

*INTERSTATE COMPACT FOR THE SUPERVISION  
OF PAROLEES AND PROBATIONERS*



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Advisory Group Report and Recommendations, Phase I

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June 29 & 30, 1998

## **INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS (ISC)**

On June 29 & 30, 1998, the initial meeting of the Interstate Compact Advisory Group took place in St. Louis, Missouri. The purpose of the meeting was for NIC to receive guidance in exploring options which would assure a more effective governing capacity for the Interstate Compact. NIC staff concur with the Advisory Group assessment and recommendations as represented in this paper.

In attendance were:

Odie Washington	Michael McCabe
Don Blackburn	Kim Budnick
Cranston Mitchell	Gail Hughes
George Keiser	Rob Lubitz
Kermit Humphries	Larry Linke

Advisory Group Members not able to attend were:

Anne McCloskey	Barbara Broderick
Sherry Pilkington	

Sherry Pilkington, current PPCAA President, was forced to cancel travel plans at the last moment due to events in her agency. Since her PPCAA term ends in August, she submitted her resignation from the Advisory Group. Incoming PPCAA President Mike Miller will be asked to participate as a group member. Also, Barbara Broderick was forced to cancel travel plans due to events in her agency. Anne McCloskey was not available on the meeting dates due to a scheduling error on the part of NIC.

There was much detailed discussion over the two days with all group members engaged in the dialogue. This meeting record provides background for the initiative and represents a summary of key discussions and specific Advisory Group recommendations to NIC staff. The material is organized under the following headings:

- I. Synopsis of Meeting Decisions and Recommendations..... Page 2
- II. History of NIC Involvement with the ISC..... Page 4
- III. NIC Advisory Board Direction to the Agency..... Page 6

IV.	Why it is Important for the ISC to Function Effectively.....	Page 7
V.	What Can Be Learned From Other Compacts?.....	Page 9
VI.	ISC Options Considered.....	Page 13
VII.	Important Principles & Enhancements to Consider in Amending the ISC...	Page 14
VIII.	What Are the Process Steps, and Who Should Draft an Amended ISC?.....	Page 15
IX.	Who Is - Or May Be - Interested In An Improved ISC?.....	Page 16
X.	Support For Current Compact Operations.....	Page 18
XI.	Proposed Activities and Timelines.....	Page 19
XII.	Conclusion.....	Page 20
XIII.	Attachments:	
	A. Advisory Group Membership List	
	B. NIC Information Center Survey: January 1998	
	C. Minutes of Hearings; Minneapolis, MN. November 1997	
	D. Ad Hoc Committee Report and Recommendations	
	E. New York/New Jersey Port Authority Agreement - 1921.	
	F. Colorado River Compact - 1922	
	G. Central Interstate Low-Level Radioactive Waste Compact	
	H. Tri-State Lotto Compact.	
	I. Midwestern Higher Education Compact, and bylaws.	
	J. Interstate Insurance Receivership Compact, and bylaws.	
	K. Summary of meeting with Ann McCloskey	
	L. List of Adult Compact Administrators	
	M. List of Juvenile Compact Administrators	
	N. List of Associations and Meetings	

*(Note: Report and attachments may be downloaded from  
[www.nicic.org/WhatsNew.htm](http://www.nicic.org/WhatsNew.htm))*

## **Synopsis of Meeting Decisions and Recommendations**

An effectively administered Interstate Compact for the Supervision of Parolees and Probationers must exist in the interest of public protection. A system that is not effective jeopardizes the safety and well being of the public nationwide and significantly increases potential liability for state and local governments. Absence of a probation and parole ISC could turn society back seventy years to the era of “sundown probation”- or, in the extreme, “if you are still in this state by tomorrow morning we are going to lock you up for committing this crime”. With huge changes in population, violence, increased mobility and need for sensitivity to victims rights, society can ill afford state and local criminal justice systems that concern themselves only with

what happens to offenders when within their own boundaries, or drives them across state lines with irresponsible risk to the unknowing public in another state. Public protection mandates an effective probation and parole ISC.

The current ISC system is overwhelmed and outdated. Compact administrators join together through the Parole and Probation Compact Administrators Association (PPCAA) for the purpose of maintaining rules and managing activities under the ISC. While operating under language contained in the Compact, this is not a body that draws specific power and authority from the Compact itself. Everyone looking at the Compact in recent months has commended compact administrators for their effort to manage a process that is overworked, underfunded and understaffed. A large volume of cases are routinely handled with minimal harm to the community. However, there have been high profile exceptions, and this is a system badly in need of increased resources, improved management structure, and clear authority.

