



## **INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION ANNUAL BUSINESS MEETING MINUTES**

**October 13, 2010  
Crown Plaza Riverwalk Hotel,  
San Antonio, TX**

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### **Call to Order**

The meeting was called to order by Chairman K. Merz (MN) at 8:03 a.m. CDT. Texas Color Guard presented the flags.

Chairman K. Merz (MN) welcomed everyone to the 2010 Annual Business Meeting in San Antonio, TX.

### **Roll Call**

Roll was called by Executive Director H. Hageman. Fifty-one out of fifty-three members were present, thereby constituting a quorum.

- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Alabama              | Chris Norman, Commissioner       |
| 2. Alaska               | Donna White, Commissioner        |
| 3. Arizona              | Dori Ege, Commissioner           |
| 4. Arkansas             | David Eberhard, Commissioner     |
| 5. California           | Margarita Perez, Commissioner    |
| 6. Colorado             | Jeaneene Miller, Commissioner    |
| 7. Connecticut          | Semona Childs, Designee          |
| 8. Delaware             | Karl Hines, Designee             |
| 9. District of Columbia | Adrienne Poteat, Commissioner    |
| 10. Florida             | Jenny Nimer, Commissioner        |
| 11. Georgia             | David Morrison, Commissioner     |
| 12. Hawaii              | Janice Yamada, Commissioner      |
| 13. Idaho               | Kevin Kempf, Commissioner        |
| 14. Illinois            | Michelle Buscher, Commissioner   |
| 15. Indiana             | Jane Seigel, Commissioner        |
| 16. Iowa                | Charles Lauterbach, Commissioner |
| 17. Kansas              | Keven Pellant, Commissioner      |

Approved on 9/14/2011. B.S.

18. Kentucky	Angela Tolley, Designee
19. Louisiana	Genie Powers, Commissioner
20. Maine	Wayne Theriault, Commissioner
21. Massachusetts	Mark Conrad, Commissioner
22. Maryland	Patrick McGee, Commissioner
23. Michigan	John Rubitschun, Commissioner
24. Minnesota	Ken Merz, Commissioner
25. Mississippi	Lora Cole, Designee
26. Missouri	Ellis McSwain, Commissioner
27. Montana	Pam Bunke, Commissioner
28. Nebraska	Kari Rumbaugh, Designee
29. Nevada	Bernard Curtis, Commissioner
30. New Hampshire	Mike McAlister, Commissioner
31. New Jersey	James Plousis, Commissioner
32. New Mexico	Edward Gonzales, Commissioner
33. New York	Andrea Evans, Commissioner
34. North Carolina	Timothy Moose, Commissioner
35. North Dakota	Leeann Bertsch, Commissioner
36. Ohio	Sara Andrews, Commissioner
37. Oklahoma	Milton Gilliam, Commissioner
38. Oregon	Mark Cadotte, Commissioner
39. Pennsylvania	Benjamin Martinez, Commissioner
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ashbel Wall, Commissioner
42. South Carolina	<i>Not in attendance</i>
43. South Dakota	Ed Ligtenberg, Commissioner
44. Tennessee	Gary Tullock, Commissioner
45. Texas	Kathie Winckler, Commissioner
46. Utah	Brent Butcher, Commissioner
47. Vermont	<i>Not in attendance</i>
48. Virginia	James Camache, Commissioner
49. Virgin Islands	Arline Swan, Commissioner
50. Washington	John Blonien, Commissioner
51. West Virginia	Henry Lowery, Commissioner
52. Wisconsin	William Rankin, Commissioner
53. Wyoming	Les Pozsgi, Commissioner

### **Welcome & Overview**

Commissioner K. Winckler (TX) and Executive Director of Texas Department of Criminal Justice B. Livingston welcomed participants to San Antonio, TX.

The Commission played Governor R. Perry's recorded welcoming message.

