Interstate Commission for Adult Offender Supervision  
Technology Committee Meeting Minutes  

January 16, 2013  
3 pm EST  
WebEx

Members in Attendance:  
1. Kathie Winckler  Chair, Texas  
2. Patricia Vale  Maryland  
3. Jill Carlson  Minnesota  
4. Chris Norman  Alabama  
5. Karen Nichols  West Virginia  
6. Don Matson  Ex-Officio, Michigan  
7. John Gusz  Ex Officio, New Jersey  
8. Julie Lohman  Ex-Officio, Virginia  
9. Floyd Keeney  Ex-Officio, West Virginia

Members not in Attendance  
1. Joe Kuebler  Ex-Officio, Georgia

Guest:  
1. Regina Grimes  Texas  
2. Ethel White  Texas

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

Call to Order  
Commissioner K. Winckler (TX) called the meeting to order at 3:02 pm EST. Five voting members were present, establishing a quorum.

Approval of Agenda  
Commissioner P. Vale (MD) moved to approve the agenda as written. Commissioner J. Carlson (MN) seconded. Agenda approved without objection.
Approval of Minutes
Commissioner P. Vale (MD) moved to approve the minutes from December 17, 2012 as written. Commissioner J. Carlson (MN) seconded. Minutes approved without objection.

Chair’s Report to the Committee
Commissioner K. Winckler presented her report to the Committee:

- **ICOTS Help Desk**
  - 151 tickets were created in December, a 9% decrease from November
  - 10 known ICOTS issues are documented in the Knowledge Base

- **Public Web Portal** had 853 clicks in December, a 16.9% decrease from November.

- **ICAOS Website**
  - All website visits:
    - December: Over 26,000 visits
    - Down 10% from November
  - Mobile visits:
    - December: Over 1,200 visits
    - Down 3.6% from November
    - Accounted for 4.9% of all website traffic

Old Business
*Rule Amendment Proposals:* The Committee reviewed two versions for adding language to Rule 3.103, 3.106, 4.111 and 5.103 to require reporting instructions when an offender is required to return after a rejected Transfer Request or under the provision under Rule 5.103 allowing return in lieu of retaking.

Proposal #1 for amendments for returning offenders
This version adds language to each Rule requiring a request for reporting instructions for returning offenders. Rule proposals cover offenders returning based on a rejected Transfer Request after approval of reporting instructions, returning based on an offender’s request to return as well as returning an offender under Rule 5.103 in lieu of retaking.

Proposal #2 for amendments for returning offenders
This version references Rule 4.111 as a standard procedure for requesting reporting instructions for offenders returning to a sending state. Each scenario and Rule covers offenders returning based on a rejected Transfer Request after approval of reporting instructions, returning based on an offender’s request to return as well as returning an offender under Rule 5.103 in lieu of retaking.

Commissioner C. Norman (AL) made a motion to send the version #1 proposals to the Rules Committee for consideration. Commissioner P. Vale (MD) seconded. Motion approved.
During discussion, language in the proposals for Rule 3.103(e) & 3.106(d) was adjusted with unanimous approval to clarify the receiving state’s discretion for allowing the offender to remain in the receiving state pending a subsequent transfer request.

Upon rejection of the transfer request or if sending state fails to send a completed transfer request by the 15th calendar day following the granting of reporting instructions, the receiving state may allow the offender to remain in the receiving state. If the receiving state decides to return the offender to the sending state, the receiving state shall request reporting instructions for the offender to return.

The proposals are approved as followed:

**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 seven calendar days of the sentencing date or release from incarceration to probation supervision. The sending state may grant a seven 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 two 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 calendar days following the granting to the offender of the reporting instructions.

(e) Upon rejection of the transfer request or if sending state fails to send a completed transfer request by the 15th calendar day following the granting of reporting instructions, the receiving state may allow the offender to remain in the receiving state. If the receiving state decides to return the offender to the sending state, the receiving state shall request reporting instructions for the offender to return.

Approved on 03/06/2013 B.S.
(f) Except as provided in subsection (g), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.

(g) In a victim sensitive case, the sending state shall not provide reporting instructions until the provisions of Rule 3.108-1 have been followed.

(h) The offender shall remain in the receiving state until the directed departure date. 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 and submit a case closure as required by 4.112.

(i) 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.

**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 two 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 seventh calendar day following the granting to the offender of the reporting instructions.

(d) Upon rejection of the transfer request or if sending state fails to send a completed transfer request by the 15th calendar day following the granting of reporting instructions, the receiving state may allow the offender to remain in the receiving state. If the receiving state decides to return the offender to the sending state, the receiving state shall request reporting instructions for the offender to return.
(e) Except as provided in subsection (f), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.

(f) In a victim sensitive case, the sending state shall not provide reporting instructions until the provisions of Rule 3.108-1 have been followed.

(g) The offender shall remain in the receiving state until the directed departure date. 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 and submit a case closure as required by 4.112.

(h) 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.

**Rule 4.111 Return to the sending state**

(a) Upon an offender’s request to return to 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 two 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 provisions of Rule 3.108-1 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. The receiving state shall notify the sending state as required in Rule 4.105 and submit a case closure as required by 4.112.

(e) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than 10 calendar days following the offender’s failure to appear in 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 three or more significant violations arising from separate incidents that establish a pattern of non-compliance of the conditions of supervision, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state.
(b) Upon notice by the sending state that the offender will be ordered to return, the receiving state shall request reporting instructions.

(c) Except as provided in subsection (d), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.

(d) In a victim sensitive case, the sending state shall not provide reporting instructions until the provisions of Rule 3.108-1 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. The receiving state shall notify the sending state as required in Rule 4.105 and submit a case closure as required by 4.112.

(f) If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant that is effective in all compact member 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 K. Winckler (TX) expressed her appreciation towards S. Razor and M. Spring assistance in drafting these proposals.

DCA J. Gusz (NJ) inquired regarding the availability of the reporting instructions for sex offenders and the 5 days rule reports in ICOTS. X. Donnelly stated that these reports are available on the Commission website.

The Committee will meet again on March 6, May 1 and July 3, 2013.

Adjourn
Commissioner C. Norman (AL) made a motion to adjourn. Commissioner P. Vale (MD) seconded. Motion passed. Meeting adjourned at 2:55 pm EST.