



Interstate Commission for Adult Offender Supervision

Midwest Region Meeting MINUTES

January 14, 2025 · 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. Tracy Hudrlik (MN)
6. Russell Marlan (MI)
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. April Simmons (IN)
3. Nataly Sevilla (IN)
4. Joel Gruber (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. Alyssa Miller (ND)
12. Sarah Spader (SD)
13. Chuck Frieberg (SD)
14. Suzanne Brooks (OH)
15. 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 T. Hudrlik (MN) moved to approve the agenda. Commissioner B. Lewandowski (SD) seconded. Agenda approved.

Commissioner J. Rader (NE) moved to approve the meeting minutes from December 4, 2024. Commissioner M. Smith (IL) seconded. Minutes approved as presented.

Discussion

Midwest Region's rule amendments for consideration at the 2025 Annual Business Meeting: At its last meeting, the region reviewed the proposal to create new Rule 3.XXX: Mandatory Reporting instructions for supervised individuals released from incarceration in the receiving state. After the discussion, the region agreed that the proposal requires further revision. Additionally, the region requested clarification from ICAOS Legal Counsel regarding the federal supervision part of the new rule. The region reviewed the revised proposal:

Rule Title

Rule 3.102 & 3.XXX (NEW RULE): Mandatory reporting instructions for supervised individuals released from incarceration in the receiving state

Proposed: Move language from 3.102 to new rule; reference new rule as exception in (a) and (b)

Rule 3.102 Submission of Transfer Request to a Receiving State (**Strike d, add new rule reference exception**)

- (a) Except as provided in sections (c) & ~~(d)~~, and subject to the exceptions in Rule 3.103, 3.106 and 3.XXX, 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, 3.106 and 3.XXX 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.~~

3.XXX (NEW RULE): Mandatory Reporting instructions for supervised individuals released from incarceration in the receiving state

- (a) At the discretion of the sending state, a supervised individual released from incarceration in a receiving state who requests to relocate there and meets the eligibility requirements of Rule 3.101 (a), (b) & (c), qualifies for reporting instructions.
- (b) The receiving state shall assist the sending state in acquiring the signatures on any other forms required under Rule 3.107.
- (c) The reporting instructions request shall 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 the supervised individual's release.
- (e) The receiving state shall issue reporting instructions no later than 2 business days following receipt of such a request from the sending state. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- (f) The sending state shall submit a completed transfer request no later than 15 business days of the granting of reporting instructions.

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 titled 'submission of transfer request to a receiving state.' To make the rules more accessible and information easy to find, create

a new rule with this information as it is a different issue/process. Procedure language in proposal mirrors Midwest's proposal for Rule 3.103 keeping the processes consistent.

Commissioner T. Hudrlik (MN) asked to remove part (d)(1) as most communication is done electronically.

~~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.~~

Executive Director A. Lippert consulted with ICAOS Legal Counsel regarding the provision to include language about federal supervision. Legal Counsel advised that such matters were outside the Compact's jurisdiction and that the Commission should refrain from addressing issues between federal authorities and individual states.

Commissioner T. Hudrlik (MN) moved to forward a proposal to create a new Rule 3.XXX: Mandatory Reporting instructions for supervised individuals released from incarceration in the receiving state as presented for the Commission's consideration at the 2025 Annual Business Meeting. Commissioner K. Ransom (OH) seconded. Motion approved.

The region reviewed a revised version of the proposal to create new Rule 3.XXX: Reporting Instructions for Sex Offenders, which has been updated and refined since the last meeting.

Rule Title

Rule 3.101-3 & 3.XXX (NEW RULE): Reporting instructions for sex offenders

Proposed Change: Move existing language to New Rule; add 'judgment and sentencing documents' to required documentation

Rule 3.101-3 Transfer of Supervision of Sex Offenders (**Strike d, e, f & g**)

(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.~~

3.XXX (NEW RULE): Reporting instructions for sex offenders

(g) Reporting instructions requests for sex offenders shall include:

- a. 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;
- b. Conditions of supervision;
- c. Any orders restricting the sex offender's contact with victims or any other person,
- d. Victim information to include the name, sex, age and relationship to the sex offender, if available and if distribution is not prohibited by law; and
5. Judgment and sentencing documents pertaining to the sex offense, if available.

(h) Mandatory Reporting Instructions: Rules 3.101-1, 3.103 and 3.XXX apply to the transfer of sex offenders, as defined by the compact, except:

- a. 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.

- b. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state; except as provided in Rules 3.102 (c), 3.XXX or if the supervised individual was sentenced virtually and was in the receiving state, not in the sending state, at the time of sentencing
- (i) Expedited (Discretionary) Reporting Instructions: Rule 3.106 applies to the transfer of sex offender, 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 request.

Justification

Create new rule for reporting instruction qualifications and processes for sex offenders to improve accessibility to requirements. The addition of requesting the conviction paperwork (judgment and sentencing) 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.

Commissioner T. Hudrlik (MN) moved to rescind motion for new rule regarding sex offender reporting instructions made at the December meeting and recommend new language for Commission approval and forward to Rules Committee for consideration. Commissioner J. Rader (NE) seconded. Motion approved.

Old Business

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

Midwest Region Proposal to Amend Rule 3.103 (c): At its January meeting, the Rules Committee reviewed the Midwest Region's proposal to amend Rule 3.103 and voted to accept the change, replacing "Should" with "Shall" in paragraph (c). The region agreed with the amendment.

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 shall 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.

Commissioner M. Smith (IL) moved to accept the Rules Committee's recommendation to change language from 'should' to 'shall' in section (c). Commissioner K. Ransom (OH) seconded. Motion passed.

New Business

RNR Workgroup: Executive Director A. Lippert shared that the RNR Workgroup is reviewing Compact's retaking process and evaluating rules to support a violation matrix, including whether probable cause should be required. The workgroup has requested input from all regions on the following question: *Should it be required that probable cause be established to ensure due process is afforded prior to mandatory retaking?*

The region participated in a poll, and out of 20 respondents, 9 answered "yes" and 11 answered "no."

Rules Committee Survey: Executive Director A. Lippert stated that as part of our ongoing efforts to enhance the Compact's effectiveness, the Rules Committee is seeking input from states on how to incorporate remote hearings into existing rules. The committee is gathering feedback on states' current practices and preferences regarding remote hearings to help determine the best way to incorporate them into the rule framework. She reminded the region to complete a brief survey by Jan 24, 2025.

Adjourn

Commissioner J. Rader (NE) motioned to adjourn. Commissioner B. Lewandowsky (SD) seconded.

The meeting adjourned at 11:36 am ET.