## INTERSTATE COMPACT COUNCIL MINUTES

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<th>Committee</th>
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<td><strong>Date</strong></td>
<td><strong>Tuesday, January 15, 2014</strong></td>
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<td><strong>Time</strong></td>
<td>2 p.m. – 3 p.m.</td>
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<td><strong>Location</strong></td>
<td>Utah State Capitol, Senate Bldg., CCJJ Conference Room</td>
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### Members Present
Doug Fawson, Clark Harms, Jim Ingle, Geri Miller-Fox, Debra Moore, Sheriff Alden Orme, Judge Edwin Peterson, Sharel Reber

### Members Excused
Ron Gordon, Lisa Remal, Shirlee Silversmith, Kirk Torgensen, Senator Urquhart

### Staff
Jo Lynn Kruse, Jennifer Valencia and Visitor Fred Smalley (Juab Co Sheriff’s Office)

### Agenda Item
**Welcome and Approval of Minutes**

**Notes**
Jim Ingle welcomed everyone and called the meeting to order. Judge Peterson made the **motion** to approve the August meeting minutes. Doug Fawson **seconded** the motion, which **passed unanimously**. Jim Ingle introduced Jennifer Valencia, the new Sentencing Commission Director.

### Agenda Item
**Review of Current Compact Cases in Utah**

**Notes**
As of November 30, 2013, the total number of offenders in our state from other states for probation/parole compactors is 717. The total number of offenders from our state currently on compact out of state is 454. There is a difference of 263 offenders.

Jim presented statistics that show the breakdown of compactors in our state by offense type. 24.68% of offenders have alcohol & drugs convictions, 14.88% have property offenses, 14.76% have convictions for person offenses, 11.33% traffic offenses, 13.34% register-able sex kidnap offenses, 8.15% other, 9.33% financial, 2.60% have convictions for weapons offenses and 0.94% homicide.

The number of active compact “in” cases by state show that the largest numbers are from Idaho, Nevada, Colorado, and Arizona. This is due largely to proximity. 92.48% of compacters are employed and 7.52% are unemployed.

The greatest percentage of active compact “in” cases (56.96%), fall in the low category on the Level Service Inventory (LSI). 30.40% are in the moderate category with 7.52% in the high category.

Compact In Violation Reports – 53 total violation reports. 23 for technical violations, 10 for new arrests, 18 absconded, 2 with new convictions.

Compact Out Violation Reports – 37 total violation reports. 15 technical violations, 12 new arrests, 9 absconded and 1 new convictions.

Offenders Requested to be Retaken by Sending State Due to New Felony Convictions or Significant Technical Violations:
Active Compact In: 11 offenders, 2 are awaiting disposition of charges and 9 offenders were retaken.
Compact Out: 15 offenders, 5 are awaiting disposition of new charges or issuance of warrant, and 10 were retaken.
*Based on violation reports submitted through ICOTS from July 29, 2013 to December 1, 2013.

The majority of incoming sex and kidnap offenders come from the states of Idaho, and Arizona, followed by Colorado and Nevada. The majority of outgoing sex and kidnap offenders go to Idaho, followed by Colorado, Nevada and Wyoming.

Active Compact – In Cases, Incoming Transfer Requests show the majority of request reasons submitted are classified as Resident Family at 57.58%.

Active Compact – Out Cases, Outgoing Transfer Requests show the majority of request reasons submitted are classified as Resident Family at 65.75%.
Judge Peterson requested the numbers of compactors out by offense type. Jim will get those numbers for next time.

**Agenda Item** | **Report from Annual Business Meeting/Rule Making Session in Boston**
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**Notes** | New rules will take effect March 1, 2014. Jim Ingle presented the results of the 2013 proposed Interstate Compact Rule Amendments from the annual meeting on August 28, 2013.
West-1_101 Abscond. Utah Council supported this and the rule was approved.
West-1_101 Warrant. Utah Council supported this and the rule was approved.
Rules-3.101_1 Veterans. Utah Council supported this and the rule was approved.
Rules/Midwest -3 Offenders Released On A Parole Detainer. Utah Council did not support, proposal withdrawn by Midwest region in Boston.
Rules-3.102 Utah Council supported this and the rule was approved.
Tech-3103 Reporting Instructions. Utah Council supported but the measure failed.
Rules-3.104 Time Allowed for Investigation. Utah Council supported this and the rule was approved.
Rules-3.104-1 Issuance of Reporting Instructions. Utah Council supported this and the rule was approved.
Tech-3106 Expedited Reporting Instructions. Utah Council supported but the measure failed.
South-3.107a12 Transfer Request. Utah Council did not support, the measure passed.
Rules-4.109 Violation Reports. Utah Council supported this and the rule was approved.
East-4.112 Closing Supervision. Utah Council did not support, the measure passed.
Rules-4.112 Closing Supervision. Utah Council supported this and the rule was approved.
Rules-5.101 Discretionary Retaking. Utah Council supported this and the rule was approved.
Rules-5.101_1 Pending Charges. Utah Council supported this and the rule was approved.
Rules-5.102 Mandatory Retaking. Utah Council supported this and the rule was approved.
Rules-5.103 Mandatory Retaking for Violation of Conditions of Supervision. Utah Council supported this and the rule was approved.
Tech-5.103 Reporting Instructions on Order of Return. Utah Council supported, the measure failed.
Rules-5.105 Time Allowed for Retaking an Offender. Utah Council supported this and the rule was approved.
Rules-5.108 Probable Cause Hearings. Utah Council supported this and the rule was approved.
Rules-6.103 Enforcement Actions Against a Defaulting State. Utah Council supported this and the rule was approved.

**Agenda Item** | **Update on Training Plan for Court Personnel and Other Affected Organizations**
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**Notes** | Jim noted that he feels 2013 was the best year so far for Interstate Compact training. Training in 2013 was accomplished at the courts, prosecutors, jail commanders, and for the Utah Private Probation Licensing Board.

**Agenda Item** | **Discussion of State Exposure to Liability Under the Compact**
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**Notes** | The focus for 2014 will be interstate compact training for defense counsel, the sheriffs’ and additional private probation providers. A suggestion was made to conduct training for judges every other year or third year. Training is scheduled in January and February for Adult Probation and Parole and Defense Counsel.
Misdemeanor offenders trigger the compact. Misdemeanor offenders, under private probation, render the state to liability issues when a private probation provider allows an offender to leave the state without a compact agreement in place. Some providers are unaware of this requirement.
Jim Ingle and Sharel Reber are drafting a memo of understanding (MOU) between Adult Probation & Parole and the private probation providers to obtain training and access to ICOTS. ICOTS is the data base where all compacts occur. The Council agrees it is a good idea to require a user agreement for each user.
Debra Moore suggested the development of training on video that can be accessed via the web for judges and court personnel. Continual training is the answer.

**Agenda Item** | **Possible Rule Proposals for 2015**
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**Notes** | If we are contemplating and rule change proposals for 2015, now is the time to start preparation. The BOP is presently dealing with one of our offenders, currently in custody in Arizona and the question is
do we terminate when all we are going to do is bring him back and terminate him anyway? Clark and Sharel offered to help draft a proposal. Jim will speak with Arizona. Discussion ensued on the possibility of telephone or video hearings.

| Next Meeting | The next meeting is scheduled for Wednesday, May 7, 2014, 2-3:30pm, Utah State Capitol, CCJJ Large Conference Room |

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