2021 ANNUAL BUSINESS MEETING MINUTES

Interstate Commission for Adult Offender Supervision

Virtual Annual Business Meeting
September 29, 2021

Call to Order
Chair J. Stromberg (OR) called the meeting to order at 2:01 p.m. ET.

Roll Call
Executive Director A. Lippert called the roll. Forty-nine out of fifty-three members were present, thereby constituting a quorum.

1.	Alabama	Tom Langer, Commissioner
2.	Alaska	Rebecca Brunger, Commissioner
3.	Arizona	Dori Littler, Commissioner
4.	Arkansas	Amber Schubert, Commissioner
5.	California	Guillermo Viera Rosa, Commissioner
6.	Colorado	Andrew Zavaras, Commissioner
7.	Connecticut	Gary Roberge, Commissioner
8.	Delaware	*Not in attendance*
9.	District of Columbia	*Not in attendance*
10.	Florida	Joe Winkler, Commissioner
11.	Georgia	Chris Moore, Commissioner
12.	Hawaii	Brook Mamizuka, Commissioner
13.	Idaho	Denton Darrington, Commissioner
14.	Illinois	*Not in attendance*
15.	Indiana	Mary Kay Hudson, Commissioner
16.	Iowa	Sally Kreamer, Commissioner
17.	Kansas	Hope Cooper, Commissioner
18.	Kentucky	Steve Turner, Commissioner
19.	Louisiana	Bobby Lee, Commissioner
20.	Maine	Susan Gagnon, Commissioner
21.	Maryland	Martha Danner, Commissioner
22.	Massachusetts	Gloriann Moroney, Commissioner
23.	Michigan	Russell Marlan, Commissioner
24.	Minnesota	Allen Godfrey, Commissioner
25.	Mississippi	Nathan Blevins, Commissioner
26.	Missouri	Julie Kempker, Commissioner
27.	Montana	Cathy Gordon, Commissioner

28. Nebraska	Sally Reinhardt-Stewart, Commissioner
29. Nevada	Deborah Dreyer, Commissioner
30. New Hampshire	David Cady, Commissioner
31. New Jersey	Dina Rogers, Official Designee
32. New Mexico	Roberta Cohen, Commissioner
33. New York	Robert Maccarone, Commissioner
34. North Carolina	Timothy Moose, Commissioner
35. North Dakota	Amy Vorachek, Commissioner
36. Ohio	Katrina Ransom, Commissioner
37. Oklahoma	James Rudek, Commissioner
38. Oregon	Jeremiah Stromberg, Commissioner
39. Pennsylvania	*Not in attendance*
40. Puerto Rico	Raquel Colon, Commissioner
41. Rhode Island	Ingrid Siliezar, Official Designee
42. South Carolina	Jerry Adger, Commissioner
43. South Dakota	Brad Lewandowski, Commissioner
44. Tennessee	Lisa Helton, Commissioner
45. Texas	David Gutierrez, Commissioner
46. Utah	Dan Blanchard, Commissioner
47. Vermont	Dale Crook, Commissioner
48. Virginia	Jim Parks, Commissioner
49. Virgin Islands	Wynnie Testamark, Commissioner
50. Washington	Mac Pevey, Commissioner
51. West Virginia	Diann Skiles, Commissioner
52. Wisconsin	Joselyn López, Commissioner
53. Wyoming	Coltan Harrington, Commissioner

Executive Director A. Lippert recognized ex-officio members:

- American Jail Association (AJA) – Chris Daniels
- American Probation and Parole Association (APPA) – *Not in attendance*
- Association of Paroling Authorities International (APAI) – *Not in attendance*
- Association of Prosecuting Attorneys (APA) – *Not in attendance*
- Conference of Chief Justices (CCJ) – *Not in attendance*
- Conference of State Court Administrators (COSCA) – Katherine Stocks
- International Association of Chiefs of Police (IACP) – *Not in attendance*
- Interstate Commission for Juveniles (ICJ) – Jedd Pelander
- National Association for Public Defense (NAPD) – *Not in attendance*
- National Association of Attorneys General (NAAG) – Bereket Tesfu
- National Association of Police Organizations (NAPO) – *Not in attendance*
- National Conference of State Legislatures (NCSL) – Amanda Essex
- National Criminal Justice Association (NCJA) – *Not in attendance*
- National Governors Association (NGA) – *Not in attendance*
- National Institute of Corrections (NIC) – Holly Busby
- National Organization for Victim Assistance (NOVA) – John Gillis
- National Sheriffs' Association (NSA) – *Not in attendance*

Chair J. Stromberg (OR) welcomed Commission members to the 19th annual business meeting. He stated that the Commission continued to demonstrate remarkable resolve and adapting to the "new normal." He added that even though the Commission could not meet in person, the virtual platform for 2021 Annual Business Meeting enabled more staff to attend and eliminated on-going issues with travel restrictions and public health concerns. He thanked the attendees for their work and commitment to the Interstate Compact's mission.

Approval of Agenda and Minutes

Commissioner G. Roberge (CT) moved to approve the agenda as presented. Commissioner R. Maccarone (NY) seconded. Agenda approved.