After considering alternatives, the Advisory Group agreed unanimously that The Interstate Compact for the Supervision of Parolees and Probationers should be amended. Key provisions should include:

- ▶ The governor of each member state of the parole and probation ISC shall appoint an Administrator of the ISC. The administrator (and not a designee) will represent the state on a nationwide governing commission charged with establishing the policy and practice of the ISC. This would assure an opportunity for policymaker level participation from all signatory states and territories.
- ▶ The nationwide governing commission shall adopt bylaws which regulate compact activities.
- ▶ The compact itself, or in some cases the bylaws, should specifically create the following:
  1. A governing executive council, with specific powers, comprised of commissioners from various geographic regions of the country.
  2. Rules and regulations governing compact management and operations.
  3. A mandatory funding mechanism sufficient to provide for staffing and operation of centralized administrative functions.
  4. Permanent and/or contact staff support to carry out policy and practices required by the commission and executive council.
  5. Authority and capacity for rule making, rule enforcement; conflict resolution between states; and specific sanctions for non-compliance.
  6. Mandated collection of standard data and information.
  7. Interpretation construction of ISC, including amendments.
  8. Acknowledgment of the role of the court. (This provides integrity and accountability to the process.)
  9. Introduce use of technology which enhances timely accomplishment of ISC.

A larger and more diverse entity than the Advisory Group needs to be convened for the purpose of drafting an amended compact and managing the process of introducing proposed legislation to all states and territories. This implies the need for inclusion, expertise and funding. It also requires further exploration of who (agencies and organizations) needs to own the responsibility for amending the ISC. The Advisory Group will meet again in October 1998 with these issues as their primary agenda.

## **History of NIC Involvement with the ISC**

Some members of the Advisory Group were not aware of past NIC involvement with compact activities. The following was shared:

- ▶ In 1985 NIC Information Center completed an interstate compact survey that served as a foundation for much of the compact activity over the next four years. The survey was conducted to provide information needed by the National Commission to Study the Compact. The Commission was a collaborative effort of the Probation & Parole Compact Administrators Association, the American Probation & Parole Association, the Association of Paroling Authorities, and the National Association of Probation Executives, and activities of the group were partially funded by NIC. Highlights of that study are detailed on page 5.
  
- ▶ Between 1985 and 1989, NIC funded several ISC activities responding to the work of the National Commission. Awards were made to a state that agreed to receive and manage funds on behalf of the Parole and Probation Compact Administrators Association (PPCAA). PPCAA lacked the legal status to receive funding itself. Significant work was accomplished. Compact rules were re-written and adopted by PPCAA, and then printed and distributed. Most components of a comprehensive training curricula were developed, and work was initiated piloting an automated system to transfer compact information between states. Unfortunately, serious project administration difficulties interfered with completion of the training curricula, and the automated system was unrealistic for that time in terms of cost and technology. The focus of NIC's efforts in the late 1980's was to enhance PPCAA's ability to manage interstate compact issues through the revision of rules and regulations, training , and development of information system capability.
  
- ▶ In 1997 the NIC Information Center conducted another interstate compact survey, the results of which are again influencing current considerations. This second survey (findings are also provided on page 5) provided information to the Ad Hoc Committee of the NIC Advisory Board. Their interests and direction to staff are detailed on page 6. The staffs' initial response was to form the Advisory Group for which this document is the record of its' initial meeting.

A major distinction needs to be made regarding the role of NIC as represented in different pieces of work undertaken previously and now. Among the functions arising from NIC's enabling legislation is provision of responsive technical assistance. This TA has a specific client to whom NIC responds in providing a service. This describes NIC's role in working on the ISC initiatives of the 1980s. NIC saw PPCAA as the client and attempted a series of activities to be of benefit to the work of the association. Another distinct function of NIC is to serve as a governmental equivalent of a private foundation. In this role, NIC gathers information from a variety of sources, identifies an issue of concern nationwide and develops a strategy for addressing the issue. There is no single client. NIC serves as a resource, catalyst, and facilitator of a process which allows a variety of interested or affected organizations to tackle this common issue. This describes NIC's current work on ISC.

Both NIC surveys collected information from probation and parole Compact administrators, field staff, and agency administrators. Following are highlights from the findings of the two projects:

## **1985 Survey**

267 individuals from 47 states and the District of Columbia responded to the 1985 survey. The survey sample was selected by representatives of the National Commission mentioned above, who also assisted in drafting the survey. While over 60% of the respondents believed that the purposes of the Compact were being met, a number of problems were reported. The most common complaints are listed below in their order of frequency.

- Business conducted through the Compact was too slow and cumbersome.
- Some offenders were allowed to enter states without prior approval.
- Too many transfer requests were being rejected.
- Violators were not returned to sending states.
- Travel permits were not used correctly.
- There were too many deviations from Compact policies.
- Some local agencies were not responsive to requests through the Compact.

Several issues which surfaced as problem areas in the 1985 survey were not identified as problems in the later survey, suggesting that the issues had been successfully confronted or solved during the interim between surveys, or no longer rise to the point of being reported. Those issues included collection of supervision fees, supervision of misdemeanants, and intensive supervision or enforcement of special conditions of supervision.

