Ohio Council for Interstate Compact Meeting
Agenda
November 22, 2010
1:00 pm

1:00 pm Call to Order
(Sara Andrews, Commissioner)

Roll Call
(Sara Andrews, Commissioner)

Approval of Agenda

Approval of Minutes

Member Updates

Old Business
  • Compact Application Fee
    o Stephanie Starr

New Business
  • Annual Business Meeting: Summary and Rule Changes
    o Debra Hearns
  • Meeting Schedule
    o Sara Andrews

Adjourn
Interstate Commission for Adult Offender Supervision
Ohio Council Meeting Minutes
1:00 pm
November 22, 2010

Members in Attendance:
1. Sara Andrews  
   Commissioner, Deputy Director, DPCS
2. Kelly Miller  
   Licking County Chief Probation Officer
3. Julie Doepke  
   Supervisor/Victim Serv. Unit, Hamilton Co. Prob.

Members not in Attendance:
1. Representative Robin Belcher  
   Ohio House of Representatives
2. Senator Timothy Grendell  
   Ohio Senate
3. Michael Jackson  
   Superintendent, DPCS
4. Judge Alan Goldsberry  
   Athens County Court of Common Pleas

Guests:
1. Kelly Smith  
   Legislative Aide to Representative Belcher

Staff:
1. Roger Wilson  
   Deputy Compact Administrator, DPCS
2. Stephanie Starr  
   Administrative Assistant 3, DPCS
3. Debra Hearns  
   Deputy Superintendent, DPCS

Call to Order
Commissioner Sara Andrews called the meeting to order at 1:08 pm. Three of seven members were present.

Agenda
The agenda was approved by acclamation.

Minutes
Mr. Miller made a motion to approve the minutes from April 22, 2010. Mr. Roger Wilson seconded. The minutes were approved as drafted.
**Member Updates**

*Sara Andrews:* Sara began member updates with an announcement that Roger Wilson will now be in the position of Deputy Compact Administrator. There has been a reorganization of the Deputy Superintendent responsibilities and functions and Debra Hearns will no longer be the Deputy Compact Administrator. That position was moved to the Deputy Director area and will be assumed by DPCS Administrative Assistant Roger Wilson.

*Julie Doepke:* Ms. Doepke related there is an Ohio Victim Witness Retreat coming up and she would like someone from DPCS or the Council to attend in order to respond to and answer questions regarding Interstate Compact. She will forward the meeting details.

*Kelly Miller (OCPOA updates):* Mr. Miller indicated he had nothing to update at this time.

*Kelly Smith:* Ms. Smith had no updates from Representative Belcher at this time.

**Old Business**

*Compact Application Fee Vote:* Stephanie Starr gave a brief overview of the Compact Application Fee process which included a status update. In order to handle the volume and transfer of the collected fee monies, DRC is currently requesting bids for a Kiosk system. This will allow for Application Fee kiosks to be placed in the larger regions/areas in the state. The kiosks will provide real time transfer and notification of payment and will also eliminate the need to involve parole officers in the actual handling or transferring of the one-time application fee. The DRC Business Office is currently preparing the contract language and the bidding process should begin by the first of the year.

**New Business**

*Annual Business Meeting (Summary and Rule Changes):* Ms. Hearns gave the committee an update and summary of the rule changes that passed at the annual business meeting in Texas on October 13, 2010 (see below for complete list of approved rule amendments). This was not a voting year, but the Commission did vote on several recommended rule changes based on the incident involving five police officers being shot and killed. There is anticipation that these rule changes will have an impact on the agency, both financially and in resources. Roger is going to track the cost impact for each of the amended rules. Some states have indicated they will not be able to comply with the rule changes based on limited resources and funding which is triggering the cost impact research. At the next Chief Probation Officer’s meeting, Kelly Miller is going to ask the individual counties to also track this cost and report back to the committee. These rules are effective March 2011 and DRC will be preparing some type of training to incorporate into the roll out. DRC staff will conduct trainings in Regional and Case Analyst
meetings, but it is also recommended that a PowerPoint presentation be placed on the DRC/DPCS website for any outside interested parties.

INTERSTATE COMMISSION FOR ADULT OFFENDER Supervision
2010 APPROVED RULE Amendments / San Antonio, Texas / 10/13/2010

Rule 1.101 Definitions
“Warrant” means a written order of the court or authorities of a sending or receiving state or other body of competent jurisdiction which is made on behalf of the state, or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius. “Violent crime” means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration. “Violent offender” means an offender under supervision for a violent crime. Effective: March 1, 2011

Rule 3.107 Transfer Request
(a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
(1) transfer request form;
(2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
(3) photograph of offender;
(4) conditions of supervision;
(5) any orders restricting the offender’s contact with victims or any other person;
(6) any known orders protecting the offender from contact with any other person;
(7) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
(8) pre-sentence investigation report, if available;, unless distribution is prohibited by law or it does not exist.
(9) supervision history, if available;, unless it does not exist.
(10) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
(c) Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, and any other information may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents if available within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist. Effective: March 1, 2011