Commissioner M. Pevey (WA) moved to approve the Annual Business Meeting's minutes from September 16, 2020, as drafted. Commissioner R. Marlan (MI) seconded. Minutes approved.

COVID-19 Pandemic

Chair J. Stromberg (OR) asked the Commission to reflect on the pandemic, its effects, and the Commission's responses to it. He noted that earlier this year, the Executive Committee voted to rescind Emergency Rule 2.111. Despite the continuation of the pandemic, compact offices across the country continued to perform admirably, meeting their obligations, and adapting practices to accommodate pandemic-related restrictions. He added that even with the current Delta variant of COVID-19, states appeared to be in a much better position now than at the outset of the pandemic. He opened the floor for discussion on the matter.

Commissioner A. Godfrey (MN), Compliance Committee chair, stated that the Executive Committee recently reviewed 01 -2020 ICAOS Administrative Policy on Emergency Guidelines to see what accommodations it allowed given the ongoing nature of COVID. There was some concern that invoking Rule 2.111 would set a precedent that may allow states or territories to be less than diligent in seeking solutions when operations were diminished. Therefore, rather than authorizing on the front end, the Executive Committee adopted changes to the emergency policy that would allow states to seek relief from compliance standards or enforcement.

Commissioner R. Maccarone (NY) thanked the Executive Committee for providing states with flexibility in the face of a disaster. He expressed his appreciation to all Commission members for their cooperation and support.

ABM Planning Workgroup Report

Commissioner H. Cooper (KS), vice-chair and the ABM Planning Workgroup chair, presented the workgroup report to the Commission. She thanked the workgroup members: Commissioner Tom Langer (AL), Commissioner Sally Kreamer (IA), Commissioner Jeremiah Stromberg (OR), Commissioner Dale Crook (VT), Commissioner Mac Pevey (WA), Commissioner Joselyn López (WI), DCA Miriam Dyson (GA), DCA Suzanne Brooks (OH), and DCA Brandon Watts (TX).

The workgroup recommends an annual business meeting (ABM) agenda to the Executive Committee for the upcoming year. They do this by reviewing feedback from previous annual

business meetings and considering input from regions or committees and emerging trends in supervision.

Commissioner H. Cooper (KS) noted that this year, the workgroup considered in-person, hybrid, and virtual options for the business meeting. With uncertainties around the pandemic, the workgroup recommended the virtual format to make sure the Commission could accomplish essential business and vote on the proposed rule amendments.

She encouraged all attendees to complete the post-meeting survey. The workgroup will meet in a few months to review the feedback and work on the 2022 Annual Business Meeting and celebration of the Commission's 20th Anniversary. The event will take place in New York City, NY. Some of the highlights of the meeting will include the DCA Training Institute, a documentary about the Commission, and a compact study.

Chair J. Stromberg (OR) accepted the ABM Planning Workgroup Report on behalf of the Commission.

Compliance Committee Report

Commissioner A. Godfrey (MN), the Compliance Committee chair, expressed his appreciation for the national office staff and committee members' commitment and hard work throughout the year.

The Compliance Committee was responsible for monitoring compliance of member states with the terms of the Compact and the Commission's rules. In addition, the committee oversaw developing appropriate enforcement procedures for the Commission's consideration.

The Committee set three goals for this year:

- Continue to review compliance trends and make recommendations, if necessary.
- Meet and review compliance issues within 30 days of an Executive Committee referral.
- Develop processes to enhance proactive compliance by monitoring trends and working collaboratively with other committees.

During the reporting year, the Compliance Committee reviewed the FY 2022 audit plan for acceptance rates that included a pilot involving Minnesota, Maine, and Colorado. The purpose of the audit was to identify factors impeding acceptance rates. The national office will complete the full audit by December 2021. Commissioner A. Godfrey (MN) stated that for the State of Minnesota, it was very helpful to see the acceptance data broken down by race and gender and recommended states review their existing policies and procedures. He challenged Commission members to look at the Compact's operation from a client perspective.

He noted that last year, the Commission did not have any complaints filed and attributed it to excellent communications between commissioners and DCAs.

Commissioner A. Godfrey (MN) stated that based on the compliance dashboard reports, Commission members continued to maintain a high level of excellence operating above the 80% threshold. States' adherence to the outcomes measured across the compliance dashboards continued to trend upward in four of the six primary categories in the last five years and in all primary categories in the last three years. Between FY 2017 and FY 2021, significant compliance increases

occurred in Case Closure Replies (2.6%,) Transfer Request Replies (3.0%) and Violation Responses (3.9%). While Case Closure Notices and Requested Progress Reports have leveled, they remain relatively high for compliance. Commissioner A. Godfrey (MN) thanked states for their hard work to adhere to the Compact rules.

In the upcoming year, the committee will establish benchmark for acceptance rates, reenforce proactive processes at the local level, and use Emergency Rule 2.111 and ICAOS Policy 01-2020 Emergency Guidelines if needed.

Commissioner G. Roberge (CT) moved to accept the Compliance Committee report as presented. Commissioner R. Cohen (NM) seconded.

Motion carried.