Regarding recommendations for revisions to the Compact, 50% of the respondents recommended more standardization and guidelines regarding transfer policies, with more involvement by the Compact in resolving problems or conflicts between states. Another 33% also recommended more structure and standardization, but with less restrictions on the direct communication between field offices involved in the transfer of cases or in conducting interstate investigations.

The specific areas mentioned as needing more structure were:

- acceptance/rejection criteria for transfer of cases;
- guidelines for reporting progress or violations;
- time frames for return of violators;
- criteria for “over-rides” of Compact policy; and
- time frames for completing revocation processing.

## **1997 Survey**

This survey was coordinated with NIC’s Community Corrections Division staff and the NIC Advisory Board’s Ad Hoc Committee. All adult Compact administrators were surveyed, as were members of NIC Community Corrections Division sponsored “networks”, to solicit opinions from community-based corrections administrators. The network members were also asked to distribute surveys to line staff within their agencies. Survey responses were received from:

- 63 of 65 Compact administrators,
- 38 administrators or parole board members from 31 states and the District of Columbia, and
- 95 probation and parole line staff from 32 states and the District of Columbia.

As compared to the 1985 survey, some responses in 1997 indicated a higher level of frustration with Compact issues and more tension among states. Findings from the survey are highlighted below:

- Approximately 3% of the active 3.9 million probation or parole cases are being supervised through the Compact. Twenty to thirty percent of transfer requests are denied. Accurate counts of offenders receiving travel permits, or counts of interstate investigation activities were not available.
- Violations of Compact rules are perceived to be frequent by some respondents.
- As with the 1985 survey, respondents complain of the slowness of conducting business through the Compact.
- Respondents report that communications and information technologies are not applied to Compact interactions.
- Respondents called for audits, monitoring, and other means to enforce the rules of the Compact.
- More training and information regarding the Compact is needed for field staff, judges, and prosecutors.
- Compact administrators are frequently not supervised by their appointing authorities, raising concerns regarding those administrators access to policy makers.
- Consistent, reliable data is not kept on key activities managed by the Compact such as violators and length of time to complete investigations or return violators.

### **NIC Advisory Board Direction to the Agency**

The Advisory Board of the National Institute of Corrections received feedback over a two year period concerning the adult Compact. Information came to them through channels like 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. The Advisory Board created an Ad Hoc Committee to conduct hearings and report back to the full board.

The first activity has already been discussed, completion of a national survey by the NIC Information Center (Attachment B). In addition to carefully considering the national survey information, the Advisory Board conducted a public hearing in Minneapolis, Minnesota on November 4-5, 1997. The twenty four presenters were divided into groups of Compact Administrators, Agency Administrators, Probation/Parole Officers, and a Resource Group. The public hearing report is included as Attachment C.

- ▶ The committee identified two themes: public safety concerns, and correctional systems accountability. Based primarily on information received at the public hearing, the primary recommendation of the Ad Hoc committee to the full NIC Advisory Board on February 23, 1998 was that Interstate Compact governance issues need to be addressed and changed so there is a strong, centralized administration of the Compact. The committee indicated that only after governance issues are adequately addressed would the Committee recommend investing in initiatives to (A) Improve communications between local agencies; (B) Standardize data collection, measures, and reporting; and (C) Expand

education, training, and information exchange. The full Board approved the Committee recommendation and directed Institute staff to begin work on facilitating change in the Compacts' governance capacity.

- ▶ The board was clear that management and operation of the Compact should not be a federal function, but that serving as a catalyst to assist states in strengthening governing capacity of the Compact is a proper role for NIC.
- ▶ The board was also clear that the primary focus of NIC activity should be on the adult compact. However, the board noted that many in the juvenile justice community have voiced similar concerns about the Interstate Compact on Juveniles. The board directed NIC staff to share information and collaborate where appropriate with the Office of Juvenile Justice and Delinquency Prevention and state officials seeking to address similar issues with the juvenile compact.

The Ad Hoc committee report is included with this report as Attachment D.

### **Why it is Important for the ISC to Function Effectively**

The probation and parole ISC is not well known and is little understood by the public, policymakers, and most segments of the criminal justice system. Many people do not understand why it is an important concern that the compact exists, and that it functions effectively. The Advisory Group identified the following reasons:

