Letter from the Chair

In the past year, criminal justice agencies everywhere experienced significant change. Compact Offices are maintaining services with less staff and higher turnover. In these trying times, the Interstate Commission for Adult Offender Supervision (ICAO) continues to lead by setting and achieving aggressive goals. Commission members consistently take time from their busy schedules to volunteer their time and talent to participate in the business of the Commission, while the National Office staff diligently support their efforts.

Taking direction from the Commission, the Executive Committee addressed several important items in the past year. During our 2010 Annual Business Meeting, the Commission adopted nine rule amendments dealing with violations and retaking. In March 2011, the Rules and the Training committees prepared and disseminated this information nationally. Previously established ad hoc committees, tasked to review the rule on the dues formula and victim issues related to interstate transfer, will present their findings during the 2011 Annual Business Meeting in Montgomery, Alabama. The ad hoc committee reviewing the use of risk and need assessments around the country, established at last year’s annual business meeting, will present their findings. The Technology Committee, with assistance from the ICAOS National Office, renegotiated the ICOTS contract, implemented five major releases and transitioned the helpdesk from Appriss to the National Office; thus reducing our contract cost by more than $100,000. With a great deal of assistance from Harry Hage and his staff, the Commission once again finished the year under budget for the third consecutive year.

I received positive and constructive feedback from states regarding the compliance audits completed by the National Office. In the upcoming year, the National Office will continue to work with some states to find solutions for their identified deficiencies by conducting a follow up audit.

I thank everyone involved with ICAOS for taking time to be involved and for your commitment to public safety. The Commission’s accomplishments are the direct result of your dedication and self-sacrifice. I encourage each of you to stay active in the work of the Commission in the upcoming year.

Sincerely,

Milt Gilliam, Chair
Interstate Commission for Adult Offender Supervision
Improvements resulting directly or indirectly from the compliance audit include:

- 5% The number of notice of arrivals issued increased by 6%
- 27% The number of progress reports submitted increased by 27%
- 6% The number of case closure reports issued increased by 6%

6.6 days
The average time to complete the 45 day investigation decreased by 6.6 days.

Compliance Audits: Information and Accountability

Due to the efforts to automate in earlier years, the Commission now has the necessary information to benchmark and set compliance performance goals. The first compliance audit in the history of the compact started this year with a series of pilot audits culminating in a nationwide audit. The audit measured each state’s ability to comply with an established set of 20 standards. Each standard represented one or more of the Commission rules.

Overall, the results of the audit are positive. Seventy-four percent of the states are operating within the current standards of acceptability. The few standards that were problematic for most states at the beginning of the audit period have since shown significant improvement. The FY 2012 compliance audit will determine if the states are taking action to correct the deficiencies noted in the first audit.

Offender Demographics
In FY 2011, the states supervised 113,693 compact offenders, an increase of one percent over the year before. The demographic characteristics of the interstate offender population continue to be consistent with those offenders on state and local supervision when measured by gender, age, and race.

Gender
Male offenders on compact supervision are over represented in both the probation and parole population. Of those offenders on interstate compact supervision (probation or parole), 81% are male and 19% are female. This is consistent with the general probation and parole population according to the Bureau of Justice Statistics 2009 report.

Age
The age group most frequently represented is 18 to 29, with 50% under the age of 40. The least represented are the under-18 and 50-62 age groups.

Supervision Length
The average length of supervision for compact cases increased from 3.17 years in FY 2010 to 3.53 years in 2011. The number of offenders serving a lifetime supervision sentence is relatively small and declined from 627 offenders in FY 2010 to 564 compact offenders in FY 2011.

Acceptance and Rejection Rates
The average rate of acceptance declined by 16% in FY 2011. On average, the states accepted 73% of the total number of transfer requests. In addition, the number of transfers processed increased by 6% or 5,034. Offenders who were a resident of the receiving state comprised the group most likely to have their request approved. In contrast, discretionary transfer requests are the least likely to be approved.