DCA Liaison Committee Report

DCA S. Brooks (OH), the DCA Liaison Committee chair, presented her report to the Commission. She thanked the national office staff and the committee members for their work: East DCA region chair Natalie Latulippe (CT), Midwest DCA region chair Matthew Billinger (KS), South DCA region chair Timothy Strickland (FL), West DCA region chair Tanja Gilmore (WA), East region representative Denis Clark (ME), Midwest region representative Simona Hammond (IA), South region representative Brandon Watts (TX), and West region representative Pat Odell (WY). She welcomed newly elected DCA West region chair Mark Patterson (OR) and announced a vacancy in the South region.

DCA S. Brooks (OH) stated that the DCA Liaison Committee's mission was to provide a mechanism for Deputy Compact Administrators to communicate concerns or needs and act as a liaison to improve the communication and relationship between Commissioners and DCAs.

The committee's goals for the year were:

- Identify issues or concerns affecting DCAs and support effective discussion and action to find resolution.
- Identify issues of relevance for referral to standing committees.
- Support the DCAs through partnership with the Training Committee, mentorship, and effective communication through newsletters and other forms.

A significant area of focus for the committee this year was to further discuss and develop the DCA Liaison Committee's Best Practice & Dashboard Usage Program. Acknowledging that DCAs across the nation had varying degrees of experience in utilizing the current dashboard reports was an important topic of discussion as tools needed to be developed for users at all skill levels. The DCA Liaison Committee identified four quarterly topics of review for FY 2022 to include: offender management; retaking management; rejected case clean up (withdraw/close); and user cleanup (remove roles, deactivate after 12 months, etc.). While providing an avenue for cleanup of ICOTS data, the intent of the Best Practice & Dashboard Usage Program was to help develop best practices for states to properly address these topics moving forward.

DCA S. Brooks (OH) reminded the Commission about the DCA Mentoring Program. The mentoring program was designed to coach, train, and counsel new and existing DCAs on compact

office operations. The mentoring program encouraged active participation in the Commission's operation and collaboration with member states to promote successful strategies and best practices.

Commissioner J. Adger (SC) moved to accept the DCA Liaison Committee report as presented. Commissioner G. Roberge (CT) seconded.

Motion carried.

Finance Committee Report

Commissioner G. Roberge (CT), Treasurer and the Finance Committee Chair, thanked the national office staff, and the Finance Committee members for their work and diligence throughout the past year.

Commissioner G. Roberge (CT) stated that in FY 2021, the Commission's total expenses were $1,365,946.55 and the total revenue was $1,552,799,75. The Commission cash reserve is $1,295,018.94. The Commission maintains investments in two long-term Vanguard investment accounts. These funds include an investment grade bond fund and a total stock market index fund. Currently, the balance in the Vanguard funds as of June 30, 2021, totaled $2,399,908.59, a 23.92% increase over the previous year.

Commissioner G. Roberge (CT) stated that the Commission successfully completed a financial audit by an independent auditor. The auditor found the Commission in good financial status and provided a clean and unmodified report. The audit report was included in the FY 2021 Annual Report.

The Commission has not needed to increase membership dues since 2008 and no dues increase is recommended for FY 2022. However, the 2020 decennial census provided the Commission with an opportunity to update state populations and evaluate any resulting change in individual, as well as Commission-wide funding totals. Accordingly, the Finance Committee recommends maintaining the six-tiered structure utilizing the existing funding formula and relative dues ratio ranges.

Under the proposed FY 2023 dues scenario using the newest decennial census figures, total revenue increases to $1,532,298.30, a change of slightly more than one percent. Using this structure resulted in the following individual state tier changes:

- Idaho increases from Tier 2 to Tier 3;
- Tennessee increases from Tier 3 to Tier 4;
- Michigan decreases from Tier 4 to Tier 3; and,
- Florida increases from Tier 5 to Tier 6.

Commissioner G. Roberge (CT) presented the FY 2023 budget for Commission's vote. The total Commission's expenses for the FY 2023 are estimated as $1,757,484. He stated that this budget was higher than budgets from previous years mostly due to increased cost for the 2022 Annual Business Meeting to commemorate the Commission's 20th anniversary.

Commissioner S. Kreamer (IA) moved to approve the FY 2023 budget as presented. Commissioner R. Maccarone (NY) seconded.

Motion carried by vote 43 to 0.

Commissioner M. Pevey (WA) moved to accept the Finance Committee report as presented. Commissioner C. Moore (GA) seconded.

Motion carried.

Training, Education & Public Relations Committee Report

Commissioner J. López (WI), the Training Committee Chair, recognized the committee members: Commissioner Martha Danner (MD), Commissioner Russell Marlan (MI), Commissioner Sally Reinhardt-Stewart (NE), Commissioner Roberta Cohen (NM), Commissioner Katrina Ransom (OH), Commissioner Patricia Coyne-Fague (RI), Commissioner Jim Parks (VA), DCA Tracy Hudrlik (MN), DCA Mark Patterson (OR), and DCA Tanja Gilmore (WA). She also thanked the national office staff for their assistance and support throughout the year.

The Training Committee continued to follow its mission to enhance public safety through awareness and consistent administration. The committee developed and enhanced educational resources and training materials for use by member states and stakeholders.

