

EXHIBIT 6  
DATE Jan. 14, 2005  
NO. 2; Dept. of Corrections  
Community Corrections

**INTERSTATE COMPACT  
FOR ADULT OFFENDER SUPERVISION**

**1. DEFINITION OF AN INTERSTATE COMPACT:** An Interstate Compact is an agreement entered into by two or more states to provide supervision to offenders who cross state lines to reside and work. There are an estimated 250,000 offenders transferring between states. Montana has over 900 adult offenders residing out of state and 390 offenders residing in Montana from other states.

**2. PRIMARY PURPOSE OF THE COMPACT:** The primary purpose is to enhance public safety and to provide a mechanism that allows a continuum of supervision of offenders who cross state boundaries. Often an offender is not a resident of Montana or other sentencing states. Individuals travel outside of their resident state, commit a crime and are sentenced, but have no reason to remain in the state. They have considerable amounts of restitution, fines and other fees owed to the sentencing courts. Offenders who can continue their employment and pay their financial obligations help Montana's economy. This compact protects the rights of the victims through the control and regulation of movement of offenders. The compact provides for better tracking of offenders and enforcement of policies and rules. Each state has a state council of representatives from victims groups, legislative, executive and judicial branches along with law enforcement and the compact administrator that helps oversee compliance of that state with the compact.

**3. ADMINISTERS OF THE COMPACT:** Administrators and their deputies are appointed by the Governor of each state to initiate operational policies, practices and procedures on how adult offenders will be supervised. The Compact Administrator or designee must attend annual meetings to promulgate rules, regulations and policies for the administration of the Interstate Commission agreement.

The Montana Legislature approved the new compact, Senate Bill 40 or MCA 46-23-1115, which allows Montana to be part of the National Commission. Every state that passed the new legislation has made a commitment to comply with the National Commission and to be prepared financially to help budget for the cost of administrative staff that will oversee the daily operations of the Commission at a national level. The National Commission will levy an annual assessment on each compacting state to cover the cost of internal operations and activities of the commission and its staff. The cost is based upon a formula contained in the commission rule and taking into consideration the population of each state and the volume of interstate movement of offenders in each state. Montana's cost is \$18,000.00 per year.

The Montana Interstate Unit established a \$50.00 application fee that is paid by the offender who is applying to transfer supervision out of our state. These collected fees are used to pay the \$18,000 yearly due to the Interstate Commission. The unit began collecting this fee in July 04. During that fiscal year, over \$22,000.00 was collected. Collecting a fee made the offender's accountable for

having a valid plan established to transfer their supervision out-of-state and for having responsibility in their own rehabilitation. Other costs of the program are absorbed by the Department of Corrections.

**4. THE FUNCTIONS OF THE COMPACT UNIT:** The Compact Unit of each state will arrange for transfer of any person convicted of an offense and placed on supervision who requests to cross state boundaries to live, work or to attend school. The Compact Unit will monitor the supervision of adult offenders through correspondence and telephone communications. The Compact Unit will initiate documents on offenders in order to ensure that the receiving state has information to complete home and employment investigations. The Compact Unit agrees to provide supervision, if the offenders meet the criteria for acceptance. No state shall refuse to supervise an offender because of the crime they committed. The offender shall be supervised with the same intensity of supervision, as they would receive if they were sentenced in the receiving state.

Progress reports will be submitted. Officers will monitor court ordered conditions, conduct searches of the offenders property, complete random urinalysis, prepare Reports of Violation for Courts, Parole Boards and the Department of Corrections, conduct on-site preliminary hearings, arrest, detain and assist in the return of offenders to the sentencing states. The Compact Unit also agrees to do special investigation requests for pardon investigations, gather information for pre-sentence reports, approve travel for offenders, assist and coordinate the apprehension of probation and parole violators. These important functions need to be handled by a central authority in each state that is responsible for accurate record keeping and accountability for the management and supervision of Interstate caseloads. Each state must adhere to the same policies and procedures to transfer their offenders in order to insure public safety.