Executive Director H. Hageman recognized Ex-Officio members:

- National Conference of State Legislatures - Senator D. Darrington

- National Victims Organization - P. Tuthill
- American Probation and Parole Association - C. Wicklund
- Association of Paroling Authorities International - K. Hardison
- Interstate Commission for Juveniles - D. Dodd
- Conference of State Court Administrators - S. Holewa
- National Governor Association – *Not in attendance*
- National Organization of State Chief Justice – *Not in attendance*
- National Organization of Attorney General – *Not in attendance*
- National Institute of Correction – *Not in attendance*

Chairman K. Merz (MN) instructed the Commission on the rules and procedures of the meeting.

#### **Approval of Agenda**

**Commissioner W. Theriault (ME) moved to approve the agenda as drafted. Commissioner G. Tullock (TN) seconded. Agenda approved.**

#### **Approval Minutes**

**Commissioner M. Gilliam (OK) moved to approve the 2009 Annual Business Meeting minutes as drafted. Commissioner E. Gonzales (NM) seconded. Minutes approved.**

#### **Compliance Committee Report**

Commissioner M. McAlister (NH), Compliance Committee Chair, reported that the completion of the initial compliance audit of all states is scheduled for the spring of 2011. The audit results provide information to evaluate current rules, training needs, compliance issues and future audit protocols.

The Committee met in March and June of 2010 to review commissioner vacancies in Vermont and Puerto Rico, state council's compliance in Illinois and Maine and state councils' activity reports to the National Office.

**Commissioner M McAlister (NH) motioned to accept the Compliance Committee report. Commissioner A. Wall (RI) seconded. Report accepted.**

#### **Training, Education and Public Relations Committee Report**

Commissioner D. Ege (AZ), Training Committee Chair, expressed her gratitude towards the Committee members and the National Office staff's work throughout the year.

Commissioner D. Ege (AZ) reported on the on-site trainings delivered by the Committee members and the National Office staff: Commissioner Training (San Antonio, TX); DCA Training Institute (Lexington, KY), APPA (Austin, TX and Washington, DC) and APAI (Savannah, GA) trainings.

The Committee members and the National Office staff provided ICAOS Rules and ICOTS WebEx trainings.

The Training Committee received continuing Legal Education accreditation for on-demand modules from Alabama, Alaska, California, Colorado, Florida, Kentucky, Louisiana, New York, North Carolina, Texas, Vermont, Washington and Wyoming.

Commissioner D. Ege (AZ) presented an overview of the on-demand training usage statistics from March 2009 until August 2010. Since the launch of the program in March 2006, more than 15,400 individuals received their training.

Throughout the year, the Training Committee revised and updated the Rules training curriculum, on-Demand Modules (new ICOTS curriculum added) and the Bench book.

The Training Committee released one training bulletin in the past year.

Commissioner D. Ege (AZ) reminded the Commission to utilize the Technical and Training Assistance Policy if they would like any training assistance in their state.

**Commissioner D. Ege (AZ) motioned to accept the Training, Education and Public Relations Committee report. Commissioner G. Powers (LA) seconded. Report accepted.**

#### **Finance Committee Report**

Commissioner K. Kempf (ID), Finance Committee Chair, expressed his appreciation towards Committee members and the National Office staff's hard work.

The following accomplishments occurred in the fiscal year 2010:

- The Commission reduced operating expenses by 9% or \$140,759 from FY 2009
  - \$70,072 saved through staff reduction and position consolidation
  - \$11,135 rent reduction
  - \$9,444 utilities reduction because of decrease in office space usage and reduce staff position
  - \$11,965 in additional revenue and savings generated from ICJ MOU
  - 2009 Annual Business Meeting came in \$37,117.32 under budget

Commissioner K. Kempf (ID) stated that in 2007 the Commission voted to increase dues by 6% for three consecutive years to establish a 25% reserve fund. The recommended budget for FY12 does not include previously approved increase of 6%.

**Commissioner K. Kempf (ID) motioned to accept the proposed FY12 budget. Commissioner M. Gilliam (OK) seconded.**

Commissioner P. McGee (MD) inquired about any upcoming dues increases in the budget.

