



Interstate Commission for Adult Offender Supervision

Midwest Region Meeting MINUTES

May 16, 2024 · 1:00 pm ET · Teleconference

Members in Attendance:

1. Amy Vorachek (ND), Chair
2. Melissa Smith (IL)
3. Sally Kreamer (IA)
4. Tracy Hudrlik (MN)
5. Jacey Rader (NE)
6. Katrina Ransom (OH)
7. Megan Milner (KS)
8. Bradley Lewandowski (SD)

Members Not in Attendance

1. VACANT (IN)
2. Russell Marlan (MI)
3. Joselyn López (WI)

Guests:

1. Holly Kassube (IL)
2. Simona Hammond (IA)
3. Nita Write (IN)
4. April Simmons (IN)
5. Nataly Sevilla (IN)
6. Fareeda Washington (KS)
7. Sally Reinhardt-Stewart (NE)
8. Susan Barnard (NE)
9. Alyssa Miller (ND)
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. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair A. Vorachek (ND) called the meeting to order at 1:01 pm 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 meeting agenda. Commissioner K. Ransom (OH) seconded. Agenda approved as presented.

Commissioner T Hudrlik (MN) moved to approve the minutes from the February 29, 2024, meeting. Commissioner M. Smith (IL) seconded. Minutes approved as drafted.

Discussion

Commission's Update: Chair A. Vorachek (ND) updated the region:

- The Executive Committee is asking the region members to consider nominating their victims' advocates for the Peyton Tuthill Award. Nominations will be accepted through August 1st. The award winner will be recognized at the upcoming Annual Business Meeting.
- The Executive Committee approved the DCA Liaison Committee's recommendation to revise the Spirit Sighting Award. The award recognizes field officers, Compact Office staff members and other stakeholders who went "above and beyond to reach the best solution" with a Compact case. Commissioners and DCAs are not eligible for this award. The Commission will fund one nominated individual to attend the Annual Business Meeting.
- Last year, the Executive Committee approved the language change replacing the term "offender" with "*supervised individual*". The Rules Committee met face-to-face on May 1 in Cincinnati, OH to review the rules and integrate the approved language change. The committee has prepared a rule package for the Commission's approval at the 2024 ABM. The comment period for these amendments is open from May 15 until July 1, 2024. The final package of amendments will be posted on August 1.
- The Executive Committee has approved the 2024 Annual Business Meeting agenda, which is now available on the Commission's website. Registration for the meeting will open on June 3. She reminded the region that the meeting will take place on September 9-11, 2024, in Scottsdale, AZ. The Executive Committee added a *Public Hearing* on Monday, September 9 to address the language changes to rules as well as a training session on Tuesday, September 10 to discuss the rule changes.
- The Executive Committee formed an RNR (risk, need, responsivity) workgroup, to identify key issues that need addressing in the retaking process. One consideration in managing this process and the affected population is identifying the circumstances that lead to an individual's retaking and subsequent retransfer under the compact. At the workgroup's recommendation, the Executive Committee approved conducting an assessment in FY25 that evaluates the circumstances surrounding an individual's retaking and retransfer under the compact. States will receive up to ten incoming cases using the Retaken and Retransferred Dashboard-Incoming Cases, to which they will respond as the receiving state. The pilot assessment will be launched in May. The full assessment will begin after the annual business meeting in September.

Executive Director A. Lippert informed the region that with assistance from the DCA Liaison Committee, the Training Committee published a training and educational resource that helps compact offices determine which reporting tool to use in ICOTS; progress report vs a violation report. Additional resources are also published on the Commission's website that provide guidance to stakeholders: Court Officials' Guide; Electronic Signature Guide; Extradition Officials Guide; Jail Officials Guide; and Parole Officials' Guide.

The Training Committee is working on revisions and updates to the Hearing Officer Guide that will be published later this summer.

Midwest Region DCA Chair Update: DCA S. Hammond (IA) stated that the Midwest Region DCAs had a meeting in January. The region discussed deferred sentences and potential rule amendment as well as the discretionary function in ICOTS for non-qualifying misdemeanors. The Midwest Region DCAs will meet again in June.

She continued, the DCA Liaison Committee scheduled open forums for DCAs across the country. These forums aim to identify rule related issues for discussion at the upcoming Annual Business Meeting.

Are there any policy or practice issues around current trends or compact procedures your state has encountered since the last region meeting? Chair A. Vorachek (ND) asked if states encountered any policy or practice issues since the last region meeting.

The region members did not report any issues.

Are there any challenges or difficulties your state has encountered when interpreting the rules related to specific Compact cases that need clarification? The region members did not report any issues.

Are there any potential rule amendments that we need to consider from the region? Commissioner T. Hudrlik (MN) noted that she prepared a few rule proposals for the region's consideration and will present them during the New Business.

Old Business

There was no old business.

New Business

Commissioner T. Hudrlik (MN) presented a proposal to re-write Rule 3.103 for the region's consideration. She noted that this rule needs to be simplified and updated.

