



# Interstate Commission for Adult Offender Supervision

## Training, Education, & Public Relations Committee MINUTES

August 9, 2018 · 2:00 pm ET  
Teleconference

---

### **Members in Attendance:**

1. Anne Precythe Chair, MO
2. Russell Marlan MI
3. Roberta Cohen NM
4. Chris Moore GA
5. Hope Cooper KS
6. James Parks VA
7. Tim Strickland Ex-officio, FL
8. Sally Reinhardt-Stewart Ex-officio, NE
9. Mark Patterson Ex-officio, OR

### **Members not in Attendance:**

1. Dara Matson IL
2. Joseph Clocker MD

### **Guests:**

1. Tracy Hudrlik MN

### **Staff:**

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Mindy Spring, Administrative and Training Coordinator
4. Xavier Donnelly, Project Manager
5. Kevin Terry, Website Analyst

### **Call to Order**

Commissioner A. Precythe (MO) called the meeting to order at 2:06 pm ET. Six voting members were present, a quorum was established.

### **Agenda**

**Commissioner J. Parks (VA) moved to approve the agenda as presented. Commissioner R. Marlan (MI) seconded. Agenda approved.**

### **Minutes**

**Commissioner R. Marlan (MI) moved to approve the minutes from May 7, 2018 as written. J. Parks (VA) seconded. Minutes approved.**

## Discussion

*DCA Training Institute Agenda:* Chair A. Precythe (MO) noted that preparations for the DCA Institute, soliciting content and questions through the DCA regions and the newly reformed DCA Liaison Committee, have been helpful in outlining the content for the institute and determining rule issues versus state issues.

Training Coordinator M. Spring led the committee through the draft working agenda (attached) and Training Committee action items for the institute which will go back to the DCA Liaison Committee next week for finalization.

- Seating: The DCA Liaison Committee will be tasked to decide whether seating assignments should be made for the institute and what those assignments should be.
- Supervision & Retaking Topics: Based on feedback from regions, 4-6 violation and progress reports will be shared with each table. Groups will analyze the documents using a checklist or worksheet to be developed by the DCA Liaison Committee. After analysis, a brief presentation will cover other topics as outlined in the draft agenda (attached) and reference handouts will be distributed (PR versus OVR flow chart & good case progression examples.) DCA Liaison Committee will be asked to confirm roles for their Chair to lead the discussion with the DCA region chairs and additional volunteers to assist with moderating discussion at each table. The DCA Liaison Committee will also confirm what case progression examples can be distributed as there is no way to distribute those anonymously.
- Retaking “Upon a Request”: Training Coordinator M. Spring will work on presentation with presenters Commissioner D. Littler & DCA M. Thompson.
- Warrant Panel: Commissioners D. Littler & T. Hudrlik are confirmed as panelist. Training Coordinator M. Spring will reach out to New York to participate and the DCA Liaison Committee will solicit one additional panelist at their next meeting. DCA S. Reinhardt-Stewart & DCA M. Patterson offered to participate if needed. Training Coordinator M. Spring also suggested the session include preliminary information regarding the FY2020 Audit.
- Dealing with Pending Charges and Revocable Behavior: In July, Chair A. Precythe, DCA T. Hudrlik met with DCA region chairs Matt Billinger and Natalie Latulippe to discuss the issues DCAs have identified regarding this topic. In light of the feedback from the DCAs and that conversation, the committee agreed to focus on strategies for states to work with decision makers and stakeholders in their state. Chair A. Precythe noted the importance of reminding DCAs these issues need to be elevated to their Commissioner, legal office, state Attorney General and State Council. DCA T. Strickland followed up that the State Council’s role is to help direct all stakeholders and agencies to be in compliance with the compact rule and to recommend changes or challenge legislation if needed. Commissioner C. Moore noted issues sending states also face in these cases and agreed the state to state and key decision maker conversations are

crucial for handling these cases successfully. Commissioner C. Moore and DCA T. Strickland volunteered to lead the presentation for this topic.

- PC Hearings: Training Coordinator M. Spring will work on presentation with presenters Commissioner J. Rader & Commissioner J. Seigel.
- Reacting to Subpoenas: The Committee agreed the issue of subpoenas is something states need to be handling with their legal office and state attorney's. Commissioner H. Cooper and Commissioner R. Marlan volunteered to lead the presentation. DCA T. Strickland volunteered to moderate.

