INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
MIDWEST REGION MEETING MINUTES
May 29, 2013
2:00 pm EDT
WebEx

Members in Attendance:
1. Catherine Gibson-Beltz, Chair, NE
2. Jane Seigel, IN
3. Charles Lauterbach, IA
4. John Rubitschun, MI
5. Sara Andrews, OH
6. Charles Placek, ND
7. Tracy Hudrlik, WI
8. Jill Carlson, MN
9. Ed Ligtenberg, SD

Members not in Attendance:
1. Michelle Buscher, IL
2. [Vacant] KS

Guests:
1. Catherine Corbet
2. Don Matson
3. Roger Wilson
4. Janice Young
5. Rose Ann Bisch
6. Sally Reinhardt-Stewart
7. Lisa Gross
8. Ron Lefler
9. Matt Billinger

Staff
1. Harry Hageman
2. Sam Razor
3. Barno Saturday

Approved on 8/27/2013.B.S.
4. Kevin Terry

**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 C. Placek (ND) seconded. Agenda was approved as drafted.

**Minutes**
Commissioner E. Ligtenberg (SD) moved to approve the minutes from April 10, 2013. Commissioner J. Seigel (IN) seconded.

The following changes were made to the minutes:
- p. 3 under the Executive Director report – remove CA.
- p. 3 under the Executive Director report – replace workout with workshop.

Minutes approved as amended.

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

- Rules Committee Report - Rules Committee met on May 3, 2013 via WebEx and reviewed the rules proposals. The proposals are posted on the website for comments. The Committee will meet again on June 12 in Indianapolis, IN.

- Training Committee Report - Commissioner D. Ege (AZ) presented her report to the Committee:
  - Vice-Chair Vacancy
  - Arkansas Prosecutor Training (April 22nd) – R. Masters
  - Open OVR Training for End Users - May 23rd, 24th, 28th & 29th - 8 sessions

- Technology Committee Report - Commissioner K. Winckler (TX) presented her report to the Committee:
  - 6 meetings held in the past 12 months
  - Fusion Center Data Exchange Project - the exchange is up and running, however some technical kinks are still being worked out
  - ICOTS Violation Enhancement
    - Began development in August 2012; launched on May 22, 2013
  - Victim Notification Project - workgroup met several times to discuss functionality of the project
  - External Reports - launched 10 compliance-based reports in June 2012

- Compliance Committee Report - At its April 2nd meeting, the Committee discussed the Washington’s complaint against Kansas. The Committee found Kansas in default for not
issuing a nationwide warrant. The Committee asked for further investigation of Kansas’ actions prior to termination of the offender’s probation.

- **Finance Committee Report** - Commission is in good financial health with expenses running 8% under budget so far this year.

- **Legal Counsel Report** –
  - The US Virgin Islands are seeking an amendment to the current legislation to remove the requirement that each of the Governor’s nominees must appear before the legislature, which has presented an obstacle to making appointments. They expected it to pass the legislation this spring, but it was postponed until the next session. The Executive Committee decided to proceed with the legal action against the US Virgin Islands.
  - Commission submitted to IRS its final filing as a nonprofit organization.

- **Commissioner’s vacancies**
  - CA Dan Stone - appointed in April 2013
  - CT James Dzurenda – appointed in April 2013
  - WI Tracy Hudrlik – appointed in May 2013
  - TN Bobby Straughter – appointed in April 2013
  - KS Is in the process of interviewing candidates. Vacant since January 2013
  - KY Vacant since May 1, 2013

- CA and AK States have not complied with the policy to provide a state council update after repeated reminders

- The national office completed compliance audits for AL, DC, ND, NE and TN in May. The schedule for June includes CO, LA, MT, NJ and RI.

**The Executive Committee:**

- discussed the agenda for the upcoming ABM
- approved budget proposal for FY 2015
- approved the FY 2014 compliance audit proposal to re-auditing states which received 4 or more “C” and conduct intense audit on MD and CT
- authorized Legal Counsel to write white paper on the consequences of discharging offenders in lieu of retaking in consultation with Training and Rules chairs
- adopted the Deputy Compact Administrator’s mentoring program
- found CA’s corrective action plan to be insufficient and rejected the submitted plan
- authorized legal counsel to file a judicial enforcement action in the federal court to enter an injunction against California to comply with the Compact Statute and Rules including a request to recover costs and fees
- created an ad hoc committee to review the boarder city related issue

**Rule Proposals Discussion:** The Region reviewed the its rule proposal 3.0 Reporting Instruction; Offenders Released on a Parole Detainer.
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 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.

Commissioner C. Gibson-Beltz (NE) moved to withdraw 3.0 rule proposal. Commissioner J. Rubitschun (MI) seconded. Motion passed.

The Region made the following changes to the Rules Committee’s proposal 3.0.

2013-RULES-3.____

Proposal to create/amend rules:

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

This rule does not apply to sex offenders as defined by the compact. If a sex offender is released in another state as a result of a detainer, the sending state shall ensure the offender is returned to the sending state within 2 business days following the notification of the offender’s release.
(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, the sending state shall verify that the offender meets eligibility criteria in Rule 3.101 and verify that the offender has requested to relocate. The sending state shall then request reporting instructions for the offender within 1 business day of the notification of the offender’s release.

(b) The receiving state shall issue reporting instructions no later than 2 business days following receipt such a request from the sending state.

(c) The receiving state shall assist the sending state in completion of the Offender Application and mail the original to the sending state. The receiving state shall submit the signed application electronically within 7 business days.

(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 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 no later than 10 calendar days following the offender’s failure to appear in the sending state.

Justification:

Alternate language drafted by the Rules Committee in response to the Midwest Proposal for new rule to address offenders released in a receiving state on a parole detainer.

Commissioner C. Placek (ND) moved to forward the proposed changes to Rules Committee. Commissioner S. Andrews (OH) seconded. Motion passed.

DCA Region meeting: DCA best practices topic was postponed until the next meeting.

Member State Updates
Indiana will have a state council meeting tomorrow.

Iowa combined Adult and Juvenile State Councils. The next State Council meeting is scheduled in June 2013.
Kansas: Matt Billinger was appointed as the Deputy Compact Administrator. State Council met earlier today and appointed a new compact administrator – Kathleen Graves.

North Dakota recently has been audited by the national office.

South Dakota is scheduling a state council meeting to review the rule amendments.

Ohio’s State Council meeting is scheduled for June 12, 2013. Ohio legislature is in session.

Minnesota recently had its legislative session. The state council will meet this week to discuss rule amendments.

Wisconsin: State Council meeting is scheduled for Friday, May 24. Wisconsin has successfully completed its national audit.

Nebraska reported that the national office had completed its audit. NE State Council meeting is scheduled for June 17, 2013.

New Business
The Region cancelled its July meeting. Its next meeting will take place on August 27 in Boston, Massachusetts.

Adjourn
Commissioner S. Andrews (OH) moved to adjourn. Commissioner C. Placek (ND) seconded. Meeting adjourned at 2:46 pm EDT.