



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
ANNUAL BUSINESS MEETING MINUTES**

**October 7, 2015**

**Hilton Portland & Executive Tower  
921 SW Sixth Ave., Portland, OR 97204**

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**Call to Order**

The meeting was called to order by Chairwoman S. Andrews (OH) at 8:34 a.m. PT. Portland Color Guard presented the flags.

Chairwoman S. Andrews (OH) welcomed everyone to the 2015 Annual Business Meeting in Portland, OR.

**Roll Call**

Roll was called by Executive Director H. Hageman. Fifty out of fifty-three members were present, thereby constituting a quorum.

- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Alabama              | Christopher Norman, Commissioner |
| 2. Alaska               | Carrie Belden, Commissioner      |
| 3. Arizona              | Dori Ege, Commissioner           |
| 4. Arkansas             | Sheila Sharp, Commissioner       |
| 5. California           | Daniel Stone, Commissioner       |
| 6. Colorado             | Alison Morgan, Commissioner      |
| 7. Connecticut          | Gary Roberge, Commissioner       |
| 8. Delaware             | Alan Grinstead, Commissioner     |
| 9. District of Columbia | <i>Not in attendance</i>         |
| 10. Florida             | Jenny Nimer, Commissioner        |
| 11. Georgia             | Chris Moore, Commissioner        |
| 12. Hawaii              | Sidney Nakamoto, Commissioner    |
| 13. Idaho               | Denton Darrington, Commissioner  |
| 14. Illinois            | Michelle Buscher, Commissioner   |

15. Indiana	Jane Seigel, Commissioner
16. Iowa	Charles Lauterbach, Commissioner
17. Kansas	Kathleen Graves, Commissioner
18. Kentucky	Roberto Rodriguez, Commissioner
19. Louisiana	Genie Powers, Commissioner
20. Maine	Scott McCaffery, Commissioner
21. Massachusetts	Paul Treseler, Commissioner
22. Maryland	Judith Sachwald, Commissioner
23. Michigan	Russell Marlan, Commissioner
24. Minnesota	Allen Godfrey, Commissioner
25. Mississippi	Christy Gutherz, Commissioner
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Cathy Gordon, Commissioner
28. Nebraska	Cathy Gibson-Beltz, Commissioner
29. Nevada	Kimberly Madris, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	Craig Schindewolf, Designee
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Ann Precythe, Commissioner
35. North Dakota	Charles Placek, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	Margaret Thompson, Designee
40. Puerto Rico	Raquel Colón, Commissioner
41. Rhode Island	Laura Queenan, Designee
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Doug Clark, Commissioner
44. Tennessee	Bobby Straughter, Commissioner
45. Texas	Libby Elliott, Commissioner
46. Utah	Geri Miller-Fox, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	James Parks, Commissioner
49. Virgin Islands	<i>Not in attendance</i>
50. Washington	Anmarie Aylward, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Tracy Hudrlik, Commissioner
53. Wyoming	Dawn Sides, Commissioner

Executive Director H. Hageman recognized Ex-Officio members:

- National Governor Association - *Not in attendance*
- National Conference Of State Legislatures - Craig Tieszen
- National Organization of State Chief Justices - *Not in attendance*
- National Association of Attorneys General – *Not in attendance*

- National Organization of Crime Victims – Patricia Tuthill
- National Institute of Corrections - *Not in attendance*
- American Probation and Parole Association – *Not in attendance*
- Association of Paroling Authorities International – Keith Hardison
- Interstate Commission for Juveniles – Ashley Lippert
- Conference Of State Court Administrators - *Not in attendance*
- National Organization for Victim Assistance - James Gierke
- Association of Prosecuting Attorneys - David LaBahn
- National Association for Public Defense - Alexander Bassos

### **Welcome & Overview**

Chairwoman S. Andrews (OH) stated that her goal was to preserve the traditions that continue to advance the mission of the Compact while improving and expanding services to the states within the confines of the current budget. She reflected on the Commission's accomplishment in the past year.

Commissioner J. Stromberg (OR) welcomed the Commission to Portland, OR. He introduced Colette S. Peters, Director of Oregon Department of Corrections, who gave the keynote speech.

Chairwoman S. Andrews (OH) instructed the Commission on the rules and procedures of the meeting.

### **Approval of Agenda**

**Commissioner C. Gibson-Beltz (NE) moved to approve the agenda as drafted. Commissioner G. Roberge (CT) seconded.**

**Agenda approved as drafted.**

### **Approval of Minutes**

**Commissioner M. Gilliam (OK) moved to approve the ABM 2014 minutes as presented. Commissioner K. Graves (KS) seconded.**

**Minutes approved as presented.**

### **Information Technology Report**

Commissioner G. Roberge (CT), Technology Committee Chair, thanked the national office staff and the Technology Committee members for their service to the Committee.

The Information and Technology Committee consists of 12 members, including six commissioners and six ex-officio members. Commissioners include Gary Roberge – Chair (CT), Nancy Ware – Vice Chair (DC), Chris Norman (AL), Sheila Sharp (AR),

Charles Placek (ND), and Michelle Buscher (IL). Ex-officio members include Natalie Latulippe (CT), Matthew Billinger (KS), John Gusz (NJ), Shawn Arruti (NV), Felix Rosa (NY), and Julie Lohman (VA).

Commissioner G. Roberge (CT) presented the highlights of the activities of the Technology Committee for the 2015 fiscal year.

#### ICOTS Security Releases

Appriss is contractually obligated to keep ICOTS in compliance with CJIS security standards. To meet that obligation, they released two security updates to ICOTS during fiscal year 2015. The first release decreased the idle time-out period from two hours to 30 minutes and created a single session limit for user logins. The second release added security questions to the user password reset process and set a notification to state administrators regarding users that are inactive for more than 90 days.

#### ICOTS FY 2015 Enhancement Releases

One of the Technology Committee goals for the 2015 fiscal year was overseeing the implementation of the enhancements that were prioritized, and approved, during the 2014 fiscal year. To that end, the committee and the national office managed six code releases involving 13 functional enhancements to ICOTS. Some of the most notable enhancements are the ability to link compact action requests to compact activities, nested display of activity history on the offender profile, and reducing the ability to create duplicate offenders.

#### ICOTS FY 2017 Enhancements

Another goal for the 2015 fiscal year was to continue to update and prioritize the approved ICOTS enhancement requests. The committee conducted a thorough review of the pending enhancement requests and was able to reduce the number of approved enhancements from over 50 to 37 enhancements. Committee members prioritized the remaining 37 enhancements according to the level of importance with regard to system functionality and increased user proficiency. Appriss then documented each enhancement in a formal statement of work and provided price quotes for each enhancement. The committee will continue to review the enhancements to determine and recommend to the Executive Committee which enhancements should be considered for implementation based upon increased system functionality in conjunction with the cost required to complete the work.

#### Approved ICOTS Enhancements

The Technology Committee will continue to work closely with the Executive Committee and the National Office to identify funding for the development of the 37 pending enhancements in fiscal year 2017. The Committee realizes that enhancements to the ICOTS system are costly and resources are limited so we will continue to identify and recommend only those enhancements that will increase user efficiency and assist our states in providing better supervision services. To that end, in order for any of the approved enhancements to be developed and implemented in fiscal year 2017, funding will have to be appropriated through the budgetary process.

### ICOTS Rule Amendments

The fiscal year 2016 is a rules proposal year for the commission. Therefore, standing committees have proposed several rule amendments during this past fiscal year that will require modifications to the ICOTS application. The national office has reviewed the proposed amendments and has requested that Appriss deliver cost estimates for billable hours, which will be required to make those changes. Appriss has committed to completing all developmental work required by approved rule amendments prior to the March 1, 2016 effective date.

### External Reports

Usage of the external reports rose from over 13,300 pageviews in fiscal year 2014 to over 20,000 pageviews in fiscal year 2015, an increase of 50%. This significant increase in external reporting is related to more training modules being offered to ICOTS users as well as additional reports that have been added and are available to end users.

### Fusion Center Data Exchange Project

The American Probation and Parole Association (APPA), SEARCH, and the state fusion centers of New York continue to run weekly exports of successful compact transfers. The state fusion center in Georgia joined the project and receives weekly exports of successful compact transfers. The Wisconsin DOJ signed an MOU to join the data-sharing project and will begin receiving weekly exports as well. APPA is continuing to promote the success of the fusion project to other state centers, which should ultimately result in additional fusion center partnerships.

### FBI NDex Data Sharing

The National Office began working with NDex last year on a project to export compact case and offense information to their data center. This year the application was successfully tested and implemented, resulting in an ICOTS web-based service exporting compact data to NDex on a monthly basis.

