



# Training Bulletin 1-2011

## Rule 1.101-Definitions–Supervision

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#### + Rule 1.101-Definitions –Supervision

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“Supervision” means the oversight exercised by authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to report to or be monitored by supervising authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.

To determine if an offender’s case in the sending state triggers the compact definition of supervision, the sending state should first examine whether or not the offender’s offense is compact eligible. If the offender has been convicted of a felony, qualifying misdemeanor or deferred sentenced, then two questions should be asked. First, is the offender required to report or be monitored by supervising authorities? Second, is the offender required to comply with regulations and conditions other than monetary conditions? If the answer to both of these questions is “yes,” the sending state’s case will be compact eligible. Advisory Opinion 8-2004 states that when both of the criteria for supervision under the compact are met, the transfer of the offender to another state must be under the terms of the Compact and its rules.

In summary, “supervision” requires an offender to report to or be monitored by and to comply with regulations and conditions imposed. States should be referring to the conditions imposed and if they require monitoring rather than looking at the language used by the court imposing the sentence. If any condition, other than monetary, requires a report back to the court, probation or parole agency, judge, etc., then the definition of “supervision” would apply. The signing of term and conditions of supervision would also trigger the definition of “supervision” as these conditions require monitoring.

#### References:

- Advisory Opinion 2-1010
- Advisory Opinion 3-2005
- Advisory Opinion 8-2004