Rule 4.109 Violation reports
(a) A receiving state shall notify a sending state of significant violations of conditions of supervision by an offender within 30 calendar days of discovery of the violation.
(b) A violation report shall contain-
(1) offender’s name and location;
(2) offender’s state-issued identifying numbers;
(3) date of the offense or infraction that forms the basis of the violation;
(4) description of the offense or infraction;
(5) status and disposition, if any, of offense or infraction;
(6) dates and descriptions of any previous violations;
(7) receiving state’s recommendation of actions sending state may take;
(8) name and title of the officer making the report; and
(9) if the offender has absconded, the offender’s last known address and telephone number, name and address of the offender’s employer, and the date of the offender’s last personal contact with the supervising officer and details regarding how the supervising officer determined the offender to be an absconder.
(10) Supporting documentation regarding the violation including but not limited to police reports, toxicology reports, and preliminary findings.
(c)
(1) The sending state shall respond to a report of a violation made by the receiving state no later than ten business days following receipt by the sending state. Receipt of a violation report shall be presumed to have occurred by the fifth business day following its transmission by the receiving state;
(2) The response by the sending state shall include action to be taken by the sending state and the date by which that action will begin and its estimated completion date.
(3) A sending state shall, upon receipt of an absconder violation report and case closure, issue a warrant for the offender that is effective in all states without limit as to specific geographic area.
(4) If an offender who has absconded is apprehended on a sending state’s warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in Rule 5.108 (d) and (e) unless waived as provided in Rule 5.108.
Effective: March 1, 2011

Rule 4.109-2 Absconding Violation
(a) If there is reason to believe that an offender has absconded the receiving state shall attempt to locate the offender. Such activities shall include, but are not
limited to:
(1) Conducting a field contact at the last known place of residence;
(2) Contacting the last known place of employment, if applicable;
(3) Contacting known family members and collateral contacts.
(b) If the offender is not located the receiving state shall submit a violation report pursuant to rule 4.109(b)(9).
Effective: March 1, 2011

Rule 5.101 Retaking by the sending state
(a) Except as required in Rules 5.102, and 5.103, 5.103-1 and 5.103-2 at its sole discretion, a sending state may retake an offender, unless the offender has been charged with a subsequent criminal offense in the receiving state.
(b) Upon its determination to retake the offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.
(c) If the offender has been charged with a subsequent criminal offense in the receiving state, the offender shall not be retaken without the consent of the receiving state, or until criminal charges have been dismissed, sentence has been satisfied, or the offender has been released to supervision for the subsequent offense.
Effective: March 1, 2011

Rule 5.102 Mandatory retaking for a new felony conviction
(a) Upon a request from the receiving state, a sending state shall retake or order the return of an offender from the receiving state or a subsequent receiving state upon the offender’s conviction for a new felony offense and:
(1) completion of a term of incarceration for that conviction; or
(2) placement under supervision for that felony offense.
(b) When a sending state is required to retake an offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.
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.
Effective: March 1, 2011

Rule 5.103-1 Mandatory retaking for offenders who abscond
(a) Upon receipt of an absconder violation report and case closure, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.
(b) If an offender who has absconded is apprehended on a sending state’s warrant within the jurisdiction of the receiving state that issued the violation report and case closure, the receiving state shall, upon request by the sending state, conduct a probable cause hearing as provided in rule 5.108 (d) and (e) unless waived as provided in rule 5.108 (b).
(c) Upon a finding of probable cause the sending state shall retake the offender from the receiving state.
(d) If probable cause is not established, the receiving state shall resume supervision upon the request of the sending state.
(e) The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to paragraph (c) or supervision is resumed pursuant to paragraph (d).
Effective: March 1, 2011

Rule 5.103-2 Mandatory retaking for violent offenders and violent crimes
(A) Upon a request from the receiving state, a sending state shall retake a violent offender who has committed a significant violation.
(B) Upon a request from the receiving state, a sending state shall retake an offender who is convicted of a violent crime.
(C) When a sending state is required to retake an offender, the sending state shall issue a warrant and file a detainer with the holding facility when the offender is in custody.
Effective: March 1, 2011

Meeting Schedule:

Deputy Director Andrews made the recommendation to hold Ohio Compact Council meetings twice a year as opposed to quarterly. Any issues or urgent matters would be dealt with as needed between the two meetings. The suggestion was to hold these meetings prior to and following the business meetings.

Next meeting is scheduled for May 12, 2011 from 1pm to 3pm at the DRC Central Office.

Adjourn

Ms. Doepke made a motion to adjourn. Mr. Wilson seconded. The motion passed. The meeting adjourned at 1:35 pm.