Commissioner J. López (WI) listed the committee's goals for FY 2022:

- Expand the outreach to stakeholders and other organizations to increase education on the mission of the Compact.
- Provide training on rule amendments and ICOTS enhancements for warrant tracking.

Commissioner J. López (WI) presented notable accomplishments to the Commission:

- Provided recommendations on the State Council Toolkit revisions
- Provided trainings for Compact Staff on the 2021 ICOTS Enhancements
- Issued Training Bulletin 1-2021i to address data issues
- Assisted with the roundtable discussions on the following topics:
    - Remote Hearings (Mar 2021)
    - Electronic Signatures (Mar 2021)
    - Retaking Challenges (Aug 2021)
- Presented at the APPA 2021 Winter & Summer Institutes
- Worked with the DCA Liaison Committee on the DCA Dashboard Program planning
- Launched New Learning Management System (Nov 2020)

Commissioner J. López (WI) noted that in the past year, over 6,000 individuals accessed on-demand modules which was consistent with the numbers from last year.

Commissioner G. Roberge (CT) moved to accept the Training, Education & Public Relations Committee report as presented. Commissioner R. Maccarone (NY) seconded.

Motion carried.

Rules Committee Report

Commissioner M. Hudson (IN), the Rules Committee Chair, thanked the Rules Committee members for their hard work. The Rules Committee members were Commissioner and Vice-chair

Dori Littler (AZ), Commissioner Rebecca Brunger (AK), Commissioner Amber Schubert (AR), Commissioner Chris Moore (GA), Commissioner Susan Gagnon (ME), Commissioner Amy Vorachek (ND), Commissioner Robert Maccarone (NY), DCA Timothy Strickland (FL), DCA Tracy Hudrlik (MN), DCA Margaret Thompson (PA), and DCA Patricia Odell (WY).

The Rules Committee mission was to administer the Commission's rulemaking procedures and objectively review or develop rule change proposals as appropriate.

The committee's FY 2021 goals were:

- Review rule amendment proposals and make recommendations to the proposing entity to adopt, revise, or withdraw, as appropriate.
- Review public comment on proposed rules.
- Present the proposed rule amendments for Commission's consideration at the 2021 Annual Business Meeting.

Commissioner M. Hudson (IN) presented a proposal to amend Bylaws Article 2, Section 2 proposed by the Executive Committee. The proposal invites National District Attorneys Association (NDAA) to become an ex-officio member. NDAA had a large membership base, encompassing both large and small jurisdictions.

ICAOS Bylaws, Section 2. Ex-Officio Members

The Commission membership shall also include but are not limited to individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members must include a representative of the National Governors Association, the National Conference of State Legislatures, the Conference of Chief Justices, the National Association of Attorneys General and the National Organization for Victim Assistance. In addition representatives of the National Institute of Corrections, the American Probation and Parole Association, Association of Paroling Authorities International, the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense, National District Attorneys Association and the International Association of Chief of Police may be ex-officio members of the Commission.

Justification:

This amendment adds the National District Attorney Association (NDAA) as an ex-officio member. NDAA is a national association that provides training, technical assistance and services to prosecutors around the country. It is the oldest and largest association of prosecutors in the country with over 5,000 members, their mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people by providing its members with the knowledge, skills, and support they need to ensure justice is attained.

ICAOS has collaborated with NDAA over the last year to deliver training, share information and collaborate on issues affecting both organizations. Inviting NDAA to become an Ex Officio formalizes our partnership and cooperative efforts.

Effective date:

September 29, 2021

Commissioner D. Littler (AZ) moved to amend Bylaws Article 2, Section 2 by adding the National District Attorney Association as an ex-officio member. Commissioner S. Reinhardt-Stewart (NE) seconded.

Motion carried by vote 48 to 0.

Commissioner M. Hudson (IN) presented a proposal to amend Rule 1.101 Definition of Resident proposed by the Rules Committee. She stated that the committee clarified and made changes to the existing rule as it was overly restrictive. The committee added 'continuously and immediately' to section 1 clarifying the trigger for when the 1-year timeframe for qualification for a resident starts.

Rule 1.101 Definitions

"Resident" means a person who—

1. has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested ~~has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision~~; and
2. intends that such state shall be the person's principal place of residence.; and
3. has not, unless incarcerated or under active military orders ~~deployment~~, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

Justification:
The current definition of resident in Rule 1.101 is overly restrictive and does not address the circumstances of individuals who have resided in a receiving state for an extended time, especially between commission of the offense and placement on supervision. Moreover, the current definition makes it particularly challenging for the sending state to provide proper documentation to support residency in such circumstances. The misapplication and limitations of the current definition often result in unnecessary delays or denials of the transfer request because the individual does not meet the current criteria of "resident", despite having a valid plan of supervision in the receiving state. This proposal maintains the protections provided to the receiving state under the existing "resident" rule, while recognizing individuals who have established themselves with the requisite supports in the receiving state. Lastly, this proposal ensures that the request for transfer under the qualifying reason remains tied to the commission of the offense for which the offender is placed under supervision.

