Interstate Commission for Adult Offender Supervision
Technology Committee Meeting Minutes

March 6, 2013
2:00 pm EST
WebEx

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

Members not in Attendance
1. Jill Carlson Minnesota

Guest:
1. Melanie Brock Maryland
2. Ether 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 2:02 pm EST. Four voting members were present, establishing a quorum.

Approval of Agenda
Commissioner K. Winckler (TX) suggested adding Rule Proposals item under Old Business.
Commissioner C. Norman (AL) moved to approve the agenda as amended. Commissioner P. Vale (MD) seconded. Agenda approved as amended.

Approval of Minutes
Commissioner P. Vale (MD) moved to approve the minutes from January 16, 2013 as written. Commissioner C. Norman (AL) seconded. Minutes approved without objection.

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

- **ICOTS Help Desk**
  - 144 tickets were created in February 2013, a 25% decrease from January 2013
  - 11 known ICOTS issues are documented in the Knowledge Base

- **Public Web Portal** had 981 clicks in February 2013, a 29% decrease from January 2013.

- **ICAOS Website**
  - All website visits:
    - February 2013: Over 30,000
    - Down 7% from January 2013
  - Mobile visits:
    - February 2013: Over 1,700
    - Unchanged from January 2013
    - Accounted for 5.8% of all website traffic

- **Victim Notification Project** is in the process of development

- **Violation Report Enhancement ICOTS Release**

Old Business
*Rule Amendment Proposals:* Legal Counsel R. Masters stated that the Rules Committee reviewed the Technology Committee’s proposal to amend Rules 3.103, 3.106, 4.111 and 5.103. The Rules Committee suggests the Technology Committee withdraws its proposal and instead considers making changes to Rule 4.112 as outlined by the Rules Committee.

Original Technology Committee proposal 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.
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.

(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 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.

The Rules Committee proposal:

2013-RULES-4.112

Proposal to create/amend rules:

Rule 4.112 Closing of supervision by the receiving state

(a) The receiving state may close its supervision of an offender and cease supervision upon-

(1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
(2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
(3) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender’s location;
(4) Notification of death; or
(5) Retaking by or return to sending state; or
(6) Rejection of transfer request.

(b) The receiving state shall continue to supervise an offender until the sending state has retaken the offender or the offender has returned to the sending state. A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.

(d) The sending state shall submit the case closure notice reply to the receiving state within 10 business days of receipt.

(e) For offenders in the receiving state with approved reporting instructions whose transfer request has been rejected, the sending state shall not transmit the case closure reply until the offender has either returned to the sending state as ordered or a warrant is issued.

(f) The sending state shall not transmit the case closure reply until the offender has either returned to the sending state as ordered or a warrant is issued.

Justification:
Notice of issuance of a warrant to the receiving state enables receiving state law enforcement officials to proactively search for absconder at his or her last known residence and place of employment, etc. Therefore, Interstate Compact Office staff is encouraged to forward warrant information to appropriate law enforcement officials.

The Committee discussed the proposals.

**Commissioner C. Norman (AL) moved to address and continue to move forward with the original changes proposed by the Technology Committee, which are more comprehensive than the changes suggested by the Rules Committee. Commissioner P. Vale (MD) seconded. Motion passed unanimously.**

The Committee authorized K. Winckler to communicate the Committee’s decision to the Rules Committee chair.

*Travel permits and victims notification:* DCA J. Lohman (VA) presented Travel Permits and Victim Notification issue as a result of the Victim Notification working group.

“From the Victim Notification Working Group:

Per the Victim Notification Rule 3.108, states are required to notify registered victims on victim sensitive cases when an offender is issued a temporary travel permit. They can only do this if the Receiving State notifies them of the issuance of a travel permit, as is required by the rule as well. Currently, there is no ICAOS Travel Permit form; each state uses their specific document.

The discussion in the Victim Notification Working group regarded creating a specialized Compact Action Request or an actual Travel Permit action item to officially submit travel information. If a designated activity item is created for submission of a travel permit, ICOTS could trigger VINE to do automatic victim notifications.

At this point, all other required victim notifications will be triggered by existing action items (i.e. Violation Report, Notice of Departure, Notice of Arrival, etc.) or changes to fields (i.e. residence) in ICOTS.

Creating a specialized Compact Action Request or an actual Travel Permit action item would be beyond the scope of the current Victim Notification project.”

**Commissioner K. Nichols (WV) moved to request an enhancement to ICOTS for a specialized Compact Action Request (CAR) for travel permits to notify victims in the new notification project. Motion passed with vote three to one.**

DCA J. Lohman (VA) presented *Date to Report and Proposed Institutional Release Date* issue to the Committee:

“When a user is completing the last section of the Reply to Transfer “Accept or Reject Request” and has to enter the “Date to Report” it would be helpful if ICOTS would either:
1) Not allow a date to report to be entered that is before the Proposed Institution Release date and the Supervision Start date; or
2) Could display the Proposed Institution Release date and Supervision Start dates to the right of the Date to Report field to prompt the user to enter a Date to Report that is after the Supervision Start Date or the Institutional Release Date.

The Proposed Institution Release and Supervision Start dates are displayed in the early sections of the transfer request and often go unnoticed or forgotten by the time the user gets to the end of the Transfer Reply sections. Users then set Dates to Report that are well in advance of the date the Sending State indicated the offender was beginning supervision or being released from custody. Those cases then show up on the overdue Notice of Departure report, sometimes for four months, and risk having the transfer acceptance withdrawn if the offender does not report when instructed to. We have to send Compact Action Requests to other states alerting them that he is not being released until after the Date to Report and to provide new Reporting Instructions in a Compact Action Request. We have to weed through all of the future releases to find the cases where a Notice of Departure is truly needed.”

Commissioner P. Vale (MD) moved to request an enhancement to ICOTS to address proposed release date and date to report issue. Commissioner K. Nichols (WV) seconded. Motion passed unanimously.

New Business
Commissioner K. Winckler (TX) will contact Committee members in search for a vice-chair.

The Committee will meet again on May 1, 2013.

Adjourn
Commissioner C. Norman (AL) made a motion to adjourn. Commissioner P. Vale (MD) seconded. Motion passed. Meeting adjourned at 3:57 pm EST.