DCA S. Reinhardt-Stewart inquired about the flow chart that is to be used for the documentation topic and will provide her feedback to Training Coordinator M. Spring.

The committee will meet again face to face at the Annual Business Meeting in October.

**Adjourn**

**Commissioner C. Moore (GA) moved to adjourn. Commissioner R. Marlan (MI) seconded.**

Meeting adjourned at 3:08 pm ET.

## 2018 DCA Institute Planning (Full day for DCA's and optional for Commissioners to attend)

Date/Location: October 1, 2018; Orlando Florida

Set-up: Round Table/Crescent of 8-10

Seating: *Assignments TBD*

Moderators: Training Committee members

Presenters: Anne Precythe, Tracy Hudrlik, DCA Region Chairs and others as recommended by Training and DCA Committees

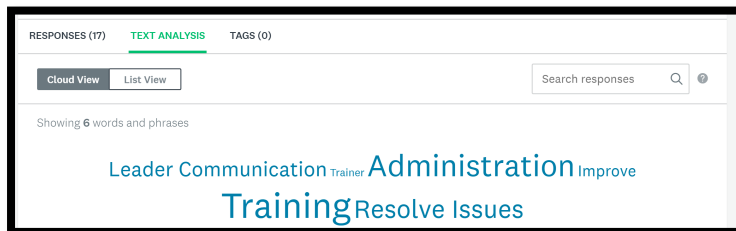
Suggestions: ABM Workgroup discussion, 2017 ABM Evaluation & DCA Region Feedback

### 8: 30 – 8:45 am Welcome Intro (15 min)

### 8:45- 9:45 am Team Building activity (1 hr max)

**Icebreaker Survey question** with Word Cloud results. Using smart phone, survey can be emailed, texted (using an app) or QR code, sign up for remind app for group text, etc.

- In a few short sentences, what are the most important roles of a DCA?
- What do you expect to get out of this event/training/workshop?
- Using one word, what themes do you want to hear about?



### 9: 45 – 10 am BREAK

### 10:00 – 11:30 am

### Supervision & Retaking Topics

**Painting the Supervision Picture** –good documentation practices for reporting supervision information and keeping the sending state apprised of the offender's progress while in the receiving state

- Each table will be provided with 4-6 violation reports and progress reports to review and discuss. Checklists will be provided for the exercise as well for the group to document good and bad traits as well as review tips relevant to share with their staff.

- Additional Handouts:
  - Reporting Non-Compliant Behavior Flow Chart  
[https://support.interstatecompact.org/hc/article\\_attachments/360009655594/ICOTS%20PR-OVR%20Process%20Flowchart.docx](https://support.interstatecompact.org/hc/article_attachments/360009655594/ICOTS%20PR-OVR%20Process%20Flowchart.docx)
  - Share list of cases provided by each region identified as being ‘well documented.’ Note: No way to be anonymous with this so will assume the DCAs sharing these good examples are ok.
- *Considerations/discussion ideas:*
  - *Identify BP’s to ensure your state provides the details for the sending state to know how the offender is doing while being supervised in your state.*
  - *How do state’s policies conform or differ for documentation submitted in ICOTS and policies in place for your state’s case management system? Share policies for ensuring your field can interpret expectations for ICOTS info.*
  - *What do states have in place for effective documentation review, training end users, etc.*
  - *Case progression examples; reinforcing the need for ICOTS users to not just review the activity for rule compliance, but the entire profile to understand what’s going on with the situation. What additional information would you expect to see on the profile?*
  - *Managing the ‘victim sensitive’ designation. Clarify that this designation should be used to identify victims requesting notification under Rule 3.108. This to lead into importance of victim notification and examples of how states are facilitating/managing victim notification. Share how these processes and communications take place when victim notification is required.*
  - *Review the responsibilities and expectations for states to communicate & cooperate while keeping public safety #1 priority when decision-making.*
  - *Explain how issues should be elevated through your state and clarify the role of the national office in this process.*
- Presenters/volunteers
  - Tracy-Main Presenter
  - Anne-Moderator
  - Others to moderate the groups/contribute to discussion
    - DCA Region Chairs
    - Midwest: Sally NE
    - South: Tim Strickland FL
    - West: Tanja WA
- **NEXT STEPS:**
  - **DCA Liaison Committee**
    - **Confirm roles and format for topic**
    - **Volunteer to develop checklist for exercise: *Does meet your state’s documentation standards; why or why not; good/bad traits, etc.***
  - **National Office: Start draft presentation to include:**
    - **chart showing the distinction between DCA and Training Committee’s role in addressing training issues**
    - **general review tips for PR’s and OVR’s during supervision**
    - **examples of states with good procedures and/or ISC policies**

