INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
MIDWEST REGION MEETING MINUTES
January 9, 2013
2:00 pm ET
WebEx

Members in Attendance:
1. Catherine Gibson-Beltz, Chair, NE
2. Jule Cavanaugh, Vice-chair, WI
3. Charles Lauterbach, IA
4. Charles Placek, ND
5. John Rubitschun, MI
6. Michelle Buscher, IL
7. Jill Carlson, MN
8. Ed Ligtenberg, SD
9. Sara Andrews, OH

Members not in Attendance:
1. Jane Seigel, IN
2. Kimberly Schwant, KS

Guests:
1. Don Matson
2. Bob Champion
3. Diane Maine
4. Jenny Bauer
5. Kari Rumbaugh
6. Janice Young
7. Mary Keyes
8. Tina Marshalls
9. Ron Leffler
10. Sally Reinhardt-Stewart
11. Roger Wilson
12. Rose Ann Bisch

Approved on 4/10/2013. B.S.
Call to Order

Commissioner C. Gibson-Beltz (NE) called the meeting to order at 2:01 pm EDT. Nine voting members were present, quorum was established.

Agenda

Commissioner E. Ligtenberg (SD) moved to approve the agenda. Commissioner J. Rubitschun (MI) seconded. Agenda was approved as drafted.

Minutes

Commissioner J. Rubitschun (MI) moved to approve the minutes from October 1, 2012. Commissioner E. Ligtenberg (SD) seconded. Minutes approved as drafted.

Executive Committee Report

Executive Director H. Hageman updated the Region on recent Executive Committee activities:

Commissioners Changes/Vacancies

- AK - The National Office is waiting for the paperwork
- CA - Vacant commissioner’s position, new Secretary of Corrections started last week.
- OR - New commissioner - Jeremiah Stromberg
- TN - Vacant commissioner’s position

Media


Complaints and Conflict Resolution

- PA withdrew its complaint against GA
- OR vs. TX and MN - Texas closed supervision on a retaking case
- NV vs. CA - Issues regarding timely retaking

Other

- H. Hageman and R. Masters are working on MOU for the fusion center project.
- The National Office completed four audits in December 2012.
- H. Hageman will attend the National Sheriff’s Association’s Winter Conference.
- Spring face-to-face Executive Committee meeting in May 2013

Rule Proposals Discussion
The Region discussed the Retaking Transport Requirements Proposal.

Executive Director H. Hageman stated that $20 is not enough to implement this project.

Commissioner C. Placek (ND) stated that North Dakota’s fee is $150 and is not utilized all the time.

**Rule 5. Retaking Transport Requirements**

(a) When an offender is approved to proceed to a receiving state under the terms of this compact, the offender shall pay a $20 retaking fee before being permitted to depart from the sending state.

1. The fee shall be collected by the sending state and forwarded to the Interstate Commission within five days.
2. The Interstate Commission shall accept the fee using an electronic system developed by the Interstate Commission or by money order mailed to the Executive Director of the Interstate Commission.
3. All collected fees shall be placed into an account created and managed by the Interstate Commission for the sole purpose of funding offender retaking.

(b) The Interstate Commission shall contract with or develop a retaking unit that will respond to all compact states when an offender needs to be retaken.

1. The retaking unit shall retake an offender within 30 days of the sending states decision to retake.
2. The retaking unit shall not be commissioned until after the Interstate Commission has determined the retaking account has reached an appropriate level to cover payment of anticipated retaking costs.
3. The Interstate Commission shall develop policy and procedure governing the retaking process to include safety and security of retaking officers and offenders being retaken.

(c) Upon the sending state’s decision to retake, or when mandatory retaking is established pursuant to Rules 5.102, 5.103, 5.103-1 and 5-103.2, the retaking unit shall be contacted by the sending state to arrange retaking.

1. The sending state shall ensure the offender is available for retaking before contacting the retaking unit.
2. If a Probable Cause hearing is requested by the sending state, it shall be confirmed the hearing has been completed and probable cause established per Rule 5.108.
3. The sending state has gathered all necessary location information for the retaking unit. (A) Address, phone number and contact person at the facility holding the offender in the receiving state (B) Address, phone number and contact person at the facility receiving the offender in the sending state.
(d) Upon notification from the sending state, the Interstate Commission retaking unit shall arrange retaking:

(1) The retaking unit shall notify both the receiving and sending states of the planned date of retaking.

(2) The retaking unit shall contact the holding facility to confirm the retaking date.

(c) Upon return to the sending state, the retaking unit shall send confirmation of successful retaking to both the sending and receiving states.

Rule 5.104 Cost of retaking an offender

A sending state shall be responsible for the cost of retaking the offender.


After discussion, the committee decided to take a vote.

Commissioner J. Cavanaugh (WI) moved not to forward the Retaking Transport Requirements proposal to the Rules Committee. Commissioner C. Placek (ND) seconded. Motion passed.

The Region reviewed an amendment to Rule 2.105 Misdemeanant.

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 details of the instant offense includes 1 or more of the following—

(1) an offense in which a person has incurred direct or threatened physical or psychological harm;

(2) an offense that involves the use or possession of a firearm;

(3) a 2nd or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;

(4) a sexual offense that requires the offender to register as a sex offender in the sending state.

No motion was made to make the above change.

