



## Interstate Commission for Adult Offender Supervision

### Midwest Region Meeting MINUTES

October 23, 2024 · 1:00 pm ET · Teleconference

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#### **Members in Attendance:**

1. Amy Vorachek (ND), Chair
2. Melissa Smith (IL)
3. Sally Kreamer (IA)
4. Chris Biehn (IN)
5. Tracy Hudrlik (MN)
6. Katrina Ransom (OH)
7. Bradley Lewandowski (SD)
8. Joselyn López (WI)

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

1. Jacey Rader (NE)
2. Megan Milner (KS)
3. Russell Marlan (MI)

#### **Guests:**

1. April Simmons (IN)
2. Nataly Sevilla (IN)
3. Simona Hammond (IA)
4. Susan Barnard (NE)
5. Sally Reinhardt-Stewart (NE)
6. Brian Bencker (NE)
7. Alyssa Miller (ND)
8. Chuck Frieberg (SD)
9. Sarah Spader (SD)
10. Brenna Kojis (WI)

#### **Staff**

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics Coordinator
4. Mindy Spring, Administrative and Training Coordinator
5. Drake Grecott, Web Development Manager
6. Xavier Donnelly, ICOTS Project Manager

#### **Call to Order**

Chair A. Vorachek (ND) called the meeting to order at 1:00 am ET. Eight out of eleven commissioners were in attendance. A quorum was established.

## Approval of Agenda and Minutes

Commissioner T. Hudrlik (MN) moved to approve the agenda. Commissioner K. Ransom (OH) seconded. Agenda approved.

Commissioner S. Kreamer (IA) moved to approve the meeting minutes from September 11, 2024. Commissioner T. Hudrlik (MN) seconded. Minutes approved as presented.

## Discussion

*Rule amendments for consideration at the 2025 ABM:* Commissioner T. Hudrlik (MN) presented a proposal to amend Rule 3.103 to the region for consideration and approval.

## Rule Title

Rule 3.103: ~~Reporting Instructions; Supervised Individual~~ Mandatory reporting instructions for supervised individuals living in the receiving state at the time of sentencing or after the disposition of a violation or revocation proceeding

## Proposed Change Re-write Rule

- (a) At the discretion of the sending state, supervised individuals who live in the receiving state at the time of sentencing or after the disposition of a violation or revocation proceeding qualify for reporting instructions.
- (b) The sending state shall ensure that the supervised individual signs all forms required under Rule 3.107 prior to departing the sending state, obtain signatures electronically, or request assistance from the receiving state if the sentencing or disposition was conducted via electronic hearing.
- (c) The reporting instructions request should include but is not limited to:
  - a. the supervised individual's address and contact information,
  - b. documentation and details regarding how the supervised individual's receiving state residence status was verified.
- (d) The sending state shall submit the request for reporting instructions within 15 business days of either the:
  - a. initial sentencing date,
  - b. date of the disposition of a violation or revocation proceeding, or
  - c. release date from incarceration to supervision, if this occurs within 60 days of the sentence.
- (e) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.
- (f) The sending state shall submit a completed transfer request no later than 15 business days of the granting of reporting instructions.

## Justification

Rule 3.103 has historically been subject to various interpretations by compact member states, resulting in issues such as unnecessary rejections, punitive actions against supervised individuals,

gaps in supervision, and inaccurate data entry, which compromises the integrity of the database used to track supervised individuals' locations.

The primary objective of Rule 3.103 is to allow residents of a receiving state to return to their residence once they have been sentenced by a court or sentencing authority as well as when there has been a violation or revocation proceeding resulting in immediate supervision. Rule 3.103 outlines the responsibilities of both the sending and the receiving states. It's important to note that the compact rules do not dictate how judges or sentencing authorities should sentence individuals who commit crimes or violate supervision requirements. Instead, they focus on managing the supervision imposed by these authorities and ensuring proper communication occurs between states.

For individuals under supervision who have a verified residence in the receiving state at the time of sentencing or disposition, this rule aims to prevent their displacement pending a transfer investigation. The revision of this rule aims to clarify the qualifications and documentation required for a receiving state to assume supervisory authority during a transfer investigation. The proposed language seeks to prevent hardships and instability, particularly in cases where the supervised individual's only available resources are in the receiving state.

Additionally, the revised rule clarifies the sending state's discretion to allow a supervised individual to return to their residence, which can better protect victims in the sending state and the public at large. This clarification enhances the overall effectiveness and fairness of the supervision process under the compact.