- appropriate steps/communication tips for addressing issues with another state's documentation.
- Data review of FY2017 significant violations versus FY2018 BRR. Number of closures for retaking-This information is intended to show that states are doing a better job reporting behavior consistently based on intended outcome. Retaking's are almost exactly the same FY2017 versus FY2018

|                                   |        |        |
|-----------------------------------|--------|--------|
| Retaking for reason<br>'retaking' | FY2017 | 4393   |
|                                   | FY2018 | 4397   |
|                                   |        |        |
| Significant violation:<br>BRR     | FY2017 | 16,281 |
|                                   | FY2018 | 3,850  |

**Retaking is required 'upon the request of the receiving state'**

- New Convictions (felony/violent crime) should not be considered automatic retakes
- Sending states have discretion to retake under Rule 5.101-1
- BP's for ensuring staff understand when reviewing Violation Reports.
- Presenters
  - Dori Littler & Margaret Thompson
  - Anne/Tracy-Moderator
- **NEXT STEPS:**
- **National office to draft presentation with Dori and Margaret**

**Warrants**-Identifying BP's for obtaining nation-wide warrants and tracking those warrants through the retaking process. Introduce FY2020 Compliance Audit

- Panel format: AZ, MN (confirmed,) *NY MS confirming*
- **NEXT STEPS**
  - **DCA Committee:**
    - **Identify 1 additional panelists**
  - **National Office: draft brief description of FY2020 audit**

**11:30 – 12:30 LUNCH**

**12:30 – 2:30 pm**

**Dealing w/ Pending Charges & Revocable Behavior**-Recognizing, understanding and addressing limitations in the receiving state while promoting public safety and purposes of the Compact

- Stakeholder Involvement-especially obtaining legal guidance within your state and with stakeholders making legal decisions on the case at hand.

- Highlight recent initiatives (training, policy, law, etc.) states have done to smooth processes and conform with Compact Rules around dealing with this issue.
- Revisit the states highlighted last year that have passed legislation or supreme court rulings to ensure they are providing consistent supervision through the retaking process even when dealing with pending charges, Is this issue as elevated in those states?
- *After meeting with Tracy, Anne, Matt and Natalie in July we will be looking for dialogue from a few states on how these cases challenge their state and examples of how they may have addressed this issue from a public safety standpoint. Specifically, highlight the importance of the compact offices to engage with the decision makers within their states on these cases. Example, used discretionary retaking rule, involved/provided training to stakeholders (courts, jails, etc.,) changed legislation, DCA/Commissioner/State Council worked to change policy, etc.*
- **Presenters**
  - Tim Strickland & Chris Moore
  - Anne & Tracy: Moderators
  - **NEXT STEPS:**
  - **Identify states to share examples and how they were worked out. Focus on Commissioner role in communicating the importance of issue with their state's stakeholders, particularly involving legal and key decision makers involved in these cases.**
  - **National Office to draft presentation with Tracy & Anne to include:**
    - **Scenarios illustrating how this situation can look different state to state and situation to situation. Focus on the importance of states working together (using discretionary retaking rule when appropriate and/or involving decision makers) to achieve the result that puts public safety #1, offenders are being supervised and non-compliance is addressed consistently as it does with instate offenders. Commissioner and DCA roles in working within their state to smooth this process if an issue for that state complying with Rule 4.101 (treating offenders the same as in state offenders.)**
  - **DCA Committee:**
    - **Ask for specific questions DCAs have. Be sure to provide in writing if related to rule language clarification.**
- **PC Hearings (1 hour)**
  - Review of the basics. What is the purpose? What are the requirements?
  - Identify BP's for procedures and policies for establishing PC on compact cases prior to retaking
  - Documentation standards for hearings and waivers
  - Waivers require notification and understanding the offender knows what rights they are waiving.
  - **NEXT STEPS:**
    - **Presenters: Jacey Rader & Jane Seigel**
    - **Tracy & Anne to moderate**
    - **National office to draft presentation with Tracy & Anne to include:**