Effect on other rules, advisory opinions or dispute resolutions:
Benchbook updates required. Possible AO footnotes/changes needed.

ICOTS impact:
Cost: $1,020

Effective date:
April 1, 2022

Commissioner D. Littler (AZ) moved to approve amendment to Rule 1.101 Definition of 'Resident' and related ICOTS impact. Commissioner D. Skiles (WV) seconded.

Motion carried by vote 49 to 0.

Commissioner M. Hudson (IN) presented a proposal to amend Rule 5.108 Probable Cause Hearing in the Receiving State proposed by the Midwest Region for the Commission's consideration. The proposal clarified that probable cause must be established prior to retaking on a violation that is revokable in the receiving state.

Rule 5.108 – Probable cause hearing in receiving state

(a) An offender subject to retaking that may result in a revocation shall be afforded the opportunity for a probable cause hearing before a neutral and detached hearing officer in or reasonably near the place where the alleged violation occurred.

(b) No waiver of a probable cause hearing shall be accepted unless accompanied by an admission by the offender to 1 or more violations of the conditions of supervision that would result in the pursuance of revocation of supervision in the receiving state and require retaking.

(c) A copy of a judgment of conviction regarding the conviction of a new criminal offense by the offender shall be deemed conclusive proof that an offender may be retaken by a sending state without the need for further proceedings.

(d) The offender shall be entitled to the following rights at the probable cause hearing:

1. Written notice of the alleged violation(s);
2. Disclosure of non–privileged or non–confidential evidence regarding the alleged violation(s);
3. The opportunity to be heard in person and to present witnesses and documentary evidence relevant to the alleged violation(s);
4. The opportunity to confront and cross–examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

(e) The receiving state shall prepare and submit to the sending state a written report within 10 business days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

(f) If the hearing officer determines that there is probable cause to believe that the offender has committed the alleged violations of conditions of supervision that would result in the pursuance of revocation of supervision, the receiving state shall hold the offender in custody, and the sending state shall, within 15 business days of receipt of the hearing officer's report, notify the receiving state of the decision to retake or other action to be taken.

(g) If probable cause is not established, the receiving state shall:

1. Continue supervision if the offender is not in custody.
2. Notify the sending state to vacate the warrant, and continue supervision upon release if the offender is in custody on the sending state's warrant.
3. Vacate the receiving state's warrant and release the offender back to supervision within 24 hours of the hearing if the offender is in custody.

Justification:

Added language to this rule would align it more with both ICAOS Bench Book and ICAOS training of this rule. In 2016 this rule was amended to remove language as the commission no longer used the term "significant" in referring to violations resulting in revocation in order to be consistent with

the supervision of probationers and parolees in the receiving state. The intent was to create a single standard of supervision in the respective states by eliminating the three significant violations. However, by removing the word significant it leaves open interpretation that any admission of any violation could result in the requirement for retaking. For example, a receiving state may report a combination of violations including major violations such as violence or prohibited contact, in addition to a minor violation of failing to report. Should the offender only admit guilt to the failing to report, many could and do interpret that to create a mandatory retaking situation. In discussion of this amendment, multiple states reported this occurring multiple times. In this situation, it would then require the sending state to request further action from the sending or be forced to conduct a probable cause hearing in the sending state, foregoing rights such as the opportunity to confront witnesses, and have the hearing near the location of the violation.

This is in accordance with the ICAOS Bench Book 4.7.3.3 Probable Cause Waiver, where it states that the effect of waiving the probable cause hearing is "in effect, an admission that they have committed an offense of sufficient gravity as to justify revocation…". Also that "by waiving the hearing, the offender is implicitly admitting that their actions could justify revocation of supervised release". It is important to clarify that the intent of the rule is that the offender must admit guilt to a violation that would result in revocation.

In accordance with ICAOS Bench Book 4.7.3.2.2 Probable Cause Hearing Report it discusses that the purpose of Rule 5.103 – Offender behavior requiring retaking is "that officials in the receiving state must show through documentation that the offender has engaged in behavior requiring retaking. Therefore, by adding language to both (a) and (f) it supports that the waiver or evidence of a violation that would result in revocation, be supplied to the sending state.

Effect on other rules, advisory opinions or dispute resolutions:
Consistent with ICAOS Benchbook and Hearing Officer Guide on Rule 5.108.

ICOTS impact:
None.

Effective date:
April 1, 2022

Commissioner J. Adger (SC) moved to approve amendments to Rule 5.108 (b) and (f) as proposed. Commissioner D. Littler (AZ) seconded.

Motion carried by vote 48 to 1.

Commissioner M. Hudson (IN) presented the warrant timeframe proposal package proposed by the Rules Committee for the Commission's consideration. The package expanded the timeframe for issuing compact compliant warrants to a standard 15-business day, when an offender fails to arrive or return as instructed or is subject to retaking.

Warrant Timeframe Amendments-Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1

Summary & Justification:

The following rules package includes amendments to six (6) rules (2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1) expanding the timeframe for issuing compact compliant warrants to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking. In

addition, this proposal includes a proposed ICOTS enhancement to create new managed processes for tracking warrants for compact offenders enhancing the Commission's efforts and goals to provide effective tracking and communication.