- *Numbers of Offenders*- At the Bureau of Justice Statistics' (BJS) last count (Dec. 31,1996), there were nearly 3.9 million adults on probation or parole in the United States. That number has tripled since 1980, when 1.3 million adults were under supervision. The offender population, no different from all Americans, has become increasingly mobile. States could account in 1997 for over 115,000 offenders (3% of all active probation/parole cases) having been transferred from one state to another. Requests to transfer another 23,000 to 34,000 offenders were rejected for various reasons. It is estimated that an equal or even higher number of offenders are authorized to travel across state lines for various reasons. Therefore, a reasonable estimate of the number of adult probationers and parolees living or traveling in states other than where they were convicted is something in the range of 230,000 to a quarter of a million, and the number is probably growing. This high rate of interstate movement of offenders needs to be regulated and monitored in an efficient and orderly manner to protect public safety.
- *Fragmented system.* The organizational structure of probation and parole is highly decentralized. On January 1, 1996, 3,285 local offices were operated by 861 separate agencies within the United States. (Source: *The 1996 Corrections Yearbook.*) While some states designate a single agency to provide probation/parole services, many others deliver services through independent, county-based agencies. This high degree of decentralization requires the establishment of protocols, guidelines, and structure within which interstate and interagency probation and parole business (such as case transfers and investigations) can be conducted.
- *Public Trust and Confidence.* The public expects the justice system to hold offenders accountable and to operate in a professional and fair manner in enforcing criminal laws



and sanctions. As components of that system, probation and parole must be able to track the location of offenders, smoothly transfer supervision authority, and when necessary return offenders to the originating jurisdictions. To execute these functions, formal agreements among states are required. Interstate activity involving offenders must be governed by public policies that ensure equity and justice for all involved parties, including victims of crime. Clear rules and guidelines must be established, enforcement measures must exist, and processes to resolve interjurisdictional conflicts must be in place to maintain public trust and support for the justice system.

- *Coordination and Assistance.* The function of managing offender populations is becoming increasingly complex. State and local governments are passing measures dealing with special offender and high risk groups such as registration of sex offenders and notification to victims regarding offender locations. Systems must be created and updated to assure that the requirements of offender supervision and control are documented and accessible to crime victims, justice officials and citizens concerned with interstate movement of offenders. Training and technical assistance should be made available for justice officials so that all decisions and activity related to interstate probation and parole can be completed in a well-informed and appropriate manner.
- *Opportunities to Succeed.* There are legitimate reasons why it is more likely that an offender will succeed in a certain location more than anywhere else. Those reasons generally relate to responsible family support and employment. The existing compact permits a probationer or parolee to reside in a different state if:
  - a. The person is in fact a resident of or has family residing within the receiving state and can find employment there. The offender shall have an offer of employment or a visible means of support;
  - OR -
  - b. Though not a resident of the receiving state and not having family residing there, the receiving state consents to the probationer or parolee being sent.

There are multitudes of examples of a person committing an offense along a transportation corridor in a state other than where they live; or “across the border” from where they live in a metropolitan area like St. Louis or Washington, DC; or while on vacation or away at college. While they committed the offense in one jurisdiction, it is evident that they have no ties to that area and they would be much more likely to be successful under supervision in the state where they actually resided. Likewise, there may be an employment offer, or job transfer or impending marriage in a state where the probationer or parolee did not have residence or family, but where it is likely that they would be in a good position to reside successfully in a law abiding manner.

Without an interstate compact there would not be nationwide controls on the movement of state and local probationers and parolees, and it would be attractive for officers to place probationers or parolees on mail-in status to live anywhere they wanted. If an interstate compact exists but is not enforceable, effective or uniformly complied with, there are a different set of problems that present equally troubling public safety concerns.

## **What Can Be Learned From Other Compacts?**

For information in this area we turned to Michael McCabe, Director of the Council of State Governments - Midwest Office. He has an extensive knowledge of interstate compacts in general, but was not familiar with the parole and probation ISC before NIC asked him to share his expertise and perspective.

The Advisory Group requested general background information and learned that compacts have a long history in America dating back to agreements between the Colonies. In 1920, thirty five or forty compacts existed. They have become much more common in recent years and approximately two hundred interstate compacts are in effect today. The Interstate Compact for the Supervision of Parolees and Probationers was enacted in 1937, and was the earliest of the compacts enacted pursuant to the Crime Control Act of 1934.

It is important to understand the principle that “compacts are contracts”. They are contracts between states as permitted by federal legislation. These contracts require passage by state legislatures, and they become state law by governors’ signature or other legal enactment procedures. The existing probation and parole ISC has been made law in all fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands. Any state can terminate their involvement by repealing their enabling legislation. As with any contract, disputes may be resolved through the courts if necessary, or through more informal mechanisms between parties to the contract. Courts will not rule on an issue unless at least one party files suit and the issue proceeds to a formal judgement. Formal court judgements concerning the probation and parole ISC are not abundant. Regardless, it is important to remember that compacts are in reality contracts between states having passed similar laws.

Mike McCabe observed the full hearings in Minneapolis, and was a presenter there as well. He was asked to share compact expertise with the other members of the Advisory Group. He began by observing that the probation and parole ISC completes more activity on a daily basis than most of the other compacts in existence. He further noted that those administering the compact have accomplished more with fewer resources than most. However, he noted that times are changing and that the existing structure cannot be expected to be effective given current demands. Based on his knowledge of compacts in general, and having listened to the Minnesota hearings testimony, Advisory Group discussion, and having reviewed available written information about the probation and parole ISC, Mr. McCabe suggested that careful consideration of the following areas would be prudent:

- ▶ The establishment of an independent compact commission to govern. Most compacts specify the creation of an entity that is both funded and staffed.
- ▶ Provide a mandatory funding mechanism, sufficient to support essential compact operations (staffing, data collection, training/education, etc).
- ▶ Compel collection of standardized information.
- ▶ There is no meaningful enforcement mechanism. Many compacts provide significant sanctions for non-compliance by participating states.

