

**THE
INTERSTATE COMPACT
FOR
PAROLE AND PROBATION**

*Ad Hoc Committee
Report & Recommendations
to the
NIC ADVISORY BOARD*

February, 1998

NATIONAL INSTITUTE OF CORRECTIONS
U.S. Department of Justice

February 19, 1998

TO: Members of the NIC Advisory Board

The Interstate Compact for Parole and Probation is an agreement among the fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands that establishes the rules and protocols for jurisdictions to transfer supervision, or allow temporary travel, to other jurisdictions for offenders on probation and/or parole supervision. Established in 1937, it is the earliest “compact” established among the states.

The NIC Advisory Board has received feedback within the past two years regarding concerns related to the Compact. The feedback has come through several channels such as the Advisory Board’s public hearings held in 1996, the networks maintained by NIC’s Community Corrections Division, and from a panel presentation to the full Advisory Board in June 1997.

Under NIC’s Congressional mandate to address correctional policy issues and to provide technical assistance to the field of corrections, the Advisory Board established an ad hoc committee in June 1997 to review concerns regarding the Compact. The Committee has proceeded with its review maintaining a clear understanding that NIC has no authority or control over the Compact.

The Committee has explored NIC’s potential to act as a catalyst for addressing the field’s concerns regarding the Compact and to facilitate action among the various parties and officials with a stake in its operation:

- The Committee initiated a national survey of community corrections administrators, probation and parole field staff, and state Compact administrators to gather information and input from the field.
- The Committee also held a public hearing on November 5-6, 1997 in Minneapolis, Minnesota to solicit testimony from corrections officials and others with specific knowledge of the Compact for parolees and probationers, or of interstate compacts in general.

Reports of the survey and hearings have been provided to the Board members under separate cover.

This report summarizes the final findings and recommendations of the Ad Hoc Committee in preparation for further discussions at the February 23-24, 1998 meeting of the full Advisory Board. I want to thank members of the committee, NIC Community Corrections Division and Information Center staff, and the many state and local corrections officials who have participated in this process.

Barry J. Nidorf, Chair
NIC Ad Hoc Committee on the Interstate Compact
for Parole & Probation

Committee Members: ***Norman A. Carlson*** ***Newman Flanagan***
 Michael Gaines ***Don Omodt***

NIC Staff Support: George Keiser Kermit Humphries
 Larry Linke Kathleen Frey

FINDINGS AND RECOMMENDATIONS
of the
NIC Ad Hoc Committee
on the Interstate Compact for Parole & Probation

FINDINGS

The Committee found through its survey, the public hearings, and other contacts with the field, that two important themes emerged related to the Compact. Those themes are:

- 1) **public safety concerns** and
- 2) **correctional systems accountability.**

The Committee further found that a window of opportunity exists to address several of the Compact's long-standing issues. That opportunity is created by the level of frustration with some in the field who deal with the Compact, combined with the motivation of many dedicated professionals seeking solutions to its operational and policy problems. Frustration levels in some states have recently been raised by the actions of state officials or policy makers (with little working knowledge of the Compact) to correct their perceived problems with the Compact after the news media has focused on high profile cases.

It should be noted that the Committee's activities have attracted the attention of the juvenile justice community, who see similar issues with the interstate compact for juvenile offenders. The Committee recommends the sharing of information and collaboration where appropriate with the Office of Juvenile Justice and Delinquency Prevention and state officials seeking to address similar issues with the juvenile compact.

Public Safety

With growing numbers of probationers and parolees (now approximately 3.9 million adults) in an increasingly mobile society, it is vital that the system for coordinating the interstate movement of those offenders operate efficiently and effectively.

The Interstate Compact has a long and successful history of coordinating this important task. Currently 3% of all probationers and parolees (approximately 115,000 adult

offenders) are being supervised through Compact transfers. Additionally, temporary travel permits are issued to offenders and assistance with pre-sentence or other investigations are initiated under provisions of the Compact, bringing the total number of offenders falling under the auspices of the Compact to significant levels.

But the Compact was created during the 1930's with an infrastructure that dealt with much smaller numbers of less mobile offenders. During the last few decades many state Compact offices have not been able to keep pace with the expanding workload. As a result, communication between jurisdictions is often slow or inadequate and raises, in some cases, the following public safety concerns in the field:

- offenders arrive in receiving jurisdictions prior to review or approval of their transfers;
- gaps in offender supervision occur during the relay of paperwork;
- sending states' unresponsiveness to reports of offender violations often leaves the status of supervision or return of offenders in question;
- background information is inadequate to fully understand individual offender risk or program needs; and
- newly-legislated offender registration and victim notification provisions are not being addressed.

In an era of electronic communication, the Interstate Compact relies primarily on mail and "hard copy" document transactions through a tedious chain.

System Accountability

Not all of the field's concerns regarding the Compact are due to overworked staff or inadequate communication technologies. Even though precise measures are not available, the Committee was informed of the field's concerns for chronic delays in processing transfer requests, responding to case management issues, and violations of rules of the Interstate Compact.