This package is thought to improve stakeholder training efforts (due to confusion over various timeframes in current rules) while ensuring the timeframe supports public safety and efficient actions for managing offender movement as required in each state's compact statute.

Rule 2.110 Transfer of offenders under this compact

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 business days of receiving such notice. If the offender does not return to the sending state as ordered, 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~~ 15 business days following the offender's failure to appear in the sending state.

4.111 Offenders returning to the sending state

(a) For an offender returning to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent felony or violent crime in the receiving state. The receiving state shall provide the sending state with the reason(s) for the offender's return. The offender shall remain in the receiving state until receipt of reporting instructions.

(b) If the receiving state rejects the transfer request for an offender who has arrived in the receiving state with approved reporting instructions under Rules 3.101-1, 3.101-3, 3.103 or 3.106, the receiving state shall, upon submitting notice of rejection, submit a request for return reporting instructions within 7 business days, unless 3.104 (b) or (c) applies or if the location of the offender is unknown, conduct activities pursuant to Rule 4.109-2.

(c) Except as provided in subsection (e), the sending state shall grant the request no later than 2 business days following receipt of the request for reporting instructions from the receiving state. The instructions shall direct the offender to return to the sending state within 15 business days from the date the request was received.

(d) The receiving state shall provide the offender reporting instructions and determine the offender's intended departure date. If unable to locate the offender to provide the reporting instructions, the receiving state shall conduct activities pursuant to Rule 4.109-2.

(e) The receiving state retains authority to supervise the offender until the offender's directed departure date or issuance of the sending state's warrant. Upon departing, the receiving state shall notify the sending state as required in Rule 4.105 (a) and submit a case closure as required by Rule 4.112 (a)(5). The sending state shall notify the receiving state of the offender's arrival or failure to arrive as required by Rule 4.105 (b) prior to validating the case closure notice.

(f) If the offender does not return to the sending state as ordered, the sending state shall issue a warrant no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.

Rule 5.101 Discretionary retaking by the sending state

(a) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may order the return of an offender. The sending state must notify the receiving state within 15 business days of their issuance of the directive to the offender to return. The receiving state shall request return reporting instructions under Rule 4.111. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant no later than ~~30 calendar~~ 15 business days following the offender's failure to appear in the sending state.

(b) Except as required in Rules 5.101-1, 5.102, 5.103 and 5.103-1 at its sole discretion, a sending state may retake an offender via warrant. The sending state must notify the receiving state within 15 business days of the issuance of their warrant. The receiving state shall assist with the apprehension of the offender and shall notify the sending state once the offender is in custody on the sending state's warrant.

Rule 5.102 Mandatory retaking for a new felony or new violent crime conviction

(a) Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and:
(1) completion of a term of incarceration for that conviction; or

(2) placement under supervision for that felony or violent crime offense.

(b) When a sending state is required to retake an offender, the sending state shall issue a warrant no later than 15 business days and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.

Rule 5.103 Offender behavior requiring retaking

(a) Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the violation report.

(b) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per Rule 4.111 within 7 business days following the receipt of the violation report response.

(c) The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than ~~10~~ 15 business days following the offender's failure to appear in the sending state.

(d) If the sending state issues a warrant under subsection (c) of this rule, the receiving state shall attempt to apprehend the offender on the sending state's warrant and provide notification to the sending state. If the receiving state is unable to locate the offender to affect the apprehension, the receiving state shall follow Rule 4.109-2 (a) and (b).

Rule 5.103-1 Mandatory retaking for offenders who abscond

(a) ~~Upon~~ Within 15 business days of receipt of an absconder violation report and case closure, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where 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).

Effect on other rules, advisory opinions or dispute resolutions:
Possible footnote to **Advisory Opinion 3-2012.**

ICOTS impact:
A separate ICOTS Enhancement to create a compliance measuring tool for warrant issuance will be proposed at the Annual Business Meeting as a separate vote. Review the functional specifications for this enhancement.

Effective date:
April 1, 2022

Commissioner D. Littler (AZ) spoke in favor of the proposal package. She noted that adopting the standard timeframes for compact compliant warrants would be beneficial with judicial training resulting in better compliance.

Commissioner G. Viera Rosa (CA) opposed the proposed changes to the rules. He stated that even though California agreed with the concept of the package, his state was not prepared to implement the changes and would end up being out of compliance.

Commissioner R. Maccarone (NY) stated that New York State had already implemented these changes. They learned during their implementation process that it was important to distinguish interstate warrants from the other warrants. Judges want to ensure due process related to normal warrants; but, in Interstate Compact, the due diligence had already been managed by the receiving state. He added that 15 business days translated to 22 calendar days.

Commissioner R. Maccarone (NY) stated that this was the most important rule proposal the Commission had to vote on in the last few years. He reminded the Commission that the Compact was about public safety and victims' safety. He urged the Commission to vote for this package.

Commissioner D. Gutierrez (TX) stated that even though the proposal brings value to Compact operations, Texas would vote against the proposal. He expressed his concerns that Texas would not

be able to meet the proposed 15-day timeframe due to its size, geographical diversity, and decentralized structure of the Compact Office. He urged to postpone the vote for a later time when the Commission was ready to adhere to the new standards and was not impacted by the pandemic.