Each compact should be designed to meet the unique needs that call for its’ creation. Therefore, Mr. McCabe was asked to share examples of language from other compacts that could address the types of concerns impacting the probation and parole ISC. It is important to stress that many other solutions and compact examples exist. The following section simply demonstrates that

compacts are flexible to the extent that they may be drafted to resolve specific needs, functions and issues. (Copies of the sample compacts are included as Attachments E.-J.)

### *New York/New Jersey Port Authority Agreement - 1921.*

- ARTICLES VI & VII - **Powers** - Specific powers unique to this port authority agreement are spelled out. **Implication:** Authority of a compact can be tailored to fit the specific needs and interests giving rise to the need for a compact.
- ARTICLE XIV - **Staff** - Self governing structure and authorization to hire staff and determine their qualifications and duties. **Implication:** Compact can specify that there will be staff supporting compact activities as necessary to carry out its intent.
- ARTICLE XV - **Revenue** - Specific guidelines about how each state will contribute financially. **Implication:** States can obligate themselves to ongoing financial support of the compact at the time they agree, by statute, to be a participant.
- ARTICLES XVI & XVI - **Veto Power** - This provision allows a governor to veto any action of a one of his/her commissioners. This type of language is fairly common, but is seldom implemented. It theoretically is included for protection of the interests of the state, but often it often is included to make passage more likely.
- ARTICLE XVIII - **Legislative involvement** - This is **not** a recommended provision, but is an example of a problem. This requires the legislature of each state to act in order to implement decisions of compact commissioners. It is very time consuming and subject to passage in varied forms. For a fifty state compact the provision would be virtually unworkable.
- ARTICLE XXI - **Time Constraints** - Initial compact language can embed a cancellation/withdrawal date contingent on some action or lack thereof. **Implication:** A future date could be established for approval of bylaws; or passage of the compact by a set number of states. If those actions were not met, a state could have the option to withdraw at that time.
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### *Colorado River Compact - 1922*

This compact governs the allocation of water between western states. This example did **not** create a permanent commission. A commission created a compact, and then the commission went out of business. All rules and agreements are established in the compact document with finality.

- ARTICLE III - **Essence of the Agreement** - Included (g) is identification of a mechanism (other than a permanent commission) to resolve disputes.

## *Central Interstate Low-Level Radioactive Waste Compact*

In contrast to the preceding example, ongoing activity and enforcement are key concerns of this compact.

- ARTICLE IV - Provision G - **Staff** - This is a provision for employing and compensating staff, and also contains authorization to contract for necessary services to assist the Commission. Given the controversial subject of the compact, there are unusual provisions concerning civil service employees. **Implication:** During drafting of a compact, particular issues may be identified that require unusual solutions. If the compact becomes law containing the provisions they will be enforceable.
- ARTICLE V - **Enforcement tools** - This addresses the development, licencing and operation of regional facilities for radioactive material. Section G authorizes the Commission to revoke the membership of a party state which arbitrarily or capriciously denied or delayed the license or permit to any person authorized by the Commission to apply for the permit. Referencing ARTICLE VII, section E; the Commission has authority to suspend a party state, provide an opportunity for cure, and ultimately to revoke membership if necessary. This is powerful because the regional commission makes decisions about where radioactive waste will be deposited, and in a very real sense it can tell states that waste will be located in their state. **Implication:** A compact may contain strong and meaningful sanctions for parties that do not adhere to agreements.
- ARTICLE VIII - **Withdrawal, Revocation & Entry Into Force** - This section provides a lot of detail. Of particular importance is (Section D) an example of the ability of states to remove themselves from the compact at a future date (attractive “political” provision when passage is being debated) ; and (Section F) contains language specifying that this compact takes effect upon the passage by at least three states. **Implication:** The compact language can establish when an amended probation and parole ISC would become a reality. For example, the compact could specify that an amended ISC would take effect when passed by thirty states, or thirty five states; and until that time the existing compact would remain in full force and effect.
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## *Tri-State Lotto Compact.*

- Section 409 - **Powers and duties of the commission** - This is an example of a compact that empowers commission to act without concurrence of the legislatures; however, the three state commissioners must agree.
- Section 415 - **Revenue** - Management of revenue and resources is often a concern. This is an example of how relevant fiscal issues can be outlined and governed.
- Section 421 - **Immunity** - This section sets out immunity and liability provisions, a concern for anyone involved with community placement and supervision.
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### *Midwestern Higher Education Compact.*

This was shared as an example of a compact that contains simple and general language. In particular: ARTICLE III details Powers and Duties of the Commission; ARTICLE V concerns Finances; and ARTICLE VII deals with Withdrawal, Default and Termination. This is structured as a brief compact, with the intent that the commission will establish detailed bylaws to implement the compact. Those bylaws are also enclosed. Review indicates much more detail in bylaws than in the compact itself. **Implication:** The benefit of this approach is that “nuts and bolts” changes can be made by the commission in the bylaws without having to take the entire compact back before state legislatures for maintenance items that do not challenge the basic intent of the compact.

