Members in Attendance:
1. Sara Andrews    Chairwoman, OH
2. Chris Norman   Vice-Chair, AL
3. Charlie Lauterbach  Treasurer, IA
4. Gary Roberge   CT
5. Chris Moore    GA
6. Jane Seigel    IN
7. Anne Precythe  NC
8. Geri Miller-Fox  UT
9. Dale Crook    VT
10. Cathy Gibson-Beltz NE
11. Jeremiah Stromberg OR
12. Anmarie Aylward WA
13. Milt Gilliam   Ex-Officio
14. Rick Masters  Legal Counsel

Members not in Attendance:
1. Pat Tuthill    Ex-Officio

Staff:
1. Harry Hageman
2. Lori Meister
3. Barno Saturday
4. Kevin Terry
5. Xavier Donnelly
6. Mindy Spring
Call to Order
Chairwoman S. Andrews (OH) called the meeting to order at 8:30 am ET; twelve voting members were present, establishing a quorum.

Agenda
Commissioner G. Roberge (CT) moved to approve the agenda as presented. Commissioner A. Precythe (NC) seconded.

Agenda approved.

Minutes
Commissioner G. Miller-Fox (UT) moved to approve the minutes from March 12, 2015 as written. Commissioner A. Precythe (NC) seconded.

Minutes approved.

Discussion
Rules Committee Report: Commissioner J. Seigel (IN) presented the Rules Committee report. The Rules Committee had a face-to-face meeting on March 24-25, 2015 in Indianapolis, IN. The Committee reviewed immersing issues and searched for the innovative approaches to effectively supervise offenders. The Committee made changes to rule proposals submitted by the Executive Committee, West Region, South Region, and the East Region. The Committee will meet again on April 22, 2015.

Commissioner J. Seigel (IN) presented the Rules Committee changes to the proposal 2015-Exec-3.101-1, 3.103, 3.106 and 4.111 (see attachment).

The Executive Committee reviewed the changes.

Commissioner A. Precythe (NC) stated that paragraph (g) was not necessary in the proposal 4.111.

Commissioner A. Precythe (NC) moved to accept the alternative proposal 2015-Exec-3.101-1, 3.103, 3.106 and 4.111 and remove (g) from the rule proposal 4.111. Commissioner G. Miller-Fox (UT) seconded.

Motion passed

The Committee reviewed the alternative proposal to Rule 5.103 (see attached).

Commissioner A. Precythe (NC) moved to reject the Rules Committee’s alternative proposal to Rule 5.103. Commissioner G. Miller-Fox (UT) seconded.

Commissioner A. Precythe (NC) spoke against the changes emphasizing the importance of the notice of departure and arrival for tracking offenders’ return to the sending state.
Commissioner C. Lauterbach (IA) asked the Committee to consider an enhancement to ICOTS for indicating that the sending state be reflected as the supervising state on the offender’s profile upon submission of the notice of departure.

**Motion passed.**

Commissioner J. Seigel (IN) stated that the Rules Committee worked on redefining ‘significant violation’ along with changes to Rule 5.103, discretionary transfer cases, and a proposal regarding allowing a sending state to dispose of a violation when an offender is incarcerated in the receiving state (an idea generated by the West Region). In addition, the Rules Committee had extensive discussion on the misdemeanant rule.

The Rules Committee encouraged the states to meet with their State Councils to discuss the proposals. The Rule proposals are scheduled to be posted for initial comment on April 30, 2015.

*Training Committee Report:* Commissioner A. Precythe (NC) stated that the Training Committee works on the new online scenario based training modules. M. Spring had a WebEx meeting with the 24 trainer-volunteers.

*DCA Liaison Committee Report:* Commissioner G. Miller-Fox (UT) stated the DCA Liaison Committee added two new members. The new DCA region chairs are learning to host the meetings. The DCAs are interested in discussing the rule proposals. Commissioner G. Miller-Fox (UT) encouraged DCA regions to meet prior to the next DCA Liaison Committee meeting. The Committee will meet again on May 18, 2015.

*Technology Committee Report:* Commissioner G. Roberge (CT) submitted the written Technology Committee report (see attachment).

*Finance Committee Report:* Commissioner C. Lauterbach (IA) presented the Finance Committee report. The Commission is 8.9 % under budget for FY 2015 as of the end of February. The Commission currently has a balance of $1,274,752 in the CSG long term investment portfolio. As of the end of February, the long term investment portfolio brought a return of 4.83%. The stock component of the fund returned 6.88% and the bond component provided a return of 1.77%. In addition, the Commission has $1,676,543 in cash with CSG. All together the Commission has a total of $2,951,295 in assets. The proposed FY 2017 budget will be presented during the new business portion of this meeting.

*East Region Report:* Commissioner D. Crook (VT) informed the Committee that the East Region met last month, but did not have a quorum. All but one of the commissioner vacancies are filled. The Region will meet again next week to review the Rules Committee changes to the East Region proposal.

*Midwest Region Report:* Commissioner C. Gibson-Beltz (NE) stated that the Region has not met since the last Executive Committee meeting.
South Region Report: Commissioner C. Moore (GA) stated that the South Region will be meeting in the upcoming weeks to vote on the Rules Committee changes to the South Region proposals.

West Region Report: Commissioner A. Aylward (WA) informed the Committee that the West Region will be meeting in the upcoming weeks to review the alternative proposals submitted by the Rules Committee.

Legal Counsel Report: Legal Counsel R. Masters discussed the Legal Memorandum that addresses to what extent a receiving state can sanction an offender who is under supervision in this state (see attachment).

Executive Director H. Hageman stated that operationalizing the concept will require changes to ICOTS. He stated it would be easier to implement it with parole, but not probation.

Legal Counsel R. Masters stated that the Commission has already covered some of these issues using existing presentencing reports. Those reports will need to include sufficient notice to the judge. The Rules Committee will continue reviewing the issue.

Executive Director H. Hageman suggested publishing a document describing significant violations specifically for judges.

Commissioner G. Miller-Fox (UT) stated that Utah is struggling around incentives, since they are limited in ability to change the supervision period in the receiving state.

Commissioner J. Seigel (IN) stated that it is a jurisdictional issue, since the supervision and modifications are defined differently in each state.

Executive Director Report: Executive Director H. Hageman presented his written report to the Committee (see attachment).

The Committee engaged in the discussion about the possibility of CSG disaffiliation.

Chairwoman S. Andrews (OH) inquired if CSG gives the Commission some credibility.

Executive Director H. Hageman stated that it goes both ways – the affiliates also give CSG credibility.

Chairwoman S. Andrews (OH) requested a report with estimates of services provided by CSG to be presented to the Executive Committee in June. This report may be helpful in negotiating the affiliate’s rates with CSG.

New Business

FY 2017 Budget: Commissioner C. Lauterbach (IA) presented the FY 2017 budget. He pointed out that the Commission’s spending is larger than its revenue due to new programs, additional committee meetings, added ICOTS enhancements, and long term investments.
Commissioner C. Lauterbach (IA) moved to approve the proposed FY 2017 budget. Commissioner A. Precythe (NC) seconded.

The Committee discussed raising the annual dues.

Chairwoman S. Andrews (OH) suggested starting the increasing dues discussion at the upcoming Annual Business Meeting.

Motion passed.

FY 2016 Compliance Audit: The Committee reviewed FY 2015 audit results and discussed the FY 2016 compliance audit standards concentrating on quality assessment (see attached).

Executive Director H. Hageman recommended looking into acceptance rate of the discretionary cases. There would be no pass/fail results or required followed up action.

Commissioner D. Crook (VT) moved to approve the proposed FY 2016 compliance audit including the discretionary case analysis with OH, NC, GA, and VT as pilot states starting on July 1, 2015. Commissioner J. Stromberg (OR) seconded.

Motion passed.

Justice Reinvestment Workgroup: Commissioner A. Precythe (NC) reported on the Justice Reinvestment workgroup. The Workgroup sent out a survey requesting rule recommendations (see attachment).

Commissioner A. Precythe (NC) will present the survey results at the Annual Business Meeting.

Commissioner J. Stromberg (OR) suggested starting the discussion on Justice Reinvestment Initiative (JRI) in Portland and continuing it in Cleveland. The states need to understand how the Compact and JRI interact with each other.

Commissioner J. Seigel (IN) suggested inviting an expert, such as Mr. Latessa, to take a look at screening process or other tools that pass offenders’ risk information to the next state.

Commissioner S. Andrews (OH) will contact Mr. Latessa. The Commission will be looking into how the ICAOS Rules facilitate or counter the evidence based practice.

ABM Planning Workgroup: Commissioner C. Norman (AL) presented the ABM 2015 agenda prepared by the ABM Planning Workgroup (see attached). The Committee made changes to the agenda (see attached).

Commissioner S. Andrews (OH) moved to accept the ABM 2015 agenda as amended. Commissioner G. Miller –Fox (UT) seconded.
Motion passed.

ICOTS Enhancements: Commissioner G. Roberge (CT) presented the FY 2017 ICOTS enhancements survey results (see attached).

Executive Director H. Hageman asked the Executive Committee to identify the budget for the enhancements. Appriss will charge a fee to produce a quote.

The Committee asked the National Office to write a short paragraph describing each enhancement item and present it along with the Appriss’ quote at the Executive Committee meeting in June.

Personnel: The Committee entered the executive session to discuss personnel matters.

Commissioner J. Seigel (IN) moved to go into executive session to discuss personnel matters. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed.

Commissioner C. Norman (AL) moved to exit the executive session. Commissioner C. Gibson-Beltz (NE) seconded.

Motion passed.

Commissioner C. Gibson-Beltz (NE) moved to approve a 1% COLA increase in the salary schedule for all national office staff including the Executive Director. Commissioner A. Aylward (WA) seconded.

Motion passed unanimously.

Compliance Process: Commissioner J. Stromberg (OR), the Compliance Committee Chair, discussed the compliance process with the Executive Committee.

1. Review and update ICAOS policies.
2. Implement a “compliance process/procedure” for handling formal complaints in a fair and consistent manner.
3. Review compliance patterns and trends and make recommendations for improvements to the Executive Committee.

He inquired as to whether the Compliance Committee needs to be involved in quality control process as part of the compliance audit.

Executive Director H. Hageman stated that the Compliance Committee should review the compliance audit’s results and make appropriate recommendations to the Rules Committee.
Chairwoman S. Andrews (OH) suggested shaping clarity and consistency to Commission’s compliance process:

- When it is appropriate to bring a compliance issue to the Executive Committee for discussion
- Clarity and how we assess the financial sanctions

Commissioner C. Norman (AL) suggested having a historical documentation of noncompliance states that will be valuable when deciding on sanctions.

Chairwoman S. Andrews (OH) suggested presenting the report reflecting the compliance process at the upcoming Annual Business Meeting in Oregon.

*Retaking and Sanction Guidelines:* Commissioner C. Moore (GA) stated that the matter had been extensively covered and the Rules Committee has already started working on this issue.

*_Goals and Objectives:* Chairwoman S. Andrews (OH) presented the Executive Committee goals:

1. Clarity for the compliance process
2. Moving and advancing the Justice Reinvestment Initiative
3. Budget: if the Commission spends more money, then it needs to raise the dues.

The Executive Committee members presented their goals and objectives (see attached).

The Committee engaged in the discussion on the East Region’s attendance. The Region has many commissioners who are not involved in the Compact.

Executive Director H. Hageman suggested calling individual commissioners asking how they would improve the meetings.

Chairwoman S. Andrews (OH) suggested contacting commissioners’ superiors.

Executive Director H. Hageman stated that perhaps the Commission needs to come up with a guidance list of qualifications for a commissioner and present it to the states’ appointing authorities.

*Cleveland Site Inspection:* Logistics Coordinator B. Saturday informed the Committee about her site visit to Cleveland, OH for the Annual Business Meeting 2016.

*Roberts Rules of Order:* Executive Director H. Hageman explained how to use the Robert’s Rules Order.

Commissioner J. Seigel (IN) initiated discussion on offenders’ transfer. Indiana passed a statue that allows for in lieu of incarceration a direct commitment to community probation. Beginning January 1, 2016, Indiana will no longer send any of level 6 or former class D felons to the Department of Corrections. These offenders are neither on probation, nor on parole.

Approved on 05/12/2015. B.S.
Executive Director H. Hageman suggested not transferring these offenders at this point.

