INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
RULES COMMITTEE

Meeting Summary and Minutes
via Conference Call
12:00 pm to 2:00pm (EST)
May 23, 2003

Committee Members in Attendance:

1. Paul Quander, DC
2. Pat Tuthill, Ex officio, FL
3. Kathie Winckler, TX
4. Ben Martinez, PA
5. Jim Cosby, TN
6. Milt Gilliam, OK
7. Doreen Geiger, WA
8. Bob Steinman, MI

Committee Members Not in Attendance:

1. Tina Hayes, FL
2. A.T. Wall, RI
3. Chief Justice Gerald VandeWalle, ND

Guests:

1. Barry Groves, FL (for Tina Hayes)
2. Kermit Humphries, NIC
3. Kevin Dunphy, RI (for A.T. Wall)
4. Tom Williams, DC

Staff:

1. Mike McCabe
2. John Mountjoy

- Kathie Winckler, chair of the committee, called the Rules Committee to order at 12:01 p.m. Following introductory remarks, Winckler called for a roll call of members. Six of 9 voting members were present, establishing a quorum.
Winckler called for an update from staff. Mountjoy provided information on the new discussion board as well as information on the 5/9/03 research request. Mike McCabe reported on state status of compact, with emphasis on Nebraska.

Winckler asked committee members, prior to the June 5 meeting in Lexington, KY, to familiarize themselves with the rules adopted by the Commission at the November 2002 meeting, with emphasis on what, if any, rules had been omitted from discussion to this point.

Winckler called for an update from the subcommittee workgroups:

1) Date collection and reporting; eligibility for transfer (Winckler, Cosby). Both members were present, however the subcommittee had nothing new to report.

2) Mediation, arbitration, and dispute resolution; offender violations and returns to sending state (Gilliam, Steinman). Both members were present, however the subcommittee had nothing new to report. The group said it would likely need to meet with the Compliance Committee to complete its work.

3) Offender registration and compliance; level of supervision to be provided by the receiving state (Quander, VandeWalle, Martinez). All members present, however the subcommittee had nothing new to report.

4) Transfer procedures and forms; collection of restitution and fees (Hayes, Groves - Wall, Dunphy). Members not present. Winckler called on Dunfy and Groves (both sitting in for respective members) for a progress report. The committee spent the bulk of their time discussing the report of the subcommittee (see attached).

5) Notice to victims and opportunity to be heard (Geiger, Tuthill). Not all members present. Work was reported to be in progress and the group will report at the May 30 meeting.

Winckler presented a plan for progress following the June 2003 meeting. The committee, as needed, will meet via conference call over the summer and may meet face-to-face to get the rules drafted in a timely manner. By July, the committee will have draft rules developed for circulation to Commissioners and for public comment prior to the November Commission meeting.

Winckler called for New Business. No new business was brought forward.
• Winckler reviewed the dates for the next meetings: May 30, 2003 at 12:00 p.m. (EDT).

• Hearing no more new business, Winckler called for a motion to adjourn. A motion was brought by Cosby, seconded by Quander and the committee adjourned by unanimous consent.
I. Call to order & roll call
   • Establishment of a quorum
     o 9 voting and 2 non-voting members

II. Staff update

III. Report of subcommittees and materials submitted
   • Subcommittee reports
     1. Data collection and reporting; eligibility for transfer
        (Winckler, Cosby)
     2. Mediation, arbitration, and dispute resolution; offender
        violations and returns to sending state (Gilliam, Steinman)
     3. Offender registration and compliance; level of supervision
        to be provided by the receiving state (Quander, VandeWalle, Martinez)
     4. Transfer procedures and forms; collection of restitution and
        fees (Hayes, Wall)
     5. Notice to victims and opportunity to be heard (Geiger, Tuthill)
   • Subcommittee work deadlines:
     o Subcommittee work products to be submitted to chair and staff

IV. New business

V. Next meeting(s)
   • A teleconference meeting will be held at 12:00 p.m. EDT on the

VI. Adjourn
(1) **CRITERIA FOR TRANSFER OF SUPERVISION:**

(a) Compact Criteria:

1. The offender is a resident of or has family residing within the receiving state and can obtain employment. The offender will have an offer of employment or a visible means of support; or

2. Though not a resident of the receiving state and not having family residing there, the receiving state consents to the offender being sent.

(b) Additional Criteria:

1. Offender has a minimum of forty-five (45) days remaining under supervision.

2. Offender has no court order restricting transfer and is not prohibited from transfer due to the receiving state’s requirements, statutes, or legislation.