Executive Director A. Lippert explained that the national office has streamlined the scoring process for rule proposals by utilizing Zoom polling to collect feedback on key criteria: clarity and simplicity, enforceability, relevance to current issues, alignment with existing rules, and the protection of victims' rights while promoting public safety and flexibility.

Region members reviewed the proposal for 3.103 and scored (1=Strongly Disagree-5=Strongly Agree) as follows:

- **3.8** The requirements are simple, clear, and easy to understand, directly benefitting supervision practices of my state
- **3.8** The requirements are enforceable and straightforward to implement
- **3.9** The proposal addresses the problem outlined in the justification
- **3.8** The proposal aligns with other rules
- **3.7** It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

**Commissioner T. Hudrlik (MN) moved to forward amendments to Rule 3.103 to the Rules Committee for consideration and approval at the 2025 Annual Business Meeting. Commissioner B. Lewandowski (SD) seconded. Motion passed.**

Commissioner T. Hudrlik (MN) presented a proposal to amend Rule 5.101-2 to the region for consideration and approval.

## Rule Title

5.101-2 Discretionary process for disposition of violation in the sending state ~~for~~ after a new crime conviction or incarceration as a result of revocation/violation proceeding.

### Proposed change Rewrite Rule

At the discretion of the sending state, a proceeding—either electronic or in-person—may be conducted to address violations that occur after a new crime conviction or a violation/revocation proceeding resulting in a sentence of incarceration or supervision outside the sending state. This requires approval from the sentencing or releasing authority in the sending state and consent from the supervised individual.

(a) The sending state must notify the receiving state about the proceeding and provide the violation proceeding results within 10 business days.

(b) If the new crime conviction or violation/revocation sentence fully satisfies the sending state's sentence for the original violation, the sending state is no longer required to retake the individual, provided that Rules 5.102, 5.103, and 5.103-1 apply.

(c) If the new crime conviction or violation/revocation sentence only partially satisfies the sending state's sentence for the original violation, the sending state is required to retake the individual, provided that Rules 5.102, 5.103, and 5.103-1 apply.

### Justification

This revision aims to enhance clarity and readability while maintaining the essential information and structure of the original passage. Rule 5.101-2 saw limited use until the COVID-19 pandemic necessitated remote hearings and sentencing. During this time, the rule has been put into practice and has revealed areas where clarity is lacking.

Given the complexity of navigating violation situations and retaking individuals under supervision across state lines, the aim of this rule is to ensure that violations are handled appropriately and timely, taking into account factors such as the severity of the violation, whether it's related or unrelated to a new crime conviction, violation, or revocation resulting in incarceration or a new term of supervision.

With the increase in remote sentencing and a focus on swift and certain supervision, the updated language clarifies that remote hearings are permissible for a sending state to address violations while concurrently dealing with a sentence of incarceration or supervision for a new crime/violation/revocation committed outside of the sending state.

Compact rules primarily manage supervision and aren't intended to dictate sentencing or sentencing practices. Therefore, this language focuses on outlining communication and documentation requirements for resolving violations before retaking individuals when deemed appropriate. This approach aims to streamline processes and ensure efficient management of cases across state lines.

Region members reviewed the proposal for 5.101-2 and scored (1=Strongly Disagree-5=Strongly Agree) as follows:

- **3.9** The requirements are simple, clear, and easy to understand, directly benefitting supervision practices of my state
- **3.7** The requirements are enforceable and straightforward to implement
- **4.0** The proposal addresses the problem outlined in the justification
- **3.8** The proposal aligns with other rules

- **3.9** It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

The national office will share the poll results with the Rules Committee.

**Commissioner J. López (WI) moved to forward the proposal to amend Rule 5.101-2 to the Rules Committee for consideration and approval at the 2025 Annual Business Meeting. Commissioner T. Hudrlik (MN) seconded. Motion passed.**

DCA B. Kojis (WI) is working on a proposal to amend Rule 2.106 *Offenders subject to deferred sentences*. She encouraged other states to share their input on the enforcement and application of this rule.

### **Old Business**

There was no old business.

### **New Business**

Executive Director A. Lippert noted that Commissioner K. Ransom (OH), Chair of the Training Committee, is inviting region members to share any specific training needs they would like the committee to consider as part of its goals for the upcoming year.

The region will reconvene in December after the Midwest Region DCAs have had an opportunity to meet and discuss any additional rule proposals.

### **Adjourn**

**Commissioner M. Smith (IL) motioned to adjourn. Commissioner J. López (WI) seconded.**

The meeting adjourned at 1:49 pm ET.