**Adjourn**
The meeting adjourned at 4:32 pm ET.
INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

Face-to-Face Executive Committee Meeting

April 8, 2015

- Agenda
- Minutes from March 12, 2015
- Rules Committee Calendar
- Rules Amendments
- Legal Memorandum
- FY 2017 Budget
- Personnel
- ICOTS Enhancements
- FY 2015 Compliance Audit Report
- Suggestions for FY 2016 Compliance Audit
- ABM Workgroup Results
- Goals and Priorities
- Robert’s Rules of Order
Call to Order
  • Chairwoman Andrews (OH)

Roll Call
  • Executive Director Hageman

Approval of Agenda

Approval of Minutes
  • March 12, 2015

Committee Reports
  • Rules – Commissioner Seigel (IN)
    o Rules Proposals
  • Training – Commissioner Precythe (NC)
  • Deputy Compact Administrators Liaison – Commissioner Miller – Fox (UT)
  • Technology – Commissioner Roberge (CT)
  • Compliance – Commissioner Stromberg (OR)
  • Finance – Commissioner Lauterbach (IA)
  • East Region – Commissioner Crook (VT)
  • Midwest Region – Commissioner Gibson-Beltz (NE)
  • South Region – Commissioner Moore (GA)
• West Region – Commissioner Aylward (WA)

• Victims’ Representative – Pat Tuthill (FL)

• Legal Counsel – Rick Masters

Executive Director Report
• Executive Director Hageman

Old Business

New Business
• Approve FY2017 Budget Recommendation – Charles Lauterbach
• Compliance Process – Jeremiah Stromberg
• Retaking and Sanction Guidelines – Chris Moore
• Personnel – Harry Hageman
• ICOTS Enhancement Priorities/Budget – Gary Roberge
• FY 2016 Compliance Audit – Harry Hageman
• CSG Affiliation – Harry Hageman
• Justice Reinvestment Workgroup – Ann Precythe
• ABM Planning Workgroup – Chris Norman & Jeremiah Stromberg
• Goals/Objectives for the upcoming year – All
• Cleveland, OH Site Visit -Barno Saturday
• Robert’s Rules of Order – Harry Hageman

Adjourn
Interstate Commission for Adult Offender Supervision
Executive Committee Meeting Minutes
March 12, 2015

3:00 pm ET
WebEx

Members in Attendance:
1. Sara Andrews    Chairwoman, OH
2. Chris Norman    Vice-Chair, AL
3. Charlie Lauterbach  Treasurer, IA
4. Gary Roberge    CT
5. Chris Moore     GA
6. Jane Seigel     IN
7. Anne Precythe     NC
8. Geri Miller-Fox  UT
9. Dale Crook      VT
10. Anmarie Aylward WA
11. Milt Gilliam Ex-Officio
12. Pat Tuthill Ex-Officio
13. Rick Masters Legal Counsel

Members not in Attendance:
1. Cathy Gibson-Beltz NE
2. Jeremiah Stromberg OR

Guests:
1. Charles Placek ND

Staff:
1. Harry Hageman
2. Barno Saturday
3. Kevin Terry
4. Xavier Donnelly
5. Mindy Spring

Call to Order
Chairwoman S. Andrews (OH) called the meeting to order at 3:00 pm ET; ten voting members were present, establishing a quorum.

**Agenda**
Commissioner A. Precythe (NC) moved to approve the agenda as presented. Commissioner A. Aylward (WA) seconded.

Agenda approved.

**Minutes**
Commissioner A. Precythe (NC) moved to approve the minutes from February 10, 2015 as written. Commissioner J. Seigel (IN) seconded.

Minutes approved.

**Discussion**
Commissioner J. Seigel (IN) presented the Rules Committee report. The Rules Committee met on February 24, 2015. The Committee worked on justifications for bylaws changes. The Committee is scheduled to meet face-to-face meeting on March 24-25, 2015.

Commissioner A. Precythe (NC) submitted the written Training Committee report (see attachment).

Commissioner G. Miller-Fox (UT) stated the DCA Liaison Committee met on February 9, 2015. The Committee discussed transfer requests and retaking issues. The DCA Region chairs provide mentoring services to new DCAs in their regions.

The Committee will meet again on May 18, 2015. Commissioner G. Miller-Fox (UT) will encourage DCA regions to meet prior to next DCA Liaison Committee meeting.

Commissioner G. Roberge submitted the written Technology Committee report (see attachment).

Commissioner C. Lauterbach presented the Finance Committee report. The Commission is 8.65% under the budget for this fiscal year. Currently, the long term investment portfolio is $1.2 million; the Commission has $1.7 million in cash with CSG.

**Region Reports:**
*East Region:* Commissioner D. Crook (VT) stated that the East Region met on March 10, 2015, but did not have a quorum. DE has a new commissioner - Alan Grinstead.

*South Region:* Commissioner C. Moore (GA) stated that the South Region has not met since the last Executive Committee meeting. The Region has new commissioners in MS and WV.

*West Region:* Commissioner A. Aylward (WA) stated the West Region met on March 11, 2015.

The Committee decided to discuss Roberts Rules of Order at its April meeting.
Executive Director Report
Executive Director H. Hageman presented his written report to the Committee (see attachment).

The Committee engaged in the discussion on GA correction action plan deadline during the Executive Director report.

Commissioner G. Roberge (CT) moved to extend the deadline. Committee D. Crook (VT) seconded.

Commissioner Moore is requesting the Executive Committee extend Georgia’s deadline to submit its corrective action plan until after this legislation to create the Department of Community Supervision passes and the leadership has been named.

Legal Counsel R. Masters informed the Committee that if the bill passes, it will be in effect on July 1, 2015.

Commissioner C. Placek (ND) asked to be heard and spoke against the motion. He asked the Committee to keep April 14 deadline. Georgia had to submit and implement its plan by April 14, however, North Dakota has not seen any plan in progress.

Victims’ Advocate P. Tuthill supports North Dakota’s position, opposing GA’s request to extend the deadline.

The Committee discussed the timeline and deadline for the corrective action plan.

Commissioner G. Roberge (CT) amended the motion “Georgia shall both outline the corrective action plan and the steps it intends to take and implement it by September 1, 2015.”

Commissioner D. Crook (VT) agreed with the amendment.

Commissioner C. Moore (GA) stated that September 1 deadline will be difficult to achieve.

Executive Director H. Hageman took the roll call:

1. Andrews – No
2. Norman – No
3. Lauterbach – No
4. Roberge – No
5. Moore – abstained
6. Seigel – No
7. Precythe – No
8. Miller-Fox – No
9. Crook – No
10. Aylward – No
Motion failed.

Victims’ Advocate P. Tuthill presented her report. On Feb 2nd, Minnesota held a VineWatch personnel call. They established an Ad hoc VineWatch group that will meet in April.

The American Correction Association asked P. Tuthill to write an article about the Interstate Compact.

P. Tuthill sent Payton Tuthill Foundation’s brochures to DCA Brook (MD) to use in MD trainings.

Legal Counsel R. Masters presented the legal memorandum to the Committee for review (see amendment).

Commissioner A. Precythe (NC) requested clarification on having jurisdiction in another state’s matter.

Legal Counsel R. Masters presented the summary of AO 2-2015 (see attachment).

Executive Director H. Hageman stated that VA Attorney General took a stand that this type of case was not compact eligible.

Commissioner J. Seigel (IN) moved to approve AO 2-2015. Commissioner A. Precythe (NC) seconded.

Commissioner M. Gilliam (OK) spoke for the motion.

Motion passed unanimously.

Old Business

Face-to-face Executive Committee Agenda: The Committee finalized the agenda (see attachment).

Chairwoman S. Andrews (OH) asked the Committee to send her their goals by March 20th.

New Business

Personnel Matters: The Executive Committee discussed personnel matters in regard to the ICAOS Assistant Director’s position.

Commissioner C. Moore (GA) moved to go into the executive session. Commissioner A. Precythe (NC) seconded.

Motion passed.

The Committee voted adjourn after passing a motion to come out of executive session.
Adjourn
Commissioner G. Roberge (CT) moved to adjourn. Committee A. Precythe (NC) seconded.

The meeting adjourned at 4:07 pm ET.
Training Committee Report

Anne Precythe, Training and Public Relations Committee Chair

March 12, 2015

Training Committee News

• Trainer Group
  o Survey-21 respondents
    ▪ ½ are DCAs or former trainers. Other ½ are other compact office staff or field staff recommended by DCA or Commissioner Trainers assigned for all the upcoming trainings
  o Intro meeting for new trainers April 6th
• On Demand Training Project
  o project to kick on this week with module using software simulation training around the violation report.
  o 4 of the 16 planned modules are scripted to date

Training Stats

• On Demand-Last 30 days
  o Over 220 unique attendees (typically is 160 on average per month)

Recent Trainings

• Training Requests
  o District of Columbia (February 10th & 11th)-2 day training for DCA and compact staff
  o California (March 11th & 12th) -2 day training for DCA and compact staff; March 17th Field Staff Rules Training
  o Kansas (March 10th) WebEx use only

Upcoming Trainings

• ICAOS Rules
  o 101-Eligibility April 14th
  o 102-Transferring Supervision April 15th
  o 103-Supervision in the Receiving State April 16th
  o 104-Mandatory Retaking for Sign Violations April 21st
  o 105-Mandatory Retaking for Felony or Violent Crimes & Absconders April 22nd
  o 106-Probable Cause Hearing April 23rd
ICOTS Helpdesk – There was no significant change in the number of tickets submitted in February. A large proportion of submitted tickets were related to the outstanding bug involving the “Logged in from another IP” error message, which was addressed in the latest ICOTS release at the end of February.

ICAOS Website – Website visits were down only slightly in February from the previous month, though the daily number of visitors was basically unchanged. The number of mobile visitors to the website continues to hover around a third of all website traffic.

ICOTS Security Release – A signed copy of the statement of work for bringing the public web portal functionality inside ICOTS was sent to Appriss. Work on the security release has begun, though no launch date is set. The national office will inform the committee when a timeline is available.

ICOTS Enhancements – ICOTS release 29.3 was pushed to production on Wednesday February 25, 2015. The enhancement functionality in this release was the new Notice of Failure to Arrive activity. Five outstanding bugs were also addressed. In addition to the “Logged in from another IP” issue mentioned previously, these were the bugs addressed:

- CAR-Reply not showing the correct contact information and dates on the PDF
- RFRI-Reply PDF displays incorrect Victim Sensitive checkbox
- Address and contact for Resident Family AND Employment or Means of Support is shown on the TREQ PDF after the reason for transfer changes
- In RFRI assistant for RFRIs built off rejected RFRIs, the RFRIs that were withdrawn are displayed

Information on the new enhancement and resolved bugs was posted to the ICOTS Helpdesk Knowledgebase.

The Technology Committee also reviewed several enhancement requests at the last meeting. The majority were approved for addition to the list of enhancements. The committee will be reviewing the previous list of approved enhancements and prioritizing it. The goal is to have a well vetted list of proposed enhancements for consideration in FY2017.

Fusion Center – The Wisconsin Statewide Information Center reviewed the proposed MOU between their fusion center and ICAOS. They requested a few changes, which were accepted and a signed copy was sent to their office.
Executive Director’s Report  
March 2015

Commissioners Changes/Vacancies

Commissioner Vacancies include CO, MD, PA and TX.

MD plans to have a Commissioner in place sometime in April.

Diann Skiles, Records Director is the new Commissioner for WV, Christy Gutherz, Deputy Commissioner for the MS Department of Corrections is the new Commissioner for MS and Chief Alan Grinstead, Chief of Community Corrections is the new DE Commissioner.

The national office has not heard from Warrington Chapman, VI Commissioner in more than 18 months. He does not respond to email. I sent the last email on Monday and copied the Governor’s attorney.

Complaints, Conflict Resolution and Misc. calls

The GA Governor announced in the State of the State address, a legislation to create the Department of Community Supervision by combining Adult Probation, Parole, and Juvenile Probation. Commissioner Moore stated that indications are the legislation will pass and the new agency will be a complete overhaul that includes a new commissioner and a new board of authority.

For this reason, Commissioner Moore is requesting the Executive Committee extend Georgia’s deadline to submit its corrective action plan until after this legislation passes and the leadership of the Dept. of Community Supervision has been named and brought up to speed.

The national office resolved a dispute between CA and TX regarding the retaking of a sex offender.

Compliance Audits

Mindy finished the AK, HI, IN, SD and TX audits and is starting on the audits for April that include CA, MS, VT and WI. In May she will audit ID, IA, MN and UT.

Other

Barno made the Cleveland site visit for the 2016 ABM and she is working on the arrangements for the upcoming rules committee meeting at Indianapolis and the executive committee meeting in Louisville, KY.

I spoke with Executive Director Doug Dretke of the Correctional Management Institute of Texas at Sam Huston University about adding information on the compact to their training programs. They are the Secretariat for a number of probation, parole and jail
associations. Director Dretke indicated he is interested in developing training materials they can use in their programs and at conference workshops.

