



# Interstate Commission for Adult Offender Supervision

## Rules Committee Meeting Minutes

February 1, 2017 · 1:30pm ET  
WebEx

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### Members in Attendance:

1. Jane Seigel IN, Chair
2. Dori Littler AZ
3. Jenny Nimer FL
4. Chris Moore GA
5. Robert Maccarone NY
6. Doug Clark SD
7. Libby Elliot TX
8. Shawn Arruti NV
9. Margaret Thompson Ex-Officio, PA
10. Tim Strickland Ex-Officio, FL
11. Pat Odell Ex-Officio, WY
12. Rick Masters Legal Counsel

### Members not in Attendance:

1. Coltan Harrington WY
2. Tracy Hudrlik WI

### Guests:

1. Sara Andrews
2. Matt Charton
3. Beth Atchison
4. Chris Lane
5. Pam Thielke
6. Ethel White
7. Sherri Coghill

### Staff:

1. Ashley Lippert
2. Lori Meister
3. Barno Saturday
4. Kevin Terry
5. Xavier Donnelly
6. Mindy Spring

### Call to Order

J. Seigel called the meeting to order at 1:30 pm ET. Eight out of ten voting members were present, a quorum was established.

## Approval of Agenda

**Agenda approved by acclamation.**

## Approval of Minutes

**Motion to approve November 30, 2016 meeting minutes made by J. Nimer, seconded by D. Clark. Minutes approved.**

## Discussion

The Committee briefly reviewed the East Region proposals.

DCA M. Thompson introduced the rule proposal - 2017-31011-EAST. A high percentage of these requests are found to not meet the requirements of these rules once documentation is received. It should be incumbent upon the sending state to provide documentation as part of the request. The sending state officer should be verifying the validity of the request which should include the review of documentation prior to submitting the request to the receiving state. Requiring documentation at the beginning would cut down on erroneous requests which would, in turn, save resources on both ends by eliminating the additional work created by follow-up requests and/or resubmissions.

D. Littler and S. Arruti support the proposal.

DCA M. Thompson presented the rule proposal 2017-3107-EAST. Many jurisdictions nationwide are moving toward a paperless system. Requiring a 'paperless' state to create a folder just to save a printed copy of an Application for Interstate Transfer form is in direct conflict with what they are trying to achieve. PA is unaware of any instance where the lack of an original signed paper copy of the application form created issues with the retake of an offender.

D. Littler supports the proposal.

R. Masters stated that as long as we amend our Rules to include the acceptance of the electronic copy, it would be valid as the original signed document.

S. Arruti suggested using "the signed original or the electronic copy of the signed original". J. Seigel suggested finalizing the wording at the face-to-face meeting.

P. Odell spoke in favor of the proposal.

R. Maccarone (NY) stated he has had issues in the past with signed originals with ICJ. He supports the proposal.

M. Spring noted that Rule 2.104 also mentions the original documents.

M. Thompson introduced the rule proposal 2017-5102-EAST. The intention of this rule was to include retaking from any state where an offender receives a new conviction for these types of offenses that occurred while under compact supervision, but the rule as written does not state that. This is simply added language to clarify the intention of the rule.

B. Maccarone supports the proposal.

D. Littler stated that this proposal will make commission trainings easier.

M. Thompson suggested using “~~or~~ a subsequent receiving state or any other state”.

**Motion to forward EAST region proposals (Rule 3.101-1, 3.107 & 5.102) for Commission consideration made by R. Maccarone, seconded by S. Arruti. Motion passed.**

J. Seigel recommends redrafting rule proposal 3.101-1 at the face-to-face meeting.

The Committee discussed the need to have the ICOTS offender application on the Commission website.

D. Littler stated that only ICOTS applications can be processed, and it is time to rethink having application on the website.

M. Thompson informed the Committee that PA offices use the website application form extensively when they receive several offenders at the same time and do not have time to record offender’s details in ICOTS.

M. Spring asked for clarification on whether a change in the form’s margins when it is viewed on different mobile devices or document editors (Google Docs, etc.) would affect the legality/validity of the document even though there has been no changes made to the agreement language.

R. Masters said it is not a problem.

A. Lippert stated that the form has been downloaded approximately 2,000 times since last May.

S. Arruti stated that the offender form is coming up on the web search. He was concerned that in some places the form may not be up to date because it is not directly connected to the ICAOS website.

The Committee discussed a password protected form and an addition of the revision date to the form.

M. Spring mentioned that the form is very simple and everyone can recreate it. She said that the only other language the form is being translated to was Spanish.

C. Moore asked a question for future discussion - what makes the application a legal document.

D. Littler and S. Arruti will research this issue to review at the next meeting.

A. Lippert stated that Appriss is working on ICOTS changes related to the rule amendments and the national office is expecting to receive the UAT testing in mid-April. The expected rule amendment implementation date is June 1<sup>st</sup>.

The Committee reviewed rule issues discussed at the Midwest Region meeting.

### **Midwest Region’s Proposals**

- DCA S. Reinhardt-Stewart (NE) asked the region to consider revisiting the 2015 rule proposal for Rule 4.111, and ICOTS change which would require the ‘supervising state’ to change upon the submission of the Notice of Departure of a returning offender to the sending state and also prevent the sending state from validating the case closure until the notice of arrival has been submitted.

DCA S. Reinhardt-Stewart (NE) noted that once the case closure reply is submitted by the sending state, the case is moved into historical status and user can no longer submit the notice of arrival. And if the notice of arrival is not submitted, the compact office might not indicate that the offender actually reported and that will be nice to know for the record.

DCA S. Reinhardt-Stewart (NE) will draft the language for the new proposal.

- DCA M. Evans informed the Region that Commissioner T. Hudrlik (WI) continues to explore whether a rule change or definition needs to be created to better clarify what elements make up a sufficient discretionary transfer request per Rule 3.101-2. Otherwise, it would be a training bulletin for practitioners to assist in processing better requests.
- DCA S. Reinhardt-Stewart (NE) suggested providing an explanation on the intent of Rule 4.112 (a)(3). She suggests clarifying that the case only be closed when the offender is not available for supervision due to incarceration.
- Commissioner A. Godfrey (MN) stated that MN State council has concerns about timing of when states are reporting absconders as the ICOTS VINEWatch notifications are directly related to the submission of the violation report in ICOTS. He inquired whether 30 days upon discovery of an absconding offender is too long.

The Committee will review the proposals at its next meeting.

C. Moore presented a summary of the issues discussed at the last South Region DCA Meeting and South Region Meeting regarding Sending State subpoenas of Receiving State POs and probable cause hearings.

These issues will be discussed at the next committee meeting.

The Committee will meet again on March 8, 2017.

The Committee will have a face-to-face meeting on May 9, 2017 in Indianapolis, IN.

### **Adjourn**

**Motion to adjourn made by D. Littler, seconded by R. Maccarone.** The meeting adjourned at 2:37 pm ET.