Commissioner K. Kempf (ID) stated that there are no increases in the near future.

**Motion passed.**

Commissioner K. Kempf (ID) informed the Commission that the current dues formula was outdated and required modification. Based on the Finance Committee's recommendation, the Executive Committee appointed an ad hoc committee to review the current dues formula. The Ad Hoc Committee proposed to use 2010 census numbers and ICOTS offender numbers in the new formula.

Commissioner K. Kempf (ID) requested suggestions for the new formula sent to the Treasurer.

States who are interested in serving on the Ad Hoc Committee on Dues should contact Chairman or the National Office.

**Legal Counsel Report**

Legal Counsel R. Masters presented his report to the Commission.

Throughout the year, Legal Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provisions and Rules, as well as provided judicial trainings.

Legal Counsel along with the Executive Director published four advisory opinions in the past year: 1-2010, 2-2010, 3-2010 and 4-2010.

The Executive Committee authorized to take legal actions in two situations in the past year. After the offending states learned of the decision to pursue the enforcement actions, they restored the compliance and subsequently no legal actions taken.

**Commissioner W. Rankin (WI) made a motion to accept the report. Commissioner J. Miller (CO) seconded. Report accepted.**

**DCA Liaison Committee Report**

The DCA Liaison Committee along with the Training Committee planed the first DCA Training Institute that took place in Lexington, KY. The Committee based the curriculum on a previously taken DCA survey. The Committee received overwhelming positive comments about the provided trainings.

Commissioner C. Lauterbach (IA), DCA Liaison Committee Chair, recognized the Committee members and thanked them for their hard work to promote efficiency measures and mission of the Commission.

**Commissioner C. Lauterbach (IA) motioned to accept the DCA Liaison Committee report. Commissioner A. Evans (NY) seconded. Report accepted.**

**Information & Technology Report**

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the Technology Committee members for their service to the Committee. The Technology Committee met nine times since the last Business Meeting in November 2009.

Commissioner K. Winckler (TX) provided the Commission with ICOTS statistics: there are 113,000 active offenders, 114,000 active compact cases and 32,000 active users in ICOTS. From August 2009 to July 2010, there were approximately 94,000 transfer requests, 59,000 requests for reporting instructions and 38,000 violation reports.

Commissioner K. Winckler (TX) indicated that since September 2009, Appriss received 1,704 ICOTS support calls/emails inquiries and the National Office received 4,433 calls/emails. Presently, calls are decreasing on average of 7% per month.

Appriss developed and launched 12 management reports that cover ICOTS users, active rejected cases, duplicate offender management, incoming and outgoing activities, active offenders and supervision end dates.

The Commission reviewed External ICOTS Reports usage chart.

Based on Commission feedback, the National Office redesigned ICAOS website and launched its new version on February 15, 2010. The new design received positive feedback from many commission members.

In August 2010, Appriss indicated that it would not renew the contract with the Commission at the current price. In the next 12 months, Appriss will provide support of the system and continue fixing bugs to ensure successful transfer of the system to another vendor.

After detailed research, Executive Director H. Hageman contracted a national consortium for justice information and statistics, SEARCH, to examine Commission's options in this situation. SEARCH operates on federal grants; therefore, no funding by the Commission is required.

SEARCH will submit its final report in November.

**Commissioner K. Winckler (TX) motioned to accept the Information and Technology Committee report. Commissioner B. Curtis (NV) seconded.**

Commissioner D. Ege (AZ) inquired about any budget changes due to the upcoming change of vendor.

Commissioner K. Winckler (TX) stated that any new vendor's contract would likely cost more than the Commission originally budgeted.

**Report accepted.**

**Victims' Advocate Report**

Victims' Advocate P. Tuthill (NVO) thanked the Ad Hoc Committee on Victims' Issues members for their involvement in the Committee's work.

The Executive Committee established an Ad Hoc Committee to study and improve ICAOS victim notification process and performance to ensure that notifications to all registered victims occur when their offender relocates to another state or the status of the offender changes based on Rule 3.108.

