisoner must have five years or less remaining on his or her sentence, the prisoner must be a low security inmate, the prisoner

must not be a member of a gang or a drug cartel and the prisoner must be a first time offender.

Current compact challenges

An implementation challenge that currently exists concerns the rule governing misdemeanor supervision.

Misdemeanants

It is a local choice if a person who is convicted of a misdemeanor in Oregon is supervised or not. Each county determines if they will supervise misdemeanants and provides the funding to do so, either from county general fund or supervision fees. No state funds are provided for misdemeanor supervision.

The new compact requires that misdemeanants who are convicted of certain crimes (offenses involving bodily harm, second DUII and above, and sexual offenses) will be supervised. These misdemeanants are not currently supervised in Oregon and this compact agreement creates an unfunded mandate and a liability for Oregon counties. ■

**The mission of the
Oregon Department of Corrections
is to promote public safety by holding
offenders accountable for their actions
and reducing the risk of future
criminal behavior.**



**Max Williams, Director
(503) 945-0920**

**Mitch Morrow, Deputy Director
(503) 945-0921**

**Ginger Martin
Assistant Director for Transitional Services
(503) 945-9050**

**Mark Cadotte
Chief of Community Corrections
503-945-8876**

**Oregon Department of Corrections
2575 Center Street NE
Salem, Oregon 97301-4667**

**www.oregon.gov/doc
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