

# Innovation

2005 Annual Report

Interstate Commission for Adult Offender Supervision

Ensuring Public Safety for the 21st Century



# Mission

## Mission

### Interstate Commission for Adult Offender Supervision

Created by the states to ensure cooperative efforts in the transfer of supervised offenders, the Interstate Commission for Adult Offender Supervision (ICAOS) provides states and their Commissioners with oversight and assistance in administering the Interstate Compact for Adult Offender Supervision.

#### ***To this end, ICAOS:***

Promotes state cooperation in achieving increased public safety and offender accountability;

Builds expertise and leadership among Interstate Commission members to improve oversight, administration and case outcomes; and

Provides technical assistance, training, legal guidance and interpretation and networking for community supervision and compact administration professionals.

## Acknowledgements

The 2005 Interstate Commission for Adult Offender Supervision's Annual Report is the result of many hours of research and review of current interstate operations. ICAOS acknowledges the vision and leadership provided by its Executive Committee and Committee Chairs-past, present and future. All Compact commissioners, administrators and practitioners in the 50 States, U.S. Territories and the District of Columbia comprise the experienced, dedicated and talented membership of the Interstate Commission for Adult Offender Supervision.

ICAOS wishes to thank the following private sector partners of the Commission for their financial support of this publication:



ICAOS extends its sincere appreciation to Softscape, Inc. and Lexmark for their generous contributions in support of the 2005 ICAOS Annual Report.

Note: Sponsorship of this publication does not constitute the endorsement by ICAOS of the products or services of the contributing companies. Funding provided by the aforementioned organizations is used for material and publication cost only and has no bearing on the editorial content of this publication.

## Letter from the Chair

*G. David Guntharp, ICAOS Chairman*

It is evident from the past year that the work invested in establishing the Interstate Commission for Adult Offender Supervision (ICAOS) is a testament to the power of cooperation, communication and compromise.

The Compact, from which ICAOS originated, is bringing the U.S. and its Territories together. Criminal justice professionals are working in support of one accord and that is to ensure the safe and effective supervision of offenders from state to state and territory to territory. In the past year, an amazing amount of work has been accomplished.

In the coming year, we will witness one of the Commission's major accomplishments: an electronic database system for tracking offenders that provides a level of supervision unknown in the past for the whole nation.

Electronic communication plays a key role in the Commission's achievements. From region and committee meetings to National Commission meetings held via the internet, the Compact and its members are capitalizing on technological advancements.

I have no doubt that electronic communication will continue to play a major role in the work of the Commission. I'm also pleased that as a group working together, we have achieved a great deal in the past three years.

It is important to remember the staff in the National Office. The Executive Director and his team serve as the core of the Compact. They make it possible for the Commission to attain such great strides during 2005.

Considering the experience garnered by the current Commissioners and the staff of the National Office, the Compact's foundation is secure for continuous development. With this foundation, I firmly believe we can accomplish even more in the future.



## Letter from the Executive Director

*Don Blackburn, ICAOS Executive Director*



I am pleased to report this year that we are now one family comprised of all fifty states and three territories. Being invited by Governor Mitt Romney to attend the bill signing in Massachusetts was a momentous experience. The supportive remarks of the Compact by Governor Romney reiterated the great service that each of us is providing. This year, as I have met with Governors and representatives of Congress, it is emphasized over and over the importance that the Compact plays in public safety. An increase in the awareness of the movement of sexual offenders has brought recognition to the Compact as a key player in the accountability and tracking of these offenders as they move across state lines.

I realized the significance of this past year's achievements and the impact the Compact has on public safety as I sat with representatives of Congress and explained what we are striving to achieve through our process and how the National Adult Compact Information System (NACIS) will assist us in attaining our goals. The need for the Commission to educate the country on the goals and mission of the Compact was emphasized to me in meeting with these various public servants.

The National Office continues to develop new methods of communication in order to assist with training. We regularly look at new technology that will allow us to reach out to larger audiences for training on the rules and the electronic information system. Requests to the National Office from outside sources continue to grow every month. As a result, the public has expressed their appreciation for the existence of the National Office as a resource to get questions answered.

The changes we are making to the Compact rules, processes and training serve to ensure that the Compact's infrastructure is adequate for success. The committees make every effort to look at new ways to improve the Compact and reduce potential frustrations.

I look forward to the New Year and am excited about the technological innovations we are implementing to make the Compact function more efficiently and smoothly. I would like to thank everyone for all of their support and involvement in making the Compact a success.

# Letters

## Commission Officers



*Clockwise, from bottom, left:*

**G. David Guntharp,**  
Arkansas  
Chairman

**Harry Hageman,**  
Ohio  
Vice-Chairman

**Genie Powers,**  
Louisiana  
Treasurer

## Letters



Rick Masters

### Letter from the General Counsel

*Rick Masters, ICAOS General Counsel*

The General Counsel's Office assists the Commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues which arise in the conduct of their responsibilities under the terms of the Compact, its Bylaws and administrative rules. The provisions of the Compact specifically authorize formal legal opinions concerning the meaning or interpretation of the actions of the Interstate Commission which are issued through the Office of General Counsel. These advisory opinions are made available for guidance to state officials who administer the Compact. The General Counsel's office also works with the Commission and its member states to promote consistent application of and compliance with its requirements including the coordination and active participation in litigation concerning its enforcement and rule-making responsibilities.