### *Interstate Insurance Receivership Compact.*

This fifty state compact was in response to a high profile political issue. It is structured in a way that is opposite from the preceding example. The compact is very rigid and controlling as it contains detailed and binding provisions, and the accompanying bylaws are comparatively less significant. For example, ARTICLE VII, Section 4, permits a state legislature to veto (for their state implementation) a specific rule or amendment enacted by the commission; and ARTICLE X deals with finances in an extended manner. **Implication:** A compact that contains extensive detail in the compact language itself is less flexible over time than one that places more emphasis on bylaws as enacted by a commission within parameters set by the enabling compact. To change even a minor provision of a compact requires action by legislatures in all compact states, whereas changing bylaws only requires action by the commission.

The Advisory Group learned that amending compacts is relatively simple — ***BUT IT IS NOT EASY!***

- ▶ It is simple because it is a clear process: State legislatures need to pass similar laws. When a sufficient number of states have done this the amended compact takes effect.
- ▶ As detailed under a later heading, it is not an easy process because, among other things, a drafting body must be convened; interested parties in all states/criminal justice professions and legislators must become educated and motivated; proposed language must be shared before final introduction in the states; re-drafting must be considered before simultaneous release to the various legislatures; and quite simply, there is a political dimension to passing any legislation.

## **ISC Options Considered**

The Advisory Group spent a great deal of time discussing optional strategies to address interstate supervision concerns. Options sort into the following general categories:

1. Reduce the role of the Compact and move toward a system that involves more direct contact and communication between local sending and receiving jurisdictions.
2. Support improvements through the existing governing structure of the Compact.
3. Explore possible changes in the membership of PPCAA by contacting the appointing authorities in each state and promoting appointments that represent the highest administrative and policy-making levels possible.
4. Through PPCAA, seek the creation of some type of national policy board that would represent key stakeholders (judges, district attorneys, corrections administrators, governors, attorneys general, legislators, etc.). The board could provide leadership on issues such as interstate conflicts, rule enforcement, and sanctions.
5. Amend the Compact with a new governing structure, to be determined in a collaborative effort by key interest groups involved with, or affected by, the Compact.

There was no support for the first option. The Advisory group deemed the issue to be how to make the compact more effective. To do away with it completely, or to reduce its prominence, would not be in the interests of public safety or an effective criminal justice system. Given the unanimous recommendation to strengthen a centrally administered state level compact, there remains a serious concern for the need to improve the flow of relevant information between the local sending and local receiving offices.

Options two through four merited careful deliberation. Each would derive authority from the current compact. This was considered to be a “plus” from the standpoint of avoiding attempts to introduce and pass legislation. It was considered to be a “negative” because the core issues would not be resolved. The fundamental issues of funding, staffing, enforcement and the like would still not carry the force of law. The implementation strategy for each option would require gaining support from key high level officials in order to secure and maintain resources and authority. It is unlikely that equal levels of support would ever be realized in each state and territory. Further, it would require an unceasing effort due to turnover resulting from elections and changes in administrators and policymakers. The Advisory Group expressed some optimism that an effort at this time could gain the attention of many key actors and that short term improvements could result. However, there was little optimism that long term change would result from any of these three options.

The final option, to amend the compact with a new governing structure, clearly is the most ambitious of all the alternatives. The Advisory Group believes that it is achievable and that necessary powers can be created. While a good implementation plan will need to be developed and a great deal of effort will be required, once legislation is passed the ISC will have greater potential to be in a strong position for years to come.

## **Important Principles and Enhancements to Consider in Amending the ISC**

The Advisory Group does not propose specifically how principles and enhancements are to be formalized in amending the compact. That will be a major task and will become the responsibility of a drafting group yet to be constituted. However, based on discussion and assessment of available information, the Advisory Group believes that the following should be given careful consideration for inclusion:

- ▶ Needs and concerns of victims must be identified and addressed. Their rights and expectations cannot be reduced because the probationer or parolee is being supervised in a different state.
- ▶ The governor of each member state of the parole and probation ISC shall appoint an Administrator of the ISC. The administrator (and not a designee) will represent the state on a nationwide governing commission charged with establishing the policy and practice of the ISC. This would assure an opportunity for policymaker level participation from all signatory states and territories.
- ▶ The nationwide governing commission shall adopt and maintain bylaws which regulate compact activities.
- ▶ A governing executive council, with specific powers, comprised of commissioners from various geographic regions of the country, should provide management of compact activities.
- ▶ A funding mechanism, sufficient to provide for staffing and operation of centralized administrative functions, must be provided for in compact language.
- ▶ Permanent and/or contract staff support to carry out policy and practices required by the commission and executive council must be provided for in compact language.
- ▶ There must be clear authority and the capacity for rule making, rule enforcement; conflict resolution between states; and imposition of specific sanctions for non-compliance.
- ▶ Collection of standard data and information, and routine reporting of that data and information, must be required.
- ▶ The compact must include interpretation construction, including a process for amendments.
- ▶ There should be an acknowledgment of the role of the courts as the ultimate potential arbiter of disputes between parties to the compact.
- ▶ The nationwide governing commission must allow for active participation of all signatory jurisdictions.
- ▶ The governing body must be granted clear legal standing in the compact itself; and
- ▶ Similarities apparently exist between adult and juvenile compacts. It should be determined if there is any place for shared activity, and if so, to what degree.

## **What Are the Process Steps, and Who Should Draft an Amended ISC?**

To effectively address the important principles and enhancements discussed in the above section will be a major process. The Advisory Group has identified general issues that need to be resolved, but should they be in the compact or bylaws; what should be the amount or extent of specific powers; and so on? Drafting an amendment to the compact will require expertise and resources beyond that of NIC and the Advisory Group. Broad representation will be required in order to anticipate and effectively address the varied issues and concerns.

The Advisory Group developed a very preliminary project workplan containing the following components:

- ▶ Develop “grass roots” support.
- ▶ Identify and organize a key group of “champions for change”.
- ▶ Explore the experience of similar compacts.
  - Juvenile Compact
  - Compact on Detainers
  - Movement of Children
- ▶ Explore the experience of other groups that have gone through a compact amendment process.
  - High Speed Rail Compact
- ▶ Develop messages to promote the amendment process.
- ▶ Initiate an education - outreach campaign.
- ▶ Establish a drafting committee and provide them with materials for background.
- ▶ Develop marketing strategies for unveiling proposed legislation, including a process for input and modification as appropriate.
- ▶ Work legislative adoption.

Make-up of the drafting group will require:

### 1. Technical expertise regarding:

- ▶ Probation, parole and interstate supervision issues;
- ▶ Construction of compacts; and
- ▶ Introduction and passage of legislation.
  - AND -

### 2. Champions for change:

- ▶ Leaders from the various branches of government;
- ▶ Leaders from key perspectives throughout the criminal justice system (judges, parole chairs, chief probation officers, prosecutors, directors of corrections, law enforcement, and so on); and
- ▶ Leaders from the victims community and other key perspectives.



The next meeting of the Advisory Group will address the following:

- ▶ Refinement of the preliminary workplan.
- ▶ A compact “drafting group” does not currently exist. How should it be formed? How large should it be? Who should be on it?
- ▶ What degree of staff support will be necessary to support the process during drafting and legislative phases?
- ▶ Funding issues for the entire process must also be addressed. What will be realistic costs and what are potential funding sources?
- ▶ Determination whether the Advisory Group should disband, having completed its’ original charge.

### **Who Is - Or May Be - Interested In An Improved ISC?**

It is clear from Advisory Group discussions that two general groups exist with an interest in the probation and parole ISC:

- ▶ Those that have a working knowledge of the compact and want to see it improved in specific ways; and
- ▶ Those that have had little or no previous awareness of the compact, but when informed and educated concerning the compact they understand the compelling need for an effective and well managed system of interstate supervision for parolees and probationers.

It is important that efforts to amend the compact involve both groups. Advisory group discussion indicated that in many ways the expertise needed to identify and resolve compact issues resides with the first group; but the ability to make system change and promote long term solutions resides with the second group.

It would be incorrect to assume that most criminal justice groups would fit into the first category of those with a working knowledge of the compact. In fact, given other responsibilities, even high level administrators responsible for probation and/or parole supervision often have no substantive knowledge concerning the ISC. These dynamics make it difficult to create clear categories of those interested in an improved ISC. The Advisory Group began a list of actual or potential interested parties. The list will need to be refined and enhanced as this initiative proceeds, and readers are encouraged to fax or E-Mail suggested additions to the attention of Kermit Humphries: 202/307-3361, or *khumphries@bop.gov*. The initial list “brain stormed” by the Advisory Group follows. We emphasize that this listing is only an initial effort to identify appropriate individuals, agencies and organizations having a stake in ISC. It is not exhaustive.