The Ad Hoc Committee met on October 12 to review current victim notification rules and the *victim sensitive* definition. The Committee brainstormed ways to ensure notification occurred by using ICOTS as a tool.

The Committee decided considering rule modification regarding single point of contact for victim notification.

The Committee will distribute a survey to the National Association of Victims Assistance Professionals Annual Meeting (October 23, 2010) and ICAOS Victims' Representatives to determine how ICAOS notification and other rules notification events occur. The Committee will meet via WebEx to discuss the results and determine next steps.

Victims' Advocate P. Tuthill (NVO) thanked the Executive Committee for its cooperation.

**Commissioner D. Ege (AZ) moved to accept the report. Commissioner W. Theriault (ME) seconded.**

Commissioner M. Conrad (MA) thanked P. Tuthill for representing the Commission at the Victims' Conference in Massachusetts.

**Report accepted.**

*Peyton Tuthill Award* presented to Victims' Advocate D. Giles (ME) by Chairman K. Merz (MN) and Commissioner W. Theriault (ME).

**Ad Hoc Committee on Violations and Retaking**

Commissioner M. Gilliam (OK) presented the report.

Due to concerns by states, as well as high profile media cases, the Executive Committee appointed an ad hoc committee to study issues and rules concerning violations and retaking of interstate compact offenders. The Ad Hoc Committee on Violations and Retaking reviewed rules in reference to violations and retaking to determine their current effectiveness, the impact on public safety, and the effect they would have on each ICAOS member state.

The Ad Hoc Committee has made several recommendations ranging from proposed new rules and rule amendments, and referrals to the Training and Rules committees.

**Commissioner M. Gilliam (OK) motioned to accept the report. Commissioner W. Rankin (WI) seconded. Report accepted.**

**Rules Committee Report**

Commissioner W. Rankin (WI), Rules Committee Chair, presented his report to the Commission. He provided an overview of the Committee's accomplishments in the past year and goals for the upcoming year.

The Executive Committee referred proposals submitted by the Ad Hoc Committee on Violation and Retaking to the Rules Committee with the instructions to bring these proposals to the full Commission for final consideration at the 2010 Annual Business Meeting.

Commissioner W. Rankin (WI) informed the Commission that interdependent rule proposals are presented as a single motion.

The Committee reviewed 2010-EXEC-1.101-2 proposal.

**Motion to adopt proposal 2010-EXEC-1.101-2 by Commissioner W. Rankin (WI) seconded by Commissioner B. Martinez (PA).**

**Motion passed by vote 49 to 2.**

**2010-EXEC-1.101-2**

***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.**

**PASSED**

The Commission reviewed 2010-EXEC-101.1-1 and 2010-EXEC-5.103-2 proposals.

**Motion to adopt proposals 2010-EXEC-101.1-1 and 2010-EXEC-5.103-2 by Commissioner W. Rankin (WI) seconded by Commissioner J. Blonien (WA).**

Commissioner J. Blonien (WA) thanked the Commission for considering the proposed amendments and noted that these proposals did not intend to be retribution to Washington's murder case of four policemen, but enhancement of public safety.

Commissioner K. Kempf (ID) spoke in favor of the amendments noting that these proposals strengthen the mission of the Compact.

Commissioner D. Morrison (GA) spoke against the proposals. He called commissioners not to vote for proposals that many states would not be able to comply with due to financial difficulties.

Commissioner D. Ege (AZ) informed the Commission that Arizona's State Council advised voting for the proposed amendments, even though the state experiences financial difficulties.

Commissioner B. Martinez (PA) believed that the proposals were well intended; however, they did not meet fiscal realities of states' budgets. Pennsylvania's neighboring states are not empowered to comply with these proposals, and probably choose to close cases rather than return offenders. He urged the Commission to keep statistics on the number of cases closed in these scenarios and the number of offenders actually returned. Commissioner B. Martinez (PA) proposed the Commission to pay for this expense, even if it required raising state dues.

Commissioner B. Curtis (NV) spoke in favor of the motion.