### ICOTS Helpdesk Support

The ICOTS helpdesk received approximately 2,000 ICOTS support tickets throughout the 2015 fiscal year. Helpdesk support tickets decreased more than 23% fiscal year 2014. This reduction in helpdesk support tickets can be directly related to the enhancement implementation regarding creating duplicate offenders and other system fixes in each security release throughout this fiscal year.

### ICAOS Website

Visits to the website were up over 10% from the previous fiscal year, with over 512,000 visits. Desktop user visits dropped 3.9% with over 355,000 visits, mobile users were up 76% with over 138,000 visits, and tablet users were up 30% with over 17,000 visits. Users on mobile or tablet devices accounted for more than 30% of the visits to the ICAOS website in fiscal year 2015.

### Compliance Dashboards

Usage of the compliance dashboards rose from over 1,100 pageviews in fiscal year 2014 to over 3,000 pageviews in fiscal year 2015, an increase of 176%.

Another goal for the 2015 fiscal year was to expand the compliance dashboards. The national office added two new dashboards in the beginning of the 2015 fiscal year. The first dashboard covers compliance of case closure reply activities. The second dashboard covers compliance of the submission of requested progress report activities.

The following are goals and challenges the Commission will face in the 2016 fiscal year.

- Prioritize Releases for Approved ICOTS Enhancements in FY17
- NCIC Subcommittee
  - Chair Matthew Billinger, DCA (KS)
- Expand Compliance Dashboards
- ICOTS Rule Amendments FY18

**Commissioner D. Crook (VT) moved to accept the Technology Committee report. Commissioner C. Gibson-Beltz (NE) seconded.**

**Motion passed.**

### **Training, Education & Public Relations Committee Report**

Commissioner A. Precythe (NC), Training Committee Chair, expressed her gratitude towards the Committees members and the national office staff for their work throughout the year.

#### Training Committee members

Anne L. Precythe, Chair (NC); James Parks (VA); Roberta Cohen (NM); Scott McCaffrey (ME); Bob Rodriguez (KY); Chris Moore (GA); Geri Miller-Fox (UT); Sally Reinhardt-Stewart, ex-officio (NE); and Tim Strickland, ex-officio (FL).

Since the inception of ICAOS, the Training Committee continues to improve and expand training efforts to assist states in educating criminal justice professionals involved in Interstate Compact business. As the demand for training grew year after year, particularly after the launch of ICOTS in 2008, time commitment for assisting with training became very time consuming for committee members. This year, the Training Committee established a trainer group to expand state's access to knowledgeable content experts and assist with delivery of rules and ICOTS training. The Training Committee members continue to focus on policy development and fiscal responsibility in delivering training, while the trainer group members deliver the training and assist in curriculum development.

The goals for the Training Committee this year include distinguishing between the Training Committee and trainer group by recognizing trainers with specific content expertise, expanding On-Demand training options with re-design of current modules in an interactive format as well as emphasizing state compact offices' responsibilities to ensure stakeholders are trained on ICAOS Rules and ICOTS. Current training efforts

highlight the importance of operationalizing the rules and to “Work the Rules, Don’t Let the Rules Work You!” always remembering the purposes of ICAOS to ensure public safety, track offender movement and support offender rehabilitation efforts by providing effective supervision.

**Trainers:** Tim Strickland (FL); Leslie Thomas (NC); Betty Payton (NC); Ernette Griggs (WI); Margaret Thompson (PA); DeAnna Duff (MO); Stephanie Engel (WI); Janice Young (ND); Roberta Cohen (NM); Rose Ann Bisch (MN); Holly Jo Bills-Atkins (NE); Kelly Nelson (CO); Shari Britton (FL); Ruby M. Bledsoe (NV); Shawn Arruti (NV); Judy Mesick (ID); Matthew Reed (PA); Julie Lohman (VA); Miriam Dyson (GA); Lisa Kinard (FL); Jacey Nordmeyer (NE); Matthew Billinger (KS); Dori Ege (AZ)

#### Training Committee Responsibilities

- Policy development
- Ensure training efforts are fiscally responsible
- Outline ideas for new curriculum
- Ensure training is targeting appropriate audiences
- Recognize best practices
- Publish Training Bulletins
- Recommend Rule amendments/ICOTS changes
- Review/provide input on Advisory Opinions

#### Trainer Group Membership

- Content experts with working knowledge of
  - Rules
  - ICOTS
  - Examples used within their own state to improve quality of compact activities/communication
- If not a Commissioner or DCA, must be recommended by Commissioner or DCA of that state
- Present and/or assist with questions during trainings
- Assist in curriculum development
  - Recommend changes for improving curriculum
  - Review On-Demand modules
  - Provide ideas for new trainings

In FY2016, the Training Committee set its goals to:

1. Support/Expand the Trainer Group
  - Rules & ICOTS Experts
2. Reinforce the state compact office role to operationalize the rules when training stakeholders
3. Update current training tools specifically
  - Re-authoring OnDemand Modules-increase interactivity & usage
  - Expanding Admin/Compact office training

**Commissioner A. Aylward (WA) moved to accept the Training Committee report. Commissioner S. Nakamoto (HI) seconded.**

**Motion passed.**

### **Justice Reinvestment Workgroup Report**

Commissioner A. Precythe (NC), Justice Reinvestment Workgroup Chair, informed the Commission that the workgroup met twice via WebEx. The group identified areas that might be impacted by the rules: requests for reporting instructions; violation and retaking; closing cases; and reporting time calculation.

The group came to the conclusion that the reporting instructions were not an issue. To clarify the violation and retaking issue, the group requested the issuance of Advisory Opinion 1-2015 on “Whether an offender whose supervision is transferred under the Compact to the state of North Carolina and commits a violation of one or more of the terms and conditions of probation may be subjected to confinement for short periods in lieu of revocation of probation pursuant to a state statute applicable to offenders sentenced in North Carolina?”

The closing cases issue involved how states respond to noncompliance. The group launched a survey on noncompliance with 26 responses. Commissioner A. Precythe (NC) presented the survey results to the Commission. The national office posted each states’ violation grid under the state’s page on the Commission website.

Commissioner A. Precythe (NC) stated that the group agreed that the rules are not a problem, the implementation is.

Chairwoman S. Andrews (OH) accepted the report on the Commission’s behalf.

### **DCA Liaison Committee Report**

Commissioner Geri Miller-Fox (UT), DCA Liaison Committee Chair, presented her report to the Commission. She thanked the national office and the committee members for their work.

#### **Committee Members**

DCA Donna Pratt, VT (East Region DCA Chair); DCA Julie Lohman, VA (South Region DCA Chair); DCA Rose Ann Bisch, MN (Midwest Region DCA Chair); DCA Judy Mesick, ID (West Region DCA Chair); Commissioner Alison Morgan, CO; DCA Tim Strickland, FL; Commissioner Michelle Buscher, IL; DCA Joseph Beaman, MI; Commissioner Cathy Gordon, MT; DCA Regina Grimes, TX, Commissioner Diann Skiles, WV; and DCA Elizabeth Powell, DC.

The DCA Liaison Committee’s responsibility is to act as the liaison between the Commissioners and the Deputy Compact Administrators (DCA). The committee ensures



that communication and feedback are forwarded appropriately. The Committee identifies and provides training opportunities for the Deputy Compact Administrators.

The DCA Liaison Committee is working on three goals for this year:

- Mentoring of DCAs
- Training Needs and Ideas
- Communication with Regions, Commissioners, and DCAs

*Mentoring:* The mission of the mentoring program is to coach, train and counsel new DCAs on the operations of a compact office and to provide guidance to DCAs who need assistance to resolve difficult compliance issues in their state. The mentoring program encourages active participation in commission and regional activities and collaboration with member states to promote successful strategies and best practices.

*Training Needs:* DCA Region Chairs have identified the need to provide training to partnering agencies within their local areas. This issue was also identified as a goal to be considered by the Training Committee. It is very important that states facilitate training and communication with local entities involved in the compact process.

DCA Region Chairs are reviewing “best practices” during the DCA Region Meetings in an effort to share strategies that work.

The DCA Liaison Committee has also recognized the need to provide additional training around violation procedures. One example of this committee’s work is a recent meeting where Midwest Region DCA Chair, Rose Ann Bisch (MN) provided case scenarios for the DCAs to review during their meeting. DCAs are encouraged to bring sample cases to discuss during the Region DCA Meetings. This provides great training opportunities for everyone.

*Communication:* The DCA Liaison Committee is committed to facilitating communication. As part of meeting this goal, the committee establishes DCA Region Chairs who then facilitate regional DCA meetings. These meetings are excellent opportunities to identify concerns and collaborate toward solutions. The DCA Region Chair can then bring these issues to the committee where we can tackle the challenges through a variety of mechanisms, including collaboration with the Executive Committee.