Rick Masters is on retainer as the first General Counsel to the Commission. Rick is a former Assistant Attorney General for the State of Kentucky and is admitted to practice before all Kentucky state and federal trial and appellate courts, the U.S. Courts of Appeals for the 4th and 6th Circuits, the District of Columbia Circuit and the U.S. Supreme Court. He was the principal draftsman of the model Compact language and has considerable experience in consultation, research and writing concerning interstate compacts and constitutional law issues.

During the past year, in addition to day to day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, and the Interstate Commission and its Committees, the General Counsel's Office has issued eight (8) advisory opinions concerning the interpretation and application of various provisions of the compact and its administrative rules. These opinions are public record and are available at the website of the Commission. Judicial training concerning the Compact and its administrative rules has also been provided in a number of states under the auspices of the General Counsel's office. In addition Rick Masters has supervised and provided representation for the Commission in two litigation matters which were successfully concluded on behalf of the Commission during 2005 which are summarized as follows:

#### **Commonwealth of Pennsylvania Board of Probation and Parole, et al v. Interstate Commission for Adult Offender Supervision, U.S. District Court for the District of Columbia, Case No. 1:04-cv-00741-ESH.**

*In this civil action the State of Pennsylvania challenged the Commission's adoption of administrative rules 1.101 (aa), 2.105, and 2.106 which currently limit the application of the Interstate Compact for Adult Offender Supervision concerning misdemeanor offenders to those convicted of serious misdemeanor offenses. The State argued that the rulemaking procedures used by the Commission in the adoption of these rules were neither in compliance with the provisions of the Compact, bylaws and rules nor the applicable provisions of the Administrative Procedures Act. Pennsylvania also asked the Court to grant an injunction prohibiting these rules from becoming effective. The Commission disagreed with Pennsylvania's arguments and asked that the case be dismissed. The U. S District Court for the District of Columbia denied Pennsylvania's request for an injunction upholding the Commission's rulemaking procedures used in the adoption of the misdemeanor rules. The State of Pennsylvania appealed the ruling to the U.S. Court of Appeals for the District of Columbia. The Commission filed a motion for dismissal of the case after the Commission's 2004 annual meeting which adopted amendments to the Compact rules challenged in Pennsylvania's lawsuit and rendering the case moot. The Commission also filed a Motion for an award of its attorney's fees and costs from the State of Pennsylvania, which while opposing the Commission's motions, has also filed a Motion for voluntary dismissal of the case. On February 22, 2005 a three judge panel of the U.S. Court of Appeals for the D.C. Circuit dismissed Pennsylvania's appeal as moot. Based on this decision and since all pending issues were thus resolved, Pennsylvania and the Commission consented to voluntary dismissal of the U.S. District Court action which order was entered by the Court on April 27, 2005.*

#### **Interstate Commission for Adult Offender Supervision v. Tennessee Board of Probation and Parole et al, U.S. District Court for the Eastern District of Kentucky, Civil Action No. 04-526-KSF.**

*This lawsuit was filed by the Interstate Commission for Adult Offender Supervision against the State of Tennessee after it refused to comply with the rules of the Compact requiring member states to allow transfers of offenders under supervision who meet the requirements of residency, employment, and family support in the state to which transfer is requested. Offenders meeting these requirements from the States of Georgia, Oregon, New York, Ohio, Illinois and Louisiana had both requested and been denied transfer to the State of Tennessee. Tennessee's denials of these transfers were based upon its attempt to impose an additional requirement that states from which an offender sought to transfer be required to administer and obtain psychiatric evaluations from any offenders convicted of certain sex crimes. While such tests can be required after the offenders are permitted to transfer to Tennessee as a special condition of supervision under the Compact, the Commission formally notified Tennessee on several occasions, prior to the filing of the lawsuit, that the Compact and its rules do not allow any member State to unilaterally add to these requirements as a condition of transfer under the Compact. Based on the Commission's legal position the U.S. District Court for the Eastern District of Kentucky issued a preliminary injunction against Tennessee, prohibiting these practices, on April 1, 2005, holding that the Compact and its rules have the status of federal law as a result of the consent of the U.S. Congress which was granted to the Compact and that the State of Tennessee is therefore obligated under the Supremacy Clause of the U.S. Constitution to comply with the provisions of the Compact and its rules. On the same basis, the Court granted the Commission's Motion for Summary Judgment and entered a permanent injunction against the State of Tennessee and the Tennessee Board of Probation and Parole on June 13, 2005. This order prohibits Tennessee, the Board, and all others acting in concert with them, including the compact administrator, from denying the transfer of an offender from any sending state which meets the criteria under Rule 3.101 (a) and from requiring that a psychological evaluation be performed on sex offenders as a condition of approving such transfer requests. Violation of this Order subjects Tennessee and its officials to sanctions for contempt of court which could include fines and/or imprisonment. As the prevailing party, the Court also granted the Commission's Motion for an award of its attorneys fees and costs from the State of Tennessee on August 31, 2005.*

## National Victims' Representative and Advocate Annual Report

Pat Tuthill

As a representative of the American Parole and Probation Association Victims' Issues Committee, I am able to represent victims' voices from throughout the country to the Interstate Commission and assure that all stakeholders are informed and have representation in the promulgation of rules and policy affecting the quality of life for our communities. To promote public safety and protect the rights of victims, history has demonstrated why it is necessary to put emphasis on the importance of knowing where offenders are at all times.