Commissioner K. Winckler (TX) spoke against the motion stating that if the proposals pass, the risk shifts from a receiving state to the sending state.

Commissioner J. Blonien (WA) urged the Commission to pass the amendment and suggested funding the retaking process by imposing transfer fees.

Commissioner D. Morrison (GA) stated that the proposal would destroy the Compact by putting the majority of states in non-compliance. He requested more research on the topic and new proposals be drafted that allow for more compliance by the states.

Commissioner K. Kempf (ID) spoke in favor of the proposals stating that public safety must be the priority of the Compact.

Victims' Advocate P. Tuthill (NVO) spoke in favor of this motion.

Commissioner J. Miller (CO) spoke in favor of the motion. She insisted on taking all measures to ensure that the Commission did not create a system that allowed for further victimization.

Commissioner D. Eberhard (AR) spoke against the amendments. He stated that in some cases the amendments were inconsistent with the idea of evidence-based practice. They take into account the crime of conviction and that sometimes it does not indicate the risk the person presents.

Commissioner B. Butcher (UT) spoke against the amendments stressing the importance of personal communication in solving these types of issues.

**Motion passed by vote of 33 to 17.**

**2010-EXEC-101.1-1**

***Rule 1.101 Definitions:***

**“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.**

**2010-EXEC-5.103-2**

***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.**

**PASSED**

The Commission reviewed 2010-EXEC-3.107 proposal.

**Motion to adopt proposal 2010-EXEC-3.107 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

**Motion passed by vote of 50 to 1.**

**2010-EXEC-3.107**

***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.

### PASSED

The Commission reviewed 2010-EXEC-4.109, 2010-EXEC-4.109-2 and 2010-EXEC-5.103-1 proposals.

**Motion to adopt proposals 2010-EXEC-4.109, 2010-EXEC-4.109-2 and 2010-EXEC-5.103-1 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner D. Ege (AZ) indicated that the amendments add clarification to Rules.

Commissioner D. Morrison (GA) opposed to these proposals for the reasons stated previously.

**Motion passed by vote of 47 to 2.**

#### **2010-EXEC-4.109**

##### ***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~~

#### **2010-EXEC-4.109-2**

##### **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).

**2010-EXEC-5.103-1****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).

**PASSED**

The Commission reviewed 2010-EXEC-5.101 proposal.

**Motion to adopt proposal 2010-EXEC-5.101 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner B. Martinez (PA) spoke against the proposals. He urged the Commission to keep statistics of all cases that will be closed.

Commissioner D. Ege (AZ) spoke in favor of the motion.

**Motion passed by vote of 44 to 7.**

**2010-EXEC-5.101****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.

**PASSED**

The Commission reviewed 2010-EXEC-5.102 proposal.

**Motion to adopt proposal 2010-EXEC-5.102 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner G. Tullock (TN) spoke against the motion.

Commissioner D. Ege (AZ) spoke in favor of the motion.

Commissioner D. Morrison (GA) spoke against the motion.

Commissioner K. Winckler (TX) spoke against the motion, calling the Commissioners to consider other methods first.

Commissioner J. Blonien (WA) spoke for the motion stating that the proposed rule change increases community safety.

**Motion passed by vote of 34 to 17.**

**2010-EXEC-5.102**

***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.~~

**PASSED**

The Commission reviewed 2010-EXEC-5.103 proposal.

**Motion to adopt proposal 2010-EXEC-5.103 by Commissioner W. Rankin (WI) seconded by Commissioner J. Camache (WV).**

Commissioner D. Morrison (GA) opposed to the motion.

Commissioner G. Tullock (TN) spoke against this motion stating that judges and compact offices start going around the Compact to be in compliance.

Commissioner B. Martinez (PA) indicated that the proposals are premature and need to be farther explored.

Commissioner K. Winckler (TX) spoke against the motion and encouraged to look at other ways to ensure that offender returns to sending state.

Commissioner P. McGee (MD) spoke against the motion.

Commissioner K. Kempf (ID) spoke in favor of the motion.