**Commissioner A. Morgan (CO) moved to accept the DCA Liaison Committee report. Commissioner G. Roberge (CT) seconded.**

**Motion passed.**

### **Compliance Committee Report**

Commissioner J. Stromberg (OR), Compliance Committee Chair, thanked the Committee members for their work: Mike McAlister, NH; Cathy Gibson-Beltz, NE; Charles Placek,

ND; Chris Norman, AL; Ellis McSwain, MO; Genie Powers, LA; Kathleen Graves, KS; and Kim Madris, NV.

The Compliance Committee is responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the Committee is responsible for developing appropriate enforcement procedures for the Commission's consideration.

Commissioner J. Stromberg (OR) stated that the Executive Director was able to resolve all complaints and compliance issues in accordance with the Guidelines for Resolving Compliance Issues Policy (03-2007). There were no issues referred to the Committee this year.

The Committee has set three specific goals for this year:

- Review and update ICAOS Policies
- Implement a compliance process/procedure for handling formal complaints in a fair and consistent manner
- Review compliance trends and patterns and make recommendations for improvements

The Committee is finalizing a Sanction Matrix to guide the Committee when determining the appropriate response or action when a state has been found in violation of the Compact.

#### Fiscal Year 2014 & 2015 Compliance Audit Comparison

Nationally, six of the seven compliance audit standards increased. This has resulted in a national average that meets or exceeds the expected results in all categories. This is a promising trend that shows continued growth and progress amongst all states and helps explain why there have not been any complaints or compliance issues that could not be resolved at the Executive Director level.

<u>Standard</u>	<u>2014 National Compliance Average</u>	<u>2015 National Compliance Average</u>
RFRI Reply	96%	97%
Transfer Reply	87.9%	89.8%
Closure Notice	89%	95.8%
Case Closure Replies	89.1%	88.8
Requested Progress Reports	88.9%	95.5%
Annual Progress Report	78.2%	84%
Violation Response	81.5%	83.5%

In fiscal year FY 2015, all states were subject to audit on a total of thirteen standards. States that failed four or more standards (including three or more rule standards) were required to provide and successfully complete a corrective action plan addressing the

failed standards. At the conclusion of FY2015, all states required to complete a corrective action plan addressing failed audit standards did so successfully. A list of those standards are posted on the Commission website.

**Commissioner A. Precythe (NC) moved to accept the Compliance Committee report. Commissioner G. Roberge (CT) seconded.**

**Motion passed.**

### **Finance Committee Report**

Commissioner C. Lauterbach (IA), Finance Committee Chair and Treasurer, presented the Finance Committee report to the Commission. The Commission continues to maintain a strong financial base for its operations. . The national office staff continues to work diligently to keep the commission expenditures within its budget constraints.

Each year the Commission looks to its resources with current program and service offerings. With costly annual ICOTS enhancements, additional professional development at the annual business meetings, new on-demand training software etc. the Commission's expenses have exceeded its revenue for the last several years. After conducting a detailed review of the Commission's financial situation, the Finance Committee is pleased to report that even though it is necessary at times to expend from the cash reserves to meet the Commission's needs, the Commission is financially sound with a substantial cash reserve and a healthy long term investment fund. In the future, to minimize cash reserve withdrawals, per the Finance Committee recommendation, the Executive Committee reduced the monthly contribution to the long-term fund; the balance of which currently totals nearly \$1.3M. The Commission long-term fund consistently yields a strong return, which is an important part of the Commission's financial picture.

**Commissioner C. Lauterbach (IA) moved to accept the proposed FY 2017 budget. Commissioner R. Maccarone (NY) seconded.**

**Motion passed unanimously.**

Commissioner C. Lauterbach (IA) stated that as of today, all but two states and territories paid their dues assessment.

Commissioner C. Lauterbach (IA) thanked the Finance Committee members and the national office for their service: Commissioner Michelle Buscher (IL), Commissioner Bobby Straughter (TN), Commissioner Christy Gutherz (MS), Commissioner Sheila Sharp (AR), Commissioner Kathleen Graves (KS), and Ex-Officio DCA Debbie Duke (TN).

**Commissioner C. Lauterbach (IA) moved to accept the Finance Committee report. Commissioner G. Roberge (CT) seconded.**

**Motion passed.**

**ABM Planning Workgroup Report**

Commissioner C. Norman (AL) informed the Commission that this year's Annual Business Meeting was combined effort of commissioners and DCAs.

Members: Chris Norman (AL), Scott McCaffrey (ME), Raquel Colon (PR), Michelle Buscher (IL), Suzanne Brooks (OH), Matt Billinger (KS), Nancy Ware (DC), Shawn Arruti (NV), Jeremiah Stromberg (OR), Kim Madris (NV), Jenna James (GA), Elizabeth Powell (DC), and Judy Mesick (ID).

Chairwoman S. Andrews (OH) accepted ABM Planning Workgroup report.

**Victims' Advocate Report**

Victims' Advocate P. Tuthill (NOCV) presented her report to the Commission

Victims' Advocate P. Tuthill (NOCV) thanked the Commission for their support of the ICOTS victims' notification project. Nineteen states have ICOTS VINEWatch accounts. Since its launch, there have been 605 registrations and 548 successful notifications (of all types). In February 2015 an ICOTS VINEWatch webinar was conducted by Suzanne Elwell and Lydia Newlin from the Minnesota Department of Public Safety with VINE Administrators. Observations from webinar and participants indicate there is a need for more coordination between Appriss, ICAOS, and state users to increase participation.

In the past year, P. Tuthill gave presentations at Florida Smart Justice Annual Summit and 2016 New Mexico Victims Annual Conference.

The Peyton Tuthill Foundation Hearts of Hope Scholarships has awarded \$43,000 through 2015 to young homicide survivors.

The commission watched a video about P. Tuthill and the letter addressing her daughter's homicide.

Chairwoman S. Andrews (OH) accepted the Victims' Advocate's Report.

**Legal Counsel Report**

The General Counsel's Office assists the commission by providing legal guidance to the Interstate Commission and its committees with respect to legal issues that 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 issued through the Executive Director's Office in consultation with the Office of General Counsel. These advisory opinions are made available to state officials who administer the compact for guidance. 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.

Since the last Annual Business Meeting, in addition to day-to-day advice and counsel furnished to the Commission's Executive Director, the Executive Committee, the Rules Committee, the Compliance Committee, the Technology Committee and the Interstate Commission, the General Counsel's Office in conjunction with the Executive Director has issued two Advisory Opinions concerning the interpretation and application of various provisions of the compact and its administrative rules and assisted with a number of informal requests for legal guidance from member states. The Advisory 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 including Connecticut, New Mexico, and Hawaii under the auspices of the ICAOS Training Committee and the General Counsel. Other activities included assisting in the updates to the 'On-Demand' Judicial Training Modules now available on the ICAOS website, assisting in the update of the ICAOS Bench Book and review and update of Judicial training and New Commissioner training materials as well as Parole and Probation Officer legal and liability training modules used for both WebEx and live training sessions.

In addition, the General Counsel has assisted the Compliance Committee, the Executive Committee and Executive Committee Workgroup in several matters pertaining to investigation, compliance, and enforcement responsibilities under the Compact.

Legal Counsel R. Masters informed the Commission about a CT offender in Massachusetts who has challenged the Compact Rules.

Chairwoman S. Andrews (OH) accepted the Legal Counsel's Report.

### **Rules Committee Report**

Commissioner J. Seigel (IN), Rules Committee Chair, thanked the Rules Committee members and the national office staff for their hard work: Commissioner Dori Ege (AZ); Commissioner Jenny Nimer (FL); Commissioner Chris Moore (GA); Commissioner Bob Maccarone (NY); Commissioner Doug Clark (SD); Commissioner Tracy Hudrlik (WI); Commissioner Dawn Sides (WY); Commissioner Milt Gilliam (OK); Ex-officio members: Compact Administrator Shari Britton (FL); DCA John Gusz (NJ); DCA Jim Ingle (UT); DCA Pat Odell (WY); and DCA Shawn Arruti (NV).

Commissioner J. Seigel (IN) presented the 2015 rule proposals (see the attachment).

Commissioner J. Seigel (IN) presented the proposal 2.105 Misdemeanants.

**Commissioner J. Seigel (IN) moved to adopt the proposal 2.105 Misdemeanants - proposed by the East Region. Commissioner M. Gilliam (OK) seconded.**

**Motion passed by vote 46 to 4.**

Commissioner J. Seigel (IN) presented the proposal 3.101-2 Discretionary transfer of supervision.

**Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-2 Discretionary transfer of supervision proposed by the West Region and the Rules Committee. Commissioner A. Precythe (NC) seconded.**

**Motion passed by vote 47 to 3.**

Commissioner J. Seigel (IN) presented the proposal 3.101-3 Transfer of supervision of sex offenders.

**Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-3 Transfer of supervision of sex offenders by the East Region and the Rules Committee. Commissioner G. Roberge (CT) seconded.**

Designee M. Thompson (PA) spoke in favor of this proposal.

**Motion passed by vote 49 to 1.**

Commissioner J. Seigel (IN) presented the proposal 3.102 Submission of transfer request to a receiving state.

**Commissioner J. Seigel (IN) moved to adopt the proposal 3.102 Submission of transfer request to a receiving state by the East Region. Commissioner C. Gibson-Beltz (NE) seconded.**

**Motion passed by vote 47 to 3.**

Commissioner J. Seigel (IN) presented the proposal 3.103 Reporting Instructions.

**Commissioner J. Seigel (IN) moved to adopt the proposal 3.103 reporting instructions by the South Region and the Rules Committee. Commissioner A. Precythe (NC) seconded.**

Commissioner D. Ege (AZ) spoke against the proposal. The AZ State Council was concerned that the rule did not cover the victims' notification element.

Commissioner A. Precythe (NC) spoke in favor of the proposal, stating that states will share the important information about the residence of offender with the sending states.

**Motion passed by vote 37 to 13.**

Commissioner J. Seigel (IN) presented the proposal 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction.

**Commissioner J. Seigel (IN) moved to adopt the proposal 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction by the Rules Committee. Commissioner D. Clark (SD) seconded.**

Ex-officio K. Hardison (APAI) stated that the APAI Executive Committee was for this proposal for its efficient and common way to address a specific set of circumstances in a way that will address public safety and will help us to manage the resources.

Designee C. Schindewolf (NJ) spoke against the proposal, pointing at the lack of empirical evidence in the justification.

Commissioner R. Maccarone (NY) spoke in favor of the proposal, stating that it gives the flexibility to the states.

**Motion passed by vote 29 to 21.**

Commissioner J. Seigel (IN) presented the proposal 3.101-1, 3.103, 3.106, 4.111, 5.103 Mandatory Reporting Instructions.

**Commissioner J. Seigel (IN) moved to adopt the proposal 3.101-1, 3.103, 3.106, 4.111, 5.103 Mandatory Reporting Instructions by the Executive and Rules Committees. Commissioner M. Gilliam (OK) seconded.**

Commissioner D. Ege (AZ) stated that AZ State Council liked the proposal, however it thought the proposal lacked a sentence such as “if the receiving state unable to locate the offender that will be communicated to the sending state to immediately issue the warrant”. They also questioned why rule 5.101 was not included in the package and why there was no requirement to provide a copy of the warrant.

Designee M. Thompson (PA) agreed with Arizona.

Ex-Officio P. Tuthill shared Pennsylvania and Arizona’s concerns.

Commissioner A. Precythe (NC) spoke in favor of the rule proposals.

**Motion passed by vote 31 to 13.**

Commissioner C. Gibson-Beltz (NE), Midwest Region Chair, stated that the Midwest Region decided to withdraw the proposal 4.111, if the proposal to rules 3.101-1, 3.103, 3.106, 4.111, 5.103 passes.

Chairwoman S. Andrews (OH) recognized the withdrawal of the proposal.

Commissioner J. Seigel (IN) presented an amendment to bylaws article 2, section 3.

**Commissioner J. Seigel (IN) moved to adopt the amendment to bylaws article 2, section 3 by the Executive Committee. Commissioner M. Buscher (IL) seconded.**

**Motion passed unanimously.**

Commissioner J. Seigel (IN) presented an amendment to bylaws article 7.

**Commissioner J. Seigel (IN) moved to adopt the amendment to bylaws article 7 by the Executive Committee. Commissioner C. Moore (GA) seconded.**

**Motion passed unanimously.**

**Commissioner C. Gibson-Beltz (NE) moved to recess for lunch. Commissioner C. Moore (GA) seconded.**

**Motion passed.**

**Commissioner R. Maccarone (NY) moved to resume the business. Commissioner D. Ege (AZ) seconded.**

**Motion passed.**

### **Panel Discussion**

**Panel Discussion - The “Two Second” Rejection, Myth or Truth** - Sates and committees are concerned that states are rejecting discretionary cases without consideration or justification and not in the interest of public safety. Recently, the executive committee authorized a study into the rejection rates of discretionary transfers in five pilot states; Georgia, North Carolina, Ohio, Vermont and Oregon. The panel participants represent the pilot states and will discuss the findings for their state and their policies and practices regarding discretionary transfers.

Commissioner and panel moderator Jeremiah Stromberg (OR) introduced panelists to the Commission.

Commissioner Stromberg is currently serving as the Assistant Director of Community Corrections for the Oregon Department of Corrections. This role includes oversight of the community corrections grant in aid funding; development of statewide legislation, policies, and rules that govern community corrections; Jail Inspections; liaison between the Counties of Oregon and the Department of Corrections, and of course Interstate Compact.



Jeremiah served on the Oregon Board of Parole & Post-Prison Supervision from 2009-2012, first as the Executive Director before being appointed by Governor John Kitzhaber as a member of the Board.

From 1997-2009, worked for Multnomah County Department of Community Justice in Portland, Oregon in a variety of roles including: Lead of the Juvenile Sex Offender Treatment Unit within the Juvenile Detention Center; Manager of the Adult Secure Residential Treatment Program; Manager of the START Drug Court; Manager of the Parole and Probation Domestic Violence Unit, and finally Manager of the Local Control Supervision Unit.

Commissioner Moore is a 1988 graduate of Mercer University with a BBA degree. Chris Moore's career with the GA Department of Corrections started in 1989 as a Probation Officer. In 1998, Chris was promoted to the Central Office as a Field Support Specialist. His program areas were Sex Offender Supervision and Intensive Probation Supervision. In 2005, Chris was promoted to Center Administrator of the Griffin Day Reporting Center. While in that capacity, Chris was licensed as a Certified Substance Abuse Counselor by the Alcohol and Drug Abuse Certification Board of GA. In 2009 he was promoted to Chief Probation Officer of the Griffin Judicial Circuit and in 2012 was appointed Compact Administrator/Commissioner for the State of GA.

Commissioner Precythe is the first female Director of Community Corrections. She brings 27 years of service with the agency to her new role. Employed with the Division of Community Corrections since 1988 as a Probation/Parole Officer in Duplin County, since then she has served in many capacities within the Division. In 1999, Anne transitioned into a Quality Assurance role where she assisted managers in using data to manage operations and in 2003, was promoted to Lead Community Corrections Analyst supervising all quality assurance personnel and leading the agency in effective case management strategies. In January 2006, Director Precythe was promoted to the position of Interstate Compact Administrator and named Deputy Commissioner to the Interstate Compact. In 2007, Anne became a national trainer with the Interstate Compact for Adult Offender Supervision office out of Kentucky. In 2008, she was presented with the National Interstate Commission for Adult Offender Supervision Executive Director's Award. She remains active with the National Commission, serving as the current Chair of the Training Committee and sits on the Executive Committee as well. In January 2010, she assumed the responsibility of EBP Project Implementation Manager for the Division of Community Corrections and in August 2011, became the Supervision Services Administrator which also includes oversight of the sex offender management program, technology services, in-service training and all DCC programs (TECS, Transitional Housing, Community Intervention Centers, DART, Black Mountain, Drug Screening and labs, etc) and services. Anne serves and has served on various councils and commissions throughout her career. She is a long standing member of the North Carolina Probation/Parole Association as well as the Correctional Peace Officer Foundation. She was most recently appointed to the North Carolina Interagency Council for Coordinating Homeless Programs (NCICCHP). In 2015, Anne was appointed by United States

Attorney, Eric Holder to the National Institute of Corrections Advisory Board, representing all of Community Corrections across the country.