The national office changed the way it does the meeting minutes. Whenever there is a written report we will make it an attachment to the minutes instead of repeating the information in the minutes. It is a little more efficient and reduces the chance of error.
October 14, 2014 Motion

Commissioner C. Lauterbach (IA) moved to fine Georgia $100K as results of its default and to be required to participate in technical assistance and remedial training in regards to nationwide warrants and retaking obligations the completion of which will result in said fine being abated. Such training may include members of judiciary, attorney general office, governor’s office, sheriff department, and other stakeholders as deemed appropriate. Georgia shall outline in a correction action plan, the steps it intends to take to remedy the default and shall implement the plan within six months. Commissioner C. Gibson-Beltz (NE) seconded
MEMORANDUM

To: ICAOS Rules Committee

From: Richard L. Masters, General Counsel

Re: Extent of Receiving State's Authority to Address Significant Violations

Date: March 12, 2015

As the result of issues raised during ICAOS Executive Committee deliberations concerning ICAOS Advisory Opinion 1-2015 and the authority of a receiving state to sanction ‘significant violations,’ the purpose of this memorandum is to provide guidance to the Rules Committee in considering whether ICAOS rules pertaining to this issue should be amended and to clarify whether and the extent to which such authority can be permissibly exercised over offenders transferred pursuant to the Compact.

In considering these questions, we begin by acknowledging the constitutional prerogative that the legislature “is lodged with the power to define, classify and prescribe punishment for crimes committed within the state.” See State v. Rush, 697 N.E.2d 634 (Ohio 1998); In re Vasquez, 705 N.E.2d 606 (Mass. 1999); State v. Scott, 961 P.2d 667 (Kan. 1998) (It is the legislature's prerogative to make policy decisions and specify punishments for crime); State v. Mitchell, 577 N.W.2d 481 (Minn. 1998) (In sentencing, legislature has power to define punishment for crimes, and courts are executor of legislative power); Shaffer v. State, 740 So.2d 273 (Miss. 1998) (Power to define crimes and prescribe punishments is legislative in nature and is constitutionally vested in state legislature); Mullins v. Com., 956 S.W.2d 222 (Ky. App. 1997) (Legislature has power to designate what is a crime and sentences for violations thereof, and included therein is power to limit or prohibit probation or parole. Const. § 29); People in Interest of R.W.V., 942 P.2d 1317 (Colo. App. 1997) (Although sentencing traditionally is judicial function, it is not within sole province of judiciary; rather, the General Assembly has inherent powers to prescribe punishment for crimes and to limit court's sentencing authority); Riffe v. State, 675 N.E.2d 710 (Ind. App. 1996) (Legislature fixes penalties for crimes, and trial court's discretion in sentencing does not extend beyond limits prescribed by statute);

While the Compact and its duly authorized rules take precedence over conflicting state law,¹ it is equally important to keep in mind that a Compact rule cannot exceed the scope of authority

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delegated by the legislatively enacted provisions of ICAOS to the Commission which promulgates the ICAOS rules. See Bowen v. Georgetown University, 488 U.S. 204, 208 (1988).

Article I the Purpose of the ICAOS acknowledges that supervision will be transferred between sending and receiving states and specifically provides that “The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of the compact and Bylaws and Rules promulgated hereunder.”

The transfer of supervision of a compact offender under the compact and ICAOS rules, as presently conceived, does not deprive the sending state of jurisdiction over the offender, unless it is clear from the record that the sending state intended to relinquish jurisdiction. See, e.g., Scott v. Virginia, 676 S.E.2d 343, 347 (Va. App. 2009); State v. Lemoine, 831 P.2d 1345 (Kan. Ct. App. 1992). While the receiving state exercises jurisdiction over the offender for purposes of supervision, the sending state retains jurisdiction over the offender for purposes of probation or parole revocation. See, Advisory Opinion 3-2008 Id, (sending state retains jurisdiction to revoke probation; transfer of the duties of visitation and supervision over probationers does not explicitly mean a complete transfer of jurisdiction). One court, interpreting the ICPP, precursor to the ICAOS, held that:

“Under the Interstate Parole and Probation Compact, * * * [a] receiving state assumed the duties of visitation and supervision over defendant. Florida Administrative Code Rule 23-4.001 provides an effective, businesslike method for permitting persons under supervision to leave one state and take up residence in another state with assurance that they will be supervised in the receiving state and can be returned to the sending state in case of sufficient violation. One of the functions of the receiving state is to properly report all violators to the original sending state, with appropriate recommendations. (Citations omitted).2

Consistent with this legal analysis the current compact and the text of Rule 4.109 (5) and (7) recognize that a receiving state has the authority to make a ‘disposition’ of any offense or infraction and make a recommendation of further remedial action. However, neither the Compact nor ICAOS rules gives a receiving state the authority to revoke the probation or parole imposed by authorities in a sending state. See Scott v. Virginia supra at p. 347; See also Peppers v. State, 696 So. 2d 444 (Fla. Dist. Ct. App. 1997) (emphasis added).

While a receiving state may, independent of the sending state, initiate criminal proceedings against offenders who commit crimes while in the state (See, e.g., Rule 5.101); a receiving state may not, as part of the offender’s conviction for such crimes, revoke the probation or parole imposed on the offender in the sending state or decide to provide no supervision once an offender is transferred in accordance with the ICAOS rules, See Advisory Opinion 1-2007.

Moreover, whether a sending state continues to exercise jurisdiction over an offender or has relinquished or forfeited that jurisdiction is generally a matter that can only be determined by the sending state. See Crady v. Cranfill, 371 S.W.2d 640 (Ky. Ct. App. 1963) ("[U]nder ICPP a sending state retains authority over offender through the retaking provisions; it is inappropriate for the courts of a receiving state to arrogate to themselves the determination of whether a sending state has forfeited its right to retake offenders under parole from that state").

This agency concept is also inherent in the arrest and detention of offenders in a receiving state where the relationship between officials in a sending state and officials in a receiving state has been defined by courts as an agency relationship. Courts recognize that in supervising out-of-state offenders the receiving state is acting on behalf of and as an agent of the sending state. See State v. Hill, 334 N.W.2d 746 (Iowa 1983) (trial court committed error in admitting out-of-state offender to bail as status of the offender was not controlled by the domestic law of Iowa but rather by the Interstate Compact for Probation and Parole and the determinations of sending state authorities); State ex rel. Ohio Adult Parole Authority v. Coniglio, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993) ("For purposes of determining appellee’s status in the present case, we believe that the Ohio authorities should be considered as agents of Pennsylvania, the sending state. As such, the Ohio authorities are bound by the decision of Pennsylvania with respect to whether the apprehended probationer should be considered for release on bond and the courts of Ohio should recognize that fact.").

In supervising out-of-state offenders, authorities in a receiving state are not acting exclusively as authorities of that state under the domestic law of that state, but are also acting as agents of the sending state and to a certain degree are controlled by the lawful decisions of sending state officials. “Under the terms of the compact, the receiving state “will assume the duties of visitation and supervision over probationers or parolees of any sending state. Transfer of supervision under this statute is not a transfer of jurisdiction. . . Although the day-to-day monitoring of probationers becomes the duty of the receiving state, the sending state does not abdicate its responsibility.” See Keeney v. Caruthers, 861 N.E.2d 25 (Ind. App. 2007); Scott v. Virginia, 676 S.E.2d 343, 348 (Va. App. 2009) (emphasis added).

Consistent with the ‘agency relationship’ of sending and receiving states created under the compact, it has the authority to exercise the degree of control necessary to monitor and supervise the offender as long as the receiving state acts with the knowledge that its authority over the transferred compact offender, in the absence of a new offense committed in the receiving state, is dependent upon the authority granted to it by the sending state. Using this approach the receiving state has some authority to address a “significant violation,” and with the knowledge and consent of the sending state could impose sanctions short of revocation of probation or parole which remains vested in the sending state under the jurisdiction of the sentencing court or parole board.
Description

Whether an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer under the Interstate Compact for Adult Offender Supervision?

Background & History:

The Commonwealth of Virginia recently granted a conditional pardon to a convicted offender and ordered him to be transferred to a secure treatment facility in Florida for a period of ten (10) years from his release by the Department of Corrections conditioned upon the successful fulfillment of all treatment recommendations and requirements of the ‘treatment team’ and staff providing his care. Failure to comply with all conditions will result in the loss of all privileges provided under the terms of the conditional pardon and, at the discretion of the Governor, subject the offender to immediate arrest and incarceration to complete the terms of his original sentences. Based upon the above facts and pursuant to Commission Rule 6.101(c) the Commonwealth of Virginia has requested an advisory opinion regarding the requirements of the Compact and ICAOS Rules on the following issue:

Issue:

Whether an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer under the Interstate Compact for Adult Offender Supervision?

Applicable Rules:

Rule 1.101, in relevant part, provides as follows:

“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
Whether an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer under the Interstate Compact for Adult Offender Supervision?

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

Rule 2.106 provides:

“Rule 2.106 Offenders subject to deferred sentences

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms, and conditions applicable to all other offenders under this compact. Persons subject to supervision pursuant to a pretrial release program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

Analysis and Conclusion:

The Commission has previously opined in ICAOS Advisory Opinion 3-2005 that the placement of an offender in an out of state treatment program may trigger the requirements of the Compact even if the offender is not subject to supervision by corrections officials. In that opinion the Commission determined that an offender who was required to participate in a treatment program in another state was subject to the Compact. It was also noted that even in the absence of direct
**ICAOS Advisory Opinion**

**Issued by:**
Executive Director-Harry Hageman
Chief Legal Counsel: Richard L Masters

<table>
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<tr>
<th>State Requesting Opinion</th>
<th>Virginia</th>
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<td>Description</td>
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<td><strong>Whether an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer under the Interstate Compact for Adult Offender Supervision?</strong></td>
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supervision by corrections officials, a provision in a court order requiring compliance with the terms of treatment constituted “supervision” for purposes of triggering the Compact. The imposition of treatment as a condition of release with the corresponding requirement of adherence to all treatment recommendations and the probability of probation revocation upon failure to comply was sufficient to require the sending state to comply with the Compact and its rules.

Clearly this case involves an a person who has been convicted of not just one, but three separate felonies all of which involved assault and battery on law enforcement officers, including a corrections officer which occurred on 5-31-11, 3-7-14 and 1-8-15. The terms of the conditional pardon require the Virginia offender to comply with all treatment recommendations for a period of ten (10) years the violation of which will result in the forfeiture of all privileges granted and, at the discretion of the Governor, the offender “shall be subject to immediate incarceration to complete the term of his original sentences.”

While in this case the terms and conditions of release are provided in the conditional pardon issued by the Governor of Virginia, it is equally clear that in Virginia, as in virtually all other states, a person with a conditional pardon remains subject to conditions of release. A conditional pardon does not restore civil rights or rights of citizenship, and the executive, like any other ‘paroling authority’ can revoke the pardon if a person does not comply with the conditions of release. In fact, a person receiving a conditional pardon has the same restrictions as a person on parole. When the conditions are not fulfilled, a conditional pardon or a parole can be revoked and the person violating such conditions can be re-imprisoned.

As the Commission has previously observed in Advisory Opinion 4-2004, “In determining the eligibility of an offender for application of ICAOS one must look not at the legal definitions but rather the actions taken by a court of competent jurisdiction or paroling authorities.” This opinion also concluded that ICAOS Rule 2.106 is applicable to situations in which “... the court
Whether an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer under the Interstate Compact for Adult Offender Supervision?

has lawfully entered a conviction on its records even if it has suspended the imposition of a final sentence and has subjected the offender to a program of conditional release. The rule would also apply where the defendant has entered a plea of guilty or no contest to the charge(s) and the court has accepted the plea but suspended entry of a final judgment of conviction in lieu of placing the offender in a program of conditional release, the successful completion of which may result in the sealing or expungement of any criminal record. Finally, the rule would apply where the court has entered a conviction on the record and sentenced the offender but has suspended execution of the sentence in lieu of a program of conditional release.” (See ICAOS Advisory Opinion 4-2004 at p. 2.)

Because the individual in this case has clearly been convicted of the felonies in question and has been conditionally released, by a paroling authority who in this case happens to be the Governor of the Commonwealth of Virginia, he is clearly an “offender” for purposes of the compact. It also appears that the terms of the conditional pardon satisfy the requirements of ‘supervision’ under the compact. The conditional pardon provides for oversight to be exercised over the offender by the secure treatment facility, or in a less restrictive environment, for a fixed period of ten (10) years. Compliance with treatment conditions are required the violation of which will result in incarceration for the completion of the sentences previously imposed.

