



Interstate Commission for Adult Offender Supervision

Midwest Region Meeting MINUTES

December 4, 2024 · 11:00 am ET · Teleconference

Members in Attendance:

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

Members not in Attendance:

1. Megan Milner (KS)

Guests:

1. Holly Kassube (IL)
2. Laura Hausladen (IN)
3. April Simmons (IN)
4. Nataly Sevilla (IN)
5. Nita Wright (IN)
6. Simona Hammond (IA)
7. Fareeda Washington (KS)
8. Daryn Cobb (MI)
9. Susan Barnard (NE)
10. Sally Reinhardt-Stewart (NE)
11. Brian Bencker (NE)
12. Alyssa Miller (ND)
13. Cheryl Frost (SD)
14. 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 Greeott, Web Development Manager
6. Xavier Donnelly, ICOTS Project Manager

Call to Order

Chair A. Vorachek (ND) called the meeting to order at 11:00 am ET. Ten out of eleven commissioners were in attendance. A quorum was established.

Approval of Agenda and Minutes

Commissioner S. Kreamer (IA) moved to approve the agenda. Commissioner J. López (WI) seconded. Agenda approved.

Commissioner J. López (WI) moved to approve the meeting minutes from October 23, 2024. Commissioner M. Smith (IL) seconded. Minutes approved as presented.

Discussion

Rule amendments for consideration at the 2025 ABM: Chair A. Vorachek (ND) stated that Midwest Region DCAs prepared two new rule proposals. Commissioner T. Hudrlik (MN) presented a proposal to create a new rule to the region for consideration and approval.

Proposed/Existing Rule Title: Rule 3.XXX / Rule 3.102 Submission of Transfer Request to a Receiving State

Rule 3.XXX Mandatory RIs for Supervised Individuals released from custody ??due to a detainer?? in the receiving state

(A) When a sending state verifies a supervised individual is released from incarceration in a receiving state and requests to relocate there and meets the eligibility requirements of Rule 3.101 (a), (b) & (c), the sending state shall request reporting instructions within 15 business days of the notification of the supervised individual's release.

(B) The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.

(C) The receiving state shall assist the sending state in acquiring the signatures on any other forms required under Rule 3.107, and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.

(D) The provisions of Rule 3.106 (b), (c) & (d) apply.

(E) This rule applies to individuals whose federal supervision was transferred to the receiving state by the federal authorities.

OLD LANGUAGE

Rule 3.102 Submission of Transfer Request to a Receiving State

(a) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), a sending state seeking to transfer a supervised individual to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the supervised individual to leave the sending state.

(b) Except as provided in sections (c) & (d), and subject to the exceptions in [Rule 3.103](#) and [3.106](#), the sending state shall not allow the supervised individual to travel to the receiving state until the receiving state has replied to the transfer request.

(c) A supervised individual who is employed or attending treatment or medical appointments in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for employment, treatment or medical appointment purposes may be permitted to

continue to travel to the receiving state for these purposes while the transfer request is being investigated, provided that the following conditions are met:

1. Travel is limited to what is necessary to report to work and perform the duties of the job or to attend treatment or medical appointments and return to the sending state.
2. The supervised individual shall return to the sending state daily, immediately upon completion of the appointment or employment, and
3. The transfer request shall include notice that the supervised individual has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

~~(d) When a sending state verifies a supervised individual is released from incarceration in a receiving state and requests to relocate there and meets the eligibility requirements of [Rule 3.101 \(a\), \(b\) & \(c\)](#), the sending state shall request expedited reporting instructions within 2 business days of the notification of the supervised individual's release. The receiving state shall issue the reporting instructions no later than 2 business days. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.~~

~~1. The receiving state shall assist the sending state in acquiring the signatures on any forms required under [Rule 3.107](#), and shall transmit these forms to the sending state within 7 business days and mail the original to the sending state.~~

~~2. The provisions of [Rule 3.106 \(b\), \(c\) & \(d\)](#) apply.~~

Justification:

Currently the information regarding reporting instructions being submitted after release from incarceration in the receiving state is listed under Rule 3.102 which is regarding submission of transfer request to a receiving state. To make the rules more accessible and information easy to find, we believe it makes more sense to create a new rule with this information listed separately and on its own as it is a different issue/process.

Further, these RI's are considered mandatory, but are still checked as expedited since this is not currently listed separately on the RFRI form. It is proposed that a box/criteria for detainer release be added to the RFRI form to acknowledge these cases.

There is no data that can be pulled from ICOTS to find out how many of these cases occur since they are not able to be separated out from all other expedited requests.

Chair A. Vorachek (ND) asked the region to provide their feedback for this rule proposal using the polling feature and scoring method for rule analysis.

Region members reviewed the proposal to create a new rule *Mandatory RIs for Supervised Individuals released from incarceration in the receiving state* 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
- **3.9** The requirements are enforceable and straightforward to implement
- **4.2** The proposal addresses the problem outlined in the justification
- **3.9** The proposal aligns with other rules
- **4.1** It protects victims' rights, promotes public safety, supports fair supervision, and allows flexibility for special cases

Commissioner B. Levandowski (SD) moved to revise the proposal based on the timeline and references to other rules. In addition, he requested clarification from ICAOS Legal Counsel regarding this proposal to create a new rule concerning federal supervision. Once the proposal is finalized, it should be forwarded to the Midwest Region commissioners via email for a vote. Commissioner K. Ransom (OH) seconded the motion. The motion passed.