October 27, 2005 was a day of victory for victims when Governor Mitt Romney signed the Compact making Massachusetts the 50th state to enact Compact legislation. This was accomplished by the continuing efforts of victims, the Commission's national office and the commitment of Senator Robert O'Leary, the primary sponsor. Massachusetts and its border states will now have the ability to track and supervise offenders reducing the risk to public safety.

Development of the electronic national database continues and the system will be implemented in 2006. As the victim representative, I work with the National Office and reach out to congressional leaders, federal agencies and victim's organizations to support further enhancements to the system. This will provide for states to share information on offender movement with other criminal justice agencies and law enforcement to reduce the risk of offenders being lost and unaccounted for throughout the nation. The technology developed by the Commission can eliminate duplicity for states by creating a tracking and information sharing system that may be used to support other federal and state laws regarding offender registration.

The National Office is assisting my efforts to reach out to the victim representatives on State Councils to keep all stakeholders informed and will be assisting me in establishing regional teleconference calls scheduled for January 2006. Regional conference calls will allow for the victims' representatives to share concerns and present a unified position for support to the Commissioners on rulemaking decisions. Participation from the victims' representatives is crucial in making sure victims' voices are heard and addressed when establishing rules and fulfilling its mission to public safety.

Victims, survivors and advocates must continue to champion collaboration and unity to influence policymakers and law enforcement as we make our communities safe.



Pat Tuthill



Letters

## National Office Structure





# Regions

## East Region Report



**Michael DePietro, NY**  
*Current Chairman*



**Benjamin Martinez, PA**  
*Former Chairman*

The East Region conducted two teleconferences during this reporting period, December 2004 and May 2005.

The purpose of the December 2004 meeting was to discuss ideas and viewpoints relative to the handling of misdemeanants excluded from compact supervision eligibility in accordance with Rule 2.105, as well as to consider any other issues of concern. This resulted in an excellent exchange among the states and territories and provided all participants with an opportunity to understand the differences in interpreting the rules.

The May 2005 meeting agenda involved discussion of the increase in the annual dues assessment, Rules Committee update, and issues relating to the implementation of the National Adult Compact Information System (NACIS). ICAOS Vice Chairman, and Technology Committee member, Harry Hageman, participated in the meeting and provided an overview of the NACIS program.

The most noteworthy news out of the East Region this past year is that all states and territories are now officially members of the Interstate Compact for Adult Offender Supervision. The last state to join the Commission was Massachusetts, who signed the bill into law on October 27, 2005.

The East Region is focused on transitioning to the National Adult Compact Information System (NACIS). Members continue to work through integration, training and implementation issues as they develop.

Welcome to New York Commissioner, Mike DePietro, as the newly elected East Region Chair. Mike brings a wealth of experience and enthusiasm to this position and the East Region looks forward to his leadership and representation.



- |                    |                      |                     |                     |                       |
|--------------------|----------------------|---------------------|---------------------|-----------------------|
| <b>Connecticut</b> | <b>Massachusetts</b> | <b>New Jersey</b>   | <b>Puerto Rico</b>  | <b>Virgin Islands</b> |
| <b>Delaware</b>    | <b>New Hampshire</b> | <b>New York</b>     | <b>Rhode Island</b> |                       |
| <b>Maine</b>       |                      | <b>Pennsylvania</b> | <b>Vermont</b>      |                       |

## Midwest Region Report

The Midwest Region held its first meeting of the year in Atlanta, Georgia in conjunction with the annual meeting in October 2004. The representatives did not see a need to hold regional meetings in person but decided a quarterly conference call would be useful. Ed Ligtenberg was appointed as the regional representative for a one-year term.

A second meeting was held on January 21, 2005 by teleconference. Items under discussion were problems with State Councils, state and national training issues and rule implementation problems within states or between states.

A third meeting was held on April 29, 2005 by teleconference. Agenda items for this meeting included an update on the progress of the development of the NACIS system, a discussion on the proposed change in the way rules are approved, a request for input on any rules changes needed, a review of the proposed increase in Commission costs/fees and a discussion on whether or not vendors should be allowed at Commission meetings. The group also discussed transfer issues between states; special issues related to State Councils, training issues, the need for a new regional representative and Compact awards. The group decided that the next meeting would be held in conjunction with the annual meeting in Phoenix in September 2005.

The Midwest Region met twice during the annual business meeting in Phoenix. At these meetings Ken Merz, MN was elected to a two-year term as the Midwest Region representative and tentative plans were made for conducting the business of the region during the next year.