**5. THE BENEFITS OF THE COMPACT:** Communities and victims in Montana benefit when the Interstate Unit continues to remain actively involved in updating operational procedures and enforcing policies and procedures to make the Compact work. Conditions of supervision will be enforced and victims are more likely to receive compensation if the offender is working in the community. The offenders also benefit from the Compact because they are allowed to return or relocate where they have families, emotional or financial support, employment or schooling. Many more Montana offenders relocate to other states than those offenders that move into Montana. In 2004, 584 Montana offenders applied to transfer out-of-state; the majority of them returned to their resident state. Only 313 out-of-state offenders applied to transfer to Montana; again the majority of them are Montanan's returning home. There are offenders that leave Montana because there are fewer employment opportunities. It is imperative that no short cuts are taken to supervise these individuals. Any offender who requests to leave the sentencing state will be expected to comply with the receiving states supervision policies and may be arrested and returned to the sentencing state if they violate conditions of supervision or commit new crimes. Failure to deal appropriately with violations often makes it difficult for the receiving state to maintain supervision and control of the offender. Fiscal restraints are not a sufficient reason for refusing to return violators under the Compact Agreement.

**6. HOW THE MONTANA INTERSTATE UNIT FUNCTIONS:** There are approximately 1600 cases managed by the Interstate Unit. The caseload continues to climb as lengthy probation sentences are imposed as an alternative to incarceration. The Compact Unit is very aware that the number of offenders moving in and out of Montana has consistently increased with more emphasis and attention being given to high risk or dangerous offenders. These concerns are instilled into supervising officers and they are encouraged to cooperate with and follow all of the correct procedures when transferring offenders across state boundaries.

A Deputy Compact Administrator and four administrative support staff perform the daily operations of the Interstate Unit. The Unit monitors compact rules and regulations as they pertain to the supervision of Interstate offenders. The Unit's knowledge about the supervision of interstate offenders provides the Montana probation and parole officer's technical expertise, leadership, interpretation of laws and the consequences for potential liability issues concerning Interstate Compact matters. The Unit is a clearinghouse for all incoming correspondence and telephone communications and works closely with 23 Montana adult district probation and parole offices, 6 regional prisons and their institutional probation and parole officers and 65 separate adult Interstate Units throughout the United States. Approximately 1200 of the mentioned cases are Montana offenders residing in other states. Nearly 400 adult offenders, sentenced from other states, are residing and receiving supervision in Montana. The Unit also coordinates the return of Montana parole and conditional release violators through warrants or a Governor's Extradition Warrant. It assists when adult parole absconders are arrested in other states by coordinating or processing legal documents to arresting agencies to detain offenders. In addition, the Unit has the primary responsibility of entering legal data on all adult offenders moving into Montana as well as completing quality control checks on the data the probation and parole officers enter on the Interstate offenders.

The Interstate Unit is a critical component of the Community Corrections Bureau and is very beneficial to other law enforcement agencies as well as all district probation and parole offices throughout the United States. All adult offenders sentenced in Montana as well as those being supervised from other states under the Interstate Compact are monitored through the Adult Corrections Information System.

**7. USE OF THE INTERSTATE COMPACT - A POSITIVE ALTERNATIVE TO INCARCERATION:** Courts are considering alternatives to incarceration, however the lengths of sentences are not necessarily getting shorter. Parole Boards and Judges are looking for ways to release individuals back into the community quickly because of overcrowded prisons. Many offenders ask to relocate to other states because they are not always residents of the state they are convicted in. Their families, resources and jobs are in other states. Oftentimes the more violent offender or untreated offender is being released into the community. Supervision of all offenders crossing state lines is critical and can only be successful based on the fact that the offender is provided the same degree and intensity of supervision in the receiving state as they would receive their home state. Per Compact policy, a receiving state is not expected to do more or less for an out-of-state case than it does for its own cases. The offenders are encouraged to pay off restitution and to complete treatment requirements. Measures are taken if the offenders fail to comply.

Many offenders successfully complete their sentences while provided supervision in Montana. Those that re-offend or violate conditions of their sentences are often returned to the receiving state or are sentenced to jail or prison. Many Montana offenders residing in other states also successfully complete their sentences. Though there is no perfect solution to preventing crime, if policies and procedures are enforced to provide supervision and hold offenders accountable, many of them will successfully complete their sentences.

**8. HOW THE MONTANA INTERSTATE COMPACT UNIT IS AFFECTED BY AN INCREASE OF OFFENDER CASELOADS:** Interstate caseloads throughout the United States increase as offenders are released into communities. Montana is no exception. Many offenders have no ties to the states they are sentenced in and ask to leave the sentencing state. Of real concern are the Compact officials who have been held accountable when offenders travel across state boundary lines and are not provided supervision. Victims are suing. As caseloads increase, so does the work. Where there is no additional staff to help with the increase in numbers, Interstate Units across the United States are being forced to change their day-to-day work priorities in order to meet demands. If there is a shortage of staff to do the work, communication, paperwork and cooperation become selective!