ICAOS
Sex Offender Ad Hoc Committee
March 27-28, 2007
Lexington, KY

Members in Attendance:

1. Robert Guy (NC)
2. Warren Emmer (ND)
3. Gary Tullock (TN)
4. Kevin Kempf (ID)
5. James Comache (VA)
6. Maureen Walsh (MA)
7. Marilyn Kalvaledge (CA)
8. Pat Tuthill (ex-officio)
9. Roselyn Powell (ex-officio)
10. Barbara Breiland (ex-officio)

Guests:

1. Madeleine Carter
2. Richard Stroker
3. Kermit Humphries
4. Carl Wickland
5. Jenny Bauer

Staff

1. Don Blackburn
2. Ashley Hassan
3. Nicole Smith
4. Kelli Price
5. Mindy Spring

• The meeting was called to order at 8:39 a.m.
• **Seven of nine members were present, establishing a quorum.**
  • M. Carter went over the ground rules for the meeting.
  • R. Guy discussed the role of the Committee. There was discussion of issues to be addressed during the Conference.
  • M. Carter discussed the expectations of the Committee members. R. Guy stated that he hoped the Committee could leave the Conference with an action plan and assignments for the Committee members.
  • There was discussion of possible deadlines for assignments.
  • M. Carter gave a presentation on sex offenses and offenders.
    - There was discussion of assessment options.
    - There was discussion of adding PSIs to transfer packets, and/or increasing application fees for sex offenders.
  • The Committee broke for lunch.
  • R. Stroker discussed strategies for the Committee.
  • R. Stroker discussed the minimal expectations regarding Compact transfers of sex offenders. They included:
    1. Integrity of information;
    2. The value of information;
    3. The need for the transfer;
    4. Travel restrictions;
    5. The type of information needed for assessment;
    6. A well-coordinated process;
    7. Clarity; and
    8. Liberty interests.
  • The Committee discussed Compact-specific issues. They included:
    1. Duration of supervision;
    2. Reporting instructions;
    3. “Tighten up” restrictions;
    4. Treat as a separate population—stop sending offenders based on state-shopping;
    5. Timing of victim notification;
    6. Expanding mandatory transfers;
    7. Information that is necessary must be sent, including a “valid plan of supervision”;
    8. Whether transfers positively impact public safety;
    9. Do any proposals make operational sense in light of the Compact?
  • M. Carter gave an overview of legislative trends. G. Tullock noted that the Committee may want to create a universal naming convention for sex offender levels so that tiers would mean the same in every state.
  • There was further discussion of the possible effects of additional state and federal legislation on the Compact.
  • The Committee discussed creating and improving its Problem and Mission Statements. (See appendix A).
  • The Committee discussed its vision and goals.
The Committee discussed the problems keeping the Compact from realizing its vision. Problems cited included:

1. Rules: they are broad and there are no rules in place to identify or address high-risk sex offenders.
2. The Commission has not defined “sex offender” or “high risk sex offender”.
3. Each state has different statutes and classification systems.
4. There is no uniform policy or approach that has been developed to use to move toward the Committee’s vision.

The Committee discussed additional problems and solutions. They included:

- Problem: The focus on “public safety” is sometimes lost. A possible solution is to look at local practices and apply those on a minimum basis to transfer under the Compact.
- Problem: State shopping. There was discussion of the issues facing DCAs in this matter, and how to amend reporting instructions to apply a definition and classification of sex offenders.

The Committee recessed at 4:59 p.m.

The Committee reconvened at 8:45 a.m. on March 28, 2007.

There was further discussion of the Committee’s Mission Statement.

There was discussion of the products that the Committee wanted to produce by August 2007.

There was discussion of proposed rule changes. The Committee discussed addressing mandatory transfers, materials to be included in application for transfer, reporting instructions, and victim notification, the manner and degree of supervision, duration of supervision, special conditions, and violations.

The Committee discussed using regions to discuss any rule proposals from the Committee.

There was discussion of R. Guy speaking to the Rules Committee regarding timelines.

R. Guy suggested that the Committee advocate training and education and provide rules to the Commission at the 2008 Annual Business meeting.

R. Powell noted that would result in substantive changes being delayed until 2009.

D. Blackburn suggested using region meetings to flush out and evaluate rule proposals for the 2007 Annual Business meeting.

W. Emmer suggested the Committee focus on proposals for Chapter 3 of the Rules. D. Blackburn noted that addressing reporting instructions was critical.

There was discussion of making the Committee a standing Committee.

D. Blackburn stated that R. Guy needed to have a written proposal for the Rules Committee to discuss.

P. Tuthill stated that victim notification in regards to sex offenders needed to be addressed as well.

There was further discussion of the definition of “sex offender”.

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• There was discussion of forming subcommittees to examine victim notification and reporting instructions. D. Blackburn noted that any proposals would have to come separately.

• The Committee broke into three subcommittees to address the definition of “sex offender”, to draft rule proposals, and to work out a policy statement for the Committee.

• The Committee developed a timeline. (See appendix B).

• The Committee discussed marketing strategies and outcomes for the Spring. (See appendix C).

• R. Guy stated that he would draft an article for the Commission newsletter, and email all Commissioners with a summary of the meeting.

• The subcommittees appointed chairs. They are:
  o R. Powell—sex offender definition;
  o K. Kempf—guiding principles; and
  o D. Blackburn—rules proposals.

• **The meeting was adjourned at 2:35 p.m.**
APPENDIX A

Problem Statement

Background: As a result of heightened concerns and special considerations regarding the management of sex offenders, several states have developed different statutes or internal approaches, conditions, or requirements regarding this population.

Problem: These differences result in the inconsistent application of compact rules, and some confusion, delays, or denial of transfers for sex offenders who are otherwise eligible under existing compact rules.

Mission Statement

To address compact issues concerning sex offenders, the Committee will develop a policy statement and proposed rules that will guide the transfer of sex offenders in a manner that promotes effective case management strategies and are consistent with public safety, risk reduction considerations, and victim’s rights.

The policy statement and rules will contain necessary definitions and create minimum expectations for compact members concerning this population. The Committee will develop its policy statement and initial proposed rules by August of 2007.
APPENDIX B

Sex Offender Ad Hoc Committee Timeline

- **Early April**: Robert submit newsletter article.
- **April 13**: Subcommittees submit their work (definitions, rule changes, etc.) to full Committee.
- **April 17**: Ninety minute meeting 12 EST/ 9 PST via WebEx.
- **April 28**: Committee sign off on all subcommittee work.
- **May 1**: Executive Committee meeting—instruct regions to call a special meeting.
- **May**: All 4 regions will convene special meetings—Robert will be available to speak at all and WebEx will show draft rules.
- **June**: Next face-to-face committee meeting in Lexington. Time and date TBD
- **June 28**: Final Phase I Products (rule changes) to the Rules Committee.
- **July 24-30**: Thirty day comment period on rule proposals begins.
- **August 24**: Notification made.
- **September 26**: Annual Business Meeting (including education on sex offenders, training for DCAs on existing procedures).
APPENDIX C

Outcomes for June Meeting

- Check feedback from regions. Strategize as needed. Prep for September Business Meeting.
- Develop long term plan to present at Business meeting in September
- Develop marketing plan
- Review survey results
- Finalize Committee’s report for September meeting

*Invite Rules Committee Chair to June face to face meeting.

Marketing Opportunities

- Executive Committee Meeting via WebEx on April 10
- May 10:
  - Executive Probation and Parole meeting (NIC)
- May 2:
  - Finalize report for Executive Committee face to face meeting
- Region meetings