**PREPARATION OF OUT-OF-STATE INVESTIGATION REQUEST:**

(a) Prior to initiating an Out-of-State Investigation Request, the Correctional Probation Officer will verify and document all applicable information either by telephone or other sources:

1. Offender’s residence and employment plan is valid.

2. Offender’s cost of supervision is current.

3. Court ordered monetary obligations are current and the offender and the receiving state are provided an Offender Financial Obligation for outstanding obligations. If the offender has made no effort to meet these obligations, the Correctional Probation Officer will inform the sentencing or releasing authority for appropriate action.

4. Offender is in compliance with special conditions of supervision. If not in compliance, the Correctional Probation Officer will inform the sentencing or releasing authority for appropriate action.

(b) If the offender’s plan and status cannot be verified, the Correctional Probation Officer will suspend the transfer of supervision request and advise offender to remain in sentencing state until issues are resolved.

(c) If the offender’s plan and status is verified, the Correctional Probation Officer will complete an “Out-of-State Investigation Request”.

(d) The Correctional Probation Officer will complete an “Application for Compact Services and Agreement to Return,” explain application’s purpose to the offender, and obtain the witnessed signature of the offender.

(3) **EMERGENCY REPORTING INSTRUCTIONS:**

A request for emergency reporting instructions may be initiated if the offender desires to proceed to the receiving state immediately and it is verified that the offender meets the criteria for emergency reporting instructions.

(a) **Criteria for Emergency Reporting Instructions:**

1. Offender meets the Compact Criteria for Transfer of Supervision and
2. Offender is a resident and must return to state of residency immediately after sentencing, or
3. Offender’s employment requires immediate transfer or loss of employment will occur; or
4. Death or serious illness of a family member requires the offender’s presence.

(b) **Preparation of Request for Emergency Reporting Instructions if it is verified that an emergency exists:**

1. Offender sentenced to supervision - the Correctional Probation Officer will complete the “Request for Emergency Reporting Instructions,” and submit to the Bureau of Interstate Compact.

(c) **The Bureau of Interstate Compact staff will review the Request for Emergency Reporting and:**

1. Verify that an emergency exists as defined by Compact criteria.
2. Contact the receiving state and submit the Emergency Reporting Packet, within two (2) working days after receipt, if it is determined that emergency criteria exists.
3. Notify the Correctional Probation Officer or institutional staff of the receiving state’s approval or denial of permission to travel to the receiving state.
(d) If the request for Emergency Reporting Instructions is denied either by the Bureau of Interstate Compact or the receiving state, the Correctional Probation Officer or institutional staff will:

1. Notify the offender of the denial and note in offender file case notes.

2. If the offender is serving a county jail or state prison split with probation to follow, the Correctional Probation Officer or institutional staff will instruct the offender to submit a revised out-of-state release plan. The Correctional Probation Officer or institutional staff will provide instructions for offender to report to the probation office of original jurisdiction if no plan is approved.

3. Advise the offender that rejection of emergency reporting instructions does not prohibit the offender from applying for a non-emergency transfer of supervision, but does require the offender to remain in sentencing state until notified that the receiving state has agreed to accept transfer of supervision.

(e) If the Request for Emergency Reporting Instructions is granted by the receiving state, the Correctional Probation Officer will:

1. If the offender is on supervision, the Correctional Probation Officer will provide the offender with an approved “Travel Permit,” including the receiving state’s reporting instructions.

2. Review the reporting instructions listed on the Travel Permit with the offender and obtain the offender’s signature to verify that instructions are provided.

3. Advise the offender that the Travel Permit is only valid pending acceptance of supervision by the receiving state and if the receiving state rejects transfer of supervision, the offender must immediately return to the state of jurisdiction.

4. Remind offender of the Offender Financial Obligation Agreement and instruct the offender to mail monthly payment of court ordered obligations to his probation officer, if applicable.

5. Instruct the offender to notify the sending states’ Correctional Probation Officer and the receiving state’s investigating officer of residence or employment changes that occur before transfer of supervision acceptance.
The Correctional Probation Officer will advise the Bureau of Interstate Compact of reported change.

6. Submit the Interstate Information to the Bureau of Interstate Compact, providing the offender’s date of departure from sending state and request the receiving state to forward a “Report of Arrival.”

(4) TRANSFER PACKETS:

(a) Number of Transfer Packets:

The Correctional Probation Officer will submit transfer packets to the Bureau of Interstate Compact as specified below:

1. Original and two (2) - if the offender was sentenced to supervision.

(b) Content of Transfer Packets:

Each transfer packet is to contain one (1) of each of the items specified below.