Summary:

Based upon the terms of the compact, the above referenced rules and the legal authorities cited herein, an offender who has been granted a conditional pardon in the Commonwealth of Virginia and is transferred to a secure treatment facility in the State of Florida is eligible for transfer of supervision under the Interstate Compact for Adult Offender Supervision.
Interstate Commission for Adult Offender Supervision

Face-to-Face Executive Committee Meeting Agenda
8 am – 5 pm EDT
April 8, 2015

Broadway A Room, Third Floor
The Brown Hotel
335 West Broadway
Louisville, Kentucky, 40202

Call to Order
• Chairwoman Andrews (OH)

Roll Call
• Executive Director Hageman

Approval of Agenda

Approval of Minutes
• March 12, 2015

Committee Reports
• Rules – Commissioner Seigel (IN)
  o Rules Proposals
• Training – Commissioner Precythe (NC)
• Deputy Compact Administrators Liaison – Commissioner Miller – Fox (UT)
• Technology – Commissioner Roberge (CT)
• Compliance – Commissioner Stromberg (OR)
• Finance – Commissioner Lauterbach (IA)
• East Region – Commissioner Crook (VT)
• Midwest Region – Commissioner Gibson-Beltz (NE)
• South Region – Commissioner Moore (GA)
• West Region – Commissioner Aylward (WA)
• Victims’ Representative – Pat Tuthill (FL)
• Legal Counsel – Rick Masters

Executive Director Report
• Executive Director Hageman

Old Business

New Business
• Approve FY2017 Budget Recommendation – Charles Lauterbach
• Compliance Process – Jeremiah Stromberg
• Retaking and Sanction Guidelines – Chris Moore
• Personnel – Harry Hageman
• ICOTS Enhancement Priorities/Budget – Gary Roberge
• FY 2016 Compliance Audit – Harry Hageman
• CSG Affiliation – Harry Hageman
• Justice Reinvestment Workgroup – Ann Precythe
• ABM Planning Workgroup – Chris Norman & Jeremiah Stromberg
• Goals/Objectives for the upcoming year – All
• Cleveland, OH Site Visit -Barno Saturday
• Robert’s Rules of Order – Harry Hageman

Adjourn
**ICAOS RULES COMMITTEE: BUSINESS CALENDAR; FY’s 14-15**

<table>
<thead>
<tr>
<th>DATE</th>
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<tr>
<td>Feb 19, 2014</td>
<td>Web Ex</td>
<td>Introductory Meeting:</td>
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<td>• Develop calendar/work plan</td>
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<td>• Welcome new members</td>
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<td>• Review 2013 proposals that did not pass</td>
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<td>• Review recent Advisory Opinions</td>
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<td>• Identify existing assignments, referrals from Commission</td>
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<tr>
<td>Apr 16, 2014</td>
<td>Web Ex</td>
<td>Regular Meeting:</td>
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<tr>
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<td>• Review calendar/work plan</td>
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<td>• Old/new business</td>
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<td>Jul 9, 2014</td>
<td>Web Ex</td>
<td>Regular meeting:</td>
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<td>• Review calendar/work plan</td>
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<td>• Old/new business</td>
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<tr>
<td>Aug 25-27, 2014</td>
<td>ABM</td>
<td>• Possible training</td>
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<td>• Committee Report to Commission</td>
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<td>Nov 12, 2014</td>
<td>WebEx</td>
<td>Regular meeting:</td>
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<td>• Review calendar/work plan</td>
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<td>• Old/new business</td>
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<td>• Review new referrals from Commission Business Meeting</td>
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<td>Jan 21, 2015</td>
<td>WebEx</td>
<td>Review submitted proposals</td>
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<tr>
<td>March 15, 2015</td>
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<td>Proposals due from regional/standing committees; distribute to members</td>
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<tr>
<td>March 24-25, 2015</td>
<td>Face-to-Face Meeting</td>
<td>• Committee action on Standing Committee proposals; technical review of region referrals; consideration of members' proposals</td>
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<td>• Draft “Justifications” and “Effects on Other Rules”</td>
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<tr>
<td>Apr 22, 2015</td>
<td>Web Ex</td>
<td>• Approve justifications/effects</td>
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<td>2:30 pm ET</td>
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<tr>
<td>July 1, 2015</td>
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<td>Comments/Feedback due</td>
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| July 22, 2015| Face-to Face Meeting | • Review feedback; identification of “independent, substantive content” revisions for Commission vote  
• Finalize all proposals and format |
| Aug 19, 2015 | WexEx        | • Review ICOTS quotes & final proposals                                        |
| Aug 31, 2015 | ICAOS Web site | • Post Final Content of Rules with Justifications  
• Notice of Public Hearing (30 days prior to the ABM meeting)                   |
| Oct 6, 2015  | ABM          | Public Hearing                                                                |
| Oct 6, 2015  | ABM          | Possible Training. Panel discussion on rules process.                          |
| Oct 7, 2015  | ABM          | Commission Annual Business Meeting:  
• Review public hearing testimony  
• Present rules for vote                                                    |
| Nov XX, 2015 | WebEx        | • Review 2015 proposals that did not pass  
• Review recent Advisory Opinions  
• Identify existing assignments, referrals from Commission  
• Draft FY2016-17 calendar                                                      |
Proposal to create/amend rules:

“Resident family” means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who--
(1) has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
(2) indicates willingness and ability to assist the offender as specified in the plan of supervision.
(3) does not meet the definition of resident family due to an adult adoption, unless the offender has a disability that mandates a legal guardian

Justification:

Individuals can get around the resident family requirement by adopting the offender. Some states’ courts do not require justification for an adoption. This language would tighten up the rule so that the intent of the rule remains and it cannot be abused.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

None

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:

Motion to provide a recommendation to the West Region to withdraw the proposal to Rule 1.101 definition of ‘resident family’ due to legal issues discussed by the Rules Committee, such as equal protection, motion made by D. Ege, seconded by E. Ligtenberg. Motion passed.

Motion to recommend the rule proposal not pass should the West Region move the proposal forward, made by T. Hudrlik, seconded by M. Gilliam. Motion passed.

Effective date:
Proposal to create/amend rules:

**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 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.

(c) Either Commissioner of the sending or receiving state may request a review of whether the requisite showing in (a) has been met prior to retaking the offender.

“Significant violation” means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would likely result in a request for revocation of supervision.

**Justification:**

Establishing a consistent standard of supervision for compact offenders with offenders being supervised in the receiving state. In order to enforce this rule, receiving states should only file violations for those they would revoke in the receiving state.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

Requires changes to the offender violation report.

**Scope and Metric**
**Rules Committee action:**

Motion to recommend forwarding proposed amendment to definition of ‘significant violation’ and Rule 5.103 for comment made by E. Ligtenberg, seconded by R. Maccarone. Motion passed.

**Effective date:**

[Effective Date]
2015-EAST-2.105

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 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 2nd 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

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

None

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:
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:

[Effective Date]
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 one 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:

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 misdemeanant 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:

This proposal would amend the misdemeanant 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

Effect on other rules, advisory opinions or dispute resolutions:

Effect

ICOTS impact:

None

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:
Motion to recommend the West Region to withdraw or consider 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:**

[Effective Date]
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 shall 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, following the granting of reporting instructions, 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, following the granting of reporting instructions, the receiving state shall 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 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 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, following the granting of reporting instructions, 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, following the granting of reporting instructions, the receiving state shall 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 return to the sending state

(a) If the receiving state rejects the transfer request for an offender granted reporting instructions under Rules 3.101-1, 3.101-3, 3.103 and 3.106 the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days.

(b) 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.

(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, 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.

(g) This rule is applicable to offender requesting to return to 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.

Removing the timeframe to direct the offender’s return allows the receiving and sending state to use the reporting instructions to ensure and track that the offender is returned timely while tracking the returning instructions 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:

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

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:
This proposal would not require an enhancement to ICOTS as functionality already exists for returning offenders to a sending state after supervision responsibilities are assumed in the receiving state upon a Notice of Arrival.

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.

Rules Committee action:

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

Recommend Rules Committee version to Rule 5.103 made by D. Ege, seconded by E. Ligtenberg.

Effective date:

[Effective Date]
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.

(A) An offender who has been discharged from the military within the last 30 days shall be eligible for reporting instructions to the state s/he resided in when s/he entered military service.

(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.

Justification:

Active duty soldiers are often discharged soon after being sentenced to supervision. They are being denied reporting instructions and left having no family or resources in the state they are in. By the time (45 days) the transfer has been investigated, their funds are gone and they are homeless and don’t have the means to travel to their home state.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

Unknown

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:

Alternate Proposal to create new reason for transfer
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) Transfer of offenders recently discharged from the military- An offender who meets the criteria specified in Rules 3.101 (a), (b), (c) and (d) and who has been discharged from the military within the last 30 calendar days, shall be eligible for reporting instructions and transfer of supervision.

(4) 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.

(5) 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.

(6) 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.

Justification:
Alternate proposal to West Region’s proposal for Rule 3.101-1 to provide a new reason for reporting instructions and transfer for offenders recently discharged from the military.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

Creates a new reason for Reporting Instructions and Transfer Request

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:
Motion to present an alternate proposal for Rule 3.101-1, as drafted by the Rules Committee, for consideration by the West Region made by R. Maccarone, seconded by E. Ligtenberg. Motion passed.

**Effective date:**

[Effective Date]
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 definition of offender and the eligibility requirements in Rule 3.101.

(b) The sending state must provide sufficient documentation to justify the requested transfer. The justification must also include the sending state’s risk and needs assessment score, if one exists, and sufficient explanation of what the score means as it relates to the level of supervision required in the sending state.

(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.

**Justification:**

Adding the requirement of the sending state’s risk and needs assessment score and explanation of what that means in the sending state will assist the receiving state in making the best decision for acceptance and rejection of the discretionary transfer request.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

Unknown

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

Alternate proposal drafted

**Effective date:**
[Effective Date]
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 provide sufficient documentation to justify the requested transfer to include the current level of supervision.

(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. Rules Committee alternative to rule 3.101-2 to include risk assessment information.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

None

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

Recommend Rules Committee alternative to West Region and recommend its version be withdrawn made by R. Maccarone, seconded by J. Nimer.
Effective date:

[Effective Date]
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 3.103 applies 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 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

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

None.

Scope and Metric
ICOTS external compliance reports already account for 5 business days.

**Rules Committee action:**

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

**Effective date:**

[Effective Date]
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 applies 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 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*

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

[Effect]

**ICOTS impact:**

None.

**Scope and Metric**
ICOTS external compliance reports already account for 5 business days.

**Rules Committee action:**

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

**Effective date:**

[Effective Date]
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 may be permitted to continue to travel to the receiving state for 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

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:
None.

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

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

**Effective date:**

[Effective Date]
Proposal to create/amend rules:

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)

(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 receiving state shall initiate the offender’s return to the sending state under the requirements of Rule 4.111 or continue to supervise the offender pending a subsequent completed transfer request. 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 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)

(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 receiving state shall initiate the offender’s return to the sending state under the requirements of Rule 4.111 or continue to supervise the offender pending a subsequent completed transfer request. 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 return 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) 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) 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, 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.)

(e) 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.

(f) This rule is applicable to offender requesting to return to 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 for the offender to return per Rule 4.111 retaining 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.

Removing the timeframe to direct the offender’s return allows the receiving and sending state to use the reporting instructions to ensure and track that the offender is returned timely while tracking the returning instructions 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:**

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

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

[Effect]

**ICOTS impact:**

This proposal would not require an enhancement to ICOTS as functionality already exists for returning offenders to a sending state after supervision responsibilities are assumed in the receiving state upon a Notice of Arrival.

**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.

[Data?]

**Rules Committee action:**

[Rules Committee Action]

**Effective date:**

[Effective Date]
Proposal to create/amend rules:

**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 initial sentencing or disposition of a revocation proceeding 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)

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. 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.

“Probation” was also struck because the reference to “probationers living in the RS at sentencing” was previously removed from the title of the rule. We need to move away from labeling things as “probation or parole” since the ICAOS definition of supervision is broader than just probation and parole now. Note, since parole release cases don’t qualify as Living in the Receiving State at Sentencing on initial Reporting Instructions, they would also not qualify for mandatory Reporting Instructions after being returned to face revocation so this rule change would not apply to parolees released from prison after serving six months or more.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

None

**Scope and Metric**
[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

Alternate language provided

**Effective date:**

[Effective Date]
Proposal to create/amend rules:

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

(a)

(1) A request for reporting instructions 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.

“Probation” was also struck because the reference to “probationers living in the RS at sentencing” was previously removed from the title of the rule. We need to move away from labeling things as “probation or parole” since the ICAOS definition of supervision is broader than just probation and parole now. Note, since parole release cases don’t qualify as Living in the Receiving State at Sentencing on initial Reporting Instructions, they would also not qualify for mandatory Reporting Instructions after being returned to face revocation so this rule change would not apply to parolees released from prison after serving six months or more.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**
None

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

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

**Effective date:**

[Effective Date]
Proposal to create/amend rules:

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)

(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. The offender shall be required to return 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:**

Minor wording change to clarify that the offender is required to return within 15 business days.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

[ICOTS Impact]

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

Commissioner J. Rubitschun (MI) moved to forward the proposal 2015-WEST-3103 for the Commission’s review. Commissioner C. Norman (AL) seconded. Motion passed.

At March meeting, alternative language was presented to be consistent with Rule’s committee proposal to Rule 3.106 at its February meeting.

**Effective date:**

[Effective Date]
2015-WEST-3103

Proposal to create/amend rules:

**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)

(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 require 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:

Minor wording change to clarify that the offender is required to return within 15 business
days.