Commissioner J. Seigel (IN) spoke against the motion suggesting finding alternative ways to solve the problem.

**Motion failed by vote of 18 to 33.**

**2010-EXEC-5.103**

***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) ~~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. 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.~~

**FAILED**

**Commissioner W. Rankin (WI) made a motion the adopted proposals have effective date of March 1, 2011. Commissioner G. Tullock (TN) seconded. Motion passed.**

Commissioner W. Rankin (WI) reminded the Commission that the deadline to submit rule proposals to the Rules Committee was January 31, 2011.

Commissioner W. Rankin (WI) thanked the Rules Committee members for their dedication and service.

The Commission members interested in serving on the Rules Committee need to contact Chairman or the National Office.

**Motion to adopt the Rules Committee report by Commissioner W. Rankin (WI) seconded by Commissioner W. Theriault (ME). Report adopted.**

### **Region Discussion**

Commissioner K. Merz (MN) instructed commissioners to identify main concerns in their region.

The Commission broke out into four discussion groups by region.

Commissioner W. Theriault (ME) presented the East Region's concerns:

- Sending state not allowing transfers due to rule changes
- ICAOS legal actions against state dues non-compliance
- Recognizing "risk" components in interstate compact transfers

Commissioner S. Andrews (OH) presented the Midwest Region's concerns:

- Circumventing the violation process and the 45-day Rule
- Notification vs. transfer for less than 45 days
- Confidential information via mail vs. ICOTS
  - Enhancement to ICOTS or legal opinion
- Parolees on detainer release in other state

Commissioner C. Norman (AL) presented the South Region concerns:

- Budget impact prior to voting on rules
- Training for officers to present more evidence when submitting violations

Commissioner E. Gonzales (NM) presented the West Region concerns:

- Non revocable parole in California
- Issue a position paper for judges/attorneys and private probation on consequences of non-compliance
- Training judiciary

Commissioner D. Ege (AZ), Training Committee Chair, lead the discussion on the previously identified issues.

The Commission discussed the necessity to recognize *risk components and factors in interstate compact transfers*. Commissioner P. McGee (MD) suggested adding more defining elements to Rules.

Commissioner K. Pellant (KS) proposed to establish a risk assessment tool. She also expressed her interested in being part of this Committee.

Legal Counselor R. Masters informed the Commission discussion of this issue occurred during the formation of misdemeanor rule in the past.

Commissioner A.T. Wall (RI) mentioned that risk assessment tools were dynamic and could provide false sense of security.

The Washington State Institute of Public Policy found dynamic tools unreliable and static tools 72-73% accurate stated Commissioner J. Blonien (WA).

The Commission decided to form an ad hoc committee to find the best solution for this issue.

The Commission discussed the issue of *parole detainees released in another state*. Due to lack of notification, these cases result in rejection. Modification of the definition of relocation (voluntary vs. involuntary) or the interpretation of Rule 2.110 are possible solutions of this issue.

Commissioner M. Butcher (IL) urged commissioners to communicate this matter to their DCAs.

Commissioner E. Gonzales (NM) shared how NM Compact Office tracks these types of cases.

The Commission discussed *circumventing the violation process and the 45-day rule*. Commissioner E. Ligtenberg (SD) reminded the Commission that during the formation of this rule the Commission decided many states benefit from this rule and prefer it left unchanged.

The Commission discussed *judiciary training* opportunities.

Commissioner A. Swan (VI) suggested using ICOTS as a tool during these training.

Commissioner J. Miller (CO) emphasized the importance to include judges, attorneys, private probationers, etc to the trainees list.

Executive Director H. Hageman informed the Commission that APAI is interested in providing ICAOS training to its parole board chairs.

Commissioner M. Gilliam (OK) emphasized the importance of his State Council's key members who can be beneficial in making a connection with an organization targeted for training.

Ex-Officio S. Holewa (COSCA) suggested providing training at judicial summits.

Commissioner J. Blonien (WA) suggested publishing and distributing a position paper on compact liability.

