INTERSTATE CORRECTIONS COMPACT

Midwest Regions Conference Call

October 14, 2003

A conference call was held on October 14, 2003, commencing at 1:30 P.M., with the following present:

   Don Blackburn, Executive Director
   Kathie Winckler, Chairman, Rules Committee
   Milt Gilliam, Vice Chairman, Rules Committee
   Vivian Williams, Illinois
   Judi Nystrom, Illinois
   Rick Shepherd, Illinois
   Jane Siegel, Indiana
   Robert Champion, Indiana
   Lowell Brandt, Iowa
   Charles Lauterbach, Iowa
   Jerry Bauer, Kansas
   Russ Cilbraise, Michigan
   David Fountain, Michigan
   Cynthia Johnson, Michigan
   Ken Merz, Minnesota
   James McKenzie, Nebraska
   Marcella Shortt, Nebraska
   Judy Rittel, Nebraska
   Charles Placek, North Dakota
   Ed Ligtenberg, South Dakota
   David Geffre, South Dakota
   William Rankin, Wisconsin

The purpose of this meeting is to discuss changes in rules and receive any questions or suggestions from various compact offices.

The group first discussed the definition section. The following definitions were brought up for discussion.

1.101 (a) Abscond. It was suggested that instead of usual place of residence, it should read approved place of residence. There was concern that an agent could take advantage of such rules. It was stated that the aim was to keep the definitions from being too detailed so as to allow some flexibility within the states.
1.101 (b) Adult  Suggestion was made to take out the word “both”. It was also suggested that the word treated should be changed to prosecuted.

1.101 (d) Arrival  Instead of “to report to” change it to “reporting to”. (grammatical)

1.101 (h) Compliance  There was discussion as to whether or not to include payment of restitution, since very often the receiving state does not have that information. It was clarified that compliance is prior to a transfer. It was suggested that instead of “all” terms and conditions the wording could be changed to “substantial”. The main concern that this rule addresses is to avoid transferring someone who is chronically outside of the terms of conditions. It was verified that the sending state would determine compliance.

1.101 (m) Offender  Discussion of “other criminal justice agencies”. Requested clarification as it could be interpreted to mean private agencies. It was stated not necessarily. It is meant to cover community agencies, etc. It was included to cover anything not previously specified in the definition. Clarification of what constitutes transfer of supervision, i.e. banks supervision, unsupervised supervision as in monthly reports. All would have to be transferred. Any type of supervision, including paper supervision because that involves a restriction of freedom. The receiving state needs to know they are in their state. In any case in which the courts have imposed some sort of sentence and the offender is physically in another state, the case would have to be transferred. Apparently there are offenders in a state other than the one the crime was committed in who have not actually been transferred to the state they are living in.

1.101 (r) Resident  It should be addressed that the resident cannot be a fugitive from justice and establish residency.

1.101(s) Resident family  There was discussion regarding the length of time. Rules state 6 months, some states suggested 60 days would be appropriate, especially if an offender’s family had to move because of a job transfer or that sort of thing. It must be taken into account if there is a good reason for changing residency or if the person is simply transient. There is also discussion regarding the inclusion of aunt and uncle as resident family – if that is appropriate. Request to include the terminology “willingness and ability to assist” in section (s) 2.

It was stated that under certain circumstances, a state is required to accept the transfer. However, a state may accept transfer under other conditions (such as less than 6 month residence) on a case by case basis.

1.101 (x) Significant violation  The question was raised if it should be stated “if occurring in the sending jurisdiction” (not receiving).

1.101 (cc) Temporary travel permit  Discussion regarding lowering the time limit. The travel permit prompts victim notice. Is a travel permit required for less than 24 hours. Yes – it is referred to in the victim notification section.
1.101 (dd) A question was raised regarding the term “natural person”. It was stated to differentiate between a natural person and a corporation which can be considered a person. It was also brought up that the victim can be the surviving family of the victim, especially in cases where the offense has brought about the death of the victim.