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

[ICOTS Impact]

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:

Alternate language proposed in Rule 3.103 & 3.106 for West’s proposal to Rule 3.103.

Effective date:

[Effective Date]
Proposal to create/amend rules:

**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 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)

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 require 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:**

This wording change would make the language consistent with the proposed amendment to rule 3.103, 2015_WEST_3103.

*The following information is drafted by the Rules Committee*

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

[Effect]

**ICOTS impact:**

Undetermined.

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

Alternate language for West Region’s Rule 3.103 proposal was added to 3.106 for consistency.

**Effective date:**

[Effective Date]
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

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

ICOTS impact:

[ICOTS Impact]

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:

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. (January 2015)

Effective date:

[Effective Date]
Proposal to create/amend rules:

Rule 5.---

(a) Notwithstanding any other rule, an offender who is serving an incarceration sentence of 1 year or more in the receiving state for a new felony or misdemeanor conviction(s) which occurred during the compact period may serve any incarceration ordered by the sending state concurrent with the receiving state’s sentence and not be required to be retaken provided:

(1) The sending state conducts, at its own expense, an electronic or in-person violation hearing and orders any additional incarceration time be served concurrent with the receiving state sentence.

(b) The sending state shall send the violation hearing results to the receiving state within 10 business days and the receiving state shall close the case under Rule 4.112(a)(3).

(c) In cases where the receiving state conviction is a felony or violent crime, if the offender completes the receiving state sentence prior to the sending state’s violation sentence being completed, the sending state shall retake the offender as required by Rule 5.102.

Justification:

Current rules require sending states to retake offenders when a new Felony or violent crime conviction has occurred in the receiving state. The offender must wait out their sentence in the receiving state before the sending state can retake the offender, deal with the violation and if applicable, order any additional incarceration time be served. The offender is prevented from serving their violation time concurrent with their new sentence by virtue of the fact that they are a compact offender. In some cases this may be years before the offender is retaken by the sending state.

This proposal would still hold the offender accountable for new conviction violations but would give the sending state flexibility to order any additional incarceration time to be served concurrent with a new conviction. The sending state would be obligated to conduct a violation hearing, and if the offender completes their time in the receiving state prior to the completion of any violation time, the offender would still be required to be retaken under existing rule 5.102. This proposal would actually enhance public safety as currently the rules only require a sending state to retake (but not necessarily re-incarcerate) an offender. Under this proposal, the offender is held accountable immediately and states will be much less likely to terminate a case after a retaking. This proposal also fits with “swift and certain” violation sanctions as advocated by justice reinvestment.

The following information is drafted by the Rules Committee
Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

[ICOTS Impact]

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:

Alternate language proposed by rules committee

Effective date:

[Effective Date]
Proposal to create/amend rules:

Rule 5.101-2 Disposition of violation in the sending state for a new crime conviction

(a) 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 authority in the sending state and consent of the offender.

(b) Unless waived by the offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.

(c) The sending state shall send the violation hearing results to the receiving state within 10 business days.

(d) 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.

(e) 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.

(f) 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
The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:
[Effect]

ICOTS impact:
Undetermined.

Scope and Metric
[How will compliance be measured. How many cases will this effect]

Rules Committee action:
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.

Effective date:
[Effective Date]
Proposal to create/amend rules:

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 submit an addendum to the violation report notifying the sending state that the offender has departed as ordered. The receiving state shall retain authority to supervise until the offender’s directed departure date.

(c) The sending state shall respond to the addendum notifying whether the offender returns to the sending state.

(d) 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:

To be drafted (Dori Ege)

The following information is drafted by the Rules Committee

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

Undetermined. OVR response captures limited data for returning offenders in comparison to returning RFRI and reporting information is not currently available using the addendum. Workflow for addendums do not prompt users for departure or arrival information.
**Scope and Metric**

**Rules Committee action:**

Recommendation for the Executive Committee to accept the Rules Committee version of the proposal for Rules 3.103, 3.106, 4.111 & 5.103 made by D. Ege, seconded by E. Ligtenberg. Rule 5.103 would be voted separately and 3.101-1 added to the alternate language as recommended by the Rules Committee.

Recommend Rules Committee version to Rule 5.103 made by D. Ege, seconded by E. Ligtenberg.

**Effective date:**

[Effective Date]
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 National Association of Criminal Defense Lawyers, the American Jail Association, the National Association of Police Organizations 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

Effect on other rules, advisory opinions or dispute resolutions:

[Effect]

ICOTS impact:

None.

Scope and Metric

[How will compliance be measured. How many cases will this effect]

Rules Committee action:
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. (Jan 2015)

**Effective date:**

[Effective Date]
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 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

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

[Effect]

**ICOTS impact:**

None

**Scope and Metric**

[How will compliance be measured. How many cases will this effect]

**Rules Committee action:**

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. (Jan 2015)

**Effective date:**

[Effective Date]
MEMORANDUM

To: ICAOS Rules Committee

From: Richard L. Masters, General Counsel

Re: Extent of Receiving State’s Authority to Address Significant Violations

Date: March 23, 2015

Issue:

As the result of issues raised during ICAOS Executive Committee deliberations concerning ICAOS Advisory Opinion 1-2015 and the authority of a receiving state to sanction ‘significant violations,’ the purpose of this memorandum is to provide guidance to the Rules Committee in considering whether ICAOS rules pertaining to this issue should be amended and to clarify whether and the extent to which such authority can be permissibly exercised over offenders transferred pursuant to the Compact.

Analysis:

In considering these questions, we begin by acknowledging the constitutional prerogative that the legislature “is lodged with the power to define, classify and prescribe punishment for crimes committed within the state.” See State v. Rush, 697 N.E.2d 634 (Ohio 1998); In re Vasquez, 705 N.E.2d 606 (Mass. 1999); State v. Scott, 961 P.2d 667 (Kan. 1998) (It is the legislature's prerogative to make policy decisions and specify punishments for crime); State v. Mitchell, 577 N.W.2d 481 (Minn. 1998) (In sentencing, legislature has power to define punishment for crimes, and courts are executor of legislative power); Shaffer v. State, 740 So.2d 273 (Miss. 1998) (Power to define crimes and prescribe punishments is legislative in nature and is constitutionally vested in state legislature); Mullins v. Com., 956 S.W.2d 222 (Ky. App. 1997) (Legislature has power to designate what is a crime and sentences for violations thereof, and included therein is power to limit or prohibit probation or parole. Const. § 29) ; People in Interest of R.W.V., 942 P.2d 1317 (Colo. App. 1997) (Although sentencing traditionally is judicial function, it is not within sole province of judiciary; rather, the General Assembly has inherent powers to prescribe punishment for crimes and to limit court's sentencing authority); Riffe v. State, 675 N.E.2d 710 (Ind. App. 1996) (Legislature fixes penalties for crimes, and trial court's discretion in sentencing does not extend beyond limits prescribed by statute);
While the Compact and its duly authorized rules take precedence over conflicting state law,\textsuperscript{1} it is equally important to keep in mind that a Compact rule cannot exceed the scope of authority delegated by the legislatively enacted provisions of ICAOS to the Commission which promulgates the ICAOS rules. See Bowen v. Georgetown University, 488 U.S. 204, 208 (1988).

Article I, the Purpose, of the ICAOS acknowledges that supervision will be transferred between sending and receiving states and specifically provides that \textit{“The compacting states recognize that there is no “right” of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of the compact and Bylaws and Rules promulgated hereunder.”} The Compact statute also explicitly provides that this purpose will be accomplished by means of \textit{“joint and cooperative action among the compacting states”} including the provision of \textit{“effective tracking, supervision, and rehabilitation of these offenders by sending and receiving states.”}\textsuperscript{2}

The transfer of supervision of a compact offender under the compact and ICAOS rules, as presently conceived, does not deprive the sending state of jurisdiction over the offender, unless it is clear from the record that the sending state intended to relinquish jurisdiction. See, e.g., Scott v. Virginia, 676 S.E.2d 343, 347 (Va. App. 2009); State v. Lemoine, 831 P.2d 1345 (Kan. Ct. App. 1992). While the receiving state exercises jurisdiction over the offender for purposes of supervision, the sending state retains jurisdiction over the offender for purposes of probation or parole revocation. See, Advisory Opinion 3-2008 Id. (sending state retains jurisdiction to revoke probation; transfer of the duties of visitation and supervision over probationers does not explicitly mean a complete transfer of jurisdiction). One court, interpreting the ICPP, precursor to the ICAOS, held that:

\textit{“Under the Interstate Parole and Probation Compact, * * * [a] receiving state assumed the duties of visitation and supervision over defendant. Florida Administrative Code Rule 23-4.001 provides an effective, businesslike method for permitting persons under supervision to leave one state and take up residence in another state with assurance that they will be supervised in the receiving state and can be returned to the sending state in case of sufficient violation. One of the functions of the receiving state is to properly report all violators to the original sending state, with appropriate recommendations. (Citations omitted).”}\textsuperscript{2}


\textsuperscript{2} See Kolovrat v. State, 574 So. 2d 294, 296 (Fla. Dist. Ct. App. 1991)
Consistent with this legal analysis the current compact and the text of Rule 4.109 (5) and (7) recognize that a receiving state has the authority to make a ‘disposition’ of any offense or infraction and make a recommendation of further remedial action. However, neither the Compact nor ICAOS rules gives a receiving state the authority to revoke the probation or parole imposed by authorities in a sending state. See Scott v. Virginia supra at p. 347; See also Krykewcz v. State, 67 A.3d 1023 (Table), Del. Supr. Ct. (2013); Virgin Islands v. Miller, WL 1790213 (May 4, 2010); Peppers v. State, 696 So. 2d 444 (Fla. Dist. Ct. App. 1997) (emphasis added).

While a receiving state may, independent of the sending state, initiate criminal proceedings against offenders who commit crimes while in the state (See, e.g., Rule 5.101); a receiving state may not, as part of the offender’s conviction for such crimes, revoke the probation or parole imposed on the offender in the sending state or decide to provide no supervision once an offender is transferred in accordance with the ICAOS rules, See Advisory Opinion 1-2007.

Moreover, whether a sending state continues to exercise jurisdiction over an offender or has relinquished or forfeited that jurisdiction is generally a matter that can only be determined by the sending state. See, Crady v. Cranfill, 371 S.W.2d 640 (Ky. Ct. App. 1963) (“[U]nder ICPP a sending state retains authority over offender through the retaking provisions; it is inappropriate for the courts of a receiving state to arrogate to themselves the determination of whether a sending state has forfeited its right to retake offenders under parole from that state”).

This agency concept is also inherent in the arrest and detention of offenders in a receiving state where the relationship between officials in a sending state and officials in a receiving state has been defined by courts as an agency relationship. Courts recognize that in supervising out-of-state offenders the receiving state is acting on behalf of and as an agent of the sending state. See, State v. Hill, 334 N.W.2d 746 (Iowa 1983) (trial court committed error in admitting out-of-state offender to bail as status of the offender was not controlled by the domestic law of Iowa but rather by the Interstate Compact for Probation and Parole and the determinations of sending state authorities); State ex rel. Ohio Adult Parole Authority v. Coniglio, 610 N.E.2d 1196, 1198 (Ohio Ct. App. 1993) (“For purposes of determining appellee’s status in the present case, we believe that the Ohio authorities should be considered as agents of Pennsylvania, the sending state. As such, the Ohio authorities are bound by the decision of Pennsylvania with respect to whether the apprehended probationer should be considered for release on bond and the courts of Ohio should recognize that fact.”).

In supervising out-of-state offenders, authorities in a receiving state are not acting exclusively as authorities of that state under the domestic law of that state, but are also acting as agents of
the sending state and to a certain degree are controlled by the lawful decisions of sending state officials. “Under the terms of the compact, the receiving state “will assume the duties of visitation and supervision over probationers or parolees of any sending state. Transfer of supervision under this statute is not a transfer of jurisdiction. . . Although the day-to-day monitoring of probationers becomes the duty of the receiving state, the sending state does not abdicate its responsibility.” See Keeney v. Caruthers, 861 N.E.2d 25 (Ind. App. 2007); Scott v. Virginia, 676 S.E.2d 343, 348 (Va. App. 2009) (emphasis added).