The Commission discussed *rules impact on state budgets*. Commission P. McGee (MD) suggested gathering information on means for extradition.

The Commission discussed the details of *Non Revocable Parole* legislation in California.

Commissioner D. Ege (AZ) will send the discussion points to the Commission after the meeting.

### **Award Presentations**

- *Executive Chair Award* presented to Commissioner W. Theriault (ME) by Chairman K. Merz (MN).
- *Executive Director Award* presented to DCA R. Grimes (TX) by Executive Director H. Hageman.

Chairman K. Merz (MN) recognized those who preserve the *Spirit of the Compact* and expressed appreciation for their work: P. Bloomberg (WY), R. Hollett (OH), N. Wright (IN), S. Turner (KY), K. Schwant (KS) and R. Hawkins (CO)

### **Officers and Chairs Recognition**

Officers and Committee Chairs recognized for their service and dedication include:

Commissioner M. Gilliam (OK), Vice-Chair

Commissioner K. Kempf (ID), Treasurer

Commissioner W. Rankin (WI), Rules Committee Chair

Commissioner D. Ege (AZ), Training Committee Chair

Commissioner C. Lauterbach (IA), DCA Liaison Committee Chair

Commissioner K. Winckler (TX), Technology Committee Chair

Commissioner M. McAlister (NH), Compliance Committee Chair

### **New Business**

R. Maccarone, State Director of New York State Division of Probation and Correctional Alternatives, suggested an alternative approach to interstate transfer he calls the "complete transfer."

The East Region submitted a rule amendment outlining the complete transfer proposal to the Rules Committee for consideration.

**Commissioner J. Blonien (WA) moved to form an ad hoc committee on Risk Assessment. Commissioner A. Evans (NY) seconded.**

**Commissioner W. Theriault (ME) made an amendment to have the Ad Hoc Committee on Risk Assessment to report to the Executive Committee.**

**Motion passed.**

**Elections**

Commissioner K. Kempf (ID), the Nomination Committee spokesperson, explained the Commission's election process.

Commissioners C. Lauterbach (IA) and J. Blonien (WA) were nominated for Treasurer.

Commissioner K. Kempf (ID) asked for nominations from the floor.

**Commissioner G. Tullock (TN) made a motion to cease the nominations for Treasurer. Commissioner K. Winckler (TX) seconded. Motion passed.**

The candidates for Treasurer addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner C. Lauterbach (IA) was elected as Treasurer.

Commissioners W. Theriault (ME) and S. Andrews (OH) were nominated for Vice Chair.

Commissioner K. Kempf (ID) asked for nominations from the floor.

The candidates for Vice Chair delivered addressed the Commission.

The Commission voted electronically by secret ballot.

Commissioner W. Theriault (ME) was elected as Vice Chair.

Commissioners M. Gilliam (OK) was nominated for Chairman.

Commissioner K. Kempf (ID) asked for nominations from the floor.

**Commissioner K. Kempf (ID) made the motion to elect Commissioner M. Gilliam (OK) as the ICAOS Chairman. Commissioner K. Merz (MN) seconded. Motion passed unanimously.**

Commissioner M. Gilliam (OK) delivered his speech to the Commission.

**Oath of Officers**

Senator D. Darrington (ID) administered the Oath of Officers to the newly elected Officers: Commissioner M. Gilliam (Chairman), Commissioner W. Theriault (Vice-Chair) and Commissioner C. Lauterbach (Treasurer).

Executive Director H. Hageman and elected Chairman M. Gilliam (OK) recognized the leadership and service to the Commission of past Chairman and Commissioner of Minnesota, K. Merz.

Commissioner K. Merz (MN) thanked the Commission.

Chairman K. Merz (MN) announced that the next Annual Business Meeting would take place on September 12-14, 2011 in Montgomery, AL.

**Adjourn**

**Commissioner E. Gonzales (NM) made a motion to adjourn. Commissioner B. Curtis (NV) seconded. Motion passed.**

The Commission adjourned at 3:55 pm CDT.