**Ken Merz, MN**  
*Current Chairman*

**Ed Ligtenberg, SD**  
*Former Chairman*



<b>Illinois</b>	<b>Kansas</b>	<b>Nebraska</b>	<b>South Dakota</b>
<b>Indiana</b>	<b>Michigan</b>	<b>North Dakota</b>	<b>Wisconsin</b>
<b>Iowa</b>	<b>Minnesota</b>	<b>Ohio</b>	



## South Region Report

In 2005, the South Region met on several occasions, by means of conference calls and in person during the Annual Business Meeting in Phoenix, Arizona. Throughout the year, the South Region discussed NACIS, rules, training and compliance issues. Input to the respective committees was provided regarding these very important issues. In addition to discussing the aforementioned national issues, regional issues and problems were resolved.

At the Annual Business Meeting in Phoenix, Arizona, Robert Oakes, the Commissioner from Alabama was elected to chair the South Region for the 2006-2007 term. Commissioner Oakes pledged to be a pro-active and committed leader, attentive to the South Region and its progression into the future.



**Robert Oakes, AL**  
*Current Chairman*

**Joe Kuebler, GA**  
*Former Chairman*



<b>Alabama</b>	<b>Florida</b>	<b>Maryland</b>	<b>Oklahoma</b>	<b>Virginia</b>
<b>Arkansas</b>	<b>Georgia</b>	<b>Mississippi</b>	<b>South Carolina</b>	<b>West Virginia</b>
<b>District of Columbia</b>	<b>Kentucky</b>	<b>Missouri</b>	<b>Tennessee</b>	
	<b>Louisiana</b>	<b>North Carolina</b>	<b>Texas</b>	



<b>Regions</b>		<b>West Region Report</b>															
	 <p><b>Dori Ege, AZ</b> <i>Chair</i></p>	<p>The West Region meets every 60 days to provide an opportunity for Commissioners to discuss current Compact issues facing individual states, the region, and the nation. Our meetings provide open and frequent communication between our neighboring states.</p> <p>Teleconference meetings were held in January, March, May, July and August of 2005.</p> <p><b>Topics that were discussed include:</b>                  NACIS • Finance • Current rules • Training issues • Compliance issues                  Review of proposed rule changes • Recommendations and ideas for new rules and/or amendments</p> <p>The West Region welcomed guest Commissioners from other regions and committees to our meetings to provide specific information from their region or committee. We found this practice to be helpful when discussing issues such as finance or NACIS.</p>															
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<b>Arizona</b>	<b>Hawaii</b>	<b>Nevada</b>	<b>Utah</b>														
<b>California</b>	<b>Idaho</b>	<b>New Mexico</b>	<b>Washington</b>														

### National Office Structure



### State Structure

#### State Council

- **Governor Representative**
- **Legislative Representative**
- **Judicial Representative**
- **Victims Advocate**
- **Other Appointed Members**

#### Purpose of State Council

- Provide mechanism for empowerment of Compact process
- Assist in developing Compact policy
- Determine qualifications for membership on Council
- Appoint Acting Commissioner when Commissioner is unable to attend meetings of Commission

## Compliance Committee

## Committees

It is gratifying to observe that the procedure placed in policy under Rule 6.101 to resolve disputes and receive legal guidance in the application of promulgated rules has been very successful. Due to the effectiveness of this process, direct involvement of the Compliance Committee has not been needed. State Commissioners are accepting the decisions rendered by the Executive Director and Legal Counsel and are effectively working together to resolve disputes based on those opinions.

In order to achieve its mission, the Compliance Committee believes that it is necessary for the committee to take a proactive stand when encountering compacting state's compliance problems with the terms of the Compact. At the 2005 Annual Business Meeting, the Commission adopted the Compliance Committee's Report which outlines four strategies that will assist the Compliance Committee in ensuring that states are in compliance with the Compact's rules, regulations, policies and procedures. This includes the formation of an Audit Ad Hoc Committee and a self assessment guide to determine state's level of compliance with the terms and conditions of the Compact.

The Compliance committee may become involved in other issues facing the Compact nationally such as the appointment and operation of State Councils and the appointment of Commissioners.



**Warren Emmer, ND**  
*Chair*

**William Rankin, WI**  
*Vice Chair*

**Robert Oakes, AL**  
**Dave Nelsen, ID**  
**Wayne Theriault, ME**  
**Judith Sachwald, MD**  
**Mike Ferriter, MT**  
**James McKenzie, NE**  
**Leo Lucey, UT**  
**Jacqueline Kotkin, VT**

**Mission** *To insure that all states are in substantial compliance with the rules adopted by the Interstate Commission for Adult Offender Supervision.*

# Committees

Committees

Information and Technology Committees



**Joe Kuebler, GA**  
*Chair*

**David Guntharp, AR**  
**Leitoni Tupou, AK**  
**Ron Hajime, HI**  
**Harry Hageman, OH**  
**Charles Placek, ND**  
*(Ex Officio)*

In 2005, the Information Technology Committee continued to be very involved in the production of the National Adult Compact Information System (NACIS). The Committee met via conference calls, internet and in person to design this one-of-a-kind system to transfer offenders from one state to another and provide accountability to all states.