- Review of the basics
- Compact staff (particularly those managing violations requiring retaking) should be knowledgeable on their state processes and ISC requirements.
- Legal/procedural questions regarding your state's PC process & how it applies in interstate cases requires your state's legal involvement (both as sending & receiving state) Examples:
  - What are the rules of evidence for probable cause hearings?
  - Can hearsay be admitted?
  - Can it be done by proffer?
  - Can an affidavit be admitted or does it require the witness to be present?
  - What specifically does "evidence" mean? Is it transcripts or the exhibits admitted into evidence?
- Documentation standards for hearings and waivers
  - Waivers up-to-date with current Rules?
- Highlight states who indicated they have policies and procedures (TX, TN, AZ, VA, SC)
- DCA Committee:
  - Ask for specific questions DCAs have. Be sure to provide in writing if related to rule language clarification.

2:30 – 2:45 BREAK

2:45 – 4:00

- **Reacting to Subpoenas for Receiving State officers to testify in the Sending State at a Violation Hearing (1 hour with time to spare for game set up)**
  - Sending State: Identifying BP's for streamlining communication on this issue with your state's stakeholders.
    - *Why is your state subpoenaing officers for compact cases?*
    - *Can this information be provided in another manner (request additional documentation not provided or clear in the OVR; video testimony, etc.)*
  - Receiving State: Identify BP's for streamlining communication on this issue with your state's stakeholder.
    - *Are these requests related to lack of or poor lacking in the violation report? For technical violations was PC established appropriately and well documented?*
    - *Researching 'why' a subpoena may be issued in a particular compact case. Who, what, why*
    - *Compact does not impose a legal obligation for a receiving state officer to testify in the sending state, however it should be considered that if the offender is NOT revoked, the offender (if eligible) could be transferred back to the receiving state where supervision was deemed 'unsuccessful'-educating stakeholders*



- State's responsibilities for their users' ICOTS use and data entry; ensure documentation is clear and concise particularly if possibly to be used in a revocation hearing in another state.
- State's responsibilities to the court(s) involved with these cases as being a resource and liaison to work with the other state involved.
- Understand the authority of the receiving state to supervise like own so sanctions, corrective actions may vary from what may be done in a case in the sending state, etc.
- **NEXT STEPS:**
  - **PRESENTERS-Hope Cooper & Russ Marlan**
  - **Moderator Tim Strickland**
  - **National Office: Draft presentation and be clear that the compact cannot prevent subpoenas. This is a training issue between sending and receiving states' stakeholders. Include example scenarios provided by South Region:**
    - *Sending state DCA resolved through communication with Judge and state's attorney in their state issuing a subpoena for the receiving state PO*
    - *Subpoena was issued in the receiving state pertaining to any and all information for managing, supervising, revoking and correspondence regarding offender. Receiving state obtained direction from legal department within the General Counsel's office. State's legal counsel worked directly with the prosecuting and defense attorney and the Compact Administrator was involved for situational awareness and resolution. The supervising officer in the receiving state testified to the changes related to the offender's supervision and status changes.*
    - *Receiving state PO subpoenaed to testify in revocation hearing after retaking. Sending state DCA contacted the state's attorney to learn the documentation provided in ICOTS by the receiving state was not included when the petition to revoke/violate was entered in the sending state so the attorney had no way to know who entered the data pertaining to the violation. Issue resolved through the attorney's office and a request for the receiving state to provide an affidavit attesting to who entered the information in ICOTS.*
  - **DCA Committee:**
    - **Ask for specific questions DCAs have. Be sure to provide in writing**

4:00 – 5:00

**Ending Activity using ARS or interactive Game** (DCAs with Commissioners) *similar to Oklahoma 2014 (45 min- 1 hour)* **Margaret Thompson & Dori Littler.** *[Mindy will prepare 40 questions, Xavier to manage ARS]*