Commissioner Andrews serves as the Director of the Ohio Criminal Sentencing Commission, effective January 2015. In 1990, the General Assembly created the Ohio Criminal Sentencing Commission by statute. The Commission is chaired by the Chief Justice of the Supreme Court of Ohio. The Commission is responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes. The Commission consists of 31 members, 10 of whom are judges appointed by the Chief Justice. Before her appointment as the Director of the Ohio Criminal Sentencing Commission, Sara was a more than twenty year veteran with the Department of Rehabilitation and Correction, holding a number of leadership positions, most recently as the Deputy Director of the Division of Parole and Community Services (DPCS) and Chief of the Adult Parole Authority (APA). In that role, she managed the Ohio Parole Board, the Office of Victim Services, the Bureau of Research, Office of Offender Reentry and Religious Services, Jail inspection and oversight, community supervision, fugitive and interstate compact operations, and DRC funded community corrections throughout the State of Ohio. She was also the Ohio Commissioner and national Chair of the Interstate Compact for Adult Offender Supervision and continues to serve in that capacity. Sara's academic background includes a B.A. from the University of Northern Colorado and M.S. degree from the University of Dayton, Ohio. She is a member of Ohio Justice Alliance for Community Corrections, the American Probation and Parole Association, serves as an appointed member of the Attorney General's Ohio Law Enforcement Gateway Steering Committee and Advisory Board, the Commission on Technology and the Courts of the Ohio Supreme Court, served as a member of the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty and most recently represents the Chief Justice on Governor Kasich's Ohio Task Force on Community-Police Relations. In her community and affiliated with her daughter's High School rowing team Sara serves as a trustee and President of the not for profit organization, Upper Arlington Crew. Sara is also a recipient of the United States Attorney General's William French Smith award, the 2013 Ohio Community Corrections Association President's award, 2013 Ohio Justice Alliance for Community Corrections Bennett J. Cooper award, 2014 Interstate Compact Adult Offender Supervision Executive Director's Leadership award.

Commissioner Crook is a seventeen year veteran with the Vermont Department of Corrections. He has held many different positions within the department. He began his career as a correctional officer, and then moved out into the world of community corrections as a community corrections officer followed by being a probation officer. In 2008 he was went to work in Central Office to work in policy development and managing the Interstate Compact of Adult Offender Supervision (ICAOS) for the VTDOC. In 2010 he was hired as the Director of Classification. He has been in his current role as the Director of Field Services since 2011. His responsibilities include the supervision of 10 Probation and Parole District Offices, which supervises 7,700 offenders on 11 different legal statuses. He is the East Region Chair for ICAOS and a member of NIC's Probation

and Parole Executive Network. He has a BA from Champlain College in Law Enforcement and a MSA from St. Michaels College.

Panelists shared their experiences with the Interstate Compact for Adult Offender on this issue.

### **Award Presentations**

*Executive Chair Award* presented to Commissioner A. Precythe (NC) by Chairwoman S. Andrews (OH).

*Executive Director Award* presented to DCA N. Latulippe (CT) by Executive Director H. Hageman and Commissioner G. Roberge (CT).

*Peyton Tuthill Award* presented to Victims' Advocate L. Hudson (SC) in recognition of her service and commitment to victims by P. Tuthill and Chairwoman S. Andrews (OH).

### **Region Chairs Recognition**

Chairwoman S. Andrews (OH) recognized region chairs for their service and dedication: Dale Crook – East Region, Chris Moore – South Region, Anmarie Aylward – West Region, and Cathy Gibson-Beltz – Midwest Region.

Chairwoman S. Andrews (OH) announced that the 2015 Annual Business meeting is scheduled for September 12-14, 2016 in Cleveland, OH.

### **New Business/Election of Vice-Chair**

Commissioner M. Gilliam (OK) administered the Oath of Office to newly elected region chairs: Dale Crook – East Region, Chris Moore – South Region, Anmarie Aylward – West Region, and Cathy Gibson-Beltz – Midwest Region.

### **Call to the Public**

Chairwoman S. Andrews (OH) opened floor to the public comments. No comments received.

### **Adjourn**

**Commissioner C. Gibson –Beltz (NE) made a motion to adjourn. Commissioner G. Roberge (CT) seconded.**

**Motion passed.**

The Commission adjourned at 4:35 pm PDT.

# **2015 ICAOS Rule Proposals**

- ~~A. Rule 1.101 'Offender' & Rule 2.105 (West Region)~~
- B. Rule 2.105 (East Region)
- C. Rule 3.101-2 (West Region & Rules Committee)
- D. Rule 3.101-3 (East Region & Rules Committee)
- E. Rule 3.102 (East Region)
- F. Rule 3.103 (South Region & Rules Committee)
- G. Rule 4.111 (Midwest Region)
- H. Rule 5.101-2 (Rules Committee) \*New Rule
- I. Rules 3.101-1, 3.103, 3.106, 4.111, 5.103 (Executive Committee & Rules Committee)
- J. BylawArt2Sec2 (Executive Committee)
- K. BylawArt7 (Executive Committee)

~~Proposal to create/amend rules:~~

~~**Rule 2.105 Misdemeanants**~~

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes ~~1 or more of the following—~~
- ~~(1) an offense in which a person has incurred direct or threatened physical or psychological harm;~~
  - ~~(2) an offense that involves the use or possession of a firearm;~~
  - ~~(3) a 2nd or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;~~
  - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

*Adoption of this amendment would require the following additional changes to existing ICAOS definitions as follows:*

**Rule 1.101 Definitions**

**Offender** – means an adult placed under, or made subject to, supervision as the result of a felony conviction for a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

*As the misdemeanor rule as proposed to be amended would only apply to the misdemeanor offender whose instant offense was a sexual offense that requires the offender to register as a sex offender in the sending state and whose sentence includes 1 year or more of supervision, no change would be required to the existing definition for “Sex Offender” which reflects as follows:*

**Sex Offender** – means an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

**Justification:**

## 2015\_1101Offender\_2105WEST

This proposal would amend the misdemeanor rule to specifically address the misdemeanor offender whose instant offense was a sexual offense that requires the offender to register as a sex offender in the sending state and whose sentence includes 1 year or more of supervision.

There has been extensive discussion by the Commission regarding misdemeanants and their inclusion within the requirements of the Interstate Compact. Debate has centered around whether misdemeanants should continue to be included, whether the qualifiers should be modified or whether misdemeanants should be eliminated from the Compact. Many regions and standing committees have submitted proposed amendments to the misdemeanor rule for consideration. This proposal provides an alternate approach for consideration.

The existing language in ICAOS Rule 3.101-2, Discretionary Transfer of Supervision, already provides us with the language needed to address “misdemeanants” if the misdemeanor rule were to be amended and/or eliminated by the Commission. Additionally, Advisory Opinion 4-2005 already directly supports that sending states may submit offense ineligible offenders for discretionary transfer consideration under the current rules of the Compact. During discussions and training, facilitators would need to emphasize that sending states would still have the ability to submit those cases they deem appropriate, based on the specific circumstances of the case, giving the prospective receiving state the opportunity to supervise those cases.

For sending states with supervised misdemeanants that need to be transferred, nothing in these proposed changes will impact those states from continuing to submit their misdemeanor cases for consideration by a prospective receiving state. However, for those states with lower level misdemeanants that are not supervised by the paroling or probation authority, but still trigger the requirements of the compact, this would remove the liability issue that has previously been discussed by removing those lower level misdemeanor cases, which states may not even be aware of, from the mandatory transfer criteria.

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions or dispute resolutions:**

None

### **ICOTS impact:**

None

### **Scope and Metric**

Data may be able to be pulled to determine how many transfers will be affected.

**Rules Committee action:**

March 2015: Motion to recommend that the West Region withdraw or revise the proposal to Rule 2.105 made by T. Hudrlik, seconded by C. Moore. Motion passed. Motion to recommend the proposal not pass should the West Region move the proposal to Rule 2.105 forward as written, made by E. Ligtenberg, seconded by R. Maccarone. Motion passed.

**Effective date:**

March 1, 2016

**Proposal to create/amend rules:**

***Rule 2.105 Misdemeanants***

- (a) A misdemeanor offender whose sentence includes 1 year or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—
- (1) an offense in which a person has incurred direct or threatened physical or psychological harm;
  - (2) an offense that involves the use or possession of a firearm;
  - (3) a 2<sup>nd</sup> or subsequent misdemeanor ~~offense~~ conviction of driving while impaired by drugs or alcohol;
  - (4) a sexual offense that requires the offender to register as a sex offender in the sending state.

**Justification:**

Changing the word ‘offense’ to ‘conviction’ clarifies that there has to be a conviction on a previous DUI in order for the instant offense to be considered a 2<sup>nd</sup> or subsequent offense and an eligible misdemeanor. This question is asked frequently, especially by new or casual users, because the word offense does not necessarily mean a conviction occurred. During ICAOS rules trainings the fact that this rule refers to convictions only is always stated to clarify what this means because with the existing language it is not clear.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

None

**ICOTS impact:**

None

**Scope and Metric**

N/A

**Rules Committee action:**



**2015-2105-EAST**

March 2015: Motion to recommend proposal from East Region to amend Rule 2.105 as drafted made by R. Maccarone, seconded by J. Nimer. This proposal will be considered for vote after the West Region proposal to Rule 2.105.

**Effective date:**

March 1, 2016

Proposal to create/amend rules:

***Rule 3.101-2 Discretionary transfer of supervision***

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101, where acceptance in the receiving state would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of victims.
- (b) The sending state ~~must~~ shall provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact specifying the discretionary reasons for rejection.