The Committee assembled an aggressive plan in 2003 to create and implement the NACIS system and has worked very hard to insure that the goal is attained. The Committee has worked very closely with the National Office in providing input towards the development of this system.

Softscape, the vendor chosen to build this system, understands that NACIS is a groundbreaking system that will transform the criminal justice arena. In 2006, NACIS will be implemented throughout the country to insure that offenders are transferred in an expeditious manner, while at the same time, maintaining a level of responsibility that is expected by the citizens of the United States.

**Mission** *Responsible for identifying and developing appropriate information technology resources to facilitate the tracking of offenders and the administration of Commission activities, and for developing recommendations for the Commission's consideration as appropriate.*

Rules Committee



**Mitt Gilliam, OK**  
*Chair*

**John D'Amico, NJ**  
*Vice Chair*

**Dori Ege, AZ**  
**Karen Stoll, CA**  
**Mike DePietro, NY**  
**Ed Ligtenberg, SD**  
**Henry Lowery, WV**  
**Doreen Geiger, WA**  
**Gerald VandeWalle, Chief Justice, ND** *(Ex Officio)*  
**Pat Tuthill, Victims Advocate, FL** *(Ex Officio)*  
**Karen Tucker, DCA, FL** *(Ex Officio)*  
**Gregg Smith, DCA, LA** *(Ex Officio)*  
**Kevin Dunphy, DCA, RI** *(Ex Officio)*  
**Rick Masters, Legal Counsel**

The Rules Committee met twice last year to discuss possible rule amendments and new rules for the Commission. Suggestions for the changes came from the ICAOS Executive Committee, the ICAOS Executive Director, Commissioners, and other standing committees. These draft rules were presented during the Commission Annual Business Meeting for a vote by all members.

The Rules Committee prepared and presented the following changes during our last annual business meeting.

- Several definitions were passed in an effort to better clarify the language in the Compact.
- A rule was passed which defines the method used to forward rules to the Rules Committee and how rules will be voted on by Commissioners. This includes the ability to comment on the rules during the drafting process.
- Several rules were passed to assist the national database upon its implementation.
- The eligibility requirements were reviewed and changes were made in order to better define mandatory and discretionary cases.



The Rules Committee, at the direction of the Commission, has already started reviewing amendments and changes for the upcoming year. As amendments or rule changes are drafted, it is vital to get input from every Commissioner around the country.

The continued goal of the Rules Committee is to provide for public safety in a manner agreed upon by all member states.

**Mission** *Responsible for administering the Commission's rulemaking procedures, and for developing proposed rules for the Commission's consideration as appropriate.*

## Education, Training and Public Relations Committee

Our national training efforts continue to be a positive initiative of the Compact. This was an extremely busy year for the Training Committee in this respect. Fifteen training sessions were delivered throughout the year to approximately 1000 participants. National training sessions were held in Lexington, Kentucky; Trenton, New Jersey and regionally to five districts within Texas. For the first time, training was delivered to Commissioners at the Annual Business Meeting in Phoenix, Arizona. Training was also conducted for the judiciary in Phoenix, Arizona and in Chicago, Illinois. Prosecuting attorney training was conducted in Fayetteville, Arkansas. In addition to these training sessions, workshops were conducted at the various training institutes for the American Probation and Parole Association (APPA), Association of Juvenile Compact Administrators (AJCA) and Association of Paroling Authorities International (APAI).



Another major undertaking completed during this year was the publication and distribution of the "Bench Book for Judges and Court Personnel", with over 3,000 copies delivered nationally. This publication is also available electronically via the Commission website. Moreover, a Commission Guide is finalized, published and available for distribution. This Guide provides a brief synopsis of the Compact and the Commission which can be distributed as an educational tool during presentations and training opportunities.

In an effort to reduce problems should offenders seek treatment/rehabilitation in violation of the ICAOS rules, a goal for 2006 is to contact the associations of drug treatment providers and educate them with regard to the Compact and offer assistance and training. Furthermore, the Training Committee feels it is important to contact the various victim associations to make them aware of the new Compact.

