

DOWNLOAD PDF ASSESSING PROBLEMS IN MONITORING AND ENFORCING PAROLE UNDER THE INTERSTATE COMPACT

Chapter 1 : Mike Dewine | Open Library

Assessing problems in monitoring and enforcing parole under the interstate compact: hearing before the Committee on the Judiciary, United States Senate, One Hundred Fourth Congress, second session.

The Governor shall execute a compact on behalf of the State with any of the United States legally joining therein in the form substantially as follows: ARTICLE 1 PURPOSE The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: In addition, this compact will: It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business. The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio non-voting members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members, as it deems necessary. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public. The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state. The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to

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govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to: Establishing the fiscal year of the Interstate Commission; Establishing an executive committee and such other committees as may be necessary; Providing reasonable standards and procedures: The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member. Corporate Records of the Interstate Commission. The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws; D. Qualified Immunity, Defense and Indemnification. Except as otherwise provided in this Compact and unless a greater percentage is required by the By-laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present. Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings. The Interstate Commission may exempt from disclosure any information or official record to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to: The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll-call vote reflected in the vote of each Member on the question. All documents considered in connection with any action shall be identified in such minutes. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and report requirements. Such rulemaking shall substantially conform to the principles of the Federal Administrative Procedure Act, 5 U. All Rules and amendments shall become binding as of the date specified in each Rule or amendment. If a majority of the legislatures of the Compacting States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any Compacting State. When promulgating a Rule, the Interstate Commission shall: Subjects to be

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addressed within 12 months after the first meeting must at a minimum include:

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Chapter 2 : Frequently Used Terms and Phrases - NY DCJS

*Assessing Problems in Monitoring and Enforcing Parole Under the Interstate Compact: Hearing Before the Committee on the Judiciary, U.S. Senate [Mike Dewine] on www.nxgvision.com *FREE* shipping on qualifying offers.*

Reference DCF Policy All committed delinquents and juvenile probationers placed into and out of Connecticut or who have escaped or absconded across state lines must meet the requirements of this compact and be referred through this office. Runaways who refuse to return must also be referred to the Interstate Compact. All fifty states, the District of Columbia, Guam, and the Virgin Islands are participants in this compact. What is the Interstate Compact on Juveniles? To ensure that adjudicated juveniles are provided adequate supervision and services in the receiving state as ordered by the judge or parole authority in the sending state. To ensure that the receiving community is protected. To return non-adjudicated runaway youth, absconders, and escapees to their own states. To return juveniles charged as being delinquent to a demanding state other than their home state where they are alleged to have committed a delinquent act. To make contracts for cooperative institutionalization in member states for delinquents needing special services. How to use the Interstate Compact for Juveniles The process see DCF Policy for the placement and supervision of a delinquent juvenile from Connecticut into another State is as follows: All requests for home studies and evaluations to assess possible placements must be referred through the interstate compact office. Compile a Juvenile Compact Packet: Cover letter or memo; Application for compact services and memorandum of understanding and waiver; Social history. Treatment plan, adjustment reports, etc. The packet is then sent to the receiving state. Upon approval from the receiving state the placement may occur. Supervision Connecticut requires a semi-annual written report to conform to state statute. Other information should be reported immediately, including parole violations. If the parolee is unable to make an adequate adjustment, the receiving state shall advise the sending state with recommendations for alternate placement or return to the sending state. Termination of supervision and closing of the case is not done until written permission is received from the sending state. The process see DCF Policy for placement and supervision of a delinquent juvenile from another state into Connecticut is as follows: All requests for home studies and evaluations to assess possible placements in Connecticut will be referred through the Interstate Compacts Office ICO. After the ICO screens the packet for completeness, it will be sent to the appropriate staff person for assignment. If the placement is deemed appropriate, the report will be sent to the receiving state and Connecticut will accept supervision of the delinquent juvenile. The sending state is responsible for transportation and notifying the receiving state of the placement date when supervision will begin. Where is the juvenile? Telephone number and name of contact person Will the child return voluntarily? If so, they must be disposed of before release and return can be effected. How soon can the subject be released? In the case of runaways, notification is needed when there are court charges in the holding state, the runaway refuses to return, or assistance is needed. The ICO will coordinate the return arrangement with the holding state and Department staff for all committed delinquents, and may assist with the return of runaways when needed. Voluntary return per ICJ Article VI is arranged after all the forms are filled out and the juvenile has been informed of his rights in court. This usually can be effected within a few days. If the escapee or absconder refuses to return voluntarily the holding state may request that a Requisition for Escapee or Absconder be filed per Article V of the Compact. The juvenile shall be presented to the juvenile court in the holding state and if the judge finds the requisition is in order, the juvenile may then be returned to the demanding state. Travel arrangements will be handled by the ICO. Involuntary return of a runaway: Interstate Compact on Mental Health - ICMH Overview This law Connecticut General Statutes 17a provides the legal basis for the institutionalization or other appropriate care and treatment of mentally ill and mentally deficient children and youth under the age of eighteen regardless of residence requirements, and authorizes supplementary agreements for joint or cooperative use of mental health resources. What is the Interstate Compact on Mental Health? This compact specifically provides for:

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Institutional transfers of mentally ill or mentally deficient youngsters until age 18 from one state to another. Return of mentally ill or mentally deficient patients until age 18 who have escaped across state lines. Aftercare services for mentally ill or mentally deficient youngsters in the receiving state. Institutional Transfers out of Connecticut DCF Policy All requests to transfer a patient to an out-of state facility must be referred to the Deputy Administrator for processing, referral, and initial evaluation. The Deputy Administrator will review requests for transfer, make the appropriate referrals, conduct any negotiations necessary and make any necessary detailed travel arrangements. If the patient is accepted, the sending state is responsible for transportation and notifying the receiving state of the transfer date. An authorization letter, a certified copy of the commitment papers and up-to-date clinical summary must accompany the youngster. To complete the admission, it is required in Connecticut that the commitment procedure be followed with the Probate Court. Once a patient is located in another state the following should be put into place: The ICO should be notified of the detention of a suspected patient absent without authorization and all pertinent details that would be helpful in returning the patient to his resident state. Patients on unauthorized leave from institutions in other states may be detained in an appropriate facility until transfer arrangements can be made for a return to the resident facility or a different facility. A patient on unauthorized leave from another state will not be returned to that state until proper authorization from that state and all appropriate arrangements have been made. Cost of returning a patient to his resident state is to be paid by the sending state. If use of the Interstate Compact is necessary or desired in order to obtain aftercare services in another state ICO should be notified and appropriate authorization should be received prior to the discharge of a patient to a relative or other individual in another state. The Interstate Compact on Adoption and Medical Assistance ICAMA Overview This law CGS 17ad and 17ae establishes the legal basis to require that each special needs adopted child with a valid subsidy agreement who moves across state lines be provided with Medicaid assistance in the state in which they reside. ICAMA is the agreement among compact states that special needs adopted children who move from the state in which they were adopted will be provided Medicaid assistance in the state in which they reside. Medicaid is provided to these children through a reciprocity agreement. Connecticut Child Moving Out of State When an adopted child receiving a Connecticut adoption subsidy moves out of state, the subsidized adoption unit will notify the ICAMA liaison who will process the appropriate documents to initiate medical assistance in the new state. The ICAMA liaison will determine the appropriate medical coverage group for this child and complete re-determinations of the medical assistance as required by the Department of Social Services.

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Chapter 3 : New Jersey State Parole Board | Supervision / Division of Parole

Under the interstate compact, the U.S. state in which a conviction is based Receiving state Under the interstate compact, the state that undertakes a supervision.

Interstate Compact Probation Currentness A. In this section the following definitions apply: Halfway houses are not considered residential treatment. The AOC shall administer interstate compact probation on behalf of the supreme court. Interstate compact probation establishes standards and procedures for the interstate transfer and effective community based supervision of adult probationers. Administer and direct interstate compact probation on behalf of the supreme court; b. Monitor interstate compact probation; c. Prepare written material setting forth various techniques, practices, guidelines and other recommendations regarding the management of interstate compact probation and distribute this material to judges and probation personnel; d. Inspect, audit, or have audited the records of any court receiving interstate compact probation funds; e. Prescribe and adopt procedures, forms and reports necessary for financial administration, program administration and management of interstate compact probation; f. Conduct seminars and educational sessions regarding the purpose and management of interstate compact probation; g. Assist courts in developing their program plans and budget requests; i. Provide general assistance to courts on the administration and management of interstate compact probation services; and j. Adopt other administrative practices and procedures, consistent with this section, as necessary for the administration of interstate compact probation. To promote uniform administration, each adult probation department receiving state interstate compact probation funds or supervising interstate compact probationers shall comply with this section. The deputy compact administrator shall administer interstate compact probation on behalf of the AOC. The deputy compact administrator shall promote public safety in performing the following duties: Execute and interpret all applicable compact laws, rules, policies and procedures; b. Communicate with other compact or deputy compact administrators, and the interstate commission for adult offender supervision as needed; c. Coordinate and resolve state compact issues or concerns; and d. Manage and maintain the interstate compact probation statistical information and reports. The adult probation departments shall investigate, supervise, and may pursue return or revocation of probation of interstate compact probationers for reasons including but not limited to, commission of a new crime, absconding, or noncompliance with the conditions of probation. The presiding judge wishing to operate an interstate compact probation program and receive state interstate compact probation funds shall submit a proposed plan and budget request for the subsequent fiscal years to the AOC. The administrative director shall establish the date for submission, as well as the forms to be used and the corresponding instructions. The administrative director shall review each request, and may modify the request based upon appropriate statewide considerations. The administrative director shall allocate to the court the monies appropriated by the legislature for interstate compact probation programs based on the proposed plan, availability of funds, caseload population, past year use, county support and program effectiveness. If a court does not agree with the allocations and requests further review, the chief justice shall make the final determination. Each court requesting state interstate compact probation funds shall support the budget request with written justification and explanation as required by the administrative director. Program Plan and Financial Management. Each court requesting state interstate compact probation funds shall submit an expenditure plan to the administrative director. The expenditure plan shall outline how the requested state funds shall be used in operating an interstate compact probation program consistent with the average case supervision requirements prescribed in A. The court shall submit the plan within the prescribed time frame and on forms required by the administrative director. Each presiding judge shall submit, in writing, all requests to modify expenditure plans on a form approved by the administrative director. In the event the administrative director disapproves a plan or plan modification submitted by a court, the presiding judge of the court may request that the administrative director submit the plan to the chief justice for consideration and final determination. On approval of the plan

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as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting court for the distribution of funds. The administrative director may reallocate funds during the year based on documented need, current use of funds and approved plan or budget modifications. A person being supervised in this state pursuant to this article shall pay, as a condition of probation or parole, a monthly supervision fee of not less than fifty dollars unless, after determining the inability of the person to pay the fee, the supervising agency requires payment of a lesser amount. The supervising parole or probation officer shall monitor the collection of the fee. The court receiving state interstate compact probation funds shall use allocated funds and interest only for interstate compact probation. On agreement with a participating court, the administrative director may withhold funds allocated to the court and may authorize direct expenditures for the benefit of the court. The administrative director may also reallocate these funds during the fiscal year. Failure to submit the report in a timely manner may result in financial sanctions. The presiding judge of each participating court shall return to the AOC, by August 31 of each year, all interstate compact probation funds distributed to the court which are unencumbered as of June 30 and unexpended as of July. Failure to revert the unencumbered funds in a timely manner may result in financial sanctions. The administrative director shall determine how the funds are used in the event that a court experiences a decreased need for funds or declines to participate after the legislature has appropriated funds for interstate compact probation. Each court and its probation department providing interstate compact probation services shall maintain and provide to the AOC data and statistics as may be required by the supreme court to administer interstate compact probation. The chief probation officer shall submit the results of the hand counts to the AOC. Each court and its probation department providing interstate compact probation services shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least five years from the close of each fiscal year. The administrative director shall allocate state funded interstate compact probation personnel placements approved for interstate compact probation among courts. The administrative director may prepare and implement procedures for adjusting allocated placements and associated monies among courts. Interstate Compact Probation Caseload Limit. Probation officers funded by state interstate compact monies and engaged in case supervision shall supervise no more than an average of 65 interstate compact probationers who reside in the county. Probationers in short term residential treatment in another county. Probationers in long term residential treatment in another county; c. Probationers considered absconders with an active warrant; and d. Probationers who have been retaken by the sending state. Each probation department shall: Have a written procedure regarding the alcohol and drug testing of persons on interstate compact probation. The procedure shall address the methods used to select probationers for testing, the frequency of testing, and the type of test to be administered; b. Have a process by which accurate and timely records of the completion of community restitution hours are maintained for each probationer. Credit toward court-ordered community restitution requirements are awarded on the basis of actual hours completed unless otherwise authorized by the court; c. Work with the office of the clerk of the court to establish a process by which supervising probation officers are provided with accurate and timely information concerning collections; d. Ensure the collection of monthly assessments imposed pursuant to A. Each probation department and supervising probation officer shall immediately address any arrearage. Develop policies and procedures which require probation officers providing interstate compact probation supervision to use the results of the standardized assessment, as well as any other relevant information, when developing a case plan; f. Develop policies and procedures which require that once every days the supervising probation officer administer the standardized reassessment and develop a new case plan; and g. The supervising probation officer shall document in the case record all contacts and information received pertaining to the incident, as well as the action taken as a result of the incident. Adult probation officers shall: The case plan shall contain the signatures of the supervising probation officer and the probationer; 2 Administer the standardized reassessment every days. Adult probation officers shall provide a written directive to the probationer referring the probationer to an appropriate service provider within 60 days of

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acceptance of supervision and arrival of the probationer in Arizona or identification of the need if a need for treatment or counseling is identified through the use of a statewide standardized assessment or is ordered by the court. If more than one area of treatment or counseling is identified, the supervising probation officer shall prioritize the needs and address the one with highest priority within the prescribed time frame. The supervising probation officer shall then address the remaining treatment or counseling areas in descending order. The supervising officer shall administer or cause to have administered alcohol and drug tests on a variable schedule, when appropriate. A written statement of the Arizona and sending state conditions of probation; b. An individual case plan setting forth behavioral and program expectations; c. Contact logs detailing the time, nature and location of each contact made with each person on interstate compact probation; d. Request for transfer for supervision, if available; and e. Waiver for extradition, if available. Eligibility and Acceptance Criteria. Such person has 90 days or more or an indefinite period of supervision remaining; and b. Is in substantial compliance with the terms of supervision in the sending state; and c. Is a resident of the receiving state; or d. Has resident family who have resided in the receiving state for at least days at time of the transfer request and who have indicated a willingness and ability to assist as specified in the plan of supervision; and e. Can obtain employment in the receiving state or has a visible means of support; or f. The person is a member of the military and has been deployed by the military to another state and who meets the criteria listed in a and b ; or g. The person lives with a family member who is a member of the military and who has been deployed to another state, provided that the person will live with the military member in the receiving state and meets the criteria listed in a and b ; or h. The person who meets the criteria listed in a and b resides with a family member who is transferred to another state and obtains full-time employment, provided that the person will live with the family member in the receiving state. The deputy compact administrator shall forward to the appropriate Arizona probation department all eligible requests by other states for transfer of supervision via the interstate compact. Replies to the requests are due to the AOC within 30 days of receipt by the Arizona probation department. Supervision Process, Length and Termination. The interstate compact probationer shall also accept the terms and conditions established by the Arizona adult probation department and court. The Arizona probation department shall supervise an interstate compact probationer in accordance with all terms and conditions of probation and Arizona laws, rules, policies and procedures including the operational procedures developed by the supervising Arizona probation department. An Arizona court or probation department shall not modify, extend or terminate early the length of probation supervision for an interstate compact probationer transferred to Arizona except as authorized by the appropriate jurisdiction of the sending state. Violations and Probable Cause Hearings. An interstate compact probationer who allegedly violates probation terms and conditions is entitled to an administrative hearing to determine whether there is probable cause to believe that a violation has been committed that may lead to revocation of probation. The presiding judge in each county shall appoint a neutral hearing officer who shall conduct hearings in accordance with A. Pursuant to the interstate commission for adult offender supervision rules, the interstate compact probationer may waive this hearing if the interstate compact probationer admits to one or more significant violations of the terms or conditions of supervision. The supervising probation officer shall notify the deputy compact administrator and sending state whenever consideration is being given to the retaking or incarceration of the interstate compact probationer. The supervising probation officer shall report the results of any interstate compact probation probable cause hearing to the deputy compact administrator, along with a copy of the hearing record.

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Chapter 4 : View Document - Arizona Court Rules

under the interstate compact, the state that undertakes a supervision intensive supervision probation/parole a form of probation that stresses intensive monitoring, close supervision, and offender control.

All are appointed by the Governor, subject to approval by the Senate. They serve six-year staggered terms and can be re-appointed. If vacancies occur, the Governor selects a replacement before the term expires. The positions of chairman, vice chairman and secretary are elected by majority vote of the Board. The Board is vested with the following statutory powers: Our primary goal is to keep victims informed of the status of their cases and to make certain they are as informed as possible throughout the process. By providing fast, comprehensive, responsive services, OVS can ease the frustration and anxiety that often accompanies the community corrections process. This law greatly enhances the existing IID Program by: In May, , the General Assembly further amended the law. As used in this chapter: Under administrative monitoring, the only condition of the monitoring shall be the requirement that reasonable progress be made toward the payment of financial obligations. The payment of monitoring mandated fees shall continue. The characteristics may include, but not be limited to, the following risk and criminogenic need factors: This includes, but is not limited to, violations concerning probation, parole, and community supervision. The hearing officer also conducts preliminary hearings and final revocation hearings for supervised furlough, youthful offender conditional release cases, and such other hearings as required by law. Probation and Parole Board established. This Board made recommendations on parole matters subject to approval by the Governor. The act also created the Department of Parole and Community Corrections. The new agency reported to the Board and was responsible for developing new initiatives and a variety of supervision capacities for adult offenders. The Department of Corrections began contracting with the Department to provide supervision services to offenders under the Youthful Offender Act. The Department began subcontracting with the Department of Juvenile Justice DJJ to provide electronic monitoring of juvenile offenders. DJJ currently contracts for their own equipment and the Department continues to provide computer assistance to DJJ for electronic monitoring. The Department began a cooperative agreement with the Department of Juvenile Justice to collect DNA samples from juvenile offenders in the community. In times of state emergencies, the Department has assumed the responsibility for providing security at all evacuation centers throughout the state; assisting the Highway Patrol with traffic; and assisting SLED with security needs. Its members consist of victims and service providers from across the state. The Council meets quarterly to discuss issues of concern. The agency incorporated the use of state-of-the-art Global Positioning Satellite GPS technology into the supervision of certain higher-risk offenders. This grant-funded project was piloted in fifteen 15 local probation and parole offices. The legislation imposed a mandatory minimum of twenty-five 25 years in prison for sexual predators, and mandated Global Positioning Satellite GPS monitoring for sex offenders convicted of certain offenses. The Department received grant funding to implement digital fingerprinting in fourteen 14 pilot probation and parole counties. The overall goal of the SRA is to reduce crime in cost effective ways. The major goals of sentencing reform are to 1 Ensure fairness and certainty in sentencing as well as make certain justice for crime victims; 2 Improve release practices through the implementation of cost-effective reentry strategies; 3 Strengthen probation and parole by shifting limited resources to supervise high risk-offenders using evidence-based practices while implementing new supervision strategies geared towards those offenders least likely to re-offend; and 4 Establish ongoing oversight through the formation of the Sentencing Reform Oversight Committee.

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Chapter 5 : Interstate Compact

Books by Mike Dewine, Improving the Well-Being of Abused and Neglected Children, Competitive Implications of the B.F. Goodrich/Coltec Merger, Competition and Safety in the Delivery of Anesthesia Services, Assessing Problems in Monitoring and Enforcing Parole Under the Interstate Compact, Airline Hubs.

Since , the statutory authority for the movement and management of probationers and parolees across state lines has been provided by the Interstate Compact for the Supervision of Parolees and Probationers ISC. The ISC, a two-page document, provides that a parolee or probationer can be permitted to reside in a state other than the one he or she was sentenced in providing that family members reside within that state and the person can find employment there. If the person has no family residing within the state which he or she wishes to move to, the receiving state must grant permission before the parolee or probationer may relocate. Further, under the ISC, a receiving state is supposed to assume oversight responsibilities for parolees and probationers who are relocating from their sentencing states. When the compact was enacted 64 years ago, there were only about 2, probationers and parolees nationwide. Now, approximately 4 million people are currently placed on probation or released on parole, with about one-quarter million crossing state lines to live in a state other than the one they were sentenced in. And, as of January , there were 3, local probation and parole offices operated by separate agencies. According to information supplied by the Department of Corrections, there are roughly 13, parolees and 56, felony probationers in Michigan on any given day. The problems of providing oversight for offenders who relocate from other states are myriad. For example, there is no central data base that tracks offenders who move across state lines, allowing many to disappear simply by not reporting to a probation or parole official. Though a sending state is supposed to notify a receiving state that a probationer or parolee is about to relocate, and is supposed to wait for permission from the receiving state before sending an offender who is without family in that state, this is not always done. Several high profile tragedies have resulted in recent years from such omissions in communication. In one case, Peyton Tuthill, a year-old designer living in Colorado, was raped and killed by a man who was released by a Maryland judge and allowed to attend a drug treatment program in Denver. The man was kicked out of the drug program within four months, at which time Miss Tuthill was murdered. Colorado officials had never been informed that the man was released from prison and heading for Colorado. As a result, he received no supervision during or after his time at the drug treatment program. An intensive study that included surveys; public hearings; and input from compact administrators, corrections officials, judges, and probation and parole officials, has resulted in a new compact that is expected to correct many of the deficiencies of the current one. Perhaps the most innovative aspect of the new compact would be to create an independent, national commission charged with administering and enforcing the compact. In order to replace the existing compact, the new compact, entitled the "Interstate Compact for Adult Offender Supervision", would have to be enacted by at least 35 states. To date, approximately 24 states have adopted the new compact, and several states are in the process of considering the compact for adoption. Enabling legislation for the adoption of the new compact has been offered. Currently, probationers, parolees, and others placed under community supervision while under the jurisdiction of the legal system are allowed, under certain circumstances, to travel between states or relocate to a state other than the one in which they were sentenced. The statutory authority for the movement and management of these probationers and parolees has, since , been provided by the Interstate Compact for the Supervision of Parolees and Probationers ISC. To replace the ISC, at least 35 states must adopt identical legislation enacting a new compact. House Bill would replace the ISC by adopting the Interstate Compact for Adult Offender Supervision, which, among other things, would establish uniform procedures to manage the transfer of supervision across state boundaries of persons who have been released to the community while on probation, parole, or otherwise under the jurisdiction of courts, paroling authorities, or corrections or other criminal justice agencies. The interstate compact would include provisions for the establishment of an independent compact authority to administer

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ongoing compact activity including a provision for staff support ; rule making authority; required collection of standardized information; and a mandatory funding mechanism to support essential compact operations such as staffing, data collection, and training and education. The compact would take effect upon ratification by at least 35 states. The bill would specify that the compact would be enacted into law and entered into with all jurisdictions legally joining in the compact, in a form substantially as follows. The bill would specify that states which enter into this compact recognize that each state is responsible for the supervision of adult offenders in the community who, according to the bylaws and rules of the compact, are authorized to travel across state lines. Supervision would be provided in a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary, return offenders to the originating jurisdictions. Section , authorizes and encourages compacts for cooperative efforts and mutual assistance in the prevention of crime. The states would also have to recognize that offenders do not have the "right" to live in another state, and therefore duly accredited officers of a sending state could at all times enter a receiving state and apprehend and retake any offender under supervision subject to the provisions of the compact, bylaws, or rules promulgated under the compact. The bill would define many terms, including the following: Rules would have the force and effect of law in the participating states. A "compacting state" would be a state which had enacted the enabling legislation for this compact and a "noncompacting state" would be any state which had not enacted the enabling legislation. The compacting states would be required to create the "Interstate Commission for Adult Offender Supervision", which would be a body corporate and joint agency of the compacting states. The compact would imbue the commission with responsibilities, powers, and duties, including the power to sue and be sued. The interstate commission would consist of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state. In addition to these commissioners each of whom would be the voting representative of his or her state , the interstate commission would have to include members of interested organizations including a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims who would act as ex officio nonvoting members. Each compacting state represented at a meeting of the interstate commission would be entitled to one vote, and at least one meeting a calendar year would have to be held. Meetings would be open to the public and would have to be noticed. An executive committee would have to be established by the interstate commission. Each compacting state would have to create a state council for interstate adult offender supervision. The state council would be responsible for the appointment of the commissioner who would serve on the interstate commission for that state; however, according to the compact, a state council would have to appoint its compact administrator as its commissioner. Each compacting state would retain the right to determine the qualifications of the compact administrator. The compact administrator could be appointed by the state council or by the governor with input from the legislature or judiciary. Each state could determine the membership of its own state council, but its membership would have to include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and its compact administrator. In addition to appointing a commissioner to the national interstate commission, each state council would have to exercise oversight and advocacy concerning its participation in interstate commission activities as well as other duties such as the development of policy concerning operations and procedures of the compact within that state. Powers and Duties of the Interstate Commission. Among many specified powers and duties, the interstate commission would have to do the following: Organization and Operation of the Interstate Commission. See the bill for a complete list of required bylaws. In addition, the bill would provide for the election of a chairperson and vice chairperson by the interstate commission who would serve according to the bylaws. These positions would be uncompensated except for reimbursement, subject to the availability of budgeted funds, for actual costs incurred in the performance of their duties. An executive director, who would serve as secretary to the interstate commission and be in charge of staff hiring and supervision, would have to be appointed or retained. Members, officers, the executive director, and employees of the interstate commission would be granted

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immunity from civil liability - either personally or in their official capacity - for damages or other civil liability arising from acts, errors, or omissions occurring within the scope of their employment, duties, or responsibilities. However, persons could be liable for damages, losses, injuries, or liability caused by intentional or willful and wanton misconduct. Further, unless the act arose from gross negligence or intentional wrongdoing, the interstate commission would have to indemnify and hold any member, officer, executive director, or employee harmless in the amount of any settlement or judgment obtained against such them. Activities of the Interstate Commission. The interstate commission would have to meet at least once each calendar year but could meet more often at the call of the chair or if requested by a majority of the members. Actions taken by the interstate commission would have to be consistent with provisions of the compact. Each member state a state that has ratified the compact would have one vote. Members could participate in commission meetings and vote via telecommunication or electronic communication. Meetings of the interstate commission would have to be open to the public and public notice would have to be given, but the compact would allow, under certain specified conditions, meetings to be closed. If a meeting were closed to the public, certain procedures would have to be followed, and minutes of the closed meeting would have to be kept. In like manner, the bylaws would have to establish conditions and procedures to make information and records available to the public, but could exempt certain information from disclosure. Any information exempted from public disclosure could be released to law enforcement agencies. Rule-Making Functions of the Interstate Commission. Rules would have to be adopted according to criteria set forth in the compact and the bylaws, and would have to substantially conform to the principles of the federal Administrative Procedure Act 5 U. Section et seq. Rules and amendments would become binding as of the date specified in each rule or amendment. The bill contains procedures to be followed when promulgating rules, such as publishing the proposed rule; allowing persons to have input on a proposed rule via written data, facts, and opinions; and providing an informal hearing. Further, within 12 months after the first meeting of the interstate commission, the commission would have to address, at a minimum, offender registration and compliance; violations and returns; transfer procedures and forms; eligibility for transfer; the level of supervision to be provided by the receiving state; mediation, arbitration, and dispute resolution; and the level of supervision to be provided by the receiving state, among other listed subjects. The compact also contains a provision regarding the implementation of emergency rules. In addition, the bill would nullify the existing rules promulgated under the Interstate Compact for the Supervision of Parolees and Probationers the current compact which would be replaced by the Interstate Compact for Adult Offender Supervision within 12 months after the first meeting of the interstate commission. The interstate commission would be charged with overseeing the interstate movement of adult offenders in the compacting states and would also have to monitor those activities being administered in noncompacting states which could significantly affect the compacting states. The courts and executive agencies in each compacting state would have to enforce the compact within that state. The interstate commission is also charged with enforcing the provisions of the compact pursuant to Article XII, Section B, of the compact. If a judicial or administrative proceeding pertaining to the compact affected the powers, responsibilities, or actions of the interstate commission, the commission would be entitled to receive all service of process, and would have standing to intervene in the proceeding. The interstate commission would also be charged with resolving any disputes arising among compacting states and noncompacting states, and would have to enact a bylaw or promulgate a rule to provide for both mediation and binding dispute resolution for disputes among compacting states. The bill would authorize the interstate commission to levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the commission and staff. This amount would have to be sufficient to cover the annual budget as approved each year. The aggregate annual assessment would have to be allocated based on a formula to be determined by the interstate commission, but would have to take into consideration the population of a state and the volume of interstate movement of offenders. Accurate accounts of all receipts and disbursements would have to be kept, and would be subject to the audit and accounting procedures established under

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commission bylaws. Compacting States, Effective Date, and Amendment. Any state, as defined in the bill, would be eligible to become a compacting state. The compact would become effective and binding - on compacting states - upon legislative enactment by at least 35 states. The governors or their designees of noncompacting states would be invited to participate in interstate commission activities on a nonvoting basis prior to adoption of the compact by all states and territories. The compact could be amended, but only by unanimous consent of the compacting states. Withdrawal, Default, Termination, and Judicial Enforcement. A withdrawing state would have to provide written notice to the chairperson of the interstate commission upon introduction of the legislation to repeal membership in the commission, and would be responsible for all assessments, obligations, and liabilities incurred through the effective date of the withdrawal including the performance of any obligations which would extend beyond the effective date of the withdrawal. Penalties, including fines and the suspension or termination of commission membership, could be levied if the interstate commission determined that a state defaulted in its performance of obligations or responsibilities under the compact, bylaws, or rules. The interstate commission could also initiate legal action in federal district court either in the District of Columbia or the federal district where the interstate commission has its offices to enforce compliance with the provisions of the compact, bylaws, or rules against any compacting state in default. The prevailing party would be awarded all costs of such litigation including reasonable attorney fees. The Interstate Compact for Adult Offender Supervision would be dissolved, and would become null and void, on the date that only one state was left retaining its membership in the interstate commission. The bill would specify that the provisions of the compact would be liberally constructed to effectuate its purposes. The provisions contained in the compact would be severable so that if any phrase, clause, sentence, or provision were deemed unenforceable, the remaining provisions of the compact would remain enforceable. Binding Effect of Compact and Other Laws. All lawful actions of the interstate commission, including rules and bylaws, would be binding upon the compacting states.

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Chapter 6 : INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

An offender's supervision requirements for parole, suspended sentence and/or interstate compact under the jurisdiction of Parole Services will be based on the Community Risk Assessment/Re-Assessment.

Contact Frequently Used Terms and Phrases Absconder - A probationer who has failed to make his or her whereabouts known for a period of 30 calendar days by failure to report or who has left the jurisdiction of the court without permission of the court or probation officer. Adjustment period - The time period during which probation intake is authorized to complete a preliminary probation procedure in a case pursuant to starting and duration dates specified in the Family Court Act and Uniform Family Court Rules. Adjustment services - An attempt to adjust suitable cases either before a petition is filed, or by order of the court before a fact-finding. An adjustment may occur either at the conclusion of the preliminary intake review or through the completion of a case assessment, development of a service plan and the provision of Adjustment services. Automation - The automatic operation or control of a process, system or equipment. Assessment - As used in probation and alternatives to incarceration, the gathering of information for the determination of offender risk to the community and needs for successful discharge whether it be from probation supervision or release from custody. This is the threshold indicator of intoxication as defined in the law. Each swab can only be used on one specific participant. Contact - Communication with or concerning the probationer, in person, by telephone, by mail, by electronic medium or any other means. Continuum - A number of steps within a process of care, service, or supervision that appear to be continuous and without break. Computer-based - The use of a computer and either a computer disk or floppy disk to obtain training and or information. Criminogenic - Producing or tending to produce crime or criminals: Diversion - Rerouting a path toward a different direction, in Probation, diversion is to provide alternatives to court processing. Disposition - The formal resolution of a case by a court. Dual Supervision - The status resulting from concurrent probation sentences where the duty of supervision may be carried out by more than one agency, or the establishment of custodial responsibility by another governmental or private social agency in concert with a probation supervision disposition, or concurrent supervision by a parole agency. DWI - An abbreviation for Driving While Intoxicated "driving while intoxicated is a criminal offense which occurs when driving a motor vehicle after consuming enough alcohol to raise the blood alcohol level above the legal limit. Felony - An offense for which a sentence to a term of imprisonment in excess of one year may be imposed. Intake - Includes at least one conference by probation with the potential respondent i. Intra state - The transfer of probation supervision between counties within the same state. Inter state - The transfer of probation supervision between states. Probationers, who are allowed to move to a different state, do so under the auspices of Interstate Compact. Interstate Transfer - The process by which the supervision of adult and child probationers is transferred to and from jurisdictions outside the State of New York. Intervention - Used here to represent the steps taken to direct individual toward positive outcomes. An example of an intervention would be the referral of an alcoholic to an alcohol treatment program. Juvenile Delinquent JD - A person between the ages 7 and 16, who commits an act which if had been committed by an adult, would have been a crime. Juvenile Offender - A criminal charge for a person charged with certain serious felonies alleged to have been committed when the person was at least 13 years old and less than 16 years old and processed in Criminal Court. Linkages - The act or process of linking. Used here to refer to connecting an individual with appropriate services and or connecting related services. Misdemeanor - An offense, other than a "traffic infraction," for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed. Model - To make conform to a chosen standard. Serving as a standard of excellence; worthy of imitation Multi-Disciplinary - Having more than one area of specialty or concern addressing a particular need. New Offense Violation - A violation of probation by virtue of a new offense while on probation. Normed - Usually refers to the statistical

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process of adjusting a test so that it accurately reflects the "norm" of its target population or standard.

Optimum - The best or most favorable condition, degree, or amount for a particular situation.

Offender -; A person convicted of committing a crime. In New York State probation officers, parole officers and corrections officers are among the many titles designated as peace officers. Police officers deal with the general public and are charged with enforcing all laws. They have a pro-active law enforcement responsibility to deter crimes, detect the commission of crimes and apprehend those responsible. Peace officers serve specific clientele and enforce the laws pertaining to those designated populations. Probation officers have primary responsibility for enforcing the conditions of probation imposed by the courts on offenders sentenced to a period of probation. All probation officers in New York State are peace officers.

Personal Contact - Face-to-face contact with the probationer by the assigned probation officer or officers, or other authorized personnel operating as a probation team.

Placed on Probation - This term means a disposition imposed by a Family court which permits the respondent to remain in the community under conditions specified by such court and to be supervised by a probation officer.

Potential Petitioner - The person in a case who would sign and file a petition with the court in order to commence a proceeding, including the modification or enforcement of a court order.

Pre-disposition Investigation PDI - The process by which probation officers investigate and produce a report prior to the Dispositional Hearing pursuant to a Family Court order.

Preliminary Intake Review - The holding of at least one conference with the persons potentially qualifying for Adjustment services and the person, or representative of an entity, seeking to file a petition concerning the eligibility and suitability of the case for Adjustment services. This is the initial stage of preliminary probation procedure.

Pre-plea Investigation - The process by which probation officers investigate an offender prior to conviction, and produce a report pursuant to a Criminal Court order or request.

Pre-sentence Investigation PSI - The process by which probation officers investigate and produce a report pursuant to a Criminal Court order prior to conviction and prior to sentencing.

Probation - A department of government at the county or city level administering and carrying out probation functions, programs, and services pursuant to laws, policies and rules. A probation team may perform a specific supervision task or a variety of duties, in accordance with procedures established by the local director of probation.

Protective Factors - Characteristics and resources of youth and their families that help insulate them from negative outcomes and help ensure their adjustment. Protective factors are also referred to as strengths.

Protocol - A strict procedure.

Recidivism - Relapse into a former pattern of behavior; especially, a tendency to return to criminal habits. Most commonly identified as a re-arrest.

Referred for Petition - The advisement by probation intake to the potential petitioner that a petition may be filed, whether or not a petition is actually filed.

Restitution - The act of restoring to the rightful owner something that has been taken away, lost, or surrendered. The act of compensating for loss, damage or injury.

Successfully Adjusted - An official determination by probation intake that resolution of the presenting complaint has been achieved.

Supervision Period - The length of time a person is supervised on Probation which is determined by type of crime misdemeanor or felony or time probationer is sentenced to or placed on probation, or from the date of completion of a condition of imprisonment imposed by a criminal court.

Technical Violation - A violation of probation by failure to comply with the conditions of supervision.

Termination - The discharge or end of a sentence to or placement on probation by the court.

Treatment - The application of remedies with the intent to cure; therapy.

Therapeutic - Pertaining to the treating or curing of disease or condition; curative. Treatment programs for alcohol or substance abuse.

Virtual - Existing or resulting in essence or effect though not in actual form or name. A Virtual Academy provides a learning experience via computer without having to attend a classroom presentation.

Youthful Offender YO - A special treatment for certain offenders between 14 and 19 which allows the criminal record to be sealed and does not disqualify a person from public employment or licensing.

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officials monitoring the compact; neither judges, prosecutors nor other state officials can immunize a state from liability which results from their actions arising under the terms of an interstate compact to which the state has bound itself by legislative enactment of the compact.

Chapter 9 : South Carolina Department of Probation, Parole, & Pardon Services

*sentencing, probation, parole and pardons Subchapter V. Interstate Compact For The Supervision Of Adult Offenders
Â§ Terms of the compact between the states.*