Commissioner C. Lauterbach (IA) moved to add 2 years to the Rule 2.105 Misdemeanants. Commissioner C. Placek (ND) seconded. Motion failed by vote three to five.
Rule 2.105 Misdemeanants

(a) A misdemeanor offender whose sentence includes 1 or 2 years or more of supervision shall be eligible for transfer, provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes 1 or more of the following—

1. an offense in which a person has incurred direct or threatened physical or psychological harm;
2. an offense that involves the use or possession of a firearm;
3. a 2nd or subsequent misdemeanor offense of driving while impaired by drugs or alcohol;
4. a sexual offense that requires the offender to register as a sex offender in the sending state.

Commissioner M. Buscher (IL) moved to forward the rule proposal regarding offenders released to detainer to the Rules Committee for consideration. Commissioner J. Cavanaugh (WI) seconded.

Rule 3. Reporting Instructions; Offenders Released on a Parole Detainer

(a) When a sending state verifies an offender has been paroled to a detainer is extradited to another state and subsequently released on that detainer, upon notification of the offenders release the sending state shall request reporting instructions for the offender within 24 hours of release.

(b) The receiving state shall issue reporting instructions no later than two business days following the receipt of the request from the sending state.

(c) The sending receiving state shall assist the receiving sending state in completion of the Offender Application for Interstate Compact Transfer and mail the original to the sending state to attach in the transfer request.

(d) The sending state shall transmit a complete transfer request for an offender granted reporting instructions no later than 15 business days following the granting to the offender of reporting instructions.

(e) 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:

1. 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 calendar days of receiving notice of rejection or failure to send a transfer request. The receiving state retains authority to supervise the offender.
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 calendar days following the offender’s failure to appear in the sending state.

Motion passed unanimously.

The Region reviewed proposal presented by B. Champion.

**Rule 3.101 (e) or:**

(f) Is a United States Veteran eligible for services at a Regional Veteran’s Administration medical center and is referred by the Veteran’s Administration to a center in a receiving state 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 or health services by a regional Veterans Health Administration facility to a facility in a receiving state; and

(1) Will apply only so long as the offender is under the continued care of the receiving state Veterans Health Administration facility;

and

(2) Is receiving care he or she cannot receive in the sending state Veterans Health Administration facility; and

No motion was made to support the above change.

**DCA Region meeting:** DCA K. Rumbaugh (NE) updated the Region on the Midwest DCA region meeting results:

The DCAs discussed best practice and topic ideas for the Midwest Regional Meetings.

1. Wyoming: Discussed an offender who was detained on a warrant and probable cause was requested, but the receiving state reported the conviction of a misdemeanor took the place of probable cause
   i. Currently the rules only state “Felony”
   ii. But the training committee members have reported that Rick Masters reports the conviction of a Misdemeanor does qualify.
   iii. They also reported a language change will be requested for the next annual business meeting from possibly the West Region.

2. Discussed concern that “victim sensitive” is not marked on the Transfer Request unless the victim requests notification. Per the rule, the sending states law dictates if it is victim sensitive or not. Nebraska received a domestic violence offender not marked “victim sensitive”. The sending state reported they only mark if victim wants notification, but there was an active protection order.

3. Discussed the retaking process and how some states request an offender is retaken before conviction. The sending state then is receiving pressure from the jail to
come and get the offender when they pay a bond for the pending charge. What do we need to do to assist with this? It is a big issue happening daily.

4. Discussed how it is not clear in the rules when the 30 day clock for retaking starts.

5. Discussed concern about there being no timeframe in the rules for when an offender is to be “returned”. It is 30 days for retaking, but not “return”. Also, at what point do you submit the case closure.

6. Discussed states sharing information with each other if they charge an application fee and legislation used to pass that. North Dakota will share their information with the Region, others are encouraged as well.

The DCAs discussed DCA training day prior to ABM for voting years:

- All states present at the meeting agreed that having a day prior to the ABM for DCA’s would be beneficial (Illinois, Indiana, Kansas, Michigan, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin were present)
- The DCA’s agreed the above items are also good topics for DCA trainings, other ideas included:
  - ICOTS trouble shooting: sharing with other states how each are using the system.
  - Offenders picked up from other states on detainers, how to get these cases successfully transferred.
- Members of the Midwest Region encouraged the day is after the ABM instead of before, they felt it would be of greater benefit to discuss the rules passed the day before and the influence the new rules would have on states.
  - They didn’t believe talking about the proposed rules the day before would be as beneficial because most states already come in with a plan of how they will vote.

Region Best Practices: At the last meeting Ohio reported on its best practice regarding placement process of offenders.

Commissioner C. Gibson-Beltz (NE) inquired whether the Region wants to proceed with this agenda item at future meetings.

Commissioner C. Gibson-Beltz (NE) moved to proceed with the best practices agenda item. Commissioner E. Litgenberg (SD). Motion passed.

Commissioner C. Gibson-Beltz (NE) assigned DCA Midwest region to determine the best practice topic to discuss at the next region meeting.

Member State Updates

Wisconsin: Commissioner J. Cavanaugh has taken a position of the reentry director with DOC. The new commissioner will be appointed soon.

North Dakota stressed the importance of sending states checking addresses and verifying employment transfers of all offenders transferring to North Dakota.
*South Dakota* is introducing a SD Public Safety improvement legislation act. If it is adopted, the state will need to make significant changes to its sentencing and supervision practices.

*Nebraska:* The state council is scheduled to meet in April 2013.

*Illinois:* Commissioner M. Buscher informed the Region that Holly Reuter is the new Probation DCA.

The Region will meet again on April 10, 2013.

**Adjourn**
Meeting adjourned at 2:59 pm ET.