Commissioner D. Littler (AZ) moved to approve the amendments to Rules 2.110, 4.111, 5.101, 5.102, 5.103 & 5.103-1, expanding the timeframe for issuing compact compliant warrants to a standard 15 business days when an offender fails to arrive/return as instructed or is subject to retaking. Commissioner R. Maccarone (NY) seconded.

Motion carried by vote 40 to 9.

Commissioner M. Hudson (IN) reminded the Commission that the Rules Committee would provide assistance to states with implementation challenges.

Commissioner D. Littler (AZ) moved to accept the Rules Committee report as presented. Commissioner R. Maccarone (NY) seconded. Motion carried.

Information Technology Report

Commissioner C. Moore (GA), the Information Technology Committee Chair, thanked the national office staff and the Information Technology Committee members for their service: Commissioner Sally Kreamer (IA), Commissioner Steve Turner (KY), Commissioner Dan Blanchard (UT), Commissioner Mac Pevey (WA), Commissioner Joselyn López (WI), DCA Natalie Latulippe (CT), DCA Matthew Billinger (KS), and DCA Alyssa Miller (ND).

Commissioner C. Moore (GA) listed the committee's goals for FY 2022:

- Implement ICOTS changes prior to the effective date of any rule changes.
- Provide guidance on future ICOTS enhancements.
- Continue to explore options to expand and enhance data sharing opportunities with federal and local criminal justice agencies.
- Continue to pursue value enhancing data export of ICOTS offender and case information with state agencies.
- Continue to work on the NCIC initiative to improve the Wanted Person File related to IC warrants and bond information for retaking purposes.

In FY 2021, the committee reviewed and approved six ICOTS enhancement proposals with the total cost of $38,820. Among these proposals were *Email Notification Changes, New Compact Action Request Specialization, New Addendum to Violation Report* to no longer require retaking. The enhancements were released on April 28, 2021.

Commissioner C. Moore (GA) stated that the Technology Committee proposed ICOTS enhancement to create warrant tracking process that consisted of two parts:

1. Warrant Status Bundle. Cost - $56,565.
    a. Special status – Warrant Status: $36,525
    b. New warrant status email notifications: $16,500
    c. Warrant Status data fields to data export: $3,540

2. New Discretionary Retaking activity. Cost - $38,625.

After comprehensive discussion, the Technology Committee decided to present the warrant tracking enhancements as separate votes and recommend the Commission approve the warrant tracking bundle at a cost of $56,565. The committee remained neutral on prioritizing the new discretionary retaking at a cost of $38,625.

Create ICOTS Processes to Track Warrant Status and New Activity for Discretionary Retaking proposed by the Rules & Technology Committees

Users Impacted:
PO (Field User), Supervisor, Compact Office

Statement of Need:
In November 2020, the ICAOS Rules Committee formally recommended an ICOTS enhancement to create new managed warrant tracking process for compact offenders. This recommendation aimed to provide an effective tracking, communication, and measurable compliance tool.

Importantly, there will also be proposed rule amendments related to warrants. However, the ICOTS enhancement will be considered as a separate vote at the 2021 ABM.

> *'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 with no bond amount set.*

The Technology Committee approved functional specifications for a new 'warrant status,' initiated by retaking or failure to report and new activity for 'Discretionary Retaking.' The Technology Committee recommended three components to this enhancement proposal:

1. New Warrant Status for ICOTS records: User entered data related to compact compliant warrants.
2. New email notifications managing the Warrant Status information based on triggers (Failure to Arrive, Disc Retaking, Mandatory Retaking, updates to Warrant Status information)
    a. Warrant Status Needed-when no warrant record exists and/or data fields for 'Issuing authority' and 'NCIC verification date' are NULL
    b. Warrant Status Updated-when any data is added to a warrant record
3. New managed activity for Discretionary Retaking

Current Practices:
States continue to face significant challenges identified in the FY2020 Warrant Audit. Reported delays (primarily probation cases) result from multi-step processes involving various stakeholders and a lack of consistent or identified tracking efforts. Moreover, although the ICOTS Dashboards provide data on cases where a warrant is required, (e.g., failure to arrive, warrant issued/requested) tracking warrants and warrant compliance is accomplished outside of ICOTS.

Justification of Enhancement Priority:
The need to track warrants in ICOTS, although discussed in prior years, was a focal point in the FY2020 Warrant Audit. That audit asked states to provide data on randomly selected absconder

cases. Data gathered in the audit had flaws due to inconsistent self-reporting. Further, 21 percent of cases were unsuitable for audit.

Provision of warrant-related tracking data in ICOTS would enhance public safety, compliance measurement, and reporting capacity as defined by Compact goals.

Commissioner A. Godfrey (MN) moved to approve the ICOTS enhancement on warrant tracking bundle at a cost of $56, 565. Commissioner K. Ransom (OH) seconded.

Motion carried by vote 48 to one.