Commissioner T. Hudrlik (MN) presented a proposal to create a new rule - *Reporting Instructions for Sex Offenders* to the region for consideration and approval.

Proposed/Existing Rule Title: Rule 3.XXX Reporting Instructions for Sex Offenders /Rule 3.101-3 Transfer of Supervision of Sex Offenders

NEW LANGUAGE

Rule 3.XXX Reporting Instructions for Sex Offenders

(A) sending state shall provide the following for reporting instructions requests submitted pursuant to this section:

1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;
2. Conditions of supervision;
3. Any orders restricting the sex offender's contact with victims or any other person; and
4. Victim information to include the name, sex, age and relationship to the sex offender, if available and if distribution is not prohibited by law.
5. Conviction paperwork pertaining to the sex offense if available

(B) Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the supervised individual or family member, or veterans for medical or mental health services—Rules 3.101-1 & 3.103 apply to the transfer of sex offenders, as defined by the compact, except:

1. The receiving state shall issue reporting instructions no later than 5 business days following the receipt of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence
2. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (c) or if the supervised individual was sentenced virtually and was in the receiving state, not in the sending state, at the time of sentencing

OLD LANGUAGE

Rule 3.101-3 Transfer of Supervision of Sex Offenders

(a) *Eligibility for Transfer*—At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) *Application for Transfer*—In addition to the information required in an application for transfer pursuant to [Rule 3.107](#), the sending state shall provide the following information, if available, to assist the receiving state in the investigation of the transfer request of a sex offender:

1. All assessment information, completed by the sending state;
2. Victim information if distribution is not prohibited by law
 - (A) the name, sex, age and relationship to the sex offender;
 - (B) the statement of the victim or victim’s representative;
3. the sending state’s current or recommended supervision and treatment plan.

(c) Additional documents necessary for supervision in the receiving state, such as a law enforcement report regarding the sex offender’s prior sex offense(s), sending state’s risk and needs score, or case plan may be requested from the sending state following acceptance of the sex offender. If available, the sending state shall provide the documents within 30 calendar days from the date of the request unless distribution is prohibited by law.

~~(d) A sending state shall provide the following for reporting instructions requests submitted pursuant to this section:~~

- ~~1. A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense and whether the charge was reduced at the time of imposition of sentence;~~
- ~~2. Conditions of supervision;~~
- ~~3. Any orders restricting the sex offender’s contact with victims or any other person; and~~
- ~~4. Victim information to include the name, sex, age and relationship to the sex offender, if available and if distribution is not prohibited by law.~~

~~(e) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rule 3.102 (e).~~

~~(f) Reporting instructions for sex offenders living in the receiving state at the time of sentencing, transfers of military members, families of military members, employment transfer of the sex offender or family member, or veterans for medical or mental health services—Rules 3.101-1 & 3.103 apply to the transfer of sex offenders, as defined by the compact, except:~~

~~The receiving state shall issue reporting instructions no later than 5 business days following the receipt of such a request from the sending state unless similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence~~

~~(g) Expedited reporting instructions for sex offenders—Rule 3.106 applies to the transfer of sex offenders, as defined by the compact; except, the receiving state shall provide a response to the sending state no later than 5 business days following receipt of such a request.~~

Justification:

Create a new rule covering the reporting instructions for sex offenders as the current information is only found in Rule 3.101-3 Transfer of supervision of sex offenders and is not immediately clear in the title of the current rule. Persons seeking information on reporting instructions would not intuitively look to the current rule. Separating this would make the difference in reporting instructions for sex offenders more evident.

The addition of requesting the conviction paperwork pertaining to the sex offense, if available, is helpful for states to better determine registration/requirements in the receiving state, especially in cases where the instant offense is not the registerable sex offense.

Including reference to virtual sentencings will acknowledge in the rule the practice that many states have and will support the interpretation of this rule issued in the Legal Implications of Remote Hearings in Relation to ICAOS Rules issued in 2021 and avoid unnecessary denials of reporting instructions in these situations.

Region members reviewed the proposal to create a new rule on *reporting instructions for sex-offenders* and scored (1=Strongly Disagree-5=Strongly Agree) as follows:

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

Commissioner K. Ransom (OH) moved to forward this proposal to create a new rule regarding Reporting Instructions for sex-offenders to the Rules Committee for consideration and approval at the 2025 Annual Business Meeting. Commissioner T. Hudrlik (MN) seconded. Motion passed.

Old Business

Chair A. Vorachek (ND) reminded the region to submit nominations for the Spirit of the Compact and Peyton Tuthill Awards.

Policy and Operations Director A. Eskridge reminded the region to submit their State Council reports by December 31, 2024.

New Business

N. Wright (IN) noted that she found some inconsistencies in the ICAOS Rules. She will email them to the national office for review. The national office will forward them to the Rules Committee if necessary.

Adjourn

Commissioner K. Ransom (OH) motioned to adjourn. Commissioner T. Hudrlik (MN) seconded.

The meeting adjourned at 11:45 pm ET.