1. Completed and signed “Out-of-State Investigation Request”.
2. Completed and signed “Application for Compact Services and Agreement to Return,” DC3-122.
3. Completed and signed supervision order, Parole or Release Certificate if applicable.
4. Current Pre-sentence or Post-sentence Investigation for instant cases(s).
5. If an investigation for current offense is not available, an available prior investigation, updated arrest history, description of instant offense (including information concerning any enhancement or reduction of the charge or penalty), and supervision history (including status of special conditions, prior violations, or if the offender is being released from prison, relevant classification material and program participation, if applicable).
6. Completed “Interstate Progress Report,” indicating the supervision conditions the receiving state will need to address.
7. Appropriate documents to provide the receiving state with complete case history.
8. Documents required by the receiving state as identified by each state.
9. Approved “Travel Permit,” if emergency reporting instructions are granted for the offender to proceed to the receiving state prior to acceptance.

10. Offender Financial Obligation Agreement, if applicable.

(c) Timeframe for submission of transfer packet to the Bureau of Interstate Compact:

1. No later than fifteen (15) days from the date emergency reporting instructions are granted or notification of the offender’s presence in the receiving state.

(d) Upon receipt of the transfer packets, the Bureau of Interstate Compact staff will:

1. Review the “Out-of-State Investigation Request,” to ensure the offender meets criteria required by the Compact.

2. Ensure that the offender, Correctional Probation Officer, and Supervisor have signed all applicable forms.

3. Verify that all required documents are included in the transfer packet and that all packets are in the proper sequence.

4. Sign the “Application for Compact Services and Agreement to Return,” granting permission for the offender to reside in the receiving state.

5. Ensure equal standards of supervision and services will be provided by the receiving state upon acceptance.

6. Provide the receiving state with the length of supervision of the offender.

7. Provide the receiving state with an original and one (1) transfer packets and maintain one (1) in the Bureau of Interstate Compact. If emergency reporting instructions are provided, the transfer request will be submitted no later than twenty-one (21) days from the date emergency reporting instructions are granted or notification of the offender’s presence in the receiving state.

8. If the offender is being released from a state prison split with probation to follow, provide the intake personnel in the circuit probation office of original jurisdiction with one (1) transfer packet.

9. Ensure the receiving state is provided the opportunity to investigate the prospective plan prior to the offender proceeding to the receiving state, when emergency criteria does not exist.
10. Forward notice of all reported address or residence changes to the receiving state’s compact office.

(5) RECEIVING STATE’S DECISION REGARDING TRANSFER:

(a) If a response from the receiving state’s compact office is not received within sixty (60) days for an offender who was sentenced to supervision:

1. The Correctional Probation Officer will submit an “Interstate Information,” requesting the status of the transfer of supervision to the Bureau of Interstate Compact.

2. Bureau of Interstate Compact staff will forward two (2) copies of the “Interstate Information,” to the receiving state’s compact office, requesting status of transfer of supervision.

(c) If transfer of supervision is rejected by the receiving state, the Bureau of Interstate Compact staff will:

1. Review receiving state’s response to ensure that eligible offenders meeting the residence and employment criteria under the Compact are not rejected.

2. Request receiving state’s compact office to re-investigate when rejection does not appear to be justified.

3. If rejection is substantiated, provide documentation of rejection of supervision to the Correctional Probation Officer.

(d) The Correctional Probation Officer will notify the offender of the rejection of supervision and document in offender file case notes.

1. If the offender was granted Emergency Reporting Instructions and is in the receiving state, the Correctional Probation Officer will instruct the offender to immediately return to the state of jurisdiction.

2. If the offender is in the state of jurisdiction, the Correctional Probation Officer will instruct the offender to remain in that state.

(e) If transfer of supervision is accepted by the receiving state, the Bureau of Interstate Compact staff will provide a copy of the transfer of supervision acceptance notice to the Correctional Probation Officer with instructions to:

1. If offender is in the receiving state:
a. Notify the offender in writing that transfer of supervision has been accepted by the receiving state.

2. If Offender is in the state of jurisdiction awaiting acceptance the Correctional Probation Officer will:

a. If the offender is on supervision, provide the offender with an approved “Travel Permit,” including the reporting instructions listed on the receiving state’s transfer acceptance notice.

b. Review the reporting instructions listed on the Travel Permit with the offender and obtain the offender’s signature to verify that instructions are provided.

c. Submit the Interstate Information, to the Bureau of Interstate Compact, providing the offender’s date of departure from the sending state and request the receiving state to forward a “Report of Arrival.”
MONETARY OBLIGATION:

(a) Other than cost-of-supervision payments owed the Receiving State by the other-state offender, all other monetary obligations of an other-state offender will be forwarded by the other-state offender to the sending state. Monetary obligations to the sending state will not be disbursed by or through the receiving state.

(b) The correctional probation officer will:
   1. Collect cost-of-supervision payments from other-state offenders consistent with that state's guidelines as established by that state.
   2. instruct the other-state offender to mail all monetary obligations owed directly to the sending state; and
   3. Assist the sending state to ensure that the other-state offender meets all monetary obligations required by the sending state when advised of deficiencies by the Bureau of Interstate Compact.