**Justification:**

Increases the likelihood for acceptances of discretionary case by providing more information that supports the purpose of the compact.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

None

**ICOTS impact:**

None

**Scope and Metric**

N/A

**Rules Committee action:**

Rules Committee March 2015: Recommend Rules Committee alternative to West Region and recommend its version be withdrawn made by R. Maccarone, seconded by J. Nimer. Motion passed.

## **2015 3.101\_2WESTRULES**

West Region April 2015: Motion to withdraw original proposal to Rule 3.101-2 and support the Rules Committee alternate language made by D. Ege, seconded by K. Madris. Motion passed.

July Rules Committee 2015:

Issues discussed:

- Providing risk assessment for discretionary cases
- Concerns for receiving state to use risk level as reason for denying a case
- Interpretation of what 'level of supervision' mean

Motion to revise the proposal D-2015\_3101\_1WESTRULES by removing added language 'to include the current level of supervision' and request the West Region support the change made by D. Clark, seconded by J. Nimer. Motion passed 7-2.

August West Region:

Motion to accept proposed changes recommend by the rules committee to remove 'to include the current level of supervision' from section (b) made by K. Madris, seconded by D. Sides. Motion passed.

### **Effective date:**

March 1, 2016

Proposal to create/amend rules:

**Rule 3.101-3 Transfer of supervision of sex offenders**

- (a) *Eligibility for Transfer*-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.
- (b) *Application for Transfer*-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:
- (1) assessment information, including sex offender specific assessments;
  - (2) social history;
  - (3) information relevant to the sex offender's criminal sexual behavior;
  - (4) law enforcement report that provides specific details of sex offense;
  - (5) victim information
    - (A) the name, sex, age and relationship to the offender;
    - (B) the statement of the victim or victim's representative;
  - (6) the sending state's current or recommended supervision and treatment plan.
- (c) *Reporting instructions for sex offenders ~~living in the receiving state at the time of sentencing~~* - Rules 3.101-1, 3.103 and 3.106 apply to the transfer of sex offenders, as defined by the compact, except for the following:
- (1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
  - (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except for 3.102 (c).

**Justification:**

The current language only applies to sex offenders living in the receiving state at the time of sentencing; therefore, that language was removed from the proposed amendment to make this section of the rule apply to all sex offenders. The language of 'as defined by the compact' was also added to emphasize that, in order to know if this rule applies in lieu of 3.103, the registration requirements of both state must be known.

When a receiving state receives an RFRI for a reason other than 'living in the receiving state at the time of sentencing' and only has 2 business days to respond, the tendency is to

## 2015- 3.101-3 EASTRULES

deny without taking the reasons for the request into consideration. If the receiving state has 5 business days to determine the suitability of the home plan for any sex offender request for reporting instructions, it is more likely the request will be given fair consideration. Additionally, the language ‘ except for 3.102 (c)’ was added under (c)(2) to clarify that sex offenders may be permitted to be in the receiving state, like any other offender, for the reasons outlined under rule 3.102(c). It is a common misconception that 3.101-3(c)(2) trumps all other rules with regard to sex offender travel when, in fact, offenders can be in the receiving state per 3.102(c) if they meet the condition of that rule.

Example 1: Receiving state receives a RFRI for a sex offender who has been under supervision in the sentencing state for several years and is doing well. The request is being submitted as expedited because the offender has received a job offer in the receiving state that is a great opportunity financially. The new employer is fully aware of the offender’s legal issues and situation. The employer would like him to start in 2 weeks and the company has found a residence for the offender in the receiving state. Since the receiving state has only 2 business days to respond, they deny because they want to have an opportunity to check out the residence to determine if it is appropriate for a sex offender and does not violate any local or state ordinances. If the receiving state had 5 business days to conduct a preliminary investigation of the home, they would be more likely to consider this request and entertain this opportunity for this offender.

Example 2: Receiving state receives a RFRI for a sex offender who lives in the sending state with his wife who is an active member of the US Navy. After 6 months of compliant supervision the offender’s wife receives military orders to relocate to a receiving state. The sending state submits a RFRI to the receiving state who denies because they will not grant RI’s without checking out the residence to determine if it is appropriate for a sex offender and does not violate any local or state ordinances. If the receiving state were given the 5 business days to preliminarily review the residence, they would be less likely to go directly to a denial and, if approved, the offender’s residential stability would be maintained.

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions or dispute resolutions:**

None.

### **ICOTS impact:**

Est \$18,000: Change Compact Office users’ Compact Workload and email notifications to distinguish sex offenders of having a 5 business day due date for providing reporting instructions.

### **Scope and Metric**

## **2015- 3.101-3 EASTRULES**

ICOTS external compliance reports already account for 5 business days.

### **Rules Committee action:**

Rules Committee March 2015: Recommend modified proposal to East region as alternate to 3.101-3 made by E. Ligtenberg, seconded by D. Ege. Motion passed.

East Region April 2015: Motion to withdraw original proposal to Rule 3.101-3 and support the Rules Committee amended version made by G. Roberge, seconded by R. Maccarone. Motion passed.

Rules Committee July 2015: The committee agreed that the proposal should include the ICOTS impact (est at \$18,000) to modify the compact workload due dates. Proposal to move forward for final comment as written.

### **Effective date:**

March 1, 2016

Proposal to create/amend rules:

***Rule 3.102 Submission of transfer request to a receiving state***

- (a) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Except as provided in sections (c) & (d), and subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender who is employed or attending treatment or medical appointments, in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for ~~the employment, treatment or medical appointments purposes~~ these purposes may be permitted to continue to travel to the receiving state for ~~the employment~~ these purposes while the transfer request is being investigated, provided that the following conditions are met:
- (1) Travel is limited to what is necessary to report to work, and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
  - (2) The offender shall return to the sending state daily, immediately upon completion of the appointment or employment during non-working hours, and
  - (3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.
- (d) When a sending state verifies an offender is released from incarceration in a receiving state and the offender requests to relocate there and the offender meets the eligibility requirements of Rule 3.101 (a), (b) & (c), the sending state shall request expedited reporting instructions within 2 business days of the notification of the offender's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- (1) The receiving state shall assist the sending state in acquiring the offender's signature on the "Application for Interstate Compact Transfer" and any other forms that may be required under Rule 3.107, and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.
  - (2) The provisions of Rule 3.106 (b), (c) & (d) apply.

**Justification:**

Offenders who reside close to state borders are often forced to seek treatment or attend medical appointments across state lines due to limited options or because the location in the other state is the closest facility that meets their specific needs. These offenders need to be in the receiving state during the investigation so treatment is not interrupted and they can return to the sending state daily similarly to the offenders working in the receiving state. It is counterproductive to have an offender under these circumstances discontinue needed treatment pending the time it takes to complete an investigation.

Real example: A sending state had an offender who was undergoing cancer treatments in a nearby border state. The offender decided to relocate to that border state and had family there who were willing and able to assist so a TR was submitted. A request for RI's was also submitted because of the medical issues, but it was denied as not being an emergency. A TR was submitted and included a statement that the offender needed to be in the receiving state several days per week for ongoing cancer treatments. The receiving state indicated that the offender could not be there during the investigation despite the medical issues. The sending state's compact office spoke with the receiving state's compact office who continued to insist that the offender not be permitted to travel to the receiving state until the TR investigation was completed. The sending state asked then if RI's would be reconsidered and they were told 'no.' To interrupt this type of treatment is completely counterproductive and detrimental to an offender's health and well-being. Luckily the receiving state did expedite the investigation, but all of that could be avoided had the proposal to this rule existed.

Real example: A sending state had an offender who was attending D&A treatment at the closest provider to their rural home area which happened to be in a border state. That offender later receive a job offer in that same border state and was hoping to start the new job as soon as possible. A request for RI's was denied as not an emergency. A TR was submitted and denied because the sending state officer realized, through a review of the documents submitted, that the offender was attending treatment twice weekly (one individual and one group session per week) in the receiving state. The offender was only in the receiving state for the purposes of treatment and would return after each appointment. To insist this offender discontinue treatment, even for 30 or 45 days, is counterproductive and can negatively affect their stability, which is what we strive to maintain as these offender relocate from one state to another.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

None.

**ICOTS impact:**

None.



**2015-3.102EAST**

**Scope and Metric**

N/A

**Rules Committee action:**

Rules Committee: Motion to recommend adoption of East Region's proposal for Rule 3.102 made by D. Ege, seconded T. Hudrlik. Motion passed.

**Effective date:**

March 1, 2016

Proposal to create/amend rules:

**Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing or after disposition of a violation or revocation proceeding**

- (a)
- (1) A request for reporting instructions ~~request~~ for an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
  - (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
  - (3) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.
  - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.
  - (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e)
- (1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within

15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.