Conclusion:

Consistent with the ‘agency relationship’ of sending and receiving states created under the compact as well as the obligation to “jointly and cooperatively” provide “effective tracking, supervision and rehabilitation” of offenders transferred under the compact, the following principle can be inferred. The receiving state has the authority to exercise the degree of control necessary to monitor and supervise the offender; as long as the receiving state acts with the knowledge that its authority over the transferred compact offender, in the absence of a new offense committed in the receiving state, is dependent upon the authority granted to it by the sending state. Using this approach it is reasonable to conclude that the receiving state has the authority to address a “significant violation,” and with the knowledge and consent of the sending state could impose sanctions short of revocation of probation or parole which remains vested in the sending state under the jurisdiction of the sentencing court or parole board.
## Proposed ICAOS - FY 2017 Budget

### REVENUE

<table>
<thead>
<tr>
<th></th>
<th>FY14 Actual Budget</th>
<th>FY15 Proposed Budget</th>
<th>FY15 Actual Budget</th>
<th>FY15 Percent of Budget</th>
<th>FY16 Proposed Budget</th>
<th>FY17 Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dues Assessment</td>
<td>$1,516,655.88</td>
<td>$1,516,253.26</td>
<td>$1,516,253.30</td>
<td>100.0%</td>
<td>$1,516,253.26</td>
<td>$1,516,253.26</td>
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<tr>
<td>Cash Reserve</td>
<td>$360,000.00</td>
<td>$360,000.00</td>
<td>$150,000.00</td>
<td>41.7%</td>
<td>$90,000.00</td>
<td>$147,511.74</td>
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<tr>
<td>Dividend Income</td>
<td>$9,487.43</td>
<td>$7,500.00</td>
<td>$7,050.00</td>
<td>94.0%</td>
<td>$7,500.00</td>
<td>$12,000.00</td>
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<tr>
<td>INTEREST INCOME**</td>
<td>$12,892.22</td>
<td>$17,500.00</td>
<td>$9,060.57</td>
<td>51.8%</td>
<td>$14,000.00</td>
<td>$15,600.00</td>
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<tr>
<td><strong>Total Administration Revenue</strong></td>
<td>$1,909,357.96</td>
<td>$1,901,253.26</td>
<td>$1,702,363.87</td>
<td>89.5%</td>
<td>$1,635,753.26</td>
<td>$1,691,365.00</td>
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</table>

### EXPENSE

<table>
<thead>
<tr>
<th></th>
<th>FY14</th>
<th>FY15</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
</tr>
</thead>
<tbody>
<tr>
<td>60000 SALARIES &amp; WAGES</td>
<td>$411,879.18</td>
<td>$435,000.00</td>
<td>$239,028.76</td>
<td>54.9%</td>
<td>$450,000.00</td>
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<tr>
<td>61000 EMPLOYEE BENEFITS</td>
<td>$162,589.83</td>
<td>$185,000.00</td>
<td>$121,264.40</td>
<td>65.5%</td>
<td>$195,000.00</td>
</tr>
<tr>
<td>61099 EDUCATION, ACCREDITATION</td>
<td>$2,000.00</td>
<td>$1,299.00</td>
<td>65.0%</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td>61089 PROFESSIONAL MEMBERSHIPS</td>
<td>$738.00</td>
<td>$600.00</td>
<td>$400.00</td>
<td>66.7%</td>
<td>$600.00</td>
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<tr>
<td>62000 SUPPLIES</td>
<td>$4,519.08</td>
<td>$4,000.00</td>
<td>$2,077.34</td>
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<td>$4,000.00</td>
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<tr>
<td>62010 POSTAGE</td>
<td>$979.77</td>
<td>$1,500.00</td>
<td>$1,244.32</td>
<td>83.0%</td>
<td>$1,500.00</td>
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<tr>
<td>62090 COMPUTER SERVICES</td>
<td>$11,227.79</td>
<td>$9,600.00</td>
<td>$9,834.72</td>
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<td>$9,600.00</td>
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<tr>
<td>62130 OUTSIDE WEB SUPPORT</td>
<td>$5,296.40</td>
<td>$5,000.00</td>
<td>$3,639.00</td>
<td>72.8%</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>62140 SOFTWARE PURCHASE</td>
<td>$1,514.91</td>
<td>$4,000.00</td>
<td>$1,717.88</td>
<td>42.9%</td>
<td>$1,500.00</td>
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<tr>
<td>62410 MARKETING/ADVERTISING</td>
<td>$1,241.20</td>
<td>$500.00</td>
<td>$767.42</td>
<td>153.5%</td>
<td>$500.00</td>
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<tr>
<td>66000 EQUIPMENT PURCHASE</td>
<td>$4,782.81</td>
<td>$15,000.00</td>
<td>$9,391.21</td>
<td>62.6%</td>
<td>$8,000.00</td>
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<tr>
<td>68200 WEB/VIDEO CONFERENCE</td>
<td>$17,306.51</td>
<td>$22,500.00</td>
<td>$15,994.38</td>
<td>71.1%</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>72000 CONSULTANT SERVICES</td>
<td>$7,390.82</td>
<td>$20,000.00</td>
<td>$10,336.24</td>
<td>51.7%</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>74000 STAFF TRAVEL</td>
<td>$1,855.31</td>
<td>$5,000.00</td>
<td>$3,172.47</td>
<td>63.4%</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>78050 PRINTING</td>
<td>$105.81</td>
<td>$500.00</td>
<td>$169.00</td>
<td>33.8%</td>
<td>$500.00</td>
</tr>
<tr>
<td>85000 RENT</td>
<td>$29,875.00</td>
<td>$25,500.00</td>
<td>$13,552.00</td>
<td>53.1%</td>
<td>$33,000.00</td>
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<tr>
<td>91010 INDIRECT COST</td>
<td>$70,721.77</td>
<td>$78,378.57</td>
<td>$46,312.66</td>
<td>59.1%</td>
<td>$80,838.30</td>
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<tr>
<td>11356 Executive Committee Meetings</td>
<td>$32,201.02</td>
<td>$10,000.00</td>
<td>$300.71</td>
<td>3.01%</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>11363 Annual Meeting</td>
<td>$173,720.93</td>
<td>$185,000.00</td>
<td>$173,254.23</td>
<td>93.65%</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>11364 Compliance Committee</td>
<td>$1,251.14</td>
<td>$7,500.00</td>
<td>$70.41</td>
<td>0.94%</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>11365 Finance Committee</td>
<td>$6.73</td>
<td>$1,000.00</td>
<td>$46.28</td>
<td>4.63%</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>11367 Technology Committee</td>
<td>$214.64</td>
<td>$5,000.00</td>
<td>$202.01</td>
<td>4.04%</td>
<td>$20,000.00</td>
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<tr>
<td>11368 Training/Education Committee</td>
<td>$9,637.46</td>
<td>$10,000.00</td>
<td>$3,239.55</td>
<td>32.40%</td>
<td>$10,000.00</td>
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<tr>
<td>11371 DCA Liaison Committee</td>
<td>$77.71</td>
<td>$1,000.00</td>
<td>$820.52</td>
<td>82.05%</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>11372 Annual Report</td>
<td>$2,330.00</td>
<td>$3,000.00</td>
<td>$2,310.00</td>
<td>77.00%</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>11569 DCA Training Institute</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>11373 Shop ICAOS</td>
<td>$789.48</td>
<td>$0.00</td>
<td>$226.70</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>11352 Defense Litigation</td>
<td>$22,976.19</td>
<td>$10,000.00</td>
<td>$1,391.45</td>
<td>0.00%</td>
<td>$10,000.00</td>
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<tr>
<td>11354 ICOTS</td>
<td>$462,023.28</td>
<td>$380,000.00</td>
<td>$108,251.75</td>
<td>28.9%</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>11389 Long-term Investment Fund</td>
<td>$360,000.00</td>
<td>$360,000.00</td>
<td>$120,000.00</td>
<td>33.33%</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Other Indirect Cost</td>
<td>$55,393.28</td>
<td>$50,400.00</td>
<td>$25,500.74</td>
<td>50.60%</td>
<td>$54,275.00</td>
</tr>
<tr>
<td><strong>Total Other Expense</strong></td>
<td>$1,119,376.68</td>
<td>$1,037,900.00</td>
<td>$508,728.99</td>
<td>59.0%</td>
<td>$889,221.27</td>
</tr>
</tbody>
</table>

### Other Expenses

<table>
<thead>
<tr>
<th></th>
<th>FY14</th>
<th>FY15</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Commission Expenses</strong></td>
<td>$1,897,316.17</td>
<td>$1,900,064.26</td>
<td>$944,173.91</td>
<td>49.69%</td>
<td>$1,709,496.27</td>
</tr>
</tbody>
</table>
ICAOS - FY 2017 Proposed Budget Notes:

1. If you take the Vanguard Investments out of the picture the proposed FY2017 is $50,112.27 or 3% more than the approved FY 2016 budget and $54,612.74 or 3.5% more than the approved FY2015 budget.

2. To balance the FY 2017 budget we’ll need to move $147,511.74 from the cash reserve to the budget. $90,000 of the $142,286.74 is to fund the Vanguard Investments.

3. Line item 60000 – Salaries and Wages is lower, but I increased line item 61000 - Employee Benefit to cover the increasing cost of funding the Kentucky Retirement System (KERS). In FY2015 the cost of employee benefits is almost 51% and I expect it to be at least 52% in FY 2017, unless CSG is successful at pulling out of the KERS.

4. Increased line Item 62000 – Supplies by $500 to keep up with rising cost.

5. Increased line item 62090 - Computer Service/Support by $5,400 to cover the cost of the dashboard project.

6. Lowered line item 62280 – Insurance by $1,000 to match actual spending.

7. Increased line Item 62310 – Photocopies from $500 to $1,300 to match actual spending.

8. Increased line item 62360 – Direct Telephone Expense from $5,000 to $6,300 to match actual spending.

9. Decreased line item 62370 – Cell Phone Expense from $2,500 to $1,750 to match actual spending. Last year we managed to get on the State of Kentucky cell phone contract which reduced our cost.

10. Increased line item 68200 – Web Video Conferencing from $22,500 to $27,000 to keep up with an increasing demand by the states to use WebEx to train field personnel.

11. Decreased line item 72000 – Consultants from $20,000 to $10,000 based on the trend to spend less for on-site training by either encouraging the states to conduct their own training of field personnel and by requiring the states to pay the cost of on-site training.

12. Decreased line item 8000 – Legal Services from $33,000 in FY 2016 to $25,000 in FY 2017 to be more in line with prior years.

13. Line item 91010 – Indirect Cost is the fee we pay CSG for providing services. The fee is 10% of the line items under the “Expense” category.

14. Adjusted line items 11356 through 11371 - Committees to match actual spending. Executive Committee spending is up because of in-person ABM Workgroup Meetings.

15. Line item 11354 – ICOTS is for ICOTS maintenance and hosting and the development of enhancements. The maintenance cost is $338,129 which leaves $71,871 for development related to the upcoming rule amendments. If the Commission decides to pursue additional enhancements it will require additional funds from the cash reserve.

16. Decreased the Long Term Investment Fund from $360,000 to $90,000 as directed by the executive committee.

17. The “Other Indirect Cost” is another assessment by CSG. The “Other Expenses” category (with the exception of line item 11354 – ICOTS) is assessed 10% and the line item 11354 - ICOTS is assessed 6.75%.
The Consumer Price Index for All Urban Consumers (CPI-U) declined 0.4 percent in December on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 0.8 percent before seasonal adjustment.

The gasoline index continued to fall sharply, declining 9.4 percent and leading to the decrease in the seasonally adjusted all items index. The fuel oil index also fell sharply, and the energy index posted its largest one-month decline since December 2008, although the indexes for natural gas and for electricity both increased. The food index, in contrast, rose 0.3 percent, its largest increase since September.

The index for all items less food and energy was unchanged in December, following a 0.2 percent increase in October and a 0.1 percent rise in November. This was only the second time since 2010 that it did not increase. The shelter index continued to rise, and the index for medical care posted its largest increase since August 2013. However, these increases were offset by declines in a broad array of indexes including apparel, airline fares, used cars and trucks, household furnishings and operations, and new vehicles.