**Mission** *Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission's rules.*

## Committees



**Ann Hyde, SC**  
Chair

**Jane Seigel, IN**  
Vice Chair

**Theresa Lantz, CT**  
**Jeanette Bucklew, IA**  
**Edward Gonzales, NM**  
**Scott Taylor, OR**  
**Gary Tullock, TN**

## Commissioner Directory

<b>Alabama</b>	Robert Oakes	<b>Louisiana</b>	Genie Powers	<b>Oklahoma</b>	Milton R. Gilliam
<b>Alaska</b>	Leitoni M. Tupou	<b>Maine</b>	Wayne Theriault	<b>Oregon</b>	Scott Taylor
<b>Arizona</b>	Dori Ege	<b>Maryland</b>	Judith Sachwald	<b>Pennsylvania</b>	Benjamin Martinez
<b>Arkansas</b>	G. David Guntharp	<b>Massachusetts</b>	Maureen Walsh	<b>Puerto Rico</b>	Alexis Bird
<b>California</b>	Karen Stoll	<b>Michigan</b>	Joan Yukins	<b>Rhode Island</b>	Ashbel T. Wall, II
<b>Colorado</b>	Jeaneene Miller	<b>Minnesota</b>	Ken Merz	<b>South Carolina</b>	D. Ann Hyde
<b>Connecticut</b>	Theresa C. Lantz	<b>Mississippi</b>	Christopher Epps	<b>South Dakota</b>	Ed Ligtenberg
<b>Delaware</b>	Stan Taylor	<b>Missouri</b>	Dana Thompson	<b>Tennessee</b>	Gary Tullock
<b>District of Columbia</b>	Paul A. Quander, Jr.	<b>Montana</b>	Mike Ferriter	<b>Texas</b>	Kathie Winckler
<b>Florida</b>	Beth Atchison	<b>Nebraska</b>	James McKenzie	<b>Utah</b>	Leo Lucey
<b>Georgia</b>	Joe Kuebler	<b>Nevada</b>	John Gonska	<b>Vermont</b>	Jacqueline Kotkin
<b>Hawaii</b>	Ron Hajime	<b>New Hampshire</b>	Mike McAlister	<b>Virgin Islands</b>	Arline Swan
<b>Idaho</b>	Dave Nelsen	<b>New Jersey</b>	John D'Amico	<b>Virginia</b>	James Camache
<b>Illinois</b>	Michelle Buscher	<b>New Mexico</b>	Edward Gonzales	<b>Washington</b>	Doreen Geiger
<b>Indiana</b>	Jane Seigel	<b>New York</b>	Michael DePietro	<b>West Virginia</b>	Henry Lowery
<b>Iowa</b>	Jeanette Bucklew	<b>North Carolina</b>	Robert Lee Guy	<b>Wisconsin</b>	William Rankin
<b>Kansas</b>	Keven Pellant	<b>North Dakota</b>	Warren R. Emmer	<b>Wyoming</b>	Les Pozsgi
<b>Kentucky</b>	Lelia VanHoose	<b>Ohio</b>	Harry Hageman		

Committees

**Finance Committee**



**Genie Powers, LA**  
*Chair*

**Ken Merz, MN**  
**Scott Taylor, OR**

The National Office has done several things to reduce expenses to the Commission's budget. This includes holding committee meetings in Lexington thus reducing the cost of the meetings, finding the best possible prices with amenities for the Annual Meeting, obtaining a tax identification number to allow for tax exemption in all states, developing a Travel Policy for reimbursement expenses to allow for consistency and clarity of what is reimbursable and negotiating the rental cost for the National Office from \$15.00 per square foot to \$12.00 per square foot. A significant savings was realized when Executive Director, Don Blackburn, was able to reduce the indirect costs charged by the Council of State Governments from 27% to 13.5% over a two year period (a savings of about \$120,000). These efforts allow the Commission to operate as efficiently and effectively as possible.

Even with the cost savings realized by the above actions, a modest 2% increase in annual dues was proposed by the Finance Committee and approved by the Commission at the Annual Meeting in September, 2005. Dues were never intended to support expenses related to the National Adult Compact Information System (NACIS). Database costs were not in the original formula and budget proposed by CSG as it was difficult to determine the cost of developing such a system before the Commission was established. The fixed costs needed to support the system, about \$235,000 annually, are for maintenance, hosting the system, and positions associated with operating the system. This does not include any expenses for future upgrades to the system, aside from what is included in the contract, to keep up with advances in technology. The Finance Committee recommended a Technology Upgrade fund be established and a fixed amount placed in that fund annually.

Lawsuits filed against the Commission cost over \$128,000 to defend, with a portion of that being recouped per Court ruling. Several lawsuits could severely impact the Commission's finances, therefore it was recommended that a Legal Defense Fund be established and a fixed amount placed in that fund to protect the Commission in the event of legal action. In addition, CSG recommends organizations such as ICAOS keep a percentage of their budget, an estimated 10%, in reserves which can be carried over to allow for any extenuating circumstances. At present, the Commission budget does not have excess funds to carry over to the next year, any carryover is earmarked for activities related to implementation and support of NACIS.

As noted the 2% is a modest increase, and the Commission will have to determine if an additional increase will be necessary as all the expenses related to NACIS and the operation of a fully functional National Office are realized. The Finance Committee is diligent in its efforts to ensure Commission funds are used appropriately and effectively, and will continue to work closely with the Executive Director and National Office staff on all issues related to the budget.

**Mission**

*Responsible for monitoring the Commission's budget and financial practices, including the collection and expenditure of Commission revenues, and for developing recommendations for the Commission's consideration as appropriate.*



**MOORE STEPHENS POTTER LLP**  
CERTIFIED PUBLIC ACCOUNTANTS • BUSINESS ADVISORS

### INDEPENDENT AUDITOR'S REPORT

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 as of June 30, 2005, and the related statements of activities and cash flows for the year 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.

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 material 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, 2005 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 November 15, 2005 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 read in conjunction with this report in considering the results of our audit.