- (2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.

**Justification:**

When offenders given Reporting Instructions under Rule 3.103 (Living in the Receiving State at the Time of Sentencing) are retaken by the sending state to face revocation and are then returned to supervision after serving 6 months or less on the revocation, they currently do not qualify again as Living in the RS at Sentencing because "sentencing" has been interpreted to mean the initial sentencing only and not the revocation sentencing.

This often creates a hardship for an offender who still has no ties to the sending state and may have to wait up to 45 calendar days before being allowed to return to their home and job if discretionary Reporting Instructions are not approved.

The new, mandatory Request for Reporting Instructions would be submitted under a new case number since the old one would have been closed out when the offender was retaken. A transfer request investigation of the plan would still be conducted. New Notices of Departure and Arrival would still be submitted.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

None.

**ICOTS impact:**

Requires ICOTS enhancement. Estimate: \$2,300.

Due to application and title change, text change should be made to the RFRI builder and PDFs 'reason for reporting instructions.' Currently users select "Probationer living in the receiving state" for cases qualifying under this rule.

**Scope and Metric**

N/A

**Rules Committee action:**

## **2015\_3103SOUTHRULES**

Rules Committee March 2015: Motion to recommend alternate proposal to the South Region for Rule 3.103 made by M. Gilliam, seconded by E. Ligtenberg. Motion passed.

South Region April 2015: Motion to support Rules Committee version to Rule 3.103 adding language to the title and requesting clarification from the Rules Committee about the impact of leaving 'probation' in section (a) made by A. Precythe, seconded by G. Powers. Motion passed.

Rules Committee April 2015: Motion to accept the South Region's recommendation for title change and to strike the last paragraph of the justification made by D. Ege, seconded by R. Maccarone. Motion passed. It was also discussed that 'probation' should remain in section (a) as it pertains to those offenders qualifying under the rule at initial sentencing.

### **Effective date:**

March 1, 2016

**Proposal to create/amend rules:**

***Rule 4.111 Offender requesting return to the sending state***

- (a) Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state.
- (c) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (d) A receiving state shall notify the sending state as required in Rule 4.105 (a).
- (e) A sending state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's departure from the receiving state. A sending state shall notify the receiving state as required in Rule 4.105 (b).

**Justification:**

When an offender returns to the sending state on approved reporting instructions, the Notice of Departure is submitted upon the offender's departure by the receiving state per Rule 4.111 (d). Rule 4.112 (a) provides the receiving state may close its supervision of an offender and cease supervision upon (5) Return to sending state. Since it is not required by Rule, at the sending state's discretion, a Notice of Arrival may or may not be submitted notifying the receiving state of the offender's arrival. Therefore, the receiving state may not receive confirmation of the offender's return. Although the Case Closure Notice reply may include this information when it is submitted to the receiving state, which by Rule must occur within 10 business days of receipt, there is no requirement the offender's arrival or failure to arrive be documented. In the interest of public safety and sound accountability practices, it needs to be clear that the sending state has assumed supervision upon the offender's return to the sending state. This Rule Amendment would provide clear direction to the sending state that a Notice of Arrival must be submitted upon the offender's arrival or failure to do so.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

## **2015-4111MIDWEST**

None.

### **ICOTS impact:**

Estimate: \$11,250

Requires ICOTS enhancement. As stated in the justification, the region requests that for returning offenders that the 'supervising state' label reflects the 'sending state' upon transmission of a Notice of Departure by the receiving state after issuance of reporting instructions for a returning offender.

Current design of ICOTS changes the 'supervising state' status upon a 'successful' Notice of Arrival. In most instances for returning offenders, case closures are sent along with the Notice of Departure indicating the receiving state is no longer actively supervising the offender. The change noted above would simply reflect the supervising state assignment on the offender's profile summary.

### **Scope and Metric**

External data for compact cases can be modified to display reporting instructions information separate from the transfer request information.

### **Rules Committee action:**

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-MIDWEST – 4.111 for the Commission's review. Commissioner C. Norman (AL) seconded. Motion passed.

Rules Committee April 2015: Committee recommends that the region review the ICOTS impact. The Committee also discussed the Executive Committee's proposal to Rule 4.111 and presenting this proposal first for vote.

### **Effective date:**

March 1, 2016

Proposal to create/amend rules:

**Rule 5.101-2 Discretionary process for disposition of violation in the sending state for a new crime conviction**

Notwithstanding any other rule, a sentence imposing a period of incarceration on an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the offender.

- (a) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.
- (b) The sending state shall send the violation hearing results to the receiving state within 10 business days.
- (c) If the offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.
- (d) If the offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.
- (e) The receiving state may close the case under Rule 4.112 (a)(3).

**Justification:**

This new rule is intended to:

- promote joint and cooperative supervision of offenders who commit new crimes outside the sending state
- provide for offender accountability
- promote victim safety
- allocate supervision responsibility between sending and receiving states in the interest of public safety
- reduce costs to states associated with retaking offenders where imposition of sentence can best be carried out by the supervising state
- promote "swift and certain" violation sanctions as advocated by justice reinvestment
- increase the likelihood that supervision is continued in lieu of early termination of supervision

## 2015-51012RULES

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions or dispute resolutions:**

None.

### **ICOTS impact:**

None.

### **Scope and Metric**

N/A

### **Rules Committee action:**

Rules Committee March 2015: Motion to recommend new Rule 5.101-2 as an alternate proposal to the West Region's proposal for a new rule made by D. Ege, seconded by C. Moore. Motion passed.

Rules Committee July 2015: Motion to revise the proposal 2015\_5101\_2RULES by adding 'or releasing authority' made by R. Maccarone, seconded by J. Nimer. Motion passed unanimously. Motion to revise the title to proposal J-2015\_5101\_2RULES to 'Discretionary process for disposition of violation in the sending state for a new crime conviction' made by D. Ege, seconded by T. Hurdlik. Motion passed unanimously.

### **Effective date:**

March 1, 2016



Proposal to create/amend rules:

***Rule 3.101-1 Mandatory reporting instructions and transfers of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services***

- (a) At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer for:
- (1) *Transfers of military members-* An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision.
  - (2) *Transfer of offenders who live with family who are members of the military-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state.
  - (3) *Employment transfer of family member to another state-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state.
  - (4) *Employment transfer of the offender to another state –* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision.
  - (5) *Transfers of veterans for medical or mental health services-* An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and who is a veteran of the United States military services who is eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health

Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

- (A) the sending state provides documentation to the receiving state of the medical and/or mental health referral; and
  - (B) the transfer of supervision will be accepted if the offender is approved for care at the receiving state Veterans Health Administration facility.
- (b) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
  - (c) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
  - (d) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

***Rule 3.103 Reporting instructions; offender living in the receiving state at the time of sentencing***

- (a)
  - (1) A reporting instructions request for an offender who was living in the receiving state at the time of sentencing shall be submitted by the sending state within 7 business days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to an offender who was living in the receiving state at the time of sentencing. Prior to granting a travel permit to an offender, the sending state shall verify that the offender is living in the receiving state.
  - (2) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
  - (3) The sending state shall ensure that the offender sign all forms requiring the offender's signature under Rule 3.107 prior to granting a travel permit to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.
  - (4) The sending state shall transmit a departure notice to the receiving state per Rule 4.105.

- (5) This section is applicable to offenders incarcerated for 6 months or less and released to probation supervision.
- (b) The sending state retains supervisory responsibility until the offender's arrival in the receiving state.
- (c) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.
- (d) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of the reporting instructions.
- (e) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.
- (f) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.
- ~~(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 15 business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~
- ~~(2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

### ***Rule 3.106 Request for expedited reporting instructions***

- (a)
- (1) A sending state may request that a receiving state agree to expedited reporting instructions for an offender if the sending state believes that emergency

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circumstances exist and the receiving state agrees with that determination. If the receiving state does not agree with that determination, the offender shall not proceed to the receiving state until an acceptance is received under Rule 3.104-1.

(2)

(A) A receiving state shall provide a response for expedited reporting instructions to the sending state no later than 2 business days following receipt of such a request. The sending state shall transmit a departure notice to the receiving state upon the offender's departure.

(B) The sending state shall ensure that the offender signs all forms requiring the offender's signature under Rule 3.107 prior to granting reporting instructions to the offender. Upon request from the receiving state the sending state shall transmit all signed forms within 5 business days.

(b) A receiving state shall assume responsibility for supervision of an offender who is granted reporting instructions during the investigation of the offender's plan of supervision upon the offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.

(c) A sending state shall transmit a completed transfer request for an offender granted reporting instructions no later than the 7th business day following the granting to the offender of the reporting instructions.

(d) If the receiving state rejects the transfer request for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the offender's return to the sending state under the requirements of Rule 4.111.