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) 1. — A request for reporting instructions for a supervised individual an offender who was living in the receiving state at the time of initial sentencing or after disposition of a violation or revocation proceeding shall be submitted by the sending state within 7 business days of the initial sentencing date, disposition of violation, revocation proceeding or release from incarceration to probation supervision. The sending state may grant a 7 day travel permit to a supervised individual an offender who was living in the receiving state at the time of initial sentencing or disposition of violation or revocation proceeding. Prior to granting a travel permit to a supervised individual an offender, the sending state shall verify that the supervised individual offender is living in the receiving state.~~

~~2. The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state.~~

~~3. The sending state shall ensure that the supervised individual offender signs all forms requiring the supervised individual's offender's signature under Rule 3.107 prior to granting a travel permit to the supervised individual offender. Upon request from the receiving state, the sending state shall transmit all signed forms within 5 business days.~~

~~4. The sending state shall transmit a departure notice to the receiving state per Rule 4.105.~~

~~5. This section is applicable to supervised individuals offenders incarcerated for 6 months or less and released to probation supervision.~~

~~(b) The sending state retains supervisory responsibility until the supervised individual's offender's arrival in the receiving state.~~

~~(c) A receiving state shall assume responsibility for supervision of a supervised individual an offender who is granted reporting instructions upon the supervised individual's offender's arrival in the receiving state. The receiving state shall submit an arrival notice to the sending state per Rule 4.105.~~

~~(d) A sending state shall transmit a completed transfer request for a supervised individual an offender granted reporting instructions no later than 15 business days following the granting to the supervised individual offender of the reporting instructions.~~

~~(e) If the receiving state rejects the transfer request for a supervised individual an offender who has been granted reporting instructions and has arrived in the receiving state, the receiving state shall initiate the supervised individual's offender's return to the sending state under the requirements of Rule 4.111.~~

(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 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,

- b. current contact details, such as the supervised individual's telephone, and
 - c. 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. disposition of violation date, or
 - c. revocation proceeding date.
- (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 agreed that Rule 3.103 needs to be revised, noting that many states struggle to meet the 7-business day deadline.

The Midwest Region members agreed with the general idea for proposed rule-rewrite. At its next region meeting, the region will vote on this proposal for the full Commission's consideration at the 2025 Annual Business Meeting.

Commissioner T. Hudrlik (MN) presented an amendment to Rule 5.101-2 for the region's consideration.

5.101-2 Discretionary process for disposition of violation in the sending state ~~for~~ after a new crime conviction

Proposed change Rewrite Rule

~~Notwithstanding any other rule, a sentence imposing a period of incarceration on a supervised individual an offender convicted of a new crime which occurred outside the sending state during the compact period may satisfy or partially satisfy the sentence imposed by the sending state for the violation committed. This requires the approval of the sentencing or releasing authority in the sending state and consent of the supervised individual offender.~~

- ~~(a) — Unless waived by the supervised individual offender, the sending state shall conduct, at its own expense, an electronic or in-person violation hearing.~~
- ~~(b) — The sending state shall send the violation hearing results to the receiving state within 10 business days.~~
- ~~(c) — If the supervised individual's offender's sentence to incarceration for the new crime fully satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is no longer required to retake if Rules 5.102 and 5.103 apply.~~
- ~~(d) — If the supervised individual's offender's sentence to incarceration for the new crime only partially satisfies the sentence for the violation imposed by the sending state for the new crime, the sending state is required to retake if Rules 5.102 and 5.103 apply.~~
- ~~(e) — The receiving state may close the case under Rule 4.112 (a)(3).~~

At the discretion of a sending state, an electronic or in-person hearing may be conducted to address violations after a new crime conviction that results in a sentence of incarceration or supervision, outside of the sending state. This requires the approval of the sentencing or releasing authority in the sending state and consent of the supervised individual.

- (a) The sending state is required to notify the receiving state of the hearing and send the violation hearing results to the receiving state within 10 business days.
- (b) If the new crime conviction sentence to incarceration and/or supervision fully satisfies the sending state's sentence for the violation, the sending state is no longer required to retake if Rules 5.102, 5.103 & 5.103-1 apply.
- (c) If the new crime conviction sentence to incarceration and/or supervision partially satisfies the sending state's sentence for the violation, the sending state is required to retake if Rules 5.102, 5.103 & 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 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 committed in the receiving 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.

Commissioner T. Hudrlik (MN) presented an amendment to Rule 1.101 for the region's consideration.

Rule 1.101_ Definition of 'Relocate'

Proposed change

Relocate – means to remain in another state for more than 45 consecutive days ~~in any 12 month period.~~

Justification

Strike language ‘in any 12 month period.’ Language is unnecessary and sometimes leads to confusion regarding consecutive versus cumulative days. Furthermore, AO 4-2012 appears to support this amendment.

S. Barnard (NE) noted difficulties of utilizing this rule when dealing with supervised individuals in treatment programs.

Commissioner T. Hudrlik (MN) noted that this issue could be addressed by revising Rule 1.101 Definition of Supervision.

Commissioner T. Hudrlik (MN) asked the region to send her feedback on presented rule amendments via email.

Chair A. Vorachek (ND) noted that the Midwest Region will be meeting again in a couple of months to finalize the proposed amendments.

Adjourn

Commissioner S. Kreamer (IA) motioned to adjourn. Commissioner T. Hudrlik (MN) seconded.

The meeting adjourned at 1:57 pm ET.