Our audit was performed for the purpose of forming an opinion on the basic financial statements of The Council of State Governments taken as a whole. The supplemental information included on pages 13 through 16 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 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.

*Moore Stephens Potter, LLP*

MOORE STEPHENS POTTER, LLP  
November 15, 2005

## Financials

**The Council of State Governments  
 Schedule of Due to Managed Organizations**

June 30, 2005

National Lieutenant Governor's Association	\$ 306,761
BOWHAY Institute of Legislative Leaders Development	187,231
National Association of Government Labor Officials	75,681
National Association of State Facilities Administrators (NASFA)	193,967
NASFA - Southeast Region	3,443
NASFA - Western Region	734
NASFA - Eastern Region	2,274
NASFA - Great Plains Region	13,920
Southern Legislative Conference - Host State Accounts	59,950
CSG - West	90,749
National Association of State Telecommunication Directors (NASTD)	735,038
NASTD - Eastern Region	34,668
NASTD - Midwest Region	72,242
NASTD - Western Region	49,280
NASTD - Southern Region	60,916
Southern Legislative Conference	241,634
Southern Governor's Association	1,241,473
National Association of State Treasurers (NAST)	943,854
NAST - Midwest State Treasurers	8,849
NAST - Southern State Treasurers	37,335
NAST - College Savings Plan Network	311,991
NAST - State Debt Management Network	47,854
NAST - Northeast State Treasurers	5,956
NAST - Western State Treasurers	3,809
Midwest Passenger Rail Commission	69,762
National Emergency Management Association	644,202
National Association of State Personnel Executives	279,112
National Association of State Election Directors	70,068
21st Century Fund	306,969
Midwestern Legislative Conference	630,519
Eastern Trade Council	98,159
National Association of Unclaimed Property Administrators	112,920
State International Development Organization	65,097
National Hispanic Caucus of State Legislators	181,294
National Association of State Chief Administrators	97,190
Western Legislative Academy	219,348
Emergency Management Accreditation Program	55,440
LSA Directors fo SLC	893
American Probation and Parole Association	80,757
American Probation and Parole Association - Services Account	5,908
Interstate Commission on Adult Offender Supervision	935,012
	<hr/>
Total due to managed organizations	<u><u>\$ 8,582,259</u></u>

## ICAOS State Dues Assessment - FY'06

State	Projected Dues per State 1	State Dues Ratio 2	State Population 3	U.S. Population 3	State Offender Transfers 4	U.S. Offender Transfers 4
U.S. Virgin Islands (a)	\$18,000	0.000356	102000	285230516	83	234085
Alaska	\$18,000	0.002257	626932	285230516	542	234085
Wyoming	\$18,000	0.002559	493782	285230516	793	234085
North Dakota	\$18,000	0.003206	642200	285230516	974	234085
Vermont	\$18,000	0.003293	608827	285230516	1042	234085
South Dakota (b)	\$18,000	0.003662	754844	285230516	1095	234085
Maine	\$18,000	0.003687	1274923	285230516	680	234085
New Hampshire (b)	\$18,000	0.004067	1235786	285230516	890	234085
Rhode Island	\$18,000	0.004200	1048319	285230516	1106	234085
Hawaii	\$18,000	0.004249	1211537	285230516	995	234085
Montana	\$18,000	0.004337	902195	285230516	1290	234085
Delaware	\$18,000	0.004338	783600	285230516	1388	234085
Idaho	\$18,000	0.004953	1293953	285230516	1257	234085
West Virginia	\$18,000	0.005554	1808344	285230516	1116	234085
Dist. of Columbia (b)	\$18,000	0.005725	572059	285230516	2211	234085
Nebraska	\$18,000	0.005830	1711263	285230516	1325	234085
Utah	\$18,000	0.005901	2233169	285230516	930	234085
New Mexico	\$18,000	0.007157	1819046	285230516	1858	234085
Puerto Rico (a)	\$18,000	0.007744	3808610	285230516	500	234085
Nevada	\$25,000	0.009746	1998257	285230516	2923	234085
Kansas	\$25,000	0.009959	2688418	285230516	2456	234085
Iowa	\$25,000	0.010651	2926324	285230516	2585	234085
Mississippi	\$25,000	0.010668	2844658	285230516	2660	234085
Oregon	\$25,000	0.011248	3421399	285230516	2458	234085
Connecticut	\$25,000	0.011250	3405565	285230516	2472	234085
Arkansas	\$25,000	0.012090	2673400	285230516	3466	234085
Oklahoma	\$25,000	0.014729	3450654	285230516	4064	234085
Kentucky	\$25,000	0.014864	4041769	285230516	3642	234085
Colorado	\$25,000	0.014922	4301261	285230516	3456	234085
South Carolina	\$25,000	0.015931	4012012	285230516	4166	234085
Alabama	\$25,000	0.016621	4447100	285230516	4132	234085
Indiana (b)	\$25,000	0.016725	6080485	285230516	2840	234085
Washington	\$25,000	0.017050	5894121	285230516	3145	234085
Arizona	\$25,000	0.017079	5130632	285230516	3785	234085
Massachusetts (b)	\$25,000	0.017405	6349097	285230516	2938	234085
Tennessee	\$25,000	0.017614	5689283	285230516	3577	234085
Louisiana	\$25,000	0.018275	4468976	285230516	4888	234085
Minnesota	\$25,000	0.018665	4919479	285230516	4701	234085
Wisconsin	\$25,000	0.018668	5363675	285230516	4338	234085
Maryland	\$32,000	0.021496	5296486	285230516	5717	234085
New Jersey	\$32,000	0.024148	8414350	285230516	4400	234085
Michigan	\$32,000	0.025457	9938444	285230516	3762	234085
North Carolina	\$32,000	0.028784	8049313	285230516	6870	234085
Ohio	\$32,000	0.029452	11353140	285230516	4471	234085
Missouri	\$32,000	0.029649	5595211	285230516	9289	234085
Pennsylvania	\$32,000	0.031196	12281054	285230516	4526	234085
Georgia	\$32,000	0.032677	8186453	285230516	8580	234085
Virginia	\$32,000	0.035263	7078515	285230516	10700	234085
Florida	\$39,000	0.047751	15982378	285230516	9239	234085
New York	\$39,000	0.053217	18976457	285230516	9341	234085
Illinois	\$39,000	0.054220	12419293	285230516	15192	234085
Texas	\$46,000	0.088867	20851820	285230516	24492	234085
California	\$46,000	0.114864	33871648	285230516	25978	234085
	<b>\$1,339,000</b>					