In order to maintain the integrity of the Compact's role in the justice system:

- rules and operations must be maintained that are consistent with the needs of the field;
- there must be accurate measures of the key functions of the Compact, demonstrating that the system is meeting the responsibilities and objectives agreed to by the participating states, and
- effective and timely procedures must exist to address non-compliance with the Compact and to solve inter-jurisdictional conflicts.

Failure to perform with integrity raises the specter of increased liability exposure in a highly litigious society.

The Committee also found that accurate documentation of Compact activity was difficult due to the lack of uniform data collection, measurements, and reporting. Absent such data, many of the perceptions and opinions regarding the Compact are based on anecdotal information.

The statistical and information void contributes to the following problems:

- state Compact officials are often unable to effectively communicate their needs, accomplishments, or problems to policy makers or top justice administrators, as well as the public and an increasingly inquisitive news media;
- it is difficult to track on-going trends of non-compliance with Compact rules by specific jurisdictions;
- measurement and comparison of the efficiency among Compact offices is restricted;
- monitoring of vital Compact functions is limited in areas such as the communication within established time frames, acceptance/rejection rates of transfer requests, response to violation reports and revocation recommendations, and recidivism rates.

Even when non-compliance with the Compact is clearly identified, the Committee found that the governing structure did not always have the ability to enforce compliance or effectively intervene to correct such problems. At the national level, there is no strong mechanism or process to address non-compliance or enforce sanctions. In some states, the access of Compact administrators to the sources of authority or influence within their own states limited due to the organizational distance between the state Compact administrators and the appointing authorities.

RECOMMENDATIONS

The Committee reiterates that the Interstate Compact for Parole and Probation is an instrument of the states. Any changes or improvements to its operation will occur only after state policy makers and justice system administrators fully understand the value of the Compact and agree on strategies to improve its effectiveness. However, the Committee members believe that NIC can play an important role in that process. NIC is in a unique position to:

- Communicate with state and local policy makers, and professional organizations, to raise awareness of the importance of the Compact and the opportunities for improving its operation.
- Coordinate with other federal agencies and private organizations that may provide resources or assistance to resolve Compact issues.
- Facilitate collaboration among correctional agencies, Compact officials, and professional associations to explore various strategies to address operational and policy questions.

While a wide range of issues and problems have been identified (please refer to the summary of public hearings and national survey report), the Committee has determined that one primary issue must be addressed - *a review of the governance of the Compact*, before other issues can be effectively resolved.

Review the governance of the Compact.

Under provisions of Title V of the Compact, the national governing body of the Compact is provided through the Parole and Probation Compact Administrators Association (PPCAA). That group consists of state Compact administrators, appointed or designated by the order of the governor of each state. The Committee recommends a review of that structure, which is in no way a criticism of the PPCAA. In fact, without the dedication and professionalism of members of the PPCAA, the Compact would not have been able to function on its limited resources with the levels of success it has demonstrated to date. However, the Committee also believes that as the current governance has evolved, PPCAA is too remote from the sources of authority, influence, financial resource investment needed to resolve the changing and complex role of effectively governing the Compact.

Further review of this structure by the PPCAA , along with state justice administrators and policy makers, may identify alternatives to the current

structure. Possibilities include expanding stakeholder representation to the PPCAA, restructuring designated state representation to the PPCAA, or amending the governance provisions of the Compact itself. As with other compacts, it may also be appropriate to consider a national administrator for the Compact for Parole and Probation. A national meeting of key stakeholders in the Compact would be one way to initiate this review.

Only when the governance issues are adequately addressed would the Committee recommend initiatives on the following fronts.

A. Improve Communications Between Local Agencies

The Compact network should consider methods to increase direct communication between local agencies in sending and receiving jurisdictions, focusing on speeding the flow of information and improving the quality of information exchanged. While state Compact offices need to monitor the flow of information, they should not impede benefits of direct agency-to-agency communication related to notifications of offender movement, arrangement of interim reporting and supervision, and discussion of case management issues. These communications issues can be addressed as probation and parole agencies acquire and apply new communications and information technologies.

B. Standardize Data Collection, Measures, and Reporting

The Compact should adopt standardized data collection and reporting systems to document case transfers and management. Comprehensive reports should be made available to policy makers and administrators within each state, with a system for national review and analysis of Compact activity. Databases created by these systems could eventually go “on line” through the Internet or systems such as the National Crime Information Center. As with “A” above, the Compact needs to establish minimum requirements for the implementation of information and data management technologies within state offices to address these issues.

C. Expand Education, Training, and Information Exchange

Some of the current problems may be attributed to a lack of awareness or understanding of the Compact by state and local officials. Expanded use of information materials, articles in professional journals, training tapes, Web sites, or conference presentations may improve Compact compliance by judges, prosecutors, and probation and parole officials.