Victim-Sensitive Cases
Transfer request that are identified as victim-sensitive by the sending state, in accordance with the definition of “crime victim” under the statutes governing the rights of crime victims in the sending state, are approved at a lower rate than those that are not victim-sensitive. About 12% of the offenders transferred in FY 2011 are considered victim-sensitive; a 2% increase over FY 2010. Of the 9,417 transfer request designated as victim-sensitive, only 71% received approval by the receiving state.

Registered Sex Offenders
By rule, a 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, parole or other criminal justice agencies. In addition, the offender is required to register as a sex offender either in the sending or receiving state and is required to request a transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision. In FY 2011, 6,247 sex offenders were applied for interstate transfer. The states approved 48% or 3,009 of these requests. This is well below the average acceptance rate for non-sex offenders (78%). Sex offender transfers comprise 5% of the total number of transfers for FY 2011.

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.

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Violations

The states submitted 29,892 violation reports in FY 2011. Slightly more than 44% of the violations resulted in a recommendation to either continue supervision or to sanction the offender and then continue supervision.

The type of violations remains consistent with those reported in FY 2010. Approximately 55% of violations involved a new arrest, seven percent are the result of a new conviction, three percent are for absconding and 35% are related to the commission of significant violations*. Approximately 5% of violators are registered sex offenders and 9% of the violations involved victim-sensitive cases. Both of these percentages are proportionally smaller than that of the typical offender population.

*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.

Case Closures

The states closed supervision on 67,869 compact offenders this year. Of those, 54% either completed their term of supervision or received an early discharge. The breakdown between reasons for closure remains consistent with the data from last year.

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Mindy Spring, Training and Administrative Coordinator
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Kevin Terry, Website Analyst
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Barno Saturday, Logistics and Administrative Coordinator
859.721.1056 | bsaturday@interstatecompact.org

Standing Committees

Compliance

Mike McAlister, NH, Chair
Chris Norman, AL
Jana Seigel, IN
Genie Powers, LA
John Rubich, MI
Ellen Brokofsky, NE
A.T. Walt, RI
Victoria James, SC, Ex Officio
Pat Tuthill, FL, Ex Officio
Sally Holowka, ND, Ex Officio

Training, Education and Public Relations

Dori Ege, AZ, Chair
Edward Gonzales, NM
Rose Ann Bisch, MN
Karl Ruebbaugh, NE
Anne Preschuthe, NC
Devon Whitlefield, CO
Bhawo Amut, NV

Committee and Region Chairs

Offender Violation Reports

Receiving State Recommendation

Sending State Response

Warrant Requested

Order Offender to Return to Sending State

Committee and Region Chairs

Ben Martinez, PA | Wayne Theriault, ME | East Region Chair
Sara Andrews, OH | Midwest Region Chair
Chris Norman, AL | South Region Chair
Edward Gonzales, NM | West Region Chair
Dori Ege, AZ | Training, Education and Public Relations Committee Chair
Dori Ege, AZ (Acting) | Wayne Theriault, ME | DCA Liaison Committee
Gary Tutlock, TN | William Rankin, WI | Rules Committee Chair
Kathie Winckler, TX | Information and Technology Committee Chair
Mike McAlister, NH | Compliance Committee Chair
Charles Lauterbach, IA | Finance Committee Chair
Patricia Tuthill, FL | Victims Representative

Reasons for Case Closure

Absconded
Early Discharge
Death
New Sentence
Other
Retaken
Returned to Sending State
Supervision Ended

Information and Technology

Kathie Winckler, TX, Chair
Mark Gadotte, OR, Vice Chair
Chris Norman, AL
Kevin Pellant, KS
Jill Carlson, WI
Leeann Bertsch, MN
John Gusz, NJ, Ex Officio
Joe Kuebler, GA, Ex Officio
Anne Preschuthe, NC, Ex Officio
Charles Pascak, ND, Ex Officio

Committees continued on page 10.
Programs and Services in FY 2011

Policy, Administration and Legal
- Implemented the FY 2011 compliance audit program and set the standards for the FY 2012 audit
- Published a Spanish version of the ICAOS Rules
- Processed 25 voluntary incident reports
- Published 156 Newsletters, announcements and emergency notifications
- Surveyed the states on risk and need assessments, offender data sharing and retaining procedures for probation cases
- Coordinated the 2010 Annual Business Meeting in San Antonio, TX, 59 online region and committee meetings and five on-site meetings
- Conducted on-site orientations for three new commissioners
- Initiated one lawsuit for non-payment of dues
- Published three advisory opinions

Technology Committee
- Introduced five new releases to ICOTS
- Began the research and design for an ICAOS mobile website
- Transferred the ICOTS helpdesk function from Apriss to the National Office staff
- Published five new ICOTS External Reports
- Published a HTML version of the ICAOS Rules
- Initiated a data sharing pilot with state fusion centers
- Continued independent ICOTS performance monitoring
- Conducted ICOTS performance load testing

Training
- Created a new ICACOS reference library on DVD
- Thirteen states now offer continuing legal education credit to those in the legal profession who participate in ICACOS training programs
- More than 900 individuals attended the 11 training sessions on the 2010 rule amendments
- Almost 3,100 individuals viewed 1,220 hours of training via the on-demand training modules
- Five states received training assistance through the Technical and Training Assistance Policy
- Conducted workshops for the American Probation and Parole Association and the American Association of Paroling Authorities International
- Created a new ICAOS reference library on DVD
- Conducted ICOTS performance load testing
- Conducted ICOTS performance load testing

New Rules and Amendments Effective March 2011
- Rule 5.102 Mandatory retaking for a new felony conviction
- Rule 5.101 Retaking by the sending state
- Rule 4.109 Violation reports
- Rule 4.109-2 Absconding Violation
- Rule 5.103-1 Mandatory retaking for offenders who abscond
- Rule 3.107 Transfer Request
- Rule 1.101 Definition for violent crime and warrant
- Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes

FY 2011 Advisory Opinions

2-2011 (published 01.24.2011) — At issue: Whether ICAOS Rule 5.103-2 requires the sending state to determine an offender’s status as a “violent offender” as defined in ICAOS Rule 1.101 at the time of the transfer of supervision to the receiving state. The current language of ICAOS Rule 5.103-2(b) does not mandate that the sending state make a determination that an offender is a “violent offender” at the time of transfer of supervision to the receiving state under the terms of the compact.

1-2011 (published 01.24.2011) — At issue: Whether ICAOS Rule 2.105 applies to misdemeanor violations pertaining to hunting which involve the use of a firearm and whether offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact. ICAOS Rule 2.105 applies to all misdemeanor violations, including those pertaining to hunting, which involve the use of a firearm and offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact.

4-2010 (published 07.15.2010) — At issue: Whether ICAOS Rule 2.105 applies to misdemeanor violations pertaining to hunting which involve the use of a firearm and whether offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact.

*Copies of training bulletins are available in the training section of the Commission’s website.
Audit Report

REPORT OF INDEPENDENT AUDITORS

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

We have audited the accompanying statement of financial position of The Council of State Governments (a nonprofit organization, the Council) as of June 30, 2010, 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 audit. The financial statements as of June 30, 2009, were audited by Potter & Company, LLP, who merged with Blue & Co., LLC as of January 1, 2010, and whose report dated December 8, 2009, expressed an unqualified opinion on those statements.

We conducted our audit 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 audit to obtain reasonable assurance about whether the financial statements are free of重大 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 audit provides 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, 2010 and the results of its operations and its cash flows for the year 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 December 14, 2010 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 considered in assessing the results of our audit.

Our audit was performed for the purpose of forming an opinion on the basic financial statements of the Council taken as a whole. The supplemental information as listed in the table of contents 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 the 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.

Blue & Co., LLC
December 14, 2010

Almost a third of the Commission’s membership will turnover before the end of FY 2012 and the economic climate is not likely to change in the near future. As with any organization that experiences significant turnover in its leadership, the Commission’s challenge will be to find new ways to educate and involve its members in ways that are meaningful to the organization. In addition, it is imperative that the Commission continues to work within the confines of its budget while maintaining a healthy reserve without pursuing additional funding from the membership. The Commission must continue to improve efficiency and program quality while continuing to provide the services expected by its members. The Commission is committed to enhancing and expanding its present offering of programs without an increase in membership contributions.

Looking Ahead to Fiscal Year 2012

Financial Outlook

The past three years of fiscal belt-tightening stabilized the Commission’s budget and led to the development of a reserve fund. Even after forgoing a previously approved dues increase, the Commission committed funds to the reserve. Now that the Commission has an adequate reserve, it is time to re-evaluate the current long term investment strategy. Typically, the reserve funds are kept in a money market account that is presently paying .75% in interest. In the upcoming year, the Finance Committee intends to evaluate options for increasing the return on investment without accepting additional risk.

In accordance with Council of State Government recommendations, the Commission maintains a reserve fund. The current balance of the reserve fund is $1,818,847.85. There is an additional reserve fund of $50,000 to finance unexpected legal expenses.

In summary, the Commission continued to be successful in meeting its annual operating budget and balanced its five year capital plan. In addition, the Commission was able to maintain a healthy reserve and improve its financial position even in the face of a highly challenging economic environment.

Rules

Dori Ege, AZ, Acting Chair
Sidney Nakamoto, HI
Charles Placek, ND
Kari Rumbaugh, NE
John Gusz, NJ
Dawn Persels, OR
Karen Tucker, FL
Kela Thomas, SC

DCA Liaison

Gary Tullock, TN, Chair
Dori Ege, AZ
John Blonien, WA
Jane Seigel, IN
John Rubitschun, MI
Ed Ligtenberg, SD
Gerald VandeWalle, ND, Ex Officio
Frank Torres, CA, Ex Officio
John Gusz, NJ, Ex Officio

ICAOS Budget Quick Facts

15% The Commission reduced budgeted expenses by 15% since FY 2009
25% The National Office reduced 25% of its staff positions since 2008
3 years The Commission held expenses under budget for 3 consecutive years

Standing Committees

Continued from page 7.

Finance

Charles Lauterbach, IA, Chair
Gary Tullock, TN
Kathie Winckler, TX
Michelle Buettner, IL
Jim Ingle, UT, Ex Officio

IAS Budget Quick Facts

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Prevailing Compact Issues

Each year the Commission faces difficult challenges. In previous years, the Commission concentrated its efforts on stabilizing the budget, building a menu of programs and services, the rule making process, training and education and information management systems. This year and next year members are likely to see the introduction of new tools, programs and services geared toward improving rule compliance. In FY 2011, every member state and territory received its first compliance audit and the results of the audit will serve as the benchmark for improvement in FY 2012.

The Commission continues to struggle with committee membership and meeting participation. When commissioners are not active and committees cannot assemble a quorum, the organization suffers. The Commission relies on Committees and individuals to routinely examine issues and solve problems that have a national impact. In FY 2012, the Commission faces the challenge of finding new ways to involve its membership or the momentum that drives the organization forward will eventually fade.

In summary, the Commission continued to be successful in meeting its annual operating budget and balanced its five year capital plan. In addition, the Commission was able to maintain a healthy reserve and improve its financial position even in the face of a highly challenging economic environment.

Looking Ahead to Fiscal Year 2012

Almost a third of the Commission’s membership will turnover before the end of FY 2012 and the economic climate is not likely to change in the near future. As with any organization that experiences significant turnover in its leadership, the Commission’s challenge will be to find new ways to educate and involve its members in ways that are meaningful to the organization. In addition, it is imperative that the Commission continues to work within the confines of its budget while maintaining a healthy reserve without pursuing additional funding from the membership. The Commission must continue to improve efficiency and program quality while continuing to provide the services expected by its members. The Commission is committed to enhancing and expanding its present offering of programs without an increase in membership contributions.

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### Offenders on Compact Supervision as of the close of FY 2011

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