1 - Based on total projected operating budget

2 - (State population / U.S. Population) + (State Offender Transfers / Total U.S. Offender Transfers) / 2

3 - Population data; U.S. Dept. of Commerce & U.S. Census Bureau; Census 2000

4 - Compact populations as of April 1, 2002; annual number of offender transfers both into and out of the state"

(a) - Territory data is projected based on an average state offender transfers to population ratio (1:1236)

(b) - Projected state transfer numbers; actual numbers not available

## Awards

### Executive Chair Award

*Presented to Harry Hageman*

Each year, the Executive Chair Award is given to a Commissioner who exhibits commitment and dedication to the Commission not only by improving the Compact process in their state, but throughout the nation.

In 2005, Harry Hageman was selected for this award for his inspired and dedicated leadership to the National Adult Compact Information System (NACIS). The Commission authorized the Technology Committee in November 2003 to actively pursue the development of an electronic information system for the Compact. Harry's leadership on the NACIS project is invaluable to the Commission. The realization of the implementation of NACIS will in large part be a result of Harry's leadership. Harry was involved in the vendor selection process; contract negotiations as well as the current development and implementation. He is instrumental in moving the project along and in ensuring the Commission receives a system that will fulfill our needs.

At the 2005 Annual Business Meeting, Chairman G. David Guntharp presented this award to Harry Hageman in recognition of his ardent pursuit of an electronic information system benefiting the Commission and country as a whole.



### Executive Director's Award

*Presented to Charles Placek*

Each year at its annual business meeting the Interstate Commission for Adult Offender Supervision presents the Executive Director's Award to a Compact Administrator, Deputy Compact Administrator or Compact Coordinator who has exhibited commitment and dedication to the Interstate Compact through outstanding service. On September 14th, 2005 the Commission announced this year's recipient would be Charles Placek, Deputy Compact Administrator, North Dakota.

This award recognized "Chuck" for his outstanding leadership in the Compact in the State of North Dakota and his invaluable service to the Commission through his contribution of time and expertise to the development of the National Adult Compact Information System. Chuck has been a leader throughout the country in promoting the need for the implementation of an electronic system to conduct Compact business. He has chaired the Technology committee for the old Compact and has served on the Information Technology Committee for the new Compact.

He has worked very closely with the development team and the vendor to insure the system meets the needs of the country in transferring information electronically and maintaining accountability of offenders through this tracking system to promote public safety throughout the country.

The Commission for the Interstate Compact presents Chuck with the Executive Director's Award as a token of our appreciation for the tremendous contribution he has made to the Compact.



### Peyton Tuthill Award

*Presented to Anita Richards*

The Peyton Tuthill Award is presented to a legislator, victims' advocate, law enforcement officer or other individual who has demonstrated exceptional leadership and service to the Interstate Compact. The Commission feels that it is important to recognize individuals who are not involved professionally in the Compact, but whose outstanding contributions promote the mission of the Compact.

Peyton Tuthill became an unfortunate symbol during the development of the compact. Her tragic death serves as a daily reminder to policymakers across our nation of why this Compact and its tenets are critical to the preservation of public safety. This award, honors not only an individual who has provided dedicated service to the success of the Compact and its mission, but also honors Peyton and her family.

This year, at the Commission's 2005 Annual Business Meeting, The Peyton Tuthill Award was presented to Anita Richards for her dedication and commitment to the Interstate Compact in support of Victims. Her far reaching efforts truly exemplify the spirit of this award and make the Compact a safer and friendlier process for victims. Her participation on the Montana Compact as well as workshops, panels and mediation are a testimony to her faithfulness to victims and public safety.



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