Commissioner J. Adger (SC) moved to approve the ICOTS enhancement on the new discretionary retaking at a cost of $38, 625. Commissioner S. Kreamer (IA) seconded.

Motion carried by vote 45 to 3 with 1 abstaining from the vote.

Commissioner C. Moore (GA) stated that the enhancements would go into production on or before April 1, 2022.

Commissioner R. Maccarone (NY) moved to accept the Information Technology Committee Report as presented. Commissioner S. Gagnon (ME) seconded. Motion carried.

Chair J. Stromberg (OR) thanked the committee chairs for their hard work in achieving their goals despite the difficult year. He reminded the commission members that they could find written reports from each committee and region in the Annual Business Meeting's docket book.

Chair J. Stromberg (OR) informed the states that the Commission was pursuing some exciting projects. The findings will be presented at the Commission's 20th anniversary at the 2022 ABM in New York City, NY.

Justice Reinvestment Initiative – Warrant notifications: Motivated by continuing warrant-centric discussions, the ICAOS National Office has partnered with the National Consortium for Justice Information and Statistics (SEARCH) and the Interstate Commission for Juveniles (ICJ) on a grant from the Department of Justice. The project creates a subscription service for warrant notifications to help compact offices, supervisors, and field officers meet their obligations. States who subscribe to the service automatically receive a notification when:

1. A warrant is issued and forwarded to the NCIC Wanted Persons File, and a warrant is issued by 16 states that maintain state warrant systems, and

2. When a transferred offender has a serious encounter with law enforcement that prompts a wants and warrants check by a law enforcement official.

While this project is still in its initial development phase, the national office will share more in the coming year about how states may take part in this project.

Compact Study: Since the Compact passed in 2002, no formal study has been conducted to evaluate aspects relevant to how the interstate compact is meeting its mission and purpose. The

Commission's objectives include tracking the location of offenders, transferring supervision in an orderly and efficient manner, and returning offenders when necessary. Each of those objectives has a broader aim of promoting public safety, protecting victims, and supporting offender accountability through tracking, supervision, and rehabilitation.

The Executive Committee sought to analyze the Commission's efforts to meet these stated objectives. To perform an independent Commission-wide evaluation, the Committee engaged the University of Cincinnati Corrections Institute (UCCI). The evaluation itself will include an analysis of ICOTS data, survey responses from ICOTS supervising officers, and interviews with supervision officers as well as justice involved individuals.

Compact Documentary: Last year, the ICAOS National Office engaged the National Institute of Corrections (NIC) for a documentary project following offenders going through the interstate compact transfer process. NIC agreed to fund the production for a 60-minute documentary.

The documentary features adults on parole or probation as they navigate the interstate transfer process, giving the audience a glimpse into their challenges and hopes of reuniting with families or returning to their states of residence. The filmmaker intends to show the interplay between ICAOS and NIC and how these organizations perform important roles in the American judicial system. Additional topics include a historical primer and an examination of the pivotal 2002 milestone told through the lens of firsthand subject matter experts. Through this expansive effort, the documentary will create a testament and lasting appreciation of the Commission and its role in public safety and offender success.

The Commission viewed a trailer for the Compact documentary.

Award Presentations

Executive Chair Award presented to Commissioner R. Cohen (NM). An active and supportive leader, Roberta maintains focus on the compact's goals and its primary mission of ensuring public safety.

Executive Director Award presented to DCA T. Hudrlik (MN). DCA Hudrlik's service exceeds the bounds of her state responsibilities. Her steady daily administration of Compact responsibilities and her passionate support of the Compact's mission are greatly appreciated and valued.

Peyton Tuthill Award presented to Victim Advocate Anna Nasset. After surviving a terrifying stalking journey, she became a remarkable advocate for crime victims. She emerged as one of the few people able to speak openly about the harrowing experience of being stalked for a decade.

Ms. Nasset has become a nationally recognized subject matter expert, speaker, and author on stalking and the rights of crime victims. She regularly speaks on college campuses, military installations, and communities across the country. Further, she embodies the activist spirit of the Peyton Tuthill award and her representation of victims honors Peyton and her family.

Old Business/ New Business

Call to Public: Chair J. Stromberg (OR) opened the floor for public comments. No comments were received.

Region Chairs Recognition: Chair J. Stromberg (OR) recognized the region chairs for their service and dedication: Dale Crook – East Region Chair, Russell Marlan – Midwest Region Chair, Julie Kempker – South Region Chair, and Roberta Cohen – West Region Chair.

The regions met last week and elected their chairs: Dale Crook – East Region Chair, Sally Kreamer – Midwest Region Chair, Julie Kempker – South Region Chair, and Mac Pevey – West Region Chair. This year, the oath of office will be secured in writing.

Chair J. Stromberg (OR) announced that the Commission would be convening face-to-face for its 20th anniversary on September 26-28, 2022, in New York City, NY. This will be the first post-pandemic face-to-face event, and a celebration to commemorate two decades of accomplishments. It will be an opportunity to reflect on the return to normal operations and once again see each other in person.

Adjourn

Commissioner J. Adger (SC) moved to adjourn. Commissioner R. Maccarone (NY) seconded.

The meeting adjourned at 3:58 pm ET.