The all items index increased 0.8 percent over the last 12 months. This is notably lower than the 1.3 percent change for the 12 months ending November. The energy index has declined 10.6 percent over the span. In contrast, the 3.4 percent increase in the food index is its largest 12-month increase since February 2012. The index for all items less food and energy has increased 1.6 percent over the last 12 months, its smallest 12-month change since the 12 months ending February 2014.
Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Dec. 2013 - Dec. 2014

<table>
<thead>
<tr>
<th>Percent change</th>
<th>All items</th>
<th>All items less food and energy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec'13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mar</td>
<td></td>
<td></td>
</tr>
<tr>
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Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

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1 Not seasonally adjusted.
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<td>Email notification to be sent to all interested parties when an offender changes addresses</td>
<td>Residences</td>
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<td>Add new response to Violation Report for offenders 'unavailable' for retaking.</td>
<td>VREP &amp; CCN (Can be combined with More Attachments)</td>
<td>0</td>
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<td>Add reason for CCN invalidation to email notification</td>
<td>VREP &amp; CCN (Can be combined with More Attachments)</td>
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<td>Require justification for offenders returning to the sending state RFRI</td>
<td>TREQ &amp; RFRI Changes</td>
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<td>7</td>
<td>Add a 'toiled' function to the Supervision End Date for states that 'toil' their expiration dates when violations are pending. Currently the SED has to be moved to the next court date or changed to lifetime when expiration dates toll to avoid the case showing up on the overdue Case Closure report</td>
<td>General Offender Profile</td>
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<td>8</td>
<td>Save workflow 'post-its/comments as case notes (includes author's name and retaining comment history when items are returned so the Compact Office can see what they told the field PO should be fixed when the action item is sent back into the Compact Office)</td>
<td>Workflow Notes</td>
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<td>Add Attachment to CCN</td>
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<td>Create email notifications for Case Notes, including comments and cases reassigned via manage caseload</td>
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<td>Add Comment/Attachment field for RFRI Reason</td>
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<td>Add option for RFRI reason #1 to include date offender is released from confinement</td>
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<td>Create a more system driven process for subsequent state transfers</td>
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<td>Allow the receiving state to update the residence address on the TREP</td>
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<td>Allow the receiving state to update the residence address on the R2RFRI</td>
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<td>Add the ability to label compact cases/ offenders as &quot;CONFIDENTIAL RECORD&quot; in big bold red letters to identify sensitive information on the offender profile for ICOTS users</td>
<td>General Offender Profile</td>
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<td>Add ability to inherit the direct reports from a supervisor</td>
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<td>Include 'reason for rejection' to Cases Process Report for detailed report of rejected cases</td>
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<td>Require confirmation screen upon adding offense information</td>
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<td>Color-code or filter 'special status' offenders on Compact Workload</td>
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<td>Prevent 2 people from working on same activity in the compact office</td>
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<td>Update check boxes on TREQ pdf (some removed, some added)</td>
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<td>Add counts for NCIC offenses</td>
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<td>Add the Offender's DOB, sending state ID#, receiving state ID#, and supervision type (probation or parole) on the Manage</td>
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<td>Case Note grouping and renaming, case movements etc</td>
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<td>Fix 'Cases Processed Report' in ICOTS</td>
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<td>Functionality to flag confidential offender addresses. At times, offender addresses must be kept confidential for safety or other reasons</td>
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<td>Add 'submit' button to top of Manage Caseload screen</td>
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<td>Oregon</td>
<td>Nov-14</td>
<td>b</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Jul-14</td>
<td>b</td>
<td>b</td>
<td>c</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Feb-15</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Oct-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Dec-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Mar-15</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Sep-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Texas</td>
<td>Mar-15</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Utah</td>
<td>May-15</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vermont</td>
<td>Apr-15</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Virginia</td>
<td>Nov-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Jul-14</td>
<td>b</td>
<td>c</td>
<td>b</td>
</tr>
<tr>
<td>Washington</td>
<td>Oct-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Oct-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Apr-15</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Jan-14</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
</tbody>
</table>

Average Scores

| Percentage Failed | 1.89% | 5.66% | 1.89% | 3.77% | 13.21% | 30.19% | 0.00% | 20.75% | 3.77% | 7.55% | 9.43% | 20.75% | 0.00% | 2.83 | 5.64 | 1.09 | 11.30 |
Suggestions for FY 2016 Compliance Audits

1. Continue with same standards and current levels of compliance-80%

2. Continue with same standards and increase levels for compliance- > 80%

3. Conduct ‘quality assessment’ for activities: Violation Reports- (Are compact offices reviewing and sending back to field when necessary, Are non-significant violations reported on violation reports, are all requirements of rule 4.109 included, ); Transfer Requests, (justifications, reasons for rejections); Progress Report (Is offender’s progress well explained, above stating ‘offender doing well’)

INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION

2015 ANNUAL BUSINESS MEETING AGENDA

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

October 5-7, 2015

Monday, October 5, 2015

3:00 pm - 5:00 pm  Executive Committee Meeting

TBD

OR will suggest after-hour activities. The National Office will have the information & sign-up sheet on the ABM registration page.

Tuesday, October 6, 2015

8:00 am – 9:45 am  East Region Meeting

South Region Meeting

Midwest Region Meeting

West Region Meeting
  • Improve the meeting attendance
  • Rules Amendments
  • Dashboard results by region
  • Region Chair Election

10:00 am – 11:45 am  Rule Proposals Discussion
  • S. Andrews, J. Stromberg (DCA M. Patterson) welcome speech
  • Introduction of the Ex Cmmitt
  • Moderator: J. Seigel
  • Presenters: Rules Committee and R. Masters
Annual Business Meeting • Portland, Oregon • October 5-7, 2015

- Debating Rule proposals
- ICOTS Impact
- How it will affect the day to day business
- Meaning
- Opposition

Ask Rick if it is appropriate to debate the rule proposals during this session

11:45 am - 1:00 pm  **Lunch Scramble (team building activity)**
- Commissioners
- DCAs
- New commissioners & Ex Cmmtt Lunch
- Make reservations in surrounding restaurants
- Assign commissioners and DCAs in groups of 6 or 10
- Mix different regions
- Lunch Scrambles paid by the commission

1:00 pm – 2:45 pm  **Commissioners & DCA Discussions**
- DCA Liaison & Training Committee to suggest the presenters to the Ex Cmmtt for approval
- M.S. and X. D. + DCAs (for ICOTS part of the training)
- X.D. – major questions/problems in ICOTS (help desk)
- Troubleshooting Violation reports – scenarios and specific examples of cases. Examples on the screen. For Example: X. D. is a sending state & M.S. is a receiving state – break down of individual violations
- ICOTS (Violation Reports) Skit (stop the skit – what would you do now?)
  - setting up a table with 2 DCAs and their commissioners
  - Involve ARS to answer skit’s questions
  - Acting out the wrong answers, before acting out the right answers
  - Conversation in the office
  - Engaged discussion, not just presentation
  - involving commissioners
- Violations and Progress reports/ Significant/ technical violation – legal clarification
- Violation reports and warrants:
- Availability of the compliance reports (compliance audit) if time permits

3:00 pm – 3:30 pm  **Public Hearing**

4:00 pm – 6:00 pm  **Reception/Recognition Session**
• send an email – seek new people with 20+ years of service (to recognize them for their service)
• Spirit Sighting (SS)
  o DCA Liaison Committee to select top 3 to recognize
  o both of the states on the podium
  o Person who submitted the SS will provide short info about the case
  o Fun awards for the SS recipients or certificates & pins
• Introduction of new commissioners & DCAs
• Raised platform for moderators
• Moderators: M. Buscher & Others
• Recognizing the regions with above the average compliance rate Gold/ Silver/Bronze medals based on the compliance dashboard results by region (print and provide the results at the reception)
• Provide description of the reception at the registration page
• Color coded cards assigned/picked by each attendee at the entrance of the room for group activities during the reception

PM
OR will suggest after-hour activities. The National Office will have the information & sign-up sheet on the ABM registration page.

Wednesday, August 27, 2014

General Session
*TBD*

8:00 am - 8:15 am  Call to Order  
Flag Presentation
Roll Call

8:15 am – 9:00 am  Welcome & Overview
• Sara Andrews (OH), Chairwoman
• J. Stromberg (OR), Commissioner
• Dynamic Speaker
  o Plan A: Governor
  o Plan B: DOC Director
  o Reinforce what the Commission does
  o Congressional Speaker – JR topic
  o Communication, Innovation, and Supervision
  o Other thoughts?
Approval of Agenda

Approval of Minutes
- August 27, 2014

9:00 am – 10:00 am  Committees Reports

- Information & Technology Committee
  - Gary Roberge (CT), Chair

- Training, Education & Public Relations Committee
  - Anne Precythe (NC), Chair

- Justice Reinvestment Workgroup
  - Anne Precythe (NC), Chair

- DCA Liaison Committee
  - Geri Miller-Fox (UT), Chair

- Compliance Committee
  - Jeremiah Stromberg (OR), Chair

- Finance Committee
  - Charles Lauterbach (IA), Chair
    - FY2017 Budget

- ABM Workgroup
  - Chris Norman (AL), Vice Chair

- Victims’ Advocate
  - Pat Tuthill, Victim’s Advocate

- Legal Counsel
  - Rick Masters, Legal Counsel

10:00 am – 10:15 am  Break

10:15 am – 11:45 am  Committee reports (cont.)

- Rules Committee
  - Jane Seigel (IN), Chair

- Other Discussion Topics (if time permits)
  - Compliance Reports
  - VineWatch presentation by states who use the system
Sex-offender registration issue – presenter from DC

11:45 am – 1:00 pm  Lunch [on your own]

1:00 pm – 3:15 pm  Swift and Certain Panel (sanctions and incentives)
   • Engaging Moderator – local: Scott Taylor (former commissioner) or out of state? Check for speaker suggestions with A. Aylward (WA)
     o Moderator: bring ppl outside of Commission (non-bios toward the issue and can challenge us)
     o Presenters: NC, NV, and HI
   • Issue Introduction and Training
   • Panel
   • (if approved by the Ex Cmmtt - send a survey to find the most innovative programs and invite their commissioners to be part of the panel - Ed Lettessa (suggested by A. Precythe))

3:15 pm – 3:30 pm  Break

3:30 pm – 4:00 pm  Awards Presentation/
   • Executive Chair Award & Peyton Tuthill Award - Chairwoman S. Andrews (OH) & Commissioner
   • Executive Director Award – Executive Director H. Hageman

4:00 pm – 4:45 pm  New Business/Old Business

4:45 pm – 5:00 pm  Call to the Public

Adjourn

5:15 pm – 6:15 pm  Executive Committee Meeting
   TBD

PM  OR will suggest after-hour activities. The National Office will have the information&sign-up sheet on the ABM registration page.
Goals and Priorities

Training Committee
1. Distinguishing between the Training Committee and the Trainers
2. Placing emphasis on state compact offices assuming responsibility for training users and stakeholders, determining how to operationalize the rules and to “work the rules, don’t let the rules work you”
3. Update current training tools, methods specifically
   - Re-authoring Ondemand Modules to increase interactivity
   - Expanding Admin/Compact office training as needed to support above #2
   - Splitting the rules modules by process to support above #1 (allows pool of trainers to be expanded and only asking trainers to train on rules they are comfortable with)

Compliance Committee
1. Review and update ICAOS policies.
2. Implement a “compliance process/procedure” for handling formal complaints in a fair and consistent manner.
3. Review compliance patterns and trends and make recommendations for improvements to the executive committee.

Technology Committee
1. Prioritize current list of approved enhancements and remove enhancement requests from the list that are no longer relevant
2. Determine functional specifications for highest priority enhancements
3. Determine the direction for the national office in the following areas:
   - ICAOS website
   - External reports
   - Compliance dashboards
   - Data exchange projects

Rules
1. Promote purposes of the Compact in the rules making process (give examples, encourage conversation)
2. Incorporating Evidenced Based Practices into rule making and decision making
3. “How-to” rule making guide. ‘rule making for dummies’: Training module outlining the process
6. Preparation of rule proposals for Portland 2015 ABM
**Finance Committee**

1. Review the commission’s overall financial picture and make a recommendation to the executive committee relative to the commission’s participation in the CSG’s Long Term Investment Portfolio.
2. Throughout the fiscal year oversee the commission’s monthly spending to ensure the commission remains at or under the projected budget.
3. Make recommendations to the executive committee about ways the commission might reduce spending should the commission fail to remain under budget at any time during the fiscal year.

**DCA Liaison Committee to be approved by UT**

1. Mentoring of New DCAs
2. Training Needs & Ideas
3. Communication with Regions & DCAs

**East**

1. Consistently having a quorum at our east region meetings
2. Increase in East region representation on committees. Ideally one commissioner and one DCA per committee.

**Midwest**

1. Midwest Region member states start sharing training announcements with bordering states; if the training state has capacity to include other participants, they notify/invite bordering states to attend.
2. Another goal is that we start sharing our best practices with each other at every meeting. I know that we have done that in the past but it is pretty hit and miss.
3. Lastly that we continue to have a quorum at each meeting with active participation by member states.