1101 (ee) Victims, as referred to in this section, should be identified by the sending state.

2.101 (b) line 12 It was recommended that the period on line 12 be deleted and add the compact administrator, deputy or his designee. It was brought up that the designee should not be just anyone. There were comments indicating that some members were very much against that. It was felt that there should be a central point for each state that information goes through. Some states felt that because their probation and parole are separate offices, there would have to be at least 2 contacts within a state. Comments were made that the terminology “only” and “all” were poor choices.

2.102 (b) (2) Information should also include the number of cases refused as well as those accepted.

2.103 (d) Regarding the formula, there was concern by some members that the sent from and received by combo will cause dues to be assessed by the amount of work that is generated.

2.104 It was stated that all states will be using the same forms and that there would be no additional cost for access to electronic forms.

2.105 Misdemeanants There was discussion regarding the fact that the definition is not the same in all states. Probation can be up to as much as 6 years. If it is stated, no misdemeanants, does that mean that they are not eligible for transfer or that they don’t have to apply for compact when/if they move to your state. Intention is that they are not eligible. Also, where it is specified that it must be one year or more of supervision – that does mean of supervision not the underlying sentence.

2.106 Questions were raised regarding if deferred adjudication is included. It was stated that it would be no different than deferred sentence. If an individual has been placed on some term of supervision by the court, it is a deferred sentence. It is requested that this be clarified.

2.107 There was discussion regarding this rule as to the question of whether probation and parole fall under this. When an individual is released to some sort of treatment center, the rules of supervision cannot always be honored because of the rules of the facility. Under these circumstances, is an individual is even eligible for supervision? This cannot be transferred without permission of the receiving state.

2.108 A question was raised that there was no time frame listed regarding this issue. However, that is already in the compact.

3.101 Clarification was asked for regarding less than 6 months remaining. If an offender has
less than 6 months remaining, is he then allowed to relocate with transfer. The answer is no. There was discussion regarding close proximity with family. Should there be a specific limit as to how far away the family can live? However distances are perceived differently in various states. If the offender has family in the state (versus living with the family), they can often get support from family members without actually living with them. The question was raised that if the plan is not working, must the sending state recall the offender? Or is the receiving state required to continue to supervise the offender.

3.102 The rules do not specify the number of packets required to be provided by the sending state. Consensus was that it should specify that 2 packets are required.

3.103 There was discussion and disagreement regarding which state is responsible in the case of a travel permit – the receiving state or the sending state. It was opposed by some who felt that having an offender in a receiving state without an investigation was not appropriate. Of specific concern is the case in which the details of the residence were misrepresented by the offender. It was stated that the main concern in these cases is that supervision be seamless. There was also discussion regarding the timeliness of getting the packet. Should the offender not be allowed to transfer until reporting instructions have been received or not? In the case of an offender entering a state for employment purposes, they could lose their job if they had to wait for reporting instructions. Some support an immediate response to such requests. If the offender does not report within 5 days, the receiving state can close the case and notify the sending state. It was stated that the receiving state needs to know the conditions of supervision and the crime for which the offender was convicted. The request for reporting instructions should have that information along with no contact orders, etc.

3.104 If the transfer request is incomplete, can the receiving state ask for more information? Also, if the receiving state has not notified the sending state within 5 days, can they still ask for more information? No, the request should be screened within the 5 days even though the plan has not been investigated. Some states felt that 5 days was not realistic, that 15 days would be more realistic. Is it fair to require the receiving state to act so quickly when the sending state has more time to provide the documentation?

3.105 In the case of expedited transfer, terminology should include a resident returning home as a probationer.

Due to time constraints, the meeting had to be concluded. The Rules committee expressed their appreciation for the comments and input they have received. Any further comments, which members were not able to express because of time limitations can be faxed or emailed to Don Blackburn.

The meeting concluded at 3:30 P.M. on Tuesday, October 14, 2003.