Victims organizations - State & national:

- ▶ National Organization for Victim Assistance
- ▶ Office for Victims of Crime (OJP)

Participants in NIC Community Corrections Division networks:

- ▶ Parole Chairs
- ▶ Urban Probation Chiefs
- ▶ Executives of State Probation
- ▶ Executives of State Probation and Parole
- ▶ National Coalition of Community Corrections (presidents of professional associations)
- ▶ Capacity Building (state coordination/oversight of local community corrections)

Corrections-specific professional associations (national and state chapters, when they exist):

- ▶ Probation and Parole Compact Administrators Association
- ▶ American Correctional Association
- ▶ Association of State Correctional Administrators
- ▶ Association of Paroling Authorities, International
- ▶ American Probation and Parole Association
- ▶ National Association of Probation Executives

Other Criminal Justice agencies, associations or professionals:

- ▶ National Attorneys' General Association
- ▶ National Sheriffs' Association
- ▶ National Criminal Justice Association
- ▶ National District Attorneys Association
- ▶ American Jail Association
- ▶ American Prosecutors Research Institute
- ▶ National Association of Blacks in Criminal Justice
- ▶ International Association of Chiefs of Police
- ▶ American Bar Association - Judicial Division

Executive and legislative associations and individuals:

- ▶ National Governors Association
- ▶ Council of State Governments
- ▶ National Conference of State Legislators
- ▶ National Association of Counties
- ▶ State legislators in Tennessee and Connecticut who sponsored recent legislation regarding *ISC* concerns.

Individuals and organizations supporting courts:

- ▶ State Justice Institute
- ▶ Conference of Chief Justices
- ▶ National Center for State Courts
- ▶ National Association of Women Judges

Key individuals and positions:

- ▶ Directors of Corrections
- ▶ Deputy Directors of Corrections
- ▶ Individual Criminal Justice champions
- ▶ Law enforcement chiefs
- ▶ Individual judges and court administrators

Offender advocacy groups:

- ▶ CURE
- ▶ FAMM

Juvenile justice groups:

- ▶ Office of Juvenile Justice and Delinquency Prevention
- ▶ Association of Juvenile Compact Administrators
- ▶ Council of Juvenile Correctional Administrators

### **Support For Current Compact Operations**

Just as the Ad Hoc Committee appreciated the performance of compact administrators functioning in a system that is lacking in resources and authority, the Advisory Group likewise commended their performance. Recognizing that it could take two or three years for an amended compact to come into being, the Advisory Group discussed what could be done to strengthen the compact performance during the interim. They suggested:

- ▶ The appointing authorities of compact administrators should be encouraged to insure that their state is represented at the annual PCAA summer meeting;
- ▶ States are encouraged to insure that their representative at the PCAA meeting is at a high enough level in the organization to speak with the authority of a policymaker;
- ▶ The appointing authorities are encouraged to carefully assess the compact office workload to determine if existing resources are sufficient to permit operation in an effective manner; and
- ▶ PCAA should explore technology opportunities through BJA, NIJ, and SEARCH.

## Proposed Activities and Timelines

<b>WHEN:</b>	<b>WHO:</b>	<b>WHAT:</b>
July 15	Kermit George	Update Mike Miller and invite him to the October meeting.
July 22	Kermit Morris	Distribute revised meeting report to professional associations with cover letter from Morris. Ask for distribution through the association membership. Advise location of web sites for obtaining current versions of project documents. Offer possibility of briefings at relevant ACA/APPa committee meetings. Also distribute to Advisory Board and other key individuals.
July 22	Kermit Larry	Prepare a site for documents on the Information Center and/or NIC home pages; & keep updated project documents there for all to access. Include the site address in Morris' letter.
July 31	Morris George Kermit Kim	Meet with OJJDP leadership and Juvenile Compact representative(s).
Summer	Kermit to coordinate	Presentations to relevant groups: July 30 NCCCA (Kermit) August ACA - ASCA August APPA - PPCAA (Kermit - meeting & panel)
August 5	Kermit	Prepare good quality overheads and handouts for conferences based on "talking points".
September	Larry	Report: How are compact administrators actually appointed? Need to research by state, the statutes governing the designation of ISC (P&P) administrators.
September	Kermit George Mike	Draft white paper/article that paints a clear picture why action is required.
September	George Kermit	Explore possible staffing/funding opportunities for drafting/legislation phases.

September	George	Identify and explore judicial support and what their interests are.
September 20	Cranston Kermit Gail	Presentation and discussion with parole chairs.
October 1	Kermit	Complete report to Advisory Group regarding written input received so far.
October ?	Advisory Group	Meet in Chicago for a day and a half.
November	Odie & NIC staff?	Presentation at "All directors meeting".
November	George Odie	Update and Presentation at NIC Advisory Board meeting.

### **Conclusion**

The Interstate Compact Advisory Group to NIC will be meeting at least once more. NIC staff will be gathering information on the committee's behalf into September, 1998. A number of individuals and groups have already shared ideas and suggestions. Verbal communication is important and welcome, but the Advisory Group requests that comments and suggestions also be placed in writing so that the full group may understand the detail and context of input. Suggestions and comments may be directed to the attention of:

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