(e) If the sending state fails to send a completed transfer request by the 15th business day for an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state may initiate the offender's return to the sending state under the requirements of Rule 4.111.

~~(1) If the receiving state rejects the transfer request for an offender granted reporting instructions, or if the sending state fails to send a completed transfer request by the 7th business day following the granting of reporting instructions, the sending state shall, upon receiving notice of rejection or upon failure to timely send a required transfer request, direct the offender to return to the sending state within 15 business days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender until the offender's directed departure date from the receiving state or issuance of the sending state's warrant.~~

~~(2) If the offender does not return to the sending state, as ordered, the sending state shall initiate the retaking of the offender by issuing a warrant that is effective in~~

~~all states without limitation as to specific geographic area, no later than 10 business days following the offender's failure to appear in the sending state.~~

***Rule 4.111 Offender requesting Offenders returning to the sending state***

- (a) ~~Upon an offender's request to return~~ For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106 the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.
- (c) Except as provided in subsection ~~(e)-(d)~~, the sending state shall grant the request and provide reporting instructions no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The sending state shall direct the offender to return to the sending state within 15 business days of the reporting instructions request.
- (d) In a victim sensitive case, the sending state shall not provide reporting instructions until the victim notification provisions of Rule 3.108 (b)(1)(C) have been followed.
- (e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, a the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5).
- (f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 business days following the offender's failure to appear in the sending state.

***Rule 5.103 Mandatory retaking for violation of conditions of supervision***

- (a) Upon a request by the receiving state and a showing that the offender has committed 3 or more significant violations, as defined by the compact, arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall issue a warrant to retake or order the return of an offender from the

receiving state or a subsequent receiving state within 15 business days of the receipt of the request by the receiving state.

(b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation response.

(c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.

**Justification:**

Currently states are uniformly using the "returning to the sending state" reason for reporting instructions when offenders *request* to return as required by Rule 4.111. This process tracks and monitors information and offender movement using notice of departure and notice of arrivals as well as prompts the sending state to inform any known victim's before the offenders return.

Although recognizing it is not required by rule, some states use the existing functionality for requesting reporting instructions for offenders returning after a rejection or violation exceeding rule requirements. A few states upon receipt of the reporting instructions requests insist those requests be withdrawn due to the rules not requiring the process which is counterintuitive to the Commission's efforts to track offenders and protect the public.

Using the existing functionality for offenders returning due to a rejection and/or violation makes sense as part of the Commission's goal to enhance public safety by tracking offender movement.

The use of reporting instructions ensures the offender is returned timely while tracking the movement of the offender in ICOTS. The changes also allow the receiving state to clearly indicate whether the rejection was due to incompleteness allowing the offender to remain or is a rejection in which the offender will be required to return to the sending state.

Requiring a warrant for any instance where an offender fails to appear back in the sending state as ordered enhances public safety.

Intended Rule Application:

## 2015-31011\_3103\_3106\_4111\_5103-EXECRULES

This proposal references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers three different circumstances for why an offender supervised in a receiving state would return to a sending state.

#1 offenders returning based on a rejected Transfer Request after approval of reporting instructions

#2 returning based on an offender's request to return

#3 returning an offender under Rule 5.103 in lieu of retaking

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions or dispute resolutions:**

None.

### **ICOTS impact:**

None. This proposal would not require an enhancement to ICOTS as functionality already exists for returning offenders using the Request for Reporting Instruction functionality. This process allows for transmission of a Notice of Departure and Notice of Arrival to track the offender's movement.

### **Scope and Metric**

Each scenario and reason for returning should be able to be tracked and distinguished from one another in ICOTS using various data elements concerning compact case statuses and other activities existing on the records. However, the process regardless of the reason will be consistent for the user managing the return.

### **Rules Committee action:**

Rules Committee March 2015: Motion to recommendation that the Executive Committee accept the Rules Committee version of the proposal for Rules 3.101-1, 3.103, 3.106 & 4.111 made by D. Ege, seconded by E.Ligtenberg. Motion passed. This would include Rule 5.103 to be voted separately (includes Rules Committee version and Executive Committee version) and 3.101-1 added to the alternate language as recommended by the Rules Committee.

Executive Committee April 2015: Motion to accept the Rules Committee version for the Executive Committees alternate proposal for Rules 3.101-1, 3.103, 3.106 & 4.111 and requesting that 4.111 (g) be removed from the proposal made by A. Precythe, seconded by G. Miller Fox. Motion Passed.

## **2015-31011\_3103\_3106\_4111\_5103-EXECRULES**

Rules Committee April 2015: Motion to accept the request to remove 4.111 (g) from the proposal, switch order of sections (a) & (b) and modify the title of the rule made by C. Moore, seconded by D. Ege. Motion passed.

Rules Committee July 2015:

Issues discussed:

- Comment concerns about allowing discretion for the receiving state to request return when the sending state fails to send a completed transfer request.
- Comment concerns regarding return addresses. The committee agreed that states can put the sending state's agency address if unknown.

Motion to support and revise the proposal K-2015\_3101\_1\_3103\_3106\_4111\_EXECRULES by changing the word 'shall' to 'may' in sections 3.101-1 (d), 3.103 (f) and 3.106 (e) and request the Executive Committee to support the changes made by T. Hurdlik, seconded by M. Gilliam. Motion passed unanimously.

Motion to support and revise proposal Ka-2015\_5103EXEC with Executive Committee's approval to include additional language to section (b) 'within 7 business days following the receipt of the violation response' made by T. Hurdlik, seconded by D. Ege. Motion passed unanimously.

### **Effective date:**

March 1, 2016



**Proposal to create/amend rules:**

***Section 2. Ex-Officio Members***

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a ~~member~~ representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. ~~of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims.~~ In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, ~~and~~ Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense and the International Association of Chief of Police ~~shall~~ may be ex-officio members of the Commission.

**Justification:**

This amendment updates and expands the ex-officio organizations/members to reflect current practice and to allow for additional interested stakeholders to be considered ex-officio members as needed.

*The following information is drafted by the Rules Committee*

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**Effect on other rules, advisory opinions or dispute resolutions:**

None.

**ICOTS impact:**

None.

**Scope and Metric**

N/A

**Rules Committee action:**

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-EXEC-By-LawArt2Sec2 for the Commission's review. Commissioner J. Nimer (FL) seconded. Motion passed.

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Executive Committee August 2015: Motion to remove 'National Association of Defense Attorneys' due to non-response and add 'National Association for Public Defense' to list of ex-officio members

**Effective date:**

March 1, 2016

**Proposal to create/amend rules:**

***Section 1. Executive Committee.***

The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission, the chairpersons or vice-chairperson of each committee, the regional representatives or designees, and the ex-officio victims' representative to the Interstate Commission. The immediate past chairperson of the Commission shall also serve as an ex-officio member of the executive committee and both the ex-officio victims' representative and immediate past chairperson shall serve for a term of two years. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

***Section 2. Standing Committees.***

The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee; Rules Committee; Compliance Committee; Information Technology Committee; and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission. In the event a chairperson of a standing committee is unable to attend a specified meeting of a standing committee or a meeting of the executive committee, each standing committee may designate a vice-chairperson to act on behalf of the standing committee at a specified standing or executive committee meeting.

***Section 4. Regional Representatives.***

A regional representative of each of the four regions of the United States, Northeastern, Midwestern, Southern, and Western, shall be elected or reelected, beginning with the 2005 annual meeting, by a plurality vote of the commissioners of each region, and shall serve for two years or until a successor is elected by the commissioners of that region. The states and territories comprising each region shall be determined by reference to the regional divisions used by the Council of State Governments. In the event a regional representative is unable to attend a regional meeting or a meeting of the executive committee, that region shall be authorized to designate an alternative representative who is a commissioner from the same region to act on behalf of a regional representative at a specified regional or executive committee meeting.

**Justification:**

This amendment allows a vice-chair of a committee or a designee of a region to serve in place of a committee chair or regional representative when that chair or representative is

## **2015- By-LawArt7EXEC**

unavailable. This allows for business to be conducted in spite of those absences and therefore creates greater continuity of business. It also encourages an expansion of potential leadership for the Commission and formally defines the role of vice-chair and designee.

*The following information is drafted by the Rules Committee*

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### **Effect on other rules, advisory opinions or dispute resolutions:**

None.

### **ICOTS impact:**

None

### **Scope and Metric**

N/A

### **Rules Committee action:**

Rules Committee January 2015: Commissioner D. Ege (AZ) moved to forward the proposal 2015-EXEC-By-LawArt7Sec1,2and4 for the Commission's review. Commissioner J. Nimer (FL) seconded. Motion passed.

### **Effective date:**

March 1, 2016