**South**

1. To have a quorum at each South Region meeting
2. To generate discussion on ways to align compact practices with the principles of Reentry/Justice Reinvestment
3. Personally contact Commissioners in the South Region and ask if they have any agenda items for region meetings

**West**

1. Queries or polling of states for discussion items prior to scheduled meetings
2. Agenda time dedicated to sharing best practices/emerging trends
3. Sharing definitions and common terms for improved alignment of practices

**Victims’ Representative**

1. Work with state Vine Program Managers and State Victim Representatives to Market ICOTS VINE Watch through conference calls and/or webinars
2. Provide opportunity for each region to send State Council Victim Representative to ABM
3. Monitor compliance with Compliance Committee
4. Ensure where appropriate rules include victim rights for notification and to be heard.
FY 2016 National Office Goals

1. Assist Committee Chairs with the implementation of committee goals
2. Implement the FY 2016 compliance audits
3. Publish the FY 2015 Annual Report
4. Prepare and manage the Annual Business Meeting
5. Implement new rules and amendments to include changes to ICOTS
6. Prioritize ICOTS enhancements
7. Upgrade ICAOS/ICJ Web platform
8. Publish an interactive bench book
9. Upgrade on-line training software and content
10. Research alternatives to CSG Affiliation
# ROBERTS RULES CHEAT SHEET

<table>
<thead>
<tr>
<th>To:</th>
<th>You say:</th>
<th>Interrupt Speaker</th>
<th>Second Needed</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Vote Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn</td>
<td>&quot;I move that we adjourn&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Recess</td>
<td>&quot;I move that we recess until…&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Complain about noise, room temp., etc.</td>
<td>&quot;Point of privilege&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Chair Decides</td>
</tr>
<tr>
<td>Suspend further consideration of something</td>
<td>&quot;I move that we table it&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>End debate</td>
<td>&quot;I move the previous question&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>Postpone consideration of something</td>
<td>&quot;I move we postpone this matter until…&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Amend a motion</td>
<td>&quot;I move that this motion be amended by…&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Introduce business (a primary motion)</td>
<td>&quot;I move that…&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

<table>
<thead>
<tr>
<th>To:</th>
<th>You say:</th>
<th>Interrupt Speaker</th>
<th>Second Needed</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Vote Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Object to procedure or personal affront</td>
<td>&quot;Point of order&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Chair decides</td>
</tr>
<tr>
<td>Request information</td>
<td>&quot;Point of information&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>Ask for vote by actual count to verify voice vote</td>
<td>&quot;I call for a division of the house&quot;</td>
<td>Must be done before new motion</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None unless someone objects</td>
</tr>
<tr>
<td>Object to considering some undiplomatic or improper matter</td>
<td>&quot;I object to consideration of this question&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>Take up matter previously tabled</td>
<td>&quot;I move we take from the table…”</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Reconsider something already disposed of</td>
<td>&quot;I move we now (or later) reconsider our action relative to…“</td>
<td>Yes</td>
<td>Yes</td>
<td>Only if original motion was debatable</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Consider something out of its scheduled order</td>
<td>&quot;I move we suspend the rules and consider…”</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>Vote on a ruling by the Chair</td>
<td>&quot;I appeal the Chair’s decision&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
</tbody>
</table>

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).
PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: I move that (or “to”) ... and resumes his seat.
- Another member seconds the motion: I second the motion or I second it or second.
- The chair states the motion: It is moved and seconded that ... Are you ready for the question?

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: Are you ready for the question? If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: The question is on the adoption of the motion that ... As many as are in favor, say ‘Aye’. (Pause for response.) Those opposed, say ‘Nay’. (Pause for response.) Those abstained please say ‘Aye’.

The chair announces the result of the vote.

1. The ayes have it, the motion carries, and ... (indicating the effect of the vote) or
2. The nays have it and the motion fails

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite
HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION
You want to propose a new idea or action for the group.
  • After recognition, make a main motion.
  • Member: "Madame Chairman, I move that ________." 

AMENDING A MOTION
You want to change some of the wording that is being discussed.
  • After recognition, "Madame Chairman, I move that the motion be amended by adding the following words ________." 
  • After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words ________." 
  • After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, ________, and adding in their place the following words ________." 

REFER TO A COMMITTEE
You feel that an idea or proposal being discussed needs more study and investigation.
  • After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown." 

POSTPONE DEFINITELY
You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.
  • After recognition, "Madame Chairman, I move to postpone the question until ________." 

PREVIOUS QUESTION
You think discussion has gone on for too long and you want to stop discussion and vote.
  • After recognition, "Madam President, I move the previous question." 

LIMIT DEBATE
You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.
  • After recognition, "Madam President, I move to limit discussion to two minutes per speaker."
POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."
COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

<table>
<thead>
<tr>
<th>Class of Rule</th>
<th>Requirements to Adopt</th>
<th>Requirements to Suspend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter</td>
<td>Adopted by majority vote or as proved by law or governing Authority</td>
<td>Cannot be suspended</td>
</tr>
<tr>
<td>Bylaws</td>
<td>Adopted by membership</td>
<td>Cannot be suspended</td>
</tr>
<tr>
<td>Special Rules of Order</td>
<td>Previous notice &amp; 2/3 vote, or a majority of entire membership</td>
<td>2/3 Vote</td>
</tr>
<tr>
<td>Standing Rules</td>
<td>Majority vote</td>
<td>Can be suspended for session by majority vote during a meeting</td>
</tr>
<tr>
<td>Modified Roberts Rules of Order</td>
<td>Adopted in bylaws</td>
<td>2/3 vote</td>
</tr>
</tbody>
</table>
Executive Director’s Report
April 2015

Commissioners Changes/Vacancies

Commissioner Vacancies include CO, MD, PA and TX.

SC confirmed Commissioner Adger’s appointment.

MD announced that Judith Sachwald is the new Commissioner, however we have not received written confirmation

Complaints, Conflict Resolution and Misc. calls

I worked with AK and CO on a duel supervision case and with CA and AZ on a retaking case.

Compliance Audits

April compliance audits include CA, MS, VT and WI. In May Mindy will audit ID, IA, MN and UT.

Other

Mindy and I participated in the rules committee meeting.

I worked with the finance chair to draft the FY 2017 budget proposal

Lori Meister started work on April 1, 2015

Working with CSG to update job descriptions and classifications

Preparing invoices for FY 2017 Dues

National Office FY 2016 Goals:

1. Assist Committee Chairs with the implementation of committee goals
2. Implement the FY 2016 compliance audits
3. Publish the FY 2015 Annual Report
4. Prepare and manage the Annual Business Meeting
5. Implement new rules and amendments to include changes to ICOTS
6. Prioritize ICOTS enhancements
7. Upgrade ICAOS/ICJ Web platform
8. Publish an interactive bench book
9. Upgrade on-line training software and content
10. Research alternatives to CSG Affiliation
ICOTS Helpdesk – Tickets submitted decreased 17% in March from previous month to 214 tickets. This could be due largely in part to several bugs that were addressed in release 29.3 on February 25, 2015.

ICAOS Website – Total website visits in March were up 11% month over month to 46,200. Traffic to the website from mobile devices was up 7.3% in March from the previous month to over 14,600 visits. This still accounted for almost a third of all website traffic.

ICOTS Security Release – The public web portal functionality will be moved inside ICOTS in the next security release. Development on this functionality will begin at the completion of the current slate of enhancements, which is expected to be the end of May 2015.

FY2015 ICOTS Enhancements – Release 29.4 was launched on March 25, 2015. It included the nested compact activity table view on the offender profile. Users can now easily see what responses are related to what activities at a glance. In addition to the enhancement, three outstanding bugs were resolved with this release. They are:

1.) Unable to move a compact case when the Source Offender’s PO has been deactivated
2.) Fixed the RFRI-Reply due date calculation
3.) Compact office fax number can now be edited

Appriss has indicated the remaining FY2015 enhancements will be completed by the end of May 2015. The remaining enhancements are:

1.) Add restrictions to prevent duplicate offenders
2.) Add ‘Intended Departure Date’ to Transfer Request and Request for Reporting Instructions

FY2017 ICOTS Enhancements – The Technology Committee completed a survey ranking their top 20 enhancement items in order of priority. The results have been compiled and included in the Executive Committee’s binder.

Fusion Center Project – The Wisconsin Department of Justice reviewed the proposed agreement between their fusion center and ICAOS. They signed the MOU last week so their center will be coming online shortly.

Rule Amendment Changes – Appriss will create statements of work and price quotes for any proposed amendments that will go before the commission for a vote. They were informed of the Rules Committee’s timeline for this year’s proposed amendments and are awaiting communication from us on what the proposals will look like and how they will impact ICOTS. The national office will send that information along when the Rules Committee is finished drafting the amendments.
Justice Reinvestment Workgroup- Supervision & Confinement

Q1

Provide the following:

Data Trends do not apply to this question

Q3

Provide the following:

Data Trends do not apply to this question

Q3 (by day)

Is your state or state agency involved with Justice Reinvestment Initiatives and/or Swift & Certain Responses to Violations?

Q4 (by day)

Does your state use a graduated sanction matrix for violations? In the context of this survey, a ‘graduated sanction matrix’ is a range of options available for responding to violation behavior which do not require the controlling authority’s approval to impose. The sanctions may range in severity from a verbal reprimand up to short term incarceration in a local detention facility)

Q5 (by day)

Can officers in your state impose any jail time without the controlling authority’s involvement?
Q5 (by day)

What violations can officers respond to without the controlling authority's involvement?

Q7 (by day)

Have you seen an impact on ICAO5 processes due to changes in your statute that relate to Justice Reinvestment or Swift & Certain Responses?

Q8 (by day)

Do you have any suggestions for rule amendments due to changes in your statute that relate to Justice Reinvestment or Swift & Certain Responses?

Q9

Additional Comments

Data Trends do not apply to this question
Monday, October 5, 2015

3:00 pm - 5:00 pm  Executive Committee Meeting

TBD

PM  OR - after-hour activities. NO – information & sign-up

Tuesday, October 6, 2015

8:30 am – 9:45 am  East Region Meeting

South Region Meeting

Midwest Region Meeting

West Region Meeting

• Improve the meeting attendance
• Rules Amendments
• Dashboard results by region
• Region Chair Election
• Introduce new Commissioners & DCAs
• DCA Region Chair Election

10:00 am – 11:45 am  Rule Proposals Discussion

• S. Andrews, J. Stromberg (DCA M. Patterson) welcome speech
• Introduction of the Ex Cmmtt
• Moderator: J. Seigel
• Presenters: Rules Committee and R. Masters
• Debating Rule proposals
• ICOTS Impact
• How it will affect the day to day business
• Meaning
• Pros and cons

11:45 am - 1:00 pm

New commissioners & Ex Cmmnt Lunch
• Regions chairs to suggest places during morning meeting for others.

1:00 pm – 2:45 pm

Commissioners & DCA Discussions
• DCA Liaison & Training Committee, M.S. and X. D.
• ICOTS (Violation Reports/Progress reports/ Significant/ technical violation- legal clarification/ Warrants)
  o Skit (stop the skit – what would you do now?)
  o setting up a table with 2 DCAs and their commissioners
  o Involve ARS to answer skit’s questions
  o Acting out the wrong answers, before acting out the right answers
  o Conversation in the office
  o Engaged discussion, not just presentation
  o involving commissioners

3:00 pm – 3:30 pm

Public Hearing

4:00 pm – 6:00 pm

Reception/Recognition Session
• Moderators: M. Buscher& Others
• new people with 20+ years of service & Spirit Sighting (SS)
  o DCA Liaison Committee to select top 3
  o both of the states on the podium
  o Person who submitted the SS will provide short info about the case
  o Fun awards for the SS recipients or certificates & pins
• Introduction of new commissioners & DCAs

PM

OR - after-hour activities.

Wednesday, August 27, 2014

General Session
TBD

8:30 am - 8:45 am

Call to Order
Flag Presentation
Roll Call
8:45 am – 9:30 am  Welcome & Overview
- Sara Andrews (OH), Chairwoman
- J. Stromberg (OR), Commissioner
- Dynamic Speaker
  - Plan A: Governor
  - Plan B: DOC Director

Approval of Agenda

Approval of Minutes
- August 27, 2014

9:30 am – 10:30 am  Committees Reports

- Information & Technology Committee
  - Gary Roberge (CT), Chair

- Training, Education & Public Relations Committee
  - Anne Precythe (NC), Chair

- Justice Reinvestment Workgroup
  - Anne Precythe (NC), Chair

- DCA Liaison Committee
  - Geri Miller-Fox (UT), Chair

- Compliance Committee
  - Jeremiah Stromberg (OR), Chair

- Finance Committee
  - Charles Lauterbach (IA), Chair
    - FY2017 Budget

- ABM Workgroup
  - Chris Norman (AL), Vice Chair

- Victims’ Advocate
  - Pat Tuthill, Victim’s Advocate

- Legal Counsel
  - Rick Masters, Legal Counsel

10:30 am – 10:45 am  Break

10:45 am – 12:15 pm  Committee reports (cont.)
• Rules Committee
  ○ Jane Seigel (IN), Chair

12:15 pm – 1:30 pm  Lunch [on your own]

1:30 pm – 3:15 pm  JRI Workgroup discussion
  • Speaker: Ed Latessa
  • Regions to discuss issues between meetings

3:15 pm – 3:30 pm  Break

3:30 pm – 4:00 pm  Awards Presentation/ Oath for region chairs
  • Executive Chair Award & Peyton Tuthill Award - Chairwoman S. Andrews (OH) & Commissioner
  • Executive Director Award – Executive Director H. Hageman
  • Oath for region chairs/recognition of outgoing region chairs

4:00 pm – 4:45 pm  New Business/Old Business

4:45 pm – 5:00 pm  Call to the Public

Adjourn

5:15 pm – 6:15 pm  Executive Committee Meeting
  TBD

PM  OR after-hour activities