

# Adult Compact version 2.0

*An Interstate Compact  
comes of age*

BY JOHN J. MOUNTJOY

**T**he Interstate Compact for Adult Offender Supervision, a new interstate agreement adopted by 38 states, significantly updates the 65-year-old mechanism for tracking and supervising parolees and probationers that move between states. The new compact also is an example of how the over 200-year-old structure of interstate compacts is changing to meet the modern policy demands of states.

Since 1937, the Interstate Compact for the Supervision of Parolees and Probationers has provided the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries. All 50 states, as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands, are members of this interstate agreement.

With more than 4.5 million offenders on probation and/or parole, overseen by 3,285 different local probation and parole offices and operated by more than 860 separate agencies, this 65-year-old compact was in need of significant revision.

The compact authority and structure are seriously outdated, as evidenced by the following symptoms: the rule making group is not specifically created in compact language and is not legally empowered to carry out certain key activities; it is difficult to create new rules for the compact; there is limited ability to enforce rule compliance; and exchange of case information is slow and unreliable.



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## **A new solution**

In 1998, the National Institute of Corrections (NIC) Advisory Board, following several public hearings, directed its staff to begin pursuing a revision of the compact. NIC and The Council of State Governments (CSG) partnered to develop and facilitate a Drafting Team of state officials to design a revised interstate compact that would include a modern administrative structure, provided for rule making and rule changing over time, required the development of a modern data collection and information sharing system among the states, and was adequately funded to carry

out its tasks.

In creating compacts, two divergent strategies can be chosen. One leads to putting the important details in the text and terms of the compact, which cannot be amended without amending the agreement. The other strategy creates a system in which the compact can respond to changes over time without having to implement the amendment process. This is the course chosen for the Adult Compact, with the interstate commission empowered to make and revise rules over time.

The inherent disadvantage of this choice is that the interstate commission cannot convene until the compact is enacted, mak-

ing it impossible for compact rules to be known at the time a compact is enacted by the state/territory. The major advantage is that rules are made and maintained by states/territories choosing to enact the compact, and the compact is not tied to a fixed set of rules that were made by some outside group before participating states/territories have the opportunity for input.

### Compact specifics

Developed in 1999, the new Interstate Compact for Adult Offender Supervision's primary goals include:

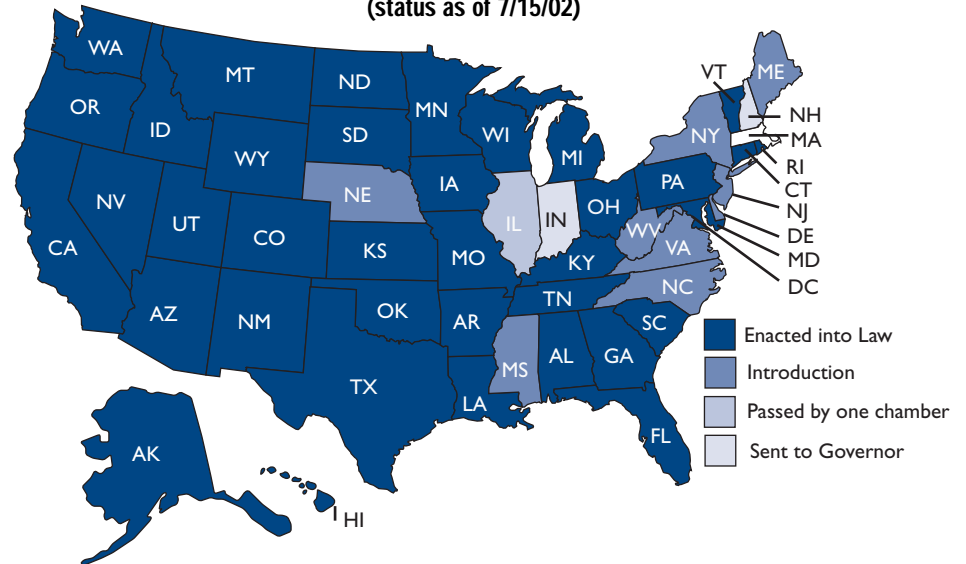
- The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
- Policymaking level appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members and to attend to general business and rule making procedures.
- Rule making authority, provision for significant sanctions to support essential compact operations.
- A mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)
- To compel collection of standardized information.

Specifically, the compact mandates:

- A more efficient communications system between states and state agencies.
- The revised Compact facilitates state autonomy AND national cooperation by establishing State Councils and by participating in the National Commission.
- State Council membership must include at least one representative from the legislative, executive and judicial branches of government, victim groups and the Compact Administrator.
- Each state determines the qualifications of the Compact Administrator, who shall be appointed either by the Governor in consultation with the Legislature and the Judiciary; or by the State Council.
- State dues in support of the National Commission are based on a formula to

## Interstate Compact for Adult Offender Supervision

(status as of 7/15/02)



be developed by the state within the National Commission.

- Rules and bylaws for the National Commission are developed and passed by the Commission and have the effect of law upon states.
- The National Commission will have an Executive Committee composed of Compact Administrators from member states.

In order to take effect, the Adult Compact had to be enacted by a minimum of 35 states (per the language of the compact). This number was chosen by the team as significant enough to compel the other 15 states to action once the threshold was met.

First introduced in January 2000, the Adult Compact was quickly enacted in several states, first by Colorado on April 10, 2000. A little more than 26 months later on June 19, 2002, Pennsylvania became the thirty-fifth state to enact the compact.

Since its founding in 1933, CSG has played a key role in helping states develop, implement, and administer dozens of interstate compacts. Currently, CSG is the administrator of the Emergency Management Assistance Compact and is also working with the NIC to ensure the successful enactment of the Interstate Compact for the Supervision of Adult Offenders and with the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice on the development of the Interstate Compact for Juveniles, which

deals with juvenile offenders. ★

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## Internet

CSG's *Interstate Compact Directory* [ssl.csg.org/compact-laws/comlistlinks.html](http://ssl.csg.org/compact-laws/comlistlinks.html)

CSG maintains links to all interstate compacts known to be in existence in 1998 and to its comprehensive guide to compacts, *Interstate Compacts & Agencies, 1998*.

*Interstate Compact for Adult Supervision* [www.csg.org/clip/policy/isc.htm](http://www.csg.org/clip/policy/isc.htm)

An interactive, up-to-the-minute source on the adult compact, including fiscal notes, state-by-state status, FAQ on the compact, case studies and downloadable compact language.

*Emergency Management Assistance Compact* [www.nema-web.org/emac/index.cfm](http://www.nema-web.org/emac/index.cfm)

The site, under the National Emergency Management Association, a CSG affiliate, is your one-stop source for